



City of San Antonio

Legislation Details (With Text)

File #: 19-8807

Type: Zoning Case

In control: Board of Adjustment

On agenda: 12/2/2019

Title: BOA-19-10300140: A request by Orlando Morales for a 3’ variance from the 5’ side setback requirement to allow an accessory detached dwelling unit to be 2’ from the side property line, located at 123 Glamis Ave. Staff recommends Approval. (Council District 3) (Rachel Smith, Planner (210) 207 - 5407, rachel.smith@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 19-10300140 Attachments

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

Case Number: BOA-19-10300140

Applicant: Orlando Morales

Owner: Betty Morales

Council District: 3

Location: 123 Glamis Ave

Legal: Lot 17, Block 20, NCB 9615

Description:

Zoning: “R-4 AHOD” Residential Single Family Airport Hazard Overlay District

Case Manager: Rachel Smith, Planner

Request

A request for a 3’ variance from the 5’ side setback requirement, as described in Section 35-310.01, to allow an accessory detached dwelling unit to be 2’ from the side property line.

Executive Summary

The subject property is in southeast San Antonio on Glamis Avenue near South Gevers St. The property owner is in the process of renovating the property to be sold. This renovation project included converting the detached garage into an accessory detached dwelling unit (ADDU). The applicant began the process without seeking permits and was issued a stop work order as a result. Since then, the applicant has completed the necessary steps to obtain a permit and has obtained permits to continue the renovations in the main structure. The applicant is seeking this variance to obtain a permit and continue work on the ADDU.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 7883 dated September 9, 1948 as “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “B” Residence District was converted to “R-4” Single Family Residential District.

Code Enforcement History

9/14/19: Stop Work Order issued for main and accessory structures

Permit History

No permits exist related to the accessory structure.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Brooks Regional Center Area plan and is in the Low Density Residential section of that plan. The property is in the Highland Hills Neighborhood Association boundaries and they were notified of the request.

Street Classification

Glamis Avenue is classified as a local street.

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 community. The requested variance is not found to be contrary. Specifically, staff finds that the structure has existed for years in that location and there will be no change to the size. The placement of the structure provides enough clearance to prevent fire spread, maintain stormwater runoff on-site, and allow long term maintenance without trespassing on adjacent property.

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

The special conditions are that the detached garage was built in its current location within the setback in 1948 according to Bexar County Appraisal District. The applicant has not increased the footprint of that original structure. A literal enforcement would mean that the property owner would need to alter the size of the current structure and/or move the structure which would be 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 the intent of the code; staff finds that this variance observes the spirit of the ordinance by allowing for adequate light, space for maintenance, and stormwater runoff.

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.*

No uses other than those authorized by the “R-4” Residential Single Family District will be granted through this request.

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 single-family dwellings will not be injured by the granting of this variance, as there will not be any change in the location or size of the current structure. There are several properties in the surrounding area with accessory structures situated similarly near the side and rear property lines and the nearest structure is at least 10 feet away.

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 accessory structure exists on the site in the current placement, not by the work of the current property owner. The owner wishes to keep the structure in its current placement. The circumstance was not created by the property owner, is not the result of the general conditions in the district, nor is it merely financial in nature.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the setback and lot size limitations established by the Unified Development Code Section 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300140**, based on the following findings of fact:

1. The structure has existed in that location for years with no complaints.
2. The placement is consistent with similar accessory structures in the community.
3. The applicant will not be increasing the size or footprint of the existing structure.