



City of San Antonio

Agenda Memorandum

Agenda Date: May 20, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300077

APPLICANT: Mario Morales

OWNER: Annalee Loera

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 92 Flann Street

LEGAL DESCRIPTION: Lot L, Block 4, NCB 2258

ZONING: "R-2 MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

CASE MANAGER: Colton Unden, Planner

A request for

A 1/2-story variance from the maximum 1.5 stories to allow a 2-story structure.
Section 35-310.01

Executive Summary

The subject property is located along Flann Street, north of West Commerce Street and South of West Martin Street located within the Prospect Hill Neighborhood Association. Before constructing on the vacant lot, the applicant is requesting ½ story variance to allow a full 2-story structure. The property was a part of a 2023 large area rezone that changed the zoning from "MF-33" to the current "R-2" (Z-2022-10700328).

Code Enforcement History

No relevant code enforcement history for the subject property.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and originally zoned “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “C” Apartment District converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2023-08-03-0516, dated August 3, 2023, to the current “R-2” Single-Family Residential District.

Subject Property Zoning/Land Use

Existing Zoning

“R-2 MLOD-2 MLR-2 AHOD” Single-Family Residential Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-1 MLOD-2 MLR-2 AHOD” Single-Family Residential Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Vacant Lot

South

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

“R-2 MLOD-2 MLR-2 AHOD” Single-Family Residential Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is located within the boundary of the Prospect Hill Neighborhood Association, and they have been notified of the request.

Street Classification

Flann is classified as a Local Road.

Criteria for Review – Half Story 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. For this case, the public interest is represented by story requirements for the protection of view for the adjacent residential uses. The applicant is requesting to deviate from the maximum 1 ½ stories, to allow a structure to be 2 stories tall. Staff finds this request is contrary to public interest of the abutting properties, as a more towering structure can impose onto the interest of the single-family residential uses.

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

There are no special conditions on the subject property that would warrant the need for a deviated story or height. A literal enforcement of the ordinance would result in the applicant altering the building plans to abide by the 1 ½ story height requirements. Abiding by the ordinance will not result in an unnecessary hardship in this case.

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. In this case, the spirit of the ordinance will not be observed, as the maximum story requirements are enforced for standards to protect access of light and air to public streets and adjacent building.

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 granting of this variance will allow for the structure to be 2 stories. This will injure the appropriate use of adjacent conforming properties, as all abutting residential properties are currently 1 story. The towering structure will impose onto the abutting properties by providing inadequate access to light and air. The granting of the variance will alter the essential character of the district as it is out of character with the surrounding area.

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 the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. Since the structure has not been constructed yet, the applicant has the option to alter building plans to abide by the story requirement.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot & Building Regulations of Section 35-310.01 of the Unified Development Code.

Staff Recommendation – Half Story Variance

Staff recommends Denial in BOA-24-10300077 based on the following findings of fact:

1. The towering structure will impose onto the abutting properties by providing inadequate access to light and air.
2. The request will alter the essential character of the district.