



City of San Antonio

Legislation Details (With Text)

File #: 20-3369

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 6/1/2020

Title: BOA-20-10300044: A request by Bobby Herrera for 1) a 10' variance from the required 20' rear setback to allow an attached addition to be 10' from the rear property line, 2) a 10" variance from the required 10' front setback to allow an attached addition to be 9'2" away from the front property line, and 3) a 2,500 square foot variance from the 5,000 square foot minimum lot size requirement to allow a home to be located on a 2,500 square foot lot, located at 411 Muncey. Staff recommends Approval. (Council District 2) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-20-10300044

Applicant: Bobby Herrera

Owner: Michael Bostwick

Council District: 2

Location: 411 Muncey

Legal Lot North 50 FT of Lot 16, Block B, NCB 1654

Description:

Zoning: "R-5 H AHOD" Residential Single-Family Dignowity Hill
Historic Airport Hazard Overlay District

Case Manager: Dominic Silva, Senior Planner

Request

A request for 1) a 10' variance from the required 20' rear setback to allow an attached addition to be 10' from the rear property line, 2) a 10" variance from the required 10' front setback to allow an attached addition to be 9'2" away from the front property line, and 3) a 2,500 square foot variance from the 5,000 square foot minimum lot size requirement to allow a home to be located on a 2,500 square foot lot.

Executive Summary

The subject property is a single family home located between Lamar and Hays Street within the Dignowity Hill

Historic District. Built circa 1920 as a 775 square foot home, the applicant renovated and expanded the primary structure between 2017 through 2020; the attached additions were never permitted. The applicant has gone through Historic Design and Review Commission in 2017 and has obtained a Certificate of Appropriateness for the major and minor renovations to include the attached additions.

The applicant is requesting to keep the attached additions, built as is, within the side of rear of the property. The lot is situated adjacent to an alley, thus no variance is required for the north property line.

The lot is currently 2,500 square feet, below the required 5,000 square feet, thus the applicant will need to apply for a Certificate of Determination if approved for the lot size variance immediately after.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

Various permits were applied for during 2017 through 2020 to include foundation repair, plumbing, HVAC, electrical and residential addition (which was placed on hold pending variance hearing) that would coincide with renovations of an existing residential structure.

Zoning History

The subject property is within the original 36 square miles of the City of San Antonio and originally zoned as Historic "C" Apartment District which converted to Historic "R-2" Two-Family Residence District by Ordinance 70,785 dated December 14, 1989. The Historic "R-2" Two-Family Residence District converted to "RM-4" Residential Mixed District under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001. The "RM-4" Residential Mixed District was then rezoned to the current "R-5" Single Family District 2012-12-06-0953, dated December 6, 2012.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential

South	"R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential
East	"R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential
West	"R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Dignowity Hill Neighborhood Plan and designated as "Low Density Residential" in the future land use component of the plan. The subject property is in the boundaries of the Dignowity Neighborhood Association and as such, they were notified of the case.

Street Classification

Muncey 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 attached addition provides adequate habitable living space, a modest increase in square footage, while also maintaining a rear and side setback for accessibility to light, air, and open space. 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.*

The community is characterized by historic principal structures that are relatively tight on living quarters within the area. Literal enforcement of the ordinance would result in unnecessary hardship by prohibiting the owner to utilize the small lot to its potential.

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. All intents of this law will be observed 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 variance will not authorize the operation of a use other than those uses specifically authorized in the “R-5” Residential Single-Family 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, how the additions were built, there is no visible difference from any other residence within the area. Further, these structures have been in existence circa 1920; renovations and expansions will be necessary. The additions the variances are requested for follows a district norm of reduced setbacks built within the area.

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 reduced lot sizes within the district is uniform, leaving little room for proper building setbacks. This is created by the proliferation of older, outdated substandard lots.

Staff Recommendation

Staff recommends **APPROVAL** of the variances in **BOA-20-10300044** based on the following findings of fact:

1. The requested variance is will not detract from the character of the district, and;
2. The lot size still provides reasonable access to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. The lot is too small to reasonably provide for all required setbacks.