



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4481

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**Agenda Item Number:** 2.

**Agenda Date:** 8/6/2018

**In Control:** Board of Adjustment

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**Case Number:** A-18-112  
**Applicant:** Thelma Pena  
**Owner:** Thelma Pena  
**Council District:** 2  
**Location:** 117 Buford Alley  
**Legal:** The South 79.1 Feet of Lot 3, Block 6, NCB 1369  
**Description:**  
**Zoning:** "R-4 H AHOD" Residential Single-Family Dignowity Hill  
Historic Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for a 9.5' variance from the 20' rear setback, as described in Section 35-310.01, to allow an addition to be 10.5' from the rear property line.

### **Executive Summary**

The subject property is located at 117 Bufford Alley, approximately 125 feet east of Muncey Street. The applicant expanded the subject property from 780 square feet to 1480 square feet to accommodate her growing family. The applicant added 700 square feet to include 4 small bedrooms, a bathroom and a laundry room. The owner made the addition without the required building permits and received a stop work order from Code Enforcement on June 26, 2017. On February 7, 2018 the Historic and Design Review Commission considered the request and recommended approval.

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

| Existing Zoning | Existing Use |
|-----------------|--------------|
|-----------------|--------------|

|  |                        |
|--|------------------------|
| “R-4 H AHOD” Residential Single-Family<br>Dignowity Hill Historic Airport Hazard<br>Overlay District | Single-Family Dwelling |
|--|------------------------|

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

| <b>Orientation</b> | <b>Existing Zoning District(s)</b>   | <b>Existing Use</b>    |
|--------------------|--|------------------------|
| North              | “R-4 H AHOD” Residential Single-Family<br>Dignowity Hill Historic Airport Hazard<br>Overlay District | Single-Family Dwelling |
| South              | “R-4 H AHOD” Residential Single-Family<br>Dignowity Hill Historic Airport Hazard<br>Overlay District | Single-Family Dwelling |
| East               | “R-4 H AHOD” Residential Single-Family<br>Dignowity Hill Historic Airport Hazard<br>Overlay District | Single-Family Dwelling |
| West               | “R-4 H AHOD” Residential Single-Family<br>Dignowity Hill Historic Airport Hazard<br>Overlay District | Single-Family Dwelling |

### **Street Classification**

Buford Alley is classified as a Local Street.

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

The property is located within the boundaries of the Dignowity Hill Neighborhood Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Dignowity 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 existing structure is 10.5’ from the rear property line and the addition aligns with the existing footprint. 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.*

**A literal enforcement of the ordinance would result in unnecessary hardship by requiring the addition to be moved to meet the rear setback.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The intent of rear setback is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. The addition will not significantly disrupt uniformity and will not injure the rights of adjacent property owners.**
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 “R-4 H AHOD” Residential Single-Family Dignowity Hill Historic 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 addition will not detract from the neighborhood as the addition will not deviate from the existing side setbacks and further, the rear addition is unlikely to go noticed. Specifically, the variance would not place the structures out of character within the community. Many homes within this community were built prior to the establishment of required setbacks. The Historic and Design Review Commission reviewed the request and recommended approval on February 7, 2018.**
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 in this case is the original dwelling layout on the lot which restricts the owner’s ability to construct any addition without encroaching into the rear setbacks. This issue is not merely financial in nature.**

### **Alternative to Applicant’s Request**

The alternative to the applicant’s plan would be to comply with the rear building setbacks as defined within Section 35-310.01.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **A-18-112**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners and does not significantly alter the appearance of the district; and
2. The proposed addition maintains the existing side setbacks.