

Case Number:	BOA-21-10300162
Applicant:	John Cortez
Owner:	Jorge Rubio
Council District:	1
Location:	705 West Craig Place
Legal Description:	South 86' of Lot 15, Block 32, NCB 1854
Zoning:	"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District.
Case Manager:	Roland Arsate, Planner

### **Request**

A request for a 1,700 square foot variance from the 6,000 square foot minimum lot size requirement, as described in Section 35-310, to allow a lot size of 4,300 square feet.

### **Executive Summary**

The subject property is located along West Craig Place near Ripley Avenue. The subject property is currently a vacant lot and is zoned Residential Single Family. The applicant is proposing to construct a residential home on the subject property. The lot does not currently meet the minimum lot size requirement, so the applicant is requesting a variance of 1,700 square feet to construct a house on a 4,300 square foot lot. The property does not qualify as a non-conforming lot of record, so a variance is required in order for the lot to be built on.

### **Code Enforcement History**

August 2021 - Overgrown Yard for a Vacant Lot

### **Permit History**

April 2016 – Demolition permit

November 2021- Residential Building Application

### **Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and zoned "D" Apartment District. The property was rezoned by Ordinance 86704 from "D" Apartment District to "R-1" Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-1" Single-Family Residence District to the current "R-6" Residential Single-Family District, established by Ordinance 93881 dated May 3, 2001.

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

Existing Zoning	Existing Use
"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
South	"O-2 NCD-2 AHOD" High-Rise Office Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
East	"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
West	"RM-4 NCD-2 AHOD" Residential Mixed Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Midtown Regional Center Plan and is designated "Medium Density Residential" in the future land use component of the plan. The subject property is located within the Alta Vista Neighborhood Association and were notified of the case.

### **Street Classification**

West Craig Place 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 current lot size is 4,300 square feet, so the applicant is requesting a 1,700 square-foot variance. This request is not 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 applicant not being able to build a residential home. There are other similar residential structures in the area that are already built on similar lot sizes.**

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 new residential structure will provide infill development and remove a vacant lot, which observes 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.*

**If granted, the structure will maintain the required setbacks for the residential structure, which is not likely to 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. The property was subdivided making the lot smaller than the original plat. The circumstances were not created by the owner and are not merely financial.**

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Sections 35-310.01.

#### **Staff Recommendation – Minimum Lot Size Variance**

Staff recommends **Approval** in **BOA-21-10300162** based on the following findings of fact:

1. The proposed residential structure will not adversely affect the surrounding area; and
2. The new structure will not negatively affect the abutting properties; and
3. The proposed structure will adhere to all building setbacks.