

Case Number:	BOA-23-10300198
Applicant:	Orfa Trevino
Owner:	Juan Antonio & Lidia Trevino
Council District:	5
Location:	135 Wilmot Street 1
Legal Description:	Lot 42, Block 10, NCB 8255
Zoning:	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

Request

A request for 1) a 1,125 square foot variance from the minimum 4,000 square foot lot size, as described in Section 35-310.01, to allow development on a 2,875 square foot lot, 2) a 1' variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow a structure to be 4' from the side property lines, 3) a 10' variance from the minimum 35' lot width requirement, as described in Section 35-310.01, to allow a lot to be 25', and 4) a variance from the maximum 50% impervious cover requirement, as described in Section 35-515(d), to allow the front yard to exceed the maximum 50% impervious cover.

Executive Summary

The subject property is located along Wilmot Street near West Commerce Street. The applicant is proposing to construct a single-family dwelling on a currently vacant lot. Lot and building regulations for an “R-4” zoned lot include a minimum lot size of 4,000 square feet, lot width of 35', and 5' from the side property lines. Currently, the applicant is proposing a lot size of 2,875 square feet, a lot width of 25', and a structure to be located 4' from both side property lines. Upon review, it was noted that the applicant would need to obtain additional variance for impervious coverage for the planned driveway. Any new development that exceeds the maximum 50% of impervious coverage must obtain a variance.

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. There are no relevant permits pulled for the subject property.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1258, dated August 2nd, 1944, and originally zoned “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “C” Apartment District converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 97385, dated March 27, 2003, to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

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

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a comprehensive plan. The subject property is located within the boundary of the Prospect Hill Neighborhood Association and they have been notified of the request.

Street Classification

Wilmot Street is classified as a local road.

Criteria for Review – Lot Size, Side Setback, Lot Width, and Impervious Cover Variances

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 served by minimum lot sizes and widths to prevent the overcrowding of development into smaller lots, setback requirements to provide spacing between structures, and impervious coverage requirements to allow water penetration into the surface. The applicant is requesting a variance to deviate from these minimum requirements, which are demonstrated to not be contrary to the public interest. A 1,125 square foot variance to allow a lot to be 2,875 square and a 10’ variance to allow a lot width of 25’ provides for the development of a vacant lot. Further, a 1’ variance to allow a 4’ side setback allows for suitable spacing of structures and space for routine maintenance. Lastly, exceeding of impervious coverage allows for the applicant to park

their vehicles within their property, rather than the public right of way, while still allowing for adequate water penetration.

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

In this case, the lot dimensions of the subject property are the special condition. Per the Bexar County Appraisal District, the narrow lot has a depth of 115', width of 25', and is 2,875 square feet. The development of a single-family home cannot be successfully completed without the granting of all variances. An unnecessary hardship will be presented by having the applicant alter construction plans, which could drastically reduce square footage of the dwelling or lead to the structure potentially imposing into the front or rear setbacks. Another special condition of the area is the use across the street. Upon site visits, staff observed a restaurant directly across the street, which may cause the traffic from that establishment to filter onto Wilmot Street. If the applicant reduces the impervious coverage to below 50%, the applicant's vehicles will be forced to park in the public right of way which can lead to an uptick in traffic along this local road.

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. In this case, the intent of the code is to prevent overcrowding into smaller lots, provide consistent patterns in development, and to allow for water penetration and prevention of vehicles from obstructing the right of way. The spirit of the ordinance will be observed, as the applicant will be abiding by all other building requirements.

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 structure will have the deviated building requirements. These variances will not substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district. Upon site visits, staff observed the block face was composed of one-story single-family dwellings, all constructed on similar lot sizes with reduced widths. Most of the homes in this area were constructed prior to current building regulations, so the requests will not directly interfere with the neighborhood fabric and won't detract from the character of the community.

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 lot dimensions of the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Regulations of Section 35-310.01 and Driveways of Section 35-515(d)

Staff Recommendation – Lot Size, Side Setback, Lot Width, and Impervious Cover Variances

Staff recommends **Approval** in **BOA-23-10300198** based on the following findings of fact:

1. The development of a single-family home cannot be successfully completed without the granting of all variances; and
2. The requests will not directly interfere with the neighborhood fabric and won't detract from the character of the community.