



City of San Antonio

Agenda Memorandum

File Number: 17-2231

Agenda Item Number: 3.

Agenda Date: 3/20/2017

In Control: Board of Adjustment

Case Number: A-17-067
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: Shepard Beamon, 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 proposed residential 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 two (2) 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. The portions being considered for the variances are the remaining Phase II and III of the subdivision. 17 of the 20 proposed lots within this request will contain the requested five foot setback. The remaining three lots will meet the 10 foot side setback required for zero-lot lines. The Board previously heard and approved a similar request in September 2016. The previous request proposed 43 lots with zero-lot lines. In total, there will be 60 zero-lot line lots with five foot side setbacks.

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, two 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; “R-4 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Vacant
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwellings (Non-Zero Lot Lines)

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. The request meets the minimum five foot spacing requirement to ensure fire separation safety, as required by the City’s Fire Protection. Further, as there are only two lots with zero-lot lines that abut one non-zero lot, it is unlikely that the non-zero lot will be negatively impacted.

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 location of a retention pond on the site. If required to meet the 10 foot setback, the pond will create conditions that limit the spacing, number, and configuration of the homes on the site.

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 complete the development in a uniform manner.

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.

Since the request is similar to the previous request heard and approved by the Board and half of the development consists of zero-lot lines, it is unlikely the approval of the variance will result in the alteration of the essential character of the neighborhood. As the five foot setback provides adequate room for maintenance, the reduced setback is unlikely to injure the adjacent property owner.

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.

Upon construction, the property will have to include a retention pond that will result in a loss of developable space on site. This is no fault of the owner.

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-17-067 based on the following findings of fact:

1. The reduced setback satisfies fire safety codes;
2. The requests are consistent with the previously approved Phase I zero-lot line properties;
3. The requests are unlikely to negatively impact adjacent properties.