



# City of San Antonio

## Agenda Memorandum

**File Number:**17-1131

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**Agenda Item Number:** 9.

**Agenda Date:** 1/9/2017

**In Control:** Board of Adjustment

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Case Number: A-17-029  
Applicant: Gilbert Resendez  
Owner: Gilbert & Ysabel Resendez  
Council District: 3  
Location: 1719 Amanda Street  
Legal: Lot 11, Block 14, NCB 7532  
Description:  
Zoning: "R-6" Residential Single-Family District  
Case Manager: Margaret Pahl, AICP, Senior Planner

### Request

A request for a 10 foot variance from the minimum 20 foot rear setback, as described in Table 35-310, to allow an addition 10 feet from the rear property line.

### Executive Summary

The subject property measures 65 feet wide, 99 feet deep and includes 6,435 square feet of lot area. The existing house is setback 45 feet from the front property line, and measures 33 feet deep. The owner is hoping to construct a building addition up to 10 feet from the rear property line. The minimum rear setback is currently 20 feet, but up until 2009 when the property was zoned MF-33, the rear setback was 10 feet. A variance is required to allow the proposed addition.

According to the application materials, the proposed location was selected to allow the bath room to be relocated near the kitchen for plumbing reasons. The original cast iron sewer line was recently replaced but only to one side of the structure.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6" Residential Single-Family District	Single-Family Home

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6" Residential Single-Family District	Single-Family Home
South	"R-6" Residential Single-Family District	Single-Family Home
East	"R-6" Residential Single-Family District	Single-Family Home
West	"R-6" Residential Single-Family District	Single-Family Home

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

The property is not located within the boundaries of any adopted plan area. The subject property is not located within the boundaries of a registered Neighborhood Association.

### **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, established to ensure adequate separation for maintenance and access to air and light. The request to reduce the rear setback to 10 feet is not contrary to public interest.**

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

**Literal enforcement of the ordinance would require that the applicant construct a building addition to the front of the house. The special condition is that the rear property line is shared with a very deep residential lot, 250 feet deep. The existing house on this neighboring lot is over 150 feet from their rear property line, creating a special condition which makes literal enforcement an unnecessary hardship.**

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 the UDC, 10 feet is an adequate rear setback in over 60% of the residential zoning districts. Given the adjacent depth of the rear setback, 10 feet observes the spirit of the 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" Residential Single-Family 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 building addition is proposed on an existing patio slab which has been in this location for years. In addition, it is in a location that was authorized up until 2009 when the zoning district was changed to permit single-family uses rather than multi-family uses. Therefore, granting the requested variance will not alter 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 plight of the owner is due to the large front setback of 45 feet, placing the main structure, with only 700 square feet, 30 feet from the rear property line. A proposed building addition will replace a covered patio with 300 square feet of additional living area and a 10 foot rear setback.**

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

Without the requested variance, the applicant would be required to build the addition to the front.

### **Staff Recommendation**

Staff recommends **APPROVAL of the 10 foot variance as detailed in A-17-029** based on the following findings of fact:

1. The variance would allow a building addition to relocate a bathroom near the recently replumbed kitchen consolidating the need for a sewer line; and
2. A ten foot rear yard is adequate in over 60% of the residential zoning districts.