



City of San Antonio

Legislation Details (With Text)

File #: 16-5156

Type: Zoning Case

In control: Board of Adjustment

On agenda: 10/3/2016

Title: A-16-156: A request by Carl Wendt for an eleven foot variance from the 35 foot platted front setback to allow a carport to be 24 feet from the front property line, located at 270 Wellesley Drive. Staff recommends Approval. (Council District 10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Maps, Site Plan, and Pictures

Date	Ver.	Action By	Action	Result
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Case Number: A-16-156

Applicant: Carl Wendt

Owner: Carl Wendt

Council District: 10

Location: 270 Wellesley Boulevard

Legal: Lot 19, Block 1, NCB 9041

Description:

Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

Case Manager: Logan Sparrow, Principal Planner

Request

A request for an eleven foot variance from the 35 foot platted front setback, as described in Section 35-516(o), to allow a carport to be 24 feet from the front property line.

Executive Summary

The subject property is located at 270 Wellesley Boulevard, approximately 94 feet west of Mount Cavalry Drive. The applicant is seeking a variance to replace an existing, older carport in his property. The property was platted in 1948 and included a 35 foot front setback requirement. The existing carport, which has existed in that location for years, encroaches several feet into that setback. The proposed carport would encroach a slight distance more, a total of eleven feet, into the setback area. In all, the applicant is seeking an eleven foot variance to allow the carport to be as near as 24 feet from the front property line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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	“C-2 AHOD” Commercial Airport Hazard Overlay District	Hotel, Restaurant
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Commercial Center
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northeast Inner Loop 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 Terrell Heights 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 applicant is seeking to replace a carport that has existed for years. Staff was unable to find records of any previous issue with the existing carport. The proposed carport will be located 24 feet from the front property line - nearly 2.5 times what is required by the zoning. Staff finds that 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 deep, 35 foot platted setback leaves very little room for a carport. Because the proposed design is similar to that which has existed for years without issue, staff finds that a literal enforcement of the ordinance would result in an unnecessary hardship.

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 and does not interfere with the Clear Vision requirements.

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-4 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.

Because the proposed carport seeks to replace an existing one, staff finds that the impact of such carport is unlikely to detract from the essential character of the community 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 construction of the new carport.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-16-156** based on the following findings of fact:

1. The proposed carport replaces one that has existed for years;
2. The proposed carport meets the side setback requirement;
3. The proposed carport is unlikely to detract from the character of the community in which it is located.