



City of San Antonio

Agenda Memorandum

File Number: 18-3467

Agenda Item Number: 5.

Agenda Date: 5/21/2018

In Control: Board of Adjustment

Case Number: A-18-087
 Applicant: Rosa Carrillo
 Owner: Rosa Carrillo
 Council District: 1
 Location: 215 Trudell
 Legal: Lot 42, Block 4, NCB 10991
 Description:
 Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard
 Overlay District
 Case Manager: Dominic Silva, Planner

Request

A request for a 188 square foot variance from the maximum 412 square foot maximum accessory dwelling unit size, as described in Section 35-371(b)(6), to allow a 600 square foot accessory detached dwelling unit.

Executive Summary

The subject property is located at 215 Trudell, 250' west of Saxon Drive. The applicant is requesting a variance to increase the maximum square feet of an accessory detached dwelling unit in the rear of the property. The structure was previously a garage that is now being converted into a living space. All setbacks have been observed as met.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Greater Dellview Area and designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Dellview Area 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.*

Given the location of the accessory detached dwelling unit, the variance is highly unlikely to be noticed from the public right-of-way. Further, all setbacks have been met. Staff finds 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.*

Although the accessory detached dwelling unit is set well within the rear property out of view of the public right-of-way and within the required setbacks, literal enforcement of the ordinance would result in the owner being unable to continue development of the project.

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 accessory dwelling is not overwhelming in comparison to the principal structure and is situated outside the setbacks of the rear property.

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 AHOD” Residential Single-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.*

The size of the accessory dwelling unit is proportional with the size of the principal dwelling and the size

of the lot. Further, the accessory dwelling unit will comply with the one bedroom one bath requirement of the code. The structure will not impose any immediate threat of water runoff or fire spread on adjacent 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 unique circumstance present in the case is that the original structure is being renovated from a garage to a dwelling unit, but not enlarged. It is difficult to establish how the request could harm adjacent owners or detract from the character of the community.

Alternatives to Applicant's Request

The owner would need to adhere to the maximum square foot floor area requirement.

Staff Recommendation

Staff recommends **APPROVAL** of the request for a 188 square foot variance from the maximum 412 square foot maximum accessory dwelling unit size to allow a 600 square foot accessory detached dwelling unit in **A-18-087** because of the following reasons:

1. The requested variance is will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass.