



# City of San Antonio

## Agenda Memorandum

**File Number:**19-4809

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**Agenda Item Number:** 5.

**Agenda Date:** 6/17/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300066  
Applicant: Scott Thomas  
Owner: Scott Thomas  
Council District: 8  
Location: 2907 Barrel Oak  
Legal: Lot 7, Block 17, NCB 18028  
Description:  
Zoning: "R-6 MLOD-1 MLR-2 AHOD" Residential-Single Family  
Camp Bullis Military Lighting Overlay Military Lighting  
Region 2 Airport Hazard Overlay District  
Case Manager: Mercedes Rivas, Planner

### **Request**

A request for a 1'6" variance from the 15' rear setback requirement, as described in Section 35-516(e), to allow an attached addition to be 13' 6" away from the rear property line.

### **Executive Summary**

The subject property is located at 2907 Barrel Oak. The applicant is seeking permission to construct an addition located at the rear of the existing home to add more space to his dining room and kitchen area. The addition of the subject property will be aligned with both sides of the existing home and the existing patio in the rear yard. Further, the odd shape of the lot means that the owner has limited construction options. The subject property is surrounded by other residential properties.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

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

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

Existing Zoning	Existing Use
“R-6 MLOD-1 MLR-2 AHOD” Residential-Single Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

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

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

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

The property is located within the boundaries of the San Antonio International Airport Vicinity Plan and is currently designated as “Low Density Mixed Use” in the future land use component of the plan. The subject property is located within the Oak Meadow Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

Barrel Oak is classified as a local.

### **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. The addition will align with both sides of the existing home and the existing patio located in the rear yard. The addition 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 permit the owner of the property to expand upon the existing home 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 reduction of the rear building setback line 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 reduction of the rear building setback line 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 addition does meet the rear building setback requirement. Further, this setback issue is not merely financial in nature as the lot is shaped oddly.**

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

Denial of the variance request would result in the owner having to meet the required 15' rear setback.

### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300066**, 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.

