

1/20/2023

Attention:
Variance Request Review
Development Services Department
1901 S. Alamo
San Antonio, Texas 78204

From:
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Re: 4119 W Houston - Residence
AP#-21-35010726
UDC Code Section Appendix F, Subdivision C, Section 35-F132 (b) (7) (A)
Environmental Variance

Dear Development Services,

I am requesting a consideration for a Floodplain Variance at the residential home located at 4119 W. Houston as it currently sits in the FEMA 100 Yr. Floodplain. This variance is for the floodplain home improvement value limitations outlined in the 50% rule per the Improvement Homesite Value (BCAD), within a 10-year period. Mrs. Garza states she is wanting to expand her home by adding an addition for ADA purposes; however, she is unable to continue due to the rule in place.

The current code issue specifically under the UDC is:
Appendix F, Subdivision C. Sec. 35-F132 Sub-section (b)(7)(A) - Application:

- (7) Certification of the fair market value of an existing structure prepared by a certified real estate appraiser (or Bexar County Appraisal District's assessment) and a cost estimate of proposed improvements to the structure prepared by a registered contractor, architect, or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed fifty (50) percent of the fair market value of the existing structure. In the case of a structure that has suffered damage, the date will verify the fair market value of the structure before the damage occurred.
 - A. Once a property has been issued a floodplain development permit (FPDP) using the fifty (50) percent rule stated above, any additional improvements thereafter will be tracked over a total of ten (10) years. These improvements within the ten-year period cannot exceed fifty (50) percent of the fair market value of the existing structure at the time of issuance of said first floodplain development permit.

Introduction and project background:

In early 2022, Ms. Garza's home had foundation repair & other general repairs completed under the Neighborhood and Housing Services Department (NHSD) program but was only allowed up to 50% at capped value \$24,729.98. At that time, Ms. Garza was held to the 50% value and locked in for a 10-year period. When NHSD completed the project, Ms. Garza hired a different contractor, Mr. Esteban Garcia, to construct the addition at the back of home. After Mr. Garcia pulled permit for the addition on April 19, 2022 (Permit # Res-Imp-App22-32000676), it flagged Development Services Department and project came to a halt. For the homeowner to proceed with the addition, the structure would need to be brought into compliance with the City's current floodplain requirements. After several meetings with Public Works Department's Floodplain Management Division it was determined the best route moving forward was to raise the existing structure's foundation to be one (1) foot above the 1% annual chance base flood elevation. NHSD was tasked to aid the property owner, Ms. Garza, to fulfill this request.

Proposed Work

The selected contractor for this project is Mr. Aaron Acosta, with American Best Home Improvement Inc., who has worked simultaneously with Mr. Salah Diab from Seda Consulting Engineers, Inc. on the proposed foundation work for this project. The scope of work includes lifting the foundation 32 inches above the base flood elevation of 669.60 feet in order to achieve a minimum finished floor elevation of 670.60 feet, for consideration on the substantial improvements. The final elevation certificate shows the finished structure to be at 670.81 feet, or 1.21 feet. above 1% annual chance floodplain elevation.

Summary of hardship:

- *If the applicant complies strictly with the provisions of these regulations, she can make no reasonable use of her property.*

The subject property is zoned as residential R-6. The home currently is 912 square feet, and the Homeowner intends to add an addition to the rear of the home due to health concerns. Her intent is to make her home ADA compliant to ultimately have enough space to move around her home as she continues to age. It has no other use than for a residential home. Currently the subject property, and adjacent properties are inundated in the floodplain.

- *The hardship relates to the applicant's land, rather than personal circumstances.*

The subject property is encumbered by the mapped FEMA floodplain and will not affect the floodplain or downstream and adjacent properties. The hardship is not of a personal circumstance, but rather one that applies to the subject property.

- *The hardship is unique, or nearly so, rather than one shared by many surrounding properties.*

The mapped 1% annual chance floodplain impacts the subject property and adjacent residential properties. The hardship is unique to the subject property and these adjacent properties and does not extend to any additional properties beyond those within the floodplain inundation area.

- *The hardship is not the result of the applicant's own actions.*

The City of San Antonio is a participating community in FEMA's National Flood Insurance Program (NFIP) and is required to maintain floodplain mapping information that meets FEMA's requirements, at a minimum. This hardship is due to the subject property conveying flows for the mapped FEMA floodplain area to mitigate community flood risk and not due to the applicant's own actions.

- *The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.*

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Conclusion

Based on our analysis, we are requesting to have this variance considered to allow the structure to be elevated, which will allow for any home improvement value limitations to exceed the 50% value of the structure. By accepting this, it will permit the Homeowner to continue the rehab on her home; therefore, she can age in place. The proposed Environmental Floodplain Variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Please contact me if you have any questions. Thank you for your help.



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