

Case Number:	BOA-22-10300139
Applicant:	Patrick W Christensen
Owner:	Rodriguez-Prida Holdings Inc
Council District:	1
Location:	1102 West Ashby Place
Legal Description:	The east 77 feet of Lot 15, Block 3, NCB 3032
Zoning:	"R-3 CD NCD-5 AHOD" Single-Family Residential Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for a Duplex
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 5' variance from the 10' side setback requirement for a reverse corner lot, as described in Section 35-516, to allow a 5' setback along West Ashby and 2) a variance from the Beacon Hill Neighborhood Conservation District standards to allow a structure to be setback 5' from the side property line along West Ashby.

Executive Summary

The subject property is located on the corner of Ashby Place and Blanco Road. The property is currently vacant and the applicant proposing to build a duplex. The applicant has already received a 10' variance from the 20' minimum front setback required by the Beacon Hill Neighborhood Conservation District standards to allow the duplex to be 10' from the front property line. During the Plan Review process, it was determined that the lot is a reverse corner lot, so the side setback along West Ashby Place needs to equal the front setback of the lot to the rear. The applicant is proposing a 5' side setback along West Ashby Place, so a variance is needed from the Beacon Hill Neighborhood Conservation District design standards as well as from the Reverse Corner Lot Section in the UDC. The lot size is approximately 3,850 square feet, and the variances will better accommodate the new construction on the small lot. Additionally, the property was recently rezoned and approved with the proposed site plan for the development.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There are no relevant permits pulled for the subject property.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio. The property was rezoned by Ordinance 86704, dated September 25, 1997 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 "R-6" Residential Single-Family District. The zoning changed to the current "R-3 CD" Residential Single-Family District with Conditional Use for a Duplex on November 18, 2021 by Ordinance 2021-11-18-0886.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-3 CD NCD-5 AHOD" Single-Family Residential Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for a Duplex	Residential Single-Family District

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
South	"R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
East	"C-2 NCD-5 AHOD" Commercial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Restaurant
West	"R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the Midtown Neighborhood Plan and is designated "Mixed-Use" in the future land use component of the plan. The subject property is located within the boundary of the Beacon Hill Neighborhood Association, and they have been notified of the request.

Street Classification

Ashby Place is classified as a local road.

Blanco Road is classified as a Minor Arterial.

Criteria for Review – Reverse Corner Lot and Beacon Hill NCD 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 to the side setback requirement for a reverse corner lot to allow for a 5' setback along the side property line which is not found to be contrary to the public interest.

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 building the duplex 10 to 20 feet from the side property line, which would leave little to no room for development. The lot size would not accommodate the proposed structure based on the current site plan, which presents an unnecessary hardship.

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 proposed side setback still provides a significant buffer from the property line. 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.*

If granted, the structure will have a 5' setback from the side property line, which is not likely to alter the essential character of the district. The lot has been vacant and the variances will allow for more flexibility with the development of the property.

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. The circumstances were not created by the owner and do not appear to be merely financial in nature.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the design standards of the Beacon Hill Neighborhood Conservation District and the UDC Section 35-516.

Staff Recommendation

Staff recommends **Approval** in **BOA-22-10300139** based on the following findings of fact:

1. The submitted site plan with the 5' setback along West Ashby Place was reviewed and approved by City Council as part of the rezoning case; and
2. The requested variances observe the spirit of the ordinance.