

Case Number:	BOA-21-10300191
Applicant:	Melisha Rogers Harris
Owner:	Sydney Austin Realty, LLC
Council District:	2
Location:	203 Gravel Street
Legal Description:	South 39 feet of Lot 11, Block 114, NCB 1405
Zoning:	“RM-4 AHOD” Mixed Residential Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for 1) a 2,011 square foot variance from the minimum 4,000 square foot requirement, as described in Section 35-310, to allow a 1,989 square foot lot and 2) a 5’ variance from the minimum 10’ front and rear setback requirement, as described in Section 35-310, to allow a dwelling to be 5’ from the front and rear property lines.

### **Executive Summary**

The subject property is located on Gravel Street. The applicant has is proposing to construct a new duplex on a vacant lot. The small size of the lot is limiting the development on the subject property so the applicant is requesting a lot size variance and a variance to the front and rear setbacks. There appears to be other lots in the surrounding area of similar sizes to the subject property.

### **Code Enforcement History**

There is no relevant Code Enforcement History found on record for the subject property.

### **Permit History**

No permits have been issued. A permit is pending the outcome of the BOA Meeting.

### **Zoning History**

The subject property was located within the Original City Limits of San Antonio and was zoned “B” Residence District. Ordinance 79329, dated December 16, 1993, rezoned the property to “R-2” Two-Family Residential District. Upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the zoning converted from “R-2” to the current “RM-4” Residential Mixed District.

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

Existing Zoning	Existing Use
“RM-4 AHOD” Mixed Residential Airport Hazard Overlay District	Vacant Lot

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

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 AHOD” Mixed Residential Airport Hazard Overlay District	Single-Family Dwelling

South	“RM-4 AHOD” Mixed Residential Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 AHOD” Mixed Residential Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 AHOD” Mixed Residential Airport Hazard Overlay District	Single-Family Dwelling

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

The subject property is in the Downtown Neighborhood Plan and is designated “Residential” in the future land use component of the plan. The subject property is located within the Denver Heights Association and were notified of the case.

### **Street Classification**

Gravel Street is classified as a local road.

### **Criteria for Review - 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 variances to the front and rear setback and the lot size. The small lot configuration creates an unnecessary hardship as the setbacks required by code will reduce the buildable area considerably, so the variances do not appear to be 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 having to postpone any future development of the proposed dwelling.**

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 intent of the setbacks are to provide separation from adjacent structures and with the small size of the proposed structure and the lot, the spirit of the ordinance will be observed.**

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 finds the variance requests are not likely to negatively affect adjacent neighboring properties nor alter the essential character of the district as there are other similar lots in the area.**

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 small amount of available space.**

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

The alternative to the applicant's request is to conform to the UDC Setback Regulations per Section 35-310.

#### **Staff Recommendation – Front Setback, Rear Setback, and Lot Size Variance**

Staff recommends **Approval** in **BOA-21-10300191** based on the following findings of fact:

1. The lot currently measures at 1,989 square feet; and
2. There are other lots in the immediate area that appear to have similar lot sizes; and
3. The lot depth measures to be 39' which only allows about 19' of building depth per current setback restrictions; and
4. The building will maintain 5' setbacks around the perimeter of the lot.