

Case Number:	BOA-22-10300004
Applicant:	ISRO Engineering Services, PLLC
Owner:	CA & RA Investments INC
Council District:	2
Location:	1611 South Gevers Street
Legal Description:	Lots 1, 2, and 3, Block 9, NCB 1643
Zoning:	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District.
Case Manager:	Roland Arsate, Planner

Request

A request for a variance from the frontage requirement, as described in Section 35-515(c)(4), to allow for a residential lot to front on a collector street.

Executive Summary

The subject property is located on the corner of South Gevers Street and Essex Street. The subject property is currently vacant, and the applicant is proposing to construct four detached dwelling units on the property. Each dwelling unit is being proposed to have its own driveway access point, which are proposed off of South Gevers Street. During the site visit, a few other non-conforming driveways were observed in the immediate area with access off South Gevers Street. When developing a single-family lot, Section 35-515 of the code requires that the frontage cannot be located on a collector street. With the proposed development, the applicant is requesting a variance from this section of code in order to place four driveway approaches along South Gevers Street.

Code Enforcement History

July 2021 – Overgrown Yard

Permit History

July 2021 – Tree Affidavit

May 2021 – Land Plat

Zoning History

The subject property is located within the Original City Limits of San Antonio and was zoned “J” Commercial District. The subject property was rezoned by Ordinance 79329, dated December 16, 1993 to “R-2” Two Family Residence District. The zoning converted from “R-2” to the current “RM-4” Residential Mixed District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District.	Vacant Property

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3 MLOD-3 MLR-2 AHOD" General Commercial Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District & . RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District.	Bar & Single-Family Residence
South	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District.	Single-Family Residence
East	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District.	Single-Family Residence
West	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed Martindale Army Air Field Military Lighting Military Lighting Region-2 Airport Hazard Overlay District.	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Arena District Community Plan and is designated "Medium Density Residential" in the future land use component of the plan. The subject property is located within the Denver Heights Neighborhood Association, and they were notified of the case.

Street Classification

South Gevers Street is classified as a Collector Road.

Criteria for Review - 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 applicant is requesting a variance from the frontage requirement to allow a single-family residential lot to front on a collector street. The variances do appear to be contrary to the public interest as South Gevers Street is a busy collector street.

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 having to redesign the layout of the driveway to Essex Street so that it meets the frontage requirements. Staff does not find an unnecessary hardship existing on the property that prevents the redesign of the development.

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. A variance to allow street frontage on a collector street will not observe the spirit of the ordinance, as it does not provide adequate safety.

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 finds the request to locate the street frontage off a collector street does not provide ample space for ingress/egress to the dwellings. Staff finds that the variance requests are out of character for the neighboring properties as other residential lots have frontage to the local streets and not collector roads.

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 does not find 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 Request

The alternative to the applicant's request is to conform to the Lot Layout Regulations of the UDC Section 35-515(c)(4).

Staff Recommendation – Lot Frontage Variance

Staff recommends Denial in BOA-22-10300004 based on the following findings of fact:

1. The plan can be revised to place driveway access from Essex Street, which is permitted; and
2. There do not appear to be any unique circumstances on the property that would result in orientation of the development plans.