

Case Number:	BOA-23-10300180
Applicant:	Celso G. Enriquez
Owner:	Juan Soto & Celso Gerardo Enriquez Gonzalez
Council District:	5
Location:	831 South San Eduardo Avenue
Legal Description:	The east 90.5 feet of Lot 16, Block 5, NCB 8980
Zoning:	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 1,725 square foot variance from the minimum 4,000 square foot requirement, as described in Section 35-310.01, to allow a development on a 2,275 square foot lot and 2) a 10' variance from the minimum 20' rear setback requirement, as described in Section 35-310.01, to allow a structure to be 10' from the rear property line.

Executive Summary

The subject property is currently a vacant lot located on South San Eduardo Avenue. Granting the requested variance will allow the development of a single-family home on a substandard lot. The property was platted in 1940 but presently holds a different configuration. The variance will also the single-family home to be 10' from the rear property line. Upon staff site visit, staff observed various variations of lot sizes in the vicinity. It was also observed that numerous properties in the area were vacant.

Code Enforcement History

There is no Code Enforcement History on file.

Permit History

There are no permits on file.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1258, dated August 2, 1944 and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Lot
South	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Lot
East	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Southwest Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is located within the Las Palmas Neighborhood Association, and they were notified of the case.

Street Classification

South San Eduardo Avenue is classified as a local road.

Criteria for Review – Rear Setback Variance and Lot Size 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 applicant is requesting a 10’ variance from the minimum 20’ rear setback requirement to allow a structure to be 10’ from the rear property line, which does not appear to be contrary to the public interest. The surrounding area would structures have similar rear setbacks and are appropriate for the area.

The applicant’s request for a 1,725 square foot variance from the minimum 4,000 square foot requirement to allow a development on a 2,275 square foot lot appears to be contrary to the public interest. This lot could be rezoned to “R-2” Single-Family Residential District and replatted to conform with the lot size development standards.

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

Staff finds an unnecessary hardship for the rear setback variance due the narrowness of

the lot. The proposed structure does not have ample space to extend to the sides therefore requires a tapered structure to be built on the site.

Staff finds no hardship for the lot size variance as the lot can be rezoned and replatted.

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

The requested rear setback variance is to allow a structure to be closer to the rear property line. The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure and the surrounding properties.

The requested lot size variance is to allow the construction of a single-family residence on a small lot. This will not observe the spirit of the ordinance since it may set a precedence of higher density due to development on smaller lots in the immediate area.

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.*

Staff does not find evidence that the requested rear setback variance would alter the essential character of the district. Additional properties located along South San Eduardo Avenue were observed to have similar structures with similar rear setbacks, therefore the request would not alter the essential character of the neighborhood.

Staff does find evidence that the requested lot size variance would alter the essential character of the district. Additional properties located along South San Eduardo Avenue were observed to be abiding by the minimum lot size requirement.

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.*

The rear setback variance is sought is due to unique circumstances existing on the property such proposed structure needing more space due to the configuration of the lot. The variance request is not merely financial.

The lot size variance is sought is due to unique circumstances existing on the property. These circumstances can conform to the development standards of the City of San Antonio with a rezoning and replatting.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the rear setback regulations and minimum lot size regulations of UDC Section 35-310.01.

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-23-10300180** based on the following findings of fact:

1. The request does not appear out of character for the area as there are similar structures in the surrounding area; and
2. The requested variance will maintain a reasonable distance and observe the spirit of the ordinance; and

Staff Recommendation – Lot Size Variance

Staff recommends **Denial** in BOA-23-10300180 based on the following findings of fact:

1. The applicant can rezone to a zoning district that would alleviate the need for the requested variances.