



City of San Antonio

Agenda Memorandum

File Number:21-5355

Agenda Item Number: 3.

Agenda Date: 9/13/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300094
Applicant:	Dorothy Choice
Owner:	Horizon View Realty Investment, LLC
Council District:	2
Location:	647 Blakeley Drive San Antonio, Texas 78209
Legal Description:	Lot 26, Block 7, NCB 9889
Zoning:	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for a 5' 5" variance (with 7' credit from the alley) from the minimum rear setback requirement to allow a structure to be located 7' 7" from the property line.

Executive Summary

The subject property is located on the corner of Blakeley Drive and Ginger Lane. The existing residential structure facing Blakeley Drive is a single-family dwelling, and the applicant is currently seeking a variance to the minimum required 20' rear yard setback per table 35-310.01. There is currently an alleyway behind the property that measures 14' in width. The property owner is able to utilize half of the alleyway (7') towards the rear setback. The existing structure is 7' 7" from the rear property line. When including half of the alleyway, the total rear setback combines to 14' 7".

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

Plumbing, Gas and Sewer permits pulled on 07/13/2021.
 Electrical Permit pulled on 06/29/2021.
 Fence Permit pulled on 06/28/2021.
 Mechanical permit pulled on 06/17/2021.
 Remodel Permits (Windows & Siding) pulled on 06/16/2021.
 Remodel Permit (Bathroom, Kitchen & Door) pulled on 05/20/2021.

Zoning History

The subject property was annexed by the City of San Antonio by Ordinance 12108, dated June 22, 1950 and was zoned “B” Residential District. The zoning converted from “B” Residential District to the current “R-4” Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

West	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is designated “Low Density Residential” in the future land use component of the Northeast Inner Loop Plan.

Street Classification

Blakeley Drive and Ginger Lane are both classified as Local Roads.

Criteria for Review - Variances

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. The applicant is requesting a variance to the rear setback for an existing residential home, which is not contrary to the public interest.

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

The structure facing Blakeley Drive was existing, so a literal enforcement of the ordinance would result in the applicant needing to relocate the residential structure 5’ 5” from the rear property line.

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. With the structure facing Blakeley Drive maintaining 7’ 7” from the rear property line, the spirit of the ordinance will be observed and substantial justice will be done. The total setback including half of the alleyway will be 14’ 7”, which observes 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.*

If granted, the existing structure will maintain 7’ 7”, from the rear property line which is not 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.*

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The structure facing Blakeley Drive already existed and encroached into the rear setback. The circumstances were not created by the owner and are not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the 20' minimum rear setback of the primary structure of UDC Sections 35-310.01.

Staff Recommendation - Side Setback Variances & Parking Waiver

Staff recommends **Approval** in **BOA-21-10300094** based on the following findings of fact:

1. The residential structure was already existing 7' 7" away from rear property line; and
2. The structure has an additional 7' of alley that can be included in the rear setback; and
3. The granting of a 5' 5" variance will not adversely affect the surrounding properties on neighboring lots.