



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-4670

**Agenda Item Number:** 7.

**Agenda Date:** 9/19/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-142  
**Applicant:** Blanca Tellez  
**Owner:** Blanca Tellez  
**Council District:** 3  
**Location:** 136 Uvalde Street  
**Legal Description:** Lot 20, Block 9, NCB 3216  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a 20 foot variance from the required 20 foot rear setback, as described in Section 35-310.01, to allow a building addition that is on the rear property line to remain.

### Executive Summary

The subject property has a primary dwelling that was constructed in 1917. The applicant purchased the subject property in 2015. Recently, the applicant has made additions to her home, including a roofline extension in the rear of the home. As it stands now, the home's addition does not meet the required minimum rear setback of 20 feet. The applicant is proposing a variance to allow encroachment along the rear of the property to allow the addition to remain. The addition is in the same location as an attached carport that has been in existence since the home was constructed, according the Bexar County Appraisal District tax information.

### 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 property is within the boundaries of the South Central Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is not within a registered 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 home addition, as proposed, will greatly increase water runoff, as there are no gutters that drain onto the owner’s property, and risk of fire spread to adjacent property.

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

Staff was unable to find a special condition in this case to build an addition to the primary dwelling unit one foot from the rear property line.

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

Granting the requested variance will not result in substantial justice as the addition could increase the risk of fire spread and water runoff to adjacent properties.

- 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 “R-4 AHOD” Residential Single-Family 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.*

The rear addition, as built, will be an increase in the water runoff and a potential increased risk of fire spread to adjacent conforming properties. Further, there is no space for maintenance without trespass. Additionally, there are no other primary dwelling units in this neighborhood built on the rear property line.

- 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.*

In this case, there is currently not a unique property related hardship that would justify the applicant building an addition on the rear property line.

**Alternative to Applicant’s Request**

The applicant could build the addition one foot from the rear property line to allow room for maintenance. The applicant could build an addition which respects established setbacks.

**Staff Recommendation**

Staff recommends **DENIAL of variance request with an alternate recommendation that the carport be cut back to be two feet from the rear property line to allow for maintenance** based on the following findings of fact:

1. Staff was unable to find a property related hardship that would justify building an addition on the rear property line. 2. Building a home addition on the rear property line would greatly increase the risk of fire spread and water runoff to the adjacent property and would not provide any space for maintenance of the structure without trespass.