



City of San Antonio

Legislation Details (With Text)

File #: 16-4908

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/19/2016

Title: A-16-148: A request by Margaret Carlyle for a 20 foot variance from the 20 foot rear setback to allow an in-line addition to be on the rear property line, located at 4342 Putting Green Drive. Staff recommends Approval. (Council District 10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Maps and Pictures

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Case Number: A-16-148

Applicant: Margaret Carlyle

Owner: Estate of Nancy Allin

Council District: 10

Location: 4342 Putting Green Drive

Legal: Lot 28, Block 31, NCB 16738

Description:

Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

Case Manager: Logan Sparrow, Senior Planner

Request

A request for 1) a 20 foot variance from the 20 foot rear setback, as described in Section 35-310.01, to allow an addition to be on the rear property line.

The subject property is located at 4342 Putting Green Drive, immediately south of the Putting Green Drive and Harvest Bend intersection. The applicant was appointed the Independent Administrator of the former owner's estate and is in the process of preparing the property for sale. The home was originally built in 1979 and sometime thereafter a porch was added to the rear of the structure that was built along the side and rear property lines. Later, the rear porch was screened in. The structure has been in place for several years and, to date, the City of San Antonio has received no known complaints regarding the addition.

| Existing Zoning | Existing Use |
|--|------------------------|
| "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|------------------------|
| North | “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |
| South | “G AHOD” Golf Airport Hazard Overlay District | Golf Course |
| East | “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |
| West | “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Northern Hills Homeowners Association. As such, the HOA was notified and asked to comment.

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. In this case, the public interest is represented by minimum setbacks to ensure compatible and safe development within the City of San Antonio. The neighborhood is a zero-lot-line development, characterized by development on one side property line with a larger side setback opposite the zero-lot-line for maintenance. Regarding the rear setback variance, although the subject property appears to be the only property with an addition on the rear property line there are several properties that encroach into the required 20 foot rear setback. Because the structure has existed for years without generating any complaints, staff finds that the rear setback variance request is not contrary to the public interest.

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

The special condition present in this case is that the structure has existed for years without causing harm. Additionally, the zero-lot-line development pattern lessens the impact of the development on the side property line. A literal enforcement of the ordinance would require that the structure be removed. Staff finds that this 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.*

Granting the requested variance will result in substantial hardship in that it will allow the property owner to keep a structure that has existed for years without causing harm to adjacent properties.

4. *The 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-5 AHOD” Residential Single-Family Airport Hazard Overlay 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 are unlikely to detract from the essential character of the community for three reasons. Several property owners appear to have screened patios within the rear setback along the golf course. Third, the additions are to the rear of the home and not visible from the public right-of-way (ROW).

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 that the unique circumstance present in this case is the zero-lot-line lot layout as well as the fact that the structure has existed for years without causing incident.

Alternative to Applicant’s Request

The applicant would need to comply with the setbacks required by the Unified Development Code.

Staff Recommendation

Staff recommends **APPROVAL** for the variance requests in **A-16-148** based on the following findings of fact:

1. The covered patio has existed for years without harming adjacent property owners
2. The zero-lot-line layout of the community lessens the impact of further development along the side property line.