



City of San Antonio

Agenda Memorandum

Agenda Date: October 7, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300168

APPLICANT: Johnny Canavan Homes LLC

OWNER: Johnny Canavan Homes LLC

COUNCIL DISTRICT IMPACTED: District 10

LOCATION: 328 East Sunset Road

LEGAL DESCRIPTION: Lots 102, 103, 104, 105, 106, 107, and 108, Block 5, NCB 11889

ZONING: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

CASE MANAGER: Colton Unden, Planner

A request for

A 10' variance from the minimum 20' rear setback to allow a 10' rear setback on 7 lots.
Section 35-310.01 (Table 310-1)

Executive Summary

The subject property is located along East Sunset Road, west of North New Braunfels Avenue, located within the Oak Park Northwood Neighborhood Association. The applicant is proposing a development of seven homes each on their own lot with each requesting a 10-foot rear setback variance. The address had a prior Board of Adjustment application in December 2023 but was withdrawn before consideration.

Code Enforcement History

No relevant code enforcement history.

Permit History

COM-SIT-PMT24-40100333 – Commercial Sitework Permit
COM-PRJ-APP23-39802612 – Commercial Project Application

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and was originally zoned “A” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Residence District converted to the current “R-5” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-5 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

South

Existing Zoning

“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District and “MF-33 AHOD” Multi-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling and Apartments

West

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northeast Inner Loop 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 Oak Park Northwood Neighborhood Association, and they have been notified of this request.

Street Classification

East Sunset Road is classified as a Local Street.

Criteria for Review – Rear Setback Variance

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 rear setback variance is not contrary to the public interest as sufficient space will exist between neighboring properties and structures, and this development layout is not uncharacteristic for the neighborhood in which these properties are located.

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

A literal enforcement of the rear setback ordinance would result in unnecessary hardship as the applicant would need to significantly reduce the living size of the homes on all 7 lots to adjust for the rear setback required.

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

The requested rear setback variance appears to be in the spirit of the ordinance as the lots can maintain a single-family dwelling and no other factors exist that prevent accommodations for a reduced rear setback.

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

No uses other than those allowed within the district will be allowed with this variance.

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.

Staff finds that the rear setback variance would not substantially injure the appropriate use of adjacent properties as the variance does not appear to directly impact any neighboring 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.

Staff finds the unique circumstances existing on the property is that the restrictions on available living space that should occur if a rear setback variance is not granted.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the rear setback requirements of the UDC Section 35-310.01 (Table 310-1).

Staff Recommendation – Rear Setback and Variance

Staff recommends Approval in BOA-24-10300168 based on the following findings of fact:

1. Sufficient space will remain in the rear setback to provide ample space from neighboring properties for the purposes of fire safety and water runoff.
2. The proposed variance will not alter the essential character of the district in which the properties are located.