



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2862

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**Agenda Item Number:** 5.

**Agenda Date:** 4/16/2018

**In Control:** Board of Adjustment

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Case Number: A-18-065  
Applicant: David West  
Owner: David West  
Council District: 10  
Location: 7702 Woodridge Drive  
Legal: The South Irregular 227.2 Feet of Lot 1, Block 4, NCB  
Description: 11863  
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard  
Overlay District  
Case Manager: Dominic Silva, Planner

### **Request**

A request for 1) a 389 square foot variance from the maximum 800 square foot floor area, as described in Section 35-371(b)(2), to allow a 1,189 square foot accessory detached dwelling unit, and 2) a request for a variance from the requirement that an accessory dwelling unit must be located in the side or rear yard, as described in Section 35-370(b)(6) to allow an accessory dwelling unit to be located in the front yard.

### **Executive Summary**

The subject property is located at 7702 Woodridge Drive, approximately 347 feet south of Rockhill Drive. The applicant is proposing to build a 1,189 square foot cabana in the front yard of a 73,181 square foot lot. Building plans submitted February 28, 2018, are currently under review for a new principal structure. A demolition permit was issued on March 30<sup>th</sup>, 2018, to demolish a one-story principal structure.

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

Existing Zoning	Existing Use
"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential

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

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential
South	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential
East	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential
West	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential

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

The property is within the Northeast Inner Loop Plan and designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park-Northwood 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.*

**Given the large lot size and setback of the proposed cabana, the variance is highly unlikely to be noticed from the public right-of-way.**

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

**Although the proposed cabana is set well within the lot and out of view of the public right-of-way due to dense foliage and bounded by mature trees, literal enforcement of the ordinance would result in the owner being unable to develop the project.**

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 requirement rather than the strict letter of the law. The accessory dwelling is not overwhelming in comparison to the principal structure and is situated within a lot of substantial size.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

**The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “NP-10 AHOD” Neighborhood Preservation 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 size of the accessory dwelling unit is proportional with the size of the principal dwelling and the size of the lot. Further, the accessory dwelling unit will comply with the one bedroom one bath requirement of the code. The structure will not impose any immediate threat of water runoff or fire spread on 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 applicant has a substantial lot with a large home and is bounded by mature trees and dense foliage. The accessory dwelling unit will be proportional in size with the principal structure.**

**Alternative to Applicant's Request**

The owner would need to adhere to the maximum square foot floor area requirement.

**Staff Recommendation:**

Staff recommends APPROVAL of A-18-065 because of the following reasons:

- 1) The request does not negatively impact the surrounding property owners and is highly unlikely to be seen from public right-of-way due to the dense foliage, and;
- 2) The requested variance is not contrary to the public interest since the dwelling unit is proportional to the principal structure and lot.