



# City of San Antonio

## Agenda Memorandum

**File Number:**15-5158

**Agenda Item Number:** 5.

**Agenda Date:** 10/5/2015

**In Control:** Board of Adjustment

**Case Number:** A-15-148  
**Applicant:** Jamie Rocha  
**Owner:** Jamie Rocha  
**Council District:** 1  
**Location:** 1415 West Hollywood Avenue  
**Legal Description:** Lots 24 & 25, Block 15, NCB 3614  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for a 3 foot variance from the minimum 5 foot side yard setback, as described in Section 35-310.01, to allow a rear in-line addition 2 feet from the property line.

### Executive Summary

The subject property is located at 1415 West Hollywood Avenue approximately 200 feet west of Neer Avenue. The applicant is in the process of constructing a home addition and has procured the proper permits to construct an addition at the proper side setback. However, after beginning construction, the applicant realized the need to extend the addition to be built in-line with the current home. This change of plans prompted the applicant to apply for a variance before continuing construction. The proposed location of the home addition will provide 12 feet between adjacent structures, more space than currently required by the code. If approved, initial construction will meet fire standards and can address possible effects of water.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the Near Northwest Neighborhood Plan and is designated as Urban Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Keystone Neighborhood Association. As such, the neighborhood association was 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 minimum side setbacks to protect home owners, and also to provide for a sense of community. The minimum setbacks are in place to protect the neighbor from fire hazard.

**Staff is recommending approval of the request to allow the home addition to be located two feet from the side property line. The home addition is not fully constructed thus initial construction can meet fire standards. The proposed home addition is flanked by a neighboring driveway and stands approximately 12 feet from adjacent structures, more than the 10 feet currently required by code.**

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 the home addition. As it stands now, the home addition does not allow the applicant to utilize the door in the current home. The applicant wishes to integrate the new structure with the current home the addition need to be built in-line.**

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. After completion of the home addition, in the proposed location, 12 feet of spacing will remain between adjacent structures. Also, initial construction will be required to meet fire standards.**

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-4 AHOD" Residential Single-Family 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 proposed home addition has is not fully constructed thus initial construction will address fire standards and possible effects of water runoff. In addition, as the home is adjacent to a driveway, approximately 12 feet of space is present between adjacent structures, more than the 10 feet required by the current code.**

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 abnormally large space between adjacent structures. The home addition is proposed to be located with approximately 12 feet between adjacent structures. The home addition has is not fully constructed and initial construction will be required to meet current fire standards.**

### **Alternative to Applicant's Request**

The applicant must reduce the width of the home addition to meet the five foot minimum set back, as described in Section 35-310.01

### **Staff Recommendation**

Staff recommends **APPROVAL of a request for a three foot variance to allow a home addition to be located two feet from the side property line in A-15-148** based on the following findings of fact:

1. The proposed home addition is not fully built and initial construction will address current fire standards;
2. If approved, approximately 12 feet of space will exist between adjacent structures;
3. The proposed home addition is in keeping the character of the neighborhood.

### **Attachments**

Attachment 1 - Notification Plan (Aerial Map)  
Attachment 2 - Plot Plan (Aerial Map)  
Attachment 3 - Site Plan  
Attachment 4 - Site Photos