

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, February 20, 2012

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Planning and Development Services Department website ([www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

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1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-019:** The request of Brewer Escalante, for a 2-foot variance from the maximum 6-foot side and rear yard fence height standards, in order to allow an 8-foot tall fence in the side and rear yards. The requested variance from the requirements of the base zoning district does not permit a variance from the requirements of the “AHOD” Airport Hazard Overlay District, 1418 Walkers Way. (Council District 9)
5. **A-12-020:** The request of Raymundo and Mary Lopez, for a Special Exception to relocate a residential structure from 1507 Aurelia Street to 1702 Rigsby Avenue, 1702 Rigsby Avenue. (Council District 2)
6. **A-12-023:** The request of Ricardo Rodriguez, for **1)** An 8-foot, 6-inch variance from the 20-foot minimum front setback requirement, in order to allow an 11-foot, 6-inch front setback for the new addition; and **2)** a 1-foot, 4-inch variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow the roof eave of the new addition to project up to one (1) foot, eight (8) inches from the west side property line, 151 Knibbe Avenue. (Council District 9)
7. Approval of the minutes – January 9, 2012 and January 30, 2012
8. Consideration of the Rules and Procedures of the Board of Adjustment
9. Adjournment.

**ACCESSIBILITY STATEMENT** - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7245 or 711 (Texas Relay Service for the Deaf).

**DECLARACIÓN DE ACCESIBILIDAD** – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7245 o al 711 (servicio de transmitir para sordos).

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### Board of Adjustment Membership

Michael Gallagher, Chair

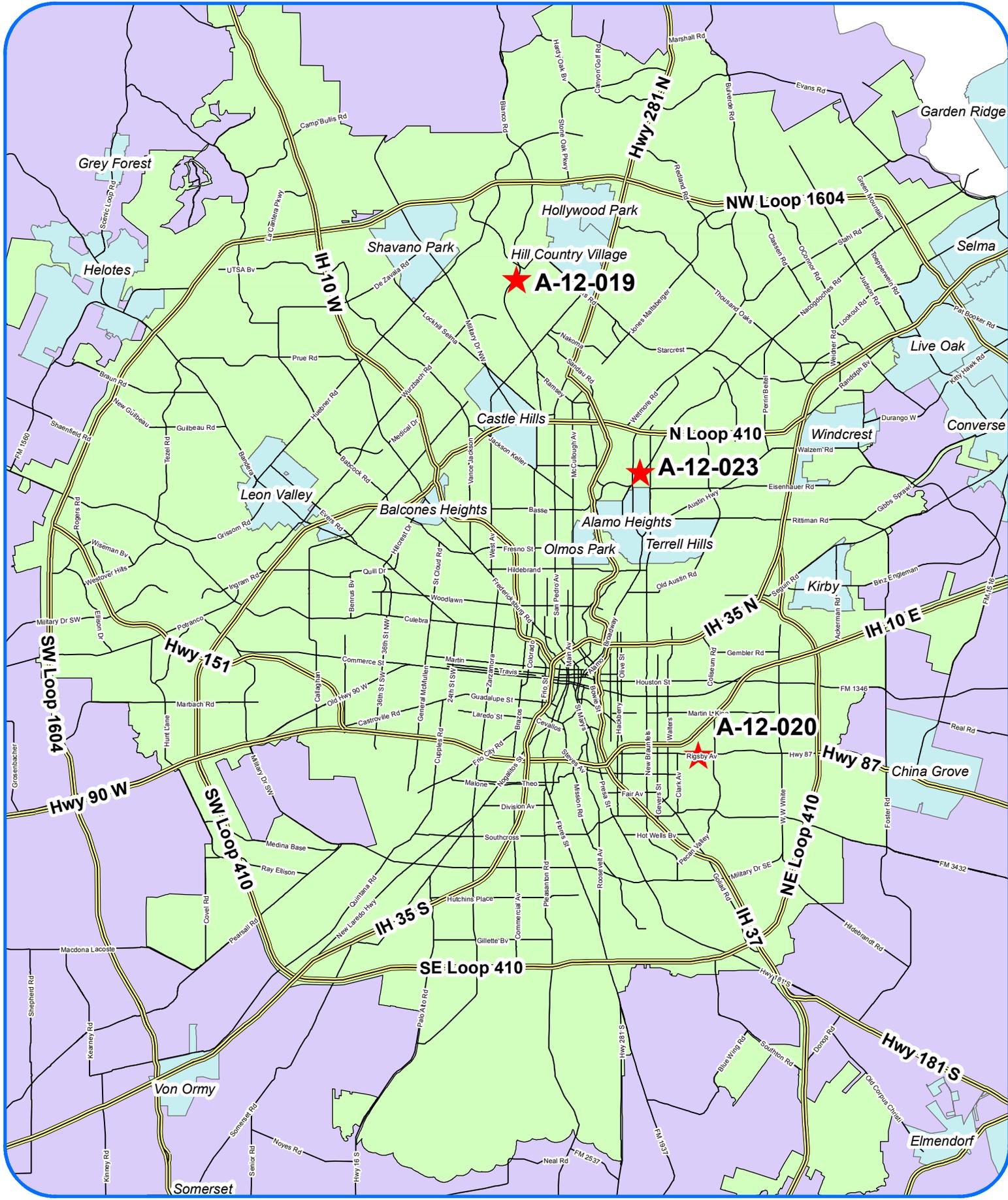
Andrew M. Ozuna, Vice Chair

Geroge L. Britton • Gene Camargo • Helen K. Dutmer • Edward H. Hardemon • Mary Rogers

Liz M. Victor • David M. Villyard • Jesse Zuniga • Vacancy

### Alternate Members

Harold O. Atkinson • Maria D. Cruz • Paul E. Klein • Marian M. Moffat • Henry Rodriguez • Steve G. Walkup



