



City of San Antonio

Legislation Details (With Text)

File #: 18-5605
Type: Zoning Case
In control: Board of Adjustment
On agenda: 10/1/2018
Title: A-18-152: A request by Adrian O'Brian for a 9'11" variance from the 10' rear setback to allow an addition to be as close as 1" away from the rear property line, located at 6202 Hollyhock Road. Staff recommends Approval. (Council District 7)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-152 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-152
Applicant: Adrian O'Brian
Owner: Adrian O'Brian
Council District: 7
Location: 6202 Hollyhock Road
Legal: Lot 118, Block 1, NCB 17226
Description:
Zoning: "PUD MF-33 AHOD" Planned Unit Development Multi-Family Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for a 9'11" variance from the 10' rear setback, as described in Section 35.310.01, to allow an addition to be as close as 1" away from the rear property line.

Executive Summary

The subject property is located at 6202 Hollyhock Road, approximately 1,350' southwest of Babcock Road. The applicant is proposing to expand the current footprint of the residence on all sides and is applying for a variance for the rear portion of the additions. To the south of the property is Huebner Creek, classified as parks open space, with a 100-year flood zone extending midway into the applicant's property. Because of the gas, water, drainage, and sewer easements to the east and a variable width drainage easement to the west, further expansion to the sides of the structure is limited, leaving the bulk of the proposed expansions to the residence limited within the front and rear of the property.

The applicant is within a Planned Unit Development (PUD); however, there are no applicable setback requirements the applicant must meet pertaining to this project.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“PUD MF-33 AHOD” Planned Unit Development Multi-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“PUD MF-33 AHOD” Planned Unit Development Multi-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“PUD MF-33 AHOD” Planned Unit Development Multi-Family Airport Hazard Overlay District	Parks Open Space
East	“RE AHOD” Residential Estate Airport Hazard Overlay District	UZROW
West	“PUD MF-33 AHOD” Planned Unit Development Multi-Family Airport Hazard Overlay District	Residential Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Huebner/Leon Creek Plan and designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Alamo Farmsteads Babcock Road Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Hollyhock Road is classified as a Local Street.

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 addition will provide adequate habitable living space while also maintaining ample space within the property for accessibility to light, air, and open space. Staff finds the request is not contrary to the public

interest. Further, the addition for which the variance is pertaining to is located within the rear of the subject property at only two corner locations and out of sight to right-of-way traffic.

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

Due to the limited space of the existing primary dwelling, coupled with the various easements to the east and west within the applicant's property, a literal enforcement of the ordinance would result in unnecessary hardship by significantly reducing the amount of developable space on this site.

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 the intent of the code, rather than the strict letter of the law. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. Given that the space to the rear of the applicant's property is reserved as parks open space within a flood zone prohibiting development and the large lot size of the applicant, staff finds that there is adequate space to observe this law if approved.

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 requested variance will not permit a use not authorized within the "PUD MF-33 AHOD" Planned Unit Development Multi-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.*

This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the addition in which the variance will be granted is to the rear of the home and not visible from the front yard. The lot to the rear is owned by the City of San Antonio and classified as parks open space which cannot be developed upon.

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 circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The plight of the owner stems the presence of the Huebner Creek flood zone and the extensive easements to the east and west within the applicant's property.

Alternatives to Applicant's Request

The alternative to the applicant's request is to conform to rear setbacks set forth in the Unified Development Code.

Staff Recommendation

Staff recommends **APPROVAL** of A-18-152 because of the following reasons:

1. The requested variance is will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and

- maintenance of the structure without trespass, and;
3. Huebner creek to the rear of the applicant's property is classified as parks open space and with extensive flood zone coverage cannot be built upon.