



City of San Antonio

Agenda Memorandum

File Number:15-2911

Agenda Item Number: 2.

Agenda Date: 5/4/2015

In Control: Board of Adjustment

Case Number: A-15-064
Applicant: Francisco Esparza
Owner: Francisco Esparza
Council District: 8
Location: 4050 Burning Tree Drive
Legal Description: Lot 5, Block 1, NCB 14067
Zoning: "R-6" Residential Single-Family District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a variance from the 50 percent limitation on front yard impervious cover, as described in Table 35 -515-1, to allow the front yard to be primarily concrete.

Executive Summary

The subject property is located within the Mt. Laurel Subdivision, a neighborhood of quarter-acre lots created in 1967. The following few years, many large mid-century modern homes with nearly 2,000 square feet, were constructed. The applicant has owned this home since 2002 and over time has added cement throughout the yard areas, unaware of the limitation of no more than 50% of the front yard covered with impervious surface. He was cited by Code Compliance for violating this limitation and is hoping that the variance is granted to allow him to keep the concrete surface as is. Much of the entire yard, including the back and sides are covered as well.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6" Residential Single-Family District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6" Residential Single-Family District	Single-Family Dwelling
South	"R-6" Residential Single-Family District	Single-Family Dwelling

East	"C-2" Commercial District	Fast Food Restaurant
West	"R-6" Residential Single-Family District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any neighborhood plan, but is within the North Sector Plan and designated for Suburban Tier land use. The subject property is located within the boundaries of the Laurel Hills Neighborhood Association. As such, they were notified and asked to comment.

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, these criteria are represented by the limitation of 50% impervious cover for all front yards. This limitation preserves storm water management and the water supply by allowing the rain water to re-enter the Edwards aquifer. With these two factors in mind, it would be contrary to the public interest to allow such extensive impervious coverage as requested with the variance.

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

A literal enforcement would result in the applicant having to remove some of the concrete area in the yard. The applicant states that watering lawns is another way to waste water and as such has elected to cover the front yard area. In addition, the applicant uses the front yard for parking. On street parking is limited within a cul-de-sac by the reduced lot width and frequent driveways.

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

The spirit of the ordinance provides an allowance of 50% coverage within the front yard for impervious surfaces. There are many water-wise landscaping choices that still provide permeable surfaces for groundwater recharge. Therefore the variance would not be consistent with the spirit of the ordinance.

4. The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6" Residential 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 request is very unusual as there are no other apparent yards covered in concrete. Front yard landscaping is an essential character defining feature within neighborhoods. Even though this house is at the end of a cul-de-sac and thus seen by few, the prevalent concrete could injure the adjacent properties.

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 applicant was not aware of the limitation of impervious coverage within the front yard and states that additional parking areas were needed for his family. On-street parking is often challenging on cul-de-sacs and this could be considered a unique circumstance to justify the variance.

Alternative to Applicant's Request

The applicant needs to remove some of the concrete to come into compliance with the Unified Development Code.

Staff Recommendation

Staff recommends **DENIAL of A-15-064** based on the following findings of fact:

1. The goal to recharge the groundwater within the aquifer is important to the public interest;
and;
2. The applicant can reduce the impervious coverage and retain additional parking areas.