**Board of Adjustment**  
**Subject Property Locations**  
**Cases for February 20, 2012**





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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-019  
Date: February 20, 2012  
Applicant: Brewer Escalante c/o Bob Stewart  
Owner: MFT AGC SA1 LLC  
Location: 1418 Walkers Way  
Legal Description: Lot 4, Block 3, NCB 17160  
Zoning: "PUD C-2NA MLOD-1 AHOD" Planned Unit Development Commercial Nonalcoholic Sales Military Lighting Overlay Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests a 2-foot variance from the maximum 6-foot side and rear yard fence height standards, in order to allow an 8-foot tall fence in the side and rear yards. The requested variance from the requirements of the base zoning district does not permit a variance from the requirements of the "AHOD" Airport Hazard Overlay District.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 2, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 3, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 17, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 1.37-acre property is located at the south corner of the intersection of Blanco Road and Walkers Way, and is currently vacant. The subject property is surrounded by both residential (single and multi-family) and nonresidential uses. The current property owner is in the process of developing the subject property with an approximately 5,995-square foot assisted living facility for Alzheimer's care (Autumn Grove Cottage).

As part of the project, the property owner wishes to erect an 8-foot tall wooden fence along the southeast side and southwest rear property lines within the side and rear yards (**Attachment 3**).

An 8-foot tall metal fence is also proposed along the boundaries of the proposed courtyard behind the new facility. According to the applicant, the proposed 8-foot tall fence is to provide privacy and security between the residents.

Pursuant to Section 35-514(d)(1) of the UDC, within the side and rear yards of a commercial use property, fences shall not exceed six (6) feet in height. Consequently, the applicant is requesting a 2-foot variance to allow the proposed 8-foot tall fence within the side and rear yards. According to the submitted application, the permitted 6-foot tall fence will not provide the privacy and security desired due to the significant slope and difference in grade that exists between the proposed assisted living facility and the single-family residential homes.

It should be noted that per Section 35-514(d)(3) of the UDC, a fence may be erected or altered up to the height of the adjacent building where the fence is located entirely on the interior of a lot behind all required building setback lines, attached to the main structure, and used for security purposes or for part of the intended use of the primary structure. This section only applies to the portion of the fence surrounding the courtyard that is outside the required 30-foot rear setback. As a portion of this fence is a minimum of twenty (20) feet from the southwest rear property line, the 2-foot variance, if approved, will only apply to the portion of the fence located within twenty (20) and thirty (30) feet of the southwest rear property line.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
PUD C-2NA MLOD-1 AHOD (Commercial)	Vacant (proposed Assisted Living Facility)

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 MLOD-1 AHOD (Commercial)	Commercial
South	R-6 MLOD-1 AHOD (Residential)	Single-Family
East	PUD C-1 MLOD-1 AHOD (Commercial)	Vacant
West	C-2 MLOD-1 AHOD (Commercial)	Shopping Center

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan. The subject property is not located within two hundred (200) feet of a registered neighborhood association.

**Criteria for Review**

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 requested variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The proposed fence will be located along the southeast side and southwest rear property lines within the side and rear yards of the subject property. Furthermore, the subject property is a commercial property that is surrounded by residential and nonresidential uses. The UDC establishes additional standards to protect residential uses from commercial uses, such as bufferyards and screening fences. The proposed additional height will provide better screening of the commercial use from the adjacent single-family residential uses to the southwest and within the area.*

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

*A literal enforcement of the maximum fence height standard will require the applicant to erect a 6-foot tall fence along the southeast side and southwest rear property lines, and within a portion of the proposed courtyard to the rear of the facility. According to the applicant, a 6-foot tall fence will not provide sufficient security and privacy to the residents due to the significant slope that exists on the subject property. The subject property slopes upward from north to south with varying grades from approximately nine hundred ten (910) to nine hundred thirty (930) feet (**Attachment 4**), placing the single-family residential uses at a higher elevation than the proposed facility. The UDC gives allowances for dwelling units to erect a fence up to eight (8) feet in height when there is a grade difference of up to four (4) feet within twenty (20) feet from the principal structure; however this provision does not apply to commercial properties. The requested variance, if approved, will provide the privacy and security needed to the future residents of the facility, as well as to the residents of the single-family residential homes located within the vicinity.*

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

*The requested fence height variance will be in keeping with the spirit of the ordinance as the proposed fence height complies with the intent of the maximum fence height standards by protecting the single-family residences to the southeast and southwest of the subject property, as well as providing security for the proposed facility on the subject property.*

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

*The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "PUD C-2NA" Planned Unit Development Commercial Nonalcoholic Sales base zoning district.*

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.

*The requested fence height variance will not adversely impact the adjacent conforming properties. The proposed 8-foot tall fence will only extend along the southeast and southwest property lines within the side and rear yards, where the property abuts single-family residences or is in close proximity to other single-family residential uses. The taller fence along the southeast and southwest property lines, will allow for better screening of the commercial property from the adjacent single-family residential homes. Furthermore, the fence surrounding the proposed courtyard within the rear yard will be erected a minimum of*

*twenty (20) feet from the southwest rear property line, providing sufficient separation between the proposed fence and the abutting single-family residential uses.*

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.

