



City of San Antonio

Legislation Details (With Text)

File #: 16-3098

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 5/9/2016

Title: A-16-074: A request by Mary Alfaro for 1) a 19 foot variance from the required 20 foot rear setback to allow a building addition that is one foot from the rear property line and 2) a one foot and four inch variance from the required five foot side yard setback to allow a home addition that is three feet and eight inches from the side property line, located at 142 Rancho Blanco. (Council District1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-16-074 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-074

Applicant: Mary Alfaro

Owner: Mary Alfaro

Council District: 1

Location: 142 Rancho Blanco

Legal Description: Lot 1, Block 7, NCB 9841

Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

Case Manager: Kristin Flores, Planner

Request

A request for 1) a 19 foot variance from the required 20 foot rear setback, as described in Section 35-310.01, to allow a building addition that is one foot from the rear property line and 2) a one foot and four inch variance from the required five foot side yard setback, as described in Section 35-310.01, to allow a home addition that is three feet and eight inches from the side property line.

Executive Summary

The applicant currently resides in the Rancho Blanco Subdivision, a subdivision platted in late 1950. The applicant purchased the subject property in 2007. Recently the applicant has made several additions to her home including enclosing the garage and building a rear addition to the home. As it stands now, the home does not meet the required rear setback of 20 feet or the 25 foot front building setback. The applicant is proposing a variance to allow further encroachment along the rear of the property to build another home addition. She states she has a large family and wishes to provide more space for living and storage.

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
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	Elementary School

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Greater Dellview Area and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the Central Los Angeles Heights Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The home additions, as proposed, will greatly increase water runoff and risk of fire spread to adjacent property. At the closest point, the neighboring structures would be as close as three feet from one another.

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

Staff was unable to find a special condition in this case to build an addition to the primary dwelling unit one foot from the rear property line.

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

Granting the requested variance will not result in substantial justice as the proposed addition will increase the risk of fire spread and water runoff to adjacent properties.

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 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.*

If a rear addition is built there will be an increase in the water runoff and an increased risk of fire spread to adjacent conforming properties. There would be no space for maintenance without trespass. Additionally, there are no other primary dwelling units in this neighborhood built one foot from the rear property line.

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.

In this case, there is currently not a unique property related hardship that would justify the applicant building an addition one foot from the rear property line.

Alternative to Applicant's Request

The applicant could build an addition which respects established setbacks.

Staff Recommendation

Staff recommends **DENIAL of variance request in A-16-074** based on the following findings of fact:

<p>1. Staff was unable to find a property related hardship that would justify building an addition one foot from the rear property line. 2. Building a home addition so close to the rear property line would greatly increase the risk of fire spread and water runoff to the adjacent property and would not provide any space for maintenance of the structure without trespass.</p>
