City of San Antonio

Legislation Details (With Text)

File #:	19-1778
Type:	Zoning Case
In control:	Board of Adjustment
On agenda:	2/4/2019
Title:	(Continued from 01/14/19) BOA-18-900026: A request by Laurie Cassidy for a variance from the Form Based Zone District (T-4) regulations that restrict parking within the first layer to allow the property to be developed with parking spaces in the first 1/3 of the lot depth, located at 715 Camden Street. Staff recommends Approval. (Council District 1)
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. 18-900026 Attachments

Date	Ver.	Action By	Action	Result

Case Number:	BOA-18-900026
Applicant:	Laurie Cassidy
Owner:	David M. Freeman
Council District:	1
Location:	715 Camden Street
Legal Description:	Lot 14, Block 9, NCB 838
Zoning:	"FBZD T4-1 AHOD" Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District
Case Manager:	Debora Gonzalez, Senior Planner

Request

A request for a variance from the Form Based Zone (T-4) regulations that restrict parking within the first layer, as described in Section 35-209, to allow the property to be developed with parking spaces in the first 1/3 of the lot depth.

Executive Summary

The subject property is located at 715 Camden Street, 180 feet east of Brooklyn Avenue. The applicant is requesting relief from the Form Based Zone District (T-4) regulations that restrict parking within the first layer to allow an existing property to be developed with parking spaces in the first 1/3 of the lot depth. The intent of Form Based Zone District (T-4) regulations that restrict parking within the first layer is to create a visual character reinforcing community identity.

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This variance request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation (OHP) reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a variance does not imply approval of or take the place of such demolition review as directed by the UDC. OHP cannot approve the demolition request for 715 Camden at this time due to a pending Request for Review of Historic Significance. The Request for Review of Historic Significance, authorized by UDC Section 35-606, allows a third party to request a hearing by the Historic & Design Review Commission (HDRC) to consider whether a property may be eligible for landmark designation. At this time, the HDRC hearing is tentatively scheduled for March 6, 2019.

Code Enforcement History

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported.

Permit History

No permits have been issued for this project.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"FBZD T4-1 AHOD" Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Vacant Building

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"FBZD T4-1 AHOD" Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Medical Office
South	"FBZD SD AHOD" Form Based Zone Specialized District Airport Hazard Overlay District	School
East	"FBZD T4-1 AHOD" Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Multi-Family Dwelling
West	"FBZD T4-1 AHOD" Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Downtown Plan and currently designated as "Mixed Use" in the future land use component of the plan. The subject property is located within the boundaries of the

Downtown Residents Association. As such, they were notified and asked to comment.

Street Classification

Camden Street is classified as a Collector 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, the proposed project is intending to redevelop an existing structure where parking is located within the first layer. The existing building has been at the same location since 1920, according to Bexar County Appraisal District, well before the Form Based Zone was adopted. If granted, this request would be in harmony with the spirit and purpose of the ordinance.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
Literal enforcement of the ordinance would not allow the owner of the property to redevelop the building as proposed. The building would have to be demolished or moved to the front of the first layer to comply with this ordinance.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
The intent of Form Based Zone District (T-4) regulations that restrict parking within the first layer is to create a visual character reinforcing community identity. The parking modification of the subject property will not significantly disrupt uniformity and will not injure the rights of adjacent property owners.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*
The variance will not authorize the operation of a use other than those uses specifically authorized in the in the zoning 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.*
The redevelopment of the structure will not detract from the neighborhood as the issue is related to pre-existing building form.

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 circumstance in this case is the existing building has been in the same location since 1920 and moving the entire structure would be challenging.

Alternative to Applicant's Request

Denial of the special exception would result in the owner having to meet the Form Based Zone District (T-4) regulations that restrict parking within the first layer.

Staff Recommendation

Staff recommends **APPROVAL** of the requested special exception in **BOA-18-900026,** based on the following findings of fact:

1. The request does not alter the essential character of the district, and;
2. The applicant is only seeking parking allocation not parking reduction.

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