



City of San Antonio

Agenda Memorandum

File Number:15-6339

Agenda Item Number: 1.

Agenda Date: 2/8/2016

In Control: Board of Adjustment

Case Number: A-16-021
Applicant: Urban Surveying, Inc.
Owner: Elisabeth Munoz
Council District: 7
Location: 7406 Stonefruit
Legal Description: Lot 141, Block 39, NCB 19215
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for 1) a 16.2 foot variance from the 20 foot official front setback, as described in Section 35-310.01, to allow a carport 3.8 feet from the front property line; and 2) a 2.6 foot variance from the minimum 5 foot side setback, as described in Section 35-310.01, to allow a carport 2.4 feet from the side property line.

Executive Summary

The applicant currently resides in Wildwood Subdivision at the end of a cul-de-sac. The property owner recently constructed a carport without permits and was cited by code. As the subject property is located on a cul-de-sac the front setback curves along the front of the property, parallel to the cul-de-sac. This curvature causes a variation of encroachment along the front of the property with the largest encroachment at 16.2 feet. If approved, the carport will be required to meet fire standards.

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 property is within the boundaries of the Huebner/Leon Creeks Neighborhood Community Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is not located within an active Neighborhood Association. The subject property was previously located within the Wildwood Resident's Association. However, no recent contact information for the Resident's Association is available to the City of San Antonio.

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 front setback limitations to protect property owners and to contribute to a sense of community. Staff finds that the request for a carport encroaching into the front setback is contrary to the public interest.

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

Staff was not able to find a special condition that would permit the property owner to encroach within the front setback. Additionally, the subject property has a garage which could be utilized for covered and secure parking.

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

Granting the requested variance will not result in substantial justice as no special condition is present.

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.*

Staff finds that a carport within the front setback is out of character with the essential character of the community. Staff was only able to find two other carports in the indicating that carports are not common within community.

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.*

Staff was unable to find a unique circumstance that would permit the applicant to encroach into the front setback.

Alternative to Applicant's Request

The applicant could follow the guidelines for front and side setbacks, as described in 35-310.01.

Staff Recommendation

Staff recommends **DENIAL of variance request in A-16-021** based on the following findings of fact:

1. Staff was unable to find a special or unique condition which would permit the applicant to encroach into the front setback.
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