

Case Number:	BOA-22-10300249
Applicant:	Marina Rodriguez
Owner:	Marina Rodriguez
Council District:	3
Location:	1446 Vanderbilt Street
Legal Description:	Lots 23 and 24, Block 20, NCB 3814
Zoning:	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for a 2’-4” variance from the minimum 5’ side setback, as described in Sec 35-310.01, to allow a structure to be 2’-8” from the side property line.

### **Executive Summary**

The subject property is located Vanderbilt Street and Clark Avenue and currently has single-family dwelling on the property. Code Enforcement issued a zoning violation for the side setback of the structure. The addition is for stairs that were added on the side of the home. There is an alley located behind the rear yard of the property. The approval of the variance will allow code compliance to close out the zoning case associated with this property. The variance will also allow for any pending buildings permit to be issued.

### **Code Enforcement History**

PMT-Building Without a Permit Created On 03/23/2022

### **Permit History**

Residential Building Permit Application Created On 05/10/2022

### **Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and zoned “B” Residence District. Ordinance 92185 dated July 27, 2000 rezoned the property to “R-1” Single-Family Residence. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to the current “R-6” Residential Single-Family District.

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

Existing Zoning	Existing Use
“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military	Single-Family Residence

	Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	
South	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Highlands Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Highland Park Neighborhood Association and Southeast Side Neighborhood Association, and they were notified of the case.

### **Street Classification**

Vanderbilt Street is classified as a local road.

Clark Avenue is classified as collector road.

### **Criteria for Review – Side 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 structure appears to provide adequate space along the side property line and is not contrary to the public interest.**

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

**Staff finds an unnecessary hardship due to the limited size of the rear yard.**

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

**The requested variance is to allow a structure to be closer to the side property line. Due to the configuration of the property and the structure being existing, this will observe the spirit of the ordinance.**

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 stair structure was build in order to have access to the second story of the home.**

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.*

**The variance is sought is due to unique circumstances existing on the property such as the size and location of the lot. The variance request is not merely financial.**

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

The alternative to the applicant's request is to conform to the side setback regulations for Accessory Structures of UDC Sec 35-310.01.

#### **Staff Recommendation – Side Setback Variance**

Staff recommends **Approval** in **BOA-22-10300249** based on the following findings of fact:

1. The request does not appear out of character for the area; and
2. The stairs are needed to access the second story of the home.