



City of San Antonio

Legislation Details (With Text)

File #: 16-5860
Type: Zoning Case
In control: Board of Adjustment
On agenda: 11/21/2016
Title: A-17-001: A request by Kenneth Burta for a 20 foot variance from the 30 foot platted front setback to allow a carport to be ten (10) feet from the front property line, located at 3119 Satellite Drive. Staff recommends Approval. (Council District 10)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-17-001 Photos, 2. A-17-001 Site Plan, 3. BOA17-001NPA, 4. BOA17-001PP

Date	Ver.	Action By	Action	Result
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Case Number: A-17-001
Applicant: Kenneth Burts
Owner: Kenneth Burts
Council District: 10
Location: 3119 Satellite Drive
Legal: Lot 5, Block 6, NCB 13641
Description:
Zoning: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 20 foot variance from the platted 30 foot 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 subject property is located at 9711 Astronaut Drive, in the MacArthur Terrace Subdivision, recorded August 30, 1963. The applicant is seeking a variance to allow for the construction of a 20 foot deep carport. The applicant has not started construction, and wishes to obtain the proper approval before proceeding. The 20 foot deep carport would encroach into the platted front setback by only 20 feet and would still meet the 10 foot front setback required by City code. The carport meets the side setback requirement.

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 San Antonio International Airport Vicinity Plan and designated as Low-Density Residential in the future land use component of the plan. The subject property is not located within a registered neighborhood association.

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 minimum setbacks to ensure compatible and safe development within the City of San Antonio. The proposed carport respects the 10 foot front setback required by the UDC, as it will only be 20 feet deep. Further, the proposed carport meets the side setback requirement. 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 the presence of a large platted front setback. The applicant seeks to encroach into that setback by 20 feet. Staff finds that not allowing the applicant to do so would constitute an unnecessary hardship in that the depth permitted is insufficient to protect their vehicles.

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

Granting the requested variance will result in substantial justice in that it allows the applicant to protect their vehicles with minor encroachment. Further, the Board previously approved a similar request for a carport at 9711 Astronaut Drive.

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.*

The requested variance is unlikely to alter the essential character of the district. Permitting 20 foot encroachment is unlikely to detract from the neighborhood when considering that the structure is still 10 feet from the front property line, and there was a previous case with a similar request.

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 present in this case is the large platted front setback. If not for that, the zoning only requires the applicant to remain ten feet from the front property line, which the owner will meet.

Alternative to Applicant's Request

The applicant would have to comply with all required setbacks.

Staff Recommendation

Staff recommends **APPROVAL** for the variance request in **A-16-137** based on the following findings of fact:

1. The carport meets the side setback requirement;
2. The carport encroaches 20 feet into the platted front setback and meets the 10 foot front setback established by the zoning district in the UDC.

