



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 23, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300167

**APPLICANT:** Clearfield Construction LLC

**OWNER:** Clearfield Construction LLC

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 4950 San Pedro Avenue

**LEGAL DESCRIPTION:** Lot 71, Block 8, NCB 9016

**ZONING:** "O-2 H AHOD" High-Rise Historic Olmos Park Terrace Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

1) A 19' variance from the minimum 25' front setback to allow a 6' front setback.  
Section 35-310.01 (Table 310-1)

2) A 9' and 4'-6" variance from the minimum 15' buffer to allow a 6' buffer in the front and a 10'-6" buffer in the rear.  
Section 35-510

**Executive Summary**

The subject property is located east of McCullough Avenue at the intersection of West Wildwood Drive and San Pedro Avenue. On January 2, 2024, Code Enforcement received a 311 Citizen Call regarding a fence that was installed on the property. During investigation it was determined that the fence had been installed without obtaining a permit and without consent of the Office of

Historic Preservation. The applicant, also being the property owner, received an approved Certificate of Appropriateness on July 19, 2024, through the Office of Historic Preservation for the fence and was granted permission for a proposed carport. The request was for a 751 square foot wood-framed carport with a r-panel roof on the south side of the property. Within the approved CoA, the Office of Historic preservation provided a recommendation that the applicant must meet all setback standards required by city zoning and obtain a variance from the Board of Adjustment if applicable. The original structure appears to have been built as a residential dwelling, addressed from West Wildwood Drive. If the current development was addressed off of West Wildwood Drive, it would not require the setback variance, however, would still require both buffer yard variances. Permit is pending approval of the Board of Adjustment.

### **Code Enforcement History**

INV-PBP-24-3100003061- PMT Building Without a Permit

INV-PBP-24-3100003062- PMT Building Without a Permit

COD-ADH-REQ24-43902236- Administrative Hearing

COD-ADH-REQ24-43902240- Administrative Hearing

### **Permit History**

Com-PRJAPP24-39801332- Commercial Project Application

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1941, dated May 30, 1940, and zoned “B” Residence District. The property was rezoned by Ordinance 84390, dated July 11, 1996, from “B” Residence District to “O-1” Office District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the zoning converted to “O-2” High-Rise Office District.

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

#### **Existing Zoning**

“O-2 H AHOD” High-Rise Historic Olmos Park Terrace Airport Hazard Overlay District

#### **Existing Use**

Office

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

#### **North**

#### **Existing Zoning**

“O-2 H AHOD” High-Rise Historic Olmos Park Terrace Airport Hazard Overlay District

#### **Existing Use**

Office

#### **South**

#### **Existing Zoning**

“R-4 H AHOD” Single-Family Historic Olmos Park Terrace Airport Hazard Overlay District

#### **Existing Use**

Single-Family Residence

**East****Existing Zoning**

“R-4 H AHOD” Single-Family Historic Olmos Park Terrace Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

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

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Central Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of Olmos Park Terrace Neighborhood Association, Kenwood Neighborhood Association and the San Antonio Texas District One Resident Association, and they have been notified.

**Street Classification**

San Pedro is classified as a Primary Arterial Type B.

West Wildwood Drive is classified as a Local Road.

**Criteria for Review –Front Setback and Landscape Buffer 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. In this case, the public interest is represented by the required front setback and front/rear buffer yard. Staff finds the requested variances are not contrary to the public interest. The original configuration of the development would not require a setback variance, the buffer yard along San Pedro Avenue does not currently project a standard buffer yard as most of the structures on San Pedro Avenue were originally built facing side streets and the buffer yard along the “R-4” is already built on with the historic building structure.

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

A literal enforcement of the ordinance would not result in an unnecessary hardship as the original development of the lot allowed only room in the rear for any covered parking.

*3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

The intent of the code is to provide distance between the proposed structure and property lines to ensure proper maintenance and separation can occur. The proposed variances will observe the spirit of the ordinance as sufficient room will remain between property line or right of way.

*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 requested variances will not the essential character of the district as the character of the district does not find many developed structures originally facing San Pedro Avenue in the 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 due to unique circumstances existing on the property not created by the owner of the property as the principal structure was built facing West Wildwood Drive, leaving limited options to provide covered parking.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the setback and landscape buffer regulations of the UDC Section 35-310.01 (Table 310-1) and Section 35-510.

#### **Staff Recommendation – Front Setback and Landscape Buffer Variance**

Staff recommends **Approval** in **BOA-24-10300167** based on the following findings of fact:

1. The character of the district does not find many developed structures originally facing San Pedro Avenue in the area.
2. The principal structure was built facing West Wildwood Drive, leaving limited options to provide covered parking.