

Case Number:	BOA-22-10300026
Applicant:	ISRO Engineering Services, PLLC
Owner:	MATER MAC LLC
Council District:	2
Location:	721 Iowa Street
Legal Description:	Lot 9, Block D, NCB 640
Zoning:	"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Senior Planner

Request

A request for a variance from the frontage requirement, as described in Section 35-515(c)(4), to allow the frontage of a single-family residential lot on a Secondary Arterial Type B street.

Executive Summary

The subject property is located on the corner of Spruce Street and Iowa Street. The subject property is currently vacant, and the applicant is proposing to construct a duplex on the property. The structure(s) and driveway approach are being proposed to front of Iowa. When developing a single-family lot, Section 35-515 of the code states that a frontage cannot be located on an arterial street. Plans for the construction have been submitted and review, which prompted the variance application submittal.

Code Enforcement History

There are no code investigations for this property.

Permit History

An application for a new duplex was submitted on December 14, 2021. The issuance of the permit is pending the outcome of the Board of Adjustment hearing due to a hold on the traffic review.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "D" Apartment District. The property was rezoned by Ordinance 79329, dated December 16, 1993, to "R-2" Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two-Family Residence District converted to the current "RM-4" Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District	Vacant Property

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Duplex
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant Lot
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant Lot
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Commercial Building

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Neighborhood Plan and is designated “Residential” in the future land use component of the plan. The subject property is located within the Denver Heights Neighborhood Association, and they were notified of the case.

Street Classification

Iowa Street is classified as a Secondary Arterial Type B.

Criteria for Review - 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 a variance from the frontage requirement to allow a residential lot to front on a Secondary Arterial Type B Street. The variance appears to be contrary to the public interest as Iowa Street is a high-traffic road.

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 having to redesign the layout of the driveway and structure so that it meets the frontage requirements. Staff does not find an unnecessary hardship existing on the property that prevents the redesign of the development for this vacant lot.

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. A variance to allow street frontage on a Secondary Arterial B will not observe the spirit of the ordinance, as it is presenting a safety hazard.

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 finds the request to locate the street frontage off a Secondary Arterial B street does not provide ample space for ingress/egress to the dwellings. Staff finds that the variance requests are out of character for the neighboring properties as other residential lots have frontage to local streets.

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 does not find 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 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 Denial in BOA-22-10300026 based on the following findings of fact:

1. There do not appear to be any unique circumstances on the property that would prohibit the lot from fronting on a Secondary Arterial Type B Street.