



City of San Antonio

Legislation Details (With Text)

File #: 17-1996

Type: Zoning Case

In control: Board of Adjustment

On agenda: 3/6/2017

Title: A-17-063: A request by Amalia Gill for a 19 foot variance from the 30 foot platted front setback to allow a carport 11 feet from the front property line, located at 3131 Goose Creek. Staff recommends Approval. (Council District 4)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-063 Photos, 2. A-17-063 Site Plan, 3. BOA17-063NPA, 4. BOA17-063PP

Date	Ver.	Action By	Action	Result
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Case Number: A-17-063

Applicant: Amalia Gill

Owner: Amalia Gill

Council District: 4

Location: 3131 Goose Creek

Legal: Lot 37, Block 5, NCB 14218

Description:

Zoning: "R-6 MAOZ-2 AHOD" Residential Single-Family Military Airport Overlay Zone Airport Hazard Overlay District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 19 foot variance from the 30 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be 11 feet from the front property line.

Executive Summary

The property is located within the Fountain Park South Unit 5 subdivision, which was established October of 1969, and includes a 30 foot platted front setback. The applicant is seeking proper approval of a variance to begin construction on a carport in the front yard.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-6 MAOZ-2 AHOD” Residential Single-Family Military Airport Overlay Zone Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MAOZ-2 AHOD” Residential Single-Family Military Airport Overlay Zone Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 MAOZ-2 AHOD” Residential Single-Family Military Airport Overlay Zone Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 MAOZ-2 AHOD” Residential Single-Family Military Airport Overlay Zone Airport Hazard Overlay District	Single-Family Dwellings
West	“R-6 MAOZ-2 AHOD” Residential Single-Family Military Airport Overlay Zone Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is not located within the boundaries of a 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.*

In this case, the public interest is represented by setback requirements to ensure an open streetscape and uniform and safe development within the City. The carport is not contrary to the public interest as the carport will not encroach into the public right-of-way and will not interfere with the Clear Vision requirements.

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

The special condition present in this case is the 30 foot platted front setback, which restricts any development in the front of the home. A literal enforcement of the ordinance would not allow the applicant to construct a carport.

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

The carport’s design will meet the 10 foot front setback established in the Unified Development code. The spirit of the ordinance will be respected in that the carport does not harm any adjacent properties.

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 MAOZ-2 AHOD” Residential Single-Family Military Airport Overlay Zone 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.

There are several homes within the subdivision that have constructed carports that encroach into the platted setback. The requested carport will be within character of the surrounding neighborhood.

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.

Similar to several homes in the neighborhood, an attached garage has been converted into livable space for the primary dwelling, thus providing no covered parking for the owner. The platted setback significantly limits the depth allowance of any addition to the front of the home.

Alternative to Applicant’s Request

Denial of the variance request would not allow the applicant to construct an adequate carport.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-17-063** based on the following findings of fact:

1. The carport will respect the 10 foot front and five foot side setback for the “R-6” zoning district established in the UDC;
2. The carport will not detract from the character of the neighborhood;
3. The carport will not interfere with Clear Vision.