

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, November 1, 2010

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. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-001:** The request of Daniel Petri, for a 12-foot, 6-inch variance from the 20-foot rear setback requirement of the “R-5” zoning district, in order to allow a structure 7 feet, 6 inches from the rear property line, 129 Rilla Vista. (Council District 1)
5. Approval of the minutes - October 18, 2010.
6. Adjournment.

***ACCESSIBILITY STATEMENT** - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.*

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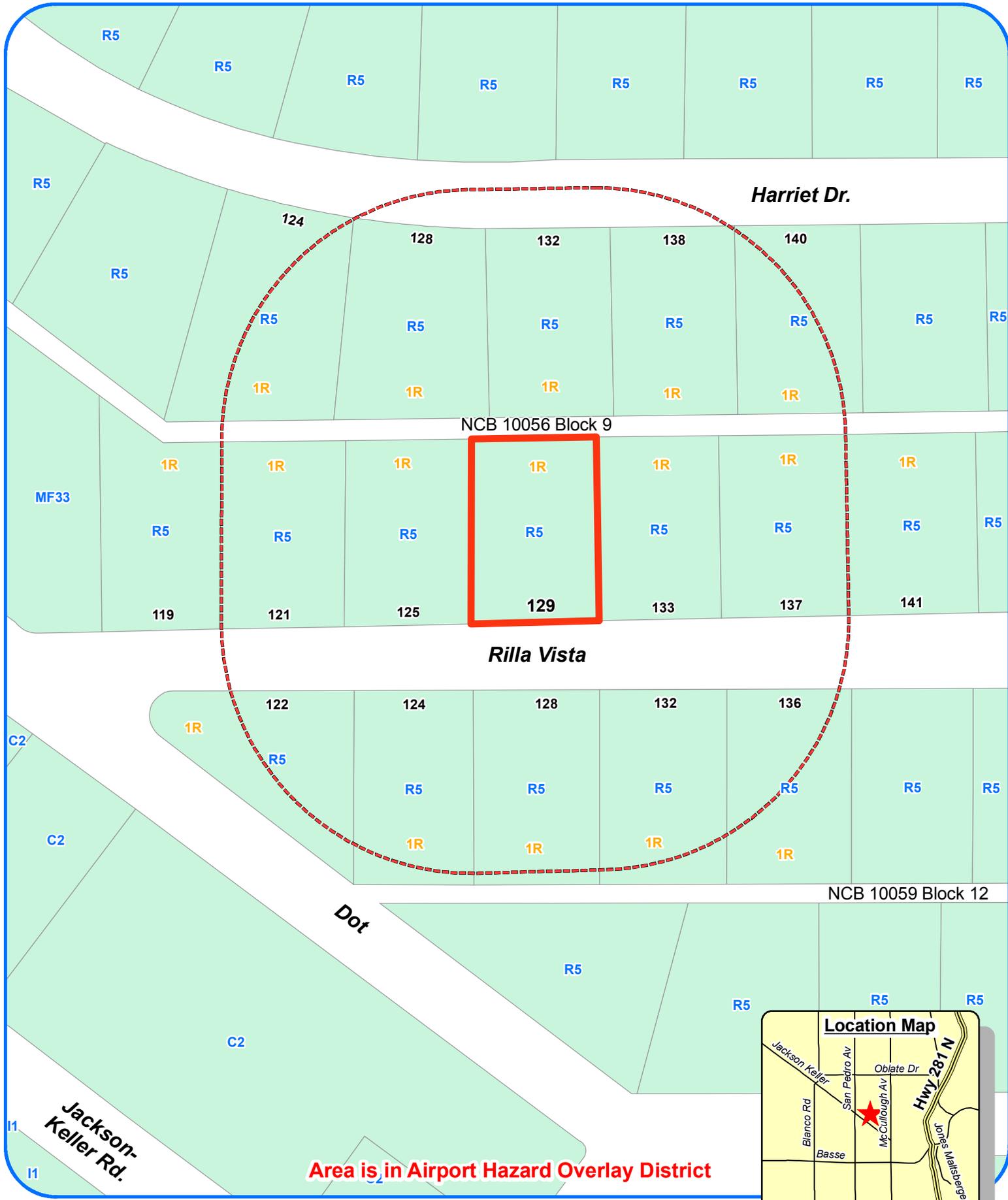
### Board of Adjustment Membership

