

Case Number:	BOA-23-10300002
Applicant:	Ray Lopez
Owner:	John Duncan
Council District:	5
Location:	119 Chico Alley
Legal Description:	South 69.44 feet of Lot 9, East 1/2 of Block 19, NCB 2645
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 1,270 square foot lot size variance from the minimum 4,000 square foot lot size, as described in Sec. 35-310.01, to allow a lot to be 2,730 square feet and 2) a 10' variance to the maximum 20' rear setback, as described in Sec. 35-310.01, to allow a 10' rear setback.

Executive Summary

The subject property is located on Chico Alley between Margil Street and Knox Street 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 1,250 square foot variance from the minimum 4,000 square foot lot size requirement to construct a single-family dwelling. Additionally, the applicant is requesting a 10' variance to the maximum 20' rear setback to allow a 10' rear setback. The proposed single-family residence will maintain 10' to the rear property line. All other setback requirements will be met.

Code Enforcement History

Overgrown Yard – May 14, 2019

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 76368, dated August 27, 1992 to "R-7" Small Lot Home 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	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 Nogalitos/South Zarzamora Plan and is designated “Medium Density Residential” in the future land use component of the plan. The subject property is located within the Palm Heights Neighborhood Association and were notified of the case.

Street Classification

Chico Street is classified as a local road.

Criteria for Review – Minimum Lot Size and Rear Setback 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 1,270 square foot variance from the 4,000 minimum lot size requirements. Additionally, the proposed single-family residence will maintain a 10’ rear setback. 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 the inability to construct a single-family residence on the lot. Due to the size of the lot and square footage of the proposed residence, the structure is unable to meet the rear setback requirement.

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. Variance will permit a single-family dwelling near surrounded by lots similar in size. 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 property is part of the original 36 square miles of the City of San Antonio where smaller lots are commonly found. 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. Due to the current configuration of the lot, it cannot maintain the minimum lot size requirement. In addition, a setback reduction to the rear would help accommodate a reasonable sized residence on the lot. The request does not appear merely financial.

Alternative to Applicant’s Request

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

Staff Recommendation – Minimum Lot Size Variance and Rear Setback Variance

Staff recommends **Approval** in **BOA-23-10300002** based on the following findings of fact:

1. The variance will allow the development of a new single-family residence; and
2. The lot size variance will allow the development of the lot; and
3. The variance requests do not appear to alter the essential character of the district.