



City of San Antonio

Agenda Memorandum

Agenda Date: March 4, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300025

APPLICANT: Alvin Peters

OWNER: Starling Homes LLC

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 412 South Hackberry Street

LEGAL DESCRIPTION: Lot 1, West 1/2 of Block 21, NCB 618

ZONING: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

CASE MANAGER: Mirko Maravi, Principal Planner

A request for

An appeal from an Administrator's decision on the interpretation of Section 35-310.06 (a)(1).

Applicable Code References

Section 35-310.06(a)(1)(b): The maximum number of dwellings is limited to two (2) units for RM-6, three (3) units for RM-5, and four (4) units for RM-4. Multi-unit construction on lots one-third ($\frac{1}{3}$) of an acre in size or smaller, shall be within a single structure.

Applicable Definitions

Accessory structure. A building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. Examples include garages or tool sheds.

Primary or principal building. The building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one (1) building or structure.

Principal building or principal structure. A building or structure or, where the context so indicates, a group of buildings or structures, in which the principal use of a lot or parcel is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

Executive Summary

The UDC was updated in 2023 adding under Sec 35-310.06 (a)(1) to state “Multi-unit construction on lots one-third (1/3) of an acre in size or smaller, shall be within a single structure”. In the UDC, the term "single structure" in "RM" districts refers to the principal or primary use permitted within those specific zoning districts. “RM” districts are designated for residential land use, allowing for the construction of 2-4 family dwellings such as a duplex, triplex or quadplex. The term "single structure" underscores that within these districts, the primary purpose is to accommodate residential developments consisting of one main building or structure. This zoning principle helps regulate land use and development patterns within a municipality or jurisdiction, ensuring that certain areas are designated for specific types of land uses to promote orderly urban or suburban development. It also provides clarity for developers and property owners regarding the permitted uses and density allowances within RM districts. Applicant is attempting to use a covered awning walkway to connect two separate duplexed into one structure. The principal structures are the two duplexes, and the “covered awning walkway” is considered an accessory structure.

Code Enforcement History

No Code Enforcement History

Permit History

COM-PRJ-APP23-39801592 – Complete New Building Permit

Zoning History

The property was part of the original 36 square miles of the City of San Antonio and originally zoned “D” Apartment District. The property was rezoned by Ordinance 34100, dated February 17, 1996, to the “B-2” Business District. The property was rezoned by Ordinance 79329, dated December 16, 1993, to the “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-2” Two-Family Residence District converted to current “RM-4” Residential Mixed District

Subject Property Zoning/Land Use

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Vacant

Surrounding Zoning/Land Use

North

Existing Zoning District(s)

“RM-4 S AHOD” Residential Mixed Airport Hazard Overlay District with a Specific Use Authorization for a Daycare and Learning Center

Existing Use

Residential

South

Existing Zoning District(s)

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Vacant

East

Existing Zoning District(s)

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Residential

West

Existing Zoning District(s)

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Neighborhood Plan and is designated as “Residential” in the future land use component of the plan. The subject property is located near the boundaries of the Denver Heights Neighborhood Association and was notified of the case.

Street Classification

South Hackberry Street is classified as a Secondary Arterial Type B.

Wyoming Street is classified as a Local Street.

Board of Adjustment

The Board of Adjustment is asked to determine whether to uphold Staff’s interpretation of Section 35-310.06 (a)(1), “RM-4” Mixed Residential, as it relates to 412 South Hackberry Street.

Conclusion

Staff concludes the current configuration of the development will require a Board of Adjustment approval based on Section 35-310.06(a)(1) based on the following findings of the fact:

- 1) The “covered awning walkway” is not considered a principal structure; and
- 2) The intent of the Unified Development Code amendment was to reduce multiple structures on smaller lots; and
- 3) The duplexes are considered the Principal Structures on the proposed development.