



City of San Antonio

Agenda Memorandum

File Number:18-5601

Agenda Item Number: 4.

Agenda Date: 10/1/2018

In Control: Board of Adjustment

Case Number: A-18-148
Applicant: Glennard Lunbery
Owner: Glennard Lunbery
Council District: 7
Location: 223 West Quill Drive
Legal: The South 228.57 feet of the West 246.1 feet of Lot 15,
Description: Block A, NCB 11531
Zoning: "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family
Lackland Military Lighting Overlay Military Lighting
Region 2 Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request to allow an accessory structure to be located within the front yard, as described in Section 35-516.

Executive Summary

The subject property is located at 223 West Quill Drive, on the corner of West Sunshine Drive and approximately 400' west of Hillcrest Drive. Although the applicant is addressed on West Sunshine Drive, the applicant's only drive approach faces onto West Quill Drive.

The applicant requests a variance to allow a proposed detached garage to be within the front yard. The structure adheres to all setbacks. The applicant intends to keep the current drive approach and will not add an additional approach from West Quill Drive. The applicant's property is completely covered from right-of-way view by large and mature vegetation bordering all sides of the lot. Additionally, the property has deviations in elevation from east to west near the front property, thus the applicant is limited in placement of future structures. To the south of the applicant is a church and to the north is a commercial workforce solutions center.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Charter School
South	“R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Church
East	“C-1 MLOD-2 MLR-2 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant
West	“R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Near Northwest Plan and has no future land use component of the plan. The subject property is located within the Woodlawn 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 proposed garage within the front property is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The garage will be surrounded by large mature vegetation on all property sides and is not noticeable to the passersby until entering into the applicant’s property.

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

Due to the unique secluded nature of the property and deviations in elevation, a literal enforcement of the ordinance would result in unnecessary hardship by altering the properties landscape in order to place any future garages within the rear and side of the property.

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 proposed garage is not overwhelming in size compared to the principal structure will be hidden from right-of-way view due to the secluded layout of the property.

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

The variance will not authorize the operation of a use other than those uses specifically authorized by the “R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 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 property is uniquely situated between a vacant property, church, commercial charter school, and other secluded large lots. A garage within the front property out of view from right-of-way traffic will not injure the appropriate use of adjacent conforming properties or alter the character of the district.

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 variance being sought is due to the uniquely secluded layout of the property and frontage onto West Sunshine Drive, leaving a large portion of the applicant’s lot as the front. Additionally, the topography of the property has deviations extending from east to west, leaving limited options on the placement of any future structure. The unique circumstances were not created by the owner and are not merely financial in nature.

Alternative to Applicant’s Request

The alternative to the applicant’s request would be to adhere to the accessory structure setback regulations in section 35-370.

Staff Recommendation

Staff recommends **APPROVAL** of the variance requests in **A-18-148** based on the following findings of fact:

1. The requested variance will not detract from the character of the district, and;
2. Due to the secluded layout of the property, the proposed garage will be hidden from right-of-way view, and;
3. The proposed garage will meet all required setbacks.