

Case Number:	BOA-23-10300100
Applicant:	Christensen P.C.
Owner:	JS & WS Holdings LLC
Council District:	1
Location:	228 Barrera Street
Legal Description:	Lot 7, Block 14, NCB 717
Zoning:	Zoned: "IDZ-1 H AHOD" Limited Intensity Infill Development Zone Historic Lavaca Airport Hazard Overlay District with uses permitted for one (1) dwelling unit and for a Major Site Plan Amendment for a decrease in the perimeter buffer between "IDZ" plan area and adjacent properties.
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 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 lines.

Executive Summary

The subject property is located along Barrera Street between the intersections of Matagorda Street and Indianola Street. The applicant is proposing to construct a new 2-story Single Family Residence with reduced setbacks on the sides. The property was recently rezoned to "IDZ-1 H AHOD" Limited Intensity Infill Development Zone Lavaca Historic Airport Hazard Overlay District with uses permitted for one (1) dwelling unit and for a Major Site Plan Amendment for a decrease in the perimeter buffer between "IDZ" plan area and adjacent properties. The current zoning of "IDZ-1 Limited Intensity Infill Development Zone District requires side setbacks of 5' on both sides. The applicant submitted a proposed Site Plan indicating 3' setbacks on both sides of the property. IDZ-1 requires side setbacks of 5' on both sides. The applicant is requesting a 2' variance to allow the structure to be 3' along both sides of the property.

Code Enforcement History

There is no Code Enforcement History for the subject property.

Permit History

The issuance of a Building Permit is Pending the Outcome of the Board of Adjustment.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "D" Apartment District. The property was rezoned by Ordinance 74924, dated December 9, 1991, to "R-2" Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two-Family Residence District converted to "RM-4" Residential Mixed District. The property was rezoned by Ordinance 2018-08-02-0565, dated August 12, 2018, to "IDZ" Infill Development Zone District with uses permitted in "R-4" Residential Single-Family District. The property was rezoned by Ordinance 2023-04-06-0219, dated April 6, 2023, to "IDZ-1 H AHOD" Limited Intensity Infill Development Zone Historic Lavaca Airport Hazard Overlay District with uses permitted for one (1) dwelling unit and for a Major Site Plan Amendment for a decrease in the perimeter buffer between the "IDZ" plan area and adjacent properties.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ-1 H AHOD” Limited Intensity Infill Development Zone Lavaca Historic Airport Hazard Overlay District with uses permitted for one (1) dwelling unit and for a Major Site Plan Amendment for a decrease in the perimeter buffer between “IDZ” plan area and adjacent properties.	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H AHOD” Residential Mixed Historic Lavaca Airport Hazard Overlay District	Single-Family Residence
South	“RM-4 H AHOD” Residential Mixed Historic Lavaca Airport Hazard Overlay District	Single-Family Residence
East	“IDZ H AHOD” Residential Mixed Historic Lavaca Airport Hazard Overlay District with uses permitted in “R-4” Residential Single-Family District	Single-Family Residence
West	“RM-4 H AHOD” Residential Mixed Historic Lavaca 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 as “Urban Low Density Residential” in the future land use component of the plan. It is in the Lavaca Neighborhood Association, and they have been notified of the request.

Street Classification

Barrera Street is classified as a local street.

Criteria for Review

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 to the side setbacks to allow a structure to be 3’ from the side property lines, which is not contrary to the public interest.

- 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 building the structure 5’ from the side property lines, which would result in an unnecessary hardship

as the structure would have to have reduce the square footage reduced to meet the setback requirements.

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 structure would be 3' from the side property lines, which observes the spirit of the ordinance due to the size of the lot and the proposed square footage of the structure.

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 structure will be 3' from the side property lines due to the size of the lot and the proposed square footage of the structure and would not 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.

Alternative to Applicant's Requests

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

Staff Recommendation- Side Setbacks

Staff recommends **Approval** in **BOA-23-10300100** based on the following findings of fact:

1. Due to the size of the lot and the proposed square footage of the structure; and
2. It will not alter the essential character of the district.