



City of San Antonio

Legislation Details (With Text)

File #: 15-4891
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 9/21/2015

Title: A-15-138: A request by Juan Garcia for 1) a 5 foot variance from the minimum 10 foot front yard setback to allow a new home 5 feet from the front property line; 2) a 5 foot variance from the minimum 10 foot reverse corner side setback to allow a house 5 feet from the corner property line; and 3) the elimination of off-street parking required for a single-family home, located at 316 N. Mesquite Street. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-15-138 attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-15-138
Applicant: Juan Garcia
Owner: JB Garcia, LLC
Council District: 2
Location: 316 N. Mesquite Street
Legal Description: Lot F, Block 15A, NCB 576
Zoning: "RM-4 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for 1) a 5 foot variance from the minimum 10 foot front yard setback, as shown in Table 35-310-1 to allow a new home 5 feet from the front property line; 2) a 5 foot variance from the minimum 10 foot reverse corner side setback to allow a house 5 feet from the corner property line; and 3) the elimination of off-street parking, as described in Table 35-526-3a, required for a single-family home.

Executive Summary

The subject property located on the corner of N. Mesquite Street and Glorietta in the historic Dignowity Hill neighborhood. Mesquite Street is the dividing line between commercial and industrial uses to the west and the residential portion of the neighborhood to the east. The small lot has been vacant for a long time, but was granted a Certificate of Determination, indicating it had existed in the same configuration for over 100 years. Five other vacant lots of the same shape share this block on N. Mesquite. The lot is 28.9 feet wide and 69 feet deep, with slightly less than 2,000 square feet of lot area. Located within the Dignowity Hill Historic District, any construction will have to gain the approval of the Historic Design and Review Commission. Prior to any

detailed design work, the applicant is seeking variances to determine the buildable area of the parcel.

The lot is located on the corner, where other lots front on Glorietta, and is therefore subject to a reverse corner front setback of 10 feet, further reducing its buildable area along this length. The applicant is planning to construct a small shotgun style house within the buildable area of 14 feet in width. This will provide 682 square feet of living space. Two five foot variances are requested on each frontage to allow a large porch, five feet in width, to wrap around these front elevations. If granted, this will yield an extra 339 square feet of exterior living space. In addition, the applicant is seeking a variance from the requirement to provide two off-street parking stalls. Many houses in historic neighborhoods do not have off-street parking and hard-surfacing the entire rear yard does seem to be an unnecessary hardship.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District	Vacant Land
South	“RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District	Vacant Building
East	“RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District	Residential
West	“I-1 H AHOD” Industrial Dignowity Hill Historic Airport Hazard Overlay District	Bus Maintenance Facility

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Dignowity Hill Neighborhood Plan and currently designated as Low-Density Residential in the future land use component of the plan. The subject property is also located within the boundaries of the Dignowity Hill Neighborhood Association, a registered neighborhood association. As such, they were notified of the request and asked to comment.

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. In this case, the public interest is represented by minimum setbacks of 10 feet on each frontage. **The applicant is requesting the variances to allow a large porch to encroach 5 feet into this setback. On the Glorietta frontage, the wide public right of way includes almost 9 feet of grass between the sidewalk and the property line, which will give the appearance of a larger setback. In addition, on-street parking is typical in older neighborhoods.**

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

The special circumstance present on the subject property is that the lot originated prior to 1912 and is less than 30 feet wide. Therefore this unique circumstance makes literal enforcement an unnecessary hardship.

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 letter of the law. Front setbacks were created to provide some separation when walking, while allowing residents to keep an eye on outdoor activities. These variances observe the spirit of the code.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “RM-4 H AHOD” Residential Mixed Dignowity Historic Airport Hazard Overlay District.

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 surrounding neighborhood will benefit from reinvestment. The requested variance will allow outdoor living space, increasing potential community interaction. Since porches are a character defining feature in older historic neighborhoods, the variance will not alter the 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.*

The UDC has only one zoning district, “IDZ” In-Fill Development zone, which allows a lot area under 2,000 square feet, and it includes only one setback in the rear of 5 feet. The subject lot, and those similarly situated to the north, was legally established prior to zoning, making the circumstance unique.

Alternative to Applicant’s Request

The applicant could forego outdoor living space and stay within the prescribed setbacks.

Staff Recommendation

Staff recommends **APPROVAL** of **A-15-138** based on the following findings of fact:

1. An additional 5 feet in width will allow the same buildable footprint as the other 5 lots to the north.

