



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3160

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 5/18/2015

**Title:** A-15-081: The request of JoAnn Alonzo for the elimination of the five foot side yard setback to allow an existing carport to remain along the side property line, located at 620 W Harlan Avenue. (Council District 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-081

**Applicant:** JoAnn Alonzo

**Owner:** JoAnn Alonzo

**Council District:** 3

**Location:** 620 W Harlan Avenue

**Legal Description:** Lots 58 & 59, Block 8, NCB 7871

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

**Case Manager:** Logan Sparrow, Planner

### Request

A request for the elimination of the five foot side yard setback, as described in Section 35-310.01, to allow a carport that is attached to a home to remain on the side property line.

### Executive Summary

The subject property is located at 620 W Harlan Avenue approximately 227 feet west of Bodie Street. The applicant constructed a carport without a building permit on the side property line. The carport is made entirely of metal and, thus, does not pose a fire risk. Adjacent to the structure, on the neighboring property, is a large driveway and parking area for the adjacent home. As such, despite being located on the side property line, the carport remains 35 feet from the closest structure.

### 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 South Central Neighborhood Plan and designated Low-Density Residential in the 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.*

Ordinarily, staff would find that allowing a carport to remain on the property line would be contrary to the public interest. In this case, there are several conditions that result in staff finding that the requested variance is not contrary to the public interest. First, the carport is made entirely of metal and, thus, does not pose a large fire risk to adjacent properties. Also, as a result of its metal construction, maintenance will not be needed as frequently. There is enough room between the posts and the fence to allow for painting without trespass onto adjacent property. Lastly, the neighboring property has a large driveway and parking area on the east side of that property. As a result, the existing carport is 35 feet from the nearest adjacent structure; a safe distance for fire protection. As a result of these findings, staff has determined that the requested variance is not contrary to the public interest.

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

The special conditions present in this case are that the carport is entirely made of metal, which relaxes the need for maintenance and reduces the threat of fire spread. Also, the location of the home on adjacent property creates conditions by which air and light are not compromised as a result of the requested variance. Additionally, the lot has been developed in such a way that the addition of any carport would likely be in violation of the side yard setback. If the five foot setback were in place, a car could not fit in the carport.

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

Granting the requested variance would result in substantial justice as the carport would remain 35 feet from the nearest adjacent structure. At 35 feet, it is unlikely that adjacent properties will be negatively affected by the requested variance.

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.*

**Staff noted that many homes within this community benefit from carports of similar design. Granting the requested variance is not likely to result in an alteration to the essential character of the district.**

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 present in this case is that the carport will remain 35 feet from the nearest structure based upon the lot development of the adjacent property. Also, the lot dimensions of the subject property force the need for a variance for any carport construction.**

#### **Alternative to Applicant’s Request**

The applicant could remove two feet of the carport to allow for additional spacing between the carport and the property line.

Staff recommends **APPROVAL of A-15-081** based on the following findings of fact:

1. The existing carport remains 35 feet from the nearest structure;
2. The existing carport is of metal construction and, thus, poses little fire risk and requires little maintenance to maintain.