



City of San Antonio

Agenda Memorandum

File Number:19-8809

Agenda Item Number: 4.

Agenda Date: 12/2/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300146

Applicant: Ben Jarvis

Owner: Ben Jarvis

Council District: 8

Location: 6107 Woodmoor Street

Legal Lot 45, Block 21, NCB 16253

Description:

Zoning: "R-6 MLOD-1 MLR-2" Residential Single-Family Camp
Bullis Military Lighting Overlay Military Lighting Region 2
District

Case Manager: Rachel Smith, Planner

Request

A parking variance request from the requirements described in Section 35-371 to allow one accessory detached dwelling unit parking space to be located within the front yard of the property.

Executive Summary

The subject property is in the Tanglewood Neighborhood and is a single family dwelling surrounded by single-family dwellings. The property owner is constructing an accessory detached dwelling unit (ADDU) and meets all setback requirements and size requirements for the structure. The applicant states the ADDU is for his daughter. The home is 5' from both side property lines and does not provide the required space to allow a drive to the rear yard. There is no alley access to the rear yard. The UDC requires one parking space to be provided for the accessory detached dwelling unit within Section 35-526 and in Section 35-371 the UDC requires that that space be located behind the front yard. The applicant is seeking a variance to allow the accessory parking space to be located within the driveway as there are two spaces provided there. The primary structure only requires one parking space, and between the attached garage and driveway, the property has four parking spaces.

Zoning History

The subject property was annexed into the City of San Antonio on December 26, 1972 by Ordinance 41426 as "Temp R-1" Temporary Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "Temp R-1" Temporary Single

Family Residence District converted to the current “R-6” Residential Single Family District.

Code Enforcement History

9/21/19: Stop Work Order issued for accessory structure

Permit History

10/15/2019: Residential building permit for a single story one bedroom accessory unit with no garage.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Tanglewoodridge plan and is designated as “Residential” in the future land use component of that plan. The property is in the Tanglewood Neighborhood Association boundaries and they were notified of the request.

Street Classification

Woodmoor 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 defined as the general health, safety, and welfare of the community. In this case the public interest is served by providing adequate parking and convenience for the accessory dwelling. In this case, the property owner will be providing the required parking in the only space that is available on the site, in the front yard. Staff finds this request not contrary to the public interest.

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

The special conditions on the property are that the primary structure is 5' from both side property lines and was built in 1978. There is not space for the applicant to construct a drive way along the side or rear of the property that could be accessible by a vehicle. Literal enforcement of the ordinance would be an unnecessary hardship in this situation.

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; staff finds that this variance observes the spirit of the ordinance by providing ample parking within the driveway and existing garage.

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.*

No uses other than those authorized by the district will be granted through this request.

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 parking location is unlikely to injure adjacent conforming property or alter the character of the district. The applicant states that the accessory detached dwelling unit will be for his daughter, and thus the additional space is not actually going to be used but will be provided.

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 that exists on this property is that there is not adequate space on either side of the home, or access from the rear of the property to provide the required space. The circumstance was not created by the property owner, is not the result of the general conditions of the district, nor is it merely financial in nature.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300146**, based on the following findings of fact:

1. The applicant will be providing a parking space for the accessory detached dwelling unit.
2. The property does not have adequate space along the side or any other means of access to the rear yard for the parking to be located.

