



City of San Antonio

Legislation Details (With Text)

File #: 17-2233

Type: Zoning Case

In control: Board of Adjustment

On agenda: 3/20/2017

Title: A-17-072: A request by Kathy DeLeon for 1) a 7 foot variance from the 10 foot front setback to allow a carport 3 feet from the front property line, and 2) a variance from the distance restriction that requires that architectural features remain 3 feet from a property line to allow an eave overhang on the front property line, located at 1903 Dellhaven. Staff recommends Denial with an Alternate Recommendation. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-072 Photos, 2. A-17-072 Site Plan, 3. BOA17-072NPA, 4. BOA17-072PP

Date	Ver.	Action By	Action	Result
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Case Number: A-17-072

Applicant: Kathy DeLeon

Owner: Kathy DeLeon

Council District: 2

Location: 1903 Dellhaven

Legal: Lot 5, Block 7, NCB 13176

Description:

Zoning: "R-5" Residential Single-Family District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a 7 foot variance from the 10 foot front setback, as described in Section 35-310.01, to allow a carport 3 feet from the front property line, and 2) a variance from the distance restriction that requires that architectural features remain 3 feet from a property line, as described in Section 35-516 (j), to allow an eave overhang on the front property line.

Executive Summary

The applicant is seeking a variance to allow a carport to remain on the property line. The posts of the carport are located three feet from the front property line. The overhang extends to the front property line. According to Section 35-516 (j), every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and the ordinary projection of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall extend neither more than five (5) feet into any required yard nor closer than three (3) feet to any property line. The carport is 31 feet in length and is made of entirely of metal, reducing the risk of fire spread. The owner hired a contractor, who failed to obtain

permits, and was cited by Code Enforcement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5” Residential Single-Family District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5” Residential Single-Family District	Single-Family Home
South	“R-5” Residential Single-Family District	Single-Family Home
East	“R-5” Residential Single-Family District	Single-Family Home
West	“R-5” Residential Single-Family District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Eastern Triangle Community Plan and is currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Dellcrest Area Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 minimum setbacks to ensure that we have safe development within the City of San Antonio. The carport is currently located on the front property line. The elimination of the front setback does not allow for room for maintenance without being within the City right-of-way.

The reduction of the carport being three feet from the front property line would provide adequate room for maintenance.

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

A literal enforcement of the ordinance would force the owner to remove 10 feet of the current carport, leaving a remaining carport depth of 21 feet, similar to most carports within the district.

However, a three foot front setback would result in the owner only having to remove the overhang, and not disturb the structural integrity of the carport.

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

Granting the requested variance would not result in substantial justice as the carport has been constructed with water runoff falling directly on the sidewalk.

Eliminating the overhang would reduce the risk of water runoff on the right-of-way.

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-5” Residential Single-Family 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 does detract from the character of the neighborhood as there are no other carports that encroach into the 10 foot front setback.

The applicant could reduce the carport depth to better resemble the character of the district. Further, as the carport is constructed of metal and sits adjacent to a drainage easement, it is highly unlikely that the carport will have any negative impact on the adjacent 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.

There are no unique circumstances existing on the property that warrant the granting of the entire elimination of the front setback.

However, as carports are prevalent within the neighborhood, and the owner has several vehicles that are in need of protection, a three foot setback would best meet the needs of the owner and best respect the established front setback.

Alternative to Applicant’s Request

The applicant could remove the portion of the carport that encroaches into the front setback.

Staff Recommendation

Staff recommends **APPROVAL of the 7 foot variance from the 10 foot front setback and DENIAL of a variance from the distance restriction that requires that architectural features remain 3 feet from a property line in A-17-072** based on the following findings of fact:

1. The owner could remove the overhang and still have a carport of 28 feet in length; 2. Denial of the variance from the distance restriction would still provide adequate coverage for the owner’s vehicle; 3. The structure is made of metal and directs water runoff towards the street.