



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-4959

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 8/2/2021

**Title:** BOA-21-10300067: A request by Louis Mendiola for 1) 3' variance to the required 5' side setback to allow a rear detached accessory structure side setback of 2' including a 1" overhang on the eastern side and 2) a 4'11" variance to the required 5' side setback to allow a rear carport side setback of 1" on the western side with a 4" overhang, located at 327 Ada Street. Staff recommends Approval. (Council District 3) (Michael Pepe, Senior Planner, (210) 207-8208, Michael.Pepe@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-21-10300067
Applicant:	Louis Mendiola
Owner:	Louis Mendiola
Council District:	3
Location:	Lot 7, Block 3, NCB 6226
Legal Description:	327 Ada Street
Zoning:	"R-4 AHOD" Residential Single Family Airport Hazard Overlay District
Case Manager:	Michael Pepe, Senior Planner

### Request

A request for 1) 3' variance to the required 5' side setback to allow a rear detached accessory structure side setback of 2' including a 1" overhang on the eastern side and 2) a 4'11" variance to the required 5' side setback to allow a rear carport side setback of 1" on the western side with a 4" overhang.

### Executive Summary

The subject property is located midblock along Ada Street. The applicant is requesting a side setback variance for an addition to an accessory structure to be constructed in the side setback of the property. The owner wishes to extend the structure towards the rear of the property in line with the existing building. Additionally, staff

found that the carport in the rear yard is within the required setback of the side yard.

### **Code Enforcement History**

There is no relevant code history associated with this property.

### **Permit History**

There is no relevant Permit history.

### **Zoning History**

The property was a part of the original 36 square miles of the City of San Antonio and originally zoned “B” Residence District. With the adoption of the 2001 Unified Development Code, the “B” converted to “R-4” Residential Single Family District.

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

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

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

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single Family Airport Hazard Overlay District	Single-Family Residence
South	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Residence
East	"R-4 AHOD" Residential Single Family Airport Hazard Overlay District	Single-Family Residence
West	"R-4 AHOD" Residential Single Family Airport Hazard Overlay District	Single-Family Residence

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

The subject property is in the South Central San Antonio Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Riverside Neighborhood Association.

### **Street Classification**

Ada Street is classified as a Local Road.

### **Criteria for Review - Variance**

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. The proposed additions would not be out of character with the neighborhood in extent and location relative to property lines. There are no existing structures in proximity to the carport.**

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

**Literal enforcement of the ordinance would result in unnecessary hardship. This property is accessed from the rear alley, while the original home is situated in a way that offers less room for expansion near the front of the property.**

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 structure will remain a significant distance from any neighboring structures.**

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.*

**If granted, the variance will not alter the essential character of the district, which includes several older structures which are in close proximity to property lines. The allowance for additional parking in the rear of the property would reduce car storage in the front of the property, reducing impacts on neighboring properties.**

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 the compact nature of the lot and the positioning of the original home make it necessary to add parking to the rear of the property.**

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

The alternative to the applicant's request is to conform to the 5' side setbacks or 3' side setbacks with no overhang.

### **Staff Recommendation -**

Staff recommends **Approval** in BOA-21-10300067 based on the following findings of fact:

1. The proposed carport would not be out of character with the neighborhood in extent and location relative to property lines,
2. The addition merely continues the side setback of the existing accessory structure and would not add increased impacts to neighboring properties,
3. The proposed additions would not be in proximity to the neighboring structures which mitigates potential impacts of an approved variance