



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 4, 2024

**In Control:** Board of Adjustment Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300014

**APPLICANT:** Elizabeth Haynes

**OWNER:** Nick Ohman

**COUNCIL DISTRICT IMPACTED:** District 10

**LOCATION:** 207 Wyanoke Drive

**LEGAL DESCRIPTION:** Lot 16, Block 8, NCB 9137

**ZONING:** "R-4 HL MLOD-3 MLR-2" Residential Single-Family Historic Landmark Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District.

**CASE MANAGER:** Melanie Clark, Planner

### **A request for**

A request for a 3'-9" variance from the minimum 5' rear accessory setback to allow a detached garage to be 1'-2" from rear property line. (Section 35-370(b)(1))

### **Executive Summary**

The subject property is located on Wyanoke Drive with the rear property abutting Burr Road. The existing side entrance carport, built in 1982, is located to the rear of the property with egress/ingress off Burr Road. The carport will be replaced by a detached garage with entrances facing the side, not the public roadway which would require a 20' setback. The property has a garage attached to the home, accessed from the front, however, limited width of the driveway does not provide enough turning clearance to allow use of the garage.

The applicant is requesting a 3'-9" variance from the minimum 5' rear accessory setback requirement to replace an existing carport located at the rear of the property, to allow construction of a new detached tandem garage 1'-2" from the rear property line. As the property is identified as an Historic Landmark, a Certification of Appropriateness for the removal of the existing carport as well as the site plan for the new addition was approved on January 17, 2024.

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment.

### **Zoning History**

The property was annexed by the City of San Antonio by Ordinance 3958, dated September 4, 1946, 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 the current “R-4” Residential Single-Family District.

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

#### **Existing Zoning**

“R-4 HL MLOD-3 MLR-2” Residential Single-Family Historic Landmark Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District.

#### **Existing Use**

Single- Family Residence

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

#### **North**

##### **Existing Zoning District(s)**

Outside City Limits-City of Terrell Hills

##### **Existing Use**

Single-Family Residences

#### **South**

##### **Existing Zoning District(s)**

“R-4 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District.

##### **Existing Use**

Single-Family Residences

#### **East**

##### **Existing Zoning District(s)**

“R-4 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District.

##### **Existing Use**

Single-Family Residences

#### **West**

##### **Existing Zoning District(s)**

“R-4 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District.

##### **Existing Use**

Single-Family Residences

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

The subject property is not within any Community, Sector or Regional Center Plan. The subject property is not located within a Neighborhood Association.

### **Street Classification**

Wyanoke Drive and Burr Road are classified as local roads.

### **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.*

**Due to the size and unique design of the property, a 3'-9" variance to allow a detach garage to be 1'-2" from the rear setback will not affect the general health, safety, and welfare of the neighbor or surrounding properties.**

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

**A literal enforcement of the ordinance would prevent the applicant from development of a functional garage on the property.**

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 granting of this variance will observe the spirit of the ordinance, as a Certificate of Appropriateness from The Office of Historic Preservation has been approved and the new accessory building will be abiding clear vision and all other setback requirements.**

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.*

**The rear setback variance will allow a tandem detach garage to be constructed within the boundaries and limitations of a historical property. This will not injure the appropriate use of adjacent properties and will not alter the essential character of the district.**

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 due to unique circumstances existing on the property, such as limited space, slope, and constraints as an historical landmark. This circumstance does not appear to be merely financial.**

#### **Staff Recommendation – Rear Setback Variance**

Staff recommends **Approval** in **BOA-24-10300014** based on the following findings of fact:

1. **The rear setback variance will not injure neighboring properties; and**

2. The proposed garage will be abiding clear vision as well as all other setback requirements.