



City of San Antonio

Agenda Memorandum

File Number:18-3656

Agenda Item Number: 4.

Agenda Date: 6/4/2018

In Control: Board of Adjustment

Case Number: A-18-100
Applicant: Jorge A. Mariscal
Owner: Jorge A. Mariscal
Council District: 1
Location: 1038 West Woodlawn Avenue
Legal: Lot 47, Block 43, NCB 1851
Description:
Zoning: "MF-33 S NCD-5 AHOD" Multi-Family Beacon Hill
Neighborhood Conservation Airport Hazard Overlay District
with Specific Use Authorization for a Day Care Center and
"MF-33 NCD-5 AHOD" Multi-Family Beacon Hill
Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 30% variance from the 50% front yard impervious cover limitation, as described in Section 35-515 (d)(1), to allow 80% of the front yard to be covered in impervious surfacing.

Executive Summary

The subject property is located at 1038 West Woodlawn Avenue, approximately 110 feet east of Michigan Avenue. The applicant is requesting a variance to permit the front yard of the subject property to be paved with concrete and topped with red brick pavers for parking for 3 housing units. The applicant states that the front yard was previously covered with unattractive asphalt. The applicant intends to leave about 275 square feet of space left open for landscape and flower beds. The applicant states that asphalt was removed and installed underlying concrete and was not aware this required permits but did not receive a stop work order from Code Enforcement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 S NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Specific Use Authorization for a Day Care Center and “MF-33 NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Midtown Neighborhood Plan and is currently designated Medium Density Residential in the future land use component of the plan. The subject property is within the Beacon Hill Neighborhood Association. 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 impervious coverage limitation preserves storm water management by reducing runoff and increasing

storm water travel times. Further the regulations are provided to prevent front yards from being covered by impervious surfaces, which can detract from the character of the community. Staff finds the request is contrary to the public interest.

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

Staff is unable to establish a special condition that would allow a request for a variance from the impervious coverage limitation requirements.

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 the intent of the code, rather than the strict letter of the law. The intent of the impervious coverage limitation requirements is to prevent water flooding and to preserve the character of the community.

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 “MF-33 S NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Specific Use Authorization for a Day Care Center and “MF-33 NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation 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 impervious coverage decreases the amount of storm water retained on-site. Therefore, the requested variance could injure adjacent property owners.

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 did not find any unique circumstances that warrant the granting of the requested variance. The requested impervious cover exacerbates drainage issues and detracts from the character of the community.

Alternative to Applicant’s Request

The applicant would need to adhere to the impervious coverage limitation as described in Section 35-515 (d) (1).

Staff Recommendation

Staff recommends **DENIAL** of the variance in **A-18-100**, based on the following findings of fact:

1. The requested impervious cover reduces the ability for storm water to enter the ground which can harm adjacent property, and;

2. The impervious coverage will create inconsistency and alter the essential character of the neighborhood.