

Case Number:	BOA-23-10300250
Applicant:	Premier Team LLC
Owner:	Premier Team LLC
Council District:	5
Location:	2920 Colima Street
Legal Description:	Lot 11, Block 6, NCB 2888
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:	Richard Bautista-Vazquez, Planner

### **Request**

A request for 1) a 5' variance from the minimum 20' rear setback, as described in Section 35-310.01, to allow a 15' rear setback, and 2) 2,250 square feet variance from the minimum 4,000 square feet, as described in Section 35-310.01, to allow development on a 1,750 square feet lot.

### **Executive Summary**

The subject property currently has single-family dwelling and it located on Colima Street. Granting the requested variance will allow the development of a single-family home on a substandard lot. The variance will also the single-family home to be 15’ 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. The pervious structure was recently demolished, and applicant has been notified of the possible COD option for the lot size.

### **Code Enforcement History**

PMT-Building Without A Permit Created On 07/12/2023

Mechanical Investigation Created On 08/19/2023

Building Investigation Created On 08/19/2023

### **Permit History**

Minor Building Repair Application Created On 07/11/2023

Residential Repair Permit Created On 07/14/2023

Electrical General Permit Created On 08/15/2023

### **Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio 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-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Dwelling

### 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 Dwelling
South	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Dwelling
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Dwelling
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 Dwelling

### Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Guadalupe/ Westside Community Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the El Charro Neighborhood Association, and they were notified of the case.

### Street Classification

Colima Street 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 5’ variance from the minimum 20’ rear setback requirement to allow a structure to be 15’ 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 2,250 square foot variance from the minimum 4,000 square foot requirement to allow a development on a 1,750 square foot lot appears to be contrary to the public interest. This lot could be rezoned to “R-1” 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.

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 Colima Street 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 Colima Street 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.

### **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-23-10300250** 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.

**Staff Recommendation – Lot Size Variance**

Staff recommends **Denial** in **BOA-23-10300250** 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.