



City of San Antonio

Legislation Details (With Text)

File #: 17-5215

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/18/2017

Title: A-17-157: A request by Rhonda Mesquite for a 5 foot variance from the 10 foot front setback to allow a carport 5 feet from the front property line, located at 727 S. Mesquite Street. Staff recommends Denial. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-157 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-157

Applicant: Rhonda Williams

Owner: Rhonda Williams

Council District: 2

Location: 727 South Mesquite Street

Legal: Lot 2, Block 38, NCB 637

Description:

Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for a five (5) foot variance from the 10 foot front setback, as described in Section 35-310.01, to allow a carport five (5) feet from the front property line.

Executive Summary

The applicant is requesting the variance to allow a carport five feet from the front property line. The applicant obtained a building permit and was informed to meet all building setback requirements. The owner later received a citation from Code Enforcement for being in violation of the setback. After a site visit, City staff observed the carport to be five feet from the front property line, with an encroachment of five in the 10 foot front setback established by the "RM-4" zoning district.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Home
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Homes
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District; “C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District; “I-1 AHOD” General Industrial Airport Hazard Overlay District	Single-Family Homes, Pharmaceutical Company
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Homes
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Homes

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Downtown Neighborhood Plan and currently designated as Residential in the future land use component of the plan. The subject property is located within the boundaries of the Alamodome Gardens Neighborhood Association and is within 200 feet of the Denver Heights Neighborhood 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.*

Granting of the variance sets a negative precedent for the Alamodome Gardens district as this is the only carport staff observed during site visits that encroaches into the front setback.

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

Literal enforcement of the ordinance would not result in an unnecessary hardship as the owner could locate the post 10 feet from the property line and include up to a five foot overhang to adequately cover vehicles.

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

The zoning front setbacks are in place to prevent overcrowding of front yards and to maintain a uniform streetscape. Granting the variance would not adhere to the general purpose of the ordinance as it does overcrowd the front yard and deviates from the uniformity of streetscape.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “RM-4 AHOD” Residential Mixed 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.

As there is an absence of other carports in the district, the carport detracts from 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.

There is no unique circumstance existing on the property that warrants the approval of the variance. The applicant could construct a carport to meet the zoning setback and still have enough coverage for a vehicle, as the carport currently measures 32 feet in length.

Alternative to Applicant’s Request

The owner would need to move the posts to the 10 foot front setback.

Staff Recommendation

Staff recommends **DENIAL of the variance in A-17-157**, based on the following findings of fact:

1. The request is not cohesive with the character of the district; and
2. There is no unique circumstance that warrants the approval of the variance.