*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*





**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-001**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 1

Development Services Dept.  
 City of San Antonio  
 (10/4/2010)



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# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-11-001  
Date: November 1, 2010  
Applicant: Daniel Petri  
Owner: Ruby Petri  
Location: 129 Rilla Vista  
Legal Description: Lot 20, Block 9, NCB 10056  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
Subject: Rear Setback Variance  
Prepared By: Jacob Floyd, Planner

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### **Summary**

The applicant requests a 12-foot, 6-inch variance from the 20-foot rear setback requirement of the "R-5" district, in order to allow a structure 7 feet, 6 inches from the rear property line.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 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 October 15. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on October 15. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 29, in accordance with Section 551.043(a) of the Texas Government Code.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-5 AHOD (Residential)	Single-Family Residence

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-5 AHOD (Residential)	Single-Family Residences

South	R-5 AHOD (Residential)	Single-Family Residences
East	R-5 AHOD (Residential)	Single-Family Residences
West	R-5 AHOD (Residential)	Single-Family Residences

### **Project Description**

The applicant proposes to build an addition in the rear yard, 7 feet 6 inches from the rear property line. Pursuant to Section 35-516(c) one half of the width of the public alley to the rear of the subject property may be considered as part of the minimum required rear setback. As this alley is 15 feet wide, the effective minimum rear setback requirement is 12 feet 6 inches, reducing the variation proposed from the rear setback to 5 feet.

The applicant indicates that the topography of the lot, specifically the significant slope toward Rilla Vista, imposes an unnecessary hardship on the property through the enforcement of the rear setback requirement. Additionally, the application states that expansion to the rear is the necessary because of the space available on the lot and the interior layout of the existing living area. Thus, the literal enforcement of the zoning ordinance would not permit an addition suitable for the needs of the homeowner and would cause them to seek residence elsewhere, resulting in unnecessary financial hardship.

The proposed addition will extend approximately 28 feet into the rear yard, which is currently about 35 feet deep. The buildable area of the lot of the rear yard, without a variance being necessary, is approximately 2,000 square feet (22 feet by 90 feet).

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

The subject property is located within the North Central Neighborhood Plan. The subject property is within the Shearer Hills-Ridgeview Neighborhood Association.

### **Criteria for Review**

According to Section 35-482(e) of the Unified Development Code, 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 variance is not contrary to the public interest as the proposed structure will not infringe upon the abutting properties to an extent detrimental to the health, safety, or general welfare of the public.*

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

*No exceptional conditions exist on the property that would result in unnecessary hardship on the reasonable use of the property through the literal enforcement of the rear setback provisions. The variance is not necessary to permit development of the property, as evidenced by the existing structure. Additionally, the property possesses adequate buildable area to accommodate an addition of the gross area desired, albeit with different dimensions.*

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

*The granting of the variance would not observe the spirit of the ordinance nor do substantial justice. The property is not subject to conditions so restraining as to deny development in a way alike to other properties in the "R-5" zoning district.*

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 variance will not authorize the operation of a use other than those specifically authorized in the "R-5 AHOD" 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 variance will not injure the appropriate use of adjacent conforming property nor will it alter the essential character of the district as a large-lot single-family neighborhood.*

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.

