



City of San Antonio

Agenda Memorandum

File Number:19-4256

Agenda Item Number: 6.

Agenda Date: 5/20/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300053

Applicant: Rudolph Sanchez

Owner: Rudolph Sanchez

Council District: 2

Location: 315 Queen Anne Court

Legal: Lot 4, Block 2, NCB 6090

Description:

Zoning: "R-4 NCD-6" Residential Single-Family Mahncke Park
Neighborhood Conservation District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 1'11" variance from the required 2' sidewalk separation requirement in the Mahncke Park Neighborhood Conservation District design standards to allow a 22" wall to be 1" from the sidewalk.

Executive Summary

The applicant is requesting to finish a 22" brick/stone wall a 1" away from the sidewalk. Mahncke Park Neighborhood Conservation District design standards 2.7.2 states that "New front yard fences and walls shall be not more than forty-two inches (42") in height and separated from existing sidewalk by not less than two feet (2'-0"). The 22" stone wall work was initiated without a permit and the owner received stop work order on 11.16.2018. During field visits, staff noted two other residential properties within close proximity that have a similar stone wall about 22" tall and about 2' away from the sidewalk and that were probably built prior to the adoption of the Mahncke Park Neighborhood Conservation District design standards.

Code Enforcement History

On 11.16.2018 the owner received stop work order for working without a permit and encroaching into 2' distance from the sidewalk.

Permit History

The property owner is seeking variance to allow for a fence/wall permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling
South	"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling
East	"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling
West	"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Mahncke Park Neighborhood Plan and currently designated "Urban Single Family Residential Use" in the future land use component of the plan. The subject property is located within Mahncke Park Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Queen Anne Court 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 request is contrary as it violates the design standards.

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

Enforcement of the ordinance would not result in an unnecessary hardship. Had the owner pulled the appropriate permits, they would have been informed of the NCD requirements.

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

Substantial justice will not be done as the requested wall conflicts with the objectives of the NCD requirements which are intended to improve the visual quality of front yards throughout the neighborhood. The stone wall in its current location disrupts the continuity of the blockface.

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 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 requested stone wall 1” away from the sidewalk significantly alters the appearance of the district as there are no other properties along the street that have front yard fencing or walls that exceeds the 2’ sidewalk distance.

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.

There are no unique circumstances existing on the property that warrants the approval of the variance.

Alternative to Applicant’s Request

The applicant would have to reconstruct the 22” stone wall 2’ away from the sidewalk.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **BOA-19-10300053**, based on the following findings of fact:

1. The stone wall alters the character of the district; and 2. There is no unique circumstance warranting the approval of the variance.