



City of San Antonio

Legislation Details (With Text)

File #: 21-1316
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 2/1/2021

Title: BOA-20-10300126: A request by Travis Louie for a 1'4" variance to the minimum side setback of 5' to allow an addition with no overhang to be 3'8" away from the side property line, located at 126 Paul Street. Staff recommends Approval. (Council District 2) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-20-10300126
Applicant: Travis Louie
Owner: Trident Realty Investments LLC
Council District: 2
Location: 126 Paul Street
Legal Description: Lot 7, Block 2, NCB 2924
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Case Manager: Azadeh Sagheb, Planner

Request

A request for a 1'4" variance to the minimum side setback of 5', as described in Section 35-310.01, to allow an addition with no overhang to be 3'8" away from the side property line.

Executive Summary

The subject property is located to the east of the Alamodome, mid-block on Paul Street. The neighborhood is predominantly surrounded by residential properties. The applicant constructed a new 500 sq.ft one-story master bedroom and bathroom, attached to the rear side of the existing home and followed its side setback.

The building has an angular orientation causing changes in front and back setbacks. The original structure has an overhang with a 2'5" side setback in the front and 3'8" in the back. The new addition has no overhang and sits 3'8" away from the side property line.

Code Enforcement History

There is Code Enforcement record for this property for building without a permit issued on 02/16/2020 that is pending setback approval.

Permit History

Electrical, Mechanical and Plumbing permits have been processed for this property.

Clear Vision Review

A review of Clear Vision is not required.

Zoning History

The subject property is located within the original 36 square miles of the City of San Antonio and previously zoned as “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from “R-2” Two-Family Residence District to the current “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Residential
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Residential
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Residential
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Neighborhood Plan and is designated “Residential” in the future land use component of the plan. The subject property is in the boundaries of the Denver Heights Neighborhood Association and as such, they were notified and asked to comment.

Street Classification

Paul Street 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 public. In this case, the variance requested for the side setback is not contrary to the public interest as the new addition is in-line with the original building and encroaches 1'4" into the side setback.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
Staff finds that any special conditions that, if enforced, would result in unnecessary hardship. The new addition has already been built and if the variance is not granted the structure would have to be demolished.

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 defined as the intent of the code, rather than the exact letter of the law. The intent of the setbacks is to provide spacing between neighboring structures. There will still be enough room between structures with a 1'4" variance to the side setback requirement.

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 permitted within the district will be allowed with this variance.

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 request to reduce the side setback does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district.

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 applicant is requesting the variance to keep the new addition in-line with the original structure. The unique circumstances existing on the property were not created by the owner of the property and are not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Dimensions of the UDC Sections 35-310.01.

Staff Recommendation

Staff recommends **Approval** in **BOA-20-10300126** based on the following findings of fact:

1. The constructed addition will be 3'8" away from the side property line, and;
2. The new addition was built in-line with the original structure, and;

3. There is enough space between the subject structure and the adjacent neighbor's building.