



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-3017

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 5/1/2017

**Title:** A-17-094: A request by Delia Ann Flores for 1) a 3 foot variance from the 5 foot side setback to allow an accessory dwelling 2 feet from side property line; 2) a 3 foot variance from the 5 foot side setback to allow an accessory dwelling 2 feet from the rear property line; and 3) a 105 square foot variance from provision that an accessory dwelling unit shall not exceed 40% of the building footprint of the principal residence, located at 358 E. Woodlawn Avenue. Staff recommends Approval. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-17-094 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-094

**Applicant:** Delia Ann Flores

**Owner:** Delia Ann Flores

**Council District:** 1

**Location:** 358 E. Woodlawn Avenue

**Legal:** Lot 11, Block 5, NCB 1711

**Description:**

**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for 1) a 3 foot variance from the 5 foot side setback to allow an accessory dwelling 2 feet from side property line; 2) a 3 foot variance from the 5 foot side setback to allow an accessory dwelling 2 feet from the rear property line; and 3) a 105 square foot variance from provision that an accessory dwelling unit shall not exceed 40% of the building footprint of the principal residence, all described in Section 35-371 (b).

### Executive Summary

The applicant is constructing an accessory dwelling in the rear yard that is in both the rear and side setback and exceeds the maximum square footage allowed for an ADDU. The accessory unit has been in the same configuration since 1989, according to BCAD. The unit sits three feet from both the side and rear, with a one foot eave overhang. Due to a lack of both interior and exterior repair, the framing has been replaced in the same place as the original.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 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-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Tobin Hill Neighborhood Plan and is currently designated Low Density Residential under the future land use. The subject property is located within the boundaries of the Tobin Hill Community Association, and they were 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 variances are not contrary to the public interest as the structure provides room for maintenance, will not create water runoff on the adjacent property, and will not injure the rights of the adjacent property owners.**

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

**An unnecessary hardship would result from the enforcement of the ordinance as the enforcement would result in the removal of a portion of a structure that has been in place for nearly 30 years.**

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

**Substantial justice will be done as the owner will be able to repair the structure and create a safe, habitable space.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-6 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.*

**In older neighborhoods such as this, it is common for accessory units to be located within the side and rear setbacks. The requests will not detract from the character of the district. Within the time span the structure has been in place, there has been no observed harm done to 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 existing on the property is that the structure in question was originally built in the current location as a two-car garage in line with the existing driveway. As there is an existing cement slab previously used for the garage, it is more feasible to build on the slab than elsewhere in the rear yard.**

#### **Alternative to Applicant's Request**

Denial of the variance requests would result in the owner having to meet the five foot side and rear setback, as well as the maximum square footage for the accessory dwelling unit.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-17-094**, based on the following findings of fact:

1. The accessory dwelling unit would have the same building footprint as the original structure built in 1989;
2. The requested setbacks provide room for maintenance;
3. The variances are unlikely to detract from the character of the district;
4. The variances are unlikely to have a negative impact on the adjacent properties.