



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3897

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**Agenda Item Number:** 1.

**Agenda Date:** 5/6/2019

**In Control:** Board of Adjustment

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**Case Number:** BOA-19-10300041  
**Applicant:** Laurie Cassidy  
**Owner:** David M. Freeman  
**Council District:** 1  
**Location:** 715 Camden Street  
**Legal:** Lot 14, Block 9, NCB 838  
**Description:**  
**Zoning:** "FBZD T4-1 AHOD" Form Based Zone Transect 4  
Calibrated (T4-1) Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for 1) a waiver from the 12 month time limitation on subsequent applications, and 2) a variance from the Form Based Zone (T-4) regulations that restrict parking within the first layer, as described in Section 35-209, to allow the property to be developed with parking spaces in the first 1/3 of the lot depth.

### **Executive Summary**

The subject property is located at 715 Camden Street, 180 feet east of Brooklyn Avenue. The applicant is requesting relief from the Form Based Zone District (T-4) regulations that restrict parking within the first layer to allow an existing property to be developed with parking spaces in the first 1/3 of the lot depth. On February 4<sup>th</sup>, 2019 the Board of Adjustment denied their request.

Since then the existing house at the subject address was recently deemed not historic. The intent of Form Based Zone District (T-4) regulations that restrict parking within the first layer is to create a visual character reinforcing community identity. This variance request includes the intention to demolish buildings. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation (OHP) reviews all demolition applications for any property located within the city limits of San Antonio. On March 21, 2019 OHP approved the applicants request to demolish the existing structure.

### **Code Enforcement History**

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported.

### **Permit History**

No permits have been issued for this project.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“FBZD T4-1 AHOD” Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Vacant Building

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“FBZD T4-1 AHOD” Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Medical Office
South	“FBZD SD AHOD” Form Based Zone Specialized District Airport Hazard Overlay District	School
East	“FBZD T4-1 AHOD” Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Multi-Family Dwelling
West	“FBZD T4-1 AHOD” Form Based Zone Transect 4 Calibrated (T4-1) Airport Hazard Overlay District	Commercial

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

The subject property is within the boundaries of the Downtown Neighborhood Plan and currently designated as “Mixed Use” in the future land use component of the plan. The subject property is located within the boundaries of the Downtown Residents Association. As such, they were notified and asked to comment.

### **Street Classification**

Camden Street is classified as a Collector 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 proposed project is intending to redevelop an existing structure where parking is located within the first layer. The existing building has been at the same location since 1920, according to Bexar County Appraisal District, well before the Form Based Zone was adopted. If granted, this request would be in**

harmony with the spirit and purpose of the ordinance.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**Literal enforcement of the ordinance would not allow the owner of the property to redevelop the building as proposed. The building would have to be demolished or moved to the front of the first layer to comply with this ordinance.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The intent of Form Based Zone District (T-4) regulations that restrict parking within the first layer is to create a visual character reinforcing community identity. The parking modification of the subject property will not significantly disrupt uniformity and will not injure the rights of adjacent property owners.**
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 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 redevelopment of the structure will not detract from the neighborhood as the issue is related to pre-existing building form.**
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 is the existing building has been in the same location since 1920 and moving the entire structure would be challenging.**

#### **Alternative to Applicant's Request**

Denial of the variance would result in the owner having to meet the Form Based Zone District (T-4) regulations that restrict parking within the first layer.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300041**, based on the following findings of fact:

1. The request does not alter the essential character of the district, and;
2. The applicant is only seeking parking allocation not parking reduction.