



City of San Antonio

Agenda Memorandum

File Number:20-1112

Agenda Item Number: 9.

Agenda Date: 1/13/2020

In Control: Board of Adjustment

Case Number: BOA-19-10300159
Applicant: Maria H. Ferrier
Owner: Maria H. Ferrier
Council District: 7
Location: 5526 King Richard Street
Legal: Lot 1, Block 11, NCB 14611
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 4' variance from the 20' rear setback requirement, as described in Section 35-310.00, to allow for an attached addition to be 16' from the rear property line, and 2) a 1'4" variance from the 5' side setback, as described in Section 35-310.00, to allow for an attached addition to be 3'9" from the side property line.

Executive Summary

The applicant is requesting to keep an attached addition. The applicant states that they bought the property with the attached addition encroaching onto the rear setback. The applicant demolished the existing attached addition and rebuilt it increasing the original footprint of the attached addition extending into the side setback. On July 2018, Code Enforcement issued a stop work order for demolition and construction without a permit. The subject property is located at an intersection, surrounded by other single-family dwellings.

The attached addition was built on the 16' electric easement - the applicant has been informed that they need to obtain approval from CPS to see if they would be allowed to keep the structure in the 16' electric easement or need to make modifications.

Code Enforcement History

On July 2018, Code Enforcement issued a stop work order for demolition and construction without a permit.

Permit History

The applicant is waiting for variance to be approved to obtain permit.

Zoning History

The subject property was zoned “Temp R-1” Temporary Residential Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from “R-1” Temporary Residential Single Family Residence District to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not within the boundaries of a neighborhood plan. The subject property is also not within the boundaries of a registered neighborhood association.

Street Classification

King Richard Street 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 public. In this case, the attached addition has maintained a 16’ rear setback since 2011, with no complaints and is only encroaching 1’9” into the side setback. The attached addition does not interfere with Clear Vision. The owner will still need approval from the utility to encroach into the easement.

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

The literal enforcement of the ordinance would require the owner to demolish a large portion of the attached addition.

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 storm water 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 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.

This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. The owner will still need approval from the utility to encroach into the easement.

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 property addition does meet the Clear Vision field.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to comply with the side and rear building setbacks as defined within Section 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL** of variances, in **BOA-19-10300159**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners and does not significantly alter the appearance of the district.
2. The owner will still need approval from the utility to encroach into the easement.