



City of San Antonio

Legislation Details (With Text)

File #: 19-6906

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/16/2019

Title: BOA-19-10300102: A request by Mary Garcia for a 4'6" variance from the 5' side setback requirement to allow for an attached carport to be 6" from the side property line, located at 226 West Bedford Avenue. Staff recommends Denial. (Council District 5) (Rachel Smith, Planner (210) 207-5407, rachel.smith@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-19-10300102 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300102

Applicant: Mary Garcia

Owner: Mary Garcia

Council District: 5

Location: 226 W Bedford Ave

Legal: The North 132 feet of lot 7, Block 8, NCB 7395

Description:

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

Case Manager: Rachel Smith, Planner

Request

A request for a 4'6" variance from the 5' side setback requirement, as described in Section 35-310.01, to allow for an attached carport to be 6" from the side property line.

Executive Summary

The subject property is located at 226 W Bedford Ave, midblock between Village Place and Brentwood Place. The property is a single family residence with a carport attached to the side of the home and a detached garage in the rear yard. The applicant is requesting a variance for a proposed attached carport to the front of an existing carport. The proposed carport would encroach into the side setback by 4'6". The applicant provided a letter from the adjacent property owner who shares the property line which states they have been notified and have no complaints about the potential carport.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

The property owner is seeking a variance to allow for permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District Military Lighting 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 Military Lighting Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District Military Lighting Overlay District	Single-Family Dwelling
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District Military Lighting Overlay District	Single-Family Dwelling
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District Military Lighting Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Thompson Neighborhood Association who were notified and asked to comment.

Street Classification

West Bedford Avenue is classified as a local street.

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 served by setbacks, which help to provide consistent development within the City of San Antonio. The applicant is seeking a variance of this setback to build an additional attached carport. Allowing the carport to be so close to the side property line interferes with the character of the neighborhood, which generally consists of homes with carports attached to the side of the home and/or detached carports/garages to the rear of the property screened by fencing. This allowance would also impede the ability to maintain the property without trespass. It is inconsistent to have a carport attached to the front of the house. Staff finds that the carport, as proposed, is contrary to the public interest.

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

Staff is unable to establish any special condition that warrants reducing the side setback. The applicant could use their existing carport, existing garage or modify the proposed carport to meet the requirements of the Unified Development Code.

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

The spirit of the ordinance is the intent of the Code, rather than the strict letter of the law. In this case, the intent is to provide enough of a setback to allow for long-term maintenance without trespass and to preserve the open character of front yards within this neighborhood. The requested variance does not provide such clearance and does not observe the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized by 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.*

Within the immediate vicinity, residences primarily have carports attached to the side of the residence. A carport in the front of the home will be inconsistent with the character of the property in this 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.*

Staff is unable to determine any unique circumstance existing on the site that warrants the reduction in the required side setback. The applicant can use their existing carport, or garage to protect themselves and their vehicles from inclement weather.

Alternative to Applicant’s Request

The alternative to the applicant's request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **BOA-19-10300102**, based on the following findings of fact:

1. The carport is contrary to the public interest in that it detracts from the essential character of the community; and;
2. The applicant has an existing garage and attached carport that can be used to safely park their vehicles.