

Case Number:	BOA-22-10300049
Applicant:	Matthew Hlavinka
Owner:	Michael A & Regina Villalobos-Perez
Council District:	7
Location:	1303 Waverly Avenue
Legal Description:	Lot 4, Block 20, NCB 2038
Zoning:	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 5’ 6” variance from the Woodlawn Lake Neighborhood Conservation District design regulations of the maximum 50’ front-façade width to allow a front façade to be 55’ 6” wide.

Executive Summary

The subject property is located on the corner of Waverly Avenue and Glenmore Avenue and is located within the boundaries of the Woodlawn Lake Neighborhood Conservation District (NCD-8). The applicant submitted residential building plans to construct a new covered porch attached to the front of the principal dwelling. The covered porch is proposed to be 390 sq. ft. and will extend past the existing façade 8’ 6”. The NCD review was denied based on the extension of the covered porch as it will widen the façade of the dwelling beyond the allowable 50’ that is permitted in NCD-8. The existing dwelling is 47’ wide, and the covered porch will add 8’ 6” in width, which will ultimately end with a front façade of 55’ 6”. The design of the covered porch meets all other requirements set forth by NCD-8.

Code Enforcement History

There is no relevant code enforcement history for the subject property.

Permit History

Residential Improvement Permits and a Fence Permit were issued in March 2022.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single Family Residence

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Near Northwest Community Plan and is designated Urban Low Density Residential in the future land use component of the plan. The subject property is located within the Woodlake Neighborhood Association, and they were notified of the case.

Street Classification

Waverly Avenue is classified as a local road.

Glenmore Avenue is classified as a local road.

Criteria for Review – NCD-8 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 proposed covered porch is attached to the front façade and will exceed the 50’ maximum width by 5’ 6”. With 63% of the homes in the Woodlawn Lake NCD area containing a front porch, the variance does not appear to be contrary to the public interest as they are adding a front porch element.

- 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 needing to decrease the width of the front porch. A literal enforcement would result in unnecessary hardship as this lot is much wider than others in the area.

- 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 spirit of the NCD design standards are observed as the front porch feature will lend to the quality and character of the principal structure and streetscape.

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.*

The variance will not authorize the operation of a use other than those specifically authorized in the “R-4” zoning district.

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 proposed variance does not appear to substantially injure adjacent conforming properties nor will it alter the essential character of the district as it will meet all other requirements set forth in the Woodlawn Lake NCD.

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 lot has the largest width on the block at 100’ which is a unique circumstance existing on the property and the plight of the owner is not merely financial.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the Woodlawn Lake Neighborhood Conservation District (NCD-8) design standards.

Staff Recommendation – Woodlawn Lake NCD Variance

Staff recommends **Approval** in **BOA-22-10300049** based on the following findings of fact:

1. The 100’ width of the lot exceeds the typical lot width for the area; and
2. The proposed front porch will exceed the façade width by 5’ 6”;
3. The proposed front porch will not alter the essential character of the district as NCD-8 states front porches lend to the quality and character of the principal structure and streetscape.