



City of San Antonio

Agenda Memorandum

File Number:16-2522

Agenda Item Number: 1.

Agenda Date: 5/9/2016

In Control: Board of Adjustment

Case Number: A-16-067
Applicant: Amy Browning
Owner: Amy Browning
Council District: 1
Location: 111 Oliphant Court
Legal Description: Lot 38, NCB 852
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for a 15 foot variance from the platted 25 foot front setback to allow a detached carport to be constructed ten feet from the front property line, as described in Section 35-516 (O).

Executive Summary

The subject property is part of the Westport Subdivision platted in 1986. The property owner purchased the home in 2003 and wishes to construct a carport. The proposed carport is to be placed 10 feet from the front property line and three feet from the side property line. However, this property has a platted twenty-five (25) foot front setback which will not permit the proposed design. The applicant is requesting a variance from the platted front setback.

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-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Tobin Hill Neighborhood Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the Tobin Hill Community Association. As such, the neighborhood association was notified and asked to comment.

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 setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The proposed design meets the required front setback as required by the UDC but encroaches into the platted front setback. The proposed carport will allow for maintenance without trespass and is not likely to increase risk of fire spread or water run-off to adjacent properties. This carport is not contrary to the public interest.

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

The special condition is in this case is the irregularly shaped lot in conjunction with the platted setback greatly limiting the location for a carport.

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

Granting the requested variance will result in substantial justice as the proposed design will meet the UDC requirements thus respecting and upholding the spirit of the ordinance. Additionally, the carport is not likely to cause an increase in fire spread to adjacent properties.

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.*

The carport is proposed to be built within the UDC standard and thus will not negatively impact adjacent properties or alter the essential 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 plight of the owner is due to a platted setback on an irregularly shaped lot. This hardship was not caused by the owner and is not merely financial in nature.

Alternative to Applicant's Request

The applicant would be unable to construct a carport on this property and would be required to comply with the front setback regulations as described in Section 35-516(O).

Staff Recommendation

Staff recommends **APPROVAL of the request in A-16-067** based on the following findings of fact:

1. The irregular shape of this lot, along with the platted setback, creates development constraints for the property owner. 2. The carport, as proposed, will meet all UDC standards and cause no harm to adjacent properties.