



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-1869

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 3/1/2021

**Title:** (Continued from 02/01/2021) BOA-20-10300135: A request by Ziga Architecture Studio PLLC for a request for a 5' variance to the minimum 10' rear setback, to allow two structures to be 5' away from the rear property line at 313 N Pine St. Staff recommends Approval. (Council District 2) (Mirko A. Maravi, Senior Planner, 210-207-0107, [Mirko.Maravi@sanantonio.gov](mailto:Mirko.Maravi@sanantonio.gov), Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments, 2. HDRC COA

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-20-10300135
Applicant:	Ziga Architecture Studio PLLC
Owner:	Henneke Financial Group LLC
Council District:	2
Location:	313 N PINE ST
Legal Description:	Lot 8, Block 3, NCB 585
Zoning:	"RM-4 H AHOD" Residential Mixed Historic Airport Hazard Overlay District
Case Manager:	Mirko A. Maravi, Senior Planner

### Request

A request for a 5' variance to the minimum 10' rear setback, as described in Section 35-310.01, to allow two structures to be 5' away from the rear property line.

### Executive Summary

The subject property is located on the east side of San Antonio within a single-family area in the Dignowity Hill neighborhood. The applicant is requesting a variance to a portion of the rear setback. Applicants received a Certificate of Appropriateness from the City of San Antonio Office of Historic Preservation (OHP) on November 18, 2020 in which the site plan illustrated the rear setback as 5 feet.

### **Code Enforcement History**

There are no open code enforcement violations.

### **Permit History**

There are no relevant permits pulled for the property.

### **Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and zoned “J” Commercial District. The property rezoned to “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-2” Two-Family Residence District converted to the current "RM-4" Residential Mixed District.

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

Existing Zoning	Existing Use
“RM-4 H AHOD” Residential Mixed Historic Airport Hazard Overlay District	Vacant

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

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H AHOD” Residential Mixed Historic Airport Hazard Overlay District	Single-family dwelling
South	“RM-4 H AHOD” Residential Mixed Historic Airport Hazard Overlay District	Vacant Lot
East	“RM-4 H AHOD” Residential Mixed Historic Airport Hazard Overlay District	Single-family dwelling
West	“R-4 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District	Single-family dwelling

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

The subject property is in the Dignowity Hill Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is within the Dignowity Hill Neighborhood Association.

### **Street Classification**

North Pine Street is classified as a Local A 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 rear setback variance of 5'-0" is not contrary to the public interest.**

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

**Literal enforcement of the ordinance would directly impact the feasibility of the new construction project as envisioned by the owners and designed.**

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

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

**This variance request only affects the minimum rear setback and allowable buildable area and does not impact the operation of a use not specifically authorized for the RM-4 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 requested variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the neighborhood. Many neighboring properties have reduced rear setbacks due to the historic character of the neighborhood and evolution of the urban fabric, and subdivision of lot parcels through the years.**

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 of this property that create the plight of the owner are the corner lot condition, historic design guidelines, and project design as approved by the Office of Historic Preservation and the Historic & Design Review Commission. The unique circumstances were not created by the current owner of the property and are not merely financial and are not due to the result of general conditions in the district in which the property is located.**

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

The alternative to the applicant's request is to request an Administrative Exception per UDC Section 35-482 (a) and locate the structure 5' forward.

### **Staff Recommendation**

Staff recommends **Approval** in **BOA-20-10300135** based on the following findings of fact:

1. The rear of the two (2) proposed single-family structures will be 5' from the side property line of the adjacent conforming property; and
2. The structure will maintain a 10' separation from the adjacent structure.