



# City of San Antonio

## Agenda Memorandum

**File Number:**16-3545

**Agenda Item Number:** 12.

**Agenda Date:** 6/20/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-110  
**Applicant:** Curtis Cooper  
**Owner:** Curtis Cooper  
**Council District:** 8  
**Location:** 13258 Hunters Breeze  
**Legal Description:** Lot 15, Block 27, N.CB 17162  
**Zoning:** "R-6 MLOD AHOD" Residential Single-Family Military Lighting  
Overlay Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a one and a half (1.5) foot variance from the required three (3) foot side setback as described in Section 35-370 (b) 1, to allow an accessory structure to be located one and a half (1.5) feet from the side property line.

### Executive Summary

The applicant currently resides in the Hunter's Creek Subdivision, a subdivision that was recorded in 1983. The applicant is requesting the variance to allow for a greenhouse/shed that is 18 inches from the side property line, but due to the 3 foot side setback, a variance must be granted before he can complete the greenhouse/shed. The applicant began construction but has since ceased construction once cited by Code Enforcement. Per the applicant the applicant was replacing an older shed which had been in the same location for over 10 years. The City of San Antonio's Building Code does not require a building permit for any structure built less than 300 square feet, but still has to comply with setback requirements.

### Subject Property Zoning/Land Use

| Existing Zoning   | Existing Use       |
|---|--------------------|
| "R-6 MLOD AHOD" Residential Single-Family Military Lighting Overlay Airport Hazard Overlay District | Single-Family Home |

### Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

|       |   |                    |
|-------|---|--------------------|
| North | “R-6 MLOD AHOD” Residential Single-Family Military Lighting Overlay Airport Hazard Overlay District | Single-Family Home |
| South | “R-6 MLOD AHOD” Residential Single-Family Military Lighting Overlay Airport Hazard Overlay District | Single-Family Home |
| East  | “R-6 MLOD AHOD” Residential Single-Family Military Lighting Overlay Airport Hazard Overlay District | Single-Family Home |
| West  | “R-6 MLOD AHOD” Residential Single-Family Military Lighting Overlay Airport Hazard Overlay District | Single-Family Home |

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

The property is within the boundaries of the San Antonio International Vicinity Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Hunter’s Creek Neighborhood Association. As such, the neighborhood was notified and asked to comment.

*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 setback limitations to protect property owners and create a cohesive streetscape. The structure in its current location will not disrupt the character of the surrounding neighborhood.**

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

**The applicant is requesting the variance to replace an existing older shed that has been in the same location for over 10 years.**

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

**The spirit of the ordinance represents the intent of the requirement. The 18 inches is a sufficient buffer to meet the spirit of the code.**

*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 MLOD AHOD” Residential Single-Family Military Lighting Overlay 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 18 inch setback will ensure that the structure will not produce any water runoff on the adjacent property. It will also ensure that maintenance will require no trespass.**

*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 variance will allow the applicant to replace an older shed that has been in the same location for 10 years. The applicant has removed the eave to achieve the 18 inch clearance from the side property line. There is an existing tree within close proximity to the structure which prohibits relocation of the shed to meet the required setback requirements.**

### **Alternative to Applicant's Request**

The applicant could relocate the accessory structure to meet the required setback.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-16-110** based on the following findings of fact:

1. The greenhouse/shed meets the spirit of the code and will not pose an increased fire risk, water runoff to adjacent properties, or maintenance without trespass. 2. The existing shed has been in the same location for many years. 3. The greenhouse/shed will not conflict with the surrounding neighborhood.