



City of San Antonio

Agenda Memorandum

File Number:15-2841

Agenda Item Number: 4.

Agenda Date: 5/4/2015

In Control: Board of Adjustment

Case Number: A-15-078
Applicant: Lissette Freabe
Owner: Lissette Freabe
Council District: 10
Location: 13919 Brantley
Legal Description: Lot 10, Block 16, NCB 16954
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two foot variance from the 20 foot rear building setback requirement, as described in Section 35-310.01, to allow an enclosed addition to a home that is 18 feet from the rear property line.

Executive Summary

The subject property is located at 13919 Brantley Drive approximately 251 feet southwest of Champions Hill Drive. The applicant is seeking a variance to enclose a pre-existing patio. As the addition is attached to the home it must comply with the 20 foot rear building setback requirement triggered by the "R-6" Residential Single-Family base zoning district. The proposed addition is 18 feet from the rear property line. As such, the applicant is seeking a two foot variance from the 20 foot rear building setback requirement to allow the structure to be 18 feet from the rear property line.

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 not within the boundaries of any neighborhood plan. The subject property is not located within the boundaries of any registered 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, these criteria are represented by minimum setback requirements to ensure equal access to air and light and to prevent the spread of fire. In this case, the applicant is seeking only a ten percent deviation from the requirement established by the Unified Development Code. Staff finds that the requested variance is not contrary to the public interest in that the addition will still be 18 feet from the rear property line - a reduction that is unlikely to go noticed.

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

Staff finds that the special condition present in this case are the patio slab that was poured when the home was built. A literal enforcement of the ordinance would result in the applicant building the wall of the addition so that two feet of the patio protruded into the rear yard. Staff finds that not granting the requested variance is likely to result in unnecessary hardship.

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

Granting the requested variance will result in substantial justice. Considering the requested seeks only a ten percent deviation from the requirement, a distance that is hardly noticeable, staff finds that the spirit of the ordinance will be observed.

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-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.*

Is it unlikely that granting the requested variance will harm adjacent properties as the request seeks to eliminate only two feet of a 20 foot rear setback. Adjacent property owners will still be protected by an 18 foot rear setback. The two-foot variance is unlikely to even be noticed by those adjacent to the applicant.

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 unique circumstance present on the property was the depth of the patio slab poured when the home was built. The applicant wishes to enclose the patio into an addition to the home and seeks only a two foot variance from the 20 foot rear building setback.

Alternative to Applicant's Request

The applicant would need to build the structure 20 feet from the rear property line.

Staff Recommendation

Staff recommends **APPROVAL of A-15-068** based on the following findings of fact:

1. The variance seeks only a ten percent deviation from the Unified Development Code;
2. The requested variance is unlikely to be noticed by adjacent property owners.

Attachments

Attachment 1 - Notification Plan (Aerial Map)

Attachment 2 - Plot Plan (Aerial Map)

Attachment 3 - Site Plan

Attachment 4 - Site Photos