

Case Number:	BOA-23-10300272
Applicant:	Homevana LLC
Owner:	Homevana LLC
Council District:	5
Location:	108 Dowdy Street
Legal Description:	North 38 feet of south 76 feet of east irregular 40.8 of Lot 15, north 38 feet of south 76 feet of west 45 feet of Lot 16, NCB 2587 (BCAD 133671)
Zoning:	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 10’ variance from the minimum 20’ rear setback, as described in Sec. 35-310.01, to allow a 10’ rear setback.

Executive Summary

The subject property is located on Dowdy Street between Lone Star Boulevard and Saint Francis Avenue and located within the original 36 square miles of the City of San Antonio. The lot is currently vacant, a demolition permit was issued July 2022 for demolition of the structure. The applicant is requesting a 2,732 square foot variance from the minimum 6,000 square foot lot size requirement to construct a single-family dwelling. Additionally, the applicant is requesting a 10’ variance to the minimum 20’ rear setback to allow a 10’ rear setback. The proposed single-family residence will maintain 10’ to the rear setback. All other setback requirements will be met. Property received a COD to construct a single-family dwelling on September 2023.

Code Enforcement History

There is not code history for the subject property.

Permit History

DEM-DEM-PMT22-39200348 (Demolition Permit) – July 2022

RES-RBP-APP23-35502838 (Residential Building Permit) – August 2023

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “C” Apartment District converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2006-12-14-1441, dated December 14, 2006, from “MF-33” Multi-Family District to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
West	“IDZ-1 AHOD” Limited Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted for five (5) residential units	Multifamily

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center Plan and is designated “Neighborhood Mixed Use” in the future land use component of the plan. The subject property is located within the Lonestar Neighborhood Association and were notified of the case.

Street Classification

Dowdy Street is classified as a local road.

Criteria for Review –Rear Setback Variances

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 proposed single-family residence will maintain a 10’ rear setback. The variance request does not appear to be contrary to the public interest, as granting the variance would allow the development of a single-family residence.

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 inability to construct a single-family residence on the lot. Due to the size of the lot and square footage of the proposed residence, the structure is unable to meet the rear setback requirement.

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 variance will permit a single-family dwelling near surrounded by lots with reduced setbacks. The request appears 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.*

Staff does not find evidence that the requested variance would alter the essential character of the district. The property is part of the original 36 square miles of the City of San Antonio where smaller lots are commonly found. The properties adjacent to the subject property also do not meet the minimum lot size requirements of the “R-6” base zoning district therefore injury to adjacent properties is highly unlikely.

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. A setback reduction to the rear would help accommodate a reasonable sized residence on the lot. The request does not appear merely financial.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the setback requirements of the UDC Sec 35-310.01.

Staff Recommendation –Rear Setback Variance

Staff recommends **Approval** in **BOA-23-10300272** based on the following findings of fact:

1. The variance will allow the development of a new single-family residence; and
2. The variance requests do not appear to alter the essential character of the district.