

Case Number:	BOA-22-10300120
Applicant:	Jennifer Melde
Owner:	Dellinger Tina Farris
Council District:	1
Location:	315 Leigh Street
Legal Description:	The south 100.7 feet of Lot 4, Block 3, NCB 721
Zoning:	"RM-4 H AHOD" Residential Mixed Historic Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 14' 11" variance from the 20' minimum rear setback requirement, as described in Section 35-310.01, to allow an addition to be 5' 1" from the rear property line, 2) a 1' 5" variance from the 5' minimum side setback requirement, as described in Section 35-310.01, to allow an addition to be 3' 7" from the side property line, and 3) a 2' variance from the 5' minimum side setback, as described in Section 35-310.01, to allow an attached carport with gutters to be 3' from the side property line.

Executive Summary

The subject property is located along Leigh Street and a single-family dwelling is located on the lot. Currently, a historic home and a non-historic detached garage are located on the property. The proposed addition would be in the same area of the lot as the garage, which will be demolished. The Office of Historic Preservation has reviewed the proposed construction and has Approved a Certificate of Appropriateness with the proposed setbacks.

Code Enforcement History

There is no Code Enforcement History on file

Permit History

Building permits are pending the outcome of the BOA Meeting.

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 was rezoned by Ordinance 74924, dated December 9, 1991, 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 "RM-4" Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 H AHOD" Residential Mixed Historic Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4 H AHOD" Residential Mixed Historic Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 H AHOD" Residential Single-Family Historic Airport Hazard Overlay District	Single-Family Dwelling
East	"RM-4 H AHOD" Residential Mixed Historic Airport Hazard Overlay District	Single-Family Dwelling
West	"RM-4 H AHOD" Residential Mixed Historic Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center Plan (2019) and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Lavaca Neighborhood Association, and they were notified of the case.

Street Classification

Leigh Street 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 variance requests are to allow a structure to expand and encroach in the side, rear and front setbacks. There are other similar structures in the area with similar setback therefore the variances request are not contrary to the public interest.

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

It would result in the structure having to meet the minimum setback requirements from the side and rear property line. The unnecessary hardship is due to the limited size on the lot.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The requested variances is to allow a structure to be closer to the side and rear property line and a carport to be closer to the side property line. Due to the configuration of the property this will observe the spirit of the ordinance.

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.*

There were additional properties located along Leigh Street with structures within the setbacks due to the size of the lots. The requested side and rear variances are likely not to 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.*

It appears 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 Setback Requirements per UDC Section 35-310.01.

Staff Recommendation – Rear and Side Setback Variances

Staff recommends **Approval** in **BOA-22-10300120** based on the following findings of fact:

1. The proposed addition is in the rear yard of the property and not easily seen from the right of way; and
2. The proposed addition was heard by the Historic Design Review Commission and was approved; and
3. There does not appear to be issues for water runoff for the carport; and
4. The structure will not negatively affect neighboring properties.