



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2421

**Agenda Item Number:** 8.

**Agenda Date:** 3/19/2018

**In Control:** Board of Adjustment

Case Number: A-18-049  
Applicant: Edward A. Hernandez  
Owner: Anthony G. Vaticalos  
Council District: 2  
Location: 1755 Center Street North  
Legal: The South 75 feet of lot 14, Block 25, NCB 6446  
Description:  
Zoning: "R-4 EP-1 AHOD" Residential Single-Family Facility  
Parking/Traffic Control Airport Hazard Overlay District  
Case Manager: Dominic Silva, Planner

### Request

A request for a twelve foot variance from the twenty foot rear setback, as described in Section 35.310.01, to allow an addition to be as close as eight feet from the rear property line.

### Executive Summary

The subject property is located at 1755 Center Street North on the corner of North Grimes Street, 282 feet south of East Crockett Street. The applicant is applying for a rear setback variance to construct an attached dwelling in order to increase habitable living space. The lot is significantly smaller than abutting parcels, and it appears that the north portion of the lot was sold off some time ago. As a result, the house does not meet the required setbacks, and so any addition will require relief from the Board of Adjustment.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 EP-1 AHOD" Residential Single-Family Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 EP-1 AHOD” Residential Single-Family Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 EP-1 AHOD” Residential Single-Family Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 EP-1 AHOD” Residential Single-Family Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 EP-1 AHOD” Residential Single-Family Facility Parking/Traffic Control Airport Hazard Overlay District	Vacant

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

The property is within the Arena District Neighborhood 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 Jefferson 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 addition will provide adequate habitable living space while also maintaining a rear setback for accessibility to light, air, and open space. 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 limited space of the existing primary dwelling, a literal enforcement of the ordinance would result in unnecessary hardship by significantly reducing the amount of developable space on this site.**

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 be 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 “R-4 EP-1 AHOD” Residential Single-Family Facility Parking/Traffic Control 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 character of the district. Specifically, the addition is to the rear of the home and not visible from the front 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 plight of the owner stems from a portion of the lot being sold off in the past. This occurred well before the current owner purchased the property.**

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

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

#### **Staff Recommendation**

Staff recommends **APPROVAL of A-18-049** because of the following reasons:

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