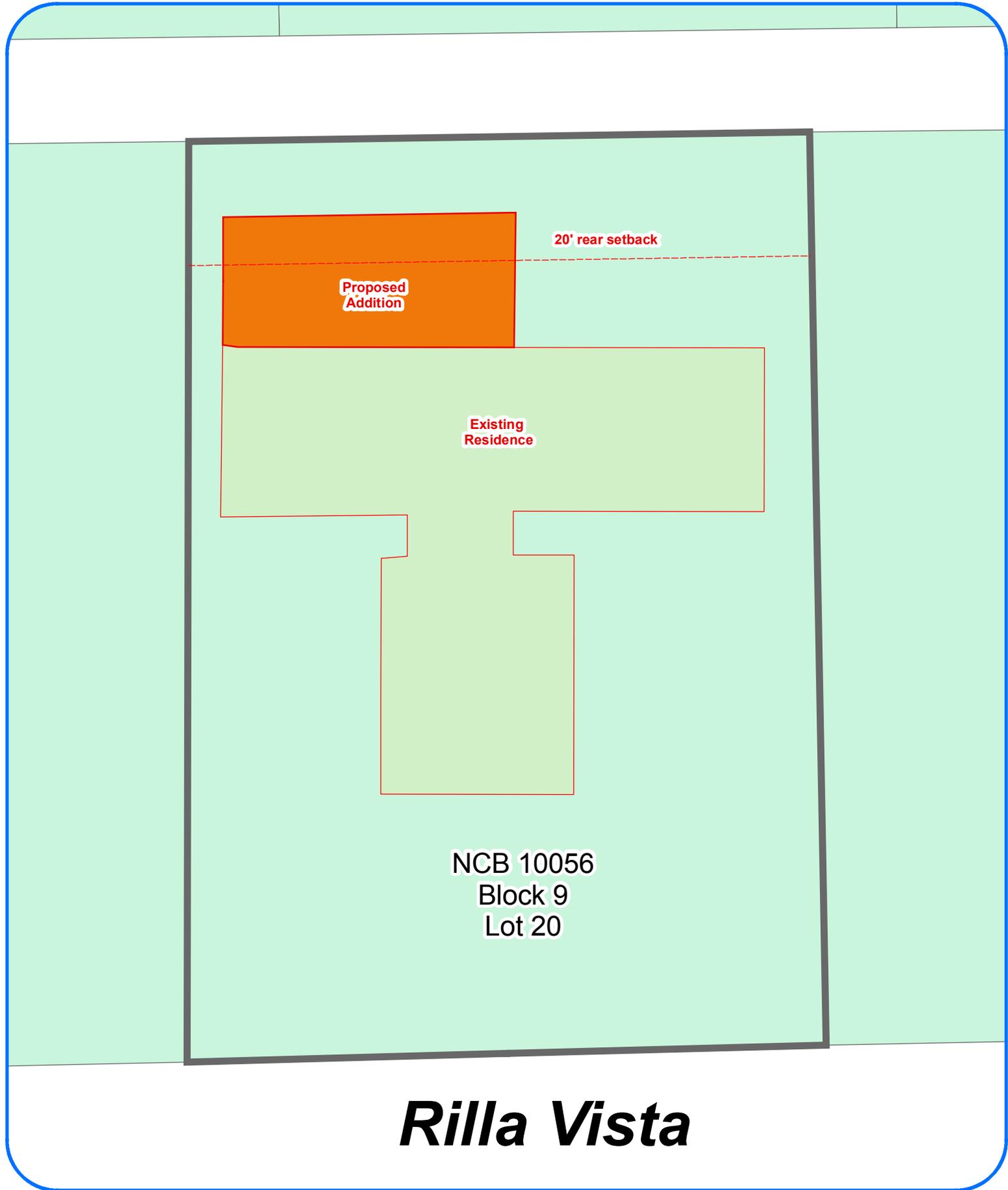
*The circumstances from which the applicant's plight arises are not unique to the subject property. The property is characterized by an approximate 6.7% slope; however this condition is commonly experienced at varying degrees by adjacent properties and the neighborhood as a whole. Additionally, there is sufficient buildable area remaining on the lot on which to build an addition of the size proposed without the necessity of a variance from the setback provisions.*

### **Staff Recommendation**

Staff recommends **denial of A-11-001**, because the findings of fact have not been satisfied as presented above. The literal enforcement of the rear setback provisions will not deny the reasonable use of the subject property as a single-family residence nor will it deny the ability to construct an addition to the existing structure. Staff does not believe that the conditions presented by the applicant as creating unnecessary hardship are so oppressive as to deny the reasonable development of the property in a manner commensurate with other similarly situated properties. Additionally, the topographic conditions of the property are not unique, but rather are typical of the neighborhood as a whole. The application does not cite other circumstances that are not of a personal or financial nature.

### **Attachments**

- Attachment 1 – Location Map
- Attachment 2 – Plot Plan
- Attachment 3 – Proposed Site Plan
- Attachment 4 – Survey
- Attachment 5 – Proposed Floor Plan



