



City of San Antonio

Legislation Details (With Text)

File #: 21-2984

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 4/19/2021

Title: BOA-21-10300025 - A request by Olga Saldana for 1) 2' 10" variance from the minimum 5' side setback requirement to allow an addition with 1' 6" overhang to be 2' 2" away from the side property line and 2) an 8% variance from the 50% maximum impervious cover limitation in the front yard to allow up to 58% impervious cover, located at 374 Langford Place. Staff recommends Approval. (Michael Pepe, Planner, (210) 207-8208, Michael.Pepe@sanantonio.gov, Development Services Department) (Council District 3)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-21-10300025
Applicant:	Olga Saldana
Owner:	Olga Saldana
Council District:	3
Location:	374 Langford Place
Legal Description:	Lot 41, Block 25, NCB 10819
Zoning:	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Michael Pepe, Senior Planner

Request

A request for 1) 2' 10" variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow an addition with 1' 6" overhang to be 2' 2" away from the side property line and 2) an 8% variance from the 50% maximum impervious cover limitation in the front yard, as described in Section 35-515, to allow up to 58% impervious cover.

Executive Summary

The subject property is located mid-block along Langford Place. The applicant received a Stop Work Order for building without a permit in March of 2021, which caused the submittal for a variance. Upon staff's field visit,

the addition appears to be built as close as 2' 2" from the property line and has a 1' 6" gutter. The addition appears to be the conversion of a previously existing attached carport built in 2012 without permits. The subject property is located within a neighborhood with older development, so there are multiple dwellings and carports in the surrounding area with similar setback encroachments near the property lines, wherein many structures are "offset" and built closer to the side property line on one side than the other. The conversion of the original carport to living area requires a variance to receive a building permit. Additionally, upon the field visit, staff observed the front yard impervious cover to slightly exceed the 50% limitation.

Code Enforcement History

There is an open code enforcement investigation case for building without a permit. A Stop Work Order was issued on March 5, 2021.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property was annexed into the City of San Antonio on September 24, 1952 by Ordinance 18115 and was originally zoned "B" Residence District. The zoning converted from "B" to the current "R-4" Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Stinson Airport Vicinity Plan and is designated "Low Density Residential" in the future land use component of the plan. There are no registered Neighborhood Associations within 200' of the subject property.

Street Classification

Langford Place 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the variance being requested is for a building encroachment into the side setback and for the front yard impervious cover. The requests do not seem to be contrary to the public interest.

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

Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship. By imposing a literal enforcement, the existing living space would need be altered significantly to meet the 5' side setback.

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 defined as the intent of the code, rather than the exact letter of the law. The intent of the setbacks is to provide spacing between neighboring structures. By reducing the setback to 2'2", the applicant will maintain about 7.5' between structures with a 2' 10" variance to the side setback, which is not uncommon in this 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.*

No uses other than those allowed within the district will be allowed with this variance.

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 request to reduce a portion of the side setback does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district. This property is located within an older neighborhood where it is common to find non-conforming dwellings in which parts of the building or carports encroach into the side setbacks.

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 applicant is requesting the variance to receive a permit for a building under construction with the interior finish out remaining. The unique circumstances existing on the property are common throughout the neighborhood wherein many homes are built alongside a side property line, typically with more open space on the opposite site property line.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot & Setback Dimensions and Lot Layout Regulations of the UDC Sections 35-310.01 and 35-515.

Staff Recommendation

Staff recommends Approval in BOA-21-10300025 based on the following findings of fact:

1. The addition will remain 2' 2" away from the side property line; and
2. There is 7.5' between the addition and the adjacent structure; and
3. The front concrete in the front yard will exceed the limitation by 8%.