



# City of San Antonio

## Agenda Memorandum

**File Number:**18-5256

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**Agenda Item Number:** 5.

**Agenda Date:** 9/17/2018

**In Control:** Board of Adjustment

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**Case Number:** A-18-131  
**Applicant:** Tania Cortazar  
**Owner:** Tania Cortazar  
**Council District:** 3  
**Location:** 302 Golden Crown Drive  
**Legal:** Lot 1, Block 4, NCB 10500  
**Description:**  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for a 32% variance from the 50% front yard impervious cover limitation, as described in Section 35-515 (d)(1), to allow 82% of the front yard to be covered in impervious cover.

### **Executive Summary**

The subject property is situated at the intersection of Andricks Drive and Golden Crown Drive, approximately 1,400 feet east of Goliad Road. The applicant is requesting a variance to allow the front yard to be covered in cement. During field visits, staff did not see similar concrete-covered front yards in the community.

Code Enforcement initiated a case against this property on September 14, 2017, about two months after the current owner purchased the property. The Code Officer detailed that roughly  $\frac{3}{4}$  of the front yard had been covered in concrete and made note that the property was not in compliance with the 50% maximum front yard impervious cover requirement.

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

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

## Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Highlands Community Plan and is currently designated Low Density Residential in the future land use component of the plan. The subject property is within the Highland Hills 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 impervious coverage limitation preserves storm water management by reducing runoff and increasing storm water travel times. Further, the regulations are provided to prevent front yards from being covered by impervious surfaces, which can detract from the character of the community. Staff finds the request is contrary to the public interest.

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

Staff is unable to establish a special condition that would allow a request for a variance from the impervious coverage limitation requirements.

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 impervious coverage limitation requirements is to prevent water flooding and to preserve the character of the community.

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 AHOD" Residential Single-Family 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 impervious coverage decreases the amount of storm water retained on-site. Therefore, the requested

variance could injure adjacent property owners.

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.* Staff did not find any unique circumstances that warrant the granting of the requested variance. The requested impervious coverage limitation does not mitigate water issues, exacerbates drainage issues, and detracts from the character of the community.

### **Alternative to Applicant's Request**

The applicant would need to adhere to the impervious coverage limitation as described in Section 35-515 (d) (1).

### **Staff Recommendation**

Staff recommends **DENIAL** of the variance in **A-18-131**, based on the following findings of fact:

1. The requested impervious cover reduces the ability for storm water to enter the ground, which can harm adjacent property, and;
2. The impervious coverage will create inconsistency and alter the essential character of the neighborhood.