

Case Number:	BOA-21-10300144
Applicant:	Adrian Buck
Owner:	Terry and Jennifer Arbeiter
Council District:	7
Location:	103 Cromwell Drive
Legal Description:	Lot 1, NCB 7364
Zoning:	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.
Case Manager:	Roland Arsate, Planner

Request

A request for a variance from the NCD-7 Jefferson Neighborhood Conservation District design standards to allow non-discreet solar panels on the front facing roof of a primary structure.

Executive Summary

The subject property is located on the corner of Cromwell Drive and Wilson Boulevard. There is an existing single-family residence on the property. The property is located within the Jefferson Neighborhood Conservation District. The applicant is proposing to install traditional, non-discreet solar panels on the existing roof, which is visible from the street side. According to the Jefferson Neighborhood Conservation District, non-reflective solar shingles and/or discreet materials shall match or blend with the character of the existing roof or structure.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

August 2021- New Electrical permit for solar Panels
February 2011 – Foundation Repair Permit

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1939 dated May 30, 1940 was zoned “B” Residence District. The property was rezoned by Ordinance 64079, dated November 20, 1986 and zoned “R-1” Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” to the current “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.	Single-Family Residence
South	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.	Single-Family Residence
East	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.	Single-Family Residence
West	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Jefferson Neighborhood Association and within 200’ of the Monticello Park Neighborhood Association and they were both notified of the case.

Street Classification

Cromwell Drive is classified as a local road.

Criteria for Review – NCD 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 design standards to allow solar panels on the front facing roof, which is 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 having to install non-reflective solar shingles and/or similarly discreet materials that shall match or blend with the character and profile of the existing roof. This design standard does not appear to result in an unnecessary hardship.

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 solar panel design standard agreed upon by the Jefferson Neighborhood Conservation District was for non-reflective solar shingles and/or similarly discreet materials which shall match and blend with the character and profile of the existing roof. A variance to this standard does not 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.*

If granted, the structure will have solar panels installed on the front and the rear side of the existing roof, which is likely 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.*

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. The roof of the house provides enough room to install solar shingles to power the existing house. The circumstances are being created by the owner and are not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the design standards of the Jefferson Neighborhood Conservation District and install non-reflective solar shingles and/or similarly discreet materials that match or blend with the existing roof or structure.

Staff Recommendation – Variance from the Jefferson NCD Standards

Staff recommends Denial in BOA-21-10300144 based on the following findings of fact:

1. The requested variance is not in accordance with the Jefferson Neighborhood Conservation District design standards.