

Case Number:	BOA-22-10300050
Applicant:	Epic Remodeling and Construction LLC
Owner:	John & Susan Likovich
Council District:	1
Location:	236 King William
Legal Description:	LOT SW 11 FT OF 8,NE 22.5 OF NW 132 OF 10,9 EXC SE 7.2 OF SW 7.5, Block 3, NCB 740
Zoning:	“RM-4 H HE HS AHOD” Residential Mixed Historic King William Historic Exceptional Historic Significant Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A 5' variance from the minimum 10' rear setback requirement, as described in Section 35-310, to allow an addition to be 5' from the rear property line.

Executive Summary

The applicant is proposing to construct an addition to the main structure. The proposed structure will be in the rear yard of the subject property. The proposed structure will be encroaching the 10' minimum rear setback requirement. The addition was heard by the Historic Design Review Commission on June 17, 2021.

The HDRC approved the design of the proposed addition with the following staff stipulations:

1. That the applicant modifies the proposed horizontal windows and installs windows on the rear elevation of the rear addition as noted in finding f. The windows should feature a one over one configuration and be vertically oriented with proportions that are similar to those found on the primary historic structure. The applicant is required to submit updated elevations that reflect these changes prior to the issuance of a Certificate of Appropriateness.
2. That the applicant submits a detailed specification for all proposed new windows on the additions. All new windows must meet the following stipulations: windows must be fully wood windows. Meeting rails must be no taller than 1.25” and stiles no wider than 2.25”. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and an architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening. The applicant is required to submit a detailed drawing and specification for the new front window to staff prior to the issuance of a Certificate of Appropriateness.
3. That any windows concealed by additions be retained in place, reused in the new additions, or stored on site for future use. The applicant is responsible for submitting documentation illustrating how these windows are to be treated to staff for review and approval prior to the issuance of a Certificate of Appropriateness.

Code Enforcement History

There is no Code Enforcement History on file

Permit History

Residential Improvements Permit Application Created On 12/15/2021.

Home Addition Permit Created On 01/11/2022

Electrical General Permit Created On 01/27/2022

Building permits are pending the outcome of the BOA Meeting.

Zoning History

The subject property was located within the Original City Limits of San Antonio and was zoned “C” Apartment District. Ordinance 74923, dated December 9, 1991, rezoned the property to “R-2” Two Family District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current “RM-4” Residential Mixed District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 H HE HS AHOD” Residential Mixed Historic King William Historic Exceptional Historic Significant Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H HE HS AHOD” Residential Mixed Historic King William Historic Exceptional Historic Significant Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 H HE HS AHOD” Residential Mixed Historic King William Historic Exceptional Historic Significant Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 H HE HS AHOD” Residential Mixed Historic King William Historic Exceptional Historic Significant Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 H HE HS AHOD” Residential Mixed Historic King William Historic Exceptional Historic Significant Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the King William Neighborhood Association and they were notified of the case.

Street Classification

King William is classified as a local road.

Criteria for Review - 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 5' variance from the minimum 10' rear setback requirement to allow a structure to be 5' from the property line.

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

A literal enforcement of the ordinance would result in the applicant having to possibly postpone development or adapt the plans to meet the 10' rear setback requirement.

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. A 5' variance from the minimum 10' rear setback requirement to allow a structure to be 5' from the property line will observe the spirit of the ordinance

The variance for the home addition will not adversely affect surrounding properties in the immediate 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.*

Staff finds the request for a 5' variance for a side setback is enough space away from the adjacent property line and is likely to not negatively affect the adjacent neighboring property.

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 due to unique circumstances existing on the property such as the small amount of available space.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setbacks per 35-310.

Staff Recommendation – Side Setback Variance

Staff recommends **Approval** in **BOA-22-10300050** based on the following findings of fact:

1. The proposed addition is in the rear yard of the property and not easily seen from the right of way; and
2. The proposed addition was heard by the Historic Design Review Commission and was approved; and
3. There does not appear to be issues for water runoff; and
4. The structure will not negatively affect neighboring properties.