



City of San Antonio

Agenda Memorandum

Agenda Date: July 15, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300109

APPLICANT: Build Modern, LLC

OWNER: Ruben and Beth Ann Enriquez

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 211 East Carson Street

LEGAL DESCRIPTION: Lot 3, NCB 482

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

CASE MANAGER: Melanie Clark, Planner

A request for

A request for a half-story variance from the maximum 2.5 stories to allow a 3-story structure.
Sec 35-310.01

Executive Summary

The subject property is located east of highway 281, north of Interstate 35 South, situated between North Hackberry and North Olive Street on East Carson Street. The applicant, Build Modern, LLC, on behalf of the property owner, is requesting a half story variance to build a residential structure on a vacant lot. According to the applicant, the third story would provide the additional area space needed to incorporate elevator uses to enclosed balcony and ease of roof access. The issuance of a building permit is pending the results of the Board of Adjustment.

Code Enforcement History

No Code Enforcement history found.

Permit History

RES-RBP-APP24-35502324-Residential Building Permit Application

Zoning History

The property was a part of the original 36 square miles of the City of San Antonio and zoned “D” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “D” Apartment District converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2010-11-04-0971 dated, November 4, 2010, from “MF-33” Multi-Family District to “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

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

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

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

Existing Use

Single-Family Residence

South

Existing Zoning

“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with permitted use “RM-4” Residential Mixed and “C-3” General Commercial Districts.

Existing Use

Commercial Parking Lot

East

Existing Zoning

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

Existing Use

Single-Family Residence

West

Existing Zoning

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

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Eastside/Government Hill Plan and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is located

within the notification area of the Government Hill Alliance Neighborhood Association, and they have been notified of the request.

Street Classification

East Carson is classified as a local road.

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. In this case, the public interest is represented by height requirements for the protection of view for adjacent uses. Staff finds this request is contrary to the public interest as it will be significantly higher than the other dwelling units in the surrounding area.

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 developer can redraw plans to fit with the surrounding area.

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

Staff finds that the additional 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.

Staff finds the half story request will alter the essential character of the district as no other structures have additional height.

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 half story variance is sought is not due to unique circumstances existing on the property as building plans can be adjusted to meet UDC requirements.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the maximum height and number of stories regulations of the UDC Section 35-310.01.

Staff Recommendation – Half-Story Variance

Staff recommends Denial in BOA-24-10300109 based on the following findings of fact:

1. Staff finds additional height will alter the essential character of the district.
2. The structure will tower over surrounding single-family dwellings.