

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, February 4, 2013

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-13-016:** The request of DSW Inns, LLC for a 25-foot variance from the 30-foot required side yard setback to allow a structure 5 feet from a side property line abutting a residential use at 11322 East Coker Loop. (Council District 9)
5. **A-13-017:** The request of Teresa Coles-Davila for **1)** a 20-foot 2-inch variance from the 30-foot rear yard setback, **2)** a 5-foot 2-inch variance from the 15-foot buffer yard, **3)** a 10-foot variance from the 20 foot side yard setback requirement to allow a two-story building addition within 9-feet 10-inches of the rear property line and 10-feet from the north side property line. **4)** A 35% reduction in the minimum 50% requirement for door and windows on the front elevation, to allow 15% glass on the building elevation fronting on San Pedro located at 4819 San Pedro Avenue. (Council District 1)
6. **A-13-018:** The request of Juan Aguilar for a 15-foot variance from the minimum 20-foot required garage setback to allow a garage 5 feet from the property line located at 2002 W. Gramercy Place.(Council District 7)
7. Approval of the minutes – January 14, 2013
8. **Nominations, discussion, and election of officers for the office of Chair and Vice Chair.**
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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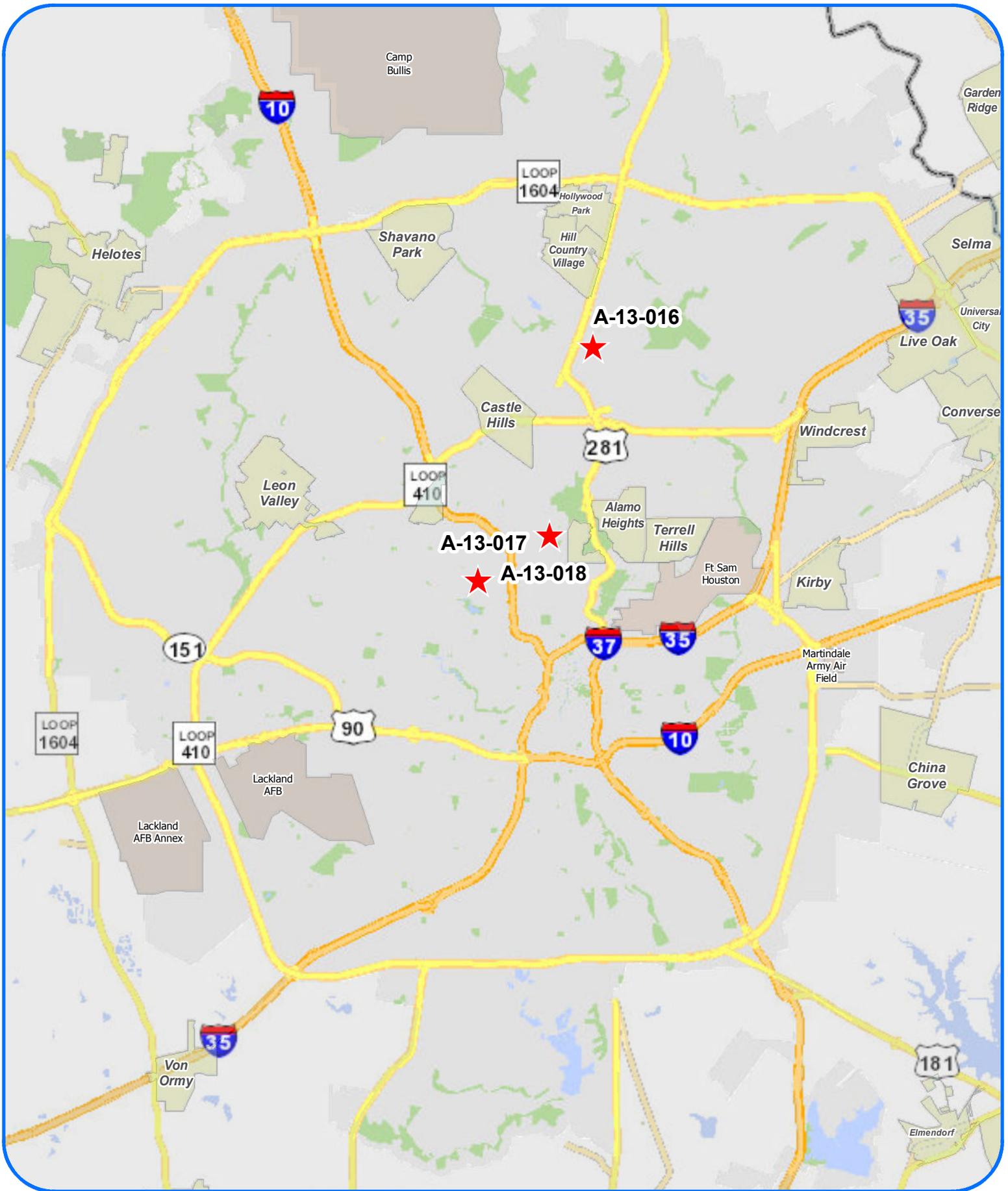
### Board of Adjustment Membership

*Michael Gallagher, District 10, Chair    Andrew Ozuna, District 8, Vice Chair*

*Frank Quijano, District 1 • Edward Hardemon, District 2 • Helen Dutmer, District 3 • George Britton, District 4  
Brian Smith, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • David Villyard, District 9 • Gene Camargo, Mayor*

### 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 4th February 2013**





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-13-016  
Date: February 4, 2013  
Applicant: DSW Inns, LLC  
Owner: Sydney P. Martin, Jr. and Judy Martin  
Location: 11322 East Coker Loop  
Legal Description: Lot 17, Block 1, NCB 13146  
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request for a 25-foot variance from the 30-foot required side yard setback to allow a structure 5 feet from a side property line abutting a residential use.

