



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3898

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**Agenda Item Number:** 5.

**Agenda Date:** 5/6/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300046  
Applicant: Nik Godbole  
Owner: Nik Godbole  
Council District: 10  
Location: 1815 La Sombra Drive  
Legal: Lot 4, NCB 10103, Block 1  
Description:  
Zoning: "NP-8 AHOD" Neighborhood Preservation Airport Hazard  
Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for a 2.5' variance from the 20' rear setback requirement, as described in Section 35-310.01, to allow an attached addition to have a 17.5' rear setback.

### **Executive Summary**

According to Bexar County Appraisal District, the subject property's home was built in 1960 on a 11,970 square foot lot. The property measures approximately 90' in width by 134' in depth and is within the Northridge Park Subdivision. The applicant is requesting a variance to amplify the existing structure to accommodate an attached addition having a 17.5' rear setback. The property abuts an alley with a width of 15 feet. Per Section 35-516(c), an owner can reduce the rear setback by half of the alley width. Using credit for half of the alley width adds an additional 7.5' resulting in the proposed addition to have a 17.5' rear setback. According to the applicant, the shape and location of the addition to the rear of the garage was chosen to allow construction with the least disruption to the existing portions of the home.

### **Code Enforcement History**

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported.

### **Permit History**

On 4.02.2019 general repairs permit was issued.  
On 4.15.2019 electrical permit application was processed.  
On 4.18.2019 plumbing permit application was processed.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-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 subject property is within the boundaries of the Northeast Inner Loop Community Plan and currently designated “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**

La Sombra 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 public interest is represented by the minimum separation between homes to allow quiet enjoyment of outdoor space. With the 15 foot wide public alley and the proposed setback, the new structure will be in harmony with the neighboring properties. Staff finds that 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.*

**Literal enforcement of the ordinance would not allow the owner of the property to remodel the dwelling as proposed. The structure would need to be redesigned.**

*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 reduction of the subject property 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 for the district in which the property for which the variance is sought 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 requested variance will not be visible from the public right of way or alter the essential character of the district. The rear reduction 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 present in the case is that the property addition does meet the side setback and there are similar rear setbacks within the subdivision. This setback issue is not merely financial in nature.**

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

Denial of the variance request would result in the owner having to meet the required 20' rear setback.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300046**, based on the following findings of fact:

1. The variance is unlikely to harm adjacent properties, and;
2. The addition will have to comply with required construction codes.