

Case Number:	BOA-23-10300309
Applicant:	Anna Salcedo Liebers
Owner:	Talamantes Strategic Investments LLC
Council District:	1
Location:	146 Valdez Avenue
Legal Description:	Lot 28, Lot 30, Lot 31, Lot 902, Block 5, NCB 6518
Zoning:	“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with uses permitted for four (4) Detached Townhomes
Case Manager:	Joseph Leos, Planner

Request

A request for 1) a 11'-6" variance from the required minimum 16'-6", as described in Section 35-343(c)(2)(B), to allow a 5' front setback, and 2) a full story variance from the maximum 2.5 stories, as described in Section 35-517(d)(2), to allow a structure with 3.5 stories.

Executive Summary

The subject property is located along Valdez Avenue, between US Highway 281 and North St. Mary’s Street. Property is zoned “IDZ” which requires a front setback that is within 10% of the median front setback of existing buildings on the block face. Median block face front setback is 18’-4”, and 10% would be 16’-6”. The property is also located within 50’ of a single-family dwelling which limits them to 2 ½ stories/35 feet. Development will propose to have 3 ½ stories.

Code Enforcement History

Code Work Order (CWO-INV-CWO-22-26100448)- March 2022

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment.
 Residential New Building Permit (RES-RBP-PMT23-36604876)- October 2023
 Residential New Building Permit (RES-RBP-PMT21-36603918) – July 2021
 Commercial Sitework Permit (COM-SIT-PMT21-40100275)- June 2021

Zoning History

The property was part of the original thirty-six (36) square miles of San Antonio and was originally zoned "B" Residence District. The property was rezoned by Ordinance 83331, dated December 14, 1991, 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 “R-6” Residential Single-Family District. The property was then rezoned by Ordinance 2018-08-16-0639 dated August 16, 2018, from to the current “IDZ” Infill Development Zone District with uses permitted for four (4) detached townhomes.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with uses permitted for four (4) Detached Townhomes	Vacant/Under Construction

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	ROW	US Highway 281
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Area Regional Center and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Tobin Hill Neighborhood Association, and they have been notified of the request.

Street Classification

Valdez Avenue is classified as a local road.

Criteria for Review –Front Setback and Height Variance

According to Section 35-482(e) of the UDC, 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 the median front setback to stay in line with the other structures on the block face and the maximum building height to prevent over towering of structures near single-family dwellings. Staff finds the requests are contrary to the public interest as it will create uneven front setbacks on the block face and create a structure that towers over single-family dwellings.

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 the applicant reducing the building size to meet the front setback and the allocated building height. While the lot is limited in size, it would not create an unnecessary hardship as the lot was established with these standards in place.

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 requested variances would not observe the spirit of the ordinance as the medium front setback would be reduced by over a third and the building height would be significantly taller than the surrounding structures.

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 structure will maintain 5' from the front property line and 3.5 stories, which will alter the essential character of the district. The front setback will be significantly less than the rest of the block face and the height will be towering over the surrounding properties.

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 unique circumstances for which the variances are sought were created by the owner of the property, are merely financial and are not due to the general conditions in the district in which the property is located. The property was subdivided the size that a reduced front setback becomes necessary and developed near single-family dwellings.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the IDZ Front Setback standards of the UDC Section 35-343(c)(2)(B) and the building height standards of the UDC Section 35-517(d)(2).

Staff Recommendation – Front Setback and Height Variance

Staff recommends Denial in BOA-21-10300309 based on the following findings of fact:

1. The front setback will be significantly less than the block face and the height will tower over the surrounding single-family dwellings; and
2. The request will alter the essential character of the district.