



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-2420

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 3/19/2018

**Title:** A-18-048: A request by Enrique Guerrero for 1) a two foot variance from the five foot side setback on the west side to allow the house to be three feet away from the side property line and 2) a two foot and five inch variance from the five foot side setback on the east side to allow the house to be two feet and seven inches away from the side property line and 3) a 17 foot variance from the 20 foot rear setback to allow the house to be as near as three feet from the rear property line, located at 205 Del Valle Alley. Staff recommends Approval. (Council District 5)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-18-048 Attachments

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**Case Number:** A-18-048

**Applicant:** Enrique Guerrero

**Owner:** Enrique Guerrero

**Council District:** 5

**Location:** 205 Del Valle Alley

**Legal:** Lot 22, NCB 2402

**Description:**

**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Dominic Silva, Planner

### Request

A request for 1) a two foot variance from the five foot side setback on the west side as described in Section 35-310.01, to allow the house to be three feet away from the property line, 2) a two foot five inch variance from the five foot side setback on the east side to allow the house to be two feet seven inches away from the side property line, and 3) a seventeen foot variance from the twenty foot rear setback, as described in Section 35-310.01, to allow the house to be as near as three feet from the rear property line.

### Executive Summary

The subject property is located at 205 Del Valle Alley, 95 feet west of South Nueces Street. The applicant is requesting variances to three setbacks after construction of a new residential primary structure. Due to the unique layout of the community and pattern of small lots, the applicant requests a variance in order to utilize the lot like every other home owner within the neighborhood. If adhering to setbacks of the Unified

Development Code, this lot would lose over 58% of developable land.

**Subject Property Zoning/Land Use**

| Existing Zoning  | Existing Use           |
|--|------------------------|
| “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

**Surrounding Zoning/Land Use**

| Orientation | Existing Zoning District(s)  | Existing Use            |
|-------------|--|-------------------------|
| North       | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling  |
| South       | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling  |
| East        | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single -Family Dwelling |
| West        | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single -Family Dwelling |

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the Guadalupe West Side Neighborhood Plan and designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Avenida Guadalupe Neighborhood Association. As such, they were notified 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, given the lot constraints, granting the variances still provides adequate accessibility to light, air, and open space.**

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 unnecessary hardship by requiring the demolition of the entire structure. Further, if enforced, the ordinance would significantly reduce the amount of developable space on each site. The small lot configurations are the result of an old subdivision and the lots are similar to the lot scheme of the neighborhood.**

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 the intent of the code, rather than the strict letter of the law. The intent of**

**the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will be observed if approved.**

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.*

**The requested variance will not permit a use not authorized within the “R-4 AHOD” Residential Single-Family 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.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variance would not place the structure out of character within the community. Further, the residential structure is following a district norm of reduced setbacks for all houses built within the area.**

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 unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The character of reduced lot sizes within the district is uniform, leaving little room for proper building setbacks. This is created by the proliferation of older, outdated substandard lots currently zoned “R-4.”**

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to conform to side and rear setbacks set forth in the Unified Development Code.

### **Staff Recommendation**

Staff recommends **APPROVAL of A-18-048** because of the following reasons:

1. The requested variance is will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. The lot is too small to reasonably provide for all required setbacks.