

Case Number:	BOA-23-10300034
Applicant:	Roberto Leal
Owner:	Roberto Leal
Council District:	4
Location:	Various on Crooked Trail
Legal Description:	Lots P-4 and P-49, NCB 15133
Zoning:	“MF-33 MLOD-2 MLR-1 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

Request

A request for a 19’ variance from the maximum 20’ front setback, as described in Section 35-310.01 to allow structures to be 39’ from the front setback for 86 lots.

Executive Summary

The subject properties are on Crooked Trail near Rainbow Hills. The applicant is building 86 homes and is requesting a 39’ front setback.

Code Enforcement History

Overgrown yard investigation (3/14, 8/1, 8/15 2022); no violation.

Permit History

There is no permit history.

Zoning History

The property is located was annexed into the City of San Antonio by Ordinance 41420, dated December 26, 1972 and zoned “R-1” Single-Family Residence District. The property zoned “R-1” Single-Family Residence District converted to “B-3” Business District under Ordinance 49691-A, dated August 17, 1988. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to “C-3” General Commercial District. The property zoned “C-3” General Commercial District converted to “MF-33” Multi-Family District under Ordinance 2021-03-04-0154, dated March 4, 2021.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 MLOD-2 MLR-1 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay	Vacant Lot

	Military Lighting Region 1 Airport Hazard Overlay District	
South	“C-2 MLOD-2 MLR-1 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Multi-Family Housing
East	“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Hotel
West	“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Port San Antonio SATomorrow Plan and has a future designated land use of “Regional Mixed Use”. There is no registered neighborhood association.

Street Classification

Crooked Trail is classified as a local street.

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 variance is not contrary to the public interest as the increased front setback will not affect surrounding areas.

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 unnecessary hardship as it would require the applicant to reconfigure the parking plan.

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 variance would observe the spirit of the ordinance as it is in a privately closed subdivision.

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 increased front setback would not injure the use of adjacent properties or alter the essential character of the district as it will be its own subdivision.

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 reduced front setback variance is sought is due to unique circumstances existing on the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the front setback requirements in Section 35-310.01 of the UDC.

Staff Recommendation – Buffer Variance

Staff recommends **Approval** in **BOA-23-10300034** based on the following findings of fact:

1. The requested variance will not affect surrounding areas; and
2. The property is in a privately closed subdivision.