



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4873

---

**Agenda Item Number:** 12.

**Agenda Date:** 9/12/2018

**In Control:** Planning Commission

---

**DEPARTMENT:** Transportation & Capital Improvements

**SUBJECT:**

FPV# 18-002-AP#2347546- 1910 Deer Mountain

**SUMMARY:**

Request by GB Contractors and Scott Purcell for approval of a variance request associated with a building permit AP# 2347546 for an existing residential lot (Zoned R5) located at the southeast corner of Heimer Road and Deer Mountain Road. Staff recommends Approval. [Jacob Powell, Storm Water Engineering Manager, (210) 207-0176, jacob.powell@sanantonio.gov]

**BACKGROUND INFORMATION:**

Council District:	District 9 - San Antonio
Filing Date:	August 22, 2018
Owner:	Scott Purcell
Surveyor:	Thomas C. Haberer
Staff Coordinator:	Sabrina Santiago, Senior Engineering Assoc., (210) 207-0182

**ANALYSIS:**

**Variance Request:**

On April 2, 2018, the applicant requested a variance from Sections 35-F124(f)(16) and 35-F125(a) (2) Appendix F of the Unified Development Code (UDC). The Transportation & Capital Improvements (TCI) Department, Storm Water Division has no objection to the granting of the variance as indicated in the attached letter (Attachment #1) and subsequent supporting documentation.

**Building Permit/Elevation Certificate:**

The existing home sustained a substantial damage due to a fire in 2017. An elevation certificate was provided with the building permit application AP# 2347546 to rebuild the home. The certificate indicates the existing first floor elevation is approximately 0.2 feet below the 100-year base flood

(BFE) elevation while the lowest adjacent grade elevation is approximately 2.4 feet below the BFE. Since the lowest adjacent grade is below the BFE, the home is considered to be in the floodplain.

Appendix F, Section 35-F124(f)(16) of the UDC indicates that improvements to an existing structure are allowed if said improvements do not fall under the definition of a “substantial improvement”. By definition under Appendix F, Section F-106 a “substantial improvement” means any reconstruction, rehabilitation, addition or other improvement of a structure, where the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. If the cost of improvements exceeds the 50% value the structure must be brought into compliance with Appendix F. Per Appendix F, Section 35-F125(a)(2) habitable structures are not allowed in the regulatory floodplain. Furthermore, per Section 35-F142(a)(1) of the UDC, habitable structures must have the lowest floor (including basement) elevated 1 foot above the regulatory floodplain with the lowest adjacent grade at or above the regulatory floodplain.

Based on FEMA and City regulations the structure is within the 100-year floodplain. The applicant applied for a building permit for new single family residential at declared value of \$219,000. The Bexar County Appraisal District declared the value of the structure in 2017 at \$205,920.

The applicant is attempting to rebuild the structure into compliance. However, this variance is required because the proposed reconstruction is considered a substantial improvement, and because the residential structure will still be in the.

Please note that a Floodplain Development Permit (FPDP) will not be issued until said variance has been approved by Planning Commission. In addition, TCI is recommending the property owner purchase flood insurance for the structure.

#### **RECOMMENDATION:**

Staff reviewed the request, and found it to be in conformance with the Unified Development Code (UDC) with exception of the Variances mentioned above. In regards to these Variances, staff does concur with the applicant's justification. Therefore, the Director of TCI recommends approval of the variance, under conditions discussed in Attachment #1.