



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** July 1, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300107

**APPLICANT:** Neal Neathery

**OWNER:** Gary and Alma Alonzo

**COUNCIL DISTRICT IMPACTED:** District 9

**LOCATION:** 1611 Fawn Bluff

**LEGAL DESCRIPTION:** Lot 4, Block 1, NCB 17483

**ZONING:** "R-6 PUD MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region Airport Hazard Overlay Edwards Recharge Zone District.

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 12'-6" variance from the minimum 20' PUD perimeter setback requirement to allow an addition to be 7'-6" from the rear setback.

Sec 35-344.02 (i)(1)

**Executive Summary**

The subject property is located south of North Loop 1604 West, east of Huebner Road, west of Blanco Road on Fawn Bluff. The applicant, on behalf of the property owner, is requesting a 12'-6" variance to construct a proposed addition 7'-6" from the rear property line. The subject property is in a Planned Unit Development District (PUD) with the rear property line abutting a non-PUD residential property which is categorized as a PUD perimeter. According to the UDC, the PUD

perimeter requires a 20' setback. Permit approval is pending the outcome of the Board of Adjustment.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

RES-IMP-APP24-32000723- Residential Improvements Permit Application

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 74750 dated, December 30, 1991, 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 the current "R-6" Residential Single-Family District.

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

#### **Existing Zoning**

"R-6 PUD MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region Airport Hazard Overlay Edwards Recharge Zone District.

#### **Existing Use**

Single-Family Residence

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

#### **North**

#### **Existing Zoning**

"R-6 PUD MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region Airport Hazard Overlay Edwards Recharge Zone District.

#### **Existing Use**

Single-Family Residence

#### **South**

#### **Existing Zoning**

"R-6 PUD MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region Airport Hazard Overlay Edwards Recharge Zone District.

#### **Existing Use**

Single-Family Residence

#### **East**

#### **Existing Zoning**

"R-6 PUD MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region Airport Hazard Overlay Edwards Recharge Zone District.

**Existing Use**

PUD Common Area, Drainage Easement

**West****Existing Zoning**

“R-6 MLOD-1 MLR-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region Airport Hazard Overlay Edwards Recharge Zone District.

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the San Antonio International Airport Vicinity and is designated as “Low Density Residential” / “Suburban Tier” in the future land use component of the plan. The subject property is located within the notification area of Deerfield Homeowner Association, and they have been notified of the request.

**Street Classification**

Fawn Bluff is classified as a local road.

**Criteria for Review – PUD Perimeter 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 the adjacent neighbor and Planned Unit Development (PUD) setback consistency. The applicant is requesting a variance to the rear setback to allow an addition to be 7'-6" from the rear property line. Staff finds that this is not an allowable distance as it will directly affect the adjacent neighbor and will be inconsistent with the UDC requirement of 20' perimeter setback of a Planned Unit Development.

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

Staff observed no special conditions on the subject property to warrant the need for a reduced setback as the applicant can alter the site plans to adhere by the PUD perimeter setback requirements.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The property is abutting a non-PUD residential property, which requires a 20' PUD perimeter setback distance. In this case, a 7'-6" PUD Perimeter setback will not observe the spirit of the ordinance as the reduced setback will be disproportionate with the surrounding area.

*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.*

If granted, the 12'-6" variance will injure the appropriate use of adjacent conforming properties and alter the essential character of the district that will create setback inconsistencies between the surrounding PUD residences and abutting non-PUD residences within the area.

*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 plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. The applicant can adjust the site plans to adhere to the UDC regulations.

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

The alternative to the applicant's request is to conform to the PUD Perimeter setback requirement of the UDC Section 35-344.02 (i)(1).

#### **Staff Recommendation – PUD Perimeter Setback Variance**

Staff recommends Denial in BOA-24-10300107 based on the following findings of fact:

1. The variance does not align with the UDC requirement of 20' perimeter setback requirement of a Planned Unit Development as it will directly affect the abutting Non-PUD neighbor.
2. The request will injure the appropriate use of adjacent conforming properties and alter the essential character of the district