

Case Number:	BOA-23-10300211
Applicant:	Ion Homes & Resort USA
Owner:	Ion Homes & Resort USA LLC
Council District:	5
Location:	202 Packard
Legal Description:	Lot 25, Block 11, NCB 7933
Zoning:	“RM-5 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 975 square feet variance from the maximum 4530 square feet lot coverage, as described in Section 35-310.01, to allow 5505 square feet development on a "RM-5" with over 65% lot coverage and 2) a variance from the maximum 50% impervious cover requirement, as described in Section 35-515(d), to allow the front yard to exceed the maximum 50% impervious cover.

Executive Summary

The subject property is located on Packard Street, just East of Nogalitos, between the intersections of Crystal Street and Keats Street. Applicant is proposing construction of a Triplex and is requesting a maximum lot coverage and impervious cover variances for the property. The property is at the edge of a predominantly single-family subdivision and abuts a Motel in the rear.

Code Enforcement History

There is no relevant 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 “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District. The property was rezoned by Ordinance 2023-04-06-0232, dated April 6, 2023 to “RM-5” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-5 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“RM-5 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Residential
South	“R-4 MLOD-2 MLR-1 AHOD Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	R-4 MLOD-2 MLR-1 AHOD Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“C-3R MLOD-2 MLR-2 AHOD General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Motel

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Nogalitos/ South Zarzamora Community Plan and is designated as “Mixed Use” in the future land use component of the plan. The subject property is not located within the boundary of a registered Neighborhood Association.

Street Classification

Packard Street is classified as a local street.

Criteria for Review – Square Feet Lot Coverage and Impervious 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 represented by restricted square feet for lot coverage of over 65% and impervious cover requirement over 50%. The applicant is requesting a variance exceeding the 65% lot coverage requirement and a variance for exceeding the 50% impervious cover requirement. Staff finds exceeding the lot coverage and impervious cover requirement is not suitable, as it imposes on the public interest of the adjacent property would result in excess water runoff to adjacent lots and an alternative method can be proposed for parking spaces.

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

Staff found no special conditions on the subject property that warrant the need for the Triplex to exceed the 65% lot coverage and to exceed the impervious cover requirement of over 50%. No unnecessary hardship seems to be presented in this case, as the applicant could redesign the triplex and impervious cover.

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. Based on the design and lot configuration of the lot the square footage of the Triplex could be reduced. Additionally, the 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 Triplex will exceed the minimum 65% lot coverage, which will alter the essential character of the district, additionally the impervious coverage on the subject property poses a threat to adjacent properties as water runoff would increase.

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 no unique circumstances on the subject property that would warrant the need for a Square Feet Lot Coverage and Impervious Coverage Variances.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Square Feet Lot Coverage of the UDC Section 35-310.01 and conform to Impervious Cover of the UDC Section 35-515(d)

Staff Recommendation – Square Feet Lot Coverage and Impervious Cover Variance

Staff recommends Denial in BOA-23-10300211 based on the following findings of fact:

1. The spirit of the ordinance is not being observed as the proposed Triplex exceeds the 65% lot coverage, and
2. The impervious cover variance would result in excess water runoff to adjacent lots.