



City of San Antonio

Legislation Details (With Text)

File #: 18-2214

Type: Zoning Case

In control: Board of Adjustment

On agenda: 3/5/2018

Title: A-18-043: A request by Pedro Rodriguez for A) to waive the 12-month time limitation of Section 35-482(f) of the UDC regarding a subsequent variance application on the property and B) a request for a 222 square foot variance from the 800 square foot maximum accessory dwelling unit size to allow an 1022 square foot accessory dwelling unit in the rear yard, located at 17540 Blanco Road. Staff recommends Approval. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-043 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-043

Applicant: Pedro Rodriguez

Owner: Pedro Rodriguez

Council District: 9

Location: 17540 Blanco Road

Legal: Lot 8, Block 2, NCB 18402

Description:

Zoning: "R-6 MLOD-1 AHOD ERZD" Residential Single-Family
Camp Bullis Military Lighting Overlay Airport Hazard
Overlay Edwards Recharge Zone District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for A) to waive the 12-month time limitation of Section 35-482(f) of the UDC regarding a subsequent variance application on the property and B) a request for a 222 square foot variance from the 800 square foot maximum accessory dwelling unit size as described in Section 35-371, to allow an 1022 square foot accessory dwelling unit in the rear yard.

Executive Summary

The applicant wants to request an increase in floor area for an existing accessory detached dwelling unit. The proposed improvement exceeds the 800 square feet by 222 for a total gross floor area of 1022 square feet. The principal residence building footprint has an area of 3395 square feet in a 0.8165 acre lot. This is the second time the applicant has applied for a variance to the Board of Adjustment. The applicant previously submitted a request for a variance that the Board denied on September 18, 2017. The current request seeks an accessory

dwelling unit that is 58 square feet less than the one originally requested. The new request still allows the applicant a larger accessory dwelling unit, but not as large as that originally requests at the prior hearing.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
South	“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
East	“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
West	“R-6 PUD MLOD-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the North Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of Canyon Creek Estates 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 protected by a requirement that accessory dwelling structures remain subservient to the principal dwelling unit. In this case, since the home being built is very substantial in size with a large yard, bounded by mature trees, the variance to allow the increase in size for the accessory dwelling structure is not contrary to the public interest.

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

The additional height and square footage for the accessory dwelling unit is not overwhelming, and allows for adequate air and light in the yard. The accessory dwelling unit is proportional to the main structure, the size of the lot, and the neighboring lots.

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

The spirit of the ordinance represents the intent of the requirement. The accessory dwelling unit is proportional to the size of the home, the size of the lot, and is within the character of the subdivision.

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-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone 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 size of the accessory dwelling unit is proportional with the size of the main home, the size of the lot, and the accessory dwelling unit will comply with the one bedroom one bath requirement of the code. In addition the structure will not impose any immediate threat of water runoff or fire spread on adjacent properties.

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 applicant has a large lot with a large home and it is bounded by mature trees. The accessory dwelling unit will be proportional in size with the primary dwelling.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC accessory structure requirements, and remove the addition.

Staff Recommendation

Staff recommends **APPROVAL** of **A-17-151** based on the following findings of fact:

1. The requested variance is not contrary to the public interest since the dwelling unit is proportional to the main structure and the lot;
2. The additional square footage in the accessory dwelling unit is stacked, leaving adequate rear yard open space.