

Case Number:	BOA-22-10300185
Applicant:	ADA CONSULTING GROUP, INC
Owner:	JMB SA PROPERTIES LLC
Council District:	8
Location:	12103 Pebble Street
Legal Description:	Lot 15, Block 18, NCB 14728 (to be Platted as “Lots 19-22”)
Zoning:	“R-4 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 2’ variance from the minimum 5’ side setback requirement, as described in Section 35-310.01, to allow a structure to be 3’ from the side property line.

Executive Summary

The subject property is located on Pebble Street and is currently a vacant lot. The future four lots will contain 1 single family dwelling in each lot, and each will require the 2’ variance on the right (Southeast) side. The applicant has applied for the variance prior to commencing the construction of the structures. The lot is also in a preliminary plat process as Honey Comb Place.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the property. The permit for the structure is pending the outcome of the Board of Adjustment Hearing.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 41428 dated December 25, 1972 and zoned Temp “R-1” Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to “R-6” Residential Single-Family District. Ordinance 2021-12-02-0940 dated December 2, 2021 rezoned the property to “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“O-1.5 MLOD-1 MLR-2 ERZD” Mid-Rise Office Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant Lot
South	“C-3 MLOD-1 MLR-2 ERZD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Self-Storage
East	“O-2 MLOD-1 MLR-2 ERZD” High-Rise Office Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Business
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Residential Home

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the North Sector Plan and is designated as “Suburban Tier” the future land use component of the plan. The subject property is not within a Neighborhood Association.

Street Classification

Pebble Street and Honey Comb Drive are classified as local roads.

Criteria for Review – Side Setback 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 variance to the side setback to allow a structure to be 3’ from the side property line. The structure will meet the front and rear setback requirement and does not appear to be contrary to the public interest.

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

Staff finds an unnecessary hardship since the lot is too small to allow the development of the structure with this requirement.

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

The structures have not been constructed and the proposed setback is 3' from the side property line. The development of the four units will be developed in the same project, which allows verification of a minimum 8-foot separation between dwelling structures on the property. The spirit of the ordinance will be observed as there will still be reasonable space between the structure and neighboring properties.

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 does not find evidence that the requested variance would alter the essential character of the district. The future lots will be developed in the recently rezoned "R-4" standards.

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.*

Because of the width of the lot and configuration of the proposed dwellings, maintaining a 3' side setback is appropriate for the area. The request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback requirements of the UDC Section 35-310.01.

Staff Recommendation – side Setback Variance

Staff recommends **Approval** in **BOA-22-10300185** based on the following findings of fact:

1. The structures will have a minimum 8-foot separation between them; and
2. The structure conforms to the front and rear setback requirements; and
3. There is a limited amount of space available to comply with the side setback and to develop a structure.