

Case Number:	BOA-22-10300180
Applicant:	Elizabeth Escajeda
Owner:	Elizabeth Escajeda
Council District:	5
Location:	218 South San Gabriel Avenue
Legal Description:	Lot 10, Block 14, NCB 8219
Zoning:	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Principal Planner

Request

1) A request for a 3’ 2” variance to the required 5’ rear setback, as described in Section 35-370(b)(1), for an accessory structure to allow an accessory structure to have a 1’ 10” side setback. 2) A request for a 4’ variance to the required 5’ side setback, as described in Section 35-370(b)(1), for an accessory structure to allow an accessory structure to have a 1’ side setback. 3) A request for a variance to the 50% maximum lot coverage for all accessory structures in the rear and side yard, as described in Section 35-370(b)(3), to allow over 50% lot coverage for all accessory structures.

Executive Summary

The subject property is a single-family dwelling, located just south of the Enrique M Barrera Parkway and West Commerce Street split. The applicant is requesting reduced variances for the side and rear an accessory structure built with no permits. The structure has vehicle size openings on the side, facing the adjacent vacant property, which does not belong to the property owner.

Code Enforcement History

INV-PBP-22-3100002690 – July 5, 2022 – Building Accessory Structure without a Permit.

Permit History

None (additionally, none for accessory structure in question as of yet)

Zoning History

The property was annexed into the City of San Antonio by Ordinance 1258, dated August 2, 1944. The property was rezoned by Ordinance 73389, dated March 28, 1991, to the “R-7” Small Lot Home District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-7” Small Lot Home District converted to current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
South	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is located within the boundary of the Las Palmas Neighborhood Association, and they have been notified of the request.

Street Classification

South San Gabriel Avenue is classified as a local street.

Criteria for Review – Side and Rear Setback and Rear Lot Coverage 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 combination of the reduced setbacks and rear lot coverage would result in a close to 100% coverage of the lot behind the front façade of the dwelling.

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 abiding with the setback and lot coverage standards. The lot could contain a structure half the size with setbacks of 3’ if no projecting architectural features exist.

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 proposed variances would not follow the spirit of the ordinance. The size of the accessory structure is larger than most, and if a dwelling is ever established on the neighboring lot, no spacious access can be established.

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 evidence that the requested variance would alter the essential character of the district. While other accessory structures exist in the area, none are close to the size of the subject 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 not due to unique circumstances existing on the property. While there is limited space in the rear yard, there is still available room to stay within the appropriate lot coverage and setbacks.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Zoning District Design Regulations of the UDC Section 35-370(b)(1) and 35-370(b)(3).

Staff Recommendation – Side and Rear Setback and Rear Lot Coverage Variance

Staff recommends Denial in BOA-22-10300180 based on the following findings of fact:

1. The accessory structure will alter the essential character of the district; and
2. The accessory structure will leave almost no open space on the lot behind the front façade.