



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7470  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 10/7/2019  
**Title:** BOA-19-10300108: A request by Daniel Moreno for 1) a 6' variance from the 20' rear setback requirement to allow a new house to be 14' away from the rear property line, 2) a 4" variance from the 20' garage setback requirement to allow a garage to be 19'6" from the property line, located at 6358 Hazel Valley Drive. Staff recommends Approval. (Council District 4) (Rachel Smith, Planner (210) 207-5407, rachel.smith@sanantonio.gov, Development Services Department)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. BOA-19-10300108 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300108  
**Applicant:** Daniel Moreno  
**Owner:** Laura Martinez  
**Council District:** 4  
**Location:** 6358 Hazel Valley Dr  
**Legal** NCB 15216 (MEADOW POINTE SUB'D), BLOCK 93 LOT  
**Description:** 14  
**Zoning:** "R-5 MLOD-2 MLR-1 AHOD Residential Single family  
Lackland AFB Annex Military Lighting Overlay Airport  
Hazard Overlay District  
**Case Manager:** Rachel Smith, Planner

### Request

A request for 1) a 6' variance from the 20' rear setback requirement, as described in Section 35-310.01, to allow a new house to be 14' away from the rear property line, 2) a 4" variance from the 20' garage setback requirement to allow a garage to be 19'6" from the property line.

### Executive Summary

The subject property is located at 6358 Hazel Valley Drive and is currently under construction. The property lies within a newly formed Neighborhood Association area, in a new subdivision. The property backs to Ray Ellison Boulevard and has a steep incline at the southwest property line. The applicant is seeking two variances: one from the rear setback due to electrical easements and the second for the front of the property to allow the

setback for the garage at the front of the property.

### **Code Enforcement History**

5/24/19: Electrical permit violation, secured wrong permit, no TML pole on site

### **Permit History**

5/17/19: partial permit for foundation and frame (not closing of walls)

9/18/19: partial for foundation and frame (not closing of walls) to expire 10/18/19

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-5 MLOD-2 MLR-1 AHOD Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Single Family Dwelling

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 MLOD-2 MLR-1 AHOD” Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Vacant
South	“R-5 MLOD-2 MLR-1 AHOD” Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Single Family Dwelling
East	“R-5 MLOD-2 MLR-1 AHOD” Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Single Family Dwelling
West	“C-2 CD MLOD-2 MLR-1 AHOD” Commercial Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Vacant

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the Port San Antonio subarea Plan of SATomorrow and is designated as Regional Center. In the United Southwest Community Plan this property is designated for Low Density Residential in the

future land use section of the plan. The property is within the area of the People Active in Community Effort neighborhood association.

### **Street Classification**

Hazel Valley Drive 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 the general health, safety, and welfare of the community. The requested variances will not injure the rights of adjacent property owners.**

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

**An unnecessary hardship would result from the literal enforcement of the ordinance in that the property owner would need to modify the already constructed garage and rear portion of the home, which would be an extreme hardship.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The granting of the requested variances would be in harmony with the spirit of the ordinance. The intent of the setback requirements is to prevent unnecessary trespass on adjacent property for maintenance, fire safety, and ensure proper stormwater management. All of these intents will still be maintained with the granting of this request.**

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 by the zoning 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.*

**These variances would not substantially injure or alter the use or character of adjacent conforming property or 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 unique situation existing on the property is the odd shape of the lot which limits the house design.**

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01.

**Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **BOA-19-10300108**, based on the following findings of fact:

1. The rear setback variance would not injure adjacent property, and;
2. The variance will still allow appropriate space for water runoff, maintenance, and fire safety.
3. The garage setback variance will not affect adjacent property owners or the public right of way.