

Case Number:	BOA-22-10300142
Applicant:	Eduardo Garcia
Owner:	Saunders Revocable Trust
Council District:	1
Location:	725 East Woodlawn
Legal Description:	Lot 19, Block 4, NCB 6203
Zoning:	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay 1 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1). a 1'-10" variance from the 5'-0" minimum side setback requirement, as described in Section 35-370(b)(1), to allow a detached structure to be 3'-2" from the side property line, and 2). a 1' 6" variance from the 5' minimum rear setback requirement, as described in Section 35-370(b)(1) to allow a detached structure to be 3' 6" from the rear property line.

Executive Summary

The subject property is located on East Woodlawn, east of US-281 and west of Fort Sam Houston and contains a single-family residence. The applicant is remodeling an existing garage structure. Per Bexar County records, the addition was built prior to zoning being established. The existing garage will be used as an office/yoga studio. Upon site visit, staff observed other detached structures in the area.

Code Enforcement History

There are no relevant code compliance cases for the subject property.

Permit History

A variety of building permits were pulled for the subject property.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay 1 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay 1 Airport Hazard Overlay District	Single-Family Residence
South	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay 1 Airport Hazard Overlay District	Single-Family Residence
East	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-4 H RIO-1 AHOD” Residential Single-Family River Road Historic River Improvement Overlay 1 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the River Road Neighborhood Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the River Road Neighborhood Association and were notified.

Street Classification

East Woodlawn is classified as a Local Road.

Criteria for Review –Side and 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. The applicant has requested a variance to allow a detached structure to be 3'-2" from the side property line and a variance to allow a detached structure to be 3'-6" from the rear side property line, which would not be contrary to the public interest.

- 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 detached structure being moved to maintain a 5' side setback and 5' rear setback. This would result in an unnecessary hardship.

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 1'-10" variance from the 5' minimum side setback requirement and a 1'-6" variance from the 5' minimum rear setback requirement will observe the spirit of the ordinance and 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.*

If granted, the structure will maintain a 3'-2" setback from the side property line and a 3' 6" setback from the rear property line, respectively. This will not alter the essential character of the district as there are similar accessory structures in the area with similar setbacks.

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. The existing structure will be required to meet the minimum side and rear setback requirements.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback requirements listed in Section 35-370(b)(1).

Staff Recommendation –Side and Rear Setback Variance

Staff recommends **Approval** in **BOA-22-10300142** based on the following findings of fact:

1. A side setback of 3'-2" would provide enough spacing between other structures on the subject property; and
2. A rear setback of 3'6" would provide enough spacing between other structures on the subject property; and
3. Other structures were observed in the immediate area therefore the request does not appear to alter the essential character of the neighborhood.