



City of San Antonio

Agenda Memorandum

File Number:16-3897

Agenda Item Number: 7.

Agenda Date: 7/11/2016

In Control: Board of Adjustment

Case Number: A-16-098
Applicant: Bert J. Brown
Owner: Burt J. and Jerri L. Brown
Council District: 10
Location: 14319 Ridge Falls Drive
Legal: Lot 7, Block 7, NCB 17807
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a 25 foot variance from the 25 foot platted front setback to allow a carport to be built along the front property line.

Executive Summary

The applicant currently resides in the Greenridge North Subdivision, a subdivision that was recorded in 1974. The subdivision plat includes a 25 foot platted front setback. The applicant had a request considered by the Board of Adjustment on June 20, 2016 to allow a carport to be built twelve feet from the front property line. It was established that this request would not have allowed the applicant sufficient carport depth to protect the classic cars that the carport was intended to house. The Board of Adjustment approved the request so that the applicant could obtain permits to start the project, and the applicant agreed to come back to the Board to further reduce the front setback. The applicant is seeking permission to allow for the construction of the carport along the front property line.

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 North Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is not located within a registered neighborhood association.

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 setback limitations to provide for fire separation and to provide for fair and equal access to air and light. The applicant is seeking permission to allow the carport eave to be built up to the front property line, with the posts several feet behind the property line. Because the carport does not encroach into the side setbacks, where it could harm adjacent property owners, staff finds that the request is not contrary to the public interest.

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

Literal enforcement of the platted setback would not allow any carport, as the setback extends to the front façade of home and prohibits any expansion or additions.

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

The spirit of the ordinance calls for setbacks to ensure that property owners are not harmed by the encroachment of additions. Because the proposed carport meets the side setback, staff finds that granting the 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 "R-5 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 the carport will not substantially harm adjacent property owners because the proposed carport will not increase fire hazard nor will it create water runoff onto adjacent properties, and will still allow room for maintenance without 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 twenty-five (25) foot platted front setback poses an additional barrier to property development and does not provide this property owner equal rights for development. The front setback makes the construction of any carport impossible without relief.

Alternative to Applicant's Request

The applicant could remove the platted front setback, which is a request considered by the City of San Antonio Planning Commission.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-098** based on the following findings of fact:

1. The proposed carport meets the spirit of the code and will not pose an increased fire risk or water runoff to adjacent properties.
