



City of San Antonio

Legislation Details (With Text)

File #: 21-1315

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 2/1/2021

Title: BOA-20-10300120: A request by Patrick Williams Christensen for a 40' variance to the minimum River Improvement Overlay (RIO-5) setback of 50' to allow the new residential units to be 10' away from the property line, located at 326 Riverside Drive. Staff recommends Approval (Council District 3) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. HDRC Commission Action Letter, 2. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-20-10300120

Applicant: Patrick Christensen

Owner: Peter Greenblum

Council District: 3

Location: 326 Riverside Drive

Legal Description: Lot NW 170 X 15 of Lot 5, N IRR 190 of Lot 6, North 207.86 of Lot 7, N 207.86 of E 102 of Lot 8, Block 21, NCB 7672

Zoning: "IDZ-1 H RIO-5 MC-1 AHOD" Limited Intensity Infill Development Zone Mission Historic River Improvement Overlay 5 Roosevelt Metropolitan Corridor Airport Hazard Overlay District with uses permitted in "MF-18" Limited Density Multi-Family District and "IDZ-1 H RIO-5 AHOD" Limited Intensity Infill Development Zone Mission Historic River Improvement Overlay 5 Airport Hazard Overlay District with uses permitted in "MF-18" Limited Density Multi-Family District

Case Manager: Azadeh Sagheb, Planner

Request

A request for a 40' variance to the minimum River Improvement Overlay (RIO-5) setback of 50', as described in Section 35-673, to allow the new residential units to be 10' away from the property line.

Executive Summary

The subject property is located at 326 Riverside Drive, 84' away from the Roosevelt Avenue and North of San Antonio River. The neighborhood is surrounded by mixed uses including high intensity commercial and industrial uses. The property is currently vacant, and its southeast corner is within the FEMA flood plain area.

The applicant is wanting to redevelop a former mobile home park and construct twenty-five (25) individual residential units on the property and rehab the existing home. The subject property is located within RIO-5 and the Mission Historic District and its rear side is facing the San Antonio River. The Unified Development Code requires that new construction in RIO-5 maintain a fifty (50) foot setback from the top of bank. The proposed new construction has only 10' rear setback. The Historic and Design Review Commission (HDRC) has reviewed and approved the proposed development and finds that due to site conditions that include a narrow site and the low scale of the development (small individual footprints), the proposed setbacks on the river side are appropriate.

The applicant's request for change of zoning from the commercial zoned property to Infill Development Zone received approval from the City Council on January 21, 2021.

Code Enforcement History

There is a Code Enforcement record for starting construction without permits and without Historic approvals dated December 9, 2019, which is closed.

Permit History

No relevant permits have been processed for this property.

Clear Vision Review

A review of Clear Vision is not required.

Zoning History

The subject property was annexed into the city by Ordinance 1391, dated September 23, 1944 and was originally zoned "B" Residence District. The property was rezoned to "B-2" Business District by Ordinance 61454, dated September 19, 1985. The previous "B-2" district converted to the current "C-2" Commercial District in the zoning district conversion that accompanied the adoption of the 2001 UDC, according to Ordinance 93881 in May 2001. The rezoning request for "IDZ-1" Limited Intensity Infill Development was approved by the City Council on January 21, 2021 with the ordinance forthcoming.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"IDZ-1 H RIO-5 MC-1 AHOD" Limited Intensity Infill Development Zone Mission Historic River Improvement Overlay 5 Roosevelt Metropolitan Corridor Airport Hazard Overlay District with uses permitted in "MF-18" Limited Density Multi-Family District and "IDZ-1 H RIO-5 AHOD" Limited Intensity Infill Development Zone Mission Historic River Improvement Overlay 5 Airport Hazard Overlay District with uses permitted in "MF-18" Limited Density Multi-Family District	Mobile Home Park
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-1 RIO-5 MC-1 AHOD" General Industrial River Improvement Overlay 5 Roosevelt Metropolitan Corridor Airport Hazard Overlay District	Industrial Lumber Company
South	"UZROW" Unzoned Right of Way & "R-6 CD H RIO-5 MC-1 AHOD" Single-Family Residential Mission Historic River Improvement Overlay 5 Roosevelt Metropolitan Corridor Airport Hazard Overlay District with uses permitted	San Antonio River, Mobile Homes
East	"C-2 H RIO-5 AHOD" Commercial Mission Historic River Improvement Overlay 5 Airport Hazard Overlay District	Trailer Park, Vacant Land and Business
West	"C-2 H RIO-5 MC-1 AHOD" Commercial Mission Historic River Improvement Overlay 5 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District	Vacant Structures and Land

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the South Central San Antonio Community Plan and is designated "Mixed Use" in the future land use component of the plan. The subject property is not within the boundaries of any Neighborhood Association.

Street Classification

Riverside Drive 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 variance is not contrary to the public interest as the applicant is proposing to build a high density residential at a pedestrian scale. The proposed development would create a pedestrian scale mixed-use node that maintains the residential character of the area.

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

Staff finds that any special conditions that, if enforced, would result in unnecessary hardship. The subject property is narrow, and to develop the lot for small scale multi-unit residential development would require encroachment into the 50' setback. So literal enforcement of the ordinance would create difficulty by reducing the developable area by 33%.

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 to ensure that development of an appropriate scale and design are placed along the river. The proposed development received approval from the HDRC. 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 permitted 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.*

The adjacent uses are high intensity commercial and industrial uses. The encroachment of the rear setback will not substantially injure these uses and will promote the essential character of the district.

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 property has been utilized as manufactured home residential lot for many years. Staff finds that the small and odd shape of the lot shall warrant the granting of this request.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Riverside Setback of the UDC Section 35-673 (d).

Staff Recommendation

Staff recommends **Approval** of the zoning variance in **BOA-20-10300120** based on the following findings of

fact:

1. The lot is small and has an odd shape; and,
2. If the variance is granted, there still will be 10' rear setback ; and,
3. A fifty (50) foot setback will reduce the development opportunities on the lot.