



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5375

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 10/17/2016

**Title:** A-16-169: A request by Joseph Sage for a 20 foot variance from the 20 foot platted front setback to allow a carport on the front property line, located at 1327 Butler Drive. Staff recommends Denial. (Council District 6)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-169 Photos, 2. A-16-169 Site Plan, 3. BOA16-169NPA, 4. BOA16-169PP

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-169

**Applicant:** Joseph Sage

**Owner:** Joseph Sage

**Council District:** 6

**Location:** 1327 Butler Drive

**Legal:** Lot 5, Block 24, NCB 17643

**Description:**

**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Shepard Beamon, Planner

A request for a 20 foot variance from the 20 foot platted front setback, as described in Section 35-516 (a), to allow a carport to be located on the front property line.

### Executive Summary

The applicant currently resides in the Tara West Subdivision which was platted in 2000 and includes a 20 foot platted front setback. The applicant recently built a carport without obtaining a permit and was cited by Code Enforcement. The carport is made of metal and was constructed on the front property line. According to the recorded plat, the home is situated 25 feet from the front property line. The applicant's site plan shows the carport as 29 feet 4 inches in length and encroaches into the public right-of-way.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the West Sector Plan and has a future land use designation of Suburban Tier. The subject property is within the Tara Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

**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, the public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. A carport built on the front property line is contrary to the public interest as it does not establish uniformity and conflicts with the overall appearance of the surrounding properties. The carport encroaches in the public right-of-way which is not permitted and will need to be removed.

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

Staff was unable to find a special condition that would require the applicant to eliminate the front setback.

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

Granting the variance will not result in substantial justice as there is not a property related hardship that requires the applicant to build on the front property line. Further, the carport does not observe the spirit of the ordinance as it’s encroachment into the public right-of-way is not permitted per the UDC.

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-5 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.*

The carport alters the essential character of the neighborhood as it is the only carport on the street. According to the recorded plat and the applicant’s site plan, the carport currently encroaches four feet into the public right-of-way. If the variance is granted, the four feet of the carport that extends into the right-of-way will have to be

removed, as this is prohibited.

*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 was unable to find a unique circumstance which would require the applicant to locate the carport on the front property line.

**Alternative to Applicant's Request**

The applicant could remove the carport.

**Staff Recommendation**

Staff recommends **DENIAL of variance request in A-16-169** based on the following findings of fact:

1. There is not a special condition or property related hardship in this case. 2. Carports are not common in the neighborhood and the request detracts from the character of the district.
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