*The requested variance is due to the significant slope and difference in grades between the proposed facility and the abutting properties. This condition was not created by the property owner or merely financial, or a result of the general conditions in the district.*

### **Staff Recommendation**

Staff recommends **approval of A-12-019**. The requested variance complies with all required review criteria for granting a variance as presented above. The variance is needed due to the significant slope on the subject property, as well as the adjacent single-family residential uses. The additional height will provide better screening of the proposed facility from the single-family residential homes and lessen the impact of the commercial use on the residential properties, as well as provide sufficient security to the future residents of the facility.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 4 – 10-foot Contour Lines Map (City’s GIS online map)

# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



<b>Board of Adjustment</b> Plot Plan for <b>Case A-12-019</b>		Fence ▲▲▲▲ 0 5 10 15 20 Feet       Council District 9	<b>1418 WALKERS WAY</b> <small>Development Services Dept City of San Antonio (1/9/2012)</small>
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# Attachment 4 10-foot Contour Lines Map



10-foot Contour Lines  
A-12-019, 1418 Walkers Way

Source: City's GIS Zoning One Stop Map  
[www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-020  
Date: February 20, 2012  
Applicant: Raymundo Y. and Mary Lopez  
Owner: Raymundo Y. and Mary Lopez  
Location: 1702 Rigsby Avenue  
Legal Description: Lot 1, Block 2, NCB 7521 save and except that portion conveyed to the City of San Antonio in Volume 4752, Page 172, Real Property Records of Bexar County, Texas  
Zoning: "R-6" Residential Single-Family District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests a Special Exception to relocate a residential structure from 1507 Aurelia Street to 1702 Rigsby Avenue.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 2, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 3, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 17, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.17-acre property is located at the southeast corner of the intersection of Rigsby Avenue and Beethoven Street, and is currently vacant. The current property owner wishes to relocate the single-family residential structure located 1507 Aurelia Street (**Attachment 3**) to the subject property (**Attachment 4**). The property located at 1507 Aurelia Street is located within the vicinity, approximately five hundred (500) feet north of the subject property. The single-family residential structure is approximately eight hundred thirty-three (833) square feet, and will be upgraded and modified to comply with current code requirements (**Attachment 5**).

The subject property is located on a collector street, and is surrounded by residential and non-residential uses, as well as undeveloped land. The single-family residential structures range in size and location on the lot. On the same block-face, the square footage of the single-family residential structures varies from approximately seven hundred (700) square feet to two thousand two hundred fifty (2,250) square feet. The single-family residential structure to be relocated is in harmony with the other existing residential structures on the same block and in the vicinity.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-6 (Residential)	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 (Industrial)	Restaurant
South	R-6 (Residential)	Convent
East	R-6 (Residential)	Single-Family
West	C-2NA (Commercial)	Church

**Relocation Compatibility Table**

Compatibility Standard	Existing Conditions on Blockface	Proposed Conditions on Subject Property
Structure Age	1935 – 1952	1958
Structure Size	700 – 2,250 square feet	833 square feet
Structure Height	1 to 2 stories	1 story
Building Material	Exterior siding: wood siding, Masonry	Exterior siding: wood siding
	Roofing: Composite shingles	Roofing: Composite shingles

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a Neighborhood, Community or Sector Plan. The subject property is not located within two hundred (200) feet of a registered neighborhood association.

**Criteria for Review**

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.03 of the UDC):

1. The special exception will be in harmony with the spirit and purpose of the chapter:

*The requested special exception is in harmony with the spirit and purpose of the UDC. The residential structure will be relocated to a vacant single-family residential lot in an area that is developed with both residential and non-residential uses. Additionally, as shown in the Site Plan, the structure will comply with the minimum development standards of the “R-6” Residential Single-Family district.*

2. The public welfare and convenience will be substantially served:

*The City Council approved the rezoning of subject property to from “C-2NA” Commercial Nonalcoholic Sales to “R-6” Residential Single-Family in October 2011. The proposed request, if approved, will allow a single-family residential home in a vacant single-family residential lot.*

3. The neighboring property will not be substantially injured by such proposed use:

*The subject property is located in an area that was developed with residential and nonresidential uses. The properties immediately to the east and south are single-family residential and convent uses, respectfully. Thus the proposed residential structure on the subject property will not adversely impact the adjacent properties.*

4. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought:

*As previously mentioned, the subject property is surrounded by residential and nonresidential uses, and thus will not alter the essential character of the district. Furthermore, the house to be relocated is from a property that is located within the vicinity, approximately five hundred (500) feet north of the subject property. The requested special exception will not alter the character of the area.*

5. The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:

*The special exception, is approved, will not weaken the general purpose of the “R-6” Residential Single-Family District as the residential structure will comply with the minimum development standards of this district.*

### **Staff Recommendation**

Staff recommends **approval of A-12-020**. The request complies with all required approval criteria for granting a Special Exception as presented above. Furthermore, the applicant complies with the provisions established in Section 35-399.03 of the UDC.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

