



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4153  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 7/25/2016

**Title:** A-16-116: A request by Veronica Martinez for a sixteen (16) foot variance from the thirty (30) foot platted front setback to allow a carport to be fourteen (14) feet from the front property line, located at 411 Patricia Drive. (Council District 9)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-116 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-116  
**Applicant:** Veronica Martinez  
**Owner:** Veronica Martinez  
**Council District:** 9  
**Location:** 411 Patricia Drive  
**Legal Description:** Lot 6, Block 21, NCB 13274  
**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a sixteen (16) foot variance from the thirty (30) foot platted front setback, as described in Section 35-516 (O), to allow a carport to be fourteen (14) feet from the front property line.

### Executive Summary

The subject property is part of the Harmony Hills Subdivision platted in 1962. The applicant has requested this variance to build a carport in the front yard of the subject property. The property currently has a 30 foot platted front setback, limiting any development in the front of the property. Due to recent inclement weather and to prevent any further damage from extreme temperatures, the applicant is requesting to build a sixteen foot deep carport in the front of the property. The requested carport would comply with adopted the UDC ten foot front yard setback.

### 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**

Orientation	Existing Zoning District(s)	Existing Use
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 San Antonio International Airport Vicinity Land Use Plan and currently designated as Low-Density Residential in the future land use component of the plan. The subject property is within the Greater Harmony Hills Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 meets the required 10 foot front setback required by the UDC.**

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

**The special condition in the case is the ability to provide a covered area to protect and preserve the property owner’s vehicle from inclement weather conditions. Furthermore, the platted front setback prevents any development in the front of the property.**

- 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 water runoff is not likely to cause damage to adjacent property as the carport is not within the side yard setback and has a slope towards the street. Additionally, the carport is not likely to increase fire spread to 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-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 is being constructed to meet the 10 foot front setback required by the UDC and is only violating a platted setback. The carport will address water runoff and is not likely to increase fire spread. Staff finds this carport will not alter the essential character of the district. Similar requests for carports within the neighborhood have been approved by the Board, including case A-16-065, located at 607 Patricia.**

*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 a resident of the home requiring a special accommodation to have added protection from weather and extreme temperatures and to prevent further damage to their personal vehicles. This is not merely financial and is not the fault of the owner.**

**Alternative to Applicant’s Request**

The applicant would be required to comply with the thirty (30) foot platted front setback or seek to amend the plat to remove the platted setback by being considered by the City of San Antonio Planning Commission.

**Staff Recommendation**

Staff recommends **APPROVAL of variance request in A-16-116** based on the following findings of fact:

1. The carport, as currently designed, addresses water runoff to adjunct properties and is not likely to increase fire spread to adjacent properties. 2. It provides a resident of the home with an accommodation for any future inclement weather. 3. The requested carport is in keeping of character with the neighborhood as there are similarly constructed carports nearby. 4. The carport is shallow in depth and does not encroach on the UDC required ten (10) foot front setback.

**Attachments**

- Attachment 1 - Notification Plan (Aerial Map)
- Attachment 2 - Plot Plan (Aerial Map)
- Attachment 3 - Site Plan
- Attachment 4 - Site Photos