



City of San Antonio

Agenda Memorandum

File Number: 16-3540

Agenda Item Number: 6.

Agenda Date: 6/20/2016

In Control: Board of Adjustment

Case Number: A-16-098
Applicant: Bert J. Brown
Owner: Burt J. and Jerri L. Brown
Council District: 10
Location: 14319 Ridge Falls Drive
Legal Description: Lot 7, Block 7, NCB 17807
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Planner

Request

A request for thirteen (13) foot variance from the twenty-five (25) foot platted front setback, as described in Section 35-516 (O), to allow a carport to be twelve (12) feet from the front property line.

Executive Summary

The applicant currently resides in the Greenridge North Subdivision, a subdivision that was recorded in 1974. The subdivision plat includes a 25 foot platted front setback. The applicant wishes to build a carport 12 feet from the front property line, but due to the 25 foot platted front setback, a variance must be granted before he can construct the proposed carport. The applicant has requested a variance before constructing the proposed carport.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|------------------------|
| "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|------------------------|
| North | "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |
| South | "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

| | | |
|------|--|------------------------|
| East | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |
| West | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is not located within a registered neighborhood association.

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 twelve (12) feet in the front of the property provides this streetscape protection in other areas. Since the carport meets the side setback a modified 13 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, as the setback extends to the front façade of home and prohibits any expansion or additions.

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 twelve (12) 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 thirteen (13) foot variance from the twenty-five (25) 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 twenty-five (25) 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-16-098** 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.