



City of San Antonio

Legislation Details (With Text)

File #: 17-5085

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/18/2017

Title: A-17-151: A request by Pedro Rodriguez for a 280 square foot variance from the 800 square foot maximum allowance for an accessory dwelling to allow a 1,080 square foot accessory dwelling, located at 17540 Blanco Road. Staff recommends Approval. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-151 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-151

Applicant: Pedro Rodriguez

Owner: Marcus Raul Elias Saide

Council District: 9

Location: 17540 Blanco Road

Legal: Lot 8, Block 2, NCB 18402

Description:

Zoning: “R-6 MLOD-1 AHOD ERZD” Residential Single-Family
Camp Bullis Military Lighting Overlay Airport Hazard
Overlay Edwards Recharge Zone District

Case Manager: Oscar Aguilera, Planner

Request

A request for a 280 square foot variance from the 800 square foot maximum allowance for an accessory dwelling, as described in Section 35-371, to allow a 1,080 square foot accessory dwelling.

Executive Summary

The owner wants to add a second floor to the existing guest house. The second floor will include one bedroom and a bathroom. The guest house will be occupied by the owner’s sister. The applicant has not begun the renovation of the accessory dwelling unit.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
South	“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
East	“R-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
West	“R-6 PUD MLOD-1 AHOD ERZD” Residential Single-Family Plan Unit Development Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the North Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of Canyon Creek Estates Neighborhood Association and they were notified.

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 protected by a requirement that accessory dwelling structure remain smaller in scale to the principal dwelling unit. In this case, since the home being built is very substantial in size with a large yard, bounded by mature trees, the variance to allow the increase in size for the accessory dwelling structure is not contrary to the public interest.

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

The additional height and square footage for the accessory dwelling unit is not overwhelming, and allows for adequate air and light in the yard. The accessory dwelling unit is proportional to the main structure, the size of the lot, and the neighboring lots.

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

done.

The spirit of the ordinance represents the intent of the requirement. The accessory dwelling unit is proportional to the size of the home, the size of the lot, and is within the character of the subdivision.

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-6 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone 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 size of the accessory dwelling unit is proportional with the size of the main home, the size of the lot, and the accessory dwelling unit will comply with the one bedroom one bath requirement of the code. In addition the structure will not impose any immediate threat of water runoff or fire spread on 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 applicant has a large lot with a large home and it is bounded by mature trees. The accessory dwelling unit will be proportional in size with the primary dwelling.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC accessory structure requirements, and remove the addition.

Staff Recommendation

Staff recommends **APPROVAL** of A-17-151 based on the following findings of fact:

1. The requested variance is not contrary to the public interest since the dwelling unit is proportional to the main structure and the lot;
2. The additional square footage in the accessory dwelling unit is stacked, leaving adequate rear yard open space.