



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2218

**Agenda Item Number:** 8.

**Agenda Date:** 3/5/2018

**In Control:** Board of Adjustment

Case Number: A-18-042  
Applicant: Peter and Janet Grojean  
Owner: Peter and Janet Grojean  
Council District: 10  
Location: 433 Bryn Mawr  
Legal: Lot 9, Block 33, NCB 9072  
Description:  
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District  
Case Manager: Dominic Silva, Planner

### Request

A request for a two foot variance from the five foot side and rear setback, as described in Section 35-371, to allow for an accessory dwelling unit and garage to be three feet from the side and rear property line.

### Executive Summary

The subject property is located at 433 Bryn Mawr, approximately 430 feet east of Seidel Road off Austin Highway. The applicant requests a variance to maintain an existing garage three from the side yard to allow conversion to a dwelling unit with a second story living space. The footprint of the accessory structure has existed for some time, and the footprint in not being expanded.

### Subject Property Zoning/Land Use

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

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

South	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
East	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
West	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling

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

The property is within the Northeast Inner Loop Community Plan and designated as Medium Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Terrell Heights 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 existing structure is being converted and the footprint is not expanding. Staff finds 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.*

**Due to the structure existing as a garage, a literal enforcement of the ordinance would result in unnecessary hardship by requiring portions of the structure be removed.**

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 setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will observed if approved.**

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 requested variance will not permit a use not authorized within 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.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or alter the essential character of the district. Specifically, the variance would not place the structure out of character within the community as several homes along this street have detached accessory structures in the rear yard.**

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 circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The character of rear yards within the district is compact, leaving little room for building setbacks.**

#### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to conform to side and rear setbacks set forth in the Unified Development Code.

#### **Staff Recommendation**

Staff recommends **APPROVAL of A-18-042** because of the following reasons:

1. The requested variance is will not detract from the character of the district and is highly unlikely to been seen from the right-of-way, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass.