

Case Number:	BOA-23-10300059
Applicant:	EDDASA, LLC
Owner:	EDDASA, LLC
Council District:	6
Location:	5852 Mayo Drive
Legal Description:	East 44 feet of Lot 42, Block 4, NCB 13946
Zoning:	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

Request

A request for a 6' variance from the minimum 50' lot width, as described in Section 35-310.01, to allow a lot with a 44' width.

Executive Summary

The subject property is located at the end of Mayo Drive on the west side of San Antonio. The applicant is seeking a variance from the minimum lot width requirement of 50' to allow a lot width of 44'.

Code Enforcement History

Overgrown Yard Investigation- July 2019
Vehicle Investigation- June 2019
Dangerous Premises Investigation- July 2019
Vacant Overgrown Property- March 2019
Overgrown Yard Investigation – March 2019
Overgrown Yard Investigation – October 2018

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 33954, dated January 19, 196, and originally zoned “R-A” Residence Agriculture District. The property rezoned under Ordinance 77475, dated February 25, 1993, from “R-A” Residence-Agriculture District to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
South	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan and has a land use designation of “Suburban Tier”. The subject property is not located within a registered neighborhood association.

Street Classification

Mayo Drive is classified as a local road.

Criteria for Review – Lot Width 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. In this case, the public interest is represented by minimum lot widths to prevent development jamming into narrow lots. The applicant is requesting a variance to allow a lot width to be 44’. Staff finds this request is not contrary to public interest, as the applicant is abiding by the setback requirements, which will not infringe onto the neighboring properties.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

In this case, the special condition found on the subject property is the narrow lot width. Without this variance, an unnecessary hardship will prevent the applicant from developing this lot. Furthermore, the lot will continue to be abandoned.

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 applicant is requesting this variance prior to construction. Additionally, all other building requirements, such as setback minimums, building height, and lot density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.

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.*

If granted, the lot will maintain 44' in width, which will not injure the use of adjacent conforming properties. Upon site visits, staff observed properties in the immediate vicinity being narrow in width and the subject property being located towards the end of the street. The request will not be out of character with or 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 narrow width of the lot. The circumstances do not appear to be merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the building regulations of the UDC Section 35-310.01

Staff Recommendation – Lot Width Variance

Staff recommends **Approval** in **BOA-23-10300059** based on the following findings of fact:

1. The applicant is abiding by all other setback requirements, which will not infringe onto the neighboring properties; and
2. The lot will continue to be vacant and undevelopable without the granting of this variance; and
3. Narrow lots were found in the immediate area, which will not be out of character with the surrounding properties.