



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 23, 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**

1) 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)

2) A 10’ variance from the minimum 20’ garage front setback to allow a 10’ garage front setback on 7 lots.  
Section 35-516(g)

**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 and a 10-foot garage front 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 The address had a prior Board of Adjustment application in December 2023 but was withdrawn before consideration.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 and Garage Front Setback Variances**

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 and garage front setback variances are 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 and garage front setback ordinances 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 and garage front setbacks required.

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

The requested rear setback and garage front setback variance appears to be in the spirit of the ordinance as the lot can maintain a single-family dwelling with an attached garage 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 and garage front 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 an attached garage cannot be built on the property without a garage front setback variance, preventing protection of vehicles in a way that is congruent with the neighborhood as well as 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 and garage front setback requirements of the UDC Section 35-310.01 (Table 310-1) and Section 35-516(g).

#### **Staff Recommendation – Rear Setback and Garage Front Setback Variances**

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 development will feature a t-shaped road to cater to the 7 lots, allowing for increased safety and less traffic for the reduced garage setbacks.
3. The proposed variances will not alter the essential character of the district in which the properties are located.