



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2219

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**Agenda Item Number:** 4.

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

**In Control:** Board of Adjustment

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Case Number: A-18-044  
Applicant: Juan Jose Saenz  
Owner: Juan Jose Saenz  
Council District: 1  
Location: 1101 West Russell Place  
Legal: Lot 47 and 48, Block 47, NCB 1869  
Description:  
Zoning: "R-6 NCD-5 AHOD" Residential Single Family Beacon Hill  
Neighborhood Conservation Airport Hazard Overlay District  
Case Manager: Dominic Silva, Planner

### **Request**

A request for a variance from the Beacon Hill Neighborhood Conservation District design standard that restricts reducing the size of a front porch to allow for the enclosure of a portion of the front porch.

### **Executive Summary**

The subject property is located at 1101 West Russell Place on the corner of Blanco Road and West Russell Place within the Beacon Hill Neighborhood Conservation District. The applicant partially enclosed an existing front porch to increase living space and is seeking a variance to allow that renovation to remain. The NCD guideline is intended to ensure that homes within the community retain a large front porch, which is characteristic of many homes in the neighborhood. Although the NCD restricts the ability of homeowners to reduce the front porch size, the Board should note that new construction requires only 30 percent of the street façade. As such, if the construction were new, the current design would meet the NCD requirement.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-6 NCD-5 AHOD" Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Multi-Family Dwelling
South	“RM-4 NCD-5 AHOD” Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Mixed-Use Dwelling
East	“R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the Midtown Neighborhood Plan and designated as Medium Density Residential in the future land use component of the plan. The property is within the boundary of the Beacon Hill 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 design requirements intended to provide for consistent development within the Beacon Hill Neighborhood Conservation District. Reducing the front porch size is specifically discouraged by the NCD and it is difficult for staff to determine how this request is not contrary to the public interest. It should be noted that the applicant did not enclose the entire porch, but a portion of it.

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

A literal enforcement of the ordinance would have required that the porch be left in its original format, similar to other homes in the community.

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 front porch requirement within the Beacon Hill Neighborhood Conservation District is to ensure that future development and rehabilitation matches the context of the neighborhood. Upon staff inspection, it was determined that it is not within guidelines.

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 “R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation District 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 Neighborhood Conservation District exists to protect the essential character of the district. The requested variance seeks to essentially downsize the porch while keeping the remaining front porch intact. Staff did note that other properties along Blanco Road and West Russell Place have porch designs similar to that which the applicant is requesting.

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 partly due to the small lot size in relation to the building; the applicant chose instead to expand habitable space within the original building footprint.

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

The alternative to the applicant's request is to conform to the design standards set forth within the Unified Development Code, Beacon Hill Neighborhood Conservation District.

### **Staff Recommendation**

Staff recommends **DENIAL of A-18-044** based on the following reasons:

1. The requested variance fails to adhere to the design standards if the Beacon Hill Neighborhood Conservation District, and;