### **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 January 17, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on January 18, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 1, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the east side of East Coker Loop, approximately 280 feet north of East Nakoma Drive. The subject property is currently zoned "I-1" General Industrial; additionally, all of the surrounding properties are also zoned "I-1" General Industrial.

While the side and rear setbacks for properties zoned "I-1" and adjoining other "I-1" are usually waived, Note 2 of Table 310-1 specifies that the setback is not waived if the adjoining property is a residential use. 916 Clydeville Drive, north of and adjacent to the subject property, is zoned "I-1" but is occupied and used as a single-family dwelling. As such, the code does not allow the minimum setbacks to be waived.

The applicant proposes to demolish the existing buildings on the site and construct a materials warehouse in conjunction with their regional operations center across East Coker Loop and on East Nakoma. The applicant is proposing a 5 foot setback on the sides and rear. It should be noted that the 30-foot setback would only be required where the site abuts the residential use at 916 Clydeville (approximately 100 feet) in the middle of the 300-foot long side yard).

The use of 916 Clydeville Drive as a single-family dwelling is not a use allowed as per Table 311-2 of the UDC. Though it has not been registered as such, the use as a single-family dwelling is likely non-conforming. 916 Clydeville, along with the subject property, was rezoned from “A” Single Family Residential (1938 Code) to “I-1” Light Industry District (1965 Code) in 1982. The residence at 916 Clydeville Drive, according to BCAD records, was constructed in 1957. Non-conforming use rights are designed to eventually end once certain conditions are met with the notion that eventually the market or other driving forces will at some point render the property more useful as a conforming use.

This area is within the confines of the San Antonio International Airport Vicinity Land Use Plan and the North Sector Plan which designates these properties as “Light Industrial” and “Specialized Center” respectively. Neither land use classification considers single-family residences as a conforming land use. Further, based on staff observations and the proximity to the San Antonio International Airport, this area has clearly transitioned into a commercial and industrial center; as such, it is highly unlikely that a rezoning to any residential zoning classification would be approved at 916 Clydeville, should such an application be submitted.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
I-1 AHOD (Industrial)	Contractor’s Office

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD (Industrial)	Warehousing/Single Family Residence/Office
South	I-1 AHOD (Industrial)	Retail/Office
East	I-1 AHOD (Industrial)	Retail/Office
West	I-1 AHOD (Industrial)	Office

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan as well as the North Sector Plan. The San Antonio International Airport Vicinity Land Use Plan and the North Sector Plan designates the subject property and 916 Clydeville as “Light Industrial” and “Specialized Center” respectively. Neither land use classification considers single-family residences as a conforming land use. The subject property is not located within the boundaries 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:*

Building setbacks are designed to maintain orderly and safe development, and ensure access to air and light. Additionally, setbacks are also used, in part, as buffers between different intensity land uses. In this case, imposition of a 30-foot side setback in the middle of a lot will create disorganized property development and unusable space. Additionally, because the residential use is non-conforming with the zoning and the land use plan, it is likely that at some point the structure will transition away from a residential use, thus ending the requirement of the setback. Lastly, the applicant proposes to maintain a fire-separation distance of 5 feet from the property line.

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

Imposition of a setback due to a non-conforming use could be considered an unnecessary hardship, as non-conforming uses are designed to terminate over time and become a conforming use. Further, the location of the greater setback in the middle of the lot would create disorganized property development and impose an unnecessary hardship.

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

The ordinance is designed to protect conforming uses, as non-conforming uses are intended to terminate over time. As this area is, and has been, in transition, it is reasonable that the current use of 916 Clydeville as a residence will end. If that were to occur, the requirement for a setback would no longer be applicable. As such, the spirit of the ordinance will be granted and substantial justice will be done.

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 I-1 AHOD (Industrial) zoning district. On the contrary, not granting the variance would provide protection for a non-conforming use and may serve to extend the non-conforming use's lifespan.

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 variance, as presented, would not substantially injure the appropriate use of adjacent conforming properties. While there may be an argument that the 5-foot setback may substantially injure the current residential use of 916 Clydeville, this residential use is inappropriate in this district, and is non-conforming. As such, this requirement is met.

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 circumstances existing on the property are unique and were not created by the owner. This area is in transition, and the owner of the subject property has a reasonable expectation to be able to develop the property in accordance with the zoning of the property and surrounding properties, as well as the adopted land use and sector plans.

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to construct the building with the required setbacks.

