



City of San Antonio

Agenda Memorandum

File Number:19-1072

Agenda Item Number: 6.

Agenda Date: 12/17/2018

In Control: Board of Adjustment

Case Number: BOA-18-900015
Applicant: Andrew Tinsley
Owner: Andrew Tinsley
Council District: 2
Location: 204 Dinn Drive
Legal: Lot 177, Block 004, NCB 15730
Description:
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 27' variance from the 30' setback requirement, as described in Section 35-310.01, to allow two separate structures to be 3' away from the east property line and 2) a 27' variance from the 30' setback requirement, as described in Section 35-310.01, to allow a new structure to be 3' away from the rear property line.

Executive Summary

The subject property is located at 204 Dinn Drive, approximately 1,250 feet west of Fratt Road. The applicant is seeking two variances. The first is to reduce the required east side setback to allow for two separate new structures. The second request seeks to reduce the required rear setback to allow for a new structure. During field visits, staff noted that the area has a mix of commercial and residential lots as well as multiple vacant lots.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

No permit history related to this project exists on the property. The property owner is seeking variances to allow for permits to be issued and begin construction.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Vacant Land

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Vacant Land
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Land
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Professional Office
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Land

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not within the boundaries of any neighborhood, community, or sector plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Dinn Street is classified as a Local Street.

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 setbacks to prevent fire spread and to protect adjacent property owners. The requested 3’ rear and 3’ side setbacks are not contrary to public interest as there is a large vacant field to the South of the subject property and City-owned drainage to the East. Staff finds that the requests are not contrary to the public interest.

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

A literal enforcement of the ordinance would result in unnecessary hardship as the requested setbacks consume 80% of the lot. Enforcing the full requirement removes developable space which leaves the project with insufficient space to develop. A variance is required to develop this property.

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

The intent of rear and side setbacks is to create an open area without crowding of structures and to

establish uniform development standards to protect the rights of property owners. In this case, the proposed setback reductions will not injure the rights of adjacent property owners as a large vacant field is to the South of the subject property and City owned drainage to the East. These requests observe the intent of the code.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the zoning 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 3' rear setback and the 3' side setback would allow for the development of the structures, which will enhance the property. It is highly unlikely that the requested variances will detract from the essential character of the community, especially considering that the area has some commercial and residential and multiple vacant lots and because there are no nearby uses to be harmed.

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 in this case the subject property is only 70' wide which restricts the owner's ability to develop without reducing the 30' side setback requirement. The property is narrow and warrants some relief to allow for development.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to comply with the side building setbacks as defined within Section 35-310.01

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-18-900015**, based on the following findings of fact:

1. The requests do not negatively impact surrounding property owners, and;
2. The narrow lot size restricts the ability to develop the property as intended without some relief from development standards.