



City of San Antonio

Agenda Memorandum

File Number:21-4167

Agenda Item Number: 4.

Agenda Date: 6/7/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300048
Applicant:	PrymeHomes
Owner:	PrymeHomes
Council District:	10
Location:	4211 Clear Lake Drive
Legal Description:	Lot 43, Block 39, NCB 16809
Zoning:	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Senior Planner

Request

A request for a 4'11" variance to the required 5' side setback as required in Table 310-1 to allow a 1" side setback for a single-family dwelling.

Executive Summary

The subject property is located near the corner of Clear Lake Drive and Scarsdale Street. The applicant is seeking to build a single-family home on an existing foundation with a side setback of 1" from the abutting west property. In 1972, the property was platted as a Planned Unit Development but in 1979 a vacating plat removed any language of a Planned Unit Development or zero lot line development. Deed restrictions were found that mention zero lot line development and homes to be built as "Patio Homes" also allowing a 4.5' easement for overhangs on neighboring lots. Most of the neighborhood homes were built in 1980/1981 with zero lot lines, however not with any shared walls as a townhome style development. The abutting structure has an 8'10" side setback on the side of the requested variance.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There is no relevant Permit history.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 41430, dated December 26, 1972 and zoned "R-5" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-5" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Vacant Lot

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	"C-2 AHOD" Commercial Airport Hazard Overlay District	Retirement Community
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 San Antonio International Airport Vicinity Land Use Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is located within the Northern Hills Neighborhood Association and were notified of the case.

Street Classification

Clear Lake Drive is classified as a Local Road.

Criteria for Review - Variance

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. There the abutting property has an 8'10" side setback along the side of the requested variance.

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

Literal enforcement of the ordinance would not result in unnecessary hardship as the previous home constructed in 1981 was built in the same configuration.

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 variance will provide an 8'10" separation between homes.

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.*

If granted, the variances will not alter the essential character of the district. Much of the neighborhood was built on a zero lot lines. A Vacating Plat in 1979 removed the Planned Unit Development designation that appears to have removed the reduced side setback.

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 circumstances existing on the property was not created by the property owner. The general conditions of the district in which the property is located in an area with dwellings built with reduced to no side setbacks.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to Table 310-1.

Staff Recommendation -

Staff recommends **Approval** in **BOA-21-10300034** based on the following findings of fact:

1. The surrounding neighborhood was built on reduced side setbacks; and
2. Distance between dwellings will preserve the spirit of the ordinance.