### **Staff Recommendation**

Staff recommends **approval of A-13-016** because of the following reasons:

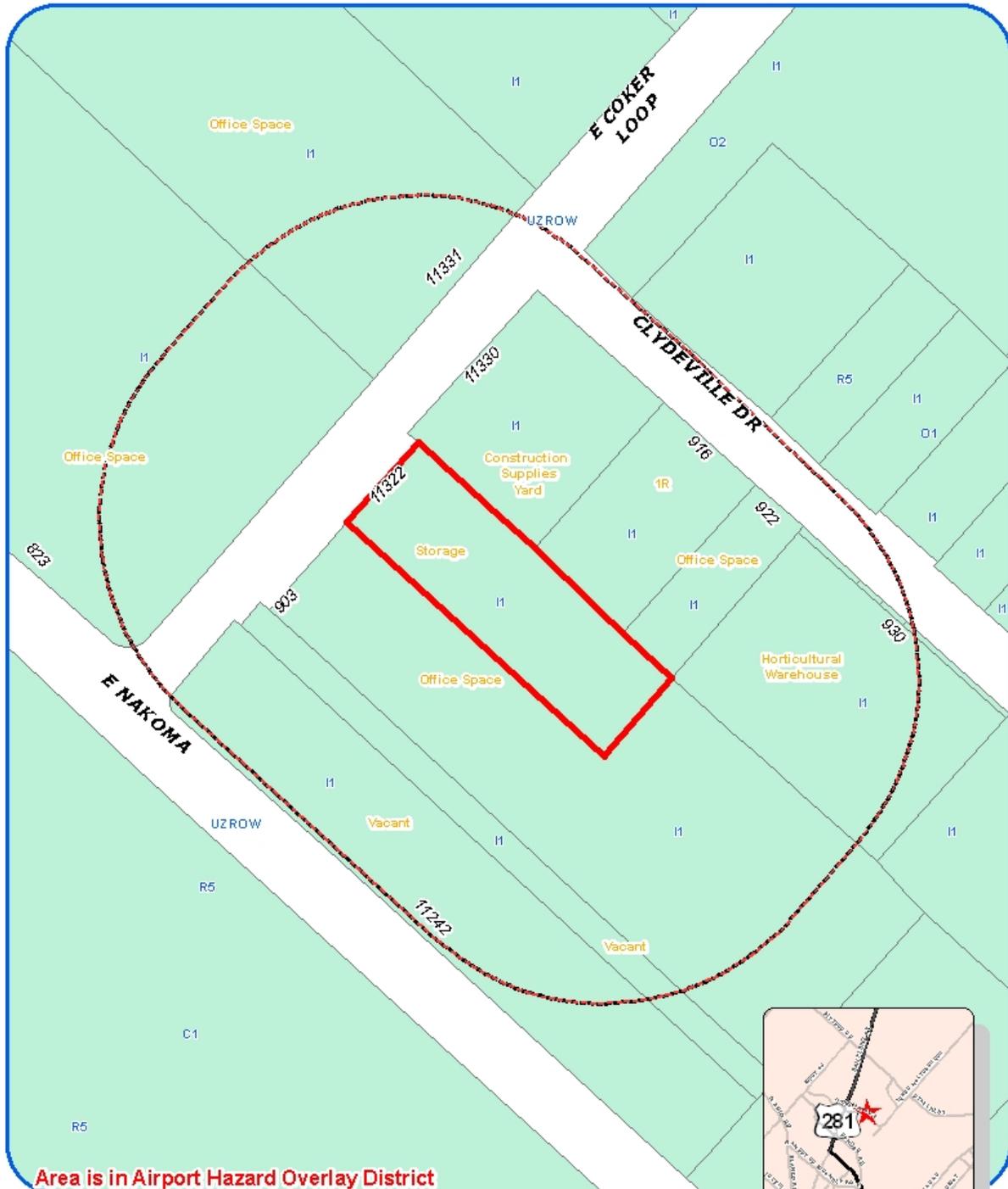
- The area is in transition, and the adjacent residential use is non-conforming
- The land use plan and the sector plan do not consider single-family residential uses as being appropriate in this area
- The applicant meets the spirit of the ordinance.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District



