



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4894  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 10/3/2016  
**Title:** A-16-160: A request by David Marshall for a six foot variance from the 20 foot rear setback requirement and the Mahncke Park Neighborhood Conservation District design standards to allow a rear home addition to be 14 feet from the rear property line, located at 214 Lucas Street. Staff recommends Approval. (Council District 2)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-16-160 Photos, 2. A-16-160 Site Plan, 3. BOA16-160 Notification Plan, 4. BOA16-160 Plot Plan

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-160  
**Applicant:** David Marshall  
**Owner:** David Marshall  
**Council District:** 2  
**Location:** 214 Lucas Street  
**Legal:** Lot 5, Block 11, NCB 1084  
**Description:**  
**Zoning:** "MF-33 NCD-6" Multi-Family Mahncke Park Neighborhood Conservation District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a six foot variance from the minimum rear 20 foot setback, as described in both Section 35-310 (o) and the Mahncke Park Neighborhood Conservation District design standards, to allow a rear home addition to be 14 feet from the rear property line.

### Executive Summary

The subject property is located at 214 Lucas Street and has a lot size of 3200 square feet. The home was built in 1940 and measures 800 square feet. The home was in poor condition and is currently in the early phases of rehabilitation. The addition has not begun construction, as the owner wishes to obtain proper approval before beginning. Per the UDC Section 35-310.01, a *single-family lot development within an "MF" multi-family zoning district shall meet the minimum lot requirements for an "R-4" zoning district*, which includes a 20 foot rear setback. The owner wishes to rehab and add an addition to the primary dwelling for more livable space. The property is also located within the Mahncke Park Neighborhood Conservation District, which also requires a 20 foot rear setback.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"MF-33 NCD-6" Multi-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"MF-33 NCD-6" Multi-Family Mahncke Park Neighborhood Conservation District	Single- and Multi-Family Dwellings
South	"MF-33 NCD-6" Multi-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling, Vacant Lot
East	"MF-33 NCD-6" Multi-Family Mahncke Park Neighborhood Conservation District	Multi-Family Dwelling
West	"MF-33 NCD-6" Multi-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of Mahncke Park Neighborhood Plan and has a future land designation of Urban Single-Family Residential. The subject property is located within the boundaries of the Mahncke Park Neighborhood Association. As such, the neighborhood association was 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, these criteria are represented by minimum rear setbacks to protect home owners, and also to provide for a sense of community. The minimum setbacks are in place to protect the neighbor from fire hazard and nuisances. The addition will be designed to meet the side setback and will not increase fire hazard, as the proposed 14 foot clearance will provide adequate distance from the adjacent property.

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

The existing home has a small building foot print and needs some expansion for modern accommodations. Literal enforcement of the ordinance would hinder renovations of the home and limit the livable space in home.

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

Substantial justice will be served by granting the home addition to be located 14 feet from the rear property line in that the home can be rehabilitated to restore the previous character of the home and

contribute to the overall appearance of the neighborhood. As it stands today, the home is in poor condition and the addition would only add to the value of the property.

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 “MF-33 NCD-6” Multi-Family Mahncke Park Neighborhood Conservation 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 home will keep the existing character and footprint. The addition will not be visible from the front of home and will not detract from the character of neighborhood. Further, the addition will not have any adverse impacts on the adjacent property, including increase in fire risk or allowance of maintenance without trespass.

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 this case is the condition and square footage of the existing home. The small home is in need of modifications and updates. In order to achieve a modern, livable home, an expansion is needed that encroaches six feet into the rear setback. Expanding the home on the sides or front is not as feasible as the rear.

#### **Alternative to Applicant’s Request**

The addition must meet the 20 foot rear setback requirement, establish in the UDC.

#### **Staff Recommendation**

Staff recommends **APPROVAL of a six (6) foot variance from the 20 foot rear setback to allow a rear home addition to be 14 feet from the rear property line in A-16-160** based on the following findings of fact:

1. The request will not increase fire hazard, water runoff, or require maintenance with trespass;
2. The in-line addition will be in keeping of the neighborhood, will not be visible from the street, and will provide additional needed livable space.