



City of San Antonio

Legislation Details (With Text)

File #: 18-4266

Type: Zoning Case

In control: Board of Adjustment

On agenda: 7/16/2018

Title: A-18-116: A request by Thomas Simms Oliver for a 715 square foot variance from the maximum 800 square foot floor area to allow a 1,515 square foot detached dwelling unit, located at 162 Cave Lane. Staff recommends Approval. (Council District 10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-116 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-116

Applicant: Thomas Simms Oliver

Owner: Thomas Simms Oliver

Council District: 10

Location: 162 Cave Lane

Legal: Lot 26, NCB 11861

Description:

Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Case Manager: Dominic Silva, Planner

Request

A request for a 715 square foot variance from the maximum 800 square foot floor area, as described in Section 35-371(b)(2), to allow a 1,515 square foot accessory detached dwelling unit.

Executive Summary

The subject property is located at 162 Cave Lane, 346 feet west of Woodridge Drive. The applicant is proposing to build a 1,515 square foot detached dwelling unit in the rear yard. The dwelling unit will consist of 1 bedroom and 1 bathroom and includes an attached garage. All setbacks have been shown as met. The property is over 1.2 acres large, with the rear yard consisting of roughly half of it.

The neighborhood consists of substantial lots, mature trees, and rear yards obscured from view of right-of-way traffic.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Northeast Inner Loop 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 Oak Park - Northwood 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.*

Given the large lot size and location of the proposed dwelling unit within the rear yard, the variance is highly unlikely to be noticed from the public right-of-way.

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

Although the proposed dwelling unit is set well within the rear yard and out of view of the public right-of-

-way due to the location of the structure and bounded by mature trees, literal enforcement of the ordinance would result in the owner being unable to develop the project.

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 requirement rather than the strict letter of the law. The accessory dwelling is not overwhelming in comparison to the principal structure and is situated within a lot of substantial size.*
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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “NP-10 AHOD” Neighborhood Preservation 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 size of the accessory dwelling unit is proportional to the size of the principal dwelling and the size of the lot. Further, the accessory dwelling unit will comply with the one bedroom one bath requirement of the code. The structure will not impose any immediate threat of water runoff or fire spread onto adjacent properties due to the adherence of all setbacks within the property.

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 substantial lot with a large home and is bounded by mature trees and dense foliage. The accessory dwelling unit will be proportional in size with the principal structure and follows all setbacks and permitting requirements.

Alternatives to Applicant’s Request

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

Staff Recommendation

Staff recommends **APPROVAL** of **A-18-116** based on the following findings of fact:

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