



City of San Antonio

Agenda Memorandum

File Number:19-2653

Agenda Item Number: 3.

Agenda Date: 3/18/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300015
Applicant: Herbert Hernandez
Owner: Wayne Plucker
Council District: 8
Location: 4839 Clemson Street
Legal: Lot 21, Block 6, NCB 16142
Description:
Zoning: "R-6 ERZD" Residential Single-Family Edwards Recharge
Zone District
Case Manager: Mercedes Rivas, Planner

Request

A request for an 5' variance from the 20' rear setback requirement, as described in Section 35-310.01, to allow a sunroom to be 15' from the rear property line.

Executive Summary

The subject property is located at 4839 Clemson Street. The applicant is requesting a reduction of the rear setback line in order to construct a sunroom. The owner would like to construct this sun room over an existing concrete slab in the rear of the property. The dimensions of the sunroom will not exceed the current dimensions of the existing concrete slab. The applicant will comply with the front and side setback requirements.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

The applicant is waiting for variance to be approved to begin renovations.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Dwelling
South	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Dwelling
East	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Dwelling
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the North Sector Plan and identified as Suburban Tier. The subject property is not located in a Neighborhood Association.

Street Classification

Clemson Street 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 proposed sunroom will be 15’ away from the rear property line. Staff finds the request is not contrary to the public interest.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
A literal enforcement of the ordinance would result in unnecessary hardship by requiring the proposed sunroom to be moved to meet the rear setback. The applicant merely wants to build a sunroom over

an existing concrete patio in the rear of the property.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
The intent of rear setback is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. The proposed sunroom 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 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 sunroom will not detract from the neighborhood as the sunroom will not deviate from the existing side setbacks and further, the sunroom is unlikely to go noticed. The proposed sunroom does not injure the adjacent property.
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 that the home owners are elderly residents. The owner wants to construct this sunroom so that they can have an outdoor space at the same level as the foundation of their home so as to reduce the risk tripping or falling down.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300015**, 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 sunroom maintains the existing side setbacks.