



City of San Antonio

Legislation Details (With Text)

File #: 17-3814

Type: Zoning Case

In control: Board of Adjustment

On agenda: 6/19/2017

Title: A-17-126: A request by Varco Builders for a 15 foot variance from the 20 foot rear setback to allow a 5 foot rear setback, located at 539 Bee Street. Staff recommends Approval. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Supporting Documents

Date	Ver.	Action By	Action	Result
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Case Number: A-17-126

Applicant: Varco Builders

Owner: Lima Square LLC

Council District: 2

Location: 539 Bee St

Legal: Lot 36, Block 1, NCB 12831

Description:

Zoning: "R-6 CD" Residential Single-Family Hazard Overlay District with Conditional Use for a total of Four Dwelling Units on Lots 36 and 37

Case Manager: Oscar Aguilera, Planner

Request

A request for a 15 foot variance from the 20 foot rear setback, as described in Section 35-516 (e), to allow a 5 foot rear setback.

Executive Summary

On February 21, 2017, City Council rezoned both Lots 36 and 37 from "R-6" Residential Single-Family District to "R-6 CD" Residential Single-Family District with Conditional Use for four dwelling units. The applicant subdivided the property to place two dwelling units on each lot. During the addressing process, it was determined the front façade would front along Bee Street, not Coleman Street. Due to the frontage along Bee Street, a more shallow rear setback was established for the subject property, thus the request for the variance. The "R-6" zoning district requires a 20 foot rear setback and the applicant is proposing a five foot rear setback due to the configuration of the lot. Had the subject property fronted Coleman Street, all setback requirements would be met.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 CD" Residential Single-Family District with Conditional Use for two dwelling units	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6" Residential Single-Family District	Single-Family Dwelling, Vacant Lots
South	"R-6 CD" Residential Single-Family District with Conditional Use for 2 dwelling units and "R-6 CD" Residential Single-Family District.	Single-Family Dwelling, Duplex, Vacant Lots
East	R-6 CD" Residential Single-Family District with Conditional Use for 2 dwelling units and "R-6 CD" Residential Single-Family District.	Single-Family Dwelling, Duplex, Vacant Lots
West	R-6 CD" Residential Single-Family District with Conditional Use for 2 dwelling units and "R-6 CD" Residential Single-Family District.	Single-Family Dwelling, Duplex, Vacant Lots

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Government Hill Community Plan and is currently designated Low Density Residential under the future land use. The subject property is located within the boundaries of the Government Hill Alliance Neighborhood Association, and they were 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 variance is not contrary to the public interest as it still provides adequate room for light, air, and maintenance.

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

An unnecessary hardship would result if the setback is met. The required 20 foot rear setback, in addition to the required 20 foot front driveway setback, would not allow an adequately sized duplex to be built on the site.

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

Substantial justice will be done as the dwelling units will meet the front setback, will provide over a 20 foot side yard setback, and will be no closer than 10 feet from the closest dwelling unit in the rear yard. The request does not significantly increase any health or safety hazards.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-6 CD" Residential Single-Family District with Conditional Use for four (4) dwelling units on Lots 36 and 37.

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 adjacent property will not be injured as the request will allow maintenance without trespass and will not increase water runoff on the adjacent property. Further, the granting of the variance will still allow the site to be developed for a duplex, similarly to the surrounding properties, and is unlikely to go noticed.

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 lot is limited in size and requested duplex cannot be reasonably situated on the site and meet the required rear setback. As the homes have frontage along Bee Street and have to have 20 foot long driveway depth, it is impossible to have a habitable home and meet the required rear yard setback on an irregularly shaped and unconventionally oriented lot. This is not fault of the owner and is not merely financial in nature.

Alternative to Applicant's Request

Denial of the variance requests would result in the owner having to meet the twenty foot rear setback for the dwelling units.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-17-126**, based on the following findings of fact:

1. The irregular shape and unconventionally oriented lot creates an unnecessary hardship;
2. The variance is unlikely to detract from the character of the district;
3. The variance is unlikely to have a negative impact on the adjacent properties.