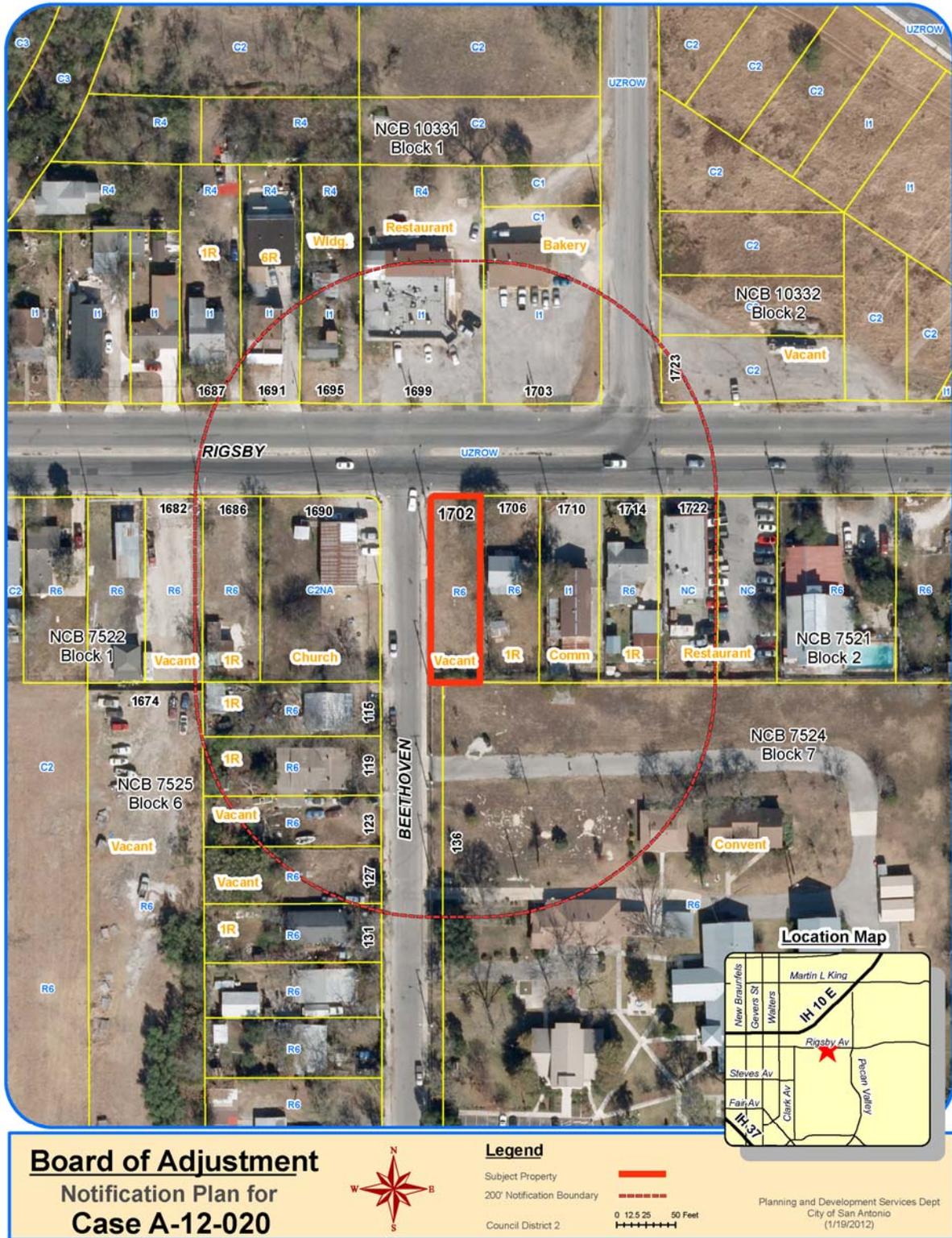
Attachment 2 – Plot Plan

Attachment 3 – Existing Single-Family Residential Structure (1502 Aurelia Street)

