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| Case Number:       | BOA-23-10300073  |
| Applicant:         | Esther Castillo  |
| Owner:             | Esther Castillo  |
| Council District:  | 4  |
| Location:          | 9614 Bratton Drive   |
| Legal Description: | Lot 32, Block 68, NCB 15859  |
| Zoning:            | "RM-4 MLOD-2 MLR-1 AHOD" Residential Mixed<br>Lackland Military Lighting Overlay Military Lighting<br>Region 1 Airport Hazard Overlay District |
| Case Manager:      | Vincent Trevino, Senior Planner  |

### **Request**

A request for an 9'-11" variance from the minimum 10' front setback requirement, as described in Section 35-310.01, to allow a carport to be 1" from the front property line.

### **Executive Summary**

The subject property is located along Bratton Drive just North of Marbach between the intersections of Ingram and S. Ellison. The applicant is requesting a variance from the front setback, to allow an attached carport to be 1" from the front property line. The applicant has not constructed the carport and will need to obtain a building permit prior to construction. The driveway depth is approximately 20' from the front property line and approximately 20' in width. Upon site visits, staff did not observe carports in the area.

### **Code Enforcement History**

There is no code enforcement history for the subject property.

### **Permit History**

The issuance of a Building Permit is Pending the Outcome of the Board of Adjustment.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 83136, dated December 30, 1995, and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 85112, dated November 7, 1996, to "R-6" Townhouse Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-6" Townhouse Residence District converted to the current "RM-4" Residential Mixed District.

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

| Existing Zoning  | Existing Use            |
|--|-------------------------|
| "RM-4 MLOD-2 MLR-1 AHOD" Residential Mixed<br>Lackland Military Lighting Overlay Military Lighting<br>Region 1 Airport Hazard Overlay District | Single-Family Residence |

### **Surrounding Zoning/Land Use**

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

|       |   |                         |
|-------|---|-------------------------|
| North | "RM-4 MLOD-2 MLR-1 AHOD"<br>Residential Mixed Lackland Military<br>Lighting Overlay Military Lighting<br>Region 1 Airport Hazard Overlay District           | Single-Family Residence |
| South | "R-5 MLOD-2 MLR-1 AHOD"<br>Residential Single-Family Lackland<br>Military Lighting Overlay Military<br>Lighting Region 1 Airport Hazard<br>Overlay District | Single-Family Residence |
| East  | "RM-4 MLOD-2 MLR-1 AHOD"<br>Residential Mixed Lackland Military<br>Lighting Overlay Military Lighting<br>Region 1 Airport Hazard Overlay District           | Single-Family Residence |
| West  | "RM-4 MLOD-2 MLR-1 AHOD"<br>Residential Mixed Lackland Military<br>Lighting Overlay Military Lighting<br>Region 1 Airport Hazard Overlay District           | Single-Family Residence |

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

The subject property is under the “West/Southwest Sector” plan and the future land use is “Suburban Tier”. There is no registered neighborhood association.

#### **Street Classification**

Bratton Drive is classified as a local street.

#### **Criteria for Review – Front 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.*

The public interest is defined as the general health, safety, and welfare of the public. The proposed carport would only be 1” from the front property line and so is contrary to the public interest.

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

A literal enforcement of the ordinance would not result in unnecessary hardship as the applicant would need to redesign the carport to comply with the ordinance.

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 defined as the intent of the code, rather than the exact letter of the law. Reducing the front setback requirement would injure neighboring properties as there are no other existing carports in the area.

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.*

The reduced front setback would injure neighboring properties as there are no other carports in the area.

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.*

Staff finds the plight of the owner of the property for which the variances are sought are not due to unique circumstances existing on the property as development could have designed to leave enough room for a carport.

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Setback Regulations under Section 35-310.01 of the UDC.

### **Staff Recommendation – Front Setback Variance**

Staff recommends Denial in BOA-23-10300073 based on the following findings of fact:

1. The reduced front setback injures neighboring properties; and
2. It will alter the essential character of the neighborhood.