



City of San Antonio

Legislation Details (With Text)

File #: 16-3539

Type: Zoning Case

In control: Board of Adjustment

On agenda: 6/20/2016

Title: A-16-103: A request by Robert Moreno for a twenty (20) foot variance from the thirty (30) foot platted front setback to allow a carport to be ten (10) feet from the front property line, located at 4327 Bikini Drive. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-16-103 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-103

Applicant: Robert Moreno

Owner: Robert Moreno

Council District: 2

Location: 4327 Bikini Drive

Legal Description: Lot 19, Block 14, NCB 12384

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

Case Manager: Shepard Beamon, Planner

Request

A request for twenty (20) foot variance from the thirty (30) foot platted front setback, as described in Section 35-516 (O), to allow a carport to be ten (10) feet from the front property line.

Executive Summary

The applicant currently resides in the East Terrell Hills Subdivision, a subdivision that was recorded in 1959. The subdivision plat includes a 30 foot platted front setback. The applicant wishes to build a carport 10 feet from the front property line, but due to the 30 foot platted front setback, a variance must be granted before he can construct the proposed carport. The applicant began construction of the carport, was cited by code, and stopped construction.

Subject Property Zoning/Land Use

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	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
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 currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Terrell Hills Neighborhood Association. As such, the neighborhood was notified and asked to comment.

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 setback limitations to protect property owners and create a cohesive streetscape. The proposed ten (10) feet in the front of the property provides this streetscape protection in other areas. Since the carport meets the side setback a modified 20 foot variance would not be contrary to the public interest.

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

Literal enforcement of the platted setback would not allow any carport. Allowing a reduced front setback will provide equal treatment for all residential properties.

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

The spirit of the ordinance represents the intent of the requirement. The requested variance for a ten (10) foot front setback meets the zoning requirement established in most residential districts.

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 carport will be an attractive addition to the home when it is completed. A twenty (20) foot variance from the thirty (30) foot platted setback will not cause harm to adjacent properties. Additionally, the property will not increase fire hazard, will not create water runoff on the adjacent property, and will allow room for maintenance without trespass.

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 thirty (30) foot platted front setback poses an additional barrier to property development and does not provide this property owner equal rights for development. The City of San Antonio has an established 10 foot front setback, applied in all residential districts, and the proposed carport meets this established setback.

Alternative to Applicant's Request

The applicant could remove the platted setback.

The applicant could build according to the subdivision platted setback requirements.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-103** based on the following findings of fact:

1. The proposed carport meets the spirit of the code and will not pose an increased fire risk or water runoff to adjacent properties. 2. The proposed carport meets the 10-foot front setback requirement established in the Unified Development Code for residential zoning districts.