



City of San Antonio

Legislation Details (With Text)

File #: 15-3911
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 7/6/2015

Title: A-15-107: A request by Rosendo E Alvarez for 1) a 2 foot variance from the 3 foot side yard setback and 2) a 3 foot variance from the 3 foot rear setback to allow a carport on the rear property line and 1 foot from the side property line, located at 205 School Street. (Council District 3)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-15-107
Applicant: Rosendo Alvarez
Owner: Rosendo Alvarez
Council District: 3
Location: 205 School Street
Legal Description: Lot 6, Block 2, NCB 6036
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Senior Planner

Request

A request for 1) a two foot variance from the three foot side yard setback, as described in Section 35-370(b)(1), to allow a carport with no eave overhang to remain one foot from the side property line and 2) the elimination of the three foot rear setback requirement, as described in Section 35-370(b)(1), to allow the same carport to be on the rear property line.

Executive Summary

The subject property is located at 205 School Street, located at the northwest corner of the School Street and Doup Street intersection. The applicant was cited by Code Enforcement for construction of the carport without permits, and for the side and rear setback violations. In the application, the property owner states that School and Doup Streets are not wide enough to allow on-street parking. Additionally, on-street parking is prohibited during the hours of 7am to 9am, and again prohibited from 2pm to 4pm, as a result of school drop-off and pick-up from Riverside Park School across the street. The carport, which is made entirely of metal, is located one foot from the side property line, and on the rear property line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Public School
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the South Central Future Land Use Plan and currently designated Low-Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of any registered neighborhood association.

Criteria for Review

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. In this case, these criteria are represented by setback requirements to reduce the threat of fire and to provide equal access to air and light for adjacent properties. In this case, the carport, being made of metal, produces very little fire threat. However, the carport, which was built without gutters and along the rear property line, does have the potential to drain onto adjacent property. The neighboring property has a two-car garage in the rear yard. It is possible that, over time, water runoff from the existing carport could compromise the structural integrity of the adjacent property. Staff finds no reason that three feet of the existing carport could not be removed to meet the requirement for a setback on a structure with no eave overhang along the rear property line.

Because the subject property is a corner lot, staff finds that granting the variance to allow the carport to be located one foot from the side property line, which abuts a public street, is not contrary to the public interest as there are no adjacent property owners to be adversely affected by the request. A literal enforcement of the Ordinance would require that the carport be moved two feet to the west. Immediately to the west of the carport is a shed and, as such, the applicant would lose two-feet of parking space which, per the applicant, is needed for the family vehicles as they cannot park on the street.

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

Staff is unable to determine any justification for keeping the carport on the rear property line. The location of the current carport could lead to excess water damage onto the neighboring garage. Requiring the applicant to remove three feet of the carport would protect the adjacent garage and would not result in unnecessary hardship.

Staff determines that, because the home is a corner lot and the requested side variance is unlikely to harm any other persons, that requiring the applicant to remove an additional two feet from the side of the carport may result in unnecessary hardship.

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

Granting the variance to the rear setback will not result in substantial justice because the carport, in its current location, could, over time, compromise the structural integrity of the neighbors garage. This will not result in substantial justice.

Substantial justice will be observed by granting the side setback variance request in that the carport is unlikely to harm any persons, especially considering that the side of the carport abuts a public street, not private-property. Also, requiring that applicant to remove two feet from the side would result in fewer parking spaces for the family vehicles, which are already not permitted to park on the street by restricted school hours. To the immediate west of the carport is a shed and, therefore, the applicant would not have the option to add two feet to the other side of the carport.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District.

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.*

It is likely that granting the variance for the rear setback will result in substantial injury to the adjacent neighboring property because water runoff falls from the carport onto the neighboring lot. The garage behind the subject property, which, per Bexar County, was constructed in 1985, was built approximately two feet from the rear property line. It is likely that water runoff will compromise this structure.

It is unlikely that granting the side setback variance will harm adjacent, conforming property and will permit the applicant to protect the family vehicles.

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 is unable to determine any special condition to warrant the granting of the rear variance.

The unique circumstance present in this case to warrant the granting of the side variance is that, because this is a corner lot, there is no neighbor to be harmed by the request.

Alternative to Applicant’s Request

The applicant can remove three feet from the rear of the carport to come into compliance with the Unified

Development Code. The applicant also has the option to add three feet onto the front of the carport to keep the same depth. The applicant does not have this option on the sides because of the shed next to the carport.

Staff Recommendation

Staff recommends **DENIAL of variance 2 (rear setback) in A-15-107** based on the following findings of fact:

1. The existing carport is likely to harm adjacent, conforming property over time,
2. There are no unique circumstances present to warrant the granting of the requested variance.

Staff recommends **APPROVAL of the variance 1 (side setback) in A-15-107** based on the following findings of fact:

1. There are no adjacent property owners to the east because it is a public street.

Attachments

Attachment 1 - Notification Plan (Aerial Map)

Attachment 2 - Plot Plan (Aerial Map)

Attachment 3 - Site Plan

Attachment 4 - Site Photos