



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-6616  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 11/16/2020

**Title:** BOA-20-10300098: A request by Killen, Griffin & Farrimond for 1) a 7' variance to the minimum front setback of 10' to allow a structure to be 3' from the front property line, 2) a variance to allow a privacy fence to be within the Clear Vision Field and 3) a variance from the minimum required 20' garage setback to allow a garage entrance to be 3', and 4) a special exception to allow a solid screen fence to be 6'4" within the front property, located at 314 East Hollywood Avenue. Staff recommends Approval. (Council District 1) (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-20-10300098  
**Applicant:** Killen, Griffin & Farrimond  
**Owner:** Susan Heard  
**Council District:** 1  
**Location:** 314 East Hollywood Avenue  
**Legal** Lot 4B, NCB 6120  
**Description:**  
**Zoning:** "R-5 H AHOD" Residential Single-Family Monte Vista  
Historic Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Senior Planner

### Request

A request for 1) a 7' variance to the minimum front setback of 10', as described in Section 35-310.01, to allow a structure to be 3' from the front property line, 2) a variance to allow a privacy fence, as described in Section 35-514, to be within the Clear Vision Field and 3) a variance from the minimum required 20' garage setback, as described in Section 35-516, to allow a garage entrance to be 3', and 4) a variance to allow a solid screen fence, also described in Section 35-514, to be 6'4" within the front property

### Executive Summary

The applicant is requesting a variance from the minimum front setback in order to expand the current garage to be 3' from the front property line. The property has many atypical features that are unique to the surrounding area including a front yard pool built in 1967 (with an approved variance), fronting on an improved named alley, and a lot configuration that is both long and narrow with little room for expanding the current footprint of the residence. The subject property is also one of the few homes that front East Hollywood; the majority front either East Rosewood or Schreiner Place.

The existing fence of 6'4" will stay as is, with no modifications plans. Due to the receptacle cover within the front property, Clear Vision was requested; however, it only extends 2" into the field of Clear Vision.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this property.

### **Clear Vision Review**

A review of Clear Vision is required and has been conducted.

### **Zoning History**

The property is within the original 36 square miles of the City of San Antonio and was originally zoned as "A" Residence District. The "A" Residence District converted to the current "R-5" Residential Single-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-5 H AHOD" Residential Single-Family Monte Vista Historic 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 H AHOD" Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Residential

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

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

The subject property is not located within a plan. The subject property is within the boundaries of the Monte Vista Neighborhood Association.

### **Street Classification**

East Hollywood Avenue is classified as a local roadway.

### **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, due to the unique configuration of the corner lot, as well as the pool being a buffer between the adjacent property, the requested variance will not be contrary to the public interest.**

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

**Due to the unique configuration as a narrow corner lot, as well as fronting off a named alley, a literal enforcement of the ordinance would result in an unnecessary hardship as any expansion of the existing structures will need variances due to the compact nature of the lot.**

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

**Substantial justice will be as the proposed extension of the existing garage will leave adequate room for maintenance of the structure without trespass as well as adequate storm water management controls.**

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 variances will not permit a use not authorized within the district it is located in.**

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 subject property is located on a named alley with the majority of homes fronting streets other than East Hollywood Avenue. The requested variances will not substantially injure other conforming properties or alter the 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 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. Due to compact, narrow design of the lot, as well as the location of the lot as a corner property, variances will need to be requested anytime the existing structure will be expanded.

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

The alternative to the applicant's request is to conform to Unified Development Code in Sections 35-310.01, 35-514, and 35-516.

### **Staff Recommendation**

Staff recommends **Approval** of the variances requested in **BOA-20-10300098**, based on the following findings of fact:

1. Due to the unique, compact layout of the property and corner lot location, variances for expansion of existing structures will need to be requested regardless of circumstances; and,
2. Adequate space will be utilized to prevent storm water runoff and maintenance of the structure without trespass; and,
3. The requested variances do not detract from the character of the district.