



City of San Antonio

Legislation Details (With Text)

File #: 20-1115

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 1/13/2020

Title: BOA-19-10300164: A request by Lazar Hausman for 1) a 10.5' variance from the 20' rear setback requirement to allow for a new dwelling unit to be 9.5' from the rear property line, and 2) a 2' variance from the 5' side setback requirement to allow new dwelling unit to be 3' away along the east and west property lines, located at 231 Chicago Boulevard. Staff recommends Approval. (Council District 3) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-19-10300164 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: BOA-19-10300164

Applicant: Lazar Hausman

Owner: Hausman Homebuyers, Inc.

Council District: 3

Location: 231 Chicago Boulevard

Legal: Lot 19, Block 2, NCB 3067

Description:

Zoning: "R-4 CD AHOD" Residential Single-Family with Conditional Use for 3 Dwelling Units Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 10.5' variance from the 20' rear setback requirement, as described in Section 35-310.01, to allow for a new dwelling unit to be 9.5' from the rear property line, and 2) a 2' variance from the 5' side setback requirement, as described in Section 35-310.01, to allow new dwelling unit to be 3' away along the east and west property lines.

Executive Summary

The subject property is located approximately 150 feet West from Devoto Street. The applicant is requesting to

reduce the rear and side setbacks to allow for a new dwelling unit to be constructed. The Property has a 13' alley from the rear yard, which is the location of the proposed dwelling unit. The property has an existing two story detached dwelling unit 4.9' away from the rear property line. On December 5th, 2019, City Council approved the rezoning of this property from "R-4" to "R-4 CD" with Conditional Use for 3 Dwelling Units.

Code Enforcement History

No code enforcement history exists for this property.

Permit History

The property owner is seeking a variance to allow a permit to be issued.

Zoning History

The subject property was in the original 36 square miles of San Antonio and was zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 CD AHOD" Residential Single-Family with Conditional Use for 3 Dwelling Units Airport Hazard Overlay District	Multi-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries South Central San Antonio Community Plan and it is currently designated as "Low Density Residential" in the future land use component of the plan. The subject property is within the Riverside Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Chicago Boulevard 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 variances are not contrary to the public interest as the structure will provide room for maintenance, will not create water runoff on the adjacent property, and will not injure the rights of the adjacent property owners. The proposed structure will be 9.5' from the rear property line and 3' from the both side property lines and no portion of the structure will be in violation of the Clear Vision field.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
An unnecessary hardship would result from the enforcement of the ordinance as strict enforcement would result in not allowing the owner of the property to build the requested structure as proposed.
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 setbacks will still provide for a safe development pattern. The requests will provide fair and equal access to air and light, and provide for adequate fire separation.
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 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.*
In older neighborhoods such as this, it is common for accessory units to be located within the side and rear setbacks established by the current Unified Development Code. The request will not detract from the character of the district. The proposed unit will be in the rear of the property, not affecting the public right-of-way or the clear vision ordinance. Within the time span the original structures had been in place, there has been no observed harm done to adjacent properties. As the new structure will occur away from the adjacent property, it is unlikely the request will injure the adjacent property.
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 character of the rear and side yards within the district are predominantly compact, leaving little room for proper building setbacks.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to comply with the side and rear building setbacks as defined within Section 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL** of variances, in **BOA-19-10300164**, based on the following findings of fact:

1. The requested setbacks provide room for adequate light, air, and maintenance,
2. The variances are unlikely to detract from the character of the district, and;
3. The variances are unlikely to have a negative impact on the adjacent properties.