

Legislation Details (With Text)

File #:	21-243	Name:	
Type:	Report	Status:	Individual Item Ready
File created:	3/2/2021	In control:	Board of Adjustment
On agenda:	3/25/2021	Final action:	
Title:	Z-21-002 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(i) to allow a proposed carport and garage addition to encroach up to 1.5 feet into the required 5-foot side setback in the "R-2" Single and Two-Family District, addressed at 480 California Boulevard.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Application, 3. Existing Site Plan, 4. Proposed Site Plan, 5. Elevation Plans, 6. Email to Staff Regarding Setbacks, 7. Photograph, 8. Notice List and Map, 9. Sec. 3.3-2 R-2

Date	Ver.	Action By	Action	Result
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Presenter/Contact

Applicant: Samuel Revers
(831) 261-6853 - srrevers@gmail.com

SUBJECT:

Z-21-002 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(i) to allow a proposed carport and garage addition to encroach up to 1.5 feet into the required 5-foot side setback in the "R-2" Single and Two-Family District, addressed at 480 California Boulevard.

BACKGROUND / RATIONALE:**Case #:** Z-21-002

Applicant: Samuel Revers
480 California Blvd
New Braunfels, TX 78130
(831) 261-6853 - srrevers@gmail.com <<mailto:srrevers@gmail.com>>

Staff Contact: Maddison O'Kelley
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The subject property is an interior lot that is approximately 15,600 square feet in area and is zoned "R-2" Single and Two-Family District. The property is approximately 78 feet wide at California Boulevard and is 200 feet in depth. There is an existing single-family home on the property that was constructed in 1954.

There is an existing carport and garage structurally attached to the side of the home that is setback approximately 3.5 feet from the interior side property line on the south end of the lot and is therefore considered legally nonconforming. The carport and garage are approximately a total of 1,300 square

feet in area. According to county appraisal records, the carport was constructed in 1960 and the garage was originally built detached from the home in 2000. Both the carport and garage are now structurally attached to the home.

The applicant is intending to demolish and reconstruct the existing carport and garage in the same footprint. The structure is currently setback 3.5 feet from the side property line. Therefore, a variance is required to allow the new structure to encroach up to 1.5 feet into the required 5-foot side setback in order for it to be built in the same location as the existing structure.

Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant states the existing carport appears to be closer than 5 feet from the side property line. The applicant wishes to replace the structure in the same footprint. In a separate email to staff, the applicant stated the structure is approximately 3.5 feet from the side property line. Staff acknowledges the legal nonconforming status of the existing carport and garage structure; however, staff has not identified a special circumstance affecting the land itself.) **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the variance to replace a dilapidated structure with a new, enclosed attached structure with the same footprint. The applicant further states the privacy fence along the property line is 5 feet from the structure. Staff notes the substantial property right to use for the property for residential dwelling is not removed due to the side setback requirement.) **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance should not be detrimental to public health, safety or welfare.) **and**
- 4) Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;** (The applicant believes the variance should not prevent orderly use of other land within the area. There does not appear to be a negative effect preventing orderly use of other land within the area by granting the variance, however, all neighboring properties will still be required to comply with zoning ordinance standards for any new construction. Furthermore, the proposed structure will be required to comply with Building code standards required for additions built within 5 feet of a property line.) **and**
- 5) That an undue hardship exists;** (The applicant states the hardship is that the zoning ordinance would not allow the existing structure to be rebuilt within the same footprint. Furthermore, the applicant states that if the carport is rebuilt within the 5-foot side setback it would not be wide enough to be useful. The applicant then states the existing driveway and existing carport footprint would not be enlarged or encroach any further than the existing structure today. Staff has not identified a physical hardship due to the nature of the land itself that is not shared by other residential property in the neighborhood.) **and**
- 6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states granting of the variance will be in harmony with the spirit and purpose of the zoning ordinance and it would allow him to beautify the neighborhood.)

Per Section 2.2-3 of the Zoning Ordinance, a variance shall not be granted to relieve a self-created or personal hardship, nor based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by Chapter 144 to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

GENERAL INFORMATION:

Size:

15,600 square feet

200 feet depth

78 feet in width

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

North - Across Louisiana Ave, R-1 / Single Family Dwellings

South - R-2 / Single Family Dwellings

East - R-1 / Single Family Dwellings

West - Across California Blvd, R-2/ Single family Dwellings

Notification

Public hearing notices were sent to 15 owners of property within 200 feet. Staff has received no responses

Attachments:

1. Aerial Map
2. Application
3. Existing Site Plan
4. Proposed Site Plan
5. Elevation Plans
6. Email to Staff Regarding Setbacks
7. Photograph
8. Notification List and Map
9. Sec. 3.3-2 "R-2" Single Family and Two-Family District