



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5157

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 10/3/2016

**Title:** A-16-163: A request by Candelario Garcia for a 25 foot variance from the 30 foot platted front setback to allow a carport to remain five feet from the front property line, located at 5986 Midcrown Drive. Staff recommends Approval. (Council District 2)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps, Site Plan, and Pictures

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-163

**Applicant:** Candelario Garcia

**Owner:** Candelario Garcia and Cynthia Garcia

**Council District:** 2

**Location:** 5986 Midcrown Drive

**Legal:** Lot 124, Block 18, NCB 17733

**Description:**

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

**Case Manager:** Logan Sparrow, Principal Planner

### Request

A request for a 25 foot variance from the 30 foot platted front setback, as described in Section 35-516(o), to allow a carport to remain five feet from the front property line.

### Executive Summary

The subject property is located at 5986 Midcrown Drive, approximately 187 feet southwest of Castle Stream Drive. The applicant is seeking a variance to keep a carport on their property. The carport was built without a permit and the applicant was issued a citation by Code Enforcement. The property was platted in 1970 and included a 30 foot front setback requirement. The existing carport encroaches 25 feet into that setback and is located five feet from the front property line. In total, the applicant needs a 25 foot variance to allow the carport to remain.

### Subject Property Zoning/Land Use

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 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 not within the boundaries of any plan. The subject property is located within the boundaries of the East Village Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

**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 defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by setback requirements to ensure fair and equal access to air and light and to ensure design consistency within the City of San Antonio. The carport meets the side setback requirement, and is made of metal. As such, fire and rainwater runoff concerns have been addressed. Additionally, staff found that there is adequate room to maintain the structure without trespassing on adjacent property. Staff finds the carport 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 condition present in this case is that the 30 foot platted setback leaves no room for a carport that meets the required setback.**

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

**The spirit of the ordinance will be respected in that the applicant can continue to protect their vehicles from any inclement weather. The proposed carport respects the established side setbacks.**

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.*

**Several houses along Midcrown Drive have carports located similarly on those properties. Staff finds that the location of this carport does not detract from the essential character of the district in which it is located.**

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 platted setback makes additional parking with covered protection difficult to achieve on the property, which is not the fault of the owner. The plight of the owner of the property is not merely financial in nature.**

### **Alternative to Applicant's Request**

Denial of the variance request would not allow for the carport to remain.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-16-163** based on the following findings of fact:

1. The carport respects the side setbacks;
2. There is adequate room for maintenance without trespassing onto adjacent property;
3. The proposed carport is unlikely to detract from the character of the community in which it is located in that other properties along Midcrown Drive also have front yard carports.