



City of San Antonio

Agenda Memorandum

File Number:19-7470

Agenda Item Number: 7.

Agenda Date: 10/7/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300108
Applicant: Daniel Moreno
Owner: Laura Martinez
Council District: 4
Location: 6358 Hazel Valley Dr
Legal: NCB 15216 (MEADOW POINTE SUB'D), BLOCK 93 LOT
Description: 14
Zoning: "R-5 MLOD-2 MLR-1 AHOD Residential Single family
Lackland AFB Annex Military Lighting Overlay Airport
Hazard Overlay District
Case Manager: Rachel Smith, Planner

Request

A request for 1) a 6' variance from the 20' rear setback requirement, as described in Section 35-310.01, to allow a new house to be 14' away from the rear property line, 2) a 4" variance from the 20' garage setback requirement to allow a garage to be 19'6" from the property line.

Executive Summary

The subject property is located at 6358 Hazel Valley Drive and is currently under construction. The property lies within a newly formed Neighborhood Association area, in a new subdivision. The property backs to Ray Ellison Boulevard and has a steep incline at the southwest property line. The applicant is seeking two variances: one from the rear setback due to electrical easements and the second for the front of the property to allow the setback for the garage at the front of the property.

Code Enforcement History

5/24/19: Electrical permit violation, secured wrong permit, no TML pole on site

Permit History

5/17/19: partial permit for foundation and frame (not closing of walls)

9/18/19: partial for foundation and frame (not closing of walls) to expire 10/18/19

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 MLOD-2 MLR-1 AHOD Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Single Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 MLOD-2 MLR-1 AHOD” Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Vacant
South	“R-5 MLOD-2 MLR-1 AHOD” Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Single Family Dwelling
East	“R-5 MLOD-2 MLR-1 AHOD” Residential Single family Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Single Family Dwelling
West	“C-2 CD MLOD-2 MLR-1 AHOD” Commercial Lackland AFB Annex Military Lighting Overlay Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the Port San Antonio subarea Plan of SATomorrow and is designated as Regional Center. In the United Southwest Community Plan this property is designated for Low Density Residential in the future land use section of the plan. The property is within the area of the People Active in Community Effort neighborhood association.

Street Classification

Hazel Valley Drive 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 the general health, safety, and welfare of the community. The requested variances will not injure the rights of adjacent property owners.

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

An unnecessary hardship would result from the literal enforcement of the ordinance in that the property owner would need to modify the already constructed garage and rear portion of the home, which would be an extreme hardship.

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

The granting of the requested variances would be in harmony with the spirit of the ordinance. The intent of the setback requirements is to prevent unnecessary trespass on adjacent property for maintenance, fire safety, and ensure proper stormwater management. All of these intents will still be maintained with the granting of this request.

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.*

These variances would not substantially injure or alter the use or character of adjacent conforming property or 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.*

The unique situation existing on the property is the odd shape of the lot which limits the house design.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300108**, based on the following findings of fact:

1. The rear setback variance would not injure adjacent property, and;
2. The variance will still allow appropriate space for water runoff, maintenance, and fire safety.
3. The garage setback variance will not affect adjacent property owners or the public right of way.