



City of San Antonio

Agenda Memorandum

File Number: 19-8034

Agenda Item Number: 9.

Agenda Date: 11/4/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300133

Applicant: Robert King

Owner: Robert King

Council District: 1

Location: 250 Laurel Heights

Legal: L-28,29& E 45' OF 27, N 32.58' OF 57&58& N 32.58' OF E

Description: 45 FT OF 56 Block 2 NCB 6327 & LOT E TRI 4.16 FT OF 26 & W 5' OF 27 & W 5' OF N 32.58 FT OF 56 BLK 2 NCB 6327

Zoning: "R-5 H AHOD" Residential Single-Family Monte Vista
Historic Airport Hazard Overlay District

Case Manager: Dominic Silva, Senior Planner

Request

A request for 1) a 700 square foot variance of the 800 square foot maximum for an accessory detached dwelling unit, as described in Section 35-371, to allow an accessory detached dwelling unit to be up to 1,500 square feet and 2) an 18% variance, also described in Section 35-371, of the 40% maximum building footprint size for an accessory dwelling unit to allow the footprint to be 58%.

Executive Summary

The subject property is located at 250 Laurel Heights at the corner of Laurel Heights Place and Shook Avenue, adjacent to Trinity University. The applicant is constructing a 1,500 square foot guest house within the rear property. The property itself measures over 28,000 square feet built in 1949. The primary structure footprint is 2,570 square feet and the proposed accessory structure would be 1,500 square feet which is 58% of the size of the primary structure. Historic and Design Review Commission approved the proposed construction in April 2019.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

No permits have been issued for this project.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential
South	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential
East	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Trinity University
West	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Monte Vista Community Plan with no future land use component of the plan. The subject property is located within the boundaries of the Monte Vista 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 accessory dwelling unit size limitations to ensure future development is compatible within the context that it is placed. The lot size measures over 28,000 square feet. The size of the structure is comparable to the size of the lot and principal structure. Staff finds that permitting the requested size variance is warranted and 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 proposed guest house is set well within the lot and out of view of the public right-of-way due to the location of the proposed structure, dense foliage and bounded by mature trees, literal enforcement of the ordinance would result in the owner being unable to develop 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 code, rather than the strict letter of the law. The intent of the code is to ensure that new development is appropriately scaled. 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 within a lot of substantial size. Staff finds that the request observes the spirit of the ordinance.

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 variance will not authorize the operation of a use other than those uses specifically authorized by the zoning 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. 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 applicant has a substantial lot with a large home and is bounded by mature trees and dense foliage. The accessory dwelling unit will be proportional in size with the principal structure.

Alternatives to Applicant's Request

The alternative to the applicant's request is to conform to the accessory dwelling unit size limitations set forth in Section 35-371.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300133**, based on the following findings of fact:

1. The request does not negatively impact the surrounding property owners and is highly unlikely to be seen from public right-of-way due to the dense foliage, and location of the proposed structure, and;
2. The requested variance is not contrary to the public interest since the dwelling unit is proportional to the principal structure and lot.
3. HDRC approved the proposed construction.