



# City of San Antonio

## Agenda Memorandum

**File Number:**17-6520

**Agenda Item Number:** 6.

**Agenda Date:** 12/4/2017

**In Control:** Board of Adjustment

Case Number: A-17-207  
Applicant: Robert Lee  
Owner: Lindlee, LLC  
Council District: 5  
Location: 315 Grove Avenue  
Legal: Lot 18, Block 7, NCB 2981  
Description:  
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District  
Case Manager: Logan Sparrow, Principal Planner

### Request

A request for a 13 foot variance from the 20 foot garage setback requirement, as described in Section 35-516 (g), to allow a garage to be seven feet from the property line.

### Executive Summary

The subject property is located at 315 Grove Avenue, approximately 811 feet northwest of the intersection of Grove Avenue and South Presa Street. The applicant is proposing to develop four homes on the subject property. The current "MF-33" Multi-Family zoning supports this density. The applicant is proposing to have the garages face to the east along a shared ingress/egress easement and is seeking to reduce the required 20 foot garage setback to seven feet. Additionally, the applicant is in the process of trying to have the adjacent right-of-way to the east vacated and abandoned, which could, effectively, increase the setback in the future.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Public School
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The subject property is within the boundaries of the Lonestar 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 Roosevelt Park 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 served by setbacks that ensure that the location of parked vehicles does not interfere with the safety of other motorists and pedestrians. Because the property owner is not seeking to reduce the garage setback from a public street, but rather a private ingress/egress easement, the only persons affected by the variance would be those living on the property. As such, 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 reduction would only be applicable along the property line near a shared access easement, not along a public street.**

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. The intent of the code is to prevent vehicles parking on driveways and blocking the public right-of-way. Because the requested variance would only reduce the setback along the side property line, the public will be unaffected by the request.**

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 “MF-33 AHOD” Multi-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.*

**In that the request would only allow the garage to be nearer to the side property line, where no adjacent homes are located, staff finds that the request is unlikely to harm adjacent properties.**

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 present in this case is that the requested variance has no impact on the public right-of-way. The request is not merely financial in nature.**

**Alternative to Applicant's Request**

The applicant would need to adhere to the garage setback as described in Section 35-516(g).

**Staff Recommendation**

Staff recommends **APPROVAL of A-17-207** based on the following findings of fact:

1. The requested variance will have no negative impact on the public right-of-way; and
2. The request honors the intent of the code.