



# City of San Antonio

## Agenda Memorandum

**File Number:**17-1596

**Agenda Item Number:** 10.

**Agenda Date:** 2/20/2017

**In Control:** Board of Adjustment

Case Number: A-17-054  
Applicant: Ray Anguiano  
Owner: Ray Anguiano  
Council District: 4  
Location: 10515 Braddock Drive  
Legal: Lot 4, Block 44, NCB 15910  
Description:  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Shepard Beamon, Senior Planner

### Request

A request for a 10 foot variance from the minimum 20 foot platted front setback, as described in Section 35-516 (o), to allow a carport and front porch to be as close as 10 feet from the front property line.

### Executive Summary

The subject property is located at 10515 Braddock Drive, due north of its intersection with St. Lawrence Street. The property owner is seeking permission to build a carport and to expand their front porch prior to construction. When they came to obtain a permit, they were informed of the additional platted setback requirement. Rather than choosing to amend the plat, they are seeking relief from the Board of Adjustment. If not for the platted front setback, the project would be permitted.

### 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 West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Heritage Neighborhood Association and they were asked to comment.

### **Criteria for Review**

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 the front setback requirement. The property owner is seeking to expand a front porch and to add a carport to be ten feet from the front property line. If not for the platted setback, this distance would be permitted. 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.*

**The special condition present in this case is that the carport would be permitted on most residential single-family lots in the City of San Antonio. Additionally, if the applicant were to amend the plat to remove the setback, this proposed construction would be permitted. Staff finds that denial of the requested variance would result in unnecessary hardship.**

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

**The spirit of the ordinance is served by the setbacks established in the Unified Development Code. Those setbacks are ten feet, the same distance as proposed in the design.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized 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 design will meet the required front setback established in the Unified Development Code, and, as such, staff finds that the design will not conflict with the essential character of the community.**

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 not merely financial in nature. They are seeking to build a carport and porch extension to meet the setback set forth in the Unified Development Code.**

**Alternative to Applicant's Request**

Denial of the requested variance will result in the applicant not being able to construct the porch extension or the carport.

**Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-17-054** based on the following findings of fact:

1. The design, as proposed, meets the setbacks established in the Unified Development Code and; The design would not detract from the essential character of the district.