



City of San Antonio

Agenda Memorandum

Agenda Date: October 21, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300190

APPLICANT: Neal Neathery

OWNER: Matthew and Jaime Glenn

COUNCIL DISTRICT IMPACTED: N/A

LOCATION: 26311 Marsh Pond

LEGAL DESCRIPTION: Lot 39, Block 106, NCB 4847C

ZONING: OCL PMRES (outside city limits but permit is required)

CASE MANAGER: Melanie Clark, Planner

A request for:

1) A 4' variance from the minimum 20' rear setback to allow an addition to be 16' from the rear property line.

Section 35-310.01

Executive Summary

Subject property is located outside of the City of San Antonio city limits but within the ETJ, west of Interstate 281 and east of Canyon Golf Road, outside of the City of San Antonio city limits on Marsh Pond Road. The applicant on behalf of the property owners, is requesting a 4' rear setback variance to allow a proposed attached patio to be 16' from the rear setback. The property is required to adhere to the City of San Antonio permit requirements. The property is abutted in the rear by a lot described as green space, which does not appear to allow development of a residential unit. If the abutting rear property was a drainage easement, applicant could reduce their rear

setback and not require the proposed variance. Permits are pending outcome of the Board of Adjustment.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

Outside of City Limits (OCL) PMRES

Subject Property Zoning/Land Use

Existing Zoning

OCL PMRES

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

OCL PMRES

Existing Use

Single-Family Residence

South

Existing Zoning

OCL PMRES

Existing Use

Single-Family Residence

East

Existing Zoning

OCL PMRES

Existing Use

Single-Family Residence

West

Existing Zoning

OCL PMRES

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is not located within the boundary of a registered neighborhood association.

Street Classification

Marsh Pond is classified as a Local Road.

Criteria for Review – Rear Setback Variance

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.

In this case, the public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by maintaining the rear setback requirements to provide a safe distance from neighboring properties. The applicant is requesting a 4' variance from the minimum 20' rear setback requirement to allow a structure to be 16' from the rear property line, which does not appear to be contrary to the public interest due to the property being located outside of city limits and abuts a vacant lot.

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

Staff finds an unnecessary hardship as the applicant would be required to reconfigure the plans to adhere to the rear setback requirements.

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

The requested rear setback variance is to allow a structure to be closer to the rear property line. The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure, the neighboring property and adhere to all other setback requirements.

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.

No uses other than those allowed within the district will be allowed with this variance.

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.

Staff did not find evidence that the requested rear setback variance would 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 rear setback variance is sought is due to unique circumstances existing on the property such proposed structure needing more space due lot configuration. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback requirements of the UDC Section 35-310.01

Staff Recommendation – Rear Setback Variance

Staff recommends Approval in BOA-24-10300190 based on the following findings of fact:

1. The requested variance will maintain a reasonable distance and will adhere all other setback requirements.
2. The request would not alter the essential character of the neighborhood.