



City of San Antonio

Agenda Memorandum

Agenda Date: June 3, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300091

APPLICANT: Gerardo Cruz

OWNER: Gerardo Cruz

COUNCIL DISTRICT IMPACTED: District 6

LOCATION: 4519 Shay Circle

LEGAL DESCRIPTION: Lot 21, Block 26, NCB 17639

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

CASE MANAGER: Melanie Clark, Planner

A request for

An 8' variance from the minimum 20' rear setback to allow a structure to be 12' from the rear property line.

Section 35-310.01

Executive Summary

The subject property is located on the far west side, between Culebra Road and Wiseman Boulevard, just east of Loop 1604. The applicant is planning on adding a garage to the principal structure that will be within 12' from the rear setback. The garage will exit on Lauren Mist and has the required 20' setback from the garage opening to the back of the sidewalk. The addition will abut the neighbors side setback, which appears to have at least a 10' side setback.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was annexed into The City of San Antonio by Ordinance 85089 dated December 30, 1996, and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use**North****Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

South**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

East**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

West**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Highway 151 and Loop 1604 Area Regional Center Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject

property is located within the notification area of The Estates of Westover Hills Neighborhood Association, and they have been notified of the request.

Street Classification

Shay Circle is classified as a local Road.

Lauren Mist is classified as a local Road.

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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by distance between the structure and the rear setback. The variance will leave 12' from the rear setback which provides ample room and will not be contrary to the public interest.

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

Staff found special conditions on the property that would result in unnecessary hardship such as requiring a reverse corner lot and the limited space in the rear yard for an addition.

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

The variance will observe the spirit of the ordinance and substantial justice will be done as the abutting property has an extended side setback opposite of the addition and there will be significant open space in the side yard.

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.*

The reduced rear setback will not substantially injure the appropriate use of the adjacent conforming property as the abutting property has at least a 10' side setback on the side of the requested variance. The proposed 12' rear setback will leave sufficient room and will not alter the essential character of the district.

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 variances are sought due to unique circumstances existing on the property such as the reverse corner lot and limited room in the rear yard. These circumstances were not created by the property owner.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback regulations of the UDC Section 35-310.01.

Staff Recommendation – Rear Setback Variance

Staff recommends Approval in BOA-24-10300091 based on the following findings of fact:

1. The spirit of the ordinance will be observed as the variance will leave sufficient room on the rear yard.
2. The abutting property creates a reverse corner lot and has at least a 10' side setback on the opposite side of the proposed addition.