



City of San Antonio

Agenda Memorandum

File Number:15-2913

Agenda Item Number: 8.

Agenda Date: 5/4/2015

In Control: Board of Adjustment

Case Number: A-15-077
Applicant: Ricardo Campos
Owner: Ricardo Campos
Council District: 7
Location: 4107 Horseshoe Bend
Legal Description: Lot 143, Block E, NCB 11546
Zoning: "R-20 NCD-3 AHOD" Large Lot Single-Family Ingram Hills
Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a 25 foot variance from the Ingram Hills Neighborhood Conservation District's 50 foot front building setback, as detailed in Section 35-335, to allow a new home to be built 25 feet from the front property line.

Executive Summary

The subject property is located within the Woodlawn Hills Subdivision, a neighborhood of acre lots created in 1929. Over the years, the large lots helped create a rural atmosphere within the neighborhood with houses placed further from the road than other neighborhoods with far smaller lots. In 2001, with the creation of the neighborhood conservation district regulatory framework, the residents of the Ingram Hills neighborhood decided to initiate regulations designed to protect the character. In 2004, the City Council adopted the proposed conservation district standards. Of these, the large front setback is perhaps the most influential in its impact toward reinforcing the rural character.

The applicant has owned the parcel since 2011. The rectangular shaped parcel is 145 feet wide and 276 feet deep, located on the corner of Oak Knoll Drive and E. Horseshoe Bend. The front half of the property along Oak Knoll is encumbered by the 100 year floodplain and therefore, not suitable for residential construction. This feature forces the applicant to take both the 50 foot front setback and the 30 foot rear setback from the narrow 145 foot dimension of the rectangle and orient the proposed house toward Horseshoe Bend. This leaves a 55 foot buildable width for the proposed home.

The applicant is seeking a variance from the minimum 50 foot front setback to allow a new home 25 feet from the front property line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-20 NCD-3 AHOD” Large Lot Single-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-20 NCD-3 AHOD” Large Lot Single-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“R-20 NCD-3 AHOD” Large Lot Single-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Vacant Residential Lot
East	“R-20 NCD-3 AHOD” Large Lot Single-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Vacant Residential Lot
West	“R-20 NCD-3 AHOD” Large Lot Single-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of Woodlawn Hills/Ingram Hills neighborhood plan and designated for low density residential estate land use. The subject property is located within the boundaries of the Ingram 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 conservation district standards designed to preserve the rural character of the neighborhood. The front setback is one of the most influential standards and a reduction by half would be contrary to the public interest.

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

A literal enforcement of the front setback would result in the applicant having to design a home to fit the particular parameters of the parcel. The buildable area of the lot is large enough to accommodate the setbacks without imposing an unnecessary hardship.

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

The spirit of the conservation district is incorporated into larger than typical setbacks, adopted to reinforce a

rural character, rare inside the City limits. Therefore the variance to reduce the setback to 25 feet 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-20 NCD-3 AHOD” Large Lot Single-Family Ingram Hills Neighborhood Conservation Airport Hazard Overlay 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.

Many jurisdictions regulate front setbacks based on the median of the existing setbacks along the block face. The intent is based on the realization that consistent front setbacks are important to the rhythm of the street. A house built so close to the front property line surrounded by homes that satisfy the setback will look peculiar. A smaller variance would be preferable and perhaps even unnoticeable.

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 states that the floodplain limitations on this lot create the property-related hardship ideal for a variance. It is true that the design choices have been limited by the floodplain. Nevertheless, the lot is large enough to absorb the constraints and still provide a similar size buildable area as other lots within the neighborhood.

Alternative to Applicant’s Request

The applicant needs to design a house no deeper than 55 feet, nor wider than 120 feet to meet the regulatory parameters of the parcel.

Staff Recommendation

Staff recommends **DENIAL of A-15-077** based on the following findings of fact:

1. The large front setback is critical to maintaining the rural character of the neighborhood;
and;
2. The lot is nearly 1 acre and even with the floodplain issues has a buildable area measuring 55 feet by 120 feet.