

Case Number:	BOA-23-10300137
Applicant:	Marex Solutions LLC
Owner:	Marek Sieczynski
Council District:	1
Location:	1915 West Laurel Street
Legal Description:	The north 80.8 feet of Lot 3, Block 3, NCB 2807
Zoning:	“IDZ AHOD” Infill Development Airport Hazard Overlay District with uses permitted in “C-1” Light Commercial District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for 1) a 10'-7" variance from the maximum 20' height, as described in Section 35-310.01, to allow a building with a 30'-7" height, and 2) request for a half story variance from the maximum 2.5 story, as described in Section 35-310.01, to allow a building with 3 stories.

### **Executive Summary**

The subject property is located on West Laurel Street between North Zarzamora Street and North Elmendorf Street. The applicant is proposing to construct a building to be three stories tall. The maximum height permitted for a building is two and a half stories as it abuts a single-family residential. The property was rezoned by Ordinance 2016-10-06-0772, dated October 6, 2016 to “IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with uses permitted in “C-1” Light Commercial District. Staff did not observe any abnormal physical features such as a slope on the property. 2016 IDZ removes parking requirement related to the use.

### **Code Enforcement History**

There is no code enforcement history.

### **Permit History**

Permits are pending the outcome of the Board of Adjustment meeting.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “J” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “J” Commercial District converted to the current “I-1” General Industrial District. The property was rezoned by Ordinance 2016-10-06-0772, dated October 6, 2016 to “IDZ” Infill Development District with uses permitted in “C-1” Light Commercial District.

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

Existing Zoning	Existing Use
“IDZ AHOD” Infill Development Airport Hazard Overlay District with uses permitted in “C-1” Light Commercial District	Vacant

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 AHOD” Commercial Airport Hazard Overlay District	Retail Store
South	“R-2 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Single-Family Residence
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

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

The subject property is not located in or within 200 feet of any Community Plan. The subject property is located in the West End Hope in Action Neighborhood Association. They were notified of the case.

### **Street Classification**

West Laurel is classified as a local street.

### **Criteria for Review – Building Height & Building Story 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 Three-story building and additional building height would allow for adequate space for the commercial use, it 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 unnecessary hardship as the applicant would have to build the structure only two and half stories and 20’ in height to be in compliance with the ordinance which limits the allowable commercial space.**

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 increased building height would observe the spirit of the ordinance as the three-story building would allow for adequate space for occupation.**

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.*

**The increased building height and additional half story will not substantially injure the appropriate use of conforming properties and will not alter the essential character of the district as commercial uses exist to the north and east.**

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 are sought is not due to unique circumstances existing on the property but the size of the lot to provide adequate commercial space.**

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Building Height Regulations listed under Section 35-310.01 of the UDC.

#### **Staff Recommendation – Building Height Variance**

Staff recommends **Approval** in **BOA-23-10300037** based on the following findings of fact:

1. The increased building height and additional half story would not alter the essential character of the district.
2. The variance would allow enough room for adequate commercial use.