



# City of San Antonio

## Agenda Memorandum

**File Number:**20-4698

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**Agenda Item Number:** 4.

**Agenda Date:** 8/17/2020

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300074  
Applicant: Ziga Architecture Studio, PLLC  
Owner: Catherine and Kenneth Coffee  
Council District: 10  
Location: 2827 Quail Oak Street  
Legal: Lot 14, Block 14, NCB 16440  
Description:  
Zoning: "R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family  
Camp Bullis Military Lighting Overlay Military Lighting  
Region-2 Edwards Recharge Zone District  
Case Manager: Dominic Silva, Senior Planner

### **Request**

A request for an 8' variance from the required 20' rear setback, as described in Section 35-310.01, to allow a new attached addition to be 12' away from the rear property line.

### **Executive Summary**

The applicant is requesting a variance from the minimum 20' rear setback to allow a new addition to be developed attached to the primary residence. Due to the limited space in the rear, where the primary residence was built exactly 20' from the rear property line with 12' of that space reserved for utility easements, the applicant would need a variance at any point an addition is proposed, whether attached or detached.

The subject property is located mid-block between Canyon Ledge and Bell Oak Street. The majority of homes within this area are custom, unique builds with heavy tree foliage that blocks right-of-way view past the front façade.

### **Code Enforcement History**

No code enforcement history exists on this property.

## **Permit History**

No permits have been processed for this property.

## **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 36636, dated August 8, 1968 and zoned Temporary "R-1" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the Temporary "R-1" Residence District converted to the current "R-6" Single-Family District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region-2 Edwards Recharge Zone District	Single-Family

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region-2 Edwards Recharge Zone District	Single-Family
South	"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region-2 Edwards Recharge Zone District	Single-Family
East	"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region-2 Edwards Recharge Zone District	Single-Family
West	"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region-2 Edwards Recharge Zone District	Single-Family

## **Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the North Sector Plan and designated Suburban Tier in the future land use. The subject property is not located within the boundaries of a registered neighborhood association.

## **Street Classification**

Quail Oak 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 proposed attached addition is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The addition will be surrounded by a 6' privacy fence and dense foliage and will not be noticeable to the passersby.**

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

**Due to the limited space in the rear of the applicant's lot, along with the 12' utility easement, the applicant would need a variance regardless if an attached or detached addition is proposed.**

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 requirement rather than the strict letter of the law. The proposed addition is not overwhelming in size compared to the principal structure, allows adequate space for maintenance of the structure without trespass, keeps the character of the home unchanged.**

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 requested variance will not permit a use not authorized within the "R-6" Single-Family 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 property is located in a district characterized by unique custom homes with limited space within the rear property. Because of this, a variance is necessary at any point an addition is proposed for this property and others within the area.**

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 variance being sought is due to the size constraints of the rear property in regard to a proposed addition. If approved, adequate space will be reserved for maintenance of the structure without trespass, storm water controls, and adequate fire separation. Further, the proposed addition will be out of sight by the primary residence and dense foliage.**

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the setbacks set forth in the Unified Development Code, Section 35-310.01.

### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300074**, based on the following findings of fact:

1. The proposed addition will be out of sight behind dense foliage and the primary structure, and;
2. The requested variance will not detract from the character of the district, and;
3. Regardless of proposed location, due to the limited space of the rear lot, a variance request for an addition must be made for this property.