



# City of San Antonio

## Agenda Memorandum

**File Number:**21-2549

**Agenda Item Number:** 5.

**Agenda Date:** 4/5/2021

**In Control:** Board of Adjustment

Case Number:	BOA-21-10300018
Applicant:	Mary O'Connor
Owner:	Mary O'Connor
Council District:	1
Location:	1604 EL MONTE BLVD
Legal Description:	Lot 10 E 12.5 ft of 9, Block 183, NCB 9087
Zoning:	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Mirko A. Maravi, Senior Planner

### **Request**

A request for a variance to the garage minimum setback of 20' per Sec 35-516 (g) in the Unified Development Code to allow a garage to be 11' away from the side property line.

### **Executive Summary**

The subject property is located on the near northwest side of San Antonio within a single-family area in the Greater Dellview neighborhood. The applicant is requesting a variance to the driveway setback requiring 20' per the Unified Development Code.

The existing garage was built in the 1940's and in need of replacement. A gas meter currently exists to the rear of the existing garage which will limit the new structure placement. The gas line then extends across the lot to the home. The new garage will be placed in a manner that doesn't interfere with the gas line or meter.

### **Code Enforcement History**

There are no open code enforcement violations.

### **Permit History**

There are no relevant permits pulled for the property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 922, dated March 5, 1942 and zoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.

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

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

#### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

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

The subject property is in the Greater Dellview Area Community Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is not within any registered Neighborhood Association.

#### **Street Classification**

El Monte Boulevard 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 garage driveway variance of 9'-0" is not contrary to the public interest.**

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

**In the absence of the variance no reasonable use may be made of the property because the gas meter prevents construction any further into the lot than the current location of the garage.**

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

**The proposed garage will be used for the same purpose as the current garage. It is not for a special privilege. The current garage is showing signs of decay and a new building is needed to protect vehicles and garden tools.**

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.*

**This proposed variance will not be for any use other than those uses specifically authorized for the district. It is currently a garage and will continue to be used as a garage.**

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 will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the neighborhood. 11 foot driveway will not injure adjacent properties as it still has room to park a vehicle in the driveway inside the property.**

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 location of the gas meter prevents construction any further into the lot than the current location of the garage.**

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

The alternative to the applicant's request is to conform to Unified Development Code in Sec 35-516(g).

### **Staff Recommendation**

Staff recommends **Approval** in **BOA-21-10300018** based on the following findings of fact:

1. Adequate space will exist to park a vehicle in the driveway in the property; and
2. The requested variance will not detract from the character of the district.