

Case Number:	BOA-22-10300064
Applicant:	Summit Property Holdings LLC
Owner:	Summit Property Holdings LLC
Council District:	1
Location:	1024 Blanco Street
Legal Description:	Lot 23, Block, NCB 6523
Zoning:	"IDZ-1 NCD-5 AHOD" Limited Intensity Infill Development Zone Beacon Hill Neighborhood Conservation Airport Hazard Overlay District for six (6) residential dwelling units.
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for a 10' variance from the minimum 20' front setback requirement as required by the Beacon Hill Neighborhood Conservation District (NCD) design standards to allow two residential structures to be 10' from the front property line.

### **Executive Summary**

The applicant is requesting a 10' variance from the minimum 20' front setback requirement as required by the Beacon Hill NCD to allow two residential structures to be 10' from the front property line. The setback is measured from the front property line to the building. The applicant is proposing the building to be 10' from the front property line, but measures 25' from the curb. The property recently underwent a change of zoning public input process and the site plan being proposed before the Board of Adjustment was approved and adopted by City Council on March 21, 2019.

### **Code Enforcement History**

There is no Code Enforcement history.

### **Permit History**

Residential Building Permit Application 3/22/2022 RES-RBP-APP22-35501435

Residential Building Permit Application 3/21/2022 RES-RBP-APP22-35501434

Residential Building Permit Application 3/21/2022 RES-RBP-APP22-35501433

Residential Building Permit Application 3/21/2022 RES-RBP-APP22-35501430

The issuance of the building permits for the structures requesting the variance are pending the outcome of the BOA Meeting.

### **Zoning History**

The subject property was located within the Original City Limits of San Antonio and was zoned "B" Residence District. Ordinance 86704, dated September 25, 1997, rezoned the property to "R-1" Single Family District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-1" Single Family District to "R-6" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001. Ordinance 2019-03-21-0249, dated March 21, 2019, rezoned the property to "IDZ-1 " Limited Intensity Infill Development Zone District for six (6) residential dwelling units

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"IDZ-1 NCD-5 AHOD" Limited Intensity Infill Development Zone Beacon Hill Neighborhood Conservation Airport Hazard Overlay District for six (6) residential dwelling units.	Vacant Lot

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
South	"MF-33 NCD-5 AHOD" Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Apartments
East	"R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
West	"MF-33 NCD-5 AHOD" Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Apartments

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

The subject property is in the Midtown Neighborhood Plan and is designated "Medium Density Residential" in the future land use component of the plan. The subject property is located within the Beacon Hill Neighborhood Association and were notified of the case.

### **Street Classification**

Blanco is classified as a Minor Arterial.

### **Criteria for Review - 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.*

**The public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting for a 10' variance from the minimum 20' front setback to allow a structure to be 10' from the front property line. The Beacon Hill NCD is requiring the minimum 20' front setback, and the proposed 10' front setback does not appear to be contrary to the public interest as there is still adequate space provided.**

- 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 the applicant having to move the structure to 20' away from front property lines. The lot is currently vacant and small, so**

**a literal enforcement of the 20' front setback would result in unnecessary hardship considering the site plan was already approved after a public input process.**

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 requested variance appears to observe the spirit of the ordinance as the proposed site plan was adopted by City Council during the rezoning process.**

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 request for a 10' variance may not alter the essential character of the district and is not likely to negatively affect the adjacent neighboring 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 variance is sought is due to unique circumstances existing on the property such as the small amount of available space.**

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

The alternative to the applicant's request is to conform to the setback requirements established by the Beacon Hill Neighborhood Conservation District.

### **Staff Recommendation – Front Setback Variance**

Staff recommends **Approval** in **BOA-22-10300064** based on the following findings of fact:

1. The proposed site plan was heard and approved by City Council during the change of zoning process; and
2. The small size of the lot is found to be a unique circumstance that presents a hardship in meeting the 20' front setback.