

Case Number:	BOA-23-10300118
Applicant:	Mario Rios (property owner of abutting property 101 Harding Place)
Owner:	Green Axis LLC
Council District:	2
Location:	107 Harding Place
Legal Description:	Lot 2, Block 1, NCB 3782
Zoning:	“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Principal Planner

Request

A request for an appeal of an Administrative Official’s decision related to the issuance of a building permit to 107 Harding Place based on the interpretation of Section 35-516(j), Setback and Frontage Regulations – Projecting Architectural Features.

Applicable Code References

Unified Development Code Section 35-516(j), Projecting Architectural Features. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and the ordinary projection of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall extend neither more than five (5) feet into any required yard nor closer than three (3) feet to any property line.

Applicable Definitions

Jettying Architecture, is a structural architectural technique used to build an overhanging upper floor of a building, such as a balcony or a bay window. The technique was first used in the Middle Ages and was popularized in the 15th century. The architectural design of the upper floor often gives the building a more decorative look and emphasizes the use of space. Jettying can also be used to support a roof, making the building appear more dramatic or grandiose. This technique is used around the world in different types of buildings, from historic homes to modern skyscrapers. <https://competition.adesignaward.com/design-encyclopedia.php?e=193887>

A *jetty* is an upper floor that depends on a cantilever system in which a horizontal beam, the jetty bressummer, supports the wall above and projects forward beyond the floor below (a technique also called oversailing). <https://en.wikipedia.org/wiki/Jettying>

Oversail. Element projecting over another, so courses of masonry, each cantilevered out beyond the face of the course beneath it, are corbelled or oversailing courses, as in a cornice or eaves. <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803100258183;jsessionid=CD55FAEE970B46AC997ECE16101CB15A>

Cantilever Architecture, beam supported at one end and carrying a load at the other end or distributed along the unsupported portion. Cantilevers are employed extensively in building construction and in machines. In building, any beam built into a wall and with the free end projecting forms a cantilever. Longer cantilevers are incorporated in a building when clear space is required below, with the cantilevers carrying a gallery, roof, canopy, runway for an overhead travelling crane, or part of a building above. <https://www.britannica.com/technology/cantilever>

Executive Summary

On April 10, 2023, after a concern was received regarding structures being constructed. Code Enforcement investigated the location at 107 Harding Place for an encroachment issue. Staff and Code found that there were three (3) permitted residential units being constructed in a “RM-4” Residential Mixed zoning district, which allows up to four (4) units.

Staff coordinated and reviewed the permit application with the Permit Division and found it was issued correctly. Although the structure appears closer than 5-feet, the first story measures exactly 5-feet and the 2nd story has an projecting architectural feature called a jetty or oversail that allows the 2nd story to overhang into the setback by 2-feet, leaving 3-feet from the property line in accordance with 35-516(j), Setback and Frontage Regulations – Projecting Architectural Features.

The construction at 107 Harding Place is a unique building style with a 2nd story projecting architectural feature. The applicant for the development has been informed that since the architectural projection (overhang) is 2-feet within the setback it must have a fire rated wall.

The appellant Mr. Rios disagrees with Staff’s interpretation of the projection and is appealing to the Board of Adjustment to agree with his appeal resulting in reversal of staff’s decision and interpretation.

Permit History

107 Harding Place

RES-RBP-APP22-35503708 – Approved on 3/29/2023 for all three structures.

RES-RBP-PMT22-36604464 – Unit 101

RES-RBP-PMT22-36604465 – Unit 102

RES-RBP-PMT22-36604466 – Unit 103

Zoning History

The property was annexed into the City of San Antonio by Ordinance 4745, dated March 7, 1947, and was originally zoned “B” Residence District. The property was rezoned by Ordinance 79,329 dated December 16, 1993 to “R-2” Two-Family Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the property zoned “R-2” Two-Family Residence District converted to the current “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	In construction – 3 residential mixed units
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Greater Corinth Baptist Church Complex
South	RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Pittman Sullivan Park

Board of Adjustment

The Board of Adjustment is asked to determine whether to uphold Staff’s interpretation of Section 35-516(j), Setback and Frontage Regulations – Projecting Architectural Features as it relates to 107 Harding Place.

Conclusion

Staff concludes that the permit issued to 107 Harding Place and the 2-foot projection/overhang of the 2nd story is valid based on UDC Section 35-516(j), Setback and Frontage Regulations – Projecting Architectural Features and based on the following findings of fact:

- 1) Section 35-516(j) allows for a projecting architectural feature as long it does not extend more than 2-feet into the required setback; and
- 2) Section 35-516 (j) allows an architectural feature such as a jetty/oversail to overhang into the required setback no more than 2-feet; and
- 3) The overall projection/overhang consists of 50% or less of the 2nd story and the opening of the balcony aligns with main wall of the home which is setback 5-feet setback and because final development of the dwelling units will require inspection and a fire rated wall.