**Board of Adjustment**  
Notification Plan for  
Case No A-13-016



- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- City of Districts 

Development Services Department  
City of San Antonio  
(210) 420-1313

**Attachment 1 (Continued)  
Notification Plan**

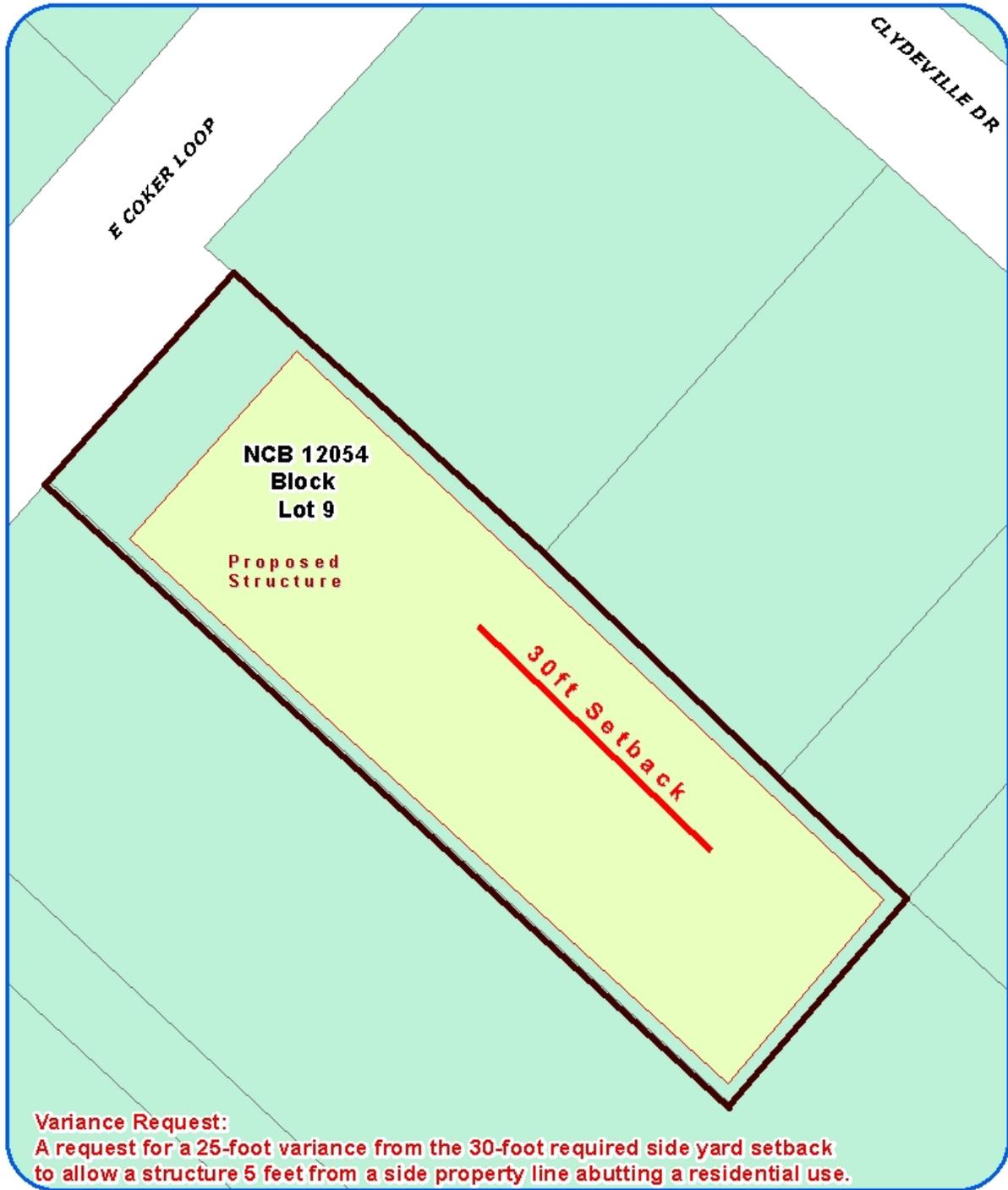


**Area is in Airport Hazard Overlay District**



<p><b>Board of Adjustment Notification Plan for Case No A-13-016</b></p>		<p>San Antonio City Limits </p>
		<p>Subject Property </p>
		<p>200' Notification Boundary </p>
		<p>City of District 9 </p>
		<p>Development Services Department City of San Antonio (210) 420-1300</p>

**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-13-016**



0 10 20 Feet  
Council District 9

**11322 Coker Loop East**

Development Services Department  
City of San Antonio  
(210)420-1300

Attachment 2 (Continued)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-13-016



0 10 20 30  
Council District 9

11322 Coker Loop East

Development Services Department  
City of San Antonio  
(204)2013



## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-13-017  
Date: February 4, 2013  
Applicant: Teresa Coles-Davila  
Owner: Teresa Coles-Davila  
Location: 4819 San Pedro  
Legal Description: Lot 20, Block 6, NCB 9194  
Zoning: "O-1 AHOD" Office Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

The applicant is a **1)** 20-foot 2-inch variance from the 30-foot rear yard setback, **2)** a 5-foot 2-inch variance from the 15-foot buffer yard, **3)** a 10-foot variance from the 20 foot side yard setback requirement to allow a two-story building addition within 9-feet 10-inches of the rear property line and 10-feet from the north side property line. **4)** A 35% reduction in the minimum 50% requirement for door and windows on the front elevation, to allow 15% glass on the building elevation fronting on San Pedro.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on January 17, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on January 18, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 1, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

In August of 2012, the Board of Adjustment considered a previous variance request on this site to modify the required setback and buffer yards established to mitigate the transition between commercial and residential land uses. The Board found that there were property-related circumstances which warranted a reduction in these setbacks to approximately 10-feet from both the north and the west property line. In that application, a single story building addition was presented, similar to the height and massing of the other residential structures on the block face and in the surrounding area. The applicant was granted a footing and foundation permit for a

single story addition on October 19<sup>th</sup> with a deferred submittal granted for the framing and roof. A month later, a stop work order was issued on November 21<sup>st</sup> for work outside of the scope of the submitted plans. At this time, the framing showed a second story. The City Attorney’s office was consulted and determined that since the Board had been shown a single-story building in the request to modify the required setbacks, a new hearing would be required to permit a second story. The contractor and the architect were informed of the legal interpretation but continued construction of the second story at their own risk throughout the month of December.

In addition to a variance from the setbacks and buffer yard, the applicant is also requesting a reduction in the required design guidelines for buildings in the O-1 zoning district. This district includes specifications requiring a minimum of 50% of the front façade in entrance and windows. The frontage is San Pedro, a busy collector street. It was the frontage on San Pedro that justified the office zoning for this parcel. The applicant is requesting approval of only 15% for this façade, noting that the entrance treatment was added to the Hermosa frontage instead.

