



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-2229

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**Agenda Item Number:** 2.

**Agenda Date:** 3/20/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-071  
**Applicant:** Jim Poteet  
**Owner:** Laurel Heights Family Trust  
**Council District:** 1  
**Location:** 504 King William  
**Legal:** Lot 17, Block 18, NCB 10798  
**Description:**  
**Zoning:** "RM-4 H HS RIO-4 AHOD" Residential Mixed King  
William Historic Significant River Improvement Overlay  
Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP, Senior Planner

### Request

A request for a 13 foot variance from the minimum 20 foot garage setback, as described in Section 35-516(g) to allow a 2-car garage/carriage house seven feet from the side property line.

### Executive Summary

The subject property is located in the King William Historic District and is itself a structure of historic significance. It is a home designed by Alfred Giles, built in 1883. The property is located on the corner of King William and Johnson Street. The applicant recently received a Certificate of Appropriateness to construct a two car garage in the rear yard with access from Johnson. The garage was granted approval recognizing a reduced setback of only seven feet from the property line, inconsistent with the minimum 20 foot setback established in the Unified Development Code. The purpose of this setback is to ensure that when the vehicle is parked in the driveway, it is not blocking potential pedestrian access on the sidewalk. In this case, the goal of the approved design was related to matching the setbacks established on the block face. The Board of Adjustment is required to modify an established setback through a variance review and approval.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“RM-4 H HS RIO-4 AHOD” Residential Mixed King William Historic Significant River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 H HS RIO-4 AHOD” Residential Single-Family King William Historic Significant Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 H HS RIO-4 AHOD” Residential Mixed King William Historic Significant River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 H HS RIO-4 AHOD” Residential Mixed King William Historic Significant River Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 H HE S RIO-4 AHOD” Residential Mixed King William Historic Exceptional River Improvement Overlay Airport Hazard Overlay District, with Specific Use Authorization for a museum	Museum

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Lone Star Community Plan and designated for Residential in the future land use component of the plan. The subject property is also located within the boundaries of the King William Neighborhood 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 Historic District Guidelines. Since the Historic Design and Review Commission approved the request, the variance is not 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 ordinance would push the structure farther away from the street, making it inconsistent with the setbacks along the block, 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 defined as the intention of the code rather than the exact letter of the law. The intention in this case is to prevent a vehicle from blocking the sidewalk. In this case, it is less likely that the vehicle could park between the garage and the sidewalk since the setback is so severely reduced.**

- 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 “RM-4 H HS RIO-4 AHOD” Residential Mixed King William Historic Significant River Improvement Overlay 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.*

**It is very unlikely that adjacent, conforming property will be injured by the proposed garage. The detailed design was reviewed and approved by the HDRC, with a setback consistent with other structures on the block, a feature that is emphasized in historic districts.**

- 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 on this property is its location in a historic district, with a significant historic structure on the property. Any additional structure should be carefully considered. The proposed location requires a variance from the minimum garage setback to allow the structure to be aligned with a setback similar to other buildings along the streetface.**

### **Alternative to Applicant’s Request**

Denial of the requested variance will require that the applicant return with a revised site plan to HDRC to amend their previous approval.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-17-071** based on the following findings of fact:

1. The HDRC granted approval of the proposed location and design; and
2. The proposed setback is consistent with the other structures along the block face.