



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-3181

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 5/15/2017

**Title:** A-17-105: A request by Ricardo Lerma for a 6 foot variance from the platted 18 foot rear setback line to allow a detached garage 12 feet from the rear property line, located at 939 Santa Anna Street. Staff recommends Approval. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Supporting Documents

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-105

**Applicant:** Ricardo Lerma

**Owner:** Analisa Garza

**Council District:** 1

**Location:** 939 Santa Anna Street

**Legal:** Lot 1, Block C, NCB 8800

**Description:**

**Zoning:** "R-4" Residential Single-Family District

**Case Manager:** Oscar Aguilera, Planner

### Request

A request for a six (6) foot variance from the platted 18 feet rear setback line to allow a detached garage to be 12 feet from the rear property line.

### Executive Summary

The subject property was platted as part of the Pasadena Heights Unit 1 Subdivision recorded in 1999. The subdivision plat includes an 18 foot platted rear setback. The applicant wishes to build a carport 12 feet from the rear property line, the UDC standard rear setback for accessory structures is five (5) feet, but due to the 18 foot platted rear setback a variance is required before the applicant can construct the proposed detached garage. The applicant has not started to construct the proposed detached garage.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4" Residential Single-Family District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4" Residential Single-Family District	Single-Family Dwelling
South	"R-4" Residential Single-Family District	Single-Family Dwelling
East	"R-4" Residential Single-Family District	Single-Family Dwelling
West	"R-4" Residential Single-Family District	Single-Family Dwelling

### Comprehensive Plan Consistency/Neighborhood Association

The property is within Greater Dellview Area Community Plan and designated as Low Density Residential. The subject property is located within the boundaries of the Central Los Angeles Heights Neighborhood Association. This Neighborhood Association was notified.

### 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 setback limitations to protect property owners from the overcrowding of structures. The City's zoning setback of 5 feet for accessory structures provides this protection in other areas. Since the detached garage meets the side setback and the rear setback will be 12 foot from the property line and not within the recorded utility easement, the variance request from the recorded plat's setback 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 detached garage. Providing equal treatment of enforcing the 5 feet zoning setback is not a 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 represents the intent of the requirement. The City zoning setback is 5 feet and represents the ordinance and the proposed detached garage meets this spirit.**

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-4" Residential Single-Family 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 meet the side setback of 5 feet. There are other detached garages prevalent in the area. A 6 foot variance from the 18 foot platted setback for a 5 foot rear setback for will be equivalent**

to the City's established standard for rear setback accessory structures.

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 City of San Antonio has an established 5 feet rear setback for rear setback accessory structures applied in all residential districts, and the proposed detached garage meets this established setback.

#### **Alternative to Applicant's Request**

The applicant could amend the recorded setbacks, relocate the utility easements and construct to the five (5) foot setback requirements established for accessory units per the UDC.

#### **Staff Recommendation**

Staff recommends **APPROVAL of A-17-105** based on the following findings of fact:

1. The proposed detached garage meets the spirit of the code as it is to be built 12 feet from the rear property line meeting the UDC standard for residential construction and the detached garage will not be constructed within the utility easement.
2. There are similar carports within the subdivision.