



# City of San Antonio

## Agenda Memorandum

**File Number:**19-5653

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**Agenda Item Number:** 3.

**Agenda Date:** 8/5/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300087  
Applicant: Armando E. Quiñones  
Owner: Armando E. Quiñones  
Council District: 1  
Location: 210 Holland Avenue  
Legal: Lot 6 & 7, Block 10, NCB 2803  
Description:  
Zoning: "R-4 AHOD" Residential-Single Family Airport Hazard  
Overlay District  
Case Manager: Mercedes Rivas, Senior Planner

### **Request**

A request for 1'6" variance from the 5' side setback requirement, as described in Section 35.310.01, to allow a home to be 3'6" from the side property lines.

### **Executive Summary**

The applicant is seeking to build a new home 3'6" from the side property lines on a vacant lot. The applicant states that the 50' width of the lot limits the design of the proposed home. This area has lots of different sizes, with some lots having a narrow frontage and other lots lengthy frontage. The subject property is currently vacant and it surrounded by commercial, single-family, and multi-family uses.

### **Code Enforcement History**

No Code Enforcement history related to this project.

### **Permit History**

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

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

Existing Zoning	Existing Use
“R-4 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Dwelling

#### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential-Single Family Airport Hazard Overlay District	Vacant land
South	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
East	“R-4 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Dwelling
West	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Business

#### Comprehensive Plan Consistency/Neighborhood Association

The property is within the North Central Community Plan and designated as “Public Institutional” in the center tier component of the plan. The subject property is located within the boundaries of the Monte Vista Terrace Neighborhood Association. As such, they were notified and asked to comment.

#### Street Classification

Holland Avenue 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 served by setbacks, which help to provide consistent development within the City of San Antonio. The applicant is seeking a variance to allow a home to be 3’6” from the side property lines. Allowing the home to be 3’6” from the sides property line interferes with the character of the neighborhood. Staff finds that the home, as proposed, is contrary to the public interest.

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

Staff is unable to establish any special condition that warrants reducing the side setbacks to 3’6”.

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. In this case, the intent is to provide enough of a setback to allow for long-term maintenance without trespass. The

elimination does not provide such clearance and does not observe the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance 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 placement of a home 3'6" from the side property lines is contrary to the essential character of the district.

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.*

Staff is unable to determine any unique circumstance existing on the site that warrants the reduction of the side setbacks.

#### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to conform to side setbacks set forth in the Unified Development Code.

#### **Staff Recommendation**

Staff recommends **DENIAL** of variance in **BOA-19-10300087**, based on the following findings of fact:

1. The home as proposed is contrary to the public interest in that it detracts from the essential character of the community.