



City of San Antonio

Legislation Details (With Text)

File #: 16-4668

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/19/2016

Title: A-16-151: A request by Jose E. Esparza for a 20 foot variance from the 30 foot platted front setback to allow a carport to be 10 feet from the front property line, located at 6130 Topcroft Drive. Staff recommends Approval. (Council District 6)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Maps and Pictures

Date	Ver.	Action By	Action	Result
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Case Number: A-16-151

Applicant: Jose Esparza

Owner: Jose Esparza

Council District: 6

Location: 6130 Topcroft Drive

Legal: Lot 61, Block 5, NCB 14451

Description:

Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Case Manager: Shepard Beamon, Planner

Request

A request for a 20 foot variance from the 30 foot platted front setback, as described in Section 35-516 (O), to allow a carport to be 10 feet from the front property line.

Executive Summary

The subject property is part of the Westglen Village Subdivision, platted in 1971. The applicant is seeking a metal carport to provide protection for the owner's vehicles. The requested carport is designed to be 20 feet in depth, which encroaches into the platted 30 foot front setback, which requires a variance for construction.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 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 currently designated as General Urban Tier in the future land use component of the plan. The subject property is not within a registered neighborhood association.

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. The carport, as it stands now, is not contrary to the public interest. The carport is within the side setbacks and does not encroach into the UDC front setback.

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

The special condition in the case is the location of the home and the availability to store and protect vehicles. The home is located in such a manner that it does not allow for parking along the side or in the rear, as the lot has an irregular shape. Also, the garage has been converted into additional family living space which leaves the owner’s vehicles exposed to the elements in the uncovered front driveway.

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

Granting the requested variance will result in substantial justice as the carport complies with the side and front setback established by the UDC. Additionally, water runoff is unlikely to occur on to the neighboring property and the building material will not increase fire hazard.

- 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-6 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 is being constructed to adhere to the UDC required 10 foot front setback, and will not interfere with the vision and safety of the neighboring property. Further, the carport does not encroach

into the side setback and will not require trespass for maintenance. Staff finds this carport will not alter the essential character of the district as there are several carports on the same street as the subject property.

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.

The unique circumstance in this case is the location of the home on the property. The configuration of the home does not permit parking on the side or rear of the property, and the home is built up to the 30 foot platted setback, leaving no options but to build a carport within this platted front setback.

Alternative to Applicant's Request

The applicant would be required to comply with the 30 foot platted front setback.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-151** based on the following findings of fact:

1. The carport, as currently designed, will not increase water runoff to adjacent properties, increase fire hazard, or require trespass for maintenance; 2. The carport is within character of the neighborhood, as other properties within the subdivision have carports within the 30 foot platted front setback.