



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 4, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300195

**APPLICANT:** MRG Texas Holdings LLC

**OWNER:** MRG Texas Holdings LLC

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 300 John Adams Drive

**LEGAL DESCRIPTION:** Lot 9, NCB 7355

**ZONING:** "R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

**CASE MANAGER:** Colton Uden, Planner

**A request for**

A window configuration variance from the Jefferson Neighborhood Conservation District (NCD-7) window configuration standards.

Section 35-335(e)(5)(I)

**Executive Summary**

The subject property is located northwest of downtown, just south of Balcones Heights in the Jefferson Neighborhood Conservation District (NCD). The applicant, also being the property owner recently purchased the property. Prior to the property owner purchased the property, renovation started to replace the windows among other items. The Jefferson NCD standards for new and renovated windows is a height to width dimension ration of 2:1. The applicant is requesting a 52" height by 32" height windows on the front façade, which does not meet the NCD standard.

### **Code Enforcement History**

INV-PBP-24-3100005153 – Building without a Permit – initiated September 17, 2024

### **Permit History**

REP-MBR-APP24-35010115 – Minor Building Repair Permit – issued September 18, 2024

REP-MBR-APP24-35003809 – Minor Building Repair Permit – initiated April 17, 2024 – awaiting BOA decision.

MEP-ELE-PMT24-33323865 – Electrical Permit – August 18, 2024

MEP-MEC-PMT24-33928610 – Mechanical Permit – September 30, 2024

MEP-GAS-PMT24-34227249 – Plumbing Gas Permit – August 19, 2024

MEP-PLM-PMT24-34327244 – Plumbing General Permit – August 19, 2024

REP-ROF-PMT24-35203451 – Re-Roof Permit – August 14, 2024

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 1939, dated May 30, 1940. The property was rezoned by Ordinance 64079, dated November 20, 1986, to the “R-1” Single-Family Residence District, later converted by Ordinance 93881, dated May 03, 2001, to the current “R-6” Residential Single-Family District.

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

#### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

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

#### **North**

##### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

##### **Existing Use**

Single-Family Dwelling and School

#### **South**

##### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

##### **Existing Use**

Single-Family Dwelling

#### **East**

##### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West****Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Near Northwest Community 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 Jefferson Neighborhood Association, and they have been notified of the request.

**Street Classification**

John Adams Drive is classified as a Local Street

Willford Way is classified as a Local Street.

**Criteria for Review – Window Configuration 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 Jefferson Neighborhood Conservation Design standards states that windows for new or renovated construction shall have a vertical 2:1 ratio dimension. The requested variance will detract from the approved design standard, ultimately harming the general public welfare.

*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 having to conform to the vertical 2:1 ratio dimension which would not result in unnecessary hardship.

*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 variance does not appear to observe the spirit of the ordinance as the proposed windows would go against the Jefferson Neighborhood Conservation Design Standards.

*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.*

Staff finds the request for the variance may likely negatively affect the adjacent neighboring property as the NCD was adopted to preserve the character of the district, and the standards are not being met by this variance.

*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 and the need for the variance was created by the property owner.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Jefferson Neighborhood Conservation District standards of the UDC Section 35-335(e)(5)(I)

**Staff Recommendation – Window Configuration Variance**

Staff recommends Denial in BOA-24-10300195 based on the following findings of fact:

1. The requested window ratio is not consistent with NCD standards and will alter the essential character of the district.
2. The requested variance does not observe the spirit of the ordinance.