



City of San Antonio

Agenda Memorandum

File Number:18-6389

Agenda Item Number: 3.

Agenda Date: 11/19/2018

In Control: Board of Adjustment

Case Number: A-18-179

Applicant: Ralph Hernandez, Los Hermanos Investments

Owner: Ralph Hernandez, Los Hermanos Investments

Council District: 1

Location: 829 West Ashby Place

Legal The East 26.78 feet of the South 110.31 of Lot 10 & The

Description: West 26.78 Feet of the South 110.31 of Lot 11, Block 6, NCB
1892

Zoning: "RM-4 NCD-2 AHOD" Residential Mixed Alta Vista
Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for an 8.45' variance from the Alta Vista Neighborhood Conservation District design requirement of a 14.25' median front setback to allow a structure to be 5.8' from the front property line.

Executive Summary

The subject property is located at 829 West Ashby Place, approximately 135 feet east of Ripley Avenue. The applicant is seeking a variance to build a porch addition in the front yard, 5.8' from the front property line. Some nearby properties have similar front yard porches, at different front setback measurements. The Alta Vista Neighborhood Conservation District design requirements encourage front yard porches, of which the applicant is trying to add.

Code Enforcement History:

Code Enforcement issued a stop work order on August 21st, 2018 as no permit was issued for a new roof, electrical work, exterior demolition, or the front porch cover, all of which were being worked on at the time.

Permit History:

On August 22nd, 2018 property owner obtained a permit for electric work and new roof remodel.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation District Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation District Airport Hazard Overlay District	Single-Family Dwelling
South	“C-1 NCD-2 AHOD” Light Commercial Alta Vista Neighborhood Conservation District Airport Hazard Overlay District	Office
East	“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation District Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation District Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Midtown Neighborhood Plan and designated as “Neighborhood Commercial” in the future land use component of the plan. The property is within the boundary of the Alta Vista Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

West Ashby Place is classified as a Collector 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 public interest is represented by setbacks that maintain neighborhood character. The 5.8’ front setback is not contrary to public interest as it does not negatively impact any surrounding properties or the general public.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
If enforced, the ordinance would restrict the ability to add the front porch; front porches are encouraged additions throughout the Neighborhood Conservation District.

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 code is to establish a cohesive design within the neighborhood. The request to reduce the front setback observes the intent of the code because the NCD stresses the protection of front porches. The design will comply with the balance of the NCD design requirements.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized*
The variance will not authorize the operation of a use other than those uses specifically authorized by the zoning 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 request will not injure the rights of neighboring properties as the reduction does not detract from the character of the neighborhood.

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 plight of the owner for which the variance is sought is due to the front yard porch addition. The existing addition will leave space in the front yard and does not significantly alter existing conditions of the community.

Alternatives to Applicant's Request

The alternative to the applicant's request is to conform to the setback design standards set forth within the Unified Development Code and the Alta Vista Neighborhood Conservation District.

Staff Recommendation

Staff recommends **APPROVAL** of variance in **A-18-179**, based on the following findings of facts:

1. The variance is unlikely to detract from the character of the district, and;
2. The variance is unlikely to have a negative impact on the adjacent properties.