

Case Number:	BOA-23-10300043
Applicant:	Greensboro Homes Inc.
Owner:	Texas State Affordable Housing Corporation
Council District:	2
Location:	631 Carolina Street
Legal Description:	Lot 30, Block 23, NCB 671
Zoning:	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for a variance, as described in Section 35-310.06(a)(1), to allow four separate structures on an "RM-4" that is less than one-third of an acre.

### **Executive Summary**

The subject property is located along Carolina Street, in the intersection with South Cherry Street on the east side of San Antonio. The recent UDC update established that “RM-4” lots that are less than one-third of an acre are required to contain development within a single structure. The applicant is requesting a variance to deviate from this recent requirement. Additionally, the applicant recently went through an approved rezoning (2022-08-04-0559) late last year, at the time before this standard.

### **Code Enforcement History**

Overgrown Yard Investigation – December 2022  
Property Maintenance Investigation- May 2022  
Dangerous Premises Investigation-March 2022  
Permit Investigation- March 2022  
Overgrown Yard Investigation-January 2022  
Overgrown Yard Investigation- July 2021  
Property Maintenance Investigation- June 2021  
Overgrown Yard Investigation-April 2021  
Property Maintenance Investigation- March 2021

### **Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment.  
Tree Affidavit Permit- April 2022  
Demolition Permit- March 2022

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “L” First Manufacturing District. The property rezoned under Ordinance 79239, dated December 16, 1993, from “L” Light Manufacturing District to “B-2” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-2” Business District converted to “C-2” Commercial District. The property rezoned under Ordinance 2022-08-04-0559, dated August 14, 2022, from “C-2” Commercial District to the current “RM-4” Residential Mixed District.

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

Existing Zoning	Existing Use
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“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant Lot
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### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-2 AHOD” Commercial Airport Hazard Overlay District	Single Family Home
South	"IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2," Commercial, Multi-Family Residential Uses not to exceed 100 units per acre, Bar, Micro-Brewery, Beer Garden and Hotel.	Vacant Commercial
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Residence
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Residence

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

The subject property is in the Downtown Area Regional Center Plan and is designated “Employment Flex/ 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 request.

### **Street Classification**

East Carolina Street is classified as a local road.

### **Criteria for Review – Rear 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is defined by density requirements to prevent overcrowding on smaller lots. The applicant is requesting a variance to allow four separate structures on an "RM-4" that is less than one-third of an acre. Staff finds this request is not contrary to the public interest as the applicant is abiding by all other setback requirements, which will not infringe on surrounding property owners.**

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

**The special condition on this property is that the lot is less than one-third of an acre, which previously did not require development to be within a single structure. A literal enforcement of the ordinance would result in the applicant alter their plans to abide by the recently changed UDC requirement. The applicant had recently gone through an**

**approved rezoning (Z-2022-10700131) late last year, but with the recent change, caused them to halt construction for this variance.**

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. Staff finds the spirit will be observed, as the applicant is abiding by all other building requirements and has not begun construction. Additionally, this will allow for infill development of a vacant lot.**

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 “RM-4” zoned lot will be allowed to contain four separate structures on a lot that is less than one-third of an acre. The granting of this variance will not injure the appropriate use of adjacent conforming properties, as this type of development is not out of character with the surrounding zoning districts. The lots abutting the subject property are zoned “RM-4” and “C-2”, which does not seem to alter the essential character of the district.**

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 lot being less than one-third of acre. Additionally, the new UDC requirement was not implemented when the applicants rezoning was approved. 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 Lot and Building Specification of the UDC Section 35-310.06(a)(1).

#### **Staff Recommendation –Four Separate Structures on an “RM-4” that Is Less Than One-Third of an Acre Variance**

Staff recommends **Approval** in **BOA-23-10300043** based on the following findings of fact:

1. The applicant is abiding by all other setback requirements, which will not infringe on surrounding property owners, and
2. The new UDC requirement was not implemented when the applicants rezoning was approved late last year.