

Case Number:	BOA-22-10300023
Applicant:	Roel Flores
Owner:	Roenick Properties, LLC
Council District:	3
Location:	123 East Burcham Avenue
Legal Description:	East 50' of Lot 26, NCB 12780
Zoning:	"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

### **Request**

A request for a 2,292 sq. ft. variance from the minimum 6,000 sq. ft. lot size requirement, as described in Section 35-310, to allow a lot size of 3,708 sq. ft.

### **Executive Summary**

The subject property is located on East Burcham Avenue and is currently a vacant lot. The applicant is requesting a variance to the minimum lot size requirement in order to plat the property. Once the variance is acquired, the applicant will be able to continue with the platting process and the building permit/plan review process in order to construct a single-family dwelling. Upon the site visit, it was observed that the subject property is a vacant lot between two residential lots. It was also observed that this is the only vacant lot on the block. A lot size variance was granted for the subject property on January 24<sup>th</sup>, 2022 to allow a lot size of 3,750 square feet. A new survey resulted in the lot measuring 3,708 square feet, so the variance needs to be updated in order to move forward with the platting process.

### **Code Enforcement History**

There is no relevant Code Enforcement History on record for the subject property.

### **Permit History**

There is no relevant Permit History on record for the subject property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944, and zoned "D" Apartment District. The property was rezoned by Ordinance 83932, dated April 11, 1996, from "D" to "R-1" Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-1" Single-Family Residence District to the current "R-6" Residential Single-Family District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-6 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-6 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-6 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-6 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 South Central Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is not located within the boundary of a registered Neighborhood Association.

### **Street Classification**

East Burcham Avenue is classified as a local road.

### **Criteria for Review - 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. The applicant is requesting a variance from the minimum lot size requirement. The property is currently at 3,708 square feet where the minimum requirement is 6,000 per the “R-6” zoning standards. The request does not appear to be contrary to the public interest as there are similarly sized lots in the surrounding area.**

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 the property not having enough square footage to apply for building permits or have their plans reviewed. There are other lots in the surrounding area that have a similar size with single-family dwellings constructed on them.**

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. A residential structure would be a sufficient use of this vacant property and enhance the immediate vicinity. The lot size was larger when annexed by the City of San Antonio but was later subdivided into two smaller separate lots, which matches many other lots in the 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 finds that the minimum lot size is not out of character nor will alter the essential character of the district.**

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 was subdivided from its original lot size when annexed by the City of San Antonio. The smaller lot size is not out of character of the local neighborhood and will not negatively affect surrounding property values.**

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

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

### **Staff Recommendation – Minimum Lot Size Variance**

Staff recommends **Approval** in **BOA-22-10300023** based on the following findings of fact:

1. There are lots of similar size in the surrounding area; and
2. Other residential structures are built on similar sized lots; and
3. The minimum lot size will not adversely affect the essential character of the district.