

Case Number:	BOA-22-10300245
Applicant:	Lindsay Harris
Owner:	Twiss Lynne & Ellsworth Perro
Council District:	10
Location:	301 Haskin Drive
Legal Description:	Lot TR-C, NCB 9040
Zoning:	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

Request

A request for a 11’-10” variance from the 20’ required reverse corner side setback, as described in Section 35-516(i) and Section 35-370(b)(2), to allow a structure to be 8’-2” from the side property line.

Executive Summary

The subject property is located along Haskin Drive near Eisenhower Road and is currently a single-family dwelling. The applicant is anticipating constructing a structure that encroaches on the side setback. Properties that are located on reverse corner lots within the “NP-8” zoning designation are required to abide by the 20’ minimum side setback requirement per Section 35-353.

Code Enforcement History

Property Maintenance Investigation- September 2021

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustments.
Residential Fence Permit- April 2021

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and originally zoned “A” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Single-Family Residence District converted to “R-5” Residential Single-Family District. The property rezoned under Ordinance 2006-06-15-0728, dated June 15, 2006, from “R-5” Residential Single-Family District to the current “NP-8” Neighborhood Preservation District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residence

South	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residence
East	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residence
West	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northeast Inner Loop Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Oak Park- Northwood Neighborhood Association and they have been notified of the request.

Street Classification

Haskin Drive is classified as a local road.

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.*

The public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a variance to the side setback to allow a structure to be 8’-2” from the side property line. The structure meets the minimum front setback requirement and there is still adequate spacing between the structure and side property line, which does not appear to be contrary to the public interest.

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 moving the structure 20’ from the side property line. This would result in an unnecessary hardship, as conforming to the “NP-8” side setback requirements on a reverse corner lot will prevent the applicant from constructing a sizeable structure.

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 structure is situated to be 8’-2” from the side property line, which does observe the spirit of the ordinance by providing a decent amount of space between properties.

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 that the requested variance will not alter the essential character of the district. Upon site visits, staff observed that there were two homes and a water tower located on the single block that the structure would abut.

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 subject property being situated on a reverse corner lot. The circumstances do not appear to be merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback requirements of the UDC Section 35-516(i) and Section 35-370(b)(2).

Staff Recommendation – Side Setback Variance

Staff recommends **Approval** in **BOA-22-10300245** based on the following findings of fact:

1. The structure has yet to be constructed; and
2. When constructed, it will be 8'-2" from the side property line; and
3. The street of the reverse corner lot contains two dwellings and a water tower.