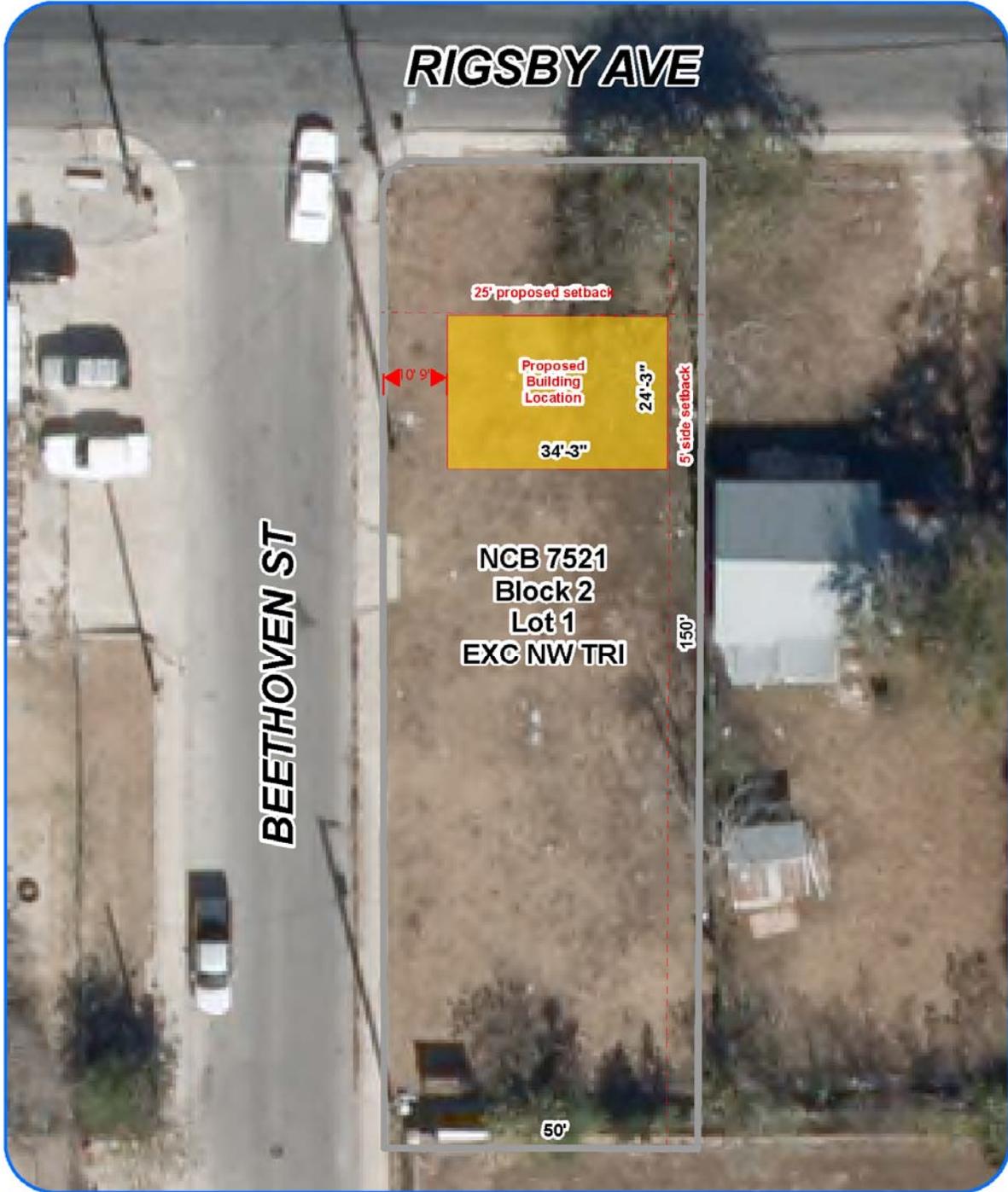
Attachment 4 – Site Plan

Attachment 5 – Type of Construction and Proposed Changes

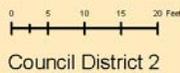
# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-020**



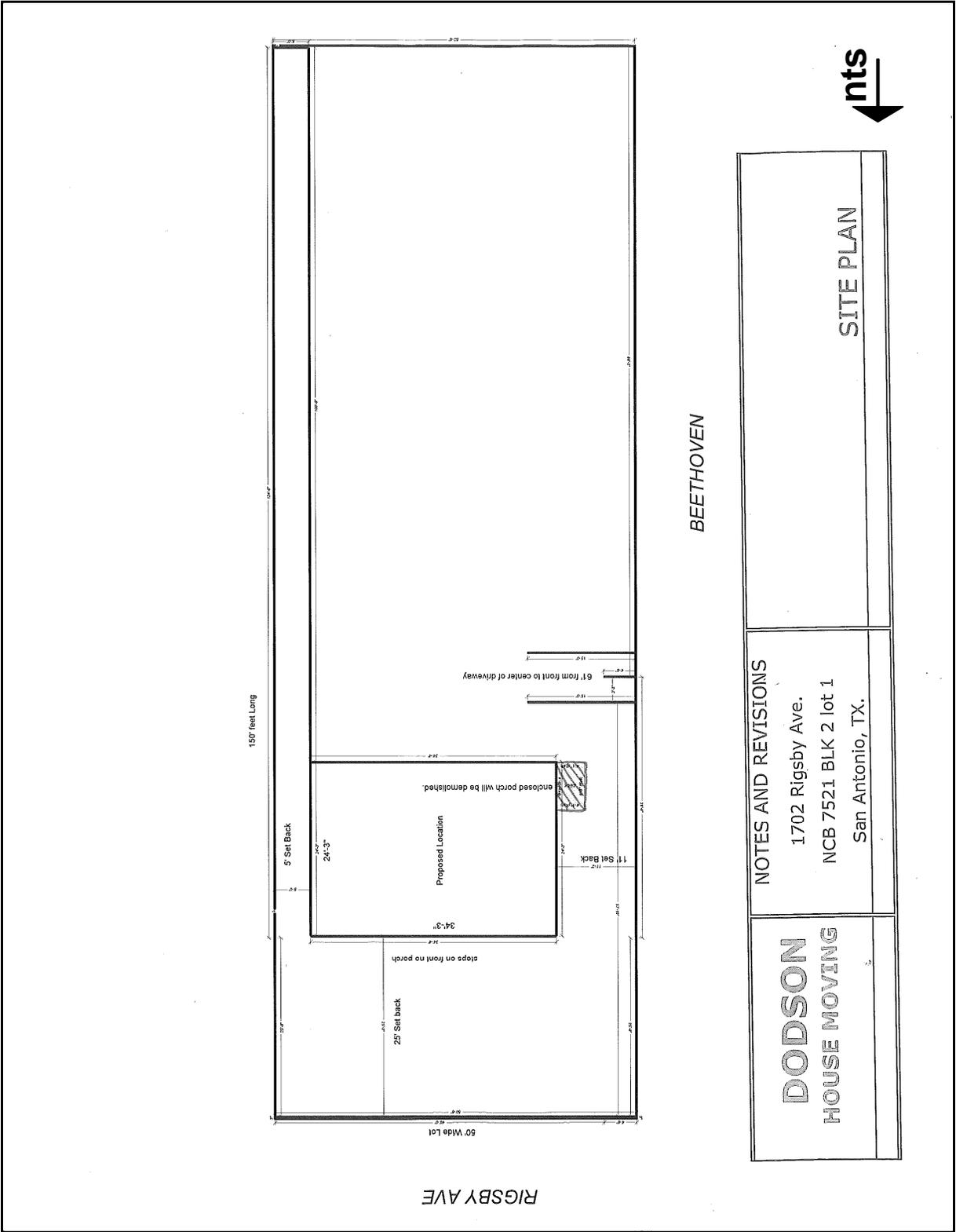
**1702 RIGSBY AVE**

Development Services Dept  
City of San Antonio  
(1/19/2012)

**Attachment 3**  
**Existing Single-Family Residential Structure**  
**1507 Aurelia Street**



**Attachment 4  
Site Plan**



<p><b>DODSON</b> HOUSE MOVING</p>	<p>NOTES AND REVISIONS 1702 Riggsby Ave. NCB 7521 BLK 2 lot 1 San Antonio, TX.</p>	<p>SITE PLAN</p>
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**Attachment 5**  
**Type of Construction and Proposed Changes**

