

Case Number:	BOA-22-10300223
Applicant:	Marcus Bledsoe
Owner:	VCH Funding Corp
Council District:	5
Location:	1614 San Carlos Street
Legal Description:	Lots (Red) 29 and 30, Block 8, NCB 2898
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 250 square foot lot size variance from the 4,000 minimum lot size, as described in Sec. 35-310.01, to allow a lot to be 3,750 square feet.

Executive Summary

The subject property is located on San Carlos Street between South Picoso and South Hamilton Avenue and was located within the original 36 square miles of the City of San Antonio. The lot is currently vacant and has been vacant for some time. The applicant is requesting a 250 square foot variance from the minimum 4,000 square foot lot size requirement to construct a single-family dwelling.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the 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 23, 1992 to "R-7" Small Home Lot District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to "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
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North	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family 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 and were notified of the case.

Street Classification

San Carlos Street is classified as a local road.

Criteria for Review – Minimum Lot Size 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 250 square foot variance from the 4,000 minimum lot size requirements. The variance request does not appear to be contrary to the public interest, as granting the variance would allow the development of a single-family residence.

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 having to maintain the property vacant as it would not be developable with the current square footage.

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. No other uses will be permitted on the property other than a single-family residence. The request appears to observe the spirit of the ordinance.

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. The properties adjacent to the subject property also do not meet the minimum lot size requirements of the “R-4” base zoning district therefore injury to adjacent properties is highly unlikely.

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. The request does not appear merely financial.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the setback requirements of the UDC Sec 35-310.01.

Staff Recommendation – Minimum Lot Size Variance

Staff recommends **Approval** in **BOA-22-10300223** based on the following findings of fact:

1. The lot size is currently 3,750 square feet; and
2. The lot size variance will allow the development of the lot; and
3. The variance does not appear to negatively affect adjacent properties.