

Case Number:	BOA-23-10300015
Applicant:	Omar Trevino
Owner:	Omar Trevino
Council District:	1
Location:	1010 West Wildwood Drive
Legal Description:	Lot 8, Block 125, NCB 7199
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

Request

A request for a 1' variance from the 5' minimum rear setback requirement, as described in Sec. 35-370(b)(1), to allow a structure to be on the property line (with 4' credit from the alley).

Executive Summary

The subject property is located along West Wildwood Drive on the north central side of San Antonio. The applicant is rebuilding his shed as an accessory dwelling unit. The applicant requested an adjustment for the rear setback in which an 8' alley will give them a 4' rear setback credit.

Code Enforcement History

The property has no Code Enforcement history.

Permit History

No permits were obtained.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 1845, dated May 6, 1940 and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is under the Greater Dellview Area Community Plan and the future land use is Low Density Residential. The subject property is in the Central Neighborhood Association.

Street Classification

West Wildwood is classified as a local street.

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.*

There is adequate space between the structure and neighboring houses and so it is not 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 unnecessary hardship as there is already an existing 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 reduced rear setback requirement is in the spirit of the ordinance as there is an alley that provides adequate space between the structure and adjacent 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.*

The reduced rear setback requirement will not substantially injure the appropriate use of adjacent properties as there is an alley in the rear.

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 variances are sought is due to unique circumstances existing on the property, such as the location of the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Regulations under Section 35-370(b)(1) of the UDC.

Staff Recommendation – Buffer Variance

Staff recommends **Approval** in **BOA-23-10300015** based on the following findings of fact:

1. There is adequate space between the structure and neighboring properties: and
2. It will not alter the essential character of the neighborhood.