



# City of San Antonio

## Agenda Memorandum

**File Number:**17-4111

**Agenda Item Number:** 8.

**Agenda Date:** 7/17/2017

**In Control:** Board of Adjustment

Case Number: A-17-132  
Applicant: Bob J. Lemons  
Owner: Bob J. Lemons  
Council District: 9  
Location: 1118 Mt. Capote Street  
Legal: Lot 35, Block 7, NCB 13357  
Description:  
Zoning: "R-5 AHOD" Residential Single-Family District  
Case Manager: Oscar Aguilera, Planner

### Request

A request for a 6 foot variance from the 30 foot platted building setback, as described in Section 35-516 (O), to allow a garage/carport 24 feet from the front property line.

### Executive Summary

The subject property was platted as part of King-O-Hills Subdivision Unit 3, recorded in 1962. The subdivision plat includes a 30 foot platted front setback. The applicant wishes to build a garage/carport 24 feet from the front property line. The UDC standard front setback is 10 feet from the property line, but due to the 30 foot platted front setback a variance is required before the applicant can construct the proposed garage/carport. The applicant has not initiated the construction.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family District	Single-Family Dwelling

South	“R-5 AHOD” Residential Single-Family District	Single-Family Dwelling
East	“R-5 AHOD” Residential Single-Family District	Single-Family Dwelling
West	“R-5 AHOD” Residential Single-Family 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 located within the boundaries of Greater Harmony Hills 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 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 24 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 allow a carport without adequate depth and coverage of a vehicle. Granting the request provides the additional needed depth for full coverage.**

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 is intended to prevent overcrowding of front yards. AS the requested carport will more than exceed the minimum front setback, the request 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” Residential Single-Family 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 garage/carport will meet the side setback of five feet. There are other carports prevalent in the area. A six foot variance from the 30 foot platted setback for a 24 foot front setback will be more strict than the City’s established 10 feet standard for front setback and the applicant meets the clear vision requirements. Therefore, the reduced setback is unlikely to injure the adjacent property owners**

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. The unique circumstance is the platted setback that heavily restricts development in the front yard.**

### **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-17-132** based on the following findings of fact:

1. The proposed carport meets the spirit of the code as it is to be built 24 feet from the front property line, meeting the UDC standard for residential construction.
2. There are similar carports within the subdivision.
3. The request will not interfere with the Clear Vision requirements.