



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-1654

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 2/15/2021

**Title:** BOA-20-10300142: A request by Cotton Estes for a 5% variance from the 35% maximum square footage restriction to allow an Attached Accessory Dwelling to be 40%, located at 230 Thelka. Staff recommends Approval. (Council District 3) (Joyce Palmer, Planner, 210-207-0315, Joyce.Palmer@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-20-10300142
Applicant:	Cotton Estes
Owner:	Steven Hollon and Paige Panter
Council District:	3
Location:	230 Thelka
Legal Description:	Lot 48 and 49, Block 2, NCB 3382
Zoning:	“R-5 MLOD-2 AHOD” Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Joyce Palmer, Planner

### Request

A request for a 5% variance from the 35% maximum square footage restriction to allow an Attached Accessory Dwelling to be 40%.

### Executive Summary

The subject property is located on the south of San Antonio within a single-family subdivision. The main structure is a total of 2,008 square feet, allowing an attached accessory dwelling unit to be 703 square feet without requiring a variance. The requested increase to 800 square feet would be 40% of the main structure.

### Code Enforcement History

There are no open code enforcement violations.

**Permit History**

There are no relevant permits pulled for the property.

**Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and was zoned “B” Residence District. The property was rezoned by Ordinance 61454, dated September 19, 1985 to “R-5” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-5” Single-Family Residence District converted to the current “R-5” Residential Single-Family District.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-5 MLOD-2 AHOD” Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 MLOD-2 AHOD” Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	“R-5 MLOD-2 AHOD” Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	“R-5 MLOD-2 AHOD” Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	“R-5 MLOD-2 AHOD” Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a sector plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is not located within a neighborhood association.

### **Street Classification**

Thelka is classified as a Local Road.

### **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 additional 5%, or additional 97 square feet, would not be contrary to the public interest**

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

**Literal enforcement of the ordinance would create an unnecessary hardship as the additional square feet will not be contrary to the surrounding neighborhood.**

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

**By granting of the variance, the spirit of the ordinance will be observed and substantial justice will be done. The attached accessory dwelling unit will not detract from the surrounding neighborhood.**

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.*

**This variance request only affects the lot, and will not impact the operation of a use not specifically authorized in the zoning district. The accessory dwelling unit will be part of construction built on two lots replatted into one larger lot.**

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 requested variance will not substantially injure the appropriate use of adjacent conforming property and alter the essential character of the neighborhood. The attached accessory dwelling unit size is in keeping with the intent of the existing zoning 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 of this property for which the variance is sought is due to the unique circumstances existing on the property and were created by the owner of the property, however they**

are for safety and privacy purposes. The existing conditions of the irregular lot limit design as the lot has limited frontage and has side elevation drop along the San Antonio River.

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

The alternative to the applicant's request is to conform to the accessory dwelling unit regulations of the UDC Sections 35-514.

### **Staff Recommendation**

Staff recommends **Approval** in **BOA-20-10300142** based on the following findings of fact:

1. The increased square footage of the accessory dwelling unit will not be contrary to the public interest, and,
2. The increased square footage of the accessory dwelling unit is for the health and privacy of its inhabitants.