



City of San Antonio

Legislation Details (With Text)

File #: 17-5469

Type: Zoning Case

In control: Board of Adjustment

On agenda: 10/2/2017

Title: A-17-170: A request by Gerald D. Aldorf for a nine foot and eleven inch variance from the ten foot front setback to allow a carport one inch from the front property line, located at 2018 Encino White Street. Staff recommends Denial. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-170 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-170

Applicant: Gerald D. Aldorf

Owner: Gerald D. Aldorf

Council District: 9

Location: 2018 Encino White Street

Legal: Lot 55, Block 2, NCB 17582

Description:

Zoning: "R-6 MLOD-1 ERZD" Residential Single-Family Camp
Bullis Military Lighting Overlay Edwards Recharge Zone
District

Case Manager: Oscar Aguilera, Planner

Request

A request for a nine foot and eleven inch variance from the ten foot front setback, as described in UDC 35-516, to allow a carport one inch from the front property line.

Executive Summary

The property is part of the Encino Park Unit One Subdivision and was recorded on November 29 1976. The property owner recently hired a company to construct a carport. They built it close to the front property line without a building permit. The owner was cited by Code Enforcement. According to the applicant, the carport is necessary to protect the family and his property during inclement weather. The carport covers the entire driveway. The new carport satisfies the minimum 5 foot side setback.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling
South	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling
East	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling
West	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is not located within the boundaries of a 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.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the ten foot front setback. The carport was built for added protection for inclement weather and safety. There are no similar carports near or adjacent to the property. The request for the carport to encroach nine feet and eleven inches into the ten foot front setback would change the subdivision uniformity and alter the character of the neighborhood. Staff finds that the request will be contrary to the public interest due to an alteration of the subdivision’s design scheme.

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

The property is built with an attached two car garage. The garage provides access into the house and could provide the safety sought in the application. There are no similar carports along the block nor could staff find others driving into or out of the neighborhood.

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 regulations. In this case, the ten foot front setback is intended to create a uniform streetscape design for this subdivision. There are no similar carports adjacent to or near the property. Therefore, the carport will be out of character with the surrounding properties.

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 in the “R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone 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.*

Currently there are no structures encroaching into the setback on this street, which places the carport in conflict with the essential character of the subdivision.

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 plight of the owner is that the ten foot setback does not provide room for the requested carport. The property owner is requesting the variance in order to provide covered parking to protect his property when there is inclement weather, a condition that is experienced throughout the entire district.

Alternative to Applicant’s Request

Denial of the variance request would result in the removal of the structure.

Staff Recommendation

Staff recommends **DENIAL of the requested variance as described in A-17-170** based on the following findings of fact:

1. The subject property is located within a neighborhood where the setback has not previously been violated;
2. The owner has an attached garage that can provide the safety and protection described in the application.