

Case Number:	BOA-23-10300112
Applicant:	Jacob Dady
Owner:	Jacob Dady
Council District:	1
Location:	434 Adams Street
Legal Description:	Lot 18 and the south 15 feet of Lot 16, Block 4, NCB 2879
Zoning:	“RM-4 H HS AHOD” Residential Mixed Historic King William Historic Significant Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 17' variance from the minimum 20' garage setback requirement, as described in Section 35-516(g), to allow a garage to be 3' from the side property line.

Executive Summary

The subject property is located along Adams Street, near the intersection of Barbe Street. The applicant will be constructing a garage that will be less than 20' minimum requirement from the side property line. According to the site plan, the garage is anticipated to be 3' from the side property line. Upon site visits, staff observed garages in the immediate area. Garages constructed in San Antonio are required to maintain a minimum distance of 5' to the side, and 20' between the back of a sidewalk or property line and any garage entry accessed from a street right-of-way.

This property is located within the King William Historic District. Any exterior modifications or new construction will require approval from the Office of Historic Preservation. Approval of a site plan or materials submitted as part of a variance application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. On July 20, 2023, the Historic & Design Review Commission approved a conceptual review of the proposal to construct a two-story accessory structure three feet (3 ft) from the side property line.

Code Enforcement History

There is no Code Enforcement History for the subject property.

Permit History

Covered Patio/Porch Permit (RES-COV-PMT23-32301506) March 2023

Residential Improvements Permit Application (RES-IMP-APP22-32001506) August 2022

Re-Roof Permit (REP-ROF-PMT22-35200457) February 2022

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “D” Apartment District. The property rezoned under Ordinance 74924, dated December 9, 1991, from “D” Apartment District to “R-2” Two-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-2” Two-Family Residence District converted to the current “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“RM-4 H AHOD” Residential Mixed Historic King William Airport Hazard Overlay District	Single-Family Residence
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H AHOD” Residential Mixed Historic King William Airport Hazard Overlay District	Single-Family Residence
South	“RM-4 H AHOD” Residential Mixed Historic King William Airport Hazard Overlay District	Single-Family Residence
East	“RM-4 H AHOD” Residential Mixed Historic King William Airport Hazard Overlay District	Single-Family Residence
West	“RM-4 H AHOD” Residential Mixed Historic King William Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the King William Neighborhood Association, and they have been notified of the request.

Street Classification

Adams Street is classified as a local road.

Criteria for Review –Garage 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by restricted setbacks to provide spacing between property line and structures. The applicant is requesting a variance to the side setback to allow a garage to be 3’ from the side property line. Staff finds this distance is not suitable, as it imposes on the public interest of the adjacent neighbor by being too close to the shared property line, water runoff may impose, and risk of fire spread is greater.

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

There are no special conditions on the subject property that warrant the need for the garage to have a 3’ side setback. An unnecessary hardship is not present in this situation.

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 intention is for sufficient spacing between structure and property line.

The garage will be 3' from the side property line, which does not observe the spirit of the ordinance as it will be too close to the shared property line and neighboring structure.

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 garage will be 3' from the side property line, which is likely to alter the essential character of the district. No variances have been granted for the other garages in the immediate area. For these reasons, the granting of the variance will alter the essential character of the district, as setback restrictions are enforced for uniformity within a community and consistent development.

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 found no unique circumstances on the subject property to warrant the need for a reduced side setback.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Garage Setback regulations of the UDC Section 35-516(g).

Staff Recommendation – Garage Side Setback Variance

Staff recommends Denial in BOA-23-10300112 based on the following findings of fact:

1. There are no unique circumstances on the property that would warrant the need for the reduced side setback; and
2. A 3' side setback will amplify the risk of fire spread and storm water runoff can impose on the neighboring property.