



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-5652

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 8/5/2019

**Title:** BOA-19-10300085: A request by Neesa Broussard for a 7' variance from the 15' rear setback requirement to allow an attached patio cover to remain 8' from the rear property line, located at 271 Red Hawk Ridge. Staff recommends Approval. (Council District 9) (Mercedes Rivas, Senior Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BOA 19-10300085 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300085

**Applicant:** Neesa Broussard

**Owner:** Neesa Broussard

**Council District:** 9

**Location:** 271 Red Hawk Ridge

**Legal:** Lot 3, Block 31, NBC 19217

**Description:**

**Zoning:** "PUD R-6 MOLD-1 MLR-1" Planned Unit Development  
Residential Single-Family Camp Bullis Military Lighting  
Overlay Military Lighting Region 1 District

**Case Manager:** Mercedes Rivas, Senior Planner

### Request

A request for a 7' variance from the 15' rear setback requirement, as described in Section 35-516(e), to allow for an existing attached patio cover to be 8' away from the rear property line.

### Executive Summary

The applicant is seeking to permission to keep an existing attached patio cover located at the rear of the home over a pre-existing concrete slab. The new patio covers the pre-existing 392 square foot concrete patio, or 19' by 24.5', that was poured before the property owner purchased the home. The applicant needs the attached patio cover to shield the home owners from the sun and inclement weather. Further, the subject property is on a cul-de-sac and is oddly shaped meaning that the property owner has limited construction options. The subject property is surrounded by other residential properties.

**Code Enforcement History**

No Code Enforcement history exists on the property.

**Permit History**

The property owner is seeking variance to allow for a permit to be issued.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“PUD R-6 MOLD-1 MLR-1” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“PUD R-6 MOLD-1 MLR-1” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 District	Single-Family Dwelling
South	“PUD R-6 MOLD-1 MLR-1” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 District	Single-Family Dwelling
East	“PUD R-6 MOLD-1 MLR-1” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 District	Single-Family Dwelling
West	“PUD R-6 MOLD-1 MLR-1” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the North Sector Plan and is currently designated as “Suburban Tier.” The subject property is not located within a neighborhood association.

**Street Classification**

Red Hawk Ridge is classified as a local.

### **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 separation between homes to allow quiet enjoyment of outdoor space. The attached patio will be on top of an existing concrete slab in the rear of the yard. The attached patio will be in harmony with the neighboring properties. 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.*

**Literal enforcement of the ordinance would not permit the owner of the property to construct an attached patio in the rear of the home as proposed. The structure would need to be redesigned.**

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

**The intent of rear setbacks is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. The reduction of the rear building setback line will not significantly disrupt uniformity and will not injure the rights of adjacent property owners.**

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 variance will not authorize the operation of a use other than those uses specifically authorized in the 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 requested variance will not be visible from the public right of way or alter the essential character of the district. The reduction of the rear building setback line will not produce water runoff on adjacent properties and will not require trespass to maintain the structure.**

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 that the lot is on a cul-de-sac and is oddly shaped. Further, this setback issue is not merely financial in nature as the lot is shaped oddly and on a cul-de-sac.**

**Alternative to Applicant's Request**

Denial of the variance request would result in the owner having to meet the required 15' rear setback.

**Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300085**, based on the following findings of fact:

1. The variance is unlikely to harm adjacent properties, and;
2. The addition will have to comply with required construction codes.