



# City of San Antonio

## Agenda Memorandum

**File Number:**20-6063

**Agenda Item Number:** 2.

**Agenda Date:** 10/19/2020

**In Control:** Board of Adjustment

Case Number:	BOA-20-10300090
Applicant:	Patrick Attwater
Owner:	901 Mason, LLC
Council District:	2
Location:	901 Mason Street
Legal Description:	Lot South 137.0 of Lot 9 & 10 & the North 50 Feet of the East 24 Feet of Lot 9 ARB 9C, 10A, & 9B, Block 3, NCB 1267
Zoning:	“O-2 H HS MLOD-3 MLR-2 AHOD” High-Rise Office Government Hill Historic Significance Martindale Army Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

### **Request**

A request for a 4’ 3” variance to the minimum setback requirement of 5’, as described in Section 35-370(b), to allow a detached carport to be 9” away from the rear property line.

### **Executive Summary**

The subject property is located on the northeast corner of the Spofford and Mason Street intersection. There is currently an office use on the subject property with surface off-street parking. The applicant is requesting the variance in order to construct a carport for coverage of multiple vehicles. In order to have enough area for the vehicles to drive into and reverse from their spots, the applicant is requesting to construct the overhang 9” away from the property line. The solid steel columns that hold the structure upright are 6’ 8” feet away from the property line. There is currently a single-family residence constructed on the abutting property. Since the property does have a Historical Overlay District, the applicant was heard by the Historical Design Review Commission and received an Approval. The Certificate of Appropriateness was requested for the installation of an 8-vehicle, metal carport with solar collectors. The Commission approved the request with stipulations to incorporate landscape screening into the design, and the Certificate of Appropriateness was issued on February

19, 2020

### **Code Enforcement History**

There is no relevant code enforcement history on file for the property.

### **Permit History**

Building permits for solar carport pulled for the property July 31, 2020.

### **Zoning History**

The subject property is located in the original 1938 San Antonio City Limits and was zoned “D” Apartment District. The zoning changed from “D” to “O-1” Office District, established by Ordinance 90274, dated August 12, 1999. The zoning converted from “O-1” to “O-2” High-Rise Office District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“O-2 H HS MLOD-3 MLR-2 AHOD” High-Rise Office Government Hill Historic Significance Martindale Army Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Office Building

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Significance Martindale Army Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
South	“R-6 H HS MLOD-3 MLR-2 AHOD” and “RM-5 H HS MLOD-3 MLR-2 AHOD” Residential Single-Family and Residential Mixed Government Hill Historic Significance Martindale Army Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential

East	“R-6 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Significance Martindale Army Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
West	“RM-5 H HS MLOD-3 MLR-2 AHOD” Residential Mixed Government Hill Historic Significance Martindale Army Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential

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

The subject property is in the Government Hill Community Plan and is designated “Medium Density Residential” in the future land use component of the plan. The subject property is in the boundaries of the Government Hill Neighborhood Association and as such, they were notified of the case.

#### **Street Classification**

Mason Street and Spofford Street are both classified as local streets.

#### **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 variance is not contrary to the public interest as the applicant is proposing to add covered parking for employees of the business and will still maintain some distance to the adjacent structure.**

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

**Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship. With the limited amount of space on the property, moving the structure farther away from the property line will result in difficulty maneuvering vehicles on the property.**

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 defined as the intent of the code, rather than the exact letter of the law. The intent of the accessory structure setbacks is to provide spacing between neighboring structures. The applicant will still maintain some space between structures with a downward-sloping angle.**

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

**No uses other than those allowed within the district will be allowed with this variance.**

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 request to reduce the setback does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district.**

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 finds that the location of the accessory structure and proposed plans for the lot shall warrant the granting of this request. The applicant was informed of the limitations incurred by the ordinance and submitted the request for a variance.**

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

The alternative to the applicant's request is to conform to the Accessory Structures of the UDC Section 35-370 (b).

#### **Staff Recommendation**

Staff recommends **Approval** of the zoning variance in **BOA-20-10300090** based on the following findings of fact:

1. The proposed accessory structure will be constructed 9" away from the property line; and
2. The proposed accessory structure will be 5' away from the adjacent structure.