

For Appeal to Board of Adjustment – City of San Antonio

CHALLENGES WITH PROJECT

**Subject Property: 309 or 311 W. Norwood Ct., San Antonio, TX 78212
(address varies in city and county records)**

Issue 1: Section 35-517 limits the height of buildings on the subject property to 35' (2 ½ stories).

Discussion: Section 35-517(a) of the U.D.C. establishes maximum building heights per zoning classification. The subject property is zoned MF-33, which grants a maximum height of 45' (referencing 35-310 matrix). Section 35-517(d)(2) modifies this rule, however, stating:

The maximum height of any portion of a commercial, office or multi-family zoning district located within fifty (50) linear feet of the property line of an established single-family residential use shall be limited to the maximum height of the single-family district. The height limit shall not apply where a property is zoned single-family residential but not used for residential purposes, such as a church, school, park or golf course. The measurement of fifty (50) feet shall occur from the property line of the residential use to the structure in the zoning district subject to this subsection.

For example, where a C-2 zoned property abuts single-family property with R-5 zoning, the C-2 property shall be limited in height to thirty-five (35) feet or two and one-half (2½) stories for that portion of the property within fifty (50) feet of the property line with the R-5 district.

The property adjacent (307 W. Norwood Ct.) to the Subject Property is zoned R-4 (see attached map). It is occupied by a single-story single-family house, and used as a single-family residence. As such, the restriction quoted about is triggered. The Subject Property is zoned multi-family, is 50' wide, and is adjacent to 307 Norwood. Given the provision, the entirety of the Subject Property is limited to a maximum height of 35'.

The provision only allows this limitation to be exceeded by a “specific use authorization.” We strenuously oppose such an authorization. The characteristics of the neighborhood are defined by single-family or duplex residences, either one or two stories tall. The four structures proposed for the Subject Property are each four stories tall, grossly incongruent with the existing character of the neighborhood. It is entirely proper to follow the code provision and ensure the Subject Property is developed at a scale appropriate to the existing fabric of the neighborhood.

Issue 2: Each building on Subject Property Must Be Located On A Separate Lot.

Discussion: The Subject Property is currently platted as a single lot, and U.D.C. requirements would prevent the lot from being subdivided (35-310 mandates a minimum 50’ road frontage and 50’ width per lot--the Subject Property is already at these minimums). The project proposed for the lot is comprised of four individual dwellings. Section 35-515(a) of the U.D.C. states:

Buildings to be on a Lot. Except as permitted in the planned unit development district, every building shall be located on a lot. In the "RP" and residential zoning districts, no more than one (1) principal building may be erected on a lot unless otherwise permitted in this chapter.

The U.D.C. defines a “residential zoning district” as “[a]ny of the following zoning districts: ‘R-3’, ‘R-4’, ‘R-5’, ‘R-6’, ‘R-20’, ‘RE’, ‘RM-4’, ‘RM-5’, ‘RM-6’, ‘MF-18’, ‘MH-25’, ‘**MF-33**’, ‘MF-40’ ‘MF-50 or ‘MF-65.’” U.D.C. Appendix A (*emphasis added*). Also, per section 35-310.07 MF-33 STATEMENT OF PURPOSE, MF-33 zoning is applied in a “residential area . . .” As such, residential buildings constructed under MF-33 zoning must each be located on a separate lot. (Ancillary buildings such as garages or “granny flats” are allowed under Article III Division 7 of the U.D.C.) The proposed development of the Subject Property includes four individual primary dwelling structures. To comply with this provision, the Subject Property would need to be replatted as four individual lots, which is not possible as noted above. As such, the proposed development does not conform with section 35-515(a) of the U.D.C.