



City of San Antonio

Legislation Details (With Text)

File #: 15-2400
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 4/6/2015

Title: A-15-056: A request by Devin Elder for a 2.5 foot variance from the minimum five foot side yard setback to allow the existing detached garage to be connected to the main structure, with only a 2.5 foot setback, located at 317 Lamar Street. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments A-15-056

Date	Ver.	Action By	Action	Result
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Case Number: A-15-056
Date: April 6, 2015
Applicant: Santana's Remodeling
Owner: Devin Elder
Council District: 2
Location: 317 Lamar
Legal Description: Lot 15, Block 24, NCB 519
Zoning: "R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP Senior Planner

Request

A request for a 2.5 foot variance from the minimum 5 foot side yard setback to allow the existing detached garage to be connected to the main structure, with only a 2.5 foot setback.

Executive Summary

The subject property was recently purchased by the applicant in very poor shape, missing doors and windows. The applicant has hired a contractor to restore the home and expand it. The lot area includes over 9,150 square feet. Currently, the existing house, built in 1910, includes approximately 1,200 square feet of living space, and the owner is seeking approval to add another 950 square feet. The addition is hidden from public view in the rear, but includes attaching the existing accessory structure to the main house, triggering the need for a variance. The existing garage is located about 2.5 feet from the east side property line; otherwise all of the new construction will satisfy minimum setbacks. Since the parcel is located in the Dignowity Hill Historic District, the plans require review and approval from the Office of Historic Preservation. The Historic Preservation Officer granted a Certificate of Appropriateness for the extensive construction project on February 19, 2015.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Dignowity Hill Neighborhood Plan, and designated as Low-Density Residential land use. The subject property is located within the boundaries of the Dignowity Hill 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, the public interest is represented by distance from the property line to ensure room for routine maintenance. The existing distance has functioned over 100 years. As such, staff finds that the requested variance is not contrary to the public interest.**

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

A literal enforcement would result in no change the location of the detached garage, it would instead prevent its connection to the main home, resulting in an unnecessary hardship.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Because the applicant is requesting approval to connect to an existing structure, originally built in 1910,

staff finds that the granting of the requested variance will observe the spirit of the ordinance.

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 “R-5 H AHOD” Residential Single-Family Dignowity Hill 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 granting of the variance is unlikely to harm adjacent conforming property because the garage has been in this location for over 100 years. The applicant is restoring this historic home and expanding it toward the rear, consistent with the City’s Historic Design guidelines. Therefore, the variance will not injure adjacent properties or negatively alter the character of 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.

Staff finds that the unique circumstance present in this case is the location of the detached garage and the applicant’s desire to attach the new rear addition to the garage.

Alternative to Applicant’s Request

The applicant could expand the main house without connecting to the existing detached garage.

Staff Recommendation

Staff recommends **approval of the side setback variance requested in A-15-056** based on the following findings of fact:

1. The existing detached garage was built in this location over 100 years ago and will continue to function as a garage.
2. The rear addition has received a Certificate of Appropriateness from the Office of Historic Preservation.