

Case Number:	BOA-23-10300097
Applicant:	Robert Benke
Owner:	Pour House Holdings LLC
Council District:	7
Location:	1823 West Craig Place
Legal Description:	Lot 5 and Lot 6, Block 1, NCB 1975
Zoning:	“R-4 CD NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for four (4) Dwelling Units
Case Manager:	Joseph Leos, Planner

### **Request**

A request for 1) a 13'-8" variance from the maximum NCD-8 front-facing façade width of 50', as described in Section 35-335(c)(H), to allow a front-facing façade width of 63'-8", and 2) a 3'-6" variance from the minimum 5' rear setback requirement, as described in Section 35-370(b)(1), to allow detached carports to be 1'-6" from the rear property line.

### **Executive Summary**

The subject property is located along West Craig Place near the Woodlawn Lake area. Currently, the lot measures 100' in width and a vacant single-family dwelling is presently there. Additionally, the applicant recently went through a zoning change (ZONING-Z-2022-10700248) to allow for 4 dwelling units. The applicant is anticipating expanding the present structure's front façade to 63'-8" to allow for the additional units. The subject property is located within the Woodlawn Lake Area Neighborhood Conservation District, which caps front facades at 50'.

### **Code Enforcement History**

Vehicle Investigation (INV-FYP-2022-2770021031)- October 2022

### **Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment Demolition Permit (DEM-DPP-APP23-391000129- January 2023

### **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 “R-4” Residential Single-Family District. The property rezoned under Ordinance 2023-02-02-0073, dated February 2, 2023, from “R-4” Residential Single-Family District to the current “R-4 CD” Residential Single-Family with a Conditional Use for four (4) dwelling units.

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

Existing Zoning	Existing Use
“R-4 CD NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for 4 Dwelling Units	Single-Family Residence

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
South	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
East	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
West	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

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

The subject property is in the Near Northwest Community Plan and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Woodlawn Lake Neighborhood Association, and they have been notified of the request.

## **Street Classification**

West Craig Place is classified as a local road.

## **Criteria for Review – Front Façade 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. In this case, the public interest is represented by consistent development patterns and design standards to promote the architectural integrity of an already established neighborhood. The applicant is requesting a 13'-8" variance from the maximum NCD-8 front-facing façade width of 50' to allow a front-facing façade width of 63'-8", and a 3'-6" variance from the minimum 5' rear setback requirement to allow carports to be 1'-6" from the rear property line. Staffs finds the requests are contrary, as conservation district guidelines serve as a planning tool to guide future development to protect neighborhood character, which this request is contrary to. Additionally, Staff found the carports in their anticipated location are too close the shared property line, which may impose on the public interest of the neighbor sharing the rear property line.

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

Staff found no special conditions on the subject property to warrant the need for the applicant to exceed the maximum NCD-8 front facing façade width of 50' and minimum setback requirement of 5'. A literal enforcement of the ordinance would not result in an unnecessary

hardship, as construction has not commenced, and plans may be altered to abide by the NCD-8 design standards and UDC building regulations.

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. In this case, the intent of the code is to abide by the NCD-8 design standards and UDC regulations. Design standards have been adopted in order to promote the existing development patterns and architectural diversity of the neighborhood and building regulations for safe and uniform developments. The granting of the variance will not observe 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.*

If granted, the structure will have a front façade width of 63'-8" and a rear setback of 1'-6". If granted, staff finds the variance will substantially injure the appropriate use to adjacent conforming properties. Upon site visits, staff observed the neighboring structures with front façade widths less than 50'. Per Google satellite imagery, other accessory structures were seen in the rear yards of the neighboring properties, however, some of which were constructed prior to 2001 with reduced setbacks. Additionally, the carport is anticipated to have 8 parking spaces, expanding from side property line to side property line and leaves limited space for maintenance in the rear. Staff cannot support this, as it may injure the appropriate use of conforming neighboring properties.

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. The circumstances do not appear to be merely financial.

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

The alternative to the applicant's request is to conform to the Woodlawn Lakes Neighborhood Conservation District in Section 35-335(c)(H) and the detached carport setback in Section 35-370(b)(1) of the UDC.

### **Staff Recommendation – Front Façade Width and Rear Setback Variance**

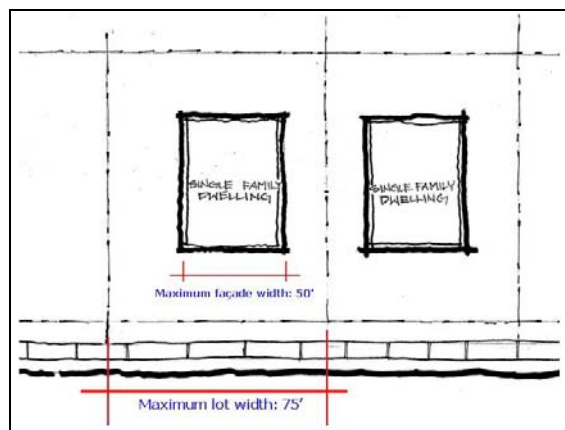
Staff recommends Denial of BOA-23-10300097 based on the following findings of fact:

1. No other structures in the immediate area seemed to exceed the maximum front façade width, which does not promote the existing development patterns and architectural integrity of the neighborhood; and

2. The anticipated rear setback distance allows for maintenance to be limited and is too close the abutting property line.

### 3.5.5 Façade Dimension

- 3.5.5.1 The front-facing façade width of the primary dwelling shall not exceed fifty feet (50').



### 3.5.6 Lighting

- 3.5.6.1 New outdoor fixtures having a total output of more than 1800 lumens shall be full cut-off fixtures and shall be shielded as to provide for directional lighting, minimizing light trespass on adjacent properties.
- 3.5.6.2 Light Trespass— All new lighting shall be aimed, located, designed, shielded, fitted and maintained so as not to project light onto a neighboring use or property.



Examples of appropriate wall-mounted light fixtures (wall packs) meeting the referenced standard.



Diagram of area lighting with cut-off angles.

**Light Trespass:** Light "spill" falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.