



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-5539

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 9/21/2020

**Title:** BOA-20-10300088: A request by Kathleen Connell for 1) a variance to allow an accessory detached dwelling unit to be located within the front property and 2) a variance to allow parking for an accessory detached dwelling unit to be located within the front yard of the property, located at 7232 Seidel Road. Staff recommends Denial with an Alternate Recommendation. (Council District 10) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov; 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-20-10300088

**Applicant:** Kathleen Connell

**Owner:** Kathleen Connell

**Council District:** 10

**Location:** 7232 Seidel Road

**Legal Description:** Lot 7, Block 2, NCB 11838

**Zoning:** "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

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

### Request

A request for 1) a variance to allow an accessory detached dwelling unit, described in Section 35-371, to be located within the front property and 2) a variance to allow parking for an accessory detached dwelling unit to be located within the front yard of the property, also described in Section 35-371.

### Executive Summary

The subject property, currently vacant, is a 31,916 square foot lot measuring 101 feet in width and 316 feet in depth. It is situated along a block of similar sized lots situated on Seidel Road and North Vandiver Road, however, the majority the Oak Park Northwood neighborhood is developed with 8,000 square foot lots, as intended of the NP-8 zoning district.

The intention of the owner is to construct a 4,000 square foot home behind 2 mature heritage pecan trees, approximately 200' from the front property line, while constructing an accessory detached dwelling unit within the front property, approximately 40' from the front property line. This will leave approximately 65' of open space in the rear of the property. The maximum height of the single-family structure is limited to 35'. The 2 heritage pecan trees measure 57' in height.

The setbacks for the "NP-8" zoning district is 5' from the side property lines, 20' from the front property lines, and 20' from the rear property line. Accessory detached dwelling units' setbacks are 5' from the side and rear property lines. Accessory detached dwelling units shall be constructed within the rear property, thus there is no front setback.

The homes within the Oak Park Northwood neighborhood consist of single-family homes, regardless of size, constructed 20-30' from the front property line, with the 6 large lots on Seidel Road, adjacent to the subject property, being developed 50' to 85' from the front property line with a median setback of 67'. Lots on North Vandiver Street within the same block consists of another 6 large lots with a median setback of 82'. The proposed development of the primary structure will be over 200' away from the front property line, a difference 150-135' to the adjacent properties. Block 2 within the NCB 11838, that being the 12 lots identified as large lots, are the main focus of the median setback calculation.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

A tree permit was issued on May 28, 2020 for this property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952 and zoned as "A" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the "A" Residence District converted to "R-5" Single-Family District. Ordinance 2006-06-15-0728, dated April 6, 2005, rezoned the "R-5" Single-Family District to the current "NP-8" Neighborhood Preservation District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Residential

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Residential

South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Residential
East	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Residential
West	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Residential

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

The property is located within the boundaries of the Northeast Inner Loop Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park-Northwood Neighborhood Association.

### **Street Classification**

Seidel 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.*

Given the location of the proposed accessory dwelling unit, the variance is highly likely to be noticed from the right-of-way; it is the only property that will have a detached accessory dwelling unit within the front property.

**The variance for the parking in the front of the property is not contrary to the public interest as it is not distracting visual appearance and property use.**

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

Staff cannot find any unnecessary hardships due to the enforcement of the ordinance. There exists no financial, topographical, or safety and welfare hardships to approve a request based on a design layout that is uncharacteristic of the block, neighborhood, and community.

**Staff does support parking within the front property for the accessory detached dwelling unit as there exists multiple properties within the area with adequate parking for multiple vehicles without going above the 50% impervious cover limitation.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Since no other properties within the immediate vicinity have built an accessory dwelling unit within the front yard, uniformity and cohesion of neighborhood will be distracted.

**The proposed parking within the front yard will not be overwhelming and the spirit of the ordinance will be maintained.**

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 “NP-8” Neighborhood Preservation 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 overall character of community is shaped by having the primary structure built in the middle of the lot and accessory detached dwelling units in the rear yard. The proposed placement seems likely to alter the essential character of the district.

**The location of the proposed parking lot will not impose any immediate threat on adjacent property and will not overwhelm the neighborhood character.**

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 finds that the extensive area of the lot, as well as a generally flat topography, leaves adequate space for the proposed 4,000 square foot home within the front of the property while also showcasing the heritage trees; measuring approximately 57 feet tall, the heritage trees won't be entirely overshadowed behind home behind the primary structure as the maximum height of the single-family structure is limited at 35', leaving 22' of unobstructed view of the trees from public right-of-way. There exist no unique circumstances on the property to warrant granting the variance request.

**Staff supports granting a variance to allow front property parking for the proposed accessory detached dwelling unit as there is ample space available without going past the 50% impervious cover limitation.**

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

The alternative to the applicant's request is to conform to the Lot and Setback Dimensions of the UDC Section 35-310.01.

### **Staff Recommendation**

Staff recommends **DENIAL** of 1) a variance to allow an accessory detached dwelling unit to be located within the front property **BOA-20-10300088**, based on the following findings of fact:

1. The requested variance does detract from the character of the community, both specifically to Block 2 within NCB 11838, and throughout the surrounding neighborhood, and;
2. There exists adequate space within the front property for the proposed 4,000 square foot home to be located without damaging nor detrimental visible impact to the heritage trees, and;
3. There exists no hardship to approve this request, as the primary attribute of approving a variance is to determine that a denial of a variance would create a disproportionate hardship, and;
4. The variance requested is due to personal design layout.

Staff recommends **APPROVAL** of 2) a variance to allow parking for an accessory detached dwelling unit to be located within the front property, also described in Section 35-371 in **BOA-20-10300088**, based on the following findings of fact:

1. The requested variance of front property parking for the accessory detached dwelling unit will not detract from the character of the existing residential area as there exists multiple properties with extensive front property parking, and;
2. The variance requested will not go beyond the 50% impervious cover limitation.