

Case Number:	BOA-23-10300255
Applicant:	Habitat for Humanity of San Antonio
Owner:	Gonzales Fernando
Council District:	5
Location:	1602 Santiago Street and 1604 Santiago Street
Legal Description:	Lot 18, NCB 6465 and Lot 19, NCB 6465
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 a 9' variance from the minimum 20' rear setback, as described in Section 35-310.01, to allow an 11' rear setback on two (2) lots.

### **Executive Summary**

The subject properties are currently two vacant lots located on Santiago Street. The variance will allow the single-family homes to be 11' from the rear property lines. 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 history for the subject property.

### **Permit History**

There are no permits on file.

### **Zoning History**

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

### **Street Classification**

Santiago Street is classified as a local road.

### **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.*

**The applicant is requesting a 9’ variance from the minimum 20’ rear setback requirement to allow a structure to be 11’ from the rear property line, which does not appear to be contrary to the public interest. The surrounding area would have similar rear setbacks and are appropriate for the area.**

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 depth of the lot. The proposed structure does not have ample space to extend to the rear therefore requires a rear setback variance to be built on the site.**

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.**

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 Santiago Street were observed to have similar structures with similar rear setbacks, therefore the request would not alter the essential character of the neighborhood.**

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.**

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

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

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

Staff recommends **Approval** in **BOA-23-10300255** 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.