Staff identified an issue in the original variance application that the applicant was ignoring the opportunity to use the addition to enhance the San Pedro façade and frontage, consistent with the site addressing and business use. The applicant responded with the assurance that clients come by appointment and would be instructed to park in the lot to the south, preserving the residential character of Hermosa.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“O-1 AHOD”	Office

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Airport Hazard Overlay District	Single-Family Residential
South	“R-5 AHOD” Residential Airport Hazard Overlay District	Single-Family Residential
East	“R-4 H AHOD” Residential Historic Airport Hazard Overlay District	Single-Family Residential
West	“R-5 AHOD” Residential Airport Hazard Overlay District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the North Central Neighborhoods Community Plan, adopted on February 14, 2002. This plan outlined the goals of a hopeful future and cooperative co-existence of the commercial and residential uses here:

- Create an inviting streetscape along San Pedro Avenue and Blanco Road that is pedestrian-friendly.

- Encourage the establishment of neighborhood-friendly businesses along the commercial corridors that promote pedestrian accessibility.
- Ensure a transition between residential and commercial areas that is aesthetically pleasing while discouraging encroachment into residential areas.

The building is located within the Edison neighborhood association, and within 200 feet of the Olmos Park Terrace neighborhood association which were both notified of this application. The project was discussed at the January meeting of the Edison Neighborhood Association. Those at the meeting discussed the structure, concluding that it looked “*out of place.*”

### **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 public interest is defined as the general health, safety and welfare of the public at large. In this case the public interest is the nearby residents and traveling public who see the building on a regular basis. Not only are the setbacks unique, but now the applicant is requesting approval of an extra story which is rarely found in the surrounding neighborhoods, both residential and commercial. A two-story structure may have had less impact if it were setback, but the massing this close to the property lines is inappropriate and 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 have limited the expansion of the building to no closer than 30 feet from the property line shared with the nearby residence and 20 feet from the property line on Hermosa. In the motion for approval of the variance, significant weight was given to the lack of neighborhood concern for the requested variance. None of the property owners notified responded to the request for comment.

In this case, a literal enforcement of the ordinance would require that the applicant remove the additional story and the Board is being asked to determine if that is an unnecessary hardship. The applicant was given the stop work order when only the second story framing was installed. Had they resolved the City’s concerns prior to proceeding, the cost of removing 2’ x 4’s would have been insignificant. However, with the building constructed, it is possible to evaluate the negative impacts with clarity. The Board will evaluate the competing impacts and determine if the hardship of demolition is necessary or unnecessary.

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

The spirit of the ordinance in this case is an evaluation of the purpose and value of setbacks. The UDC established an increased setback for a property which abuts a residential zone or use. This provision was included in the Code to buffer the impacts of a commercial building and use on the expected peace and enjoyment of nearby residential property owners. Sunlight and airflow are the tangible benefits given to neighbors by the setback. The taller building significantly increases the disruption of sunlight to the immediate neighboring property. Therefore, the spirit of the ordinance would not be observed by approval of the requested variance.

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 “O-1 AHOD” zoning districts.

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.*

In the original variance request, the Board found that the impact of a reduced setback would not injure the adjacent property or alter the character of the neighborhood. The application is requesting an evaluation of whether a two story building approximately 10 feet from the north and west property line is altering the essential character or injuring the appropriate use of adjacent conforming property.

In addition, the applicant is requesting an exception from a required amount of doors and windows on the frontage, San Pedro. This frontage, a commercial arterial street, is where the building is addressed. The ordinance provision was adopted in an effort to require enhanced design of office buildings. The applicant states that the variance should be granted because their design emphasis was shifted to Hermosa. If this building is designed for a frontage on Hermosa, the building should be addressed on Hermosa. Emergency services and response time could be compromised by having no entrance facing the addressed frontage.

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 applicant is requesting a variance from required setbacks that affect each parcel on San Pedro, where non-residential zoning abuts residential use or zoning. Staff finds no unique circumstance on this parcel that would differentiate it from those other commercial property owners faced with the same expansion desires. Similarly, the requested design variance, citing improvements made on the Hermosa frontage, is based on an errant design decision and does nothing to mitigate the ignored commercial frontage on San Pedro.

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to remove the unpermitted second story and relocate to a larger facility in a more cohesive commercial area.

### **Staff Recommendation**

Staff recommends **denial of A-13-017**, based on the following findings:

1. The two-story structure is unique in its height and setback and detracts from the consistent building forms found throughout the area.
2. The applicant did not secure a building permit for the two story structure and proceeded to build at their risk.
3. There are no special property related circumstances which warrant the reduction in setbacks or design features.

