



City of San Antonio

Agenda Memorandum

File Number:20-1517

Agenda Item Number: 9.

Agenda Date: 2/3/2020

In Control: Board of Adjustment

Case Number: BOA-19-10300172
Applicant: Priscilla Hurt
Owner: Priscilla Hurt
Council District: 7
Location: 5119 Queen Bess Court
Legal: Lot 1, Block 34, NCB 8840
Description:
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Kayla Leal, Senior Planner

Request

A request for a 95 square foot variance from the maximum accessory structure 2,500 square footage, Section 35-370(b)(3), to allow a total of 2,595 square feet of accessory structures.

Executive Summary

The subject property is a single family home located in a cul-de-sac with alleyway access through the rear. The applicant is requesting the variance in order to permit the construction of an accessory garage which would be accessed through the alleyway. The subject property currently contains three (3) accessory structures. There is a detached living area measuring 250 square feet, an existing detached garage measuring 625 square feet with street access, and a shed measuring 120 square feet. The proposed detached garage is proposed to be 1,600 square feet. The construction of the garage at the proposed square-footage would exceed the allowance for accessory structures. The variance request is for an additional 95 square-feet to the existing allowance. Staff has not found potential adverse impacts with the requested variance.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

The property has no permits on file.

Zoning History

The subject property was annexed into the City of San Antonio on November 30, 1950, established by Ordinance 13476. The zoning of “A” Residential District was assigned on May 23, 1957, established by Ordinance 25046. The zoning converted to the current “R-5” Residential Single-Family District upon the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single family residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single family residence
South	“R-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single family residence
East	“R-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single family residence
West	“R-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single family residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Community Plan and designated as “Low Density Residential” in the future land use component of the plan. The subject property is in the boundaries of the Sunshine Estates Neighborhood Association and as such, they were notified of the case.

Street Classification

Queen Bess Court 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 variance is not contrary to the public interest because the proposed accessory garage will be accessed through the rear property and will not affect the character of the neighborhood.

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

Staff cannot find any special conditions that, if enforced, would result in an unnecessary hardship. If

the applicant had applied for a permit, staff could have advised the applicant of other approaches to achieve a similar effect.

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 defined as the intent of the code, rather than the exact letter of the law. The intent of the maximum square footage is to provide a limitation of accessory structure as to not have properties with an excessive amount of structures on the property. The requested variance for an additional 95 square feet and proposed structure will 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.*

No uses other than those allowed within the district will be allowed with this variance.

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 is for an accessory garage that will be located in the rear of the property and accessed from the alleyway. Staff does not find the request to alter the essential character of the district in which the property is located.

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 does not find any unique circumstances that warrant the granting of this request.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the accessory structure square-footage limitations of the UDC Section 35-370.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **BOA-19-10300172** based on the following findings of fact:

1. The accessory structure will exceed the maximum square-footage by 95 square feet which will maintain the spirit of the ordinance.
2. The accessory structure will serve as a secondary garage and be located in the rear of the property so it will not alter the character of the neighborhood.
3. The structure will be accessed through an alleyway to the rear of the property.