

Case Number:	BOA-23-10300047
Applicant:	Brown and McDonald, PLLC
Owner:	Urban Renewal Agency of the City of San Antonio, d/b/a Office of Urban Redevelopment San Antonio
Council District:	1
Location:	419 and 425 San Pedro Avenue
Legal Description:	Lot 6 & 7, EXC E IRRG 10.8 feet, Block 7, NCB 769 {BCAD ID 108697) and the west IRR 143.25' of Lot 5, EXC south 2' of west 71.63', Lot 3, EXT east IRR 8.62', the west IRR 143.82' of Lot 4, and 52' of west 71.65 of Lot 5, Block 7, NCB 769 {BCAD ID 108696)
Zoning:	Zoned: "C-3NA UC-6 AHOD" General Commercial Nonalcoholic Sales San Pedro Urban Corridor Overlay Airport Hazard Overlay District and "C-2 P UC-6 AHOD" Commercial Pedestrian San Pedro Urban Corridor Overlay Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 39' variance from the minimum 40' Urban Corridor Arterial Street front setback along San Pedro, as described in Section 35-339.01, to allow a structure to be 1' from the front property line, 2) a 4' variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow a structure to be 1' from the side property lines, and 3) a 4' variance from the minimum 5' rear setback requirement, as described in Section 35-310.01, to allow a structure to be 1' from the rear property line.

Executive Summary

The subject property is located along San Pedro Avenue between the intersections of Marshall Street and West Euclid Avenue. The applicant is proposing to construct a 5-story building for a Supportive Housing Campus with reduced setbacks on front, rear and side. The property was recently rezoned to IDZ-3 High Intensity Infill Development Zone with a proposed Site Plan of a 1' setback on all sides. The San Pedro Urban Corridor requires a 40' front setback for structures located along Arterial Streets. The applicant is requesting a 39' variance to allow the structure to be 1' along the front property line due to the size of the lot and the anticipated square footage of the building. Additionally, the applicant is requesting a 4' variance from the rear and side setback requirements as required per IDZ-3 High Intensity Infill Development Zone, to allow a structure to be 1' from the rear and side property lines due to the size of the lot and the anticipated square footage of the building the setbacks will be encroached.

Code Enforcement History

Overgrown Yard Investigation (INV-VOP-23-2590020695) – March 2023
Overgrown Yard Investigation (INV-VOP-23-2590032661) – May 2023
Overgrown Yard Investigation (INV-VOP-23-2590034397) – May 2023
Overgrown Yard Investigation (INV-VOP-23-2590020690) – March 2023 (425 San Pedro)
Overgrown Yard Investigation (INV-VOP-23-2590032665) – May 2023 (425 San Pedro)

Permit History

The issuance of a Building Permit is Pending the Outcome of the Board of Adjustment.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “J” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “J” Business District converted to the current “I-1” General Industrial District. The property was rezoned by Ordinance 97522, dated April 24, 2003, to “C-2P” Commercial Pedestrian District. The corner portion of the subject site was rezoned by Ordinance 2006-10-19-1232, dated October 19, 2006, to “C-3NA” General Commercial Nonalcoholic Sales District. The property was rezoned on May 4, 2023 to the current "IDZ-3 UC-6 AHOD" High Intensity Infill Development Zone San Pedro Urban Corridor Airport Hazard Overlay District with uses for a Supportive Housing Campus, no Ordinance has been signed yet.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 AHOD” Residential-Mixed Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 P UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District	Church
South	“C-2 P UC-6 AHOD” Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District	Food Service Establishment
East	“C-3 UC-6 AHOD” General Commercial San Pedro Urban Corridor Airport Hazard Overlay District	Food Service Establishment
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Area Regional Center and is designated as “Urban Mixed Use” in the future land use component of the plan. It is in the Tobin Hill Community Neighborhood Association.

Street Classification

San Pedro Avenue is classified as a Primary Arterial Type B.

Criteria for Review

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 front, side and rear setback to allow a structure to be 1' from the front, side and rear property lines.

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 structure forty feet from the front property line and five feet from the side and rear property lines, which would result in an unnecessary hardship as the structure would have to have the square footage reduced to meet the setback requirements.

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 structure would be 1' from the side and rear property lines and 1' from the front property line, which observes the spirit of the ordinance due to the size of the lot and the proposed square footage of the structure.

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 be 1' from the rear, side and front property lines due to the size of the lot and the proposed square footage of the structure would not alter the essential character of the district.

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.

Alternative to Applicant's Requests

The alternative to the applicant's request is to conform to the building setback requirement of the UDC Section 35-310.01 and Urban Corridor standards in Section 35-339.01.

Staff Recommendation- Front, Side and Rear Setbacks

Staff recommends **Approval** in **BOA-23-10300047** based on the following findings of fact:

1. Due to the size of the lot and the proposed square footage of the structure; and
2. It will not alter the essential character of the district.