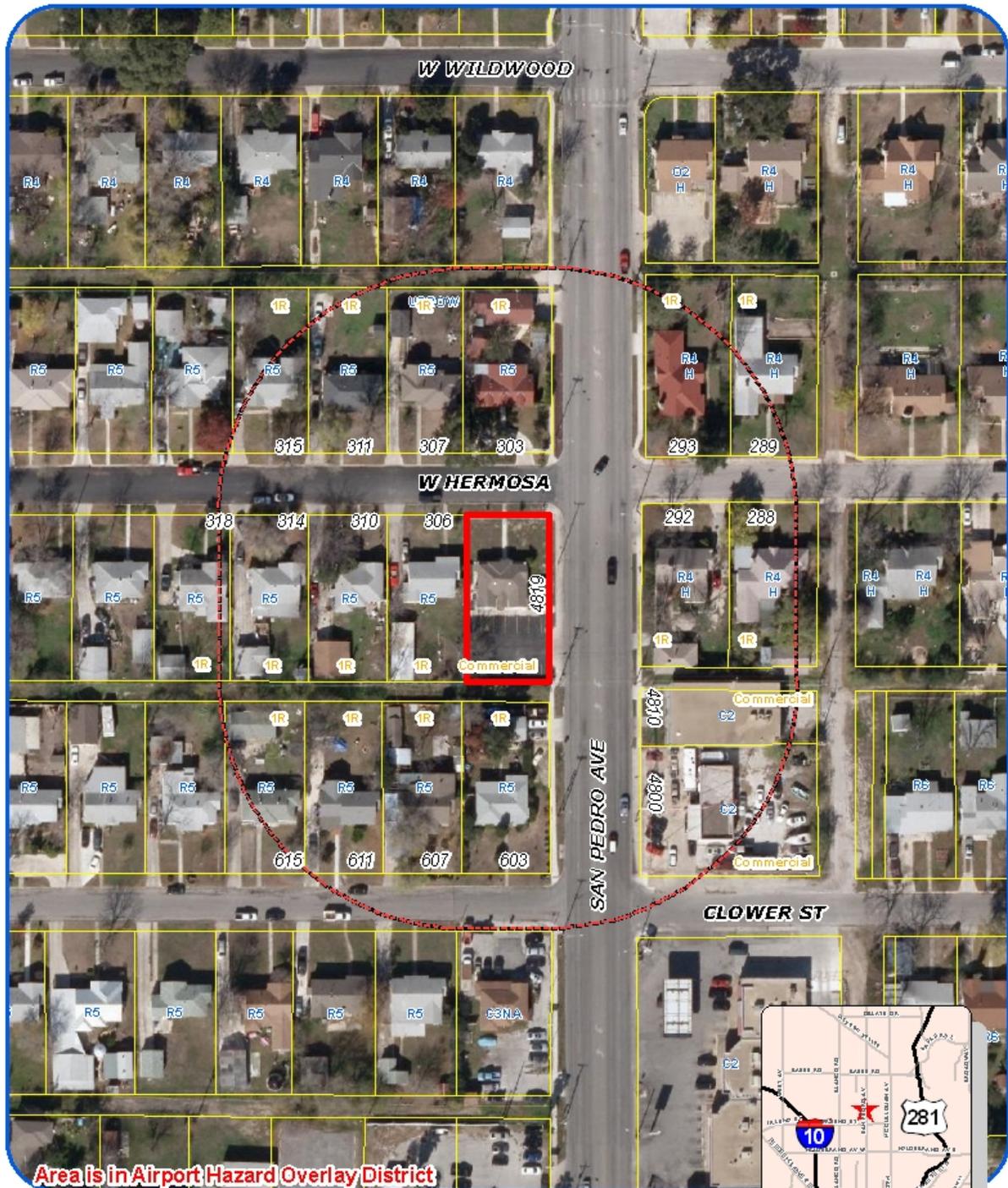
## **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Photos

# Attachment 1 Notification Plan



**Board of Adjustment  
Notification Plan for  
Case No A-13-017**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District



Development Services Department  
City of San Antonio  
(2042013)

Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-13-017



Council District 1

4819 San Pedro <sup>1,240</sup>

Development Services Department  
City of San Antonio  
(2042013)

**Attachment 3  
Site Photos**



**Hermosa Frontage**

**Attachment #3 continued  
Site Photos**



**San Pedro Frontage**



## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-13-018  
Date: February 4, 2013  
Applicant: Juan Aguilar  
Owner: Gerald Long & Margaret Pedrotti  
Location: 2002 W. Gramercy Place  
Legal Description: Lot 27 & 28, Block 31, NCB 1933  
Zoning: "R-6 H AHOD" Residential Single-Family Historic Airport Hazard Overlay Districts  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

The applicant is requesting a 15-foot variance from the 20-foot minimum garage setback to allow construction of a new garage at a distance of 5-feet from the side property line, with access from Vollum Avenue.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on January 17, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on January 18, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 1, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is a double lot, located on a corner in the Monticello Park Historic District. The property has an existing carport, which the owner hopes to convert to a garage, maintaining the existing curb cut for access. The UDC requires a minimum 20-foot setback from the property line for a garage. The reason for a garage setback is to ensure that a car has room to park outside of the garage when the garage is otherwise unavailable. The Code is also written to protect pedestrians from vehicles blocking the sidewalks. This concern was explained to the owner, who responded that their cars are always parked within the garage. In an effort to support this assertion, the applicant has submitted testimony from neighbors familiar with his and his

wife’s parking habits. In addition, the property currently has an ornamental wrought iron fence with a motorized gate installed on the property line. Obviously, this gate could not close if the cars were left in the driveway, further assurance that the applicant will use the garage.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 H AHOD” Residential Historic Airport Hazard Overlay District	Single-Family Residential

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 H AHOD” Residential Historic Airport Hazard Overlay District	Single-Family Residential
South	“R-6 H AHOD” Residential Historic Airport Hazard Overlay District	Single-Family Residential
East	“R-6 H AHOD” Residential Historic Airport Hazard Overlay District	Single-Family Residential
West	“R-6 H AHOD” Residential Historic Airport Hazard Overlay District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Near Northwest Planning Area. The goals for the area include maintenance and investment in housing to preserve the diverse housing stock. This project would be consistent with this goal. The area is also in the Monticello Park Historic District. The proposed garage was reviewed by the Office of Historic Preservation and the Historic & Design Review Commission and has received a Certificate of Appropriateness for the proposed construction.

