

Case Number:	BOA-21-10300198
Applicant:	Adam Word Gates
Owner:	Adam Word Gates
Council District:	1
Location:	117 Rehmann Street
Legal Description:	Lot E 42.5 FT of 6, Block 1, NCB 2570
Zoning:	"R-6 RIO-7E MLOD-2 MLR-2 AHOD" Residential Single Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for 1) a 15' variance from the minimum 20' rear setback requirement, as described in Section 35-310, to allow a structure to be 5' from the rear property line and 2) a 3,119 sq. ft. variance from the minimum 6,000 sq. ft. requirement, as described in Section 35-310, to allow a 2,881 sq. ft. lot.

Executive Summary

The subject property is located on Rehmann Street near the intersection of Adelaide Street. The subject property is currently a small vacant lot with a small concrete pad on the property. The small size and unique shape of the lot do appear to present hardships in the development of the lot. The lot was deeded and illegally subdivided in the 1940s, resulting in the current configuration of the lot. The property was rezoned to the current "R-6" base zoning district in 2006, which is when those standards began being applied to the property. During the site visit, staff observed other lots in the surrounding area with similar lot sizes and rear setbacks.

Code Enforcement History

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

Permit History

July 2016 – Minor Repairs Permit
October 2017 – Demolition Permit

Zoning History

The subject property is located within the Original City Limits of San Antonio and was zoned "L" First Manufacturing District. The zoning converted from "L" to "I-2" Heavy Industrial District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001). The zoning changed from "I-2" Heavy Industrial District to the current "R-6" Residential Single Family on December 14, 2006, established by Ordinance 2006-12-14-1441.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 RIO-7E MLOD-2 MLR-2 AHOD" Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Vacant Property

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-2 RIO-7E MLOD-2 MLR-2 AHOD" Heavy Industrial River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Property
South	"R-6 RIO-7E MLOD-2 MLR-2 AHOD" Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	"R-6 RIO-7E MLOD-2 MLR-2 AHOD" Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	"R-6 RIO-7E MLOD-2 MLR-2 AHOD" Residential Single-Family River Improvement Overlay 7E 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 Lone Star Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Collins Garden Neighborhood Association and were notified of the case.

Street Classification

Rehmann Street 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 15’ variance to the 20’ rear setback to allow the new construction of a single family dwelling to be 5’ from the rear property line. The applicant is also requesting a 3,119 sq. ft. variance to allow a 2,881 sq. ft lot. The variances do not appear to be 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 the applicant having to redesign the layout of the house to fall into the required setbacks for the property to meet the rear setback. A literal enforcement of the ordinance would result in the property owner not building the structure as the lot size would not be large enough.

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 15' variance to the rear setback will observe the spirit of the ordinance, as it provides enough space from the neighboring properties and the property to the rear is vacant. The requested lot size variance observes the spirit of the ordinance as the property was divided by deed in the 1940s and was rezoned to the current zoning district in 2006.

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 the request for a 15' variance to propose a 5' rear setback provides ample space between this structure and neighboring structures. Staff finds that the variance requests are not out of character for the neighboring properties as they are some lots similar in size and other structures with similar setbacks.

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 small amount of available space and the unique shape of the lot.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Section 35-310.01.

Staff Recommendation – Rear Setback and Minimum Lot Size Variance

Staff recommends **Approval** in **BOA-21-10300198** based on the following findings of fact:

1. The current size of the lot is 2,881 square feet; and
2. The limited size and unique shape of the lot provide an unnecessary hardship in the development of the lot; and
3. The proposed development will abide by the required front and side setbacks; and

4. There are other non-conforming lot sizes in the immediate area with similar rear setbacks, so the request does not appear to alter the essential character of the district.