



City of San Antonio

Legislation Details (With Text)

File #: 17-1807

Type: Zoning Case

In control: Board of Adjustment

On agenda: 2/20/2017

Title: A-17-057: A request by Raymond Wilkinson for 1) a two foot variance from the minimum 5 foot side setback to allow a home addition 3 feet from the side property line and 2) a 2 foot variance from the "NCD-5" Beacon Hill Neighborhood Conservation District requirement regarding the median front setback of 17.5 feet to allow a porch to be 15.5 feet from the front property line, located at 627 W. Lynwood Avenue. Staff recommends Approval. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-057 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-057

Applicant: Raymond Wilkinson

Owner: Raymond Wilkinson

Council District: 1

Location: 627 W. Lynwood Avenue

Legal: Lot 19 & 20, Block 23, NCB 6422

Description:

Zoning: "R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for 1) a 2 foot variance from the minimum 5 foot side setback, as described in Table 35-310, to allow a home addition 3 feet from the side property line; and 2) a 2 foot variance from the "NCD-5" Beacon Hill Neighborhood Conservation District requirement regarding the median front setback of 17.5 feet, as described in Section 35-335, to allow a porch addition to be 15.5 feet from the front property line.

Executive Summary

The subject property is located in the Beacon Hill Terrace Subdivision, recorded in 1920. It measures 50 feet wide by 123 feet deep and is on the corner of Lynwood and Beacon. According to Bexar County Appraisal District, the home was originally built in 1947 and includes approximately 1,275 square feet. The applicant just purchased the home and is hoping to construct a building addition to the side and add a porch to the front. A carport that was built in the same location as the proposed addition was recently removed. According to the

applicant, the carport was one foot from the property line. If the two foot side setback variance is granted, the addition is planned to be 11 feet wide and 14 feet deep with a three foot setback.

The applicant is also requesting approval of a two foot front setback variance to allow the addition of a covered porch. The home has a small eave overhang in the front but it is only two feet deep. The Beacon Hill Neighborhood Conservation District (NCD) restricts front setbacks to within 10% of the block median, which along this block face would limit the front setback to 17.5 feet. The applicant is requesting approval to extend the new porch to within 15.5 feet of the front property line, requiring a two foot variance. The new porch would be eight feet deep and 14 feet wide, which meets the NCD requirements.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Midtown Neighborhoods Plan and currently designated Low-Density Residential in the future land use component of the plan. The subject property is also located within the boundaries of the Beacon Hill 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.*

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 setback requirements. The property owner is seeking a side setback

variance to allow a building addition three feet from the property line, consistent with other buildings in the neighborhood. Therefore, staff finds that this setback is not contrary to public interest.

The requested front setback variance of two feet would allow the addition of an eight foot deep covered porch, consistent with the required depth described in the NCD design standards. While a six foot deep porch could be added without a variance, the requested front setback variance is not contrary to public interest.

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

The special condition present in this case is the requested side setback would allow the same property right given to other properties in the district. Literal enforcement in this case for both requested variances would result in an unnecessary hardship, specifically in the front by prohibiting a porch depth required by the NCD standards.

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 code. In this case, the UDC allows an “in-line” variance of 3 feet recognizing that older neighborhoods were established when 3 feet was the standard. The spirit would be observed by allowing the building addition consistent with the pattern in the district.

Regarding the requested front setback variance, the spirit of the ordinance will be observed by allowing the addition of a porch which satisfies the standards required in the NCD.

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 in the “R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation 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 requested side setback variance is providing a larger setback than the previous carport provided, with the addition of fire-rated construction. This requested addition will be setback at least 40 feet from the front property line, reducing its visibility.

The requested 2 foot variance will allow the addition of a front porch, an essential feature of the conservation district, therefore contributing to the character.

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 plight of the owner is not merely financial in nature. They are seeking approval of two requested variances which will make the proposed building modifications consistent with repeating patterns in the neighborhood.

Alternative to Applicant's Request

Denial of the requested variance will result in the applicant reducing the size of the addition to provide the standard five foot setback.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-17-057** based on the following findings of fact:

1. The requested variances will allow the home to become more similar to the patterns of the neighborhood; and
2. The design would not detract from the essential character of the district.