

Case Number:	BOA-21-10300136
Applicant:	Arcelia Sandoval
Owner:	Arcelia Sandoval
Council District:	1
Location:	710 North Elmendorf
Legal Description:	Lot N 51.83 FT OF 7A & 7B, N 51.83 FT OF W 22.68 FT OF 8A, Block 7, NCB 2202
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:	Roland Arsate, Planner

Request

A request for a 152 square foot variance from the minimum 4,000 square foot lot size requirement, as described in Section 35-510, to allow a 3,848 square foot lot.

Executive Summary

The subject property is located on the corner of North Elmendorf Drive and Monclova Street. The subject property is currently a vacant lot. The applicant is proposing to construct a new two-story single-family residence on the subject property and needed to obtain a Certificate of Determination. At the time of processing, the lot size was observed to fall under the minimum lot size requirement of 4,000 square feet and is needing a variance. The lot size currently measures 3,848 square feet.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

August 2021 - New Construction on home permit submitted for review

Zoning History

The subject property is located within the Original 1938 City Limits of San Antonio and was zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B" to the current "R-4" Residential Single-Family District, established by Ordinance 93881 dated May 3, 2001.

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	"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 not located within an adopted plan area. The subject property is located within the Prospect Hill/West End Hope in Action Neighborhood Association and were notified of the case.

Street Classification

North Elmendorf is classified as a local road.

Criteria for Review – Side 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 variance to the minimum lot size requirement in order to construct a residential house on a vacant lot. The requested variance 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 the residential structure or having to rezone the property to a zoning district that requires a reduced minimum lot size.

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 minimum lot size variance of 152 square feet that is being requested 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 from the side property lines and meet all other development standards. The request does not seem likely to alter the essential character of the district nor injure adjacent conforming properties.

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 lot has been divided and split into a smaller lot over time. 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 or rezone the property.

Staff Recommendation – Minimum Lot Size Variance

Staff recommends **Approval** in **BOA-21-10300136** based on the following findings of fact:

1. The proposed lot size is 3,848 square feet; and
2. A new residential structure will help enhance the existing neighborhood; and
3. There are other similar properties in the area with similar lot sizes.