



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-4474

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 8/17/2015

**Title:** A-15-130: A request by Beth Muench for 1) a 5 foot variance from the 10 foot reverse corner lot setback and 2) a 15 foot variance from the 20 foot setback for a garage 5 feet from the property line, located at 4815 Buckwheat. (Council District 10)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-130

**Applicant:** Beth A Muench

**Owner:** Beth A Muench

**Council District:** 10

**Location:** 4815 Buckwheat Street

**Legal Description:** Lot 5, Block 1, NCB 16725

**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Logan Sparrow, Senior Planner

### Request

A request for 1) a five foot variance from the ten foot reverse corner lot setback, as described in Section 35-516 (i), and 2) a 15 foot variance from the 20 foot setback for garages, as described in Section 35-516(g), to allow a garage five feet from the property line.

### Executive Summary

The subject property is located at 4815 Buckwheat Street, approximately 220 feet southeast of Uhr Lane. The applicant started construction of a large garage for the storage of a recreational vehicle (RV), and was cited by Code Enforcement for construction of the garage without permits. The applicant has already removed the platted 20' setback line along Buckwheat Street through a minor plat amendment.

The structure in question previously acted as a small carport, but was enlarged and enclosed; now categorizing it as a garage. Garages, per Section 35-516(g), must be located at least 20 feet from the property line. The carport is largely made of corrugated metal, which is not typical of the residential nature of the community in which it is located. In addition, the height of the structure, while permitted, generates a massing that is further atypical within this neighborhood.

**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 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 located within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low-Density Residential in the future land use component of the plan. The subject property is located within the Windsor Square Neighborhood Association. As such, the neighborhood association 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 represented by minimum setbacks to prevent non-uniform development, to ensure adequate fire separation distances, and to provide fair and equal access to air and light. The variance request is contrary to the public interest. During field visits to the subject property staff found that it is the only structure in the neighborhood that is located so close to the street and disrupts uniform development within the community. While the materials used to construct the garage are not prohibited, the location of the structure so close to the public ROW creates a massing affect that detracts from the residential nature of the community and is, therefore, contrary to the public interest.

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

Staff is unable to determine any special conditions present to warrant the requested variances. Had permits have been applied for staff could have guided the construction of the garage in a fashion that meets the required setbacks and remained in character with the residential nature of this community.

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

done.

Granting the variances would not result in substantial justice as the applicant would be the only homeowner, as best as staff was able to determine, with a garage so close to the property line. The current design detracts from the character of the community, and authorizing its current location would not result in substantial justice for other homeowners within this neighborhood.

*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-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.*

It is very likely that the requested variance will detract from the essential character of the community in which it is located. The garage is made of corrugated metal which, while not a prohibited material, is inconsistent with the design of the residential community. Combined with the garage’s location so near the street, offers a massing that is inconsistent within residential communities in the City of San Antonio.

*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 is unable to determine any unique circumstances present to warrant the granting of the requested variances. Had the applicant obtained a permit, the setback variances would have been addressed and the garage could have been located further back from the public ROW, in a location where its massing would impose less of an affect on the neighborhood.

### **Alternative to Applicant’s Request**

Denial of the requested variances will result in the garage being designed in a fashion that is consistent with the required setbacks.

### **Staff Recommendation**

Staff recommends **DENIAL of the requested variances in A-15-130** based on the following findings of fact:

1. It is the only structure in the neighborhood located so close to the property line.
2. The garage detracts from the essential character of the community in which it is located.