



City of San Antonio

Agenda Memorandum

File Number:16-1181

Agenda Item Number: 5.

Agenda Date: 1/11/2016

In Control: Board of Adjustment

Case Number: A-16-031
Applicant: Kent McIntire & John Bartkowski
Owner: Kent McIntire & John Bartkowski
Council District: 9
Location: 1230 & 1231 Asherton Way
Legal Description: Lot 32, Block 17, NCB 15077
Zoning: "PUD R-6 MSAO-1 ERZD" Planner Unit Development Residential
Single-Family Military Sound Attenuation Edwards Aquifer Recharge
District
Case Manager: Kristin Flores, Planner

Request

A request for a 6 foot variance from the minimum 20 foot garage setback, as described in Section 35-516 (g), to allow a garage 14 feet from the front property line.

Executive Summary

The subject property is located in the Stone Valley Planned Unit Development and was completed in 1995. This development contains large homes with garages in the front. The applicant is requesting to reduce the garage setback due to steep, sloping topography. Per the application, a request to reduce the front garage setback was brought before to the Stone Valley Architectural Control Committee in 1998 and the committee granted the lots a variance from the Declaration of Covenants, Conditions, and Restrictions. The committee found the lots in question had limited developable space due to topographical constraints. In 2004, a letter confirming this variance was issued. The applicant is now seeking a variance from the UDC garage setback requirements before beginning construction.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"PUD R-6 MSAO-1 ERZD" Planned Unit Development Residential Single-Family Military Sound Attenuation Edwards Recharge Zone District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“PUD R-6 MSAO-1 ERZD” Planned Unit Development Residential Single-Family Military Sound Attenuation Edwards Recharge Zone District	Single-Family Dwelling
South	“PUD R-6 MSAO-1 ERZD” Planned Unit Development Residential Single-Family Military Sound Attenuation Edwards Recharge Zone District	Single-Family Dwelling
East	“PUD R-6 MSAO-1 ERZD” Planned Unit Development Residential Single-Family Military Sound Attenuation Edwards Recharge Zone District	Single-Family Dwelling
West	“PUD R-6 MSAO-1 ERZD” Planned Unit Development Residential Single-Family Military Sound Attenuation Edwards Recharge Zone District	Utility Easement

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is not located within a Neighborhood Association. However, the Stone Oak Meadows Neighborhood Association is located within 200 feet of the subject property. As such, the Stone Oak Meadows Neighborhood Association was notified and asked to comment.

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. In this case, staff finds the requested variance is not contrary to the public interest due to a topographical hardship present on the applicant’s property.

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

The special condition present in this case is a largely sloping topography which does not allow the property owner to utilize the rear portion of the property for building. Due to this topographical hardship the buildable area is greatly diminished.

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 defined as the intent of the code rather than the letter of the law. Granting the requested variance will result in substantial justice.

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 “PUD R-6 MSAO-1 ERZD” Planned Unit Development Residential Single-Family Military Sound Attenuation Edwards Recharge Zone 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 reducing the garage setback is not likely to injure adjacent properties as garages are a prominent feature of the homes in this neighborhood. Additionally, the reduced setback will not increase fire risk to adjacent properties or cause undue water runoff.

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 finds the sloping topography in the rear has reduced the buildable area of the property. Per the application, the Stone Valley Architectural Control Committee granted the lots a variance from the front setback as found in the Declaration of Covenants, Conditions, and Restrictions.

Alternative to Applicant’s Request

The applicant could follow the guidelines for garage setbacks, as described in 35-516 (g).

Staff Recommendation

Staff recommends **APPROVAL of the request in A-16-031** based on the following findings of fact:

1. Extreme topographical issues on the property have decreased the overall buildable space on this subject property.