



City of San Antonio

Legislation Details (With Text)

File #: 17-3194

Type: Zoning Case

In control: Board of Adjustment

On agenda: 5/15/2017

Title: A-17-102: A request by Anna Pekarsky for a variance from the Neighborhood Conservation District provisions that require solar installations be shingles to allow solar panels not visible from the public right of way, located at 2414 W. Gramercy Place. Staff recommends Approval. (Council District 7)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-102 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-102

Applicant: Anna Pekarsky

Owner: Anna Pekarsky

Council District: 7

Location: 2414 W Gramercy Place

Legal: Lot 6, Block 3, NCB 9102

Description:

Zoning: “R-6 NCD-7 AHOD” Residential Single-Family Jefferson
Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a variance from the Jefferson Neighborhood Conservation District provisions, as described in UDC 35-335, which require that homes use solar shingles or similarly discreet materials, to allow traditional solar panels on the rear-facing slope of the roof.

Executive Summary

The subject property is located in the Jefferson neighborhood, west of Fredericksburg Road, and includes almost 10,000 square feet of lot area. The home was built in 1955 and has a low sloped roof with a possible 4:12 pitch. The applicant is requesting the variance to allow solar panels to be installed on the south facing slope of the roof, not visible from the public right-of-way.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Plan and designated for Urban Low-Density uses in the future land use component of the plan. The subject property is also located within the boundaries of both the Jefferson and the Woodlawn Lake Neighborhood Associations. 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 provisions of the Conservation District which specify that solar panels be discreet. The proposed location of the panels will not be visible from the street.**

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

Literal enforcement of the ordinance would require that the property owner wait until solar shingles are generally available in the marketplace. Now they are special order with inconclusive delivery date, making it an unnecessary hardship.

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 defined as the intent of the code rather than the exact letter of the law. **The intent**

of the Code is to preserve the original appearance of the roofline, which this variance will observe.

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-7 AHOD” Residential Single-Family Jefferson 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 applicant is requesting a variance to allow the installation of solar panels which are restricted in the “NCD-7” guidelines. The variance will authorize the installation on the rear facing slope of the roof and will not alter the character of the district.

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 unique in that they are seeking approval to install energy efficient solar panels on a roofline not visible from the public right of way, in an area where many have been permitted to be installed.

Alternative to Applicant’s Request

Denial of the requested variance would result in the applicant not able to utilize solar power.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-17-102** based on the following findings of fact:

1. The applicant is seeking approval to install solar panels which will not be visible from the public rights of way; and
2. The solar roofing shingles which are specifically permitted in the district are not yet widely available.