



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4362  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 8/3/2020

**Title:** BOA-20-10300061: A request by Adapt Architecture and Construction, LLC for a 10' variance from the required 20' minimum separation between garage entrance to property line to allow a garage entrance to be located 10' away from the side property line, and 2) a variance from the Clear Vision standards to allow a fence to be within the Clear Vision field, located at 205 Wellesley Boulevard. Staff recommends Approval. (Council District 10) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@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-20-10300061  
**Applicant:** Adapt Architecture and Construction, LLC  
**Owner:** Tristan and Katherine Maldonado  
**Council District:** 10  
**Location:** 205 Wellesley Boulevard  
**Legal:** Lot 15, Block 4, NCB 9044  
**Description:**  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Senior Planner

### Request

A request for a 10' variance from the required 20' minimum separation between garage entrance to property line, as described in Section 35-516, to allow a garage entrance to be located 10' away from the side property line, and 2) a variance from the Clear Vision standards, as described in Section 35-514, to allow a fence to be within the Clear Vision field.

### Executive Summary

The applicant is requesting a variance from the minimum garage entrance in order to develop a detached garage and office space. Along with this, the proposed drive approach to the garage will interfere with Clear Vision as

the current fence in place is 13' from the side edge of curb.

The subject property is located on a corner lot between Wellesley Boulevard and Bryn Mawr Drive, a 60' ROW. The side and rear property, that being the location of the proposed garage, is located on a curved portion of Bryn Mawr that allows adequate vision of both north and south incoming traffic.

**Code Enforcement History**

No code enforcement history exists on this property.

**Permit History**

No permits have been processed for this property.

**Clear Vision Review**

A review of Clear Vision is required of the property.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 2942, dated December 29, 1945 and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the "B" Residence District converted to the current "R-4" Single-Family District.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Northeast Inner Loop Plan and it is currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Terrel Heights neighborhood association.

### Street Classification

Wellesley Boulevard and Bryn Mawr Drive 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 proposed garage is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The garage will be surrounded by a 6' privacy fence on either side and will not be noticeable to the passersby. Further, it will be located along a curved portion of a road with adequate field of view of both north and south incoming traffic.**

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

**Due to unique shape of the applicant's corner lot, there is no point on the property where a detached garage wouldn't need a variance from the 20' garage entrance ordinance.**

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 the intent of the requirement rather than the strict letter of the law. The proposed garage is not overwhelming in size compared to the principal structure, allows adequate space for maintenance of the structure without trespass, and still allows adequate field of vision of Bryn Mawr incoming traffic.**

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.*

**The requested variance will not permit a use not authorized within the "R-4" Single-Family 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 property is located in a district characterized by detached structures within the rear property. Due to the unique shape and corner lot location, development of a detached garage must undergo a variance request. The variances requested will not injure adjacent conforming properties.**

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 variance being sought is due to the size constraints of the rear property in regard to a 20' garage entrance setback. If approved, adequate space will be reserved for setbacks, maintenance of the structure without trespass, and storm water controls. Further, the proposed garage will be out of sight behind a 6' privacy fence with gate and located on a curved ROW that allows adequate field of vision of incoming traffic.**

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

The alternative to the applicant's request is to conform to the setbacks set forth in the Unified Development Code, Section 35-516.

### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300061**, based on the following findings of fact:

1. The proposed garage will be out of sight behind a 6' privacy fence and all setbacks will be met, and;
2. The requested variance will not detract from the character of the district, and;
3. Regardless of proposed location, due to the unique shape of the lot, a variance request for garage entrance must be made for this property, and;
4. There is adequate field of vision of incoming traffic on Bryn Mawr due to the curved nature of the street.