



City of San Antonio

Agenda Memorandum

File Number:17-1281

Agenda Item Number: 9.

Agenda Date: 2/6/2017

In Control: Board of Adjustment

Case Number: A-17-044
Applicant: Jacob Shalley
Owner: Jacob & Hayley Shalley
Council District: 10
Location: 118 Northridge Drive
Legal: Lot 15, Block 16A, NCB 10442
Description:
Zoning: "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for six foot variance from the minimum 20 foot rear setback, as described in Table-35-310-1, to allow a single-story building addition to be 14 feet from the rear property line. (including credit for half of the alley 15 feet in width)

Executive Summary

The subject property's home was built in 1956 on an 11,000 square foot lot. The property measures 88 feet in width by 127 feet in depth and is within the Northridge Park Subdivision. Restrictive Covenants established several design standards, including an expansive front yard and only single-story construction. The applicant was granted a two-story residential building addition permit in November of 2016, but was informed by a neighbor that the restrictive covenants prohibit two-story construction. The applicant redesigned the addition, but the new design encroaches into the rear setback. The applicant is proposing the 20 foot wide single-story addition to be seven feet from the rear property line. The property abuts an alley with a width of 15 feet. Per Section 35-516(c), an owner can reduce the rear setback by half of the alley width, up to a maximum of 15 feet. Using credit for half of the alley width adds an additional 7 feet resulting in the proposed addition to be located 14 feet from rear property line. Therefore, a six foot variance is requested to meet the minimum 20 foot rear setback.

According to the applicant, the shape and location of the addition to the rear of the garage was chosen to allow construction with the least disruption to the existing portions of the home. The square footage of the revised single-story version is already less than the two-story addition, with one less bedroom and one less bathroom according to the application. The architect was not aware of the rear setback and did not incorporate it into the redesign efforts, resulting in the need for the requested variance.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|------------------------|
| "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|------------------------|
| North | "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |
| South | "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |
| East | "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |
| West | "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northeast Inner Loop Neighborhood Plan and currently designated Low-Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park/Northwood Neighborhood Association. As such, they were asked to comment. The President of the Neighborhood Association submitted a letter of support.

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:

- 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 separation between homes to allow quiet enjoyment of outdoor space. With the 15 foot wide public alley and the proposed setback, the new structure will be more than 20 feet from the adjacent property lines, matching the minimum rear setback.
- Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
Literal enforcement of the ordinance would result in the applicant redesigning the rear addition, impacting the existing rear elevation of the home. The special condition is the restrictive covenants, limiting additions to a single story.
- By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
The intent of the rear setback is to provide separation between single-family structures and create outdoor space for the quiet enjoyment of the residents. In this case, the neighborhood is served by a rear alley increasing the separation between rear yards by 15 feet of public property. The spirit of the ordinance is observed by recognizing that this public property contributes to the separation.
- 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 “NP-8 AHOD” Neighborhood Preservation 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 will not be visible from the public right of way or alter the essential character of the district. While widening the addition may reduce the setback, it would increase the wall size visible to the immediate neighboring property owners.

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 in this case is the restrictive covenants that impact the available options for enlarging a home to meet the needs of the owners. While one could claim this condition impacts every owner in the district, the city building reviews do not enforce these and have permitted other two story additions in the neighborhood. One in the next block of Northridge was permitted in 2008.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the setback standards.

Staff Recommendation

Staff recommends **APPROVAL** of the requested rear setback variance in **A-17-044**, based on the following findings of fact:

1. That the proposed addition, even with the variance, will maintain more than 20 feet from the adjacent rear property line;
2. That the proposed addition was redesigned to avoid a challenge regarding recorded restrictive covenants.