

Case Number:	BOA-23-10300288
Applicant:	Slay Engineering Co., Inc.
Owner:	Bexar County
Council District:	2
Location:	221 Iowa Street
Legal Description:	Lot E, F & west 14.9 feet of D, Block 2, NCB 635
Zoning:	"I-1 AHOD" General Industrial Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for 1) a 12' variance from the required 20' garage setback requirement, as described in Section 35-516(g), to allow a garage to be 8' from the front property line, and 2) a 22' variance from the minimum 30' front setback requirement, as described in Section 35-310.01, to allow a structure to be 8' from the front property line.

### **Executive Summary**

The subject property is located along Iowa Street, south of East Cesar Chavez Boulevard. Prior to construction, the applicant is seeking two variances to build a structure to store vehicles. The property is zoned "I-1" General Industrial District, which requires a minimum 30' front setback and the applicant is proposing to be 8'. Due to the use of the structure being a garage, it is also mandatory that the structure be a minimum of 20' from the front property line to prevent vehicles from parking in the Right of Way. The structure is anticipated on being 8' from the front property line.

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment.

### **Zoning History**

The property was part of the original thirty-six (36) square miles of San Antonio and was originally zoned "L" First Manufacturing District. The property was then rezoned by Ordinance 79329, dated December 16, 1993, from "L" First Manufacturing District to "I-1" Light Industry District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "I-1" Light Industry District converted to the current "I-1" General Industrial District.

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

Existing Zoning	Existing Use
"I-1 AHOD" General Industrial Airport Hazard Overlay District	Parking Lot

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

Orientation	Existing Zoning District(s)	Existing Use
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North	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Storage Yard
South	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Office Building
East	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Storage Yard
West	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Vacant Commercial

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Downtown Area Regional Center Plan and is designated as "Regional Mixed-Use" in the future land use component of the plan. The subject property is located within the boundary of the Denver Heights Neighborhood Association, and they have been notified of the requests. The subject property is located less than 200' from the boundaries of the Downtown Neighborhood Association and they have been notified of the requests.

### **Street Classification**

Iowa Street is classified as a local road.

### **Criteria for Review – Garage and Front 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.*

**In this case, the public interest is represented by minimum front setback requirements for structures and garages. The applicant is requesting a variance from the minimum front setback requirement of 30' to allow a structure to be 8' from the front property line and a 12' variance from the minimum 20' to allow a garage setback of 8'. The structure does not appear to impose on the public interest of the adjacent neighbors, as there is enough spacing.**

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

**The special condition found is the irregular lot shape. A literal enforcement of the ordinance would result in an unnecessary hardship, as abiding by the front and garage setback requirements would result in less buildable area and a square footage reduction for the structure.**

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 structure will be observing the spirit of the ordinance, as it will be abiding by all other setback requirements and the use is permitted by right within the base zoning district.**

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 granting of the variances will not substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district in which the property is located. Upon site visits, staff observed other structures in the immediate vicinity within the setback areas. The request is not out of character due to this circumstance.**

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, such as the irregular lot shape. The circumstances do not appear to be merely financial.**

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

The alternative to the applicant's request is to conform to the setback regulations of the UDC Section 35-310.01 and Garage Setbacks of the UDC Section 35-516(g).

#### **Staff Recommendation – Front and Garage Setback Variances**

Staff recommends **Approval** in **BOA-23-10300288** based on the following findings of fact:

1. The structure does not appear to impose on the public interest of the adjacent neighbors, as there is enough spacing between the abutting property and structures;  
and
2. Abiding by the front and garage setback requirements would result in less buildable area and a square footage reduction for the structure.