



City of San Antonio

Agenda Memorandum

Agenda Date: January 6, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300234

APPLICANT: ROR Realty

OWNER: Shawn and Elizabeth Krupalla

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 257 East Baylor Street

LEGAL DESCRIPTION: Lot 12, NCB 7568

ZONING: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District.

CASE MANAGER: Melanie Clark, Planner

A request for

1) A half story variance from the maximum 2.5 stories to allow for development of a 3-story residential structure.

Section 35-310.01

Executive Summary

Subject property is located south of the downtown area, near the intersection of IH-10 and Probandt Street. Lot is currently a vacant lot which and has a proposed development will have 3-stories. The zoning district restricts development to 2.5 stories.

Code Enforcement History

No Code Enforcement history found.

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 zoned “C” Local Retail District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted from “C” Local Retail District to “MF-33” Multi-Family District. The property was rezoned by ordinance 2006-12-14-1441 dated December 14, 2006, from “MF-33” Multi-Family District to “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District.

Existing Use

Vacant lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“NC IDZ AHOD” Neighborhood Infill Development Zone Airport Hazard Overlay District.

Existing Use

Vacant lot (Concrete Slab)

South

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District.

Existing Use

Single-Family Residence

East

Existing Zoning

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District.

Existing Use

Single-Family Residence

West

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District.

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in Downtown Area Regional Center Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the notification area of Lone Star Neighborhood Association, and they have been notified of the request.

Street Classification

East Baylor Street is classified as a Local Street.

Grand Jean Street is classified as a Local Street.

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. The requested half story variance is contrary to the public interest as the majority of the residential structures in the surrounding area conform to the two and a half story height limits.

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

A literal enforcement of the ordinance of the half story regulation would not result in unnecessary hardship as the applicant could alter the floor plan to follow the ordinance.

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. Staff finds that the half story variance will not observe the spirit of the ordinance as the building height limit is intended to prevent towering structures around single-family dwellings.

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, staff finds that the increased height will injure the use of appropriate use of conforming properties and alter the essential character of the district as the majority of other homes in the area do not exceed the building height limit.

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 variances are sought is not due to unique circumstances existing on the property. The property owner has the option to adjust the design of their proposed development.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Half Story Regulation of the UDC Section 35-310.01.

Staff Recommendation – Half Story Variance

Staff recommends Denial in BOA-24-10300234 based on the following findings of fact:

1. The half story regulation would not result in unnecessary hardship as the applicant could alter the floor plan to follow the ordinance.
2. The requested variances will alter the essential character of the district.