



# City of San Antonio

## Agenda Memorandum

**File Number:**17-1271

**Agenda Item Number:** 10.

**Agenda Date:** 2/6/2017

**In Control:** Board of Adjustment

Case Number: A-17-046  
Applicant: Michael Hernandez  
Owner: Michael Hernandez  
Council District: 5  
Location: 1434 Tampico Street  
Legal: Lot 41, NCB 3757  
Description:  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Shepard Beamon, Senior Planner

### Request

A request for 1) a 13.5 foot variance from the minimum 20 foot rear setback, as described in Section 35-510.01, to allow a rear building addition to be 6.5 feet from the property line, to allow a covered patio to be on the front property line and 2) a six (6) foot variance from the 20 foot platted setback, as described in Section 35-516(o) to allow a home addition to be 14 feet from the front property line.

### Executive Summary

The subject property is currently located on the southeast corner of the intersection of Tampico Street and South Sabinas Street. The property is within Colonia Santa Cruz Subdivision, recorded in 1978 and includes a 20 foot platted front setback and a 10 foot platted side setback. The applicant is requesting both variances to construct both a front and rear addition to the primary dwelling.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District; “C-1 AHOD” Light Commercial Airport Hazard Overlay District	Park, Church

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

The property is within the boundaries of the Guadalupe Westside Neighborhood Plan and is currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the Avenida Guadalupe Neighborhood Association, who was 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 setbacks to prevent encroachment into public right of way and to protect adjacent property owners. The additions will not encroach into the right of way and will meet the City required 10 foot front setback. Further, the additions will provide room for maintenance without trespass and will not produce water runoff on the adjacent property.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**The literal enforcement of the ordinance would not allow the owner of the property to expand the primary dwelling, as there are large setbacks in the front, side, and rear of the home.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The intent of setbacks is to create an open street view and establish uniform development standards and to protect the rights of property owners. The additions will not significantly disrupt uniformity and will not injure the rights of adjunct property owners.**
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*  
**The variance will not authorize the operation of a use other than those uses specifically authorized in the “R-5 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 additions will not detract from the neighborhood as the front addition will not significantly deviate from the front setback and the rear addition is unlikely to go noticed. Both the front and rear additions will not produce water runoff on adjacent properties and will not require maintenance with trespass.**
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 property currently has a 20 foot front and rear setback, and a 10 foot side setback. The setbacks significantly reduce the amount of space the owner can add on to the primary dwelling. This circumstance was not created by the owner and is not merely financial in nature.**

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

The owner would not be allowed to construct any additions to the primary dwelling.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-17-046** based on the following findings of fact:

1. The additions will not significantly alter the appearance of the neighborhood;
2. The additions are unlikely to injure the adjacent property;
3. The property has large side, rear, and front setbacks that create a property related hardship for owner to expand the home.