



# City of San Antonio

## Agenda Memorandum

**File Number:**16-5681

**Agenda Item Number:** 4.

**Agenda Date:** 11/7/2016

**In Control:** Board of Adjustment

Case Number: A-16-176  
Applicant: Michael Perez  
Owner: MP2 Home Restoration, LLC  
Council District: 1  
Location: 355 E. Craig Place  
Legal: Lot 31, NCB 3098  
Description:  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Margaret Pahl, AICP, Senior Planner

### Request

A request for a nine foot variance from the minimum 20 foot rear setback, described in Table 35-310, to allow a building addition 11 feet from the rear property line.

### Executive Summary

The subject property includes 6000 square feet of lot area, with a 1,000 square foot home built in 1920. The applicant purchased the home this year and is hoping to construct a 900 square foot addition to the rear. The proposed addition would require a nine foot variance to allow a rear setback of 11 feet. The applicant intends to construct an "in-line" single-story addition, approximately six feet from the west side property line and 17.5 feet from the east side property line. This approach will preserve the view of the existing home from the street, making the addition less visible from the street. According to the applicant, the addition is necessary to make the home suitable for a family.

### Subject Property Zoning/Land Use

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

### 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	Single-Family Home
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

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

The property is within the boundaries of the Tobin Hill 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 Tobin Hill Community 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 the minimum setbacks to provide adequate access to air and light and separation between properties. Reducing the rear setback to 11 feet would not be contrary to 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 unnecessary hardship. Sixty percent of the residential zones within the city allow a 10 foot rear 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 the intent of the Code, rather than the strict letter of the law. In this case, the intent was to require separation between properties to allow outdoor enjoyment. The neighbor directly behind this lot is in the process of constructing a new home with a detached garage. The garage is fairly close to the property line, as allowed by Code.**

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 minimum rear setback by nine feet will still allow a reasonable rear setback, with the addition behind the existing home.**

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 the desire to maintain the historic appearance of the home from the street, locating the additional square footage behind the house and no wider than the existing home.**

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

Without the requested variances, the owner would have to add a second story or widen the addition out into the side yard.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested nine foot variance, detailed in A-16-176** based on the following findings of fact:

1. Sixty percent of the residential zoning districts require a ten foot rear setback; and
2. The applicant is proposing an in-line addition.