



City of San Antonio

Agenda Memorandum

File Number:16-3584

Agenda Item Number: 2.

Agenda Date: 7/25/2016

In Control: Board of Adjustment

Case Number: A-16-094
Applicant: Angelita Bacilio
Owner: Angelita Bacilio
Council District: 3
Location: 106 Lorraine
Legal: W 28.15 FT of E 56.3 FT of Lots 1, 2 & 3, Block 2, NCB
Description: 6151
Zoning: "C-3R AHOD" General Commercial Restrictive Alcohol
Sales Airport Hazard Overlay District
Case Manager: Shepard Beamon, Planner

Request

A request for 1) an elimination of the 30 foot side setback, as described in Section 35-310.01, and 2) an elimination of the 30 foot rear setback, as described in Section 35-310.01, to allow a wrap-around porch to be located on the side and rear property line.

Executive Summary

The applicant currently resides in the Lorraine Place Subdivision and was originally platted in 1919. The subject property was illegally subdivided sometime after 1919. The home was built in 1945 including a front porch. The lot is approximately 28 feet wide and 75 feet in length and is zoned "C-3R" General Commercial Restrictive Alcoholic Sales District. The homes on either side of the subject property were built in close proximity to the subject property. The applicant built a porch around the side and rear of the home to provide a safe passage way for travel around the home. The applicant built the porch without permits and was cited by code. Since the property is zoned "C-3" and is adjacent to a residential use there is a 30 foot side and rear setback. This is much larger than the required 5 foot side setback and 20 foot rear setback required in most residential zoning districts. The applicant has applied for a variance to keep the current porch design. This case was continued from the June 6, 2016 Board of Adjustment hearing.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Single-Family Dwelling
South	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Single-Family Dwelling
East	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Single-Family Dwelling
West	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the South Central Neighborhood Plan and designated as Low Density Residential in future land use component of the plan. The subject property is not located within a Neighborhood Association.

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 public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The subject property was illegally subdivided to create a small lot. Staff finds that a 3 foot side and rear setback would meet the spirit of the code.

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

The special condition in this case is the small lot size and limited developable space. Staff finds a reduced setback would meet the spirit of the code.

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

Granting a 27 foot variance to allow a porch to be located 3 feet from the rear and side property line will result in substantial justice as the 3 feet of separation provides an area for maintenance without trespass and mitigates water runoff. The applicant will still be required to meet fire standards.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay 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.*

Granting a modified request of a 27 foot variance will provide 3 feet of space in the rear and on the side to ensure water does not fall onto adjacent property and provides space for maintenance without trespass. Additionally, the applicant will be required to meet fire standards thus ensuring safety of the adjacent property.

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 owner of the property is not responsible for the small lot size. Granting a 27 foot variance will respect the spirit and intent of the code.

Alternative to Applicant's Request

The applicant would have to remove the porch.

Staff Recommendation

Staff recommends **APPROVAL** of a modified request for a 27 foot variance to the required 30 foot rear and side setback to allow a porch to be 3 feet from the rear and side property line in A-16-094 based on the following findings of fact:

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| <p>1. The lot is small and has very little developable space due to a previous, illegal subdivision. 2. Three feet along the rear and side of the property will provide room for maintenance without trespass and address water runoff.</p> |
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