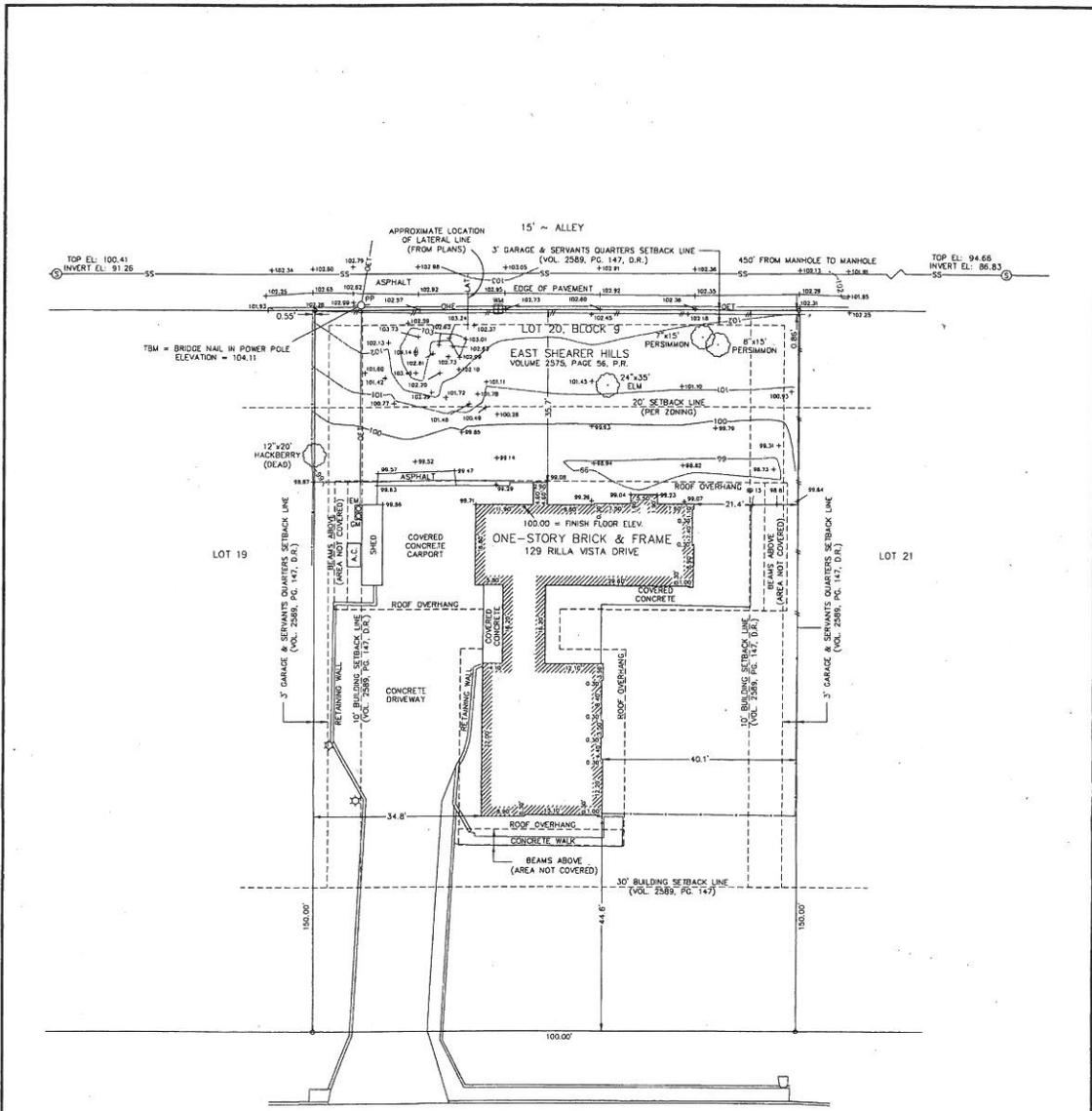
**Board of Adjustment**  
Plot Plan for  
**Case A-11-001**



Scale: 1" approx. = 20'  
Council District 1

**129 Rilla Vista**

Development Services Dept  
City of San Antonio  
(10/6/2010)



RILLA VISTA DRIVE  
(60' ~ RIGHT OF WAY)

- NOTES
1. SHOWS IS 88 PER CITY OF SAN ANTONIO, ZONING MAPS.
  2. ELEVATION IS ASSUMED.
  3. PER SURVEY PLANS RECORDS OF BEXAR COUNTY, TEXAS & BEXAR DEED RECORDS OF BEXAR COUNTY, TEXAS.

