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| Case Number: | BOA-23-10300304 |
| Applicant: | Circle R Ventures, LLC |
| Owner: | Circle R Ventures, LLC |
| Council District: | 2 |
| Location: | 301 Piedmont Avenue |
| Legal Description: | Lot 21, Block 1, NCB 1697 |
| Zoning: | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District |
| Case Manager: | Vincent Trevino, Senior Planner |

Request

A request for 1) a 2-parking space waiver from the minimum 2-parking space, as described in Section 35-526, to allow a development with no parking spaces, **or** 2) a half-story variance from the maximum two and a half story, as described in Section 35-310.01, to allow multi-family structures to be three stories tall within the 50' residential setback.

Executive Summary

The subject property is located in the southwest intersection of Piedmont Avenue and Wyoming Street. A variance was approved on September 19, 2022, for a 9'-6" front setback, 5' reverse corner lot side setback and a 5' rear setback, however a half-story variance was denied. A 14' easement was discovered on the northern property line along Wyoming Street which required the developer to redesign their plans. The significant size of the easement reduces the buildable area along the northern portion of the property. The applicant is requesting variances that if one is approved, they will not require the other.

Code Enforcement History

There is no code history for the subject property.

Permit History

RES-RBP-APP23-35502965 – Pending the decision of the Board of Adjustment.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “D” Apartment District. The property was rezoned by Ordinance 79329, dated December 28, 1993, to “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-2” Two-Family Residence District converted to “RM-4” Residential Mixed Family District.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---------------------------------------------------------------|---------------------------|
| “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | Vacant/Under Construction |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

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|-------|---------------------------------------------------------------|-------------------------|
| North | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | Vacant Lot |
| South | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | Single-Family Residence |
| East | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | Single-Family Residence |
| West | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | Single-Family Residence |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Arena District/ Eastside Community Plan and is designated “Medium Density Residential” in the Future Land Use component of the plan. The property is within the Denver Heights Neighborhood Association boundaries, and they have been notified of this request.

Street Classification

Piedmont Avenue and Wyoming Street are classified as local roads.

Criteria for Review –Structure Height and Parking Waiver

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 parking that would fallout into the right-of-way, which is 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 height surrounding single-family dwellings contrary to the public interest. The lot is located on a corner lot and has a significant 14’ easement on the northern portion of the lot that takes away from the buildable area.

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

Staff has found no special conditional that literal enforcement of the ordinance would cause an unnecessary hardship for the requested variances. Development can be redesigned to provide adequate parking spaces.

Staff has found special conditional that literal enforcement of the ordinance would cause an unnecessary hardship for the requested variances. The 14’ easement reduces the buildable area on the lot that creates the need for the height variance.

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

The spirit of the ordinance will not be observed for the requested variances as they will create spill off required parking into the right-of-way.

The spirit of the ordinance will be observed for the additional height variance as the property is on a corner lot and has a significant easement that reduces the buildable area on the lot.

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 requested variance will injure the adjacent conforming properties and alter the essential character of the district. The reduced parking will result in overcrowding of the right-of-way.

If granted, the requested variance will not injure the adjacent conforming properties and alter the essential character of the district. Staff observed structures with additional height in the area and the lot is located on a corner lot.

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. The proposed development can be altered to meet the parking standards.

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. The 14' easement significantly reduces the buildable area on the lot.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Structure Height standards of the UDC Section 35-310.01 and Parking Regulations of the UDC Section 35-526.

Staff Recommendation –Parking Waiver

Staff recommends Denial in BOA-23-10300304 based on the following findings of fact:

1. The parking variance will create unnecessary parking in the right-of-way that will be contrary to the public interest; and
2. The parking variance will alter the essential character of the district.

Staff Recommendation –Structure Height

Staff recommends **Approval** in **BOA-23-10300304** based on the following findings of fact:

1. The requested variance will not alter the essential character of the district as other structures with increased height were observed in the area; and
2. Unique circumstances existing on the property take significant buildable area from the lot.