



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-2674  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 3/18/2019  
**Title:** BOA-19-10300023: A request by MNO Partners for 1) a 6' variance from the minimum right-of-way width of 24' to allow a driveway to be as narrow as 18' wide, 2) a 11' variance from the 12' rear setback requirement to allow new structures to be as narrow as 1' from the rear property line, and 3) a 47' variance from the 80' minimum lot requirement depth to be as narrow as 33' of lot depth, located at 335 Trail. Staff recommends Denial with an Alternate Recommendation.(Council District 1)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. BOA-19-10300023 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300023  
**Applicant:** MNO Partners  
**Owner:** Robert A. Price IV  
**Council District:** 1  
**Location:** 335 Trail  
**Legal:** Lot 9 Thru 14 & 17 Thru 20, Block 2, NCB 6078  
**Description:**  
**Zoning:** "MF-33 H RIO-1 AHOD" Multi-Family River Road Historic River Improvement Overlay Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for 1) a 6' variance from the minimum right-of-way width of 24', as described in Section 35-373(b)(2), to allow a driveway to be as narrow as 18' wide, 2) a 11' variance from the 12' rear setback requirement, as described in Section 35-373(b)(2), to allow new structures to be as narrow as 1' from the rear property line, and 3) a 47' variance from the 80' minimum lot requirement depth, as described in Section 35-373(b)(4), to be as narrow as 33' in lot depth.

### Executive Summary

The subject property is currently undeveloped and is located near the intersection of North Saint Mary's Street and East Huisache Avenue. On January 2, 2019 the proposed development received approval from the Historic Design Review Commission; which is a residential townhome community. This variance will allow for the

design of the proposed development to be cohesive meeting the historical features.

The HDRC issued conceptual approval for this project on January 2, 2019, which included approval of a schematic site plan. Upon review of the site plan submitted for consideration by the BOA, staff observed the following discrepancies:

- 1) BOA site plan shows a proposed setback on Huisache of 14 feet. This number has not been confirmed by OHP staff to meet the approved stipulations. The applicant is required to verify the setbacks of the adjacent homes on Huisache and meet or exceed that setback.
- 2) Building four was approved with a stipulation that the building be set back at least 15 feet from the historic acequia to the southeast. This dimension is not included on the BOA site plan and should be submitted for verification by OHP staff.
- 3) BOA site plan shows additional hardscape area on the eastern edge of the site. More than what was included in the HDRC site plan.

Consideration of the formally-requested variances does not grant approval of any discrepancies between the BOA site plan and the HDRC site plan approved on January 2, 2019. The applicant is required to meet all previous stipulations to conceptual approval prior to receiving final approval from the HDRC or any permits related to the development of the site.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The applicant is waiting for variances to be approved to begin project.

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

Existing Zoning	Existing Use
"MF-33 H RIO-1 AHOD" Multi-Family River Road Historic River Improvement Overlay Airport Hazard Overlay District	Vacant Land

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

Orientation	Existing Zoning District(s)	Existing Use
North	"MF-33 H RIO-1 AHOD" Multi-Family River Road Historic River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling and Parking Lot

South	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling and Park
West	“C-2 H RIO-1 AHOD” Commercial River Road Historic River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling and Car Wash

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

The property is within the boundaries of River Road Neighborhood Plan and designated as “Low Residential Density” in the future land use component of the plan. The subject property is located within the boundaries of the River Road Neighborhood Associations. As such, each were notified and asked to comment.

### **Street Classification**

Trail 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, the variances are required to allow for a community project reducing the lot depth and rear setback reduction and still providing equal access to air, light and fire separation distances.**

**Allowing the 18’ wide access easement would not provide enough access for vehicle maneuvering and emergency vehicles. Staff recommends a 20’ minimum right-of-way to allow for appropriate vehicle and ambulance access.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Literal enforcement of the ordinance would prevent the proposed project to be developed, due to the land-locked nature and abnormal geometry of the parcel.**

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 rather than the strict letter of the law. In this case, the intent of the code is to protect adjacent residential uses from the anticipated impacts of this multi-family project.**

**The proposed setback reduction will be reduced only in a section to a minimum of 1' and the lot depth will still permit for a compact housing project.**

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 variance will not authorize the operation of a use other than those uses specifically authorized 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.*

**Allowing the lot depth reduction to a minimum of 33' and the rear setback reduction to a minimum of 1' would not negatively affect the ability of adjacent property owners to use their land in the appropriate use. All adjacent properties are currently developed except for the Community Garden/Park.**

**A 20' minimum right-of-way will allow for a safe driveway for emergency vehicles and all future residents.**

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 plight of the owner is unique in that the property is surrounded by development and the abnormal geometry of the parcel. The lot is zoned to permit for this multi-family project.**

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

Denial of the requested variances will result in the applicant not been able to develop the project as proposed.

#### **Staff Recommendation**

Staff recommends **DENIAL with and Alternate Recommendation of 1) a 4' variance from the minimum right-of-way width of 24' to allow a driveway to be as narrow as 20' wide and APPROVAL 2) a 11' variance from the 12' rear setback requirement to allow new structures to be as narrow as 1' from the rear property line, and 3) a 47' variance from the 80' minimum lot requirement depth to be as narrow as 33' of lot depth, in BOA-19-10300023** based on the following findings of fact:

1. The requests does not negatively impact the surrounding property owners, and;
2. The proposed project adheres to all other setbacks and bufferyard requirements.