

Case Number:	BOA-22-10300052
Applicant:	Tobias Mandujano
Owner:	Mandujano Investments Inc
Council District:	5
Location:	114, 116, and 122 Huerta Street
Legal Description:	Lots 4, 5, & 6, Block 8, NCB 6750
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 for 1) a 770 square foot lot size variance from the minimum 4,000 square foot requirement, as described in Section 35-310, to allow a 3,230 square foot lot at 114 and 116 Huerta Street, 2) a 8' 4" from the minimum 20' garage setback requirement, as described in Section 35-515, to allow a garage to be 11' 8" from the front property line, and 3) a 10' variance from the minimum 20' rear setback requirement, as described in Section 35-310, to allow a structure at 114 and 116 Huerta Street to be 10' from the rear property line.

Executive Summary

The subject properties are located at 114, 116, and 122 Huerta St and are between the intersections of South Cibolo St and Bernardo Euseste Dr. There is currently a single-family residence on 122 Huerta Street and two vacant lots at 114 and 116 Huerta Street. The applicant is proposing to construct a single-family dwelling on each lot, and the design will be the same for each lot. Due the lot sizes, the proposed structures with garages will be within the minimum front setback requirements and therefore will require garage setback variances.

For 122 Huerta Street:

A previous case was heard by the Board of Adjustment in December of 2021. The BOA approved a variance for the minimum lot size as well as the rear setback. Upon the inspection of the construction, there was a garage setback encroachment found. This property only needs the proposed garage setback variance.

For 114 and 116 Huerta Street:

The lots at 114 and 116 Huerta Street are both vacant and the applicant is proposing to construct a single-family dwelling on each lot, similar to 122 Huerta Street. Both of these lots are needing a lot size variance, a rear setback variance, and garage setback variances. The lots are less than the 4,000 square feet minimum required for R-4 zoning. Additionally, variances are required for the rear setback requirements for 114 and 116 Huerta St. due the existing lot sizes.

Code Enforcement History

There is no relevant code enforcement history for the subject property.

Permit History

There is currently a Residential Building permit on file. A Certificate Of Determination application is currently on file for 116 Huerta St.

Zoning History

The subject properties were located within 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	Single-Family Residence and Vacant Lots

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 San Juan Gardens/Collins Garden Neighborhood Association, and they were notified of the case.

Street Classification

Huerta Street is classified as a local road.

Criteria for Review – Lot Size, Front, Rear, and Garage Setback Variances

According to Section 35-516 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 variances to the garage setback for all three properties. Additional

variances for 114 and 116 Huerta Street include variances to the lot size and rear setback. There are many other similar structures and lots in the immediate area, so the variance requests 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.*

Staff finds an unnecessary hardship due to the limited size of each lot. A literal enforcement of the ordinance would result in the reduction in the developable area 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 setbacks appear to be consistent with setbacks of other dwellings in the area and appear to provide adequate space so the spirit of the ordinance will be observed.

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 variances would alter the essential character of the district. Properties located along Huerta Street appear to have smaller setbacks due to the size of the lots and the fact that they were established long ago, 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.*

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 limited size of the lot and the variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Zoning Design Regulations of UDC Section 35-310 and the Lot Layout Regulations of UDC Section 35-515.

Staff Recommendation – Garage Setback, Rear Setback, and Lot Size Variances

Staff recommends **Approval** in **BOA-22-10300052** based on the following findings of fact:

1. The requested variances does not result in the dwelling appearing out of character for the surrounding area; and
2. The garage will be 11' 8" from the front property line, which will provide an adequate length for an approach for the limited size of the lot; and
3. The proposed single-family dwelling structures will be consistent with others in the area.