



City of San Antonio

Legislation Details (With Text)

File #: 18-3947

Type: Zoning Case

In control: Board of Adjustment

On agenda: 6/18/2018

Title: A-18-109: A request by John Voss for a 14'3" variance from the 20' garage setback to allow a garage to be 5'9" from the property line, located at 4602 Shavano Birch. Staff recommends Approval. (Council District 8)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-109 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: A-18-109

Applicant: John Voss

Owner: John Voss

Council District: 8

Location: 4602 Shavano Birch

Legal: Lot 1, Block 8, NCB 18916

Description:

Zoning: "R-4 MLOD-1 ERZD" Residential Single-Family Camp
Bullis Military Lighting Overlay Edwards Recharge Zone
District

Case Manager: Dominic Silva, Planner

Request

A request for a 14'3" variance from the 20' garage setback, as described in Section 35-516, to allow a garage to be 5'9" from the property line.

Executive Summary

The subject property is located at 4602 Shavano Birch, 341 feet northwest of Shavano Court. The applicant requests a variance to expand an existing garage measuring 21' in length by an additional 9'5" in order to store the applicant's vehicle, which measures 19' in length. The property is located in a district that is known to have detached garages, and as a corner lot, the occupant is left with inadequate space for vehicle's parked in the

driveway without partially parking beyond the property line. The house was constructed in 1994, before the 2001 Unified Development Code was established on a mandatory 20’ distance between the garage and property line. Currently, the garage is 15’4” away from the property line.

Other options have been explored in expanding the garage, however, there is a large heritage tree present north of the garage in which the applicant has expressed interest in maintaining.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling
South	“R-4 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling
East	“R-4 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling
West	“R-4 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the North Sector Plan and is currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the Shavano Ridge Neighborhood Association. As such they were 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 extension to the garage 5'9" is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The garage is already surrounded by a 6' privacy fence on either side and is not noticeable to the passersby until directly in front of the structure. It is also covered from view by a large heritage tree.

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

As the property was built in 1994, prior to the 2001 Unified Development code mandated a 20' setback from the property line, the applicant's vehicle cannot be parked on the driveway without partially extending beyond the property line. This is a common theme throughout the community.

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 the intent of the requirement rather than the strict letter of the law. The proposed garage extension is not overwhelming in size compared to the principal structure and will allow the owner to store the vehicle inside the garage instead of protruding beyond the property line.

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.*

The variance will not authorize the operation of a use other than those uses specifically authorized by the "R-4 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone 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 property is located in a district characterized by detached garages, thus an extension of the current garage to store a vehicle that is currently unable to park in the driveway without protruding beyond the property line will not injure the appropriate use of adjacent conforming properties or alter the 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 variance being sought is due to the property having been built in 1994 before adoption of the 2001 Unified Development code mandating a 20' distance from the property line. Currently, the garage entrance to property line measures 15'4", leaving any vehicle parked on the driveway extended beyond the property line.

Alternative to Applicant's Request

The alternative to the applicant's request would be to adhere to the accessory structure setback regulations in section 35-370.

Staff Recommendation

Staff recommends **APPROVAL** of the variance requests **in A-18-109** based on the following findings of fact:

1. The applicant's vehicle parked on the driveway currently extends beyond the property, and the garage itself is too small to safely fit the applicant's vehicle, and;
2. The requested variance will not detract from the character of the district.