

Case Number:	BOA-22-1030077
Applicant:	Israel Mendoza
Owner:	Bright Star Light Enterprise LLC
Council District:	1
Location:	113 Ripley Avenue
Legal Description:	Lot south 63 feet of 7 & 8, Block 4, NCB 1893
Zoning:	“R-3 NCD-2 AHOD” Single-Family Residential Alta Vista Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

1) A request for a 45’ variance from the 35' maximum front property setback, as described in Sec 35-310.01, to allow a structure to be 80’ from the front property line. 2) A request for a 2’ variance from the minimum 15’ clear vision requirement, as described in Sec 35-514(a)(2), to allow a fence to be 13’ from the curb

Executive Summary

The subject property is located along Ripley and is currently has a single-family dwelling on the lot. The subject property recently rezoned to “R-3” Single-Family Residential District with Ordinance 2021-09-02-0648. The base zoning district is the only single-family district with a maximum front setback, and there are not others “R-3” properties in the area. Upon site staff visit, a fence was observed that measured 13’ from the curb causing a Clear Vision violation.

Code Enforcement History

There are no Code Enforcement investigations for the subject property.

Permit History

A variety of residential permits have been pulled.

Residential Building Permit for New Construction Application is pending resolution.

The issuance of the permit is pending various departmental reviews including the outcome of the Board of Adjustment.

Zoning History

The property was part of the original 36 square miles of the City of San Antonio and zoned “D” Apartment District. The property was rezoned by Ordinance 86704, dated September 25, 1997 to the “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District. Ordinance 2021-09-02-0648 dated September 2, 2021 rezoned the property to “R-3” Single-Family Residential District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-3 NCD-2 AHOD” Single-Family Residential Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Neighborhood Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within Alta Vista Neighborhood Association and were notified.

Street Classification

Ripley Avenue is classified as a local road.

Criteria for Review – Maximum Front Setback and Clear Vision 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 requested variances to allow the proposed multi-family development to have a front setback of 80’ and a fence have a Clean Vision of 13’. The structure would be situated a reasonable distance from Ripley Avenue, and the fence is significantly obstructing the right of way vision.

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

The proposed development would have to maintain the maximum setback permitted of 35' and removal of the metal fence would result in unnecessary hardship.

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

Am 80' setback will observe the spirit of the ordinance, as the building is already built. Additionally, the fence does not obstruct vision significantly.

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.*

There are similar properties located in the area that have similar setback distance and some properties in the area have similar style fences, therefore the request would not alter the essential character of the neighborhood.

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.*

The variances are sought is due to unique circumstances existing on the property such as the size and location of the lot. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the UDC Sec 35-310.01. and Sec 35-514 (a)(2).

Staff Recommendation – Front Maximum Setback and Clear Vision Variances

Staff recommends **Approval** in **BOA-22-10300177** based on the following findings of fact:

1. The request does not appear out of character for the area; and
2. The property has unique circumstances on the property such as the small lot.