



City of San Antonio

Legislation Details (With Text)

File #: 18-2876
Type: Zoning Case
In control: Board of Adjustment
On agenda: 4/16/2018
Title: A-18-069: A request by Evening Star Real Estate, LLC for 1) a 24 foot variance from the 30 foot rear setback to allow a shed to be six feet from the rear property line and 2) a six foot variance from the ten foot side setback to allow a new addition to be four feet away from the eastern property line, located at 150 West Sunset Road. Staff recommends Approval. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-069 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-069
Applicant: Evening Star Real Estate, LLC
Owner: Daniel Arredondo
Council District: 1
Location: 150 West Sunset Road
Legal: Lot 93, NCB 11888
Description:
Zoning: "C-1 AHOD" Light Commercial Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 24 foot variance from the 30 foot rear setback, as described in Section 35-310.01, to allow a shed to be six feet from the rear property line and 2) a six foot variance from the ten foot side setback, as described in Section 35-310.01, to allow a new addition to be four feet away from the eastern property line.

Executive Summary

The subject property is located at 150 West Sunset Road, approximately 690 feet west of Broadway Street. The applicant is seeking two variances. The first is to reduce the rear setback of an existing accessory structure to allow for renovations within the existing building footprint. The second request seeks to reduce the required side setback to allow for a small addition to a separate accessory structure. The original structures on the property, including the primary structure, were built in 1990, according to BCAD.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-1 AHOD" Light Commercial Airport Hazard Overlay District	Restaurant
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District	Tennis Courts, Professional Office
South	"MF-40 AHOD" Multi-Family Airport Hazard Overlay District	Multi-Family Residential
East	"C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Professional Office
West	"C-1 AHOD" Light Commercial Airport Hazard Overlay District	Professional Office

Comprehensive Plan Consistency/Neighborhood Association

The property is within the San Antonio International Airport Vicinity Plan and designated as Community Commercial in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

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 setbacks to prevent fire spread and to protect adjacent property owners. The requested six foot rear four foot side setbacks are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. Staff finds that the requests are not contrary to the public interest.

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

The special conditions present in this case are the non-conforming status of existing structures. While redevelopment of the structures would not meet the strict letter of the law, their placement since being built has not generated any problems with adjacent properties.

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

The intent of rear and side setbacks is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. In this case, the proposed setbacks reduction will not injure the rights of adjacent property owners, which observes the intent of the code.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-1 AHOD” Light Commercial 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 six foot rear setback and the four foot side setback would allow for the redevelopment of the structures, which will enhance the property. It is highly unlikely that the requested variances will detract from the essential character of the community, especially considering that neither are visible from the public right-of-way.

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 in this case is the nonconforming status of the existing improvements. Staff finds that allowing their renovation is not merely financial in nature, nor is it the fault of the property owner.

Alternative to Applicant’s Request

The owner would need to modify the proposed development to meet the required 30 foot rear and ten foot side setbacks.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-069**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners and does not significantly alter the appearance of the district; and
2. The proposed development maintains the setbacks surrounding the property.