



# City of San Antonio

## Agenda Memorandum

**File Number:**17-3033

**Agenda Item Number:** 7.

**Agenda Date:** 5/1/2017

**In Control:** Board of Adjustment

Case Number: A-17-078  
Applicant: Raul Rodriguez  
Owner: Raul Rodriguez  
Council District: 6  
Location: 1843 Dulles  
Legal: Lot 94, Block 6, NCB 17643  
Description:  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Case Manager: Margaret Pahl, AICP, Senior Planner

### Request

A request for 1) a 10 foot variance from the 20 foot platted front setback, as described in Table 35-310, to allow a carport 10 feet from the front property line and 2) a 3 foot variance from the 5 feet side setback, also described in Table 35-310, to allow a carport 2 feet from the side property line.

### Executive Summary

The subject property is located in the Richland Hills Subdivision and includes over 9,000 square feet of lot area. The lot is on a cul-de-sac and therefore narrows toward the front. In addition, the subdivision was recorded with a platted 20 foot front setback. The applicant is requesting two variances to allow for the addition of a carport, which would encroach 3 feet into the minimum 5 foot side setback and up to 10 feet of the platted front area. The carport construction has not begun.

### 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
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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 Sector Plan and designated for Suburban Tier uses in the future land use component of the plan. The subject property is also located within the boundaries of the Tara Neighborhood Association. As such, they were notified and 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 adequate setbacks in order to allow air flow and light. The proposed variances will preserve access to air and light and allow for maintenance without trespass.**

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

Literal enforcement of the ordinance would require that the property owner amend the plat to remove the building setback line, an unnecessary hardship. **The zoning setback of 10 feet will provide an adequate front setback. The carport will encroach into the minimum side setback only slightly toward the front of the structure.**

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 defined as the intention of the code rather than the exact letter of the law. **The intent of the Code is to preserve an open streetscape, which a 10 foot front setback can accomplish. The spirit of the Code will be observed.**

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 applicant is requesting two variances to allow the construction of a carport. The variances will allow**

**the applicant to secure a permit prior to construction. The variance will not injure the adjacent property or alter the character of the district.**

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 that the subdivision was recorded with a 20 foot front setback, limiting construction toward the front property line. In addition, the pie-shaped lot on the cul-de-sac reduces the width of the lot at the front.**

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

Denial of the requested variance would result in the applicant having to amend the plat to remove the building setback line.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-17-078** based on the following findings of fact:

1. The applicant requested a variance to allow the carport to be as close as two feet from the side property line; and
2. The proposed front setback will be the ten feet required by zoning.