



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3552

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 6/15/2020

**Title:** BOA-20-10300047: A request by Gloria Vasquez for a 29% variance from the 50% front yard impervious cover limitation to allow 79% of the front yard to be covered in impervious cover, located at 5554 Kensington Run. Staff recommends Denial. (Council District 7) (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-20-10300047

**Applicant:** Gloria Vasquez

**Owner:** Gloria Vasquez

**Council District:** 7

**Location:** 5554 Kensington Run

**Legal:** Lot 3, Block 2, NCB 15029

**Description:**

**Zoning:** "R-5 MLOD-2 MLR-1 AHOD" Residential Single Family  
Lackland Military Lighting Overlay Military Lighting  
Region 1 Airport Hazard Overlay District

**Case Manager:** Dominic Silva, Senior Planner

### Request

A request for a 29% variance from the 50% front yard impervious cover limitation, as described in Section 35-515 (d)(1), to allow 79% of the front yard to be covered in impervious cover.

### Executive Summary

The subject property is a single family home located approximately 130 feet east of Canterbury Drive. The applicant is requesting to keep the impervious cover as is within the front of the property; measuring at 79% impervious cover, it is 29% above the 50% limit allowed by code.

During field visits, staff did not see any other properties within the area with similar concrete-covered front yards to the extent as the applicant.

### **Code Enforcement History**

There is a current code enforcement violation for front yard impervious cover violation.

### **Permit History**

The property has no permits on file related to this request.

### **Zoning History**

The subject property was annexed in September 25, 1952. The property was rezoned from “R-2A” Three and Four Family Residence District to “R-5” Single Family Residence District by Ordinance 89328, dated February 25, 1999. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the “R-5” Single Family Residence District converted to the current “R-5” Residential Single-Family District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-5 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Residential

### **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 Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Residential
South	"R-5 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Residential
East	"R-5 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Residential

West	"R-5 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Residential
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### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector plan and is designated General Urban Tier land use designation. The subject property is not within the boundaries of a registered neighborhood association.

### **Street Classification**

Kensington Run 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 impervious coverage limitation preserves storm water management by reducing runoff and increasing storm water travel times. Further, the regulations are provided to prevent front yards from being covered by impervious surfaces, which can detract from the character of the community. Staff finds the request is contrary to the public interest.

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

Staff is unable to establish a special condition that would allow a request for a variance from the impervious coverage limitation requirements.

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 impervious coverage limitation requirements is to prevent water flooding and to preserve the character of the community.

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 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.*

The impervious coverage decreases the amount of storm water retained on-site. Therefore, the requested variance could injure adjacent property owners.

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.*

Staff did not find any unique circumstances that warrant the granting of the requested variance. The requested impervious coverage limitation does not mitigate water issues, exacerbates drainage issues, and detracts from the character of the community.

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

Denial of the variance request would result in the owner having to adhere to Section 35-515 (d)(1).

### **Staff Recommendation**

Staff recommends **DENIAL** of the variances in **BOA-20-10300047** based on the following findings of fact:

1. The requested impervious cover reduces the ability for storm water to enter the ground, which can harm adjacent properties, and;
2. The impervious cover has created an inconsistency and has altered the essential character of the neighborhood.