



City of San Antonio

Agenda Memorandum

File Number:17-1592

Agenda Item Number: 7.

Agenda Date: 2/20/2017

In Control: Board of Adjustment

Case Number: A-17-048
Applicant: Roy R. Pachecano
Owner: Roy R. Pachecano
Council District: 1
Location: 434 King William Street
Legal: Lot 18, Block 5, NCB 746
Description:
Zoning: "R-6 H HS AHOD" Residential Single-Family King William
Historic Significant Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 7 foot variance from the 20 foot rear setback, as detailed in Table 35-310, to allow a home 13 feet from the rear property line.

Executive Summary

The subject property is located at 434 King William Street at its intersection with East Johnson Street. In 2009, the applicant rezoned the subject property and the lot to the north from "RM-4" to "R-6", which changed the rear setback from a 10 foot minimum to a 20 foot minimum, creating the non-conforming setback. The property owner is seeking to bring a non-conforming structure into compliance by requesting a variance. The carriage house in the rear of the property was formerly restored and the applicant would like the variance to permit the seven foot difference.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 H HS AHOD" Residential Single-Family King William Historic Significant Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-6 H HS AHOD” Residential Single-Family King William Historic Significant Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 H HS RIO-4 AHOD” Residential Single-Family King William Historic Significant River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 H HS AHOD” Residential Single-Family King William Historic Significant Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 H HS RIO-4 AHOD” Residential Single-Family King William Historic Significant River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Downtown Community Plan and currently designated Residential in the future land use component of the plan. The subject property is located within the boundaries of the King William Neighborhood Association and they were 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 rear setback requirement. The “R-6” base zoning district requires that a 20 foot rear setback be maintained. This historic home has existed with a 13 foot setback when it was zoned “RM-4” Residential Mixed District and it is difficult to establish that it has caused any harm. Staff finds that the request is not contrary to the public interest.

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

The special condition present in this case is that the structure has existed in this configuration for years as “RM-4” Residential Mixed District without causing any harm. Additionally, the neighborhood has several properties that do not meet a 20 foot rear setback, which is more typical in suburban communities.

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 observed in that granting the variance will bring the property into compliance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the

“R-6 H HS AHOD” Residential Single-Family King William Historic Significant 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.*

In that the structure has existed in this configuration for decades without issue, staff cannot establish that its location has caused substantial injury to any adjacent property.

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 zoning setback, established by the 2001 Unified Development Code, imposes setbacks more strict than those that existed at the time the structure was built.

Alternative to Applicant’s Request

Denial of the variance request would result in the non-conforming status of the structure remaining unchanged.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-17-048** based on the following findings of fact:

1. The setback violation has existed for decades without concern and;
2. Several properties in the King William historic district have setback violations.