

Case Number:	BOA-21-10300155
Applicant:	Carlos Saucedo
Owner:	Carlos Saucedo
Council District:	1
Location:	599 Lively Street
Legal Description:	Lot 24, Block 56, NCB 10693
Zoning:	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Kayla Leal, Principal Planner

### **Request**

A request for 1) a 110 square foot variance from the 40% maximum square footage allowance for an Accessory Detached Dwelling Unit (ADDU), as described in Section 35-571, to allow an ADDU to be 600 square feet and 2) a 13' 7" variance from the 20' minimum garage setback, as described in Section 35-516, to allow a garage to be 6' 5" from the property line.

### **Executive Summary**

The subject property is located on the corner of Lively Street and Dewhurst Road. There is an existing detached garage located on the subject property that has access off of Dewhurst Road. The applicant is proposing to convert the detached garage into an Accessory Detached Dwelling Unit (ADDU). Section 35-371 of the UDC states that an ADDU has a square footage limitation of 40% of the square footage of the primary dwelling. The primary dwelling unit measures 1,225 square feet, which would limit the ADDU to 490 square feet. The existing structure currently measures at 600 square feet, which exceeds the limitation by 110 square feet.

### **Code Enforcement History**

There is no relevant Code Enforcement History.

### **Permit History**

There are no relevant permits pulled for the subject property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and was zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B" 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

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Greater Dellview Community 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 Dellview Area Neighborhood Association.

### **Street Classification**

Lively Street is classified as a local road.

### **Criteria for Review – ADDU and Garage Setback Variances**

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 convert an existing detached garage into an accessory detached dwelling unit. The existing garage currently does not abide by the 20’ minimum setback. The variances requested do 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 reducing the footprint of the existing structure which presents 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 existing structure is currently 600 square feet, which exceeds the maximum by about 110 square feet. The request appears to 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 accessory detached dwelling unit will be converted from an existing detached garage. The structure is already existing and does not appear to substantially injure adjacent properties nor 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 circumstances were not created by the owner and do not appear to be merely financial in nature.**

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Setback Regulations of the UDC Section 35-516 and the Accessory Dwellings Regulations of UDC Section 35-371.

#### **Staff Recommendation – ADDU and Garage Setback Variances**

Staff recommends **Approval** in **BOA-21-10300155** based on the following findings of fact:

1. The structure is currently existing and is 600 square feet; and
2. The ADDU will be utilizing an existing structure and concrete slab; and
3. The proposed conversion from an accessory detached garage into an accessory detached dwelling unit does not appear to alter the essential character of the district.