

Case Number:	BOA-22-10300182
Applicant:	Cotton Barrett Estes
Owner:	Ancona Pryce Belding & Hannah Noelle
Council District:	2
Location:	115 Gorman Street
Legal Description:	Lot east 48.4 feet of 3 & 4, Block J, NCB 1666
Zoning:	“R-5 H AHOD” Residential Single Family Historic Dignowity Hill Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 10’ variance from the minimum 20’ rear setback requirement, as described in Section 35-310.01, to allow a structure to be 10’ from the rear property line.

Executive Summary

The subject property is located on Gorman Street and contains a single-family home. The applicants site plan has the proposed structure 10’ from the rear property line. The applicant has applied for the variance prior to commencing the construction of the structure. Behind the property there is a commercial lot in use. Upon site visit staff observed similar styled homes with similar setbacks in the area.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the property. The permit for the structure is pending the outcome of the Board of Adjustment Hearing.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “C” Apartment District. The property was rezoned by Ordinance 70785, dated December 14, 1989, to “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to “RM-4” Residential Mixed District. Ordinance 2012-12-06-0953 dated December 6, 2012 rezoned the property to “R-5” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Historic Dignowity Hill Single Family Airport Hazard Overlay District	Residential Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“IDZ-2 H AHOD” Infill Development Zone Historic Dignowity Hill Airport Hazard Overlay District with Uses Permitted in Uses permitted C-2, RM-6, Tattoo Parlor/Bar/Tavern	Strip Mall
South	“R-6 H AHOD” Residential Single Family Historic Dignowity Hill Airport Hazard Overlay District	Single-Family Residence
East	“R-5 H AHOD” Residential Single Family Historic Dignowity Hill Airport Hazard Overlay District	Residential Home
West	“R-5 H AHOD” Residential Single Family Historic Dignowity Hill Airport Hazard Overlay District “RM-5 AHOD” Residential Mixed Historic Dignowity Hill Airport Hazard Overlay District	Residential Homes

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Dignowity Hill Neighborhood Plan/ Eastside Reinvestment Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Dignowity Hill Neighborhood Association and were notified of the case.

Street Classification

Gorman Street 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 variance to the rear setback to allow a structure to be 10’ from the rear property line. The structure will meet the front and side setback requirement and does not appear to 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 applicant having to maintain 20’ from the rear property line. Staff finds an unnecessary hardship since the lot is too small to allow the development of a structure with this requirement.

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

The structure has not been constructed and the proposed setback is 10' from the rear property line. The spirit of the ordinance will be observed as there will still be reasonable space between the structure and neighboring properties.

- 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 does not find evidence that the requested variance would alter the essential character of the district. The neighborhood in which the subject property is located has several similar sized lots.

- 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.*

Because of the width of the lot and configuration of the existing residence, maintaining a 10' rear setback is appropriate for the area. The request is not merely financial.

Alternative to Applicant's Request

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

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-22-10300182** based on the following findings of fact:

1. The structure has not been constructed; and
2. The structure conforms to the front and side setback requirements; and
3. There is a limited amount of space available to comply with the rear setback and to develop a structure.