

Case Number:	BOA-22-10300264
Applicant:	Censeo Homes
Owner:	Censeo Homes
Council District:	8
Location:	7503-7627 Casina Run; 14906-14915 Casina Knoll; 14902-14915 Casina Green
Legal Description:	Lots 1 –14, Block 3, NCB 17224 and Lots 1 - 18, Block 2, NCB 17224
Zoning:	“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a variance from the maximum 50% impervious cover requirement, as described in Sec. 35-515(d), to allow the front yard to exceed the maximum 50% impervious cover to exclude 7523 Casina Run, 2) a variance from the front entry oriented to the primary street, as described in Sec. 35-310.01, to allow a side door, and 3) a 2’ special exception from the 6’ maximum height, as described in Sec. 35-514, to allow an 8’ solid fence along the rear of the property.

Executive Summary

The subject property is located along Casina Run, west of the University of Texas at San Antonio. The lot is vacant, and the applicant plans to build 32 duplexes. The impervious cover would exceed the maximum 50% impervious cover requirement in the front yard. The lot has a 50’ street frontage and the minimum width of a driveway is 10’. A duplex requires a minimum of 2 parking spaces, the site plan indicates 4 total parking spaces. Based on the design and configuration of the lots the front entry doors are required to be oriented to the primary street, however the doors will be oriented on the side. Additionally, a special exception is required for an 8’ fence on the rear of the property.

Permit History

There are no relevant permits pulled for the subject property.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 39197, dated August February 25, 1971 and originally zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District. Ordinance 2018-01-18-0070, dated January 18, 2018, rezoned the property to “MF-18” Limited Density Multi-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-18 MLOD-1 MLR-2 ERZD” Limited Density Multi-Family Camp Bullis Military Lighting Overlay	Vacant

Military Lighting Region 2 Edwards Recharge Zone District	
---	--

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence
South	“MF-33 MLOD-1 MLR-2 ERZD” Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Multi-Family
East	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	UTSA
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the UTSA Area Regional Center Plan and is designated “Urban Mixed Use” in the future land use component of the plan. The subject property is part of the Cedar Point Neighborhood Association.

Street Classification

Casina Run is classified as a local road.

Criteria for Review – Front Entry Door and Impervious Cover 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 to have the front entry doors oriented on the side instead of the doors being oriented to the primary street. The variance request does not appear to be 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 for impervious cover to exceed the 50% minimum. The proposed amount of parking spaces is double the minimum required.

- 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 front entry doors being oriented to the primary street. Based on the design and configuration of the lots, the front entry door requirement cannot be met.

A literal enforcement of the ordinance would result in the applicant reducing the amount of parking spaces and would not result in 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. Based on the design and configuration of the lots the front entry doors are required to be oriented to the primary street, however the doors will be oriented on the side. The request appears to observe the spirit of the ordinance.

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. Impervious coverage requirements are intended to provide a safe environment for the mitigation of water flooding during heavy rain events. Exceeding the 50% impervious coverage requirement does not appear 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.*

Staff does not find evidence that the requested variance would alter the essential character of the district. The location of the front entry doors is based on the design and configuration of the lots. The variance will not alter the essential character of the district as the entire area will follow the same character.

If granted, the impervious coverage on the subject property poses a threat to adjacent properties as water runoff would increase. It will alter the essential character of the area.

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. Based on the design and configuration of the lots the front entry doors are required to be oriented to the primary street, however the doors will be oriented on the side. The request does not appear merely financial.

Staff found that the lot width can fit the minimum amount of parking spaces and conform to the impervious coverage requirements.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

A. The special exception will be in harmony with the spirit and purpose of the chapter

The UDC states the Board of Adjustment can grant a special exception for a fence height modification. The fence height being requested is solid fence, located along the rear property line and does not exceed 8' in height. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance.

B. The public welfare and convenience will be substantially served.

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The proposed fence being requested will be located along the rear property line and will exceed the maximum height requirement. The solid fence will still serve the public welfare and convenience.

C. The neighboring property will not be substantially injured by such proposed use.

The fence will create enhanced security and privacy for the subject and adjacent properties.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The fence height in the rear yard of the subject property does not appear to alter the essential character of the district.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district

The requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Dimension Regulations, Fence Height Regulations, and Design Regulations of the UDC Sec. 35-515(d), Sec. 35-514 and Sec. 35-310.01.

Staff Recommendation – Impervious Cover Variance

Staff recommends Denial in BOA-22-10300264 based on the following findings of fact:

1. There is enough room for the minimum required parking spaces and meet the required 50% impervious cover requirement; and
2. The variance would result in excess water runoff to adjacent lots; and

Staff Recommendation – Front Entry Door Variances

Staff recommends **Approval** in **BOA-22-10300264** based on the following findings of fact:

1. Based on the design and configuration of the lots, the front entry doors will be oriented on the side; and
2. The variance requests do not appear to alter the essential character of the district.

Staff Recommendation – Fence Height Special Exception

Staff recommends **Approval** in **BOA-22-10300264** based on the following findings of fact:

1. The fence height will create enhanced security and privacy for the subject and adjacent properties.