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|--------------------|---|
| Case Number:       | BOA-22-10300100   |
| Applicant:         | Andrew Hernandez  |
| Owner:             | Andrew Hernandez  |
| Council District:  | 2   |
| Location:          | 707 Runnels   |
| Legal Description: | NCB 1207 BLK 8 LOT 10   |
| Zoning:            | "MF-33 MLOD-3 MLR-2" Multi-Family Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District |
| Case Manager:      | Vincent Trevino, Senior Planner   |

### **Request**

A request for a 5' variance from the minimum 50' street frontage and lot width requirements, as described in Section 35-310, to allow the lot to be 45' wide.

### **Executive Summary**

The subject property is located at 707 Runnels and is currently a vacant lot. An application was submitted for the construction for a duplex development on the lot, however during the plan review process it was determined that a lot width size variance would be required based on the current width of the lot. The property is zoned "MF-33" which requires a minimum 50' in lot width. The applicant is requesting to allow a duplex to be developed on the lot that is 45' in width. In order to develop the property, the applicant is platting the property. During the platting process, it was noticed that the lots have been in the current configuration which does not meet the code requirements for the minimum street frontage and lot width.

### **Code Enforcement History**

There are no Code Enforcement investigations for the subject property.

### **Permit History**

A permit application for a multi-family development was submitted on January 28, 2022. The issuance of the permit is pending various departmental reviews including the outcome of the Board of Adjustment hearing due to a zoning review hold.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to the current "MF-33" Multi-Family District.

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

| Existing Zoning   | Existing Use |
|---|--------------|
| "MF-33 MLOD-3 MLR-2" Multi-Family Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District | Vacant Lot   |

## Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s)   | Existing Use                            |
|-------------|---|---|
| North       | "MF-33 MLOD-3 MLR-2" Multi-Family Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District   | Vacant Lot                              |
| South       | "MF-33 MLOD-3 MLR-2" Multi-Family Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District   | Multi-Family Complex                    |
| East        | "MF-33 MLOD-3 MLR-2" Multi-Family Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District   | Residential                             |
| West        | "MF-33 MLOD-3 MLR-2" Multi-Family Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District”<br>and "C-2 MLOD-3 MLR-2" Commercial Martindale<br>Army Airfield Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay District | Vacant Residential and<br>Public Clinic |

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Government Hill Community Plan and is designated “High Density Residential” in the future land use component of the plan. The subject property is located within the Government Hill Neighborhood Association, and they were notified of the case.

## Street Classification

Runnels is classified as a Local Road.

## Criteria for Review – 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a variance to allow the lot to be platted with a minimum street frontage and lot width of 45’. The proposed variance does 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 property not being able to be platted for development. Staff finds an unnecessary hardship due to the configuration of the lot being in place.**

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 requested variance observes the spirit of the ordinance as the lot is in the same configuration and has to be platted to meet the current code for development.**

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 variance would alter the essential character of the district nor is likely to injure adjacent properties. If the neighboring lots were to be redeveloped, the properties wouldn't meet the minimum street frontage or width and would also need a variance to be platted.**

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 for the property such as the size of the lot being established in its current configuration without a plat. 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 District Design Regulations of the UDC Section 35-310.01.

### **Staff Recommendation – Minimum Street Frontage and Lot Width Variance**

Staff recommends **Approval** in **BOA-22-10300100** based on the following findings of fact:

1. The request does not appear out of character for the area; and
2. The residential lots in the surrounding are the same in size and width so a variance to the minimum street frontage width variance appears to observe the spirit of the ordinance.