

BOARD OF ADJUSTMENT COMMUNICATION

DATE: August 12, 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 an 8.5-foot Encroachment into the Minimum 30-foot Rear Setback, Located at 7500 Linkside Street, Lot 41, Block D, CB 4446A, Linkwood Addition Subdivision, on Approximately 0.427 Acres of Land.

PURPOSE

Applicant/Property Owner: Jim Garcia

Site: 7500 Linkside Street, Lot 41, Block D, CB 4446A, Amending Subdivision Plat of Linkwood Addition Subdivision, on Approximately 0.427 Acres of Land.

Background:

There is an existing single-family residential structure that was built in 1971. The applicant proposes building an addition to the existing structure and a detached two-car garage. The property owner recorded an amending plat in May to remove a lot line between two adjoining lots and establish one larger lot. The City Council granted a variance to sidewalk requirements at their March 18, 2025, regular meeting. The newly created lot measures 132.88 feet wide by 120 feet long and it is zoned R-1 Single Family Dwelling District. They are requesting a variance to the minimum 30-foot rear yard setback requirement and are proposing an 8.5-foot rear setback.

The property was originally platted in 1956 as part of the Linkwood Subdivision. The lot conforms to the minimum 8,400 square foot lot area requirements (18,600 square feet).

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. The property owners benefit from a larger lot since they merged two smaller lots.

(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 addition 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.

BACKGROUND

Similar variance applications:

- 7408 Linkwood – Rear yard setback Request
 - May 2025 - Approved
- 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-three 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