



City of San Antonio

Legislation Details (With Text)

File #: 18-4328
Type: Zoning Case
In control: Board of Adjustment
On agenda: 7/16/2018
Title: A-18-128: A request by Joe Farias for a 9' variance from the 20' garage setback to allow a garage to be 11' from the front property line, located at 403 Cincinnati Avenue. Staff recommends Approval. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-128 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-128
Applicant: Joe Farias
Owner: Ana Menchaca
Council District: 1
Location: 403 Cincinnati Avenue
Legal: Lot 21, Block 9, NCB 2020
Description:
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 9' variance from the 20' garage setback, as described in Section 35-516(g), to allow a garage to be 11' from the front property line.

Executive Summary

The subject property is located at 403 Cincinnati Avenue at the intersection with Saint Ann Street. The applicant is seeking to develop the subject property into 4 townhome units. The applicant wants to build the new structures reducing the garage setback requirement to 11' from the property line. The applicant states that the house prior with a garage structure was located at 11' from the front property line and this project intends to

meet the front setback.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant - Under Construction

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Midtown Neighborhood Plan and is currently designated “Low Density Residential” in the future land use component of the plan. The subject property is within the Uptown 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 garage setbacks to ensure that vehicles not obstruct the ROW. The requested reduction would allow for four townhomes to be developed on the lot with the same garage

setback as the previous improvement. Staff finds the request is not contrary to the public interest.

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 applicant adhere to the garage setback limitations, which would result in a loss of density on the subject property. The proposed four townhome use is allowed within the “RM-4” Residential Mixed base zoning district.

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 requested setback will still provide for a safe development pattern. The garages may be used for the required off-street parking.

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 “RM-4 AHOD” Residential Mixed 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 variance will not injure the appropriate use of adjacent properties or alter the essential character of the neighborhood as the garages are highly unlikely to affect the public right-of-way or the clear vision ordinance. Further, the proposed structures will conform to current designs of the existing structure.

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 due to the narrow lot size. The applicant is orienting the structure to face south, with garage access entering from the east.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the required 20 foot garage setback.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-18-128**, based on the following findings of fact:

1. The requested setback maintains the conditions of the original dwelling, and;
2. The variance is unlikely to detract from the character of the district, and;
3. The variance is unlikely to have a negative impact on the adjacent properties.