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| Case Number: | BOA-23-10300065 |
| Applicant: | OneStop Code |
| Owner: | Etece Investments, LLC |
| Council District: | 3 |
| Location: | 3727 Commercial Avenue |
| Legal Description: | The North 150 feet of South 240 feet of Lot 10, Block 50, NCB 11080 |
| Zoning: | “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District |
| Case Manager: | Joseph Leos, Planner |

Request

A variance from the frontage requirements, as described in Section 35-515(c)(4), to allow the frontage of three single-family residential lots on a Collector Street.

Executive Summary

The subject property is located along Commercial Avenue near W. Ansley Boulevard. Pending the outcome of the Board of Adjustment, the applicant is anticipating subdividing (LAND-PLAT-22-11800721) the 20,625 square foot lot into three 6,875 square foot residential lots for the construction of 3 single-family dwellings. During this process, the applicant was informed that they would need to obtain a variance from the frontage requirements to allow the frontage of single-family residences on a collector street. The property is currently vacant and fronts Commercial Avenue, 196 feet from the nearest intersection at Ansley Boulevard. It is noted that the applicant will provide a permanent vehicular turnaround to prevent backing onto Commercial Avenue. Upon site visits, staff observed other single-family dwellings fronting off Commercial Avenue. Per BCAD, these immediate properties were constructed prior to the current Universal Development Code building regulations.

Code Enforcement History

Overgrown Yard Investigation- August 2022

Overgrown Yard Investigation- January 2022

Dangerous Premises Investigation- November 2020

Permit History

The Issuance of a Building Permit is Pending the Outcome of the Board of Adjustment

Demolition Permit- February 2021

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and originally zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------|--------------|
|-----------------|--------------|

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|---|------------|
| “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Vacant Lot |
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Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|-------------------------|
| North | “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single-Family Residence |
| South | “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single-Family Residence |
| East | “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Medical Clinic |
| West | “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single-Family Residence |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the boundary of the Harlandale McCollum Neighborhood Association and they have been notified of the request.

Street Classification

Commercial Avenue is classified as a Collector Road.

Criteria for Review – Frontage 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest represented by frontage requirements for single-family dwellings to allow for the safety of vehicular traffic and uniform development patterns. If granted, staff finds the request is not contrary to the public interest, as per dated imagery, a single-family dwelling was previously in this location and was not contrary to the public interest.

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

The special condition found on the subject property includes non-vehicular access throughout the lot. The subject property is surrounded by other privately owned lots, with access limited to Commercial Avenue. A literal enforcement of the ordinance would result in an unnecessary hardship, as the development of this lot would be prohibited if the variance is not granted.

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 new one-story residential structures have all been located towards the rear of the property, but still allowing the 20 feet minimum rear setback requirement. The structures will be located approximately 48 feet from the front property line to the proposed garage. Additionally, the applicant is providing a permanent vehicular turn around on each of the subdivided lots, preventing the reversing onto Commercial Avenue. The requested variance observes 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.*

The applicant is constructing 3 single-family dwellings, which are allowed by right within the current base zoning districts and meet the minimum lot size requirements. The granting of this variance will not injure the appropriate use of adjacent properties or alter the essential character of the district, as other single-family uses were found fronting on Commercial Avenue. The requested variance does not seem out of character with the assigned base zoning district and neighborhood fabric.

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, such as the only thoroughfare abutting the subject property is classified as a Collector Road. The circumstances do not appear to be merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot Layout Regulations of the UDC Section 35-515(c)(4).

Staff Recommendation – Lot Frontage Variance

Staff recommends **Approval** in **BOA-23-10300065** based on the following findings of fact:

1. Other residential uses were found to have access off Commercial Avenue in the immediate area; and
2. The applicant is providing a permanent vehicular turn around on each of the lots, as they provide for a safe alternative for egress.