

Case Number:	BOA-23-10300345
Applicant:	P.W. Christensen P.C.
Owner:	St. Sophia Greek Orthodox Church
Council District:	1
Location:	2504 North St Mary's Street
Legal Description:	The west 194.88 feet of Lot 7, Block 5, NCB 2870
Zoning:	"R-6 UC-4 AHOD" Residential Single-Family North St Mary's Street Urban Corridor Airport Hazard Overlay District
Case Manager:	Melanie Clark, Planner

A request for

A 9'-11" variance from the minimum 10' front setback, as described in Section 310.01, to allow a 1" front setback.

Executive Summary

The subject property is located on the corner of North St. Mary's Street and Terry Court. The applicant is requesting a 9'-11" variance from the minimum 10' front setback to allow a 1" front setback to allow for the installation of a porte-cochere (covered drop off area). Due to urban development of the area, applicant wishes to reconfigure building entryway to allow for a covered drop off area for ease of access for funeral services and patrons with limited mobility. Due to limited space of the property, the proposed structure will extend close to the property line.

Code Enforcement History

There is no code 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 "F" Local Retail District. The property was rezoned by Ordinance 83331, dated December 14, 1995, from "F" Local Retail District to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the "R-6" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

"R-6 UC-4 AHOD" Residential Single-Family North St Mary's Street Urban Corridor Airport Hazard Overlay District

Existing Use

Church

Surrounding Zoning/Land Use

North

Existing Zoning District(s)

"R-6 UC-4 AHOD" Residential Single-Family North St Mary's Street Urban Corridor Airport Hazard Overlay District

Existing Use

Parking Lot

South

Existing Zoning District(s)

“C-2 UC-4 AHOD” Commercial North St Mary’s Street Urban Corridor Airport Hazard Overlay District

Existing Use

Offices

East

Existing Zoning District(s)

“R-6 UC-4 AHOD” Residential Single-Family North St Mary’s Street Urban Corridor Airport Hazard Overlay District

Existing Use

Single-Family Residences

West

Existing Zoning District(s)

“C-3 UC-4 AHOD” Commercial North St Mary’s Street Urban Corridor Airport Hazard Overlay District

Existing Use

Restaurant and Offices

Comprehensive Plan Consistency/Neighborhood Association

The subject property is currently located in the Midtown Area Regional Center and is designated as “Neighborhood Mixed Use” in the future land use component of the plan. The subject property is located within the Tobin Hill Community Neighborhood Association and were notified of the case.

Street Classification

North St. Mary’s Street and Terry Court are classified as local roads.

Criteria for Review – Front Setback 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. The applicant is requesting a variance to the front setback standard to allow a structure to have a 1” front setback. The public interest is represented by having sufficient separation between structure and property line, in which this requested variances will not provide.

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

A literal enforcement of the ordinance would not result in unnecessary hardship as the applicant could redesign the covered drop off area to accommodate setback requirements. Property has access to street parking directly in front of main entrance as well as parking lot with walkways to the rear of the premise.

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. Reducing the front setback requirement would injure neighboring properties, as the structure is too close to the property line and will introduce a significantly reduced front setback to the area.

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 front setback would alter the essential character of the district by not adhering to the required setbacks. No porte-cocheres or structures were observed in the area that did not abide by the current UDC standards.

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 not due to unique circumstances existing on the property. The property owner can adjust the design to build a covered structure that abides by front setback requirements.

Alternative to Applicant's Request:

The alternative to the applicant's request is to conform to the Front and Side Setback Regulations under 35-310.01 of the UDC.

Staff Recommendation – Front Setback Variance

Staff recommends Denial in BOA-23-10300345 based on the following findings of fact:

1. The reduced front setback injures neighboring properties; and
2. The porte-cochere would introduce a significantly reduced front setback to the area which is against the spirit of the ordinance.