



City of San Antonio

Agenda Memorandum

File Number:21-4165

Agenda Item Number: 3.

Agenda Date: 6/7/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300034
Applicant:	Small House Solutions
Owner:	MTRE HOLDINGS LLC
Council District:	1
Location:	201 Hickman Street
Legal Description:	Lot 19, NCB 3082
Zoning:	"IDZ NCD-5 AHOD" Infill Development Zone Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Residential Single-Family Uses
Case Manager:	Mirko Maravi, Senior Planner

Request

A request for variances to the Beacon Hill Neighborhood Conservation District (NCD-5) design standards as follow: 1) a 7'1" variance to the required minimum front setback of 20' to allow a 12'11" front setback, 2) a variance to the restriction to allow a driveway gate, 3) a variance to the same material and proportion requirement for new street-facing fences for corner lots to allow a steel fence in the front yard, 4) a 20' variance to the maximum width of 12' for a driveway to allow a driveway width of 32'.

Executive Summary

The subject property is located on the corner of Hickman Street and railroad tracks. The applicant is seeking to build a single-family dwelling on a 2,430 square foot lot in the Beacon Hill Area Neighborhood Conservation District. The property is smaller in size than most properties in the neighborhood and was rezoned in 2015 to an infill zoning classification to allow development of a single family home.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There is no relevant Permit history.

Zoning History

The property was part of the original 36 square miles of the City of San Antonio, and originally zoned “J” Commercial District. The property was rezoned by Ordinance 86704, dated September 25, 1997 to the “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District. converted to the “R-6” Residential Single-Family District. The property was rezoned by Ordinance 2015-03-05-0162, dated March 5, 2015 to the current “IDZ” Infill Development Zone District with uses permitted for Residential Single-Family.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"IDZ NCD-5 AHOD" Infill Development Zone Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Residential Single-Family Uses	Vacant Lot

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 Residence
South	"C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Vacant Lot
East	Right of Way	Railroad Tracks
West	"R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Neighborhoods Plan and is designated “Mixed Use” in the future land use component of the plan. The subject property is located within the Beacon Hill Neighborhood Association, and within 200 feet of the Alta Vista Neighborhood Association and Five Points Owners Association which were notified of the case.

Street Classification

Hickman Street is classified as a Local Road.

Criteria for Review - Variance

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. Several of the variances to the Beacon Hill NCD Design Standards are considered contrary to the public interest since the NCD was adopted to maintain the character of the area. Allowing a gate across the driveway and allowing for a wider driveway would be contrary to the public interest in that this is not a common characteristic found in the neighborhood.

The size of the lot prevents certain NCD standards from being abided by if a single-family residence is built on it. The property is the only one on the block. The front yard of this property is abutting the side yard of the property next door. The requested variance to the front setback would still be consistent with the side setback of the abutting property, maintaining a consistent setback across the block. If the subject property were to comply with the requirement of same material and proportion requirement for new street-facing fences for corner lots, this would result in chain link fencing for the front yard, which chain link fencing in the front yard is prohibited.

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

Literal enforcement of the driveway standards would not result in unnecessary hardship.

Literal enforcement of the front setback would create an inconsistent setback along the blockface.

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 variances to the front setback and fencing observe the spirit of the ordinance in relation to the size of the lot. While the NCD ordinance goal is to have matching fences in material and proportion in corner lots, it also prohibits new chain link fences.

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.*

If granted, the front setback and fencing variances will not alter the essential character of the district. With the property being at 2,430 square feet and the only property on its block-face, the essential character will remain.

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 with the size of the lot and being the only residential home on the block-face, the variances sought are due to unique circumstances and not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the NCD-5 and Ordinance 2015-03-05-0162 standards.

Staff Recommendation -

Staff recommends Denial of variances #2) to the restriction to allow a driveway gate and #4) a 20' variance to the maximum width of 12' for a driveway to allow a driveway width of 32' in **BOA-21-10300034** based on the following findings of fact:

1. The proposed gate and driveway width exceeds the NCD-5 standards.

Staff recommends **Approval** of variances #1) 7'1" variance to the required minimum front setback of 20' to allow a 12'11" front setback and #3) a variance to the same material and proportion requirement for new street-facing fences for corner lots to allow a steel fence in the front yard, in **BOA-21-10300034** based on the following findings of fact:

- 1) The property is smaller than surrounding lots and will be the only residential dwelling on the block-face