

Case Number:	BOA-23-10300070
Applicant:	Peter Stainken
Owner:	Peter Stainken
Council District:	10
Location:	431 Larkwood Drive
Legal Description:	Lot 10, Block 8, NCB 10408
Zoning:	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 13'-10" variance from the minimum 20' rear setback requirement, as described in Section 35-310.01 to allow a structure (with 5' alley credit) to be 1'-2" from the rear property line and 2) a 2'-2" variance from the minimum 5' side setback requirement, as described in Section 35-310.01 to allow a structure with a 1'-3" overhang to be 2'-10" from the side property line.

Executive Summary

The subject property is located at the intersection of Larkwood Drive and Kenilworth Boulevard and currently has an existing single-family residence. The applicant is constructing an addition that will connect the main structure and garage which will require variances for the side and rear setback requirements due to the proximity to the property lines.

Code Enforcement History

There are no relevant code enforcement cases on file.

Permit History

REP-RPR-PMT-PMT23-353011829 (Residential Repair Permit) March 17th, 2023.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and 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 was rezoned by Ordinance 2006-06-15-0728, dated June 15, 2006 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
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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 Neighborhood Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is within the Oak Park Northwood Neighborhood Association and were notified of the case.

Street Classification

Larkwood Drive is classified as a local road.

Criteria for Review – Front & Side 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 rear setback of 20’-0” and a side setback of 5’-0” cannot be met as the garage is existing and a new addition will be added, this is not contrary to the public interest.

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

Staff finds hardship on the lot as the garage is existing and would have to be relocated to meet the rear and side yard setback requirements.

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

The spirit of the ordinance will be observed as the existing garage cannot meet the 20’ minimum rear setback and 5’ minimum side setback requirement due to a new addition.

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 evidence that the requested variance for the rear and side yards would not alter the essential character of the district due to a new addition connecting the main structure and garage.

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.*

Because of the existing garage and an addition to the garage, maintaining a 20' rear setback and 5' side setback is not appropriate for the area. The request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setbacks per 35-310.01 of the UDC.

Staff Recommendation – Front & Side Setback Variance

Staff recommends Approval in BOA-23-10300070 based on the following findings of fact:

1. There is sufficient space in the rear of property due to an alley credit; and
2. The side yard setback requirement will not affect any other structures; and
3. The variance will not alter the essential character of the district.