



City of San Antonio

Agenda Memorandum

File Number:16-4907

Agenda Item Number: 8.

Agenda Date: 9/19/2016

In Control: Board of Adjustment

Case Number: A-16-143
Applicant: ACL Creek Ventures, LLC
Owner: ACL Creek Ventures, LLC
Council District: 10
Location: Generally located northwest of the Higgins Road and Bromley Place Intersection
Legal Description: Lot P-6, NCB 15688
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a five foot variance from the ten foot required side setback opposite a zero lot line property, as described in Section 35-373(c)(5)(A), to allow a community with five foot side setbacks opposite a zero lot line rather than ten foot side setbacks and 2) a request for a variance from the provision that states that a zero lot line property shall not abut a non-zero lot line property, as described in Section 35-373(c)(5)(B), to allow a total of four (4) zero lot line properties to abut non-zero lot line properties.

Executive Summary

The subject property is located at the northwest corner of the Higgins Road and Bromley place intersection. The lot is currently a vacant parcel with multi-family zoning. Although zoned "MF-33" Multi-Family District, the Unified Development Code includes a provision that permits single-family development within the "MF-33" zone so long as the lots are subdivided to "R-4" Residential Single-Family lot standards. Further, the applicant is seeking to build out a zero-lot-line subdivision. Only a portion of the subdivision is included in this variance request. Due to project constraints, the balance of the subdivision will be re-platted later into a zero lot line format.

Zero lot line subdivisions are intended to provide a larger, more usable yard on the side of the property. Zero-lot-line developments are characterized by having the side wall of the home on a side property line with a ten foot side setback, to include a five foot maintenance easement, on the opposite side versus traditional development with five foot side setbacks on either side of the dwelling. The ten foot side setback is established for maintenance and access on each property.

Further, the code includes a provision which states that zero lot line development shall not be located adjacent to non-zero lot line properties. In total, four lots are proposed to have a zero lot line that abut traditional lots.

Existing Zoning	Existing Use
“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Vacant, Proposed Single-Family Dwellings

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Vacant
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and designated as Suburban Tier in the future land use component of the plan. The subject property is not located within 200 feet of the El Chaparral/Fertile Valley Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 public interest is represented by lot layout standards that ensure compatible development within the city of San Antonio. Staff reviewed the request with the City’s Fire Protection. That team found that the request does meet the minimum five foot spacing requirement to ensure fire separation safety. Further, because the rest of the subdivision will eventually be re-platted into a zero lot line community, staff finds that the second variance request is only temporary in nature and, therefore, not contrary to the public interest.

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

The special condition present in this case is the temporary nature of the variance request. The applicant has plans to later re-plat the remaining portion of the subdivision into a zero lot line development.

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

Granting the requested variances will result in substantial justice in that the proposed development will still meet fire safety codes. Further, substantial justice will be observed as it will allow the applicant to proceed with their subdivision and later re-plat the remaining portion of the community into a zero lot line community.

4. The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “MF-33 AHOD” Multi-Family Airport Hazard Overlay 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.

Eventually, the entire community will be a zero lot line development. Because all properties will share in the reduced side setbacks, and that no one lot will be developed differently than others, staff finds that the request is unlikely to detract from the essential character of the community.

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 present in this case is the temporary nature of the variance request. This is not the fault of the owner of the property, nor is the variance request merely financial in nature.

Alternative to Applicant’s Request

The applicant would need to comply with the ten foot side yard setback and would not be permitted to place a zero lot line property adjacent to a non-zero lot line property.

Staff Recommendation

Staff recommends **APPROVAL** for the variance requests in **A-16-143** based on the following findings of fact:

1. The reduced setback satisfies fire safety codes;
2. The request to permit zero lot line properties adjacent to non-zero lot line properties is only temporary in nature.