



City of San Antonio

Agenda Memorandum

File Number:15-5155

Agenda Item Number: 8.

Agenda Date: 10/5/2015

In Control: Board of Adjustment

Case Number: A-15-146
Applicant: Alfred Talamantez
Owner: Alfred Talamantez
Council District: 1
Location: 612 West Elsmere Place
Legal Description: Lots 24 & 25, Block 15, NCB 3614
Zoning: "RM-4 NCD-2 AHOD" Mixed Residential Alta Vista Neighborhood
Conservation Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for 1) a 12 foot variance from the maximum driveway width, as described in the Alta Vista Neighborhood Conversation District Residential Design Standards, to allow 24 foot wide driveways; 2) a variance from the lot limitation of 1 driveway, as described in the Alta Vista Neighborhood Conversation District Residential Design Standards, to allow 2 driveways; 3) a variance from the requirement that multi-family parking be located in the rear yard, as described in the Alta Vista Neighborhood Conversation District Residential Design Standards, to allow parking in the front yard; and 4) a 5 foot variance from the maximum 3 foot solid screen, as described in Section 35.314 (d), fence to allow an 8 foot fence in a portion of the front yard.

Executive Summary

The subject property is located at West Elsmere Place approximately 215 feet west of North Flores Street and approximately 90 feet from railroad ROW. The applicant is the owner of a multi-family residence. The property has recently been updated to accommodate parking for a multi-family residence. However, due to a median in the street, only a portion of the parking area is accessible to the residents. The requested variances 1, 2, & 3 will allow for full use of the current parking area located in the front of the home to remain. Lastly, in an effort to provide more privacy and a sound barrier for residents, the applicant erected an 8 foot fence on a portion of the front yard.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Multi-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-2 AHOD” Residential Single Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation Airport Hazard Overlay District and “R-6 NCD-2 AHOD” Residential Single Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Multi-Family Dwelling and Single-Family Dwellings
East	“RM-4 NCD-2 AHOD” Residential Mixed Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	Right of Way	Railroad Tracks

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Midtown Neighborhood Plan and is designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Alta Vista and Beacon Hill Neighborhood Associations. As such, both neighborhood associations 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 design standards in the Alta Vista Neighborhood Conservation District to protect home owners, and also to provide for a sense of community.

Staff is recommending approval of the requested variances as none are contrary to the public interest. The variances will not increase fire hazard or water runoff to adjacent properties. In fact, the requested variances will enhance the adjacent properties by providing an additional sound barrier and ensuring on-street parking by residents is eliminated at adjacent properties.

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

The special condition in this case is the location of the current home in relation to traffic median and design standards triggered by the proximity to railroad. The applicant built parking, with pervious pavers, in the front of the home to provide residential parking. However, as it stands now, only a portion of the driveway is accessible. The proximity to the railroad has triggered the need for additional fence height to provide privacy and serve as a sound barrier for current residents.

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

Granting the requested variance will result in substantial justice. Providing adequate parking, of good design, is within the spirit of the ordinance. In addition, providing additional privacy and a sound barrier is in keeping with the ordinance and substantial justice will be served.

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 “RM-4 NCD-2 AHOD” Residential Mixed Alta Vista 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.*

The parking area, as it stands now, is built with pervious pavers, and ensures adequate parking for residents thus eliminating on-street parking. In addition, the fence is directly adjacent to the railroad right of way. Each proposed variance is in keeping with the character of the community.

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 circumstance in this case is the close proximity to the railroad right of way. This proximity has led the applicant to provide more security and privacy for the residents. The variances for the driveway are a result of the traffic median constructed due to the proximity to the railroad. This plight is not created by the owner of the property or merely financial.

Alternative to Applicant’s Request

The applicant must abide by all Design Standards, as described in the Alta Vista Neighborhood Conversation District Residential Design Standards

The applicant must reduce the height of the solid screen fence to three feet, as described in Section 35.314 (d).

Staff Recommendation

Staff recommends **APPROVAL of all variance requests in A-15-146** based on the following findings of fact:

1. The requested variances, in relation to the parking area, will not increase fire hazard or water runoff to adjacent properties and will ensure residents do not utilize on-street parking;
2. The additional fence height will provide increased privacy and serve as a sound barrier for residents;
3. The proposed variances are in keeping with the character of the community.