



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3170  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment  
**On agenda:** 5/18/2020  
**Title:** BOA-20-10300035: A request by Michael Whidden for a 1) an 8'8" variance from the rear setback requirement to allow a new residential structure to be 11'4" away from the rear property line, located at 17914 Cantera Court. Staff recommends Approval. (Council District 8) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-20-10300035  
**Applicant:** Michael Whidden  
**Owner:** Highland Homes- San Antonio, LLC  
**Council District:** 8  
**Location:** 17914 Cantera Court  
**Legal:** Lot 23, Block 3, NCB 14859  
**Description:**  
**Zoning:** "R-6 MSAO-1 MLOD-1 MLR-1 AHOD ERZD" Single-Family Residential Camp Bullis Military Sound Attention Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Recharge Zone District  
**Case Manager:** Azadeh Sagheb, Planner

### Request

A request for 1) an 8'8" variance from the rear setback requirement, as described in Section 35-310.01, to allow a new residential structure to be 11'4" away from the rear property line.

### Executive Summary

The subject property is located at 17914 Cantera Court, East of Palmer Course at La Cantera, and South of San Antonio Lutheran high School. The applicant is requesting a variance prior to construction of a new residential

structure. Due to the unique layout of the community, the applicant requests a variance in order to utilize the lot like every other home owner within the neighborhood. If adhering to setbacks of the Unified Development Code, this house would not be able to make good use of the land and match the community due to its unique size.

### **Zoning History**

The subject property was annexed into the City limits on December 31, 1998 as “Temp R-1” Temporary Single-Family Residence District. On February 25, 1999 by Ordinance 89324 the property was rezoned to “B-2” Business District. Upon the adoption of the 2001 Unified Development Code, the property zoned “B-2” Business District converted to “C-2” Commercial District. The property zoned “C-2” Commercial District was rezoned to the current “R-6 MSAO-1 MLOD-1 MLR-1 AHOD ERZD” Single-Family Residential Camp Bullis Military Sound Attention Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard by Ordinance 2016-12-01-0950 dated December 01, 2016.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 MSAO-1 MLOD-1 MLR-1 AHOD ERZD” Single-Family Residential Camp Bullis Military Sound Attention Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Richard Zone District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MSAO-1 MLOD-1 MLR-1 AHOD ERZD” Single-Family Residential Camp Bullis Military Sound Attention Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Richard Zone District	Single-Family Dwelling
South	“R-6 MSAO-1 MLOD-1 MLR-1 AHOD ERZD” Single-Family Residential Camp Bullis Military Sound Attention Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Richard Zone District	Single-Family Dwelling

East	“R-6 MSAO-1 MLOD-1 MLR-1 AHOD ERZD” Single-Family Residential Camp Bullis Military Sound Attention Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Richard Zone District	Single -Family Dwelling
West	“R-6 UC-1 MSAO-1 MLOD-1 MLR-1 AHOD ERZD” Single-Family Residential IH -10/FM 1604 Urban Corridor Camp Bullis Military Sound Attention Overlay 1 Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edward Richard Zone District	Single -Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the UTSA Area Regional Center, and designated as Regional Mixed Use in the future land use component of the plan. The subject property is not located within the boundaries of any Neighborhood Associations.

### **Street Classification**

Cantera Court 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 public interest is defined as the general health, safety, and welfare of the public. In this case, given the lot constraints, granting the variances still provides adequate accessibility to light, air, and open space.**

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

**Due to unique size of the lot, certain design features have been added to continue the established drainage plan for this lot as well as the neighborhood. A literal enforcement of the ordinance would result in unnecessary hardship by the resources lost on a total redesign.**

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

**With a granted variance on this uniquely sized lot, the spirit of the ordinance will be adhered to just by the involvement of all parties. This house is designed with considering the intent of the setback limitation to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will be observed if approved.**

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 requested variance will not permit a use not authorized within the current 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.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. The granting of this variance will facilitate a more harmonious flow with the current houses and adjacent properties. The same consideration of house, lot placement, and same style plans is given to all houses to preserve the natural hegemony of the neighborhood.**

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 plight of the ownership of the property is that the developer designed the lot size and location and not the owner. The shorter property line on the Southwest side is due to the uniqueness of this neighborhood.**

#### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to conform to the rear setback set forth in the Unified Development Code.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300035** because of the following reasons:

1. The requested variance is will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. The unique lot layout makes it difficult to reasonably provide for all required setbacks.