

Case Number:	BOA-23-10300261
Applicant:	Killen, Griffith & Farrimond, PLLC
Owner:	Grace Group LLC
Council District:	5
Location:	2522 Tampico Street
Legal Description:	Lot 1, NCB 2490
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:	Vincent Trevino, Senior Planner

**Request**

A request 2'-6" variance from the minimum 20' rear setback, as described in Sec. 35-310.01, to allow a 17'-6" rear setback.

**Executive Summary**

The subject property is located along Tampico Street on the west side at the intersection of south Picoso Street. The lot is currently empty and has been for some time. The applicant is requesting a rear setback variance for the construction of a single-family residence.

**Code Enforcement History**

There is no code history for the subject property.

**Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment.

**Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “B” Residence District. The property was rezoned by Ordinance 75720, dated May 7, 1992 to “R-7” Small Lot Home District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-7” Small Lot Home 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	Vacant Lot

**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	“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
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

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

**Street Classification**

Tampico Street is classified as a local street.

South Picoso Street is classified as a local street.

**Criteria for Review – Rear Setback 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.*

**There will be adequate space between the structure and neighboring houses and so it is not contrary to the public interest.**

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 unnecessary hardship as there would not be enough space to construct the dwelling.**

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 reduced rear setback requirement is in the spirit of the ordinance as there will be adequate space between the dwelling and adjacent properties.**

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.*

**The reduced rear setback requirement will not substantially injure the appropriate use of adjacent properties.**

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 variances are sought is due to unique circumstances existing on the property, such as the location of the property.**

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Setback Regulations under Section 35-310.01 of the UDC.

### **Staff Recommendation – Rear Setback Variance**

Staff recommends **Approval** in **BOA-23-10300261** based on the following findings of fact:

1. There will be adequate space between the structure and neighboring properties: and
2. It will not alter the essential character of the neighborhood.