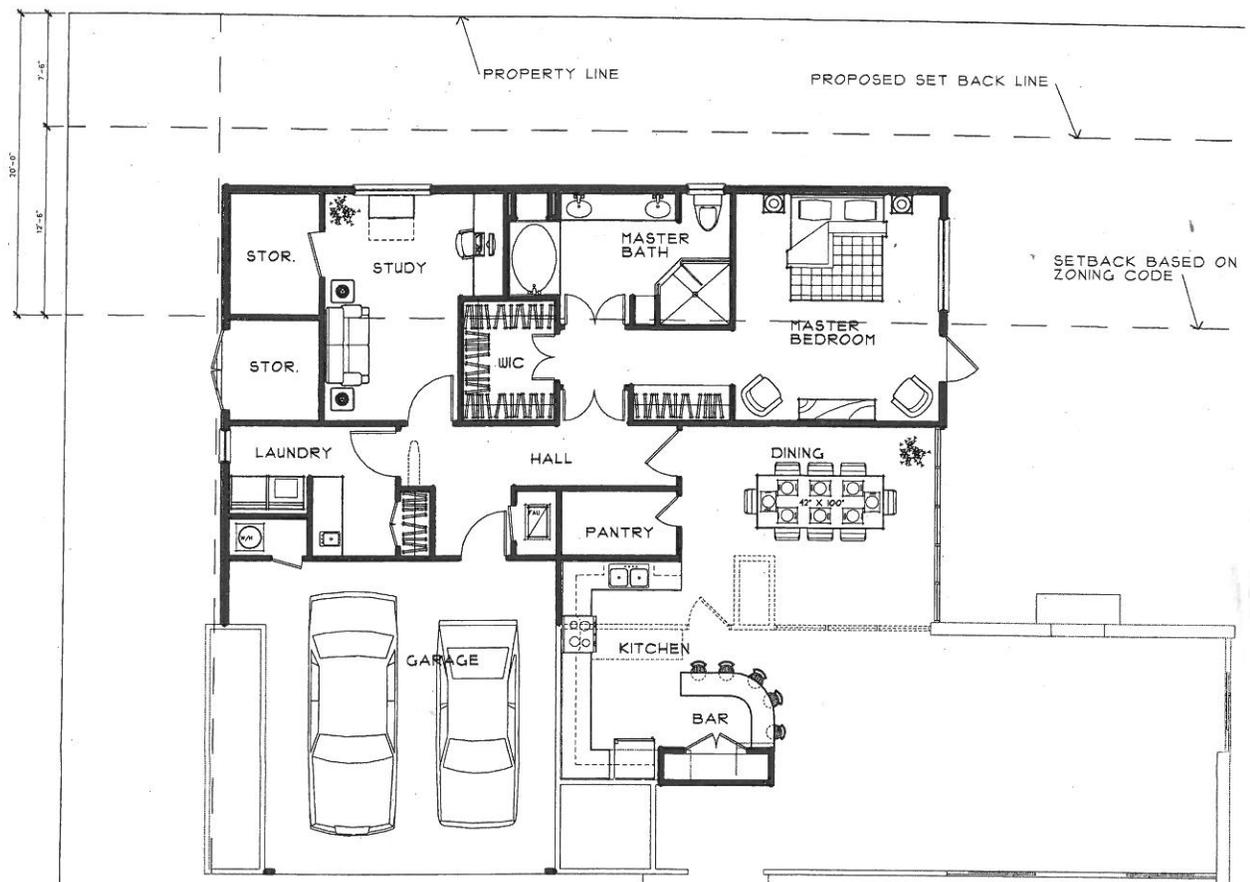
- LEGEND
- ⊠ - AIR CONDITION PAD
  - ⊙ - LIGHT POLE
  - ⊕ - ELECTRIC METER
  - ⊕ - GAS METER
  - ⊕ - WATER METER
  - ⊕ - SEWER MANHOLE
  - ⊕ - WOOD FENCE
  - ⊕ - CHAIN LINK FENCE
  - ⊕ - OVERHEAD ELECTRIC
  - ⊕ - SANITARY SEWER LINE
  - ⊕ - LATERAL LINE

NOT TO SCALE

	TOPOGRAPHY OF	
	THE REAR PORTION OF 129 RILLA VISTA DRIVE, LOT 20, BLOCK 9, N.C.B. 10056 EAST SHEARER HILLS SAN ANTONIO, BEXAR COUNTY, TEXAS.	
	Drawn by: G.P.K. Checked by: J.F.R. Date: 8/18/2016 Job No.: 1037803	SHEET <b>1</b>



15' ALLEY



PROPOSED PLAN FOR MR. & MRS. PETRI



9/30/10

