



City of San Antonio

Legislation Details (With Text)

File #: 16-5858

Type: Zoning Case

In control: Board of Adjustment

On agenda: 11/21/2016

Title: A-17-003: A request by Steve Scott for a 13 foot variance from the minimum 30 foot platted front setback and from the minimum Whispering Oaks Neighborhood Conservation District 30 foot front setback to allow a carport to be built 17 feet from the front property line, located at 2723 Oak Bluff. Staff recommends Approval. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-003

Applicant: Steve & Brenda Scott

Owner: John Stephen Scott & Brenda Scott

Council District: 9

Location: 2723 Oak Bluff

Legal: Lot 49, Block 1, NCB 14131

Description:

Zoning: "R-6 NCD-4" Residential Single-Family Whispering Oaks
Neighborhood Conservation District

Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 13 foot variance from the 30 foot platted front setback, as described in Section 35-516 (o) and the 30 foot Whispering Oaks Neighborhood Conservation District front setback, as described in Section 35-335, to allow a carport to be built 17 feet from the front property line.

Executive Summary

The subject property includes an 11,400 square foot lot in the Whispering Oak Subdivision, recorded in 1968. The plat includes a 30 foot platted front building setback, triggering the need for a variance to allow the proposed construction of a carport. In addition, the Whispering Oak Neighborhood Conservation District (NCD) Standards, adopted in 2005, also codified this minimum front setback. The applicant began construction of a carport, measuring 16 feet wide by 18 feet deep, and was cited by Code Enforcement and instructed to request a building permit. If approved, the carport as proposed will be 17 feet from the front property line. The applicant is proposing to enhance the carport by using matching building materials and roof pitch in compliance with the NCD provisions. These are the only applicable NCD standards.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation District	Single-Family Home
South	"R-6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation District	Single-Family Home
East	"R-6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation District	Single-Family Home
West	"R-6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation District	Single-Family Home

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 located within the boundaries of the Whispering Oak 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 minimum setbacks. The proposed carport will be 17 feet from the front property line, providing adequate setback in the public interest.

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

Literal enforcement of the ordinance will eliminate the potential for additional covered parking. The proposed front setback, while it is shorter than most in this neighborhood, will allow the owner a small area of covered parking.

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 Code, rather than the strict letter of the law. In this case, the intent is to provide large open front yards, with tree preservation. The addition of covered parking remains 17 feet from the property line, which is another 10 feet behind the curb, meeting the intent of the code.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 NCD-4” Residential Single-Family Whispering Oaks Neighborhood Conservation 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 proposed carport will remain with a large 17 foot setback, be covered with building materials matching those of the house and therefore, the variance will not 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 unique circumstance is that the carport is located in a neighborhood with both a 30 foot front setback and NCD requirements that also require a 30 foot front setback. This is not merely financial and not created by the owner.

Alternative to Applicant’s Request

Without the requested variance, the owner will not be permitted to add a carport to the house.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variance, detailed in A-17-003 based on the following findings of fact:

1. The proposed setback is still more than 25 feet from the street edge; and
2. The applicant has designed a carport to satisfy the additional NCD design standards required to ensure compatibility.