



City of San Antonio

Agenda Memorandum

File Number:21-2578

Agenda Item Number: 8.

Agenda Date: 4/5/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300017
Applicant:	Michael Robert Macey
Owner:	Michael Robert Macey
Council District:	9
Location:	14022 Susancrest Drive
Legal Description:	Lot 1, Block 14, NCB 16749
Zoning:	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a 240 square foot variance from the maximum accessory detached dwelling unit limit of 800 square feet, as described in Section 35-371, to allow an accessory detached dwelling unit to be 1,040 square feet.

Executive Summary

The subject property is located at the corner of Susancrest Drive and Fernwood Street. The rear of the property is facing a privately-owned air strip. Many of the properties facing the strip have private hangars in their backyard to directly access the air strip. The applicant is requesting the variance to the 800 square-foot maximum allowance for accessory detached dwelling units (ADDU) in order to permit a second-floor ADDU to be 1,040 square feet. The maximum allowance for accessory structures is 2,500 square feet, and the applicant will not be exceeding this allowance.

Code Enforcement History

There are no open code enforcement cases.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property was annexed into San Antonio City Limits on March 18, 1965, established by Ordinance 33076, and was zoned Temporary “A” Residence District. Upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001), the zoning converted from Temporary “A” to the current “R-6” Residential Single Family District.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is located within 200’ of the Canyon Parke HOA Neighborhood Association and were notified of the case.

Street Classification

Susancrest Drive and Fernwood Street are both classified as a Local Roads.

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 being requested is for the size of the proposed accessory detached dwelling unit. The square footage exceeds the 800 square foot maximum, as it is being proposed to be built on the second floor. The variance is not contrary to the public interest as there are other structures in the area that are of similar size.

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

Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship. By imposing a literal enforcement of the code, the accessory dwelling would be limited to 800 square feet. The ground floor area does not exceed the 50% limitation of the rear and side yard.

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 proposed structure appears to observe the spirit of the ordinance as it does not exceed 50% of the rear and side yard and has a square footage under 40% of the total floor area of the primary structure.

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 request to increase the square footage of the ADDU does not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district.

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.*

With the location and size of the subject property, it appears the plight of the owner of the property is due to unique circumstances existing on the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Accessory Dwelling Regulations of the UDC Sections 35-371.

Staff Recommendation

Staff recommends **Approval** in **BOA-21-10300022** based on the following finding of fact:

1. The Accessory Detached Dwelling Unit will be 1,040 square feet; and
2. There are other Accessory Structures of similar stature in the surrounding area; and
3. The total floor area of Accessory Structures will not exceed 2,500 square feet.