**BOARD OF ADJUSTMENT**  
**CITY OF SAN ANTONIO, TEXAS**  
**PLAN OF DEVELOPMENT**

NAME: Raymundo Y & Mary Lopez

STREET ADDRESS AND ZIP CODE (PROPOSED): 1702 Rigsby

STREET ADDRESS AND ZIP CODE (CURRENT): 1507 Aurelia

SIZE OF STRUCTURE (Square Footage): 833.49

**CURRENT TYPE OF CONSTRUCTION:**

**INTERIOR WALLS:**  Sheetrock  Panel  Other \_\_\_\_\_

**SIDING:**  Wood  Vinyl  Other \_\_\_\_\_

**CEILING:**  Sheetrock  Other \_\_\_\_\_

**ROOF:**  Shingles  Other \_\_\_\_\_

**WINDOWS:**  Wood  Aluminum  Other \_\_\_\_\_

**INSULATION:**  Walls  Ceiling  Floor

**HEATING & COOLING:**  Window Units  Heaters  Central

**FLOOR JOIST:** 2" X 6" **SILLS:** 4" X 6" **STUDS:** 2" X 4"

**PROPOSED CHANGES:**

**WINDOWS:** N/A

**ROOF:** N/A

**SIDING:** N/A

**SKIRTING TYPE:** \_\_\_\_\_

**INSULATION:** N/A

**PORCH:** Wood steps

**DOORS:** N/A

**HEATING & COOLING:** \_\_\_\_\_

**ELECTRICAL:** Upgrade to code as required

**PLUMBING:** Upgrade to code as required

**CONSTRUCTION OF DRIVEWAY:** Gravel at existing entrance

**FOUNDATION:** Concrete piers

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-023  
Date: February 20, 2012  
Applicant: Ricardo R. Rodriguez  
Owner: Ricardo R. and Rosa C. Rodriguez  
Location: 151 Knibbe Avenue  
Legal Description: Lot 34, NCB 11927  
Zoning: "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests 1) an 8-foot, 6-inch variance from the 20-foot minimum front setback requirement, in order to allow an 11-foot, 6-inch front setback for the new addition; and 2) a 1-foot, 4-inch variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow the roof eave of the new addition to project up to one (1) foot, eight (8) inches from the west side property line..

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 2, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 3, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 17, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.26-acre property is located on the north side of Knibbe Avenue, approximately one hundred fifteen (115) feet west of Nacogdoches Road. It is a 75-foot wide by 150-foot deep lot, and consists of an approximately 2,319-square foot single-family residential structure. The current property owner wishes to convert the existing two-car garage into living space, and add on towards the rear and front of the subject property in order to increase the living area of the structure (**Attachments 3 and 4**). The new addition will include a new two-car garage in the front yard of the subject property.

Pursuant to Section 35-353(c) of the UDC, structures within the “NP-8” Neighborhood Preservation District shall be set back a minimum of twenty (20) feet from the front property line, five (5) feet from the side property line, and twenty (20) feet from the rear property line. Section 35-516(b) of the UDC states that the building line for an existing residence having a side yard of three (3) or more feet may be maintained on any addition to the residence, but in no instance shall the side yard be less than three (3) feet. In addition, per Section 35-516(j) of the UDC, every part of the required yard shall be open and unobstructed from the ground to the sky except for the ordinary projection of eaves provided that such projection shall extend closer than three (3) feet to any property line.

The proposed addition towards to rear of the existing structure will be set back approximately twenty-nine (29) feet, eight (8) inches from the north rear property line. Towards the front, the proposed addition will be set back approximately eleven (11) feet, six (6) inches from the south front property line. The proposed side setback will be a minimum of three (3) feet from the west side property line to follow the existing building line that was established when the structure was built in 1960. The proposed additions will have a roof overhang of one (1) foot, four (4) inches. Consequently, the applicant is requesting an 8-foot, 6-inch variance from the minimum front setback standards, and a 1-foot, 4-inch variance from the roof overhang projection requirement.

According to the submitted application, the requested variances are to 1) increase the living space of the existing structure to accommodate family growth; 2) allow for the addition of a two-car garage on the front of the property; 3) access new sanitary sewer lines that will be installed on the property; and 4) provide a more pleasing break in the building’s façade along the west property line with the varying side setbacks.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
NP-8 AHOD (Residential)	Single-Family

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	NP-8 AHOD (Residential)	Single-Family
South	NP-8 AHOD (Residential)	Single-Family
East	NP-8 AHOD (Residential)	Single-Family
West	NP-8 AHOD (Residential)	Single-Family

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Northeast Inner Loop Neighborhood Plan. The subject property is located within the Oak Park Northwood Neighborhood Association.

## **Criteria for Review**

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 requested variances are to allow a new addition to be set back a minimum of eleven (11) feet, six (6) inches from the south front property line, and a roof overhang to project up to one (1) foot, eight (8) inches from the west side property line. Minimum setbacks are required in order to provide reasonable separation between structures on abutting properties, and a sense of openness on street frontages and along rights-of-way. The proposed setbacks will still provide adequate separation between the structures on the abutting property to the west for fire access and prevention, as well as maintain a sense of openness along the right-of-way. Thus, the requested variances are not contrary to the public interest.*

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

*The subject property is a 75-foot wide by 150-foot deep lot. The existing structure was built up to three (3) feet from the west side property line, and seven (7) feet from the east side property line, limiting the space available for new construction on the sides of the property. However, due to the depth of the lot, the existing front and rear setbacks [approximately forty (40) and sixty-two (62) feet, respectfully], and the minimum required setbacks, the subject property has sufficient space towards to rear and front to accommodate new additions in compliance with the minimum development standards of the “NP-8” Neighborhood Preservation base zoning district. Furthermore, while staff understands the need of installing new sanitary sewer lines due to the conditions of the existing lines, these lines are installed underground and do not pose any conflicts in regards to the possible location of a new structure or addition. Therefore, a literal enforcement would not result in unnecessary hardship as there are no special conditions on site that prevent the applicant from placing a new addition in compliance with the minimum front setback standards of the UDC.*

