



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6077

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**Agenda Item Number:** 10.

**Agenda Date:** 11/5/2018

**In Control:** Board of Adjustment

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**Case Number:** A-18-169  
**Applicant:** Marquis Builders  
**Owner:** Joshua and Rachel Moczygemba  
**Council District:** 10  
**Location:** 519 Robinhood Place  
**Legal** The West 33.33 Feet of Lot 19 and the East 50 Feet of Lot  
**Description:** 20, Block 23, NCB 10423  
**Zoning:** "NP-8 AHOD" Neighborhood Preservation Airport Hazard  
Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for an 8.5' variance from the 20' rear setback, as described in Section 35-310.01, to allow an addition to have an 11.5' rear setback.

### **Executive Summary**

The subject property is located at 519 Robinhood Place, approximately 348 feet east of Bartell Drive. The applicant intends to build a single story attached addition to the subject property reducing the rear setback to 11.5'. The applicant states that the addition will be built with a pitched roof blending with the current surroundings. The proposed rear addition backs up to a 15' wide alley of which half the depth can be used to satisfy the rear setback, and the attached addition will be built respecting the side 5' setback requirement.

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

Existing Zoning	Existing Use
"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

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

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Orientation	Existing Zoning District(s)	Existing Use
North	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the Northeast Inner Loop Neighborhood Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the Oak Park-Northwood Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

Robinhood Place is classified as a Local Street.

### **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 attached addition will have an 11.5' setback and the addition will align with the existing 5' side setback. Staff finds the request is not contrary to the public interest, especially considering that the majority of residential districts permit a 10' rear setback.**

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

**The literal enforcement of the ordinance would not allow the owner of the property to expand the primary dwelling without encroaching upon the rear setback limitations.**

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

**The intent of rear setbacks is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. The rear 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 "NP-8 AHOD" Neighborhood Preservation 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 rear addition will not significantly deviate from the rear setback. The rear addition is unlikely to go noticed. The rear addition will not produce water runoff on adjacent properties and will not require trespass to maintain the structure.**

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 lot size which restricts the owners' ability to construct any addition without encroaching into the rear setback.**

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

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

### **Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **A-18-169**, 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 5' side setback.