

Case Number:	BOA-22-10300067
Applicant:	Ramona Arellano
Owner:	Triana Jose Fernando
Council District:	4
Location:	110 Clarendon
Legal Description:	North 44' of Lots 26 & 27, Block 4, NCB 8743
Zoning:	"R-6 MLOD-2 MLR-2 AHOD" Residential Single Family Lackland Military Lightning Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 3,800 square foot variance from the minimum 6,000 square foot lot size requirement, as described in Section 35-310, to allow a 2,200 square ft lot, 2) a 4' variance from the minimum 5' side setback requirement, as described in Section 35-310, to allow a structure to be 1' from the side property line, 3) a 18' variance from the minimum 20' rear setback requirement, as described in Section 35-310, to allow a structure to be 2' from the rear property line, and 4) an 8' variance from the minimum 10' front setback requirement, as described in Section 35-310, to allow a structure to be 2' from the front property line.

Executive Summary

The subject property is located along Clarendon Street and is abutting an alleyway along the northern property line. The applicant is proposing to construct a single family dwelling and they are proposing the structure to be 1' from the southern side property line, 2' from the rear property line, and 2' from the front property line. The subject property is currently vacant and is much smaller than the surrounding lots in the area. There is an alleyway that abuts the property along the northern side property line. The applicant is proposing the structure to be 1' from this side property line, however half of the width of the 18' alley would be applied to the setback requirement, therefore a variance is not required for this side setback.

Code Enforcement History

There is no Code Enforcement History on file

Permit History

Building permits are pending the outcome of the BOA Meeting.

Zoning History

The subject property was annexed into the City Limits of San Antonio by Ordinance 1259 dated August 2, 1944 and was zoned "B" Residence District. Ordinance 47762, dated May 17, rezoned the property to "R-1" Single Family District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current "R-6" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lightning Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 MLOD-2 MLR-2 AHOD” Residential Mixed Lackland Military Lightning Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lightning Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lightning Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lightning Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Kelly / South San PUEBLO Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Quintana Community Neighborhood Association, and they were notified of the case.

Street Classification

Clarendon 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 3,800 square foot variance from the 6,000 square feet lot size

minimum to allow a 2,200 square ft lot which does not appear to be contrary to the public interest.

There are also variances being requested for the rear, front, and southern side setback. The lot is currently vacant and the proposed structure would be 2' from the rear property line, 2' from the front property line and 1' from the side property line. These proposed setbacks are too close to the property lines and do not provide adequate space from abutting properties.

These requests appear to be contrary to the public interest, however to allow for development of the lot alternate variances to allow a 5' front and rear setback and a 3' side setback is recommended.

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 lot being undevelopable with the current standards. The small size of the lot and configuration present unnecessary hardships to the development of the lot.

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 proposed variance to the lot size will observe the spirit of the ordinance

The proposed setbacks for the front, rear, and side setback do not appear to observe the spirit of the ordinance as they do not allow for adequate space and may pose life safety hazards.

An alternate recommendation to provide space between structures and account for the hardships on the property include a 5' variance to the front setback requirement, a 15' variance to the rear setback requirement, and a 2' variance to the side setback requirement.

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 the minimum lot size variance is not likely to negatively affect the adjacent neighboring property.

Staff finds the request for the setback variances are not appropriate due to there not being other properties in the area with similar setbacks.

Alternate variances are being recommended by staff as they do not seem likely to injure 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 variance is sought is due to unique circumstances existing on the property such as the small amount of available space and configuration of the lot.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback and the Minimum Lot Size Requirements per UDC Section 35-310.

Staff Recommendation – Minimum Lot Size

Staff recommends **Approval** in **BOA-22-10300067** based on the following findings of fact:

1. The size of the existing lot is currently 2,200 square feet; and
2. The lot size variance requests do not appear to alter the essential character of the district.

Staff Recommendation – Front, Rear, and Side Setback Variances

Staff recommends **Denial with an Alternate Recommendation** for 1) a 5' variance from the minimum 10' front setback requirement to allow a structure to be 5' from the front property line and 2) a 15' variance from the minimum 20' rear setback requirement to allow a structure to be 5' from the rear property line, and 3) a 2' variance from the minimum 5' side setback requirement to allow a structure to be 3' from the southern side property line in **BOA-22-10300067** based on the following findings of fact:

1. The lot is currently vacant and the proposed dwelling will be new construction;
2. The small size and configuration of the lot present hardships to new construction with the UDC setback requirements in place; and
3. The alternate recommendations will provide adequate space from the property lines for the small structure.