



City of San Antonio

Legislation Details (With Text)

File #: 17-5681

Type: Zoning Case

In control: Board of Adjustment

On agenda: 10/16/2017

Title: A-17-179: A request by Stephen and Carmelita Harrison for a five foot variance from the ten foot front setback to allow a carport to be five feet from the front property line, located at 1802 Highland Mist Lane. Staff recommends Approval. (Council District 6)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-179 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-179

Applicant: Stephen and Carmelita Harrison

Owner: Stephen and Carmelita Harrison

Council District: 6

Location: 1802 Highland Mist Lane

Legal: Lot 18, Block 11, NCB 34400B

Description:

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

Case Manager: Logan Sparrow, Principal Planner

Request

A request for a five foot variance from the ten foot front setback, as described in Section 35-310.01, to allow a carport to be built five feet from the front property line.

Executive Summary

The subject property is located at the southeast corner of the Highland Mist Lane and County Cork Road intersection. The carport is proposed to be 23 feet deep by 22 feet wide. The applicant has applied for a variance to allow the project to proceed as planned. The proposed carport is to be placed near the center of the lot and, as such, the carport more than complies with the required five foot side setback. The subject property is located within a subdivision annexed by the City on December 31, 1992 and was developed in 1993, per BCAD records. There are several homes in the community that have carports located within the front ten feet; it is possible that some were built before annexation, or had development underway during the annexation procedures, whereupon the ten foot setback would not have been retroactively applied.

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 subject property is within the boundaries of the West Sector Plan and currently designated Rural Estate Tier in the future land use component of the plan. The subject property is within the Oak Creek Community Association. As such, they were 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 represented by minimum setbacks to provide for safe fire separation distances, the ability to maintain structures without trespass, and consistent development within our communities. Upon evaluation of the street, as well as surrounding streets, staff noted that several other homes in the community have carports. Some carports in the community were built after obtaining permits, and there are older carports without permits, too. Because the proposed carport provides more than four times the required side setback and is unlikely to impact adjacent owners, staff finds that the variance request is not contrary to the public interest.

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

Literal enforcement of the ten foot front setback would leave only 18 feet for the carport; generally, carports are built to be at least 20 feet deep. Three other homes along Highland Mist Lane already have carports; at least one of those is built within ten feet of the front property line. Additionally, the front property line is sloped. The northwest corner of the proposed carport meets the ten foot front setback, whereas the northeast corner does not. Staff finds that the shape of the lot constitutes a special condition that warrants the granting of the variance request.

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 requirements rather than the strict letter of the law. The

intent of the setbacks is to reduce conflicts between different land uses and to provide space for fire safety and maintenance. Because the carport is located 23 feet from the nearest side property line, and because the owner will have ample room to maintain the proposed structure from all angles, staff finds that granting the variance will result in substantial justice.

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.

The carport is to be built 23 feet from the nearest side property line, and nearly 65 feet from the nearest structure. This is more than six times the required separation for safety required by the Unified Development Code. As such, staff finds that the variance will not substantially injure adjacent, conforming property.

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 the sloping front lot line. This is not the fault of the owner of the property, nor is this issue merely financial in nature.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the ten foot front setback requirement.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-17-179**, based on the following findings of fact:

1. Only a portion of the proposed carport is located within the front setback and this is a result of the sloping front lot line; and;
2. The proposed structure is not inconsistent within the context of the neighborhood as other homes in the neighborhood have carports.