



# City of San Antonio

## Agenda Memorandum

**File Number:**16-4108

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**Agenda Item Number:** 8.

**Agenda Date:** 7/25/2016

**In Control:** Board of Adjustment

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Case Number: A-16-118  
Applicant: Steven R. Smith  
Owner: Steven R. Smith  
Council District: 10  
Location: 2743 Hitching Post Drive  
Legal: Lot 4, Block 8, NCB 12518  
Description:  
Zoning: "NP-8 AHOD" Neighborhood Preservation Airport Hazard  
Overlay District  
Case Manager: Logan Sparrow, Senior Planner

### **Request**

A request for a ten foot variance from the 30 foot platted front setback, as described in Section 35-516(o), to allow a carport to be 20 feet from the front property line.

### **Executive Summary**

The subject property is located at 2743 Hitching Post Drive, approximately 370 feet east of Oak Ledge Drive. The property was platted with a 30 foot front setback and the applicant is seeking permission to reduce the setback to 20 feet. The front wall of the home is located about 40 feet from the front property line. Reducing the front platted setback from 30 feet to 20 feet would allow the property owner to construct a 20 foot deep carport to protect their vehicles. Further, the carport meets the side setback requirement.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
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North	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the San Antonio International Airport 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 boundaries of the MacArthur Park registered neighborhood 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 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 to be 20 feet from the front property line. The "NP-8" Neighborhood Preservation District requires a 20 foot front setback. As such, the proposed design meets the zoning setback established by the Unified Development Code. The carport meets the side setback. Staff finds that this request is not contrary to the public interest.**

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

**A literal enforcement of the platted front setback would result in a carport that is only ten feet deep, half the depth necessary to provide protection.**

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

**Granting the requested variance would result in substantial justice as it would allow the property owner to adequately protect their vehicles, and provide a shaded space for enjoyment of the outdoors.**

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 "NP-8 AHOD" Neighborhood Preservation 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 does not encroach into any side setback.**

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 30 foot platted front setback poses an additional barrier to property development and constitutes a unique circumstance. This is not the fault of the owner of the property, nor is this problem merely financial in nature.**

### **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-16-118** based on the following findings of fact:

1. The proposed carport meets the zoning setback established by the Unified Development Code.
2. The carport will not encroach into any side setback and will not cause harm to adjacent property owners.