



City of San Antonio

Legislation Details (With Text)

File #: 15-2399

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 4/6/2015

Title: A-15-057: A request by Maria Garcia for 1) a variance from the requirement that replacement siding match existing siding to allow stucco on the front façade; 2) a 50 square foot variance from the size limitation to allow an accessory dwelling unit 600 square feet in size; and 3) a 2 foot variance from the maximum 4 foot fence height to allow a 6 foot gate in the front yard, located at 1132 Kentucky Avenue. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments A-15-057

Date	Ver.	Action By	Action	Result
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Case Number: A-15-057

Date: April 6, 2015

Applicant: Maria Garcia

Owner: Maria Garcia

Council District: 1

Location: 1132 Kentucky

Legal Description: Lot 16, Block 12, NCB 2070

Zoning: "R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake
Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a variance from the requirement, as stated in Section 3.5.1.2 of the Woodlawn Lake Neighborhood Conservation District, that replacement siding match existing siding to allow stucco on the front façade; 2) a 50 square foot variance from the size limitation, as stated in Section 35-371, to allow an accessory dwelling unit 600 square feet in size; and 3) a 2 foot variance from the maximum 4 foot fence height, as stated in Section 35-514 (d) to allow a 6 foot gate in the front yard.

Executive Summary

The subject property includes nearly 8,000 square feet of lot area, with a single-family home originally constructed in 1949. The home includes approximately 1,376 square feet of living space and as such the owner is entitled to an accessory dwelling unit with 550 square feet. The owner purchased the home eight years ago, and stated that the wood lap siding was rotting from poor maintenance. A family member suggested stucco as a solution; she did not know a permit was required. The applicant was cited by Code Compliance for work without a permit. The property is located within the Woodlawn Lake Neighborhood Conservation District.

District Standard 3.5.1.2 states that *replacement siding shall match existing siding in profile and form*. Since the stucco was not the original siding material, a variance is required to retain it. Also, the officer noted that the accessory structure in the rear had been expanded, also without a permit. The total square footage of the accessory dwelling unit is 50 square feet more than the maximum allowed. When the applicant applied for the proper permits, she was informed about the need for the variances. During the staff site visit, the six-foot tall gate was noted as also needing a variance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“C-2 NCD-8 AHOD” Commercial Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Party Store
East	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Neighborhood Plan, and designated as Urban Low-Density Residential land use. The subject property is located within the boundaries of the Woodlawn Lake 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, the public interest is represented by the Neighborhood Conservation District Guidelines, adopted to protect the integrity of the housing stock. This owner used stucco and rock on all sides of the house and though not the original material, it looks attractive. The slight increase in square footage for the accessory dwelling unit is not noticeable and meets all minimum setbacks. As such, staff finds that the requested variances**

are not contrary to the public interest.

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

A literal enforcement would result in the applicant having to remove the stucco and rock from the façade, resulting in an unnecessary hardship. There are other stucco houses in the neighborhood, making this material acceptable. The addition to the accessory dwelling unit, while slightly bigger than the limitation allows, must still be permitted and inspected to insure compliance with building codes.

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

The Woodlawn Lake Neighborhood Conservation District standards recognize that the area has diverse façade materials. The intent of requiring that replacement siding match existing may have been included to prevent a haphazard mixing of materials, rather than preventing a complete replacement, as in this case. It would seem that allowing the change in materials is observing the spirit. In the accessory dwelling unit variance, the requested size is still 200 square feet less than the maximum and the building satisfies all minimum setbacks, again observing the spirit.

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 “R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation 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 granting of the variance is unlikely to harm adjacent conforming property because it is attractive, high quality work. The applicant stated that the existing siding was rotting. Every home in the City has a right to an accessory dwelling unit for family and friends; this one is slightly larger than the 40% limitation, but still meets setbacks.

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.*

Staff finds that the unique circumstances present in this case is the limitation regarding replacement materials. The applicant made a small addition to the existing accessory structure and exceeded the allowed size by 50 square feet. Lastly, the plight of the owner of the property is not merely financial in nature.

Alternative to Applicant’s Request

The applicant needs to remove the stucco and stone and replace the wood siding.

Staff Recommendation

Staff recommends **approval of the requested variances in A-15-057** based on the following findings of fact:

1. The stucco and stone façade materials are found throughout the area;

- 2 The accessory dwelling unit is only slightly larger than allowed and smaller than the maximum size.