

Case Number:	BOA-22-10300122
Applicant:	Marcus Bledsoe
Owner:	ROR Holdings LLC
Council District:	5
Location:	2014 Montezuma
Legal Description:	Lot 23 and the east 19 feet of Lot 22, Block 1, NCB 2883
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 a 920 sq. ft. variance from the minimum 4,000 sq. ft. lot size requirement, as described in Section 35-310.01 to allow a lot size of 3,080 sq. ft.

Executive Summary

The subject property is located on Montezuma and is currently zoned single-family residence. The applicant is requesting a variance to the minimum lot size requirement in order to construct a single-family residence. Upon the site visit, it was observed that the subject property has an existing concrete slab for a residence 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 December 3rd, 2018, to allow a lot size of 3,080 square feet. A residential building permit was issued (AP# 2412098), however the work was never completed. A residential building permit is currently pending approval based upon the approval of the lot size variance.

Code Enforcement History

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

Permit History

There is currently a building permit in plan review for the subject property.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. The property was rezoned by Ordinance 75720, dated April 30, 1992, from "C" Apartment District to "R-7" Small Lot Home District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-7" Small Lot Home District 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	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3R MLOD-2 MLR-2 AHOD" General Commercial Restrictive Alcoholic Sales District Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
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 Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is located within the El Charro Neighborhood Association.

Street Classification

Montezuma 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 3,080 square feet where the minimum requirement is 4,000 per the "R-4" 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 property and enhance the immediate vicinity.

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 size. 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-22-10300122** 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.