



# City of San Antonio

## Agenda Memorandum

**File Number:**16-4669

**Agenda Item Number:** 6.

**Agenda Date:** 9/19/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-144  
**Applicant:** Angel de Luna  
**Owner:** Angel de Luna  
**Council District:** 2  
**Location:** 4346 Sunshadow Drive  
**Legal Description:** Lot 6, Block 8, NCB 13701  
**Zoning:** "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a 20 foot variance from the 30 foot platted front setback to allow a home addition and a carport to be as close as 10 feet from the front property line.

### Executive Summary

The property is located within the Sungate Subdivision, which was recorded May 5, 1967. The applicant is seeking a variance to construct a carport and an addition to the front of their home. The proposed carport will extend 20 feet from the home. The proposed home addition is proposed to extend four feet into the platted front setback.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

East	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-10 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 not 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 setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The proposed carport and home addition will not encroach into the City’s required 10 foot front setback.**

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

**There are several homes on the same street that have carports. The literal enforcement of the ordinance would result in the property owner not being able to enjoy a carport similarly to the surrounding property owners.**

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 addition and carport will meet the side setback requirement and would not increase the risk of fire spread and water runoff 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 “NP-10 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.*

**The home addition and carport will not increase the water runoff, will not increase risk of fire spread to adjacent conforming properties, and provides adequate space for maintenance without trespass. Additionally, there are currently homes within this neighborhood that also have carports that encroach into the platted front 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.*

**Due to the 30 foot platted front setback, the owner is unable to modify or add on to their home. Additionally, the carport will provide protection from the inclement weather conditions.**

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

The applicant could build an addition and carport which respects established setbacks.

### **Staff Recommendation**

Staff recommends **APPROVAL of variance request in A-16-144** based on the following findings of fact:

1. The addition will not harm or be a hazard to the adjacent property. 2. The proposed addition and carport will be designed to meet the 10 foot front setback established in the UDC.