The property is within the boundaries of both the Jefferson and the Woodlawn Lake Neighborhood Associations. As such, both associations were notified and asked for comments.

**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 public interest is defined as the general health, safety and welfare of the public at large. The public in this case is the people of this neighborhood, especially the pedestrians using the sidewalks. A survey of the sidewalks shows that sidewalks are consistent along the east-west streets, where most houses have their frontage, but are inconsistent along the north-south streets. This existing condition, coupled with the owner’s commitment to park inside the garage, protect the public’s interest.

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

A literal enforcement of the ordinance would require the applicant to relocate the garage to gain access from either the alley or W. Gramercy Place. The Office of Historic Preservation noted that a long driveway access from Gramercy would be inconsistent with the historic pattern within the neighborhood. The applicant is concerned about alley access; the alley is unimproved. Therefore, the literal enforcement of the ordinance would 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 represented by its equal application to all citizens. In certain instances however, a unique property characteristic warrants flexibility from a provision. For this lot, a few historic patterns are note-worthy. According to a GIS Senior Analyst, every corner house with a side yard on Vollum Avenue has a driveway access there. Many of these garages do not satisfy the 20 foot setback requirement, a more recent addition (2001) to the City's zoning ordinance.

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 "R-6 H AHOD" zoning districts.

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.*

Many of the surrounding garages in this historic neighborhood have less than the required 20 foot setback. The garage in the rear yard, with access from the "side-street", is a recurring pattern in this neighborhood and was supported by the Office of Historic Preservation. With the electronic gate in place and the entire yard fenced with ornamental iron fencing, the reduced setback will not impact 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.*

The applicant is requesting a variance from a provision in the UDC which requires a 20 foot setback from a garage. The property currently has a carport in the proposed location, but carports do not require the same setback. The owner is attempting to preserve the historic character of the property, constructing a new garage in the area where the original one was located.

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to pave the alley and construct a garage in the rear yard, which is 40 feet deep with adequate clearance.

### **Staff Recommendation**

Staff recommends **approval of A-13-018**, based on the following findings:

1. The Office of Historic Preservation has reviewed the proposed garage design and granted a Certificate of Appropriateness;
2. The historic pattern is that corner houses have side access to detached garages; and
3. An electronic gate on the property line will mitigate the need for the larger setback.

### **Attachments**

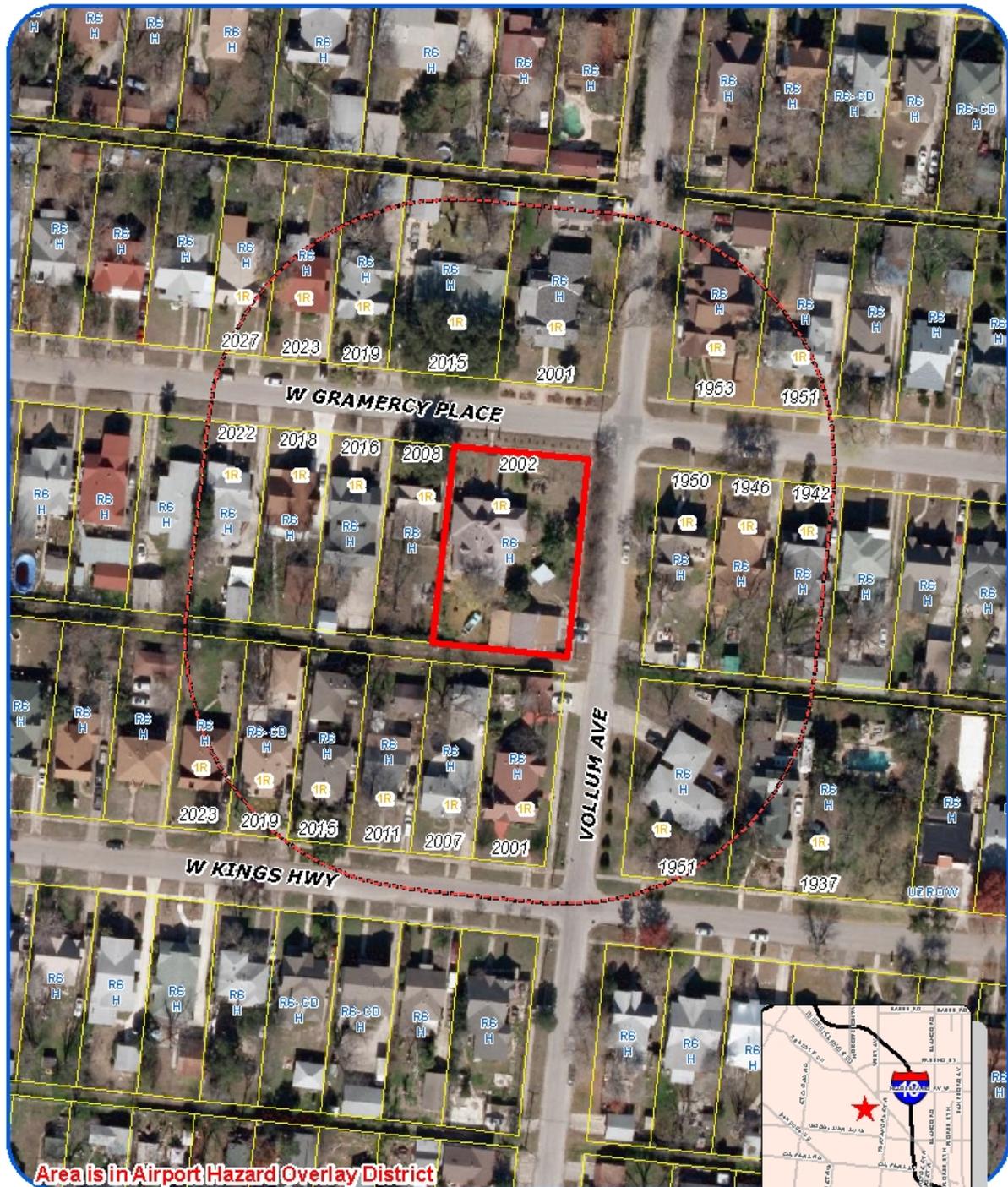
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Driveways on Vollum Avenue

