



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 16, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300223

**APPLICANT:** Janelle Chase

**OWNER:** Ian Chase

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 2127 West Woodlawn Avenue

**LEGAL DESCRIPTION:** Lot 42, NCB 6831

**ZONING:** "R-6 H AHOD" Residential Single-Family Historic Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

1) A 2' side setback variance from the minimum 5' side setback to allow a 3' side setback.  
Section 35-310.01.

2) A 17' rear setback variance from the minimum 20' rear setback to allow a 3' rear setback.  
Section 35-310.01.

**Executive Summary**

The subject property is located along West Woodlawn Avenue, south of West Mistletoe Avenue, located within the Jefferson Neighborhood Association as well as the notification boundary Woodlawn Lake Neighborhood Association. The applicant previously had a 2' side setback and a ADU maximum square feet variance approved in 2022 but was unable to construct the structure within 12 months, thus the variances expired and were thereby rendered void. The applicant is constructing an addition to the home to comprise of a carport, deck, and home expansion in the

rear of the home. A 15-foot alley exists in the rear of the property which reduces the rear setback to 12'-6". The entirety of the property is within the flood plain, a vast majority within Zone AE, with the rear right portion under Zone X. Additions in the floodplain would be limited to 50% of the fair market value of the main (existing) structure, not to include land.

#### **Code Enforcement History**

No relevant code enforcement history.

#### **Permit History**

Building permit is pending outcome from the Board of Adjustment.

#### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and was zoned "A". The property was rezoned to "R-1" Single-Family Residence District by Ordinance 64079, dated November 20, 1986. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

#### **Subject Property Zoning/Land Use**

##### **Existing Zoning**

"R-6 H AHOD" Residential Single-Family Historic Airport Hazard Overlay District

##### **Existing Use**

Single-Family Dwelling

#### **Surrounding Property Zoning/ Land Use**

##### **North**

##### **Existing Zoning**

"R-6 H AHOD" Residential Single-Family Historic Airport Hazard Overlay District

##### **Existing Use**

Single-Family Dwelling

##### **South**

##### **Existing Zoning**

"R-6 H NCD-8 AHOD" Residential Single-Family Historic Woodlawn Lake Neighborhood

Conservation Airport Hazard Overlay District

##### **Existing Use**

Woodlawn Lake Park

##### **East**

##### **Existing Zoning**

"R-6 H AHOD" Residential Single-Family Historic Airport Hazard Overlay District

##### **Existing Use**

Single-Family Dwelling

##### **West**

##### **Existing Zoning**

“R-6 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District  
**Existing Use**  
Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Near Northwest Community 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 Jefferson Neighborhood Association as well as the notification boundary of the Woodlawn Lake Neighborhood Association, and they have been notified of this request.

**Street Classification**

West Woodlawn Avenue is classified as a Secondary Arterial Type B.

**Criteria for Review – Side and Rear Setback Variances**

According to Section 35-482(e) of the UDC, 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, the public interest is represented by adhering to setback requirements to provide adequate spacing between properties. The rear setback variance is contrary to the public interest as the proposed addition and deck cover the entire rear yard and insufficient space will remain for the purposes of water runoff and fire safety concerns and the minimum rear setback is reduced by the alley.

The side setback variance is not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns.

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

A literal enforcement of the rear setback ordinances would not result in unnecessary hardship as the applicant can modify plans to be in compliance with the already reduced setback.

A literal enforcement of the side setback ordinances would result in unnecessary hardship as the applicant would not be able to construct an addition.

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

The requested rear setback variance does not appear to be in the spirit of the ordinance as it would significantly reduce or eliminate the spacing on the lot and greenspace in the rear yard.

The requested side setback variance does appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concerns.

*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 substantially injure the appropriate use of adjacent properties as insufficient space will remain between properties and structures and the risk of fire spread would be increased.

Staff finds that the side setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain between properties and structures and the risk of fire spread would not be substantially increased.

*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 no unique circumstances on the property to justify the rear setback variance, as other properties in the immediate area appear to be in conformance with the minimum rear setback requirements.

Staff finds unique circumstances existing on the property for the side setback variance is the lot size and dimensions of the existing home on the lot.

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

The alternative to the applicant's request is to conform to the side and rear setback requirements of the UDC Section 35-310.01.

#### **Staff Recommendation – Rear Setback Variance**

Staff recommends Denial in BOA-24-10300223 based on the following findings of fact:

1. Insufficient space will remain for the rear yard and for greenspace increasing the risk of fire spread and overcrowding the lot.
2. The variance will alter the essential character of the district as other properties in the area appear to comply with setbacks.

#### **Staff Recommendation – Side Setback Variance**

Staff recommends Approval in BOA-24-10300223 based on the following findings of fact:

1. Sufficient space will remain for the purposes of water runoff and fire safety concerns.
2. The variance will not alter the essential character of the district.