

Case Number:	BOA-22-10300262
Applicant:	Censeo Homes
Owner:	Censeo Homes
Council District:	8
Location:	7523 Casina Run
Legal Description:	Lot 6, Block 3, NCB 17224
Zoning:	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Jake Exler, Planner

Request

A request for a variance from the maximum 50% impervious cover requirement, as described in Section 35-515(d), to allow the front yard to exceed the 50% impervious cover.

Executive Summary

The subject property is located along Casina Run next to the University of Texas at San Antonio. The lot is vacant, and the applicant would like to build a duplex. The impervious cover would exceed the maximum 50% impervious cover requirement in the front yard. The lot has a 50’ street frontage and the minimum width of a driveway is 10’. A duplex requires a minimum of 2 parking spaces, the site plan indicates 4 total parking spaces.

Permit History

There are no relevant permits pulled for the subject property.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 39197, dated August February 25, 1971 and originally zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District. Ordinance 2018-01-18-0070, dated January 18, 2018, rezoned the property to “MF-18” Limited Density Multi-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting	Single-Family Residence

	Overlay Military Lighting Region 2 Edwards Recharge Zone District	
South	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant
East	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant
West	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the UTSA Area Regional Center Plan and is designated “Urban Mixed Use” in the future land use component of the plan. The subject property is part of the Cedar Point Neighborhood Association.

Street Classification

Casina Run is classified as a local road.

Criteria for Review – Impervious Cover 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a variance for impervious cover to exceed the 50% minimum. The proposed amount of parking spaces is double the minimum required.

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 reducing the amount of parking spaces and would not result in an unnecessary hardship.

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. Impervious coverage requirements are intended to provide a safe environment for the mitigation of water flooding during heavy rain events. Exceeding the 50% impervious coverage requirement does not appear to observe the spirit of the ordinance.

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 impervious coverage on the subject property poses a threat to adjacent properties as water runoff would increase. It will alter the essential character of the area.

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 found that the lot width can fit the minimum amount of parking spaces and conform to the impervious coverage requirements.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot Layout Regulations of the UDC Section 35-515(d).

Staff Recommendation – Impervious Cover Variance

Staff recommends Denial in BOA-22-10300262 based on the following findings of fact:

1. There is enough room for the minimum required parking spaces and meet the required 50% impervious cover requirement; and
2. The various would result in excess water runoff to adjacent lots.