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



**Board of Adjustment**  
**Notification Plan for**  
**Case No A-13-018**



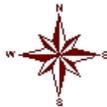
- San Antonio City Limits 
- Subject Property 
- Notification Boundary 
- Color of District? 

Development Services Department  
 City of San Antonio  
 (204)2013

Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-13-018

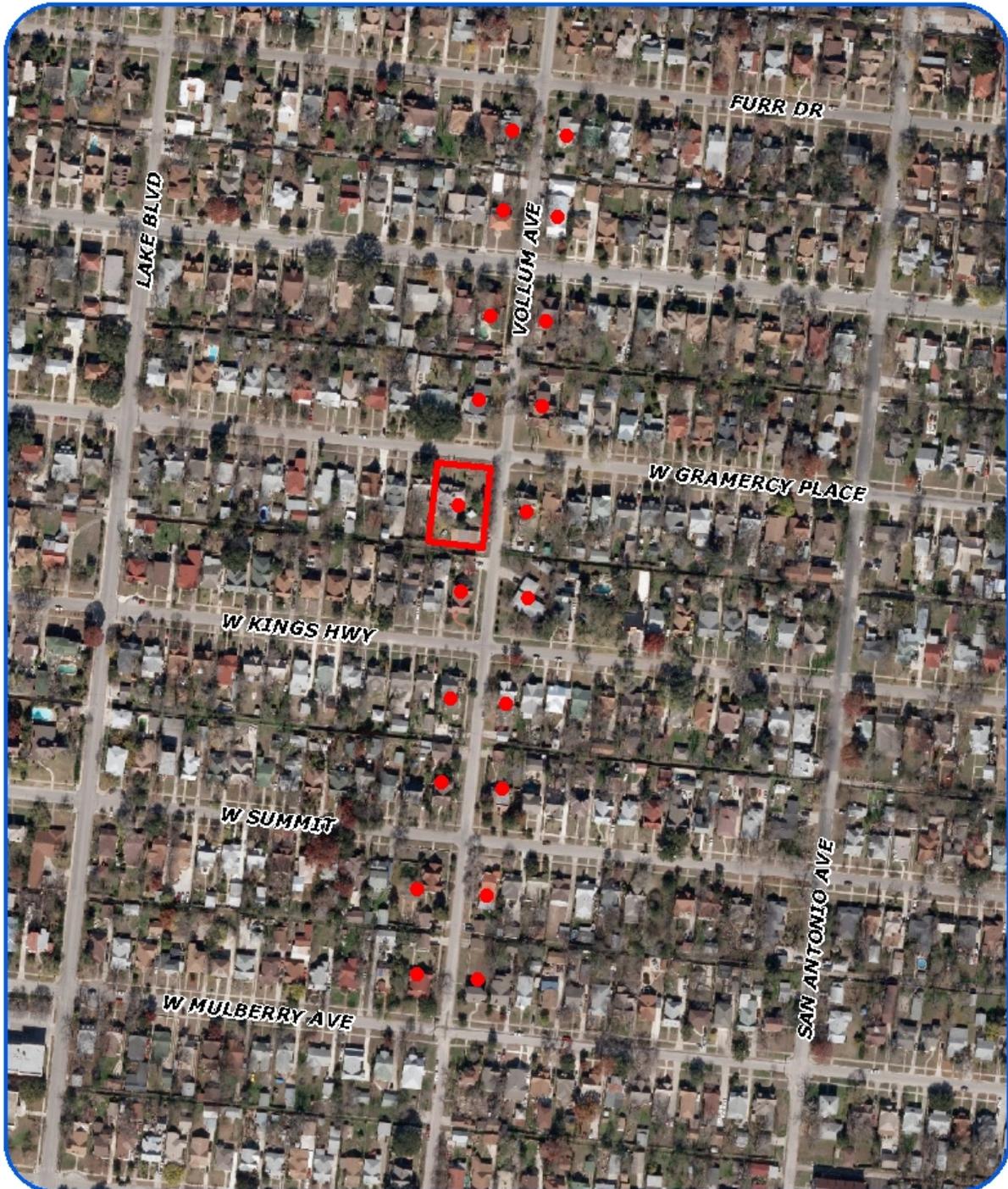


0 10 20 Feet  
Council District 7

2002 W Gramercy Pl

Development Services Department  
City of San Antonio  
(204)2013

Attachment 3  
Existing Driveways on Vollum Avenue



**Board of Adjustment**  
**Case No A-13-018**

Prop. driveway on Vollum Ave ●  
Subject Property ■  
Census District? ■ ■ ■ ■ ■

1:5,000  
Development Services Department  
City of San Antonio  
(2014/2013)

**Attachment 4  
Site Photos**

