



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-1091  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 1/11/2016

**Title:** A-16-030: A request by Brown and Ortiz for 1) a 15 foot variance from the minimum 20 foot garage setback to allow a garage 5 feet from the property line; 2) a variance from the requirement that homes be oriented toward the public street to allow homes to be oriented toward common open space and 3) a variance from the maximum 30 % impervious coverage to allow homes with 75% impervious yards, located at 200, 206 and 212 Ridgcrest and 8110 Lookover. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-030 attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-030  
**Applicant:** Brown & Ortiz, PC  
**Owner:** Brockwell Investments, LLC  
**Council District:** 1  
**Location:** 200, 206 & 212 Ridgcrest Drive and 8110 Lookover  
**Legal Description:** W. 50 ft of Lot 16, E. 43 ft. of Lots 17, 18, 19, 20, & 21, Block , NCB 11879  
**Zoning:** "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Senior Planner

### Request

A request for 1) a 15 foot variance from the minimum 20 foot garage setback, as described in 35-516, to allow a garage five feet from the property line; and 2) a variance from the requirement that homes be oriented toward the public street, as described in 35-343, to allow homes to be oriented toward common open space.

### Executive Summary

The applicant is developing a small subdivision of 16 single-family homes. The property was recently rezoned to "IDZ" Infill Development Zone which reduces setbacks and parking requirements. The "IDZ" designation does carry some additional design requirements. One of the requirements is that homes must be oriented towards a public street. The proposed project, similar to other projects in San Antonio like those along Cherry Street, orient the homes towards an internal, shared open space with garages at the back of the home facing the street. Also, the Unified Development Code requires that any garage must be set back 20 feet from a property line. The proposed design seeks to places the garage five feet from the property line, requiring a fifteen foot

variance from that provision. Previously, the “IDZ” district limited front yard impervious cover to a maximum of 30 percent. The proposed project establishes small lots and a standard driveway enjoyed by other single-family properties pushes the front yard impervious cover beyond permitted thresholds. Because this provision frequently required variance, recent UDC Code amendments removed this limitation, making this variance unnecessary.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District, with single-family uses up to 15 units per acre.	Vacant, proposed 16 single-family dwellings

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	UZROW	Ridgecrest Drive
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District and “RM-5 AHOD” Residential -Mixed Airport Hazard Overlay District	Single-Family Homes
East	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Professional Office
West	UZROW	Lookout Drive

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

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Medium Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of any neighborhood association.

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, the public interest is represented by minimum setbacks, design requirements, and impervious cover limitations to encourage uniform, safe development. The first variance request seeks to permit a garage to be closer to the front property line than code allows. A garage located only five feet from the property line forces property owners to park in the garage as even a compact car would hang out into the ROW on a five foot deep driveway. The Board of Adjustment has considered a very similar request before. Case A-14-034, considered on March 4, 2014, approved an identical request for a similar development, located off of Humphrey Avenue. The Infill Development Zone was established to make development on small, compact lots less restrictive and, therefore, staff finds that the variance request is consistent with the intent of the zone and find that the first request is not contrary to the public interest.

The second variance is related to the “IDZ” design requirements. The site plan indicates that the 16 single-family homes will be oriented towards an internal open space, rather than the public street. Because the entire east block of Lookover Drive will be the frontage of this project, staff finds that it

would not introduce incompatible development to the area. As such, staff finds that 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.*

The special condition present in this case that warrants the granting of the first and third variances are the intent of the “IDZ” Infill Development Zone. This zone stresses compact, infill development that often encroaches well into setbacks otherwise required in other zones. The Board of Adjustment has approved similar requests in the past, even allowing a garage four feet from the front property line. Despite exceeding the 30 percent impervious cover limit, the proposed project actually creates very little impervious cover; significantly less than traditional single-family lot development.

The second variance, which seeks to permit inward-facing building orientations, is an architectural design element that is becoming increasingly popular as homeowners seek alternative designs that create more neighborly communities. The intent of the zone, which stresses compact development, is respected as the development will have a shared open space, rather than individual yards, which create sprawl - the very element that the “IDZ” zone seeks to curb.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Because both variance requests respect the intent of the “IDZ” Infill Development Zone, staff finds that the requests will honor the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “IDZ AHOD” Infill Development Zone Airport Hazard Overlay District.

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.*

Because the entire east block of Lookover Drive will be contained within the proposed project, staff finds that there will be no impact to 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.*

The unique circumstances present in this case is the size of the lot used for this project. The “IDZ” Infill Development Zone was created to ease development on smaller lots. The project seeks reductions in only the garage setback, not the building setbacks.

### **Alternative to Applicant’s Request**

Denial of the variances would result in the project having to comply with all provisions of the Unified Development Code.

### **Staff Recommendation**

Staff recommends **APPROVAL of all variance requests in A-16-030** based on the following findings of fact:

1. The requests are aligned with the intent of the Infill Development Zone;
2. The proposed development will dominate the entire block and will not injure adjacent property.