



# City of San Antonio

## Agenda Memorandum

**File Number:**16-4911

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**Agenda Item Number:** 2.

**Agenda Date:** 9/19/2016

**In Control:** Board of Adjustment

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**Case Number:** A-16-150  
**Applicant:** Mario Gonzalez  
**Owner:** Graystreet Presa LLC  
**Council District:** 1  
**Location:** 1226 S. Presa Street  
**Legal Description:** Lots 7, 8, 14, 15, 16, A-17, A-18, A-19, A-20, Block 7, NCB 734  
**Zoning:** "IDZ NCD-1 AHOD" Infill Development Zone S. Presa/ S. St. Mary's Neighborhood Conservation Airport Hazard Overlay District with uses permitted in C-2 Commercial and MF-70 Multi-Family and "IDZ H AHOD" Infill Development Zone Lavaca Historic Airport Hazard Overlay District with uses permitted in C-2 Commercial and MF-70 Multi-Family  
**Case Manager:** Margaret Pahl AICP, Senior Planner

### **Request**

A request for variances from the S. Presa/S. St. Mary's Neighborhood Conservation District (NCD-1) standards 1) which limit building height to 2.5 stories and 35 feet to allow 3 story buildings up to 39 feet in height; and 2) which prohibit attached garages in order to allow them.

### **Executive Summary**

The subject property is slightly larger than one acre and was rezoned to Infill Development Zone (IDZ) in May of 2015 to facilitate the redevelopment of this prominent corner in the Lavaca Historic District. The proposal included demolition of two structures and relocating and restoring a historic home on the property. Approval was granted and will result in approximately 25 residential units and 3,000 square feet of commercial space. Some of the project will be subject to review by the Office of Historic Preservation and the remaining must comply with the provisions of the NCD. The project as proposed includes a diverse selection of housing types with two-story single family detached structures adjacent to the existing homes in the historic district and a commercial mixed-use building on the corner of S. Presa Street. The remaining housing design includes three-story townhomes with parking on the ground floor. Even though the property was zoned IDZ which eliminates the requirement for off-street parking, the market demands off-street parking to succeed.

The applicant is seeking variances to the number of stories and building height, along with the prohibition against attached garages. According to the applicant, the NCD standards were not written with townhome construction in mind. In addition, during the recent 2015 amendments to the Unified Development Code, the City Council adopted a revised height provision for townhomes within the IDZ, allowing up to four stories.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“IDZ NCD-1 AHOD” Infill Development Zone S. Presa/S. St. Mary’s Neighborhood Conservation Airport Hazard Overlay District with uses permitted in “C-2” Commercial and “MF-70” Multi-Family “IDZ H AHOD” Infill Development Zone Lavaca Historic Airport Hazard Overlay District with uses permitted in “C-2” Commercial and “MF-70” Multi-Family	Residential Structure

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“RM-4 HS AHOD” Residential Mixed Historical Significant Airport Hazard Overlay District	Residential Structure
South	“C-2 HS NCD-1 AHOD” Commercial Historical Significant S. Presa/S. St. Mary’s Neighborhood Conservation Airport Hazard Overlay District	Office
East	“R-6 NCD-1 AHOD” Residential Single-Family S. Presa/S. St. Mary’s Neighborhood Conservation Airport Hazard Overlay District	Park
West	“R-6 NCD-1 AHOD” Residential Single-Family S. Presa/S. St. Mary’s Neighborhood Conservation Airport Hazard Overlay District	Residential Structure

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

The property is within the boundaries of the Lavaca Neighborhood Plan and currently designated as Mixed Use in the future land use component of the plan. The subject property is located within the Lavaca Neighborhood Association boundary. As such they were 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 overlay standards which aim to require compatible infill. The applicant is seeking variances to allow for off-street parking, a goal consistent with the public interest. This off-street parking is located on the first floor of a three story building, making both variances linked to off-street parking.**

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

**The literal enforcement of the ordinance would require that the construction be limited to 2.5 stories, eliminating the potential to provide off-street parking. The literal enforcement of this limitation creates an unnecessary hardship by preventing the provision of attached garages, an amenity desired in this**

**neighborhood.**

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 represented by the intent to prohibit incompatible infill adjacent to a single story historic home along a corridor not designated as a historic district. The size and location of this parcel, coupled with the specific accommodation made for the adjacent residential homes, make these variances consistent with the intent of the NCD.**

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 “IDZ NCD-1 AHOD” Infill Development Zone S. Presa/S. St. Mary’s Neighborhood Conservation Airport Hazard Overlay District with uses permitted in “C-2” Commercial and “MF-70” Multi-Family.**

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 proposed project design is sensitive to the neighboring uses and existing buildings. The taller buildings are proposed on the project edge across from the Florida Park and a busy neighborhood collector. Staff recommends that the variances will not injure the adjacent properties.**

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 size of the site and its location along a commercial corridor make the design specifics challenging. As a result, the applicant has selected several types of houses for the property, including townhomes, a design not contemplated in the design standards.**

### **Alternative to Applicant’s Request**

The applicant could eliminate off-street parking and build two story townhomes.

### **Staff Recommendation**

Staff recommends **APPROVAL of variance request in A-16-150** based on the following findings of fact:

1. The applicant is proposing compatible two-story homes adjacent to existing residential.
2. The NCD standards do not specifically address townhome design or small lot infill.