



# 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-24-10300208

**APPLICANT:** Jose Sepulveda

**OWNER:** Menell Orosco

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 124 East Cevallos Street

**LEGAL DESCRIPTION:** Lot B, NCB 2569

**ZONING:** "IDZ-1 AHOD" Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted one (1) Dwelling Unit

**CASE MANAGER:** Vincent Trevino, Senior Planner

**A request for**

A half story variance from the maximum 2.5 stories to allow development for a 3-story structure. Section 35-343.01(c)(2)(A)(1)

**Executive Summary**

The subject property is located on East Cevallos Street near the intersection of S. Flores Street. The applicant is requesting a half story variance to construct a three-story residential single-family dwelling. The property is zoned "IDZ-1" which limits the building height to two and one-half stories (2.5) and thirty-five (35) feet. The applicant has applied for a demolition permit for the existing structure; however, the permit is pending issuance per fees due. The "IDZ" lot is not held to a site plan as a single-family development on an "IDZ-1" does not require a site plan.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

DEM-DPP-APP24-39100316 – Demolition Pedestrian Protection Application – August 2024

The applicant has not yet applied for the building permit.

**Zoning History**

The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned “L” First Manufacturing District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “L” First Manufacturing District converted to “I-2” Heavy Industrial District. The property was rezoned by Ordinance 2006-12-14-1441, dated December 14, 2006, to “R-4” Residential Single-Family District. The property was rezoned by Ordinance 2024-08-08-0579, dated August 8, 2024, to the current “IDZ-1 AHOD” Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted one (1) Dwelling Unit.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“IDZ-1 AHOD” Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted one (1) Dwelling Unit

**Existing Use**

Single-Family Dwelling

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“I-2 AHOD” Heavy Industrial Airport Hazard Overlay District

**Existing Use**

Vacant Commercial

**South**

**Existing Zoning**

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

**Existing Use**

Single-Family Dwelling

**East**

**Existing Zoning**

“NC IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with Uses Permitted in “R-4” Residential Single-Family District and “NC” Neighborhood Commercial.

**Existing Use**

Vacant Residential

**West**

**Existing Zoning**

“IDZ” Infill Development Zone with uses permitted in “C-2” Commercial District, “O-1” Office District and “MF-25” Multi-Family District.

**Existing Use**

Warehouse, Office, Retail

**Comprehensive Plan Consistency/Neighborhood Association**

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

**Street Classification**

East Cevallos is classified as a Minor 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 building height. The three-story building would allow for adequate space for occupation and so, it is not contrary to the public interest.

*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 unnecessary hardship as the applicant would have to build the structure only two and half stories to be in compliance with the ordinance, limiting the living area on the lot.

*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 additional half story would observe the spirit of the ordinance as the three-story building would allow the property owner to maintain the required setbacks and provide for adequate living space for future residents.

*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.*

The additional half story will not substantially injure the appropriate use of conforming properties and will not alter the essential character of the district as there are other taller apartments in the area and the property is abutting a commercially zoned property.

*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 due to unique circumstances existing on the property such as the size and location of the lot.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the IDZ-1 requirements of the UDC under Section 35-343.01(c)(2)(A)(1).

**Staff Recommendation – Half Story Variance**

Staff recommends Approval in BOA-24-10300208 based on the following findings of fact:

1. The usage of a half-story variance to allow a three-story structure does not appear to impose on the public interest of the adjacent neighbors, as the structure will follow all other height and setback requirements.
2. The request will not alter the essential character of the district.