



City of San Antonio

Agenda Memorandum

File Number:17-3856

Agenda Item Number: 4.

Agenda Date: 6/19/2017

In Control: Board of Adjustment

Case Number: A-17-121
Applicant: HDC Freedom Hills, LLC
Owner: HDC Freedom Hills, LLC
Council District: 4
Location: 6703, 6707, 6011, 6715 Freedom Ranch; 6603 Freedom Ridge
Legal Description: Lot 28-31, Block 146, NCB 15228; Lot 3, Block 153, NCB 15228
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a 10 foot variance from the 20 foot rear setback on Lots 28-31 to allow a 10 foot rear setback and 2) a 5 foot variance from 20 foot rear setback on Lot 3 to allow a 15 rear setback, as described in Section 35 -310.01.

Executive Summary

The subject property is currently vacant and is proposed to be subdivided into 56 single-family lots, as a part of the Freedom Hills Subdivision Plat. Under the current "R-5" zoning, each lot will need to provide a 20 foot rear setback. The applicant is requesting a 10 foot rear setback for four (4) lots that abut Ray Ellison Blvd. (Lots 28-31) as those lots do not allow for adequately sized building pads due to irregularities of the rear property line. According to the applicant, the irregularities of the rear property line were created when the previous land owner conveyed small, irregular shaped parcels of the Low Impact Development (LID) improvements installed by the City as part of the Ray Ellison Blvd Street and Bond Project. The 15 foot setback for Lot 3 is also due to the unconventional shape of the corner, triangular lot.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District; "MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Dwellings, Vacant
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District; "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Church
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the United Southwest Community Plan and is currently designated Low Density Residential under the future land use. The subject property is located within the boundaries of the People Active in Community Effort and they were 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, given the lot constraints on the subject properties, granting the variances still provides adequate accessibility to light, air, and open space.

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

If enforced, the ordinance would significantly reduce the amount of developable space on each site. The irregular lot configurations are the result of the Ray Ellison Blvd. improvements and the overall site's measurements. Conforming to the required setback would result uninhabitable and undesirable homes.

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

Substantial justice will be done as the requested setbacks will still promote safe development patterns for the City of San Antonio. Both requests provide access to quality light and air, and provide for adequate fire separation.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-5 AHOD" Residential Single-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.*

The 10 foot variance is highly unlikely to injure adjacent property owners as Lots 28--31 share a rear property line with the public right-of-way and are not directly abutting residential properties. The five foot variance is also unlikely to injure the adjacent property owner as the requested 15 foot setback provides adequate room for maintenance without trespass and will not create any health or safety hazards.

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 existing on the site was created by the City's Low Impact Development improvements, which included land dedication from the subject properties. The unique circumstance present on Lot 3 is the result of the overall property's boundary conditions, resulting in the non-traditional shaped lot.

Alternative to Applicant's Request

Denial of the variance requests would result in the lots meeting the 20 foot rear setback.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-17-121**, based on the following findings of fact:

1. The requested setbacks provide room for adequate light, air, and maintenance;
2. The variances are unlikely to detract from the character of the district;
3. The variances are unlikely to have a negative impact on the adjacent properties;
4. The irregularity of the lot shapes create conditions that make the lots difficult to develop while meeting the 20 foot rear setback.