

Case Number:	BOA-22-10300241
Applicant:	Lake Flato Architects
Owner:	Urban Creative LLC Hill
Council District:	1
Location:	206 Lavaca Street
Legal Description:	Lot 10, Block 10, NCB 713
Zoning:	“RM-4 H HE AHOD” Residential Mixed Historic Lavaca Historic Exceptional Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 4'-11" variance from the 5' minimum side property setback, as described in Sec 35-310.01, for a structure to be 1" from the side property line, and 2) a request for a 9'-11" variance from the 10' minimum rear property setback, as described in Sec 35-310.01, for a structure to be 1" from the rear property line.

Executive Summary

The subject property is located on Lavaca Street. The new two-story building has the same floor footprint as the previous historic structure. The applicant has requested a Certificate of Appropriateness from the Office of Historic Preservation. OHP staff has recommended Approval to construct a 2-story residential structure in the location of the existing, rear residential structure.

Code Enforcement History

There is no Code Enforcement history on file.

Permit History

A residential building permit is pending the outcome of the Board of Adjustment Meeting.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio and zoned “C” Apartment District. Ordinance 74924 dated December 9, 1991 rezoned the property to “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, converted to the current “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 H HE AHOD” Residential Mixed Historic Lavaca Historic Exceptional Airport Hazard Overlay District	Single Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 CD H HE AHOD” Residential Mixed Historic Lavaca Historic Exceptional Airport Hazard Overlay District with Conditional Use for 9 Dwelling Units	School Administrative Office

South	“RM-4 H HE AHOD” Residential Mixed Historic Lavaca Historic Exceptional Airport Hazard Overlay District	Single-Family Residence
East	“RM-4 H HE AHOD” Residential Mixed Historic Lavaca Historic Exceptional Airport Hazard Overlay District	Single-Family Residence
West	“RM-4 H HE AHOD” Residential Mixed Historic Lavaca Historic Exceptional Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Lavaca Neighborhood Association, and they were notified of the case.

Street Classification

Lavaca Street is classified as a local road.

Criteria for Review – Side and 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 new structure will be on an existing floor footprint and appears to provide adequate space along the rear property line.

The new structure will not leave enough room between the side property lines.

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

Staff finds an unnecessary hardship due to the limited size of the rear yard and location of the foundation.

Staff finds enough room exists to move the structure to the side to meet alternate recommendation.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The requested variance is to allow a structure to be closer to the rear property line. Due to the configuration of the property and the structure being existing, this will observe the spirit of the ordinance.

The requested variance is to allow a structure to be closer to the side property line. The configuration of the lot permits additional setback than requested.

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 rear setback requested variance would alter the essential character of the district as the new structure will be on a similar footprint.

Staff finds evidence of the side setback variance would alter the essential character of the district as a new structure can be built by the recommended setback.

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.*

The rear setback variance is sought is due to unique circumstances existing on the property such as the size and location of the lot. The variance request is not merely financial.

The side setback variance is sought to follow the previous structure setback, however new development must meet current setback standards.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the side and rear setback per Sec 35-310.01.

Staff Recommendation –Rear Setback Variance

Staff recommends **Approval** in **BOA-22-10300241** based on the following findings of fact:

1. The request does not appear out of character for the area as there are similar structures in the surrounding area; and
2. The new development will be the same floor footprint as the historic structure.

Staff Recommendation –Side Setback Variance

Staff recommends **Denial**, **with an alternate recommendation of 3' side setback** in **BOA-22-10300241** based on the following findings of fact:

1. The request does not leave enough room for maintenance; and
2. New development will be required to follow current UDC standards.