



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2027

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 3/15/2021

**Title:** (Continued from December 21, 2020) BOA-20-10300119: A request by Patrick Williams Christensen for a zoning variance from the South Presa and South St. Mary's Neighborhood Conservation District design regulations to allow 1) a new residential development to be three stories and 38' in height, and 2) attached rear facing garages to be constructed, located at 1508 South St. Mary's Street. Staff recommends Approval. (City Council District 1) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-20-10300119

**Applicant:** Patrick Williams Christensen

**Owner:** Norton Lincoln Akin & Hartley Sq LLC

**Council District:** 1

**Location:** 1508 South St. Mary's Street

**Legal Description:** Lots 1, 26 & 27, Block N, NCB 3078

**Zoning:** "IDZ-2 NCD-1 RIO-4 AHOD" Medium Intensity Infill  
Development Zone South Presa Street and South St. Mary's  
Street Neighborhood Conservation River Improvement Overlay  
4 Airport Hazard Overlay District with uses permitted for twenty  
(20) dwelling units

**Case Manager:** Azadeh Sagheb, Planner

### Request

Requesting a zoning variance from the South Presa and South St. Mary's Neighborhood Conservation District design regulations to allow 1) a new residential development to be three stories and 38' in height, and 2) attached rear facing garages to be constructed.

### Executive Summary

The subject property is part of a larger development located along the entire blockface of Playmoor street,

between South Presa and S St. Mary's Street. The applicant received approval from the Board for the portions of the property outside the RIO for the same variance requests on December 21, 2020. The applicant is requesting variances from the South Presa and South St. Mary's Neighborhood Conservation District (NCD-1) design standard that limits residential height to 35 feet (2-1/2 stories) and only allows rear detached garages. The proposed development will serve as a buffer between the commercial uses to the north and the residential community to the south.

The subject property is entirely in the NCD-1 zoning overlay with a portion in the RIO-4. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. The application for 1508 S St Mary's was received October 12, 2020, and the demolition review was completed and approved on November 12, 2020. Any proposed exterior alterations associated with the proposal will require approval from the Office of Historic Preservation. Approval of a site plan or renderings submitted as part of a zoning variance application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.

The Historic and Design Review Commission has reviewed the portion of this project located within RIO-4 for the subject lots of 1, 26 & 27. Per Section 35-674.01, the RIO guidelines only apply to five single-family or eight multi-family developments. The proposed development only has 4 single family units in the RIO area; one is a standalone structure; one is a two-unit shared wall structures and the last is half of a two-unit shared wall structure. As such, HDRC stated that obtaining a Certificate of Appropriateness is not required.

### **Code Enforcement History**

No relevant code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this property.

### **Clear Vision Review**

A review of Clear Vision is not required for this request.

### **Zoning History**

The subject property is in the original 36 square miles of the City of San Antonio and was originally "J" Commercial District. The subject property was rezoned by Ordinance 74924, dated December 9, 1991, from "J" Commercial District to "B-3" Business District and "B-3 NA" Business Nonalcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General Commercial District and the property zoned "B-3 NA" Business Nonalcoholic Sales District converted to the current "C-3 NA" General Commercial Nonalcoholic Sales District. The subject property was rezoned "IDZ-2" Medium Intensity Infill Development by Ordinance 2020-12-17-0945, dated December 17, 2020.

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

Existing Zoning	Existing Use
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<p>“IDZ-2 NCD-1 RIO-4 AHOD” Medium Intensity Infill Development South Presa Street and South St. Mary’s Street Neighborhood Conservation Zone River Improvement Overlay 4 Airport Hazard Overlay District with uses permitted for twenty (20) dwelling units, and “IDZ-2 NCD-1 AHOD” Medium Intensity Infill Development South Presa Street and South St. Mary’s Street Neighborhood Conservation Airport Hazard Overlay District with uses permitted for twenty (20) dwelling units</p>	Residential
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### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	<p>“C-3 NA HS NCD-1 RIO-4 AHOD” General Commercial Nonalcoholic Sales Individual Landmark South Presa Street and South St. Mary’s Street Neighborhood Conservation River Improvement Overlay 4 Airport Hazard Overlay District and “C-3 NCD-1 AHOD” General Commercial South Presa Street and South St. Mary’s Street Neighborhood Conservation Airport Hazard Overlay District</p>	Mexican Restaurant, Vacant building and Office Building
South	<p>“RM-4 NCD-1 RIO-4 AHOD” Residential Mixed South Presa Street and South St. Mary’s Street Neighborhood Conservation River Improvement Overlay 4 Airport Hazard Overlay District, “RM-4 NCD-1 AHOD” Residential Mixed South Presa Street and South St. Mary’s Street Neighborhood Conservation Airport Hazard Overlay District, and “C-3NA NCD-1 AHOD” General Commercial Nonalcoholic Sales South Presa Street and South St. Mary’s Street Neighborhood Conservation Airport Hazard Overlay District</p>	Single-Family Residence, Triplex and Storage Warehouse

East	“RM-4 NCD-1 AHOD” Residential Mixed South Presa Street and South St. Mary’s Street Neighborhood Conservation Airport Hazard Overlay District, and “C-3NA NCD-1 AHOD” General Commercial Nonalcoholic Sales South Presa Street and South St. Mary’s Street Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
West	“RM-4 RIO-4 AHOD” Residential Mixed River Improvement Overlay 4 Airport Hazard Overlay District	Brackenridge High School

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

The subject property is located within the Downtown Area Regional Center plan and is designated as “Urban Mixed Use” in the future land use component of the plan. The subject property is within the boundaries of the Lavaca Neighborhood Association and 200 feet away from the King William Association who were notified about the request and provided with the opportunity to comment.

### **Street Classification**

Playmoor is classified as a local street. South St. Mary’s Street and South presa Street are classified as secondary arterials type B.

### **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 requested variances are not in contrary to the public interest. The larger portion of the intended development has received approval from the Board and the requested variances will keep all the housing units in harmony along the corridors.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**The additional three feet requested variance to build a 3-story structure is not contrary to the public interest and does not negatively impact any of the surrounding residents or uses. A literal enforcement of the ordinance would result in hardship to follow a different pattern for the remaining three blocks.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The spirit of the Neighborhood Conservation District design standards is to encourage developments that preserves the character and culture of the Lavaca community. The proposed development would comprise the entire blockface between two corridors. Therefore, 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.*  
**The requested variances will not permit a use not authorized within the district it is located in.**

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 variances will not injure the adjacent uses which include the Brackenridge High School campus, several commercial and residential uses along the rear side of the subject property.**

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.*

**Staff finds that the applicant is requesting the variances to keep all the residential units consistent and the unique circumstances were not created by the owner of the property and are not financial in nature.**

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

The alternative to the applicant's request is to conform to the South Presa and South St. Mary's Neighborhood Conservation District design standards of the UDC Section 35-335.

### **Staff Recommendation**

Staff recommends **Approval** of the variances in **BOA-20-10300119** based on the following findings of fact:

1. If the variances granted, the whole development would be in harmony without putting the community out of character, and;
2. The HDRC reviewed the proposed development and found it not subject to the RIO guidelines.