



City of San Antonio

Legislation Details (With Text)

File #: 18-6382
Type: Zoning Case
In control: Board of Adjustment
On agenda: 11/19/2018
Title: A-18-177: A request by Mack L. McKay for a 10' variance from the 20' garage setback to allow a garage to be 10' from the property line, located at 14202 Ridge Meadow Drive. Staff recommends Approval. (Council District 10)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-177 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-177
Applicant: Mack L. McKay
Owner: Mack L. McKay
Council District: 10
Location: 14202 Ridge Meadow Drive
Legal: Lot 39, Block 9, NCB 17809
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for a 10' variance from the 20' garage setback, as described in Section 35-516(g), to allow a garage to be 10' from the property line.

Executive Summary

The subject property is located at 14202 Ridge Meadow Drive, on the corner of Ridge Village Drive and leading into a cul de sac to the east. The applicant requests a variance for a proposed detached garage located in the rear of the applicant's property in order to store hobby vehicles. A new drive approach will be constructed in order to accommodate entry into the rear yard.

Staff notes that, during field visits, little traffic was seen along Ridge Village Drive that feeds into the cul de sac to the east of the applicant's property. There is also a similar property to the rear of the applicant that has a second drive approach along Ridge Village Drive.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

No permit history related to this proposed project exists on the property. The property owner is seeking a variance to allow for permits to be issued. No construction has started.

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	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 subject property is within the boundaries of the North Sector Plan and is currently designated "Suburban Tier" in the future land use component of the plan. The subject property is not located within the boundaries of any Neighborhood Association. As such they were notified and asked to comment.

Street Classification

Ridge Meadow Drive is classified as a Local street.

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 proposed garage is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The garage will be surrounded by a 6' privacy fence on either side and will not be noticeable to the passersby. Further, it will be located along a road that feeds into a cul de sac.

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

Literal enforcement of ordinance would result in the applicant placing the proposed detached garage in the middle of the rear property and limiting the size of the garage to render it unusable for the applicant's specific request and 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 the intent of the requirement rather than the strict letter of the law. The proposed garage is not overwhelming in size compared to the principal structure and will allow the owner to store the hobby vehicles inside the garage instead of protruding beyond the property line within the front yard.

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 permitted within the property's current base zoning 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 property is located in a district characterized by large lots with ample rear yards, thus a proposed garage to store hobby vehicles will not injure the appropriate use of adjacent conforming properties or 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 variance being sought is due to the size constraints of the rear property in regard to a 20' setback from the property line. If approved, adequate space will be reserved for setbacks, maintenance of the structure without trespass, and storm water controls. Further, the proposed garage will be out of sight behind a 6' privacy fence with gate and located adjacent to a local street feeding into a cul de sac.

Alternative to Applicant's Request

The alternative to the applicant's request would be to adhere to the accessory structure setback regulations in section 35-516(g).

Staff Recommendation

Staff recommends **APPROVAL** of the variance requested in **A-18-177** based on the following findings of fact:

1. The proposed garage will be out of sight behind a 6' privacy fence and all other setbacks will be met, and;
2. The requested variance will not detract from the character of the district, and;
3. Clear Vision standards will not be in violation.