

Case Number:	BOA-23-10300108
Applicant:	Censeo Homes
Owner:	Censeo CP LLC
Council District:	8
Location:	14903 Casina Green
Legal Description:	Lot 15, Block 2, NCB 17224
Zoning:	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Joseph Leos, Planner

Request

A request for 1) a 175 square foot variance from the minimum 4,000 square foot lot size, as described in Section 35-310.01, to allow a 3,825 square foot lot and 2) an 8'-6" variance from the minimum 35' lot frontage, as described in Section 35-310.01, to allow a lot with a 26'-6" lot frontage.

Executive Summary

The subject property is located along Casina Green, west of the University of Texas at San Antonio. The applicant recently went through a granted variance request (BOA-22-10300262) to exceed the 50% impervious coverage for various lots on Casina Run. Currently, the applicant is requesting a variance to deviate from the minimum lot square footage requirement and frontage requirements for a single lot and does not meet the minimum square footage requirement of 4,000, currently measuring at 3,825 square feet. The lot is irregular in shape, resulting a need for an 8'-6" variance to allow the lot to have a 26'-6" frontage.

Code Enforcement History

There is no relevant code enforcement history for the subject property.

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment Commercial Wall Permit (COM-PRJ-APP23-39801327)- March 2023

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 39197, dated August February 25, 1971 and originally zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District. Ordinance 2018-01-18-0070, dated January 18, 2018, rezoned the property to “MF-18” Limited Density Multi-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay	Vacant Residential

Military Lighting Region 2 Edwards Recharge Zone District	
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Residential
South	“MF-33 MLOD-1 MLR-2 ERZD” Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Apartments
East	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Residential
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the UTSA Area Regional Center Plan and is designated as “Urban Mixed Use” in the future land use component of the plan. The subject property is part of the Cedar Point Neighborhood Association.

Street Classification

Casina Green is classified as a local road.

Criteria for Review – Lot Size and Frontage Variance

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by minimum lot sizes for consistent development patterns within the neighborhood and lot frontage minimums to allow for adequate access to the street. The proposed construction of the detached single-family dwelling is not contrary, as the use is currently allowed and meets the intention within the current zoning district.

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2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance would result in the applicant not being able to build the structure on the subject property. If not granted, the property will continue being vacant, which would result in an unnecessary hardship.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The proposed construction is abiding by all other building requirements and the use is currently permitted in the current base zoning district. Additionally, no construction has begun, as the applicant must obtain this variance to start. All of which observe the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

If granted, the surrounding single-family dwellings will not be injured by the granting of the variance. The lot size and frontage variance will not detract of the communities character and the use is compatible with the surrounding development.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, such as the square footage of the lot and irregular shape. The circumstances do not appear to be merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the building regulations of the UDC Section 35-310.01.

Staff Recommendation – Lot Size and Frontage Variance

Staff recommends **Approval** in **BOA-23-10300108** based on the following findings of fact:

1. The applicant is abiding by all other building requirements, which will not infringe onto the neighboring properties; and
2. The lot will continue to be vacant and undevelopable without the granting of this variance;