



City of San Antonio

Agenda Memorandum

File Number:15-5164

Agenda Item Number: 6.

Agenda Date: 10/5/2015

In Control: Board of Adjustment

Case Number: A-15-153
Applicant: Ricardo Renteria
Owner: Ricardo Renteria
Council District: 3
Location: 819 East Drexel Avenue
Legal Description: Lot 18, Block 16, NCB 3284
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for a 1 foot variance from the minimum 5 foot side yard setback, as described in Section 35-310.01, to allow a new home 4 feet from the side property line.

Executive Summary

The subject property is located at 819 East Drexel Avenue approximately 215 feet east of Nopal Street. This is an older neighborhood and many of the homes in the area have large trees and a side setback of three feet, as opposed to the current requirement of five feet. The applicant is in the process of building a new home on a previously vacant lot. A heritage tree is located on the vacant lot, but, due to updated setback requirements, is located within the 5 foot setback. The applicant wishes to reduce the setback in order to preserve an irreplaceable pecan tree. The applicant was cited by code for placing the home too close to the property line.

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
North	Interstate 10	ROW

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 Highlands 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 Highland Park Neighborhood Associations. 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 neighbors from fire hazard.

Staff is recommending approval of the request as this pecan tree is irreplaceable and ensuring new development respects natural surroundings is not contrary to the public interest. In addition, as it stands now, the home is located approximately 15 feet from adjacent structures.

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

The special condition in this case is the large amount of space present between adjacent structures and the desire to preserve a pecan tree. A literal enforcement of the ordinance would require the applicant to remove an irreplaceable pecan tree present on the lot before construction.

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 housing, in keeping with the neighborhood, is within the spirit of the ordinance. In addition, assuring natural surroundings are maintained 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 "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 Highland Park neighborhood is an older neighborhood with many large trees and homes with side setbacks of three feet. Adding to the housing stock in the area, which respects irreplaceable trees in the area, is not contrary to the essential character of the community. The home, as it stands now, is

approximately 15 feet from adjacent structures. As construction is not yet complete, measures can be taken to address fire standards and possible water runoff issues.

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 desire to preserve a pecan tree located on the edge of the home. The desire to save an irreplaceable tree on the lot is not a circumstance created by the owner of the property and is not merely financial.

Alternative to Applicant's Request

The applicant must abide by the standard side setbacks, as described in 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL of request for a 1 foot variance to allow a home to be located four feet from the side property line in A-15-153** based on the following findings of fact:

1. The desire to preserve an irreplaceable pecan tree is in keeping with the character of the community;
2. The home, as it stands now, is approximately 15 feet from adjacent structures;
3. Construction is not completed and measures to address fire standards and water runoff can be addressed;

Attachments

Attachment 1 - Notification Plan (Aerial Map)

Attachment 2 - Plot Plan (Aerial Map)

Attachment 3 - Site Plan

Attachment 4 - Site Photos