



# City of San Antonio

## Agenda Memorandum

**File Number:**17-3596

**Agenda Item Number:** 7.

**Agenda Date:** 6/5/2017

**In Control:** Board of Adjustment

Case Number: A-17-117  
Applicant: Elvira G. Oviedo  
Owner: Elvira G. Oviedo  
Council District: 2  
Location: 8242 Campobello Drive  
Legal: Lot 33, Block 2, NCB 13675  
Description:  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Oscar Aguilera, Planner

### Request

A request for a 20 foot variance from the 30 foot platted front setback, as described in Section 35-516 (O), to allow a carport 10 feet from the front property line.

### Executive Summary

The subject property was platted as part of the replat of Fairfield Subdivision Unit 4, recorded in 1965. The subdivision plat includes a 30 foot platted front setback. The applicant wishes to build a carport 10 feet from the front property line, the UDC standard front setback, but due to the 30 foot platted front setback a variance is required before the applicant can construct the proposed carport. The applicant has not initiated the construction of the proposed carport.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 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-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within San Antonio International Airport Vicinity Plan and designated as Low Density Residential land use. The subject property is not located within the boundaries of any neighborhood association.

### **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 setback limitations to protect property owners and create a cohesive streetscape. The City's zoning setback of 10 feet provides this streetscape protection in other areas. Since the carport will meet the side setback and the front setback will be 10 foot from the property line, the variance request from the recorded plat would not be 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. Providing equal treatment of enforcing the 10 foot zoning setback is not a 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 represents the intent of the requirement. The City zoning setback is 10 feet and represents the ordinance and the proposed carport meets this spirit.**

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.*

**The proposed carport will meet the side setback of 5 feet. There are other carports prevalent in the area. A 20 foot variance from the 30 foot platted setback for a 10 foot front setback will be equivalent to the City's established standard for 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.*

**The City of San Antonio has an established 10 foot front setback, applied in all residential districts, and the proposed carport meets this established setback.**

**Alternative to Applicant's Request**

The applicant could remove the platted setback and build to the 10 foot zoning setback.

**Staff Recommendation**

Staff recommends **APPROVAL of A-17-117** based on the following findings of fact:

1. The proposed carport meets the spirit of the code as it is to be built 10 feet from the front property line meeting the UDC standard for residential construction.
2. There are similar carports within the subdivision.