

Case Number:	BOA-21-10300176
Applicant:	John Diggs
Owner:	John Diggs
Council District:	7
Location:	2060 West Woodlawn Avenue
Legal Description:	Lot 18 except the Northwest Tri 22', Block 6, NCB 1977
Zoning:	"R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 15' variance from the 20' rear setback requirement, as described in Section 35-310, to allow an addition to be 5' from the rear property line and 2) a 5' variance from the 10' required reverse corner front setback, adjacent to North Josephine Street, as described in Section 35-516, to allow an addition to be 5' from the property line.

Executive Summary

The subject property is located on the corner of West Woodlawn Avenue and North Josephine Tobin Drive. The property currently has a single-family structure and was originally addressed off of North Josephine Drive. While it was previously addressed, the structure was built according to the UDC setback regulations. Since then, the applicant has changed the address which has shifted the orientation of the structure, changing the setback requirements. Because this property is on a corner lot adjacent to homes with frontage on North Josephine Street, the property must comply with the reverse corner lot requirement that the setback adjacent to the street shall be at least equal to the front setback required for the lot immediately adjacent to the rear.

Code Enforcement History

There is no Code Enforcement History on file.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property was located within the Original City Limits of San Antonio and was zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B" Residence District to the current "R-4" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-6 H AHOD” Residential Single-Family Monticello Historic Airport Hazard Overlay District	Single-Family Residential
South	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
East	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
West	“R-6 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Park

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northside Community Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Woodlawn Lake Neighborhood Association and within 200’ of the Jefferson Heights/Woodlawn Lake Neighborhood Association, and they were both notified of the case.

Street Classification

West Woodlawn Avenue is classified as a Secondary Arterial A.

Criteria for Review - 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 15’ variance from the 20’ rear setback requirement to allow an addition to be 5’ from the rear property line and a 5’ variance from the 10’ required setback adjacent to North Josephine Street to allow an addition to be 5’ from the property line. The property recently underwent an address change, which shifted the orientation of the building creating new setback regulations. The variances do not appear to be contrary to the public interest, as there is a curve along North Josephine Street which has created staggering setbacks for the lots along that street.

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 discontinue his addition to the structure. Without requesting the proposed variances, the lot would not have the space to be able to construct an addition with the 20’ rear setback in place.

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 applicant wants to construct an addition in-line with the rear of the

structure. The 5' setback will be maintained along the rear lot line, and this 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.*

With the curve along North Josephine Street, every structure appears to extend past the front façade of every abutting lot. The proposed addition appears to follow this similar pattern of the street and does not appear to substantially injure adjacent conforming 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 and the unique circumstances that occurred with the address change.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setbacks per Section 35-310 and the Reverse Corner Lot Regulations per Section 35-516 in the UDC.

Staff Recommendation – Variances

Staff recommends **Approval** in **BOA-21-10300176** based on the following findings of fact:

1. The structure was constructed to code with it originally being addressed off of North Josephine Tobin Drive; and
2. The proposed addition to the structure does not appear to have an adverse effect on neighboring properties; and
3. The proposed addition will maintain the essential character of the district.