

Case Number:	BOA-22-10300068
Applicant:	Freda Martin
Owner:	Freda Martin
Council District:	2
Location:	203 Brettonwood Drive
Legal Description:	Lot 36, Block 5, NCB 11004
Zoning:	“R-5 MLOD-3 MLR-2 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 10' variance from the minimum 20' garage setback requirement, as described in Section 35-516, to allow a garage to be 10' from side property line and 2) a 7' variance from the 20' rear setback requirement, as described in Section 35-310, to allow an attached garage to be 6' from the rear property line (with 7' credit from the alley).

Executive Summary

The subject property is located on the corner of Brettonwood Drive and Andover Place. The applicant is proposing to construct an attached garage to an existing single-family dwelling. Upon the site visit conducted by staff, it was observed that an alleyway abutted the property to the north. The alley wide measured to be 14' wide, so 7' (half of the alley) will be credited to the rear setback requirement. Staff also noted that a curb cut will have to be permitted and completed for driveway access.

Code Enforcement History

There is no Code Enforcement History for the subject property.

Permit History

Plumbing Gas Permit Created On 12/20/2021

Electrical TOPS Permit Created On 04/05/2022

Electrical General Permit Created On 01/19/2022

MEP Trade Permits Application Created On 01/19/2022

Residential Building Permits are pending the outcome of the BOA Meeting.

Zoning History

The subject property was annexed into the City Limits of San Antonio by Ordinance 18115 dated September 24, 1952 and was zoned “A” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current “R-5” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 MLOD 3 MLR 2 AHOD” Residential Single Family Martindale Army Airfield 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
North	“R-5 MLOD 3 MLR 2 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 MLOD 3 MLR 2 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 MLOD 3 MLR 2 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“MF-33 MLOD 3 MLR 2 AHOD” Multi Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Duplex

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Land Use Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Wilshire Neighborhood Association, and they were notified of the case.

Street Classification

Brettonwood is classified as a local road.

Criteria for Review - Variances

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 applicant is proposing their garage to be setback 10' from side property line and 20' from the rear property line (with 7' credit from the alley). The proposed garage will not be out of character of the neighborhood and the variance requests do not appear contrary to the public interest due to the limited space existing on the property.

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 having to possibly postpone development or adapt the plans to meet the 20' rear/side setback requirement, which would result in unnecessary hardship.

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 variance for the garage addition will not adversely affect surrounding properties in the immediate area.

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 the request is not likely to negatively affect adjacent neighboring properties. These distances are not likely to alter the essential character of the district as there is a garage with a similar approach near the 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 due to unique circumstances existing on the property such as orientation of the proposed garage and the limited space in the rear yard of the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Garage Setback per UDC Section 35-514 and the Side Setback per UDC Section 35-310.

Staff Recommendation – Garage and Rear Setback Variance

Staff recommends **Approval** in **BOA-22-10300068** based on the following findings of fact:

1. The limited space in the rear yard and unusual configuration of the lot presents a hardship in the construction of the garage; and
2. The alley located to the rear of the property serves as additional space to the rear setback; and
3. The proposed structure will not negatively affect neighboring properties.