



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4579

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**Agenda Item Number:** 10.

**Agenda Date:** 8/6/2018

**In Control:** Board of Adjustment

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Case Number: A-18-130  
Applicant: Adler Family Living Trust  
Owner: Adler Family Living Trust  
Council District: 7  
Location: 9906 Cochem Path  
Legal: Lot 2, Block 25, NCB 15663  
Description:  
Zoning: "RM-4" Residential Mixed District  
Case Manager: Dominic Silva, Planner

### **Request**

A request for a 1.75' variance from the 20' garage setback, as described in Section 35-516, to allow a garage to be 18.25' from the front property line.

### **Executive Summary**

The subject property is located at 9906 Cochem Path within a cul-de-sac, 124' west of Corven Lane. The applicant is requesting to leave a garage, as built, 18.25' away from the property line. This request comes at the advisement of the applicant's realtor who suggests a variance should be sought before selling of the house due to bank and mortgage requirements.

The residence is newly built in 2012 and the garage is attached as part of the residence. As there is a curvature present due to the cul-de-sac, as in irregular lots, code dictates taking the furthest and closest points from the garage to the property line and averaging them.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
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"RM-4" Residential Mixed District	Single-Family Dwelling
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4" Residential Mixed District	Single-Family Dwelling
South	"RM-4" Residential Mixed District	Single-Family Dwelling
East	"RM-4" Residential Mixed District	Single-Family Dwelling
West	"RM-4" Residential Mixed District	Single-Family Dwelling

### Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the West/Southwest Sector Plan and is currently designated "Suburban Tier" in the future land use component of the plan. The subject property is not located within any registered neighborhood association.

### Street Classification

Cochem Path is classified as a Local Street.

### 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 variance of 1.75' is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The garage is not out of character within the district as it follows the same building design as other residences within the area.**

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

**Currently, the applicant has room to park a mid-size sedan without encroaching upon the front property line at the narrowest point of the front yard. Literal enforcement of the ordinance would result in the owner modifying the garage and creating unnecessary financial 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 the intent of the requirement rather than the strict letter of the law. The attached garage was built in conjunction with the primary residence and is not overwhelming in size nor out of character within the district.**

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 by the “RM-4” Residential Mixed 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 property is located in a district characterized by newly built homes with attached front-facing garages. Such variance will not injure nor alter the essential 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 variance being sought is due to an irregular shaped lot being located within a cul-de-sac. Due to the irregular shaped front property line and curvature, the garage encroaches 1.75’ into the front setback. The variance being sought is not merely financial in nature.**

#### **Alternative to Applicant’s Request**

The alternative to the applicant’s request would be to adhere to the front setback regulations in section 35-516.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of the variance requests **in A-18-130** based on the following findings of fact:

1. The residence and attached garage is newly built and primarily adheres to the front setback, however, due to the curvature of the front property line, encroaches when the distance from the garage to property line is averaged out per code requirements, and;
2. The requested variance will not detract from the character of the district.