



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3435  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 6/1/2015

**Title:** A-15-091: A request by Jerzy Sieczynski for a ten foot variance from the 20 foot rear building setback line to allow a single family home to be built ten feet from the rear property line, located at 1912 W Laurel Place. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-091 attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-091  
**Applicant:** Jerzy Sieczynski  
**Owner:** Jerzy Sieczynski  
**Council District:** 1  
**Location:** 1912 W Laurel Place  
**Legal Description:** Lot 21, NCB 6685  
**Zoning:** "MF-33 AHOD" Multi-Family Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl AICP, Senior Planner

### Request

A request for a ten foot variance from the 20 foot rear building setback line as shown on Table 35-310-1 to allow a single family home to be built ten feet from the rear property line.

### Executive Summary

The subject property is a 2,000 square foot lot in the Zarzamora Place Subdivision, recorded in 1925. The lot is measured 25 feet wide by 80 feet deep. It is the first residentially zoned lot off Zarzamora, 150 feet from the corner. The previous two owners have been Bexar County, indicating that it has been repossessed for back taxes.

The property is currently zoned "MF-33" Multi-Family Residential, but single family homes constructed in this zone are required to meet the minimum setbacks for an "R-4" Residential zoning district. The current owner submitted building permit plans to build a 15 foot wide residential home on the lot, with the minimum 10 foot front setback and the minimum 20 foot rear setback. However the off-street parking stall could not be approved as shown, parallel to the street in the front yard. The applicant is requesting approval to reduce the rear yard

setback so that the parking stall can be oriented perpendicular to the street as required. With this design solution, the project would also comply with the limitation of 50% impervious coverage within the front yard, another standard violated by the original design.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Vacant
South	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Single-Family Dwelling
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The property is not located within the boundaries of a land use plan. The subject property is located within the boundaries of Gardendale, a registered 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 defined as the general health, safety, and welfare of the public. In this case, these criteria are represented by minimum setbacks to protect equal access to air and light and provide fire separation. The lots within this subdivision are only 80 feet deep, and the applicant was unaware that the minimum rear yard in the “MF-33” zoning district was different for single-family development, increasing from 10 feet to 20 feet. Therefore the variance is not contrary to the public interest.**

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

**Staff finds that the special condition present in this case is that the applicant is developing a single-family home on a very small non-conforming lot of record. The lot has been repossessed for taxes on multiple occasions. The proposed house is 15 feet by 50 in the current plan; reducing its size through literal enforcement would result in a hardship.**

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

*done.*

**The 10 foot setback is permitted in this district for multi-family construction. The ordinance requires setbacks to allow for long term maintenance and fire separation. Both of these goals can be accomplished with the requested variance, making it consistent with the spirit of the ordinance.**

*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 “MF-33 AHOD” Multi-Family 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.*

**Reducing the rear setback will actually push the house back on the lot to a more consistent front setback shared by other homes on the block.**

*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 on the lot is its size, only 80 feet in depth. This condition was not created by the owner.**

#### **Alternative to Applicant’s Request**

The applicant needs to reduce the proposed length to come into compliance with the Unified Development Code.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the rear setback variance of A-15-091** based on the following findings of fact:

1. That the 10 foot setback is adequate for a multi-family structure in this district;