



City of San Antonio

Agenda Memorandum

File Number:20-5780

Agenda Item Number: 3.

Agenda Date: 10/5/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300084

Applicant: David Ayers

Owner: David Ayers

Council District: 2

Location: 220 and 226 East Carson Street and 222 Oleander Street

Legal: Lots 36 and 37, Block 20, NCB 485

Description:

Zoning: "IDZ-1 AHOD" Limited Intensity Infill Development Zone
Airport Hazard Overlay District with uses permitted for eight
(8) dwelling units

Case Manager: Dominic Silva, Senior Planner

Request

A variance to allow 15'7" median blockface dimension, as described in Section 35-343.01, from the minimum 21' code requirement.

Executive Summary

The applicant is requesting a variance from the 21' minimum median blockface to the requested 15'7" median blockface from the curb to develop at 9' from the front property line. Due to the requirements of the "IDZ-1" requirements, the median blockface is taken from the existing lots on the blockface as the subject property. In this case, the blockface has only 2 sample lots with a median setback of 21' from the curb. The applicant is developing 8 small lots for residential single-family use; given the lot constraints, the applicant is requesting a reduction of that blockface.

The subject property serves as a buffer between the commercial development to the west of Government Hill, identified as "Regional Mixed Use" and "Mixed Use", the subject property and immediate surrounding blocks identified as "Median Density Residential," and the surrounding eastern portion of Government Hill serving as "Low Density Residential."

On June 18, 2019, the Zoning Commission heard this case and voted unanimously as approval. There were no citizen comments or returned notices; there were no comments submitted by the neighborhood association. City

Council voted on this item and site plan on August 8, 2019 as an approval. The process to rezone to IDZ-1 takes into consideration a detailed site plan and a ground plan comparison of the subject property and adjacent properties. The site plan is a requirement to the IDZ-1 zoning districts that is intended to hold the applicants bound to the site plan once building has begun. Should the site plan show less restrictive standards than what is required by the zoning district, the applicant must go through a variance process after the rezoning process. The site plan approved during the zoning process illustrated a front setback of 5 feet. The applicant is providing more of a setback in this variance process.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

Platting is currently in process for 8 separate lots. Sitework and grading permits have been processed. Addressing is currently in process for 8 separate addresses.

Clear Vision Review

A review of Clear Vision is not required for this request.

Zoning History

The property was part of the original 36 square miles of the City of San Antonio and had a base zoning district of “D” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “D” Apartment District converted to the current “MF-33” Multi-Family. Subject property was rezoned from “MF-33” Multi-Family to “R-6” Multi-Family by Ordinance 2010-11-04-0971, dated November 4, 2010. Ordinance 2019-08-08-0607 rezoned the “R-6” to the current “IDZ-1” Limited Intensity Infill Development Zone with uses permitted for eight (8) dwelling units.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ-1 AHOD” Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted for eight (8) dwelling units	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential

West	"IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "RM-4" and "C-3"	Residential and Commercial
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Government Hill Neighborhood Plan and is designated as "Medium Density Residential" in the future land use component of the plan. The subject property is within the boundaries of the Government Hill Alliance Neighborhood Association.

Street Classification

East Carson and Oleander Street is classified as a local street.

Criteria for Review

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, given the lot constraints, granting the variances still provides adequate accessibility to light, air, and open space for both the subject property and the adjacent property.

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 unnecessary hardship due to significantly reducing the amount of developable space on the lots facing East Carson Street if following the median setback of the two lots to the east of the subject properties.

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 the intent of the code, rather than the strict letter of the law. The intent of the median setback of the Limited Intensity Infill Development Zone is to reduce altering the existing character of the district. The subject properties are utilized as a buffer between the commercially utilized IDZ properties to the west and the predominately single-family uses to the east within Government Hill. By granting the variances, the spirit of the ordinance will be done.

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.*

The requested variances will not permit a use not authorized within the district it is located in.

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.*

The variances requested would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variance would not place the structure out of character within the community as they serve as a buffer between the commercial IDZ lots to the west and the residential uses to the east.

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.*

The unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. Due to the median setback of the existing two lots on the blockface, the median setback is not conducive to small lot configurations the applicant has proposed.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to Unified Development Code, Section 35-343.01.

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300084**, based on the following findings of fact:

1. The requested variances will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structures without trespass, and;
3. Due to the setback of 2 lots on the blockface, the proposed median blockface will not injure the adjacent properties.