



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-4402

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 6/3/2019

**Title:** BOA-19-10300055: A request by Crecencio Torres for request for 15' variance from the 20' rear setback requirement to allow an addition to be 5' from the rear property line, located at 911 Willow Avenue. Staff recommends Approval. (Council District 2) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BOA-19-10300055 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300055

**Applicant:** Crecencio Torres

**Owner:** Crecencio Torres

**Council District:** 2

**Location:** 911 Willow Avenue

**Legal:** Lot 16, Bock 4, NCB 1299

**Description:**

**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for 15' variance from the 20' rear setback requirement, as described in Section 35-310.01, to allow an addition to be 5' from the rear property line.

### Executive Summary

The subject property is located at the intersection of Willow Street and Sharer Street. The applicant is seeking to complete an addition to increase needed square footage to accommodate a growing family. The applicant received a stop work order from Code Enforcement on April 17, 2019 for no building permit. The subject property is in a compact lot and the structure is in a reverse corner lot. The addition of the subject property will be aligned with the current house which encroaches in the rear setback. The subject property also abuts a 15' wide alley on the side. The area is mostly residential south of Interstate Highway 35.

**Code Enforcement History**

On 4.17.2019 the applicant received a stop work order from Code Enforcement.

**Permit History**

The property owner is seeking variance to allow for construction permit to be issued.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the Government Hill Neighborhood Plan and currently designated as “Low Density Mixed Use” in the future land use component of the plan. The subject property is located within the Government Hill Alliance Neighborhood Association. As such, they were notified and asked to comment.

**Street Classification**

Willow Street is classified as a local.

**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 the minimum separation between homes to allow quiet enjoyment of**

outdoor space. The addition aligns with the existing structure and abuts a 15' wide public alley to the north side; the outdoor space is located on the south side of the house. The addition will be in harmony with the neighboring properties. Staff finds that the request is not contrary to the public interest.

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

**Literal enforcement of the ordinance would not allow the owner of the property to expand the dwelling as proposed. The structure would need to be redesigned.**

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

**The intent of rear setbacks is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. The rear reduction of the subject property will not significantly disrupt uniformity and will not injure the rights of adjacent property owners.**

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 variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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 requested variance will not be visible from the public right of way or alter the essential character of the district. The rear reduction will not produce water runoff on adjacent properties and will not require trespass to maintain the structure.**

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 circumstance present in the case is that the property addition does meet the side setback and being a reverse corner lot the outdoor space of this property is located in the side instead of the rear. This setback issue is not merely financial in nature.**

### **Alternative to Applicant's Request**

Denial of the variance request would result in the owner having to meet the required 20' rear setback.

### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300055**, based on the following findings of fact:

1. The variance is unlikely to harm adjacent properties, and;
2. The addition will have to comply with required construction codes.

