

Case Number:	BOA-22-10300071
Applicant:	Janelle Chase
Owner:	Ian Chase
Council District:	7
Location:	2127 W Woodlawn
Legal Description:	NCB 6831 BLK 0 LOT 31-33
Zoning:	“R-6 H AHOD” Residential Single-Family Monticello Park Historic Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 2’ variance from the minimum 5' side setback requirement, as described in Section 35-371, to allow an accessory structure to be 3' from the side property line, 2) a 165 square foot variance from the maximum 800 square foot and one bedroom requirement, as described in 35-371, to allow an accessory detached dwelling unit to be 965 square feet with 2 bedrooms.

Executive Summary

The subject property is located along 2127 West Woodlawn Avenue and is currently a single-family residence. The applicant is requesting a variance for the minimum side setback requirement and a variance to allow the Accessory Detached Dwelling Unit (ADDU) to exceed the maximum 800 square foot and one-bedroom requirements. The applicant is proposing to construct the ADDU in the rear yard and it will have a parking area and a garage on the first floor. The proposed square footage of the structure and living area is consistent with the HDRC action on February 2, 2022. The subject property is located within the 100-year flood plain and mitigation will be required as determined by the Stormwater Division during the Plan Review stage of the development.

Code Enforcement History

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

Permit History

There is currently a Minor Foundation Repair Permit on file. Residential Building Permits are pending outcome of the Board of Adjustment hearing.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and was zoned “A”. The property was rezoned to “R-1” Single-Family Residence District by Ordinance 64079, dated November 20, 1986. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 H AHOD” Residential Single-Family Monticello Park Historic Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 H AHOD” Residential Single-Family Monticello Park Historic Airport Hazard Overlay District	Single-Family Residence
South	“R-6 NCD-8 AHOD” Residential Single-Family Jefferson/Woodlawn Lake Area Airport Hazard Overlay District	Parks Open Space
East	“R-6 H AHOD” Residential Single-Family Monticello Park Historic Airport Hazard Overlay District	Single-Family Residence
West	“R-6 H AHOD” Residential Single-Family Monticello Park Historic 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 “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Jefferson/Woodlawn Lake Neighborhood Association, and they were notified of the case.

Street Classification

West Woodlawn Avenue is classified as a Minor Secondary Arterial B Road.

Criteria for Review – Minimum Side Setback and ADDU Variance

According to Section 35-516 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 requesting a 2’ variance from the minimum 5’ side setback requirement to allow a structure to be 3’ from the side property line, which does not appear to be contrary to the public interest. The portion of the structure encroaching into the side setback is just a covered parking area. The requested variances to allow an accessory detached dwelling unit to be 965 square feet with 2 bedrooms do not appear to be contrary to the public interest as the design was already given approval from HDRC and the structure will need to meet building code requirements.

- 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 structure having to be moved to meet the 5’ minimum side setback requirement. Staff finds an unnecessary hardship due to the size of the lot and the location in the floodplain.

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 requested variances will observe the spirit of the ordinance as there will be adequate space between the structure and the side property line and the construction will need to follow building code and inspections will need to be completed.

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 does not find evidence that the requested variance would alter the essential character of the district. Many properties located along West Woodlawn Avenue appear to have garages and ADDUs close to or within the setback requirements due to the size of the lots, therefore the request would not alter the essential character of the neighborhood.

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 the size and location of the lot. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the side setback regulations of UDC Section 35-310 and to conform to the Accessory Detached Dwelling Unit Regulations of the UDC Section 35-371.

Staff Recommendation – Side Setback and ADDU Variances

Staff recommends **Approval** in **BOA-22-10300071** based on the following findings of fact:

1. The request does not appear out of character for the area as other properties appear to have similar accessory structures; and
2. The proposed design and scale of the project was heard by HDRC and was given approval of the size of the structure; and
3. Any mitigation requirements will be required by the Stormwater Division due to the property being located within the 100 year flood plain.