



City of San Antonio

Agenda Memorandum

File Number: 17-1718

Agenda Item Number: 9.

Agenda Date: 2/20/2017

In Control: Board of Adjustment

Case Number: A-17-052
Applicant: Pablo & Martha Villareal
Owner: Pablo & Martha Villareal
Council District: 6
Location: 2811 War Arrow Drive
Legal: Lot 15, Block 8, NCB 14538
Description:
Zoning: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 19 foot variance from the minimum 30 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be built 11 feet from the front property line.

Executive Summary

The subject property is located in the Town View Estates Subdivision and includes over 10,000 square feet of lot area. The subdivision was platted with a 30 foot front building setback line. The home was built in 1975 with a 35 foot setback and an attached two-car garage. At some point since then, the garage was converted into living space. The property owner is seeking permission to build a carport. When they came to obtain a permit, they were informed of the additional platted setback requirement. Rather than choosing to amend the plat, they are seeking relief from the Board of Adjustment. If not for the platted front setback, the project would be permitted.

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
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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 West/Southwest Sector Plan and currently designated General Urban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Thunderbird Hills 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the front setback requirement. The property owner is seeking to build a carport 11 feet from the front property line. If not for the platted setback, this distance would be permitted. Staff finds that the 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 carport would be permitted on most residential single-family lots in the City of San Antonio. Additionally, if the applicant were to amend the plat to remove the setback, this proposed construction would be permitted. Staff finds that denial of the requested variance would result in unnecessary hardship.

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 served by the setbacks established in the Unified Development Code. Those setbacks are ten feet, a setback slightly larger than the one proposed.

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 in the “R-6 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.*

In that the design will meet the required front setback established in the Unified Development Code, staff finds that the design will not conflict with the essential character of the community.

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 plight of the owner is not merely financial in nature. They are seeking to build a carport that would satisfy the front setback in the Unified Development Code.

Alternative to Applicant's Request

Denial of the requested variance will result in the applicant not being able to construct the carport.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-17-052** based on the following findings of fact:

1. The design, as proposed, meets the setbacks established in the Unified Development Code and;
2. The design would not detract from the essential character of the district.