

Case Number:	BOA-21-10300148
Applicant:	Monica Naves Ayluardo
Owner:	E Crockett Holdings LLC
Council District:	2
Location:	1723 & 1727 East Crockett Street
Legal Description:	Lot 6A, 6B, 7A & 7B, Block 11, NCB 6345
Zoning:	"R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.
Case Manager:	Roland Arsate, Planner

### **Request**

A request for 1) a 2' variance from the 5' minimum side setback, as described in Section 35-310, to allow a structure to be 3' from the side property line, 2) a 875 sq. ft. lot size variance from the minimum 4,000 sq. ft requirement, as described in Section 35-310, to allow a lot size of 3,125 sq. ft. and 3) a 10' variance from the 35' minimum lot width requirement, as described in Section 35-310, to allow a lot width of 25'.

### **Executive Summary**

The subject property is located mid-block along East Crockett Street. The subject properties are currently vacant. The applicant is proposing to construct a single-family residence per lot. The applicant is requesting a variance from the minimum lot size requirement, the minimum lot width requirement, and the side setback requirement.

### **Code Enforcement History**

April, June, and October 2021 – Overgrown yard

### **Permit History**

October 2018 – Demolition permit issued

### **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" Residence District 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 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Residence
South	"R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Residence
East	"R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Residence
West	"R-4 EP-1 MLOD-3 MLR-2 AHOD" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field 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 Arena District Community Plan and is designated “Medium Density Residential” in the future land use component of the plan. The subject property is located within the Jefferson Heights Neighborhood Association and they were notified of the case.

### **Street Classification**

East Crockett Street 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 side setbacks, minimum lot width requirement and minimum lot size variance required in order to construct a single family dwelling on each lot.**

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 having to rezone or replat the property in order to construct on the vacant property. There are other non-conforming lots and structures on the same street in the area that are already constructed with similar dimensions of the homes.**

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 structures will maintain 3' from the side property lines, and be built on lots that are 25' in width, 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 three feet from the side property lines and the lot will be 25' in width while the lot will be 3,125 sq. ft. in size, 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 lots were platted as proposed and the variances will accommodate the ability to maximize the use of land with infill development. 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 through rezoning or replatting.

### **Staff Recommendation – Side Setback, Minimum Lot Size, and Minimum Lot Width Variances**

Staff recommends **Approval** in **BOA-21-10300148** based on the following findings of fact:

1. The new structures will be constructed 3' away from the side property lines; and
2. The minimum lot width of 25' will provide enough room to build a residential structure on this vacant lot; and
3. There are other structures built in the area with similar design; and
4. The new development will enhance the value of the property in the area.