



City of San Antonio

Agenda Memorandum

File Number:18-2877

Agenda Item Number: 8.

Agenda Date: 4/16/2018

In Control: Board of Adjustment

Case Number: A-18-071
Applicant: Deborah Sheppard
Owner: Deborah Sheppard
Council District: 1
Location: 212 East Rosewood Avenue
Legal: Lots 6, 7, and 8, Block 4, NCB 6728
Description:
Zoning: “MF-33 H AHOD” Multi-Family Monte Vista Historic
Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a two foot five inch variance from the five foot side setback, as described in Section 35-310.01, to allow a new attached garage to be located two feet and seven inches from the side property line, 2) a nine foot and eleven inch variance from the ten foot rear setback, as described in Section 35-310.01, to allow a new attached garage to be located one inch from the rear property line, and 3) a request for a 19 foot and eleven inch variance from the 20 foot garage setback requirement, as described in Section 35-516(g), to allow a garage to be one inch from the property line.

Executive Summary

The subject property is located at 212 East Rosewood Avenue, approximately 170 feet east of McCullough Avenue. The applicant is seeking to replace an older, dilapidated garage structure using the existing footprint of the garage. The garage is in the rear of the property and fronts onto a narrow public right-of-way. The subject property is not located at an intersection and several other properties in the immediate vicinity have similar garage entries. Access for vehicles has been in this configuration for a very long time. On February 21, 2018 the Historic and Design Review Commission considered the request and recommended approval.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|------------------------|
| “MF-33 H AHOD” Multi-Family Monte Vista Historical Airport Hazard Overlay District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|------------------------|
| North | "MF-33 H AHOD" Multi-Family Monte Vista Historical Airport Hazard Overlay District | Single-Family Dwelling |
| South | "R-5 H AHOD" Multi-Family Monte Vista Historical Airport Hazard Overlay District | Multi-Family Dwelling |
| East | "MF-33 H AHOD" Multi-Family Monte Vista Historical Airport Hazard Overlay District | Single-Family Dwelling |
| West | "MF-33 H AHOD" Multi-Family Monte Vista Historical Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Monte Vista Neighborhood Plan and is currently designated Residential in the future land use component of the plan. The subject property is within the Monte Vista 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 variances are not contrary to the public interest as the structure provides room for maintenance from the side property line and is not different from similar structures in the immediate vicinity.

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

Strict enforcement would result in the removal of the entire parking area. The established parking configuration along this narrow street calls for rear entry garages and carports located very near the rear property line, and often less than three feet from the side property lines.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Substantial justice will be done as the requested setbacks will still provide for a safe development pattern. Both requests provide fair and equal access to air and light, and provide for adequate fire separation.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the "MF-33 H AHOD" Multi-Family Monte Vista Historical 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 older neighborhoods such as this, it is common for homeowners to improve and renovate structures within the side and rear setbacks established by the current Unified Development Code. The requests will not detract from the character of the district. The proposed garage will be in the rear of the home, not affecting the public right-of-way or the clear vision ordinance. Within the time span the original garage has been in place, there has been no observed harm done to adjacent properties. Therefore, it is unlikely the request will injure the 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 existing on the property is that the proposed structure was originally built in the current location as a three-car garage, in line with the rear property line. As there are other garages in the rear yard access street, it is more feasible to build on the existing building pad than elsewhere in the rear yard.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the required 20 foot garage setback and the five foot side setback.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-18-071**, based on the following findings of fact:

1. The requested setbacks provide room for adequate light, air, and maintenance,
2. The variances are unlikely to detract from the character of the district, and;
3. The variances are unlikely to have a negative impact on the adjacent properties.