*In regards to the roof overhang projection, a small portion of the new addition will be setback a minimum of three (3) feet from the west side property line to follow the building line of the existing structure, as well as provide relief and break along the west building façade. Due to the existing conditions of the structure, the UDC provides allowances for the proposed 3-foot west side setback. However, this standard conflict with the projecting architectural feature requirement as it would prohibit any sort of roof overhangs on this portion of the addition. Thus, a literal enforcement of the projecting architectural feature requirement would result in unnecessary hardship.*

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

*The “NP” Neighborhood Preservation Districts were created in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, and prevent overcrowding of land, among others. The requested variances, if approved, will allow the placement of a building over eleven (11)*

*feet from the south front property line, and a roof overhang to project up to one (1) foot, four (4) inches into the required 3-foot side yard setback. The proposed setbacks will still provide the minimum separation required between structures, as well as maintain light, air and a sense of openness along the street frontage. Thus, by granting these variances the spirit of the UDC will still be observed.*

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

*The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “NP-8” Neighborhood Preservation base zoning district.*

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.

*The requested variances will not substantially injure the appropriate use of the adjacent conforming properties. However, the requested front setback variance, if approved, will alter the character of the district, particularly of the immediate area along Knibbe Avenue. With the exception of two (2) lots, the majority of the principal structures along Knibbe Avenue are set back behind the 20-foot minimum front setback requirement of the “NP-8” Neighborhood Preservation District. The average front setback of the properties located on the north side of Knibbe Avenue is approximately twenty-seven (27) feet. The requested front setback variance, if approved, will allow the placement of an addition closer to the street than the other existing structures, thus altering the character of this 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.

*The requested variances are due to the existing conditions of the structure that was built in 1960, as well as the need for additional living space. While the conditions of the existing structure were not a result of an action done by the property owner, the desire to place the additions where proposed is not a condition unique to the land or a viable reason for the front setback variance requested. Due to the size of the lot, the applicant has the option of adding more living area to the home in compliance of the minimum development standards of the “NP-8” Neighborhood Preservation District.*

### **Staff Recommendation**

Staff recommends **partial approval of A-12-023.**

The requested 8-foot, 6-inch front setback variance does not comply with three (3) of the six (6) approval criteria for granting a variance as presented above. The applicant failed to provide sufficient evidence to justify the need for this variance. According to the submitted application, the front setback variance is requested due to the need for additional living space that will result in the new two-car garage encroaching into the required 20-foot minimum front setback. However, this is not a condition unique to the land. Due to the size of the lot, alternative options exist on the subject property that allows for the placement of new additions in compliance with the minimum development standards of the UDC. Therefore, staff recommends **denial** of this request.

The requested 1-foot, 4-inch variance from the roof overhang projection requirement complies with all required criteria for granting a variance. This variance is needed due to the conflict between two (2) sections of the code. The UDC allows for the new addition to follow the established building line, allowing a 3-foot west side setback. However, due to the projecting architectural feature requirements of the UDC, this addition would not be allowed any roof eaves to overhang beyond the building line. Therefore, staff recommends **approval** of this request.

### **Attachments**

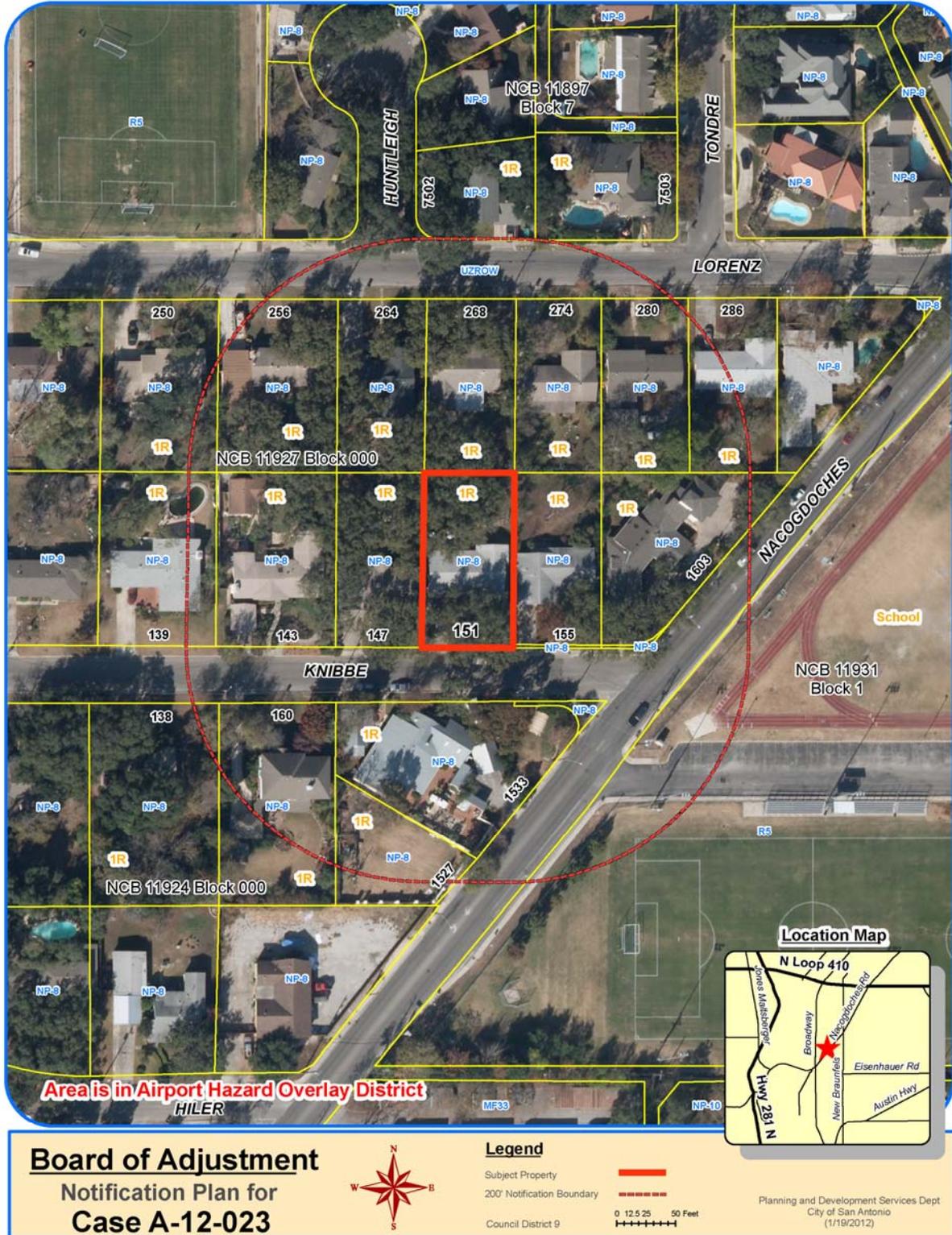
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 4 – Renderings

