



City of San Antonio

Agenda Memorandum

Agenda Date: January 27, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300222

APPLICANT: Addison Thomas Martinez

OWNER: Addison Martinez

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 715 Piedmont Avenue

LEGAL DESCRIPTION: North 58.5 feet of Lot 7 and Lot 8, Block 1, NCB 1412

ZONING: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

1) A variance to allow three separate structures on an "RM-4" that is less than one-third of an acre.
Section 35-310.06 (1)(b)

2) A half-story variance from the maximum 2.5 stories to allow a 3-story structure.
Section 35-310.01 Note 11

3) A 7' variance from the minimum 10' rear setback regulation to allow a residential structure to be 3' from the rear setback.
Section 35-310.01

4) A 10' garage setback from the minimum 20' garage setback to allow (3) one car garages to be 10' from the property line.
Section 35-516 (g)

Executive Summary

Subject property is located east of Interstate 37, south of Iowa Street, on the corner intersection of Sanders Street and Piedmont Avenue. The applicant, being the property owner, is proposing construction of a third single-family residential structure on an “RM-4” lot less than one-third of an acre. Two (2) 564 square feet non-conforming residential structures, constructed in 1921, exist on the property. The proposed third, three-story structure, will be constructed behind the existing structures on the lot and will incorporate a 3-car garage to be utilized as designated off street parking for all 3 units on the property. Due to the existing units and limited lot size, the proposed structure will require a 7’ variance to allow for a 3’ rear setback. A 10’ garage setback variance will also be required to allow the proposed 3 car garage to be 10’ from the side property line, additionally, further building reviews determined that a half-story variance will be required due to the proposed height and proximity of adjacent single-family residences. Permits are pending the outcome of the Board of Adjustment

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

Subject property was part of the original 36 square miles of the City of San Antonio and zoned “C” Apartment District. The property was rezoned by Ordinance 79329 dated, December 16, 1993, to “R-2” Two Family District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “R-2” Two Family Residence District to “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Vacant lot

East

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Single-Family Residence

West

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Vacant lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Eastside Community Area 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 Denver Heights Neighborhood Association, and they have been notified of the request.

Street Classification

Piedmont Avenue is classified as a local road.

Sanders Street is classified as a local road.

Criteria for Review – Multi-Unit construction on an RM-4 less than 1/3 of an acre, Half Story, Rear Setback, and Garage Setback Variances

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. In this case, the public interest is represented by efficient land use by concentrating units within a single structure on a lot less than 1/3 of an acre, setbacks to maintain a safe distance between property lines and parking requirements deter off street parking to reduce traffic congestion. If granted, the request will be contrary to the public interest, as concentrating 3 separate units onto a lot less than 1/3 of an acre will promote overcrowding on smaller lots. The reduced rear and garage setbacks will not provide adequate spacing between properties and right of way leading to water run off on the adjacent properties. Additionally, the half story variance is contrary to the public interest as other 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.

Staff found no special conditions on the subject property that warrant deviating from the ordinances. Strict enforcement would require the applicant to follow UDC regulations for

constructing units within a single structure if the lot is under one-third of an acre, or the development can be redesigned to meet setback requirements.

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 the spirit will not be observed, as the limitation of dwelling units on a single lot is enforced to ensure efficient land use and maintain the quality of life in an established neighborhood. Deviating from this requirement allows for density requirements removes protections from smaller properties from becoming overcrowded.

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 “RM-4” zoned lot will be allowed to contain three separate structures on a lot that is less than one-third of an acre, which interferes with the development pattern of the neighborhood, which impacts the community feel of the neighborhood. Additionally, the increased height will injure the use of appropriate use of conforming properties and alter the essential character of the district.

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 as the plans can be adjusted to accommodate current UDC building requirements.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the RM-4 Multi-Unit Construction regulations of Section 35-310.06(a)(1), Half story and rear setback requirements of Section 35-310.01, garage setback requirements of Section 35-516 (g) and parking requirement of Section 35-526 Table 526-3a.

Staff Recommendation – Multi-Unit construction on an RM-4 less than 1/3 of an acre, Half Story, Rear Setback, and Garage Setback Variances

Staff recommends Denial in BOA-24-10300222 based on the following findings of fact:

1. Concentrating the 3 units on a lot 1/3 of acre or smaller will promote overcrowding on smaller lots.
2. The reduced setbacks do not provide adequate spacing between properties and right of way, and water run off may impose on the adjacent property.
3. The increased building height would alter the essential character of the district.