

BOARD OF ADJUSTMENT COMMUNICATION

DATE: May 5, 2025

TO: Board of Adjustment

FROM: Susana Huerta, AICP, Planning and Zoning Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Consider Approval of a Request for a Variance to Chapter 15, Zoning, Article 15.02 Zoning Ordinance, Division 6. Districts, Boundaries, and Use Regulations, Sec. 15.02.306 – “R-1” Single-Family Dwelling, (c) Setback Requirements, (2) Rear Yard, to Allow a 13.5-foot Encroachment into the Minimum 30-foot Rear Setback, Located at 7408 Linkwood Street, Lot 2, Block F, CB 4446A, Linkwood Addition Subdivision, on Approximately 0.17 Acres of Vacant Land

PURPOSE

Applicant/Property Owner: Leticia Chapa

Site: Lot 2, Block F, CB 4446A, Linkwood Addition Subdivision, 7408 Linkwood Street.

Background:

This is one of the very few remaining vacant lots in Linkwood. It is a single lot that is 65' wide by 120' long and it is zoned R-1 Single Family Dwelling. The applicant would like to build a new single-family residential home on this lot; however, they are requesting a variance to the minimum 30-foot rear yard setback requirement. They are proposing a 16.5-foot rear setback.

The property was platted in 1956 as part of the Linkwood Subdivision. The lot does not conform to the minimum 8,400 square foot lot area requirements (7,800 square feet). However, any lot platted prior to 1965 is exempt from this requirement per the Code.

CRITERIA FOR EVALUATION

The City's Zoning Code has established criteria for the evaluation of variances to zoning regulations. Section 15.02.722(bb) of the Zoning Code states this criteria as the basis for providing statements of findings in granting or denying a variance.

Granting a Variance:

(2) Variances: To prevail in receiving a variance, the applicant must demonstrate that a literal enforcement of the ordinance would result in unnecessary hardship. The applicant must show that the hardship is:

(A) Unique, oppressive, not common to other property, and not against the public interest;

Staff Finding: This is not a unique situation. As stated earlier, lots in Linkwood do not meet the minimum area requirements but most property owners have built homes without applying for variances.

(B) Not merely that the property cannot be utilized for its highest and best use;

Staff Finding: Reasonable use can be made of the property without the variance.

(C) Not self-imposed; and

Staff Finding: This is a proposed new home and therefore, this variance request is self-imposed.

(D) Not simply a hinderance to the developer's goals.

Staff Finding: This is simply a hinderance to the applicant's goals. The applicant could build a smaller home or consider a second story.

BACKGROUND

Similar variance applications:

- 7717 Linkside – Rear yard setback Request
 - 2024 – Approved
- 7477 Linkwood – Rear yard setback Request
 - 2015 - Denied
- 7303 Linkwood – Side yard setback Request
 - 2007 – Approved (1.5 feet for home)
- 7303 Linkwood – Side yard setback Request
 - 2018 – Denied – (2 feet for carport)
- 7608 Linkwood – Rear yard setback Request
 - 2007 – Denied

NOTIFICATION

Twenty-Four letters were mailed to property owners within 200' of the subject site. No letters were received in favor or in opposition. None were returned undeliverable.

RECOMMENDATION

Staff has reviewed this request and objects for the following reasons:

- The hardship is self-imposed, and
- Reasonable use can be made of the property within the setback limitations

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

Susana Huerta, AICP
Planning and Zoning Director