



# City of San Antonio

## Agenda Memorandum

**File Number:**16-5380

**Agenda Item Number:** 2.

**Agenda Date:** 10/17/2016

**In Control:** Board of Adjustment

Case Number: A-16-171  
Applicant: Joe Sirio  
Owner: Joe and Maria Sirio  
Council District: 3  
Location: 222 E. Glenn Avenue  
Legal: Portions of Lots 21 & 22, Block 4, NCB 2903  
Description:  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Case Manager: Margaret Pahl, AICP, Senior Planner

### Request

A request for a seven foot variance from the minimum rear 20 foot setback, to allow a rear home addition to be 13 feet from the rear property line.

### Executive Summary

The subject property is a small single-family structure built in 1960 with under 1,000 square feet of living space. The applicant has owned the house since 2002 and is hoping to construct a rear yard addition. The applicant is requesting a variance to reduce the rear yard setback from 20 feet to 13 feet, to allow an addition 13.75 feet in depth. The home has wide side yard setbacks, each over 10 feet in width and a 20 foot front setback as well. Because the existing home is located in the center of the lot, a small addition is possible in every direction, but a larger one would violate each of the setbacks.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential Single-Family

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential Single-Family
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential Single-Family
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential Single-Family
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential Single-Family

### **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 located within the boundaries of the Lone Star Neighborhood Association. As such, they were notified and asked to comment.

### **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 public interest is represented by minimum setbacks to ensure access to air and light. The requested seven foot variance to allow a rear yard addition still preserves 13 feet rear yard setback, adequate to protect the public interest.**

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

**Literal enforcement of the 20 foot rear setback would likely result in an unreasonable hardship. The existing house is built in the middle of the lot with more than 10 feet on each side. To increase the building size, every exterior wall would need to be relocated five feet in every direction.**

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

**The spirit of the ordinance will be respected by granting the requested variance to reduce the rear setback in that nine of the 15 residential districts require only 10 feet for rear yards.**

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6 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 requested variance to reduce the rear setback to 13 feet will not injure the adjacent conforming property, but instead allow the renovation and expansion of a small house on a corner lot. This will likely improve the character of the 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 circumstance is that the existing house was built in the center of the lot, leaving large setbacks on every elevation. The rear addition is the best suited location to expand the home.**

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

Without the requested variance, the applicant could not construct the addition.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested rear yard variance in A-16-171** based on the following findings of fact:

1. The existing home is in the center of the lot, making an addition on any one elevation problematic.
2. The proposed 13 foot rear setback will still provide adequate access to air and light, with room for maintenance.