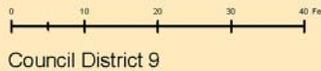
# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-023**

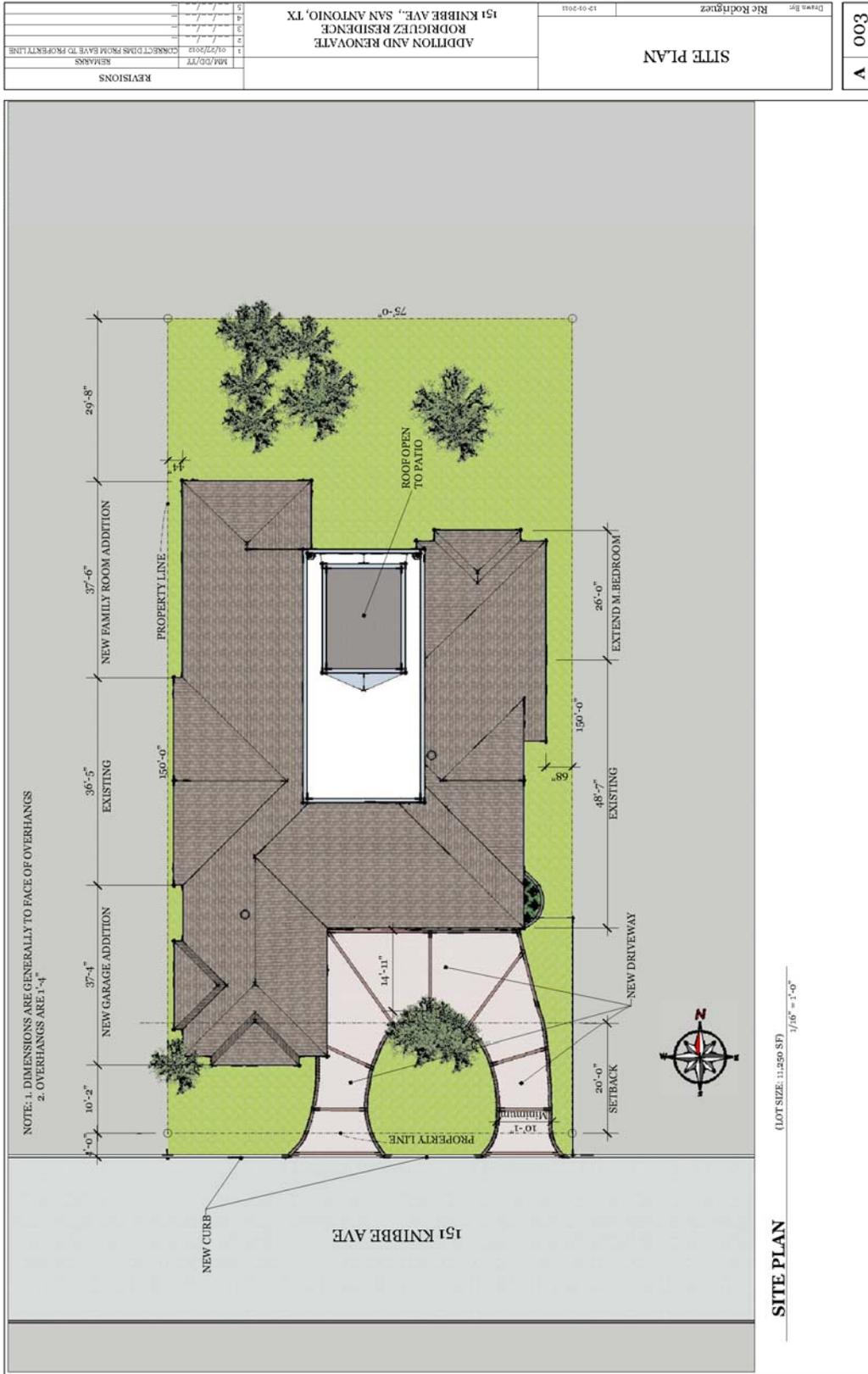


Council District 9

**151 KNIBBE AVE**

Development Services Dept  
City of San Antonio  
(1/30/2012)

# Attachment 3 Site Plan





## Attachment 4 (Continued) Renderings

REVISIONS	DATE	BY	REMARKS				
1				PERSPECTIVE - STEET VIEW LOOKING EAST			
				ADDITION AND RENOVATE RODRIGUEZ RESIDENCE 454 KNIBBE AVE, SAN ANTONIO, TX	DRAWN BY: Ric Rodriguez	11-01-2011	A 002

