



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-5684  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 11/2/2015

**Title:** A-15-139: CONTINUANCE A request by Roberto Marquez for 1) the elimination of the 5 foot minimum side setback to allow for the construction of a carport on the property line; 2) a variance to allow an increase of the maximum 50% impervious cover in the front yard, located at 6324 Les Harrison Drive. (Council District 6)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-139 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-139  
**Applicant:** Roberto Marquez  
**Owner:** Roberto Marquez  
**Council District:** 6  
**Location:** 6324 Les Harrison Drive  
**Legal Description:** Lot 13, Block 2, NCB 3856  
**Zoning:** "R-4" Residential Single-Family District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for 1) the elimination of the 5 foot minimum side setback, as described in Section 35-310-1, to allow for the construction of a carport on the property line; 2) a variance to allow an increase of the maximum 50% impervious cover in the front yard, as described in Section 35-515(d).

### Executive Summary

The subject property is located at 6324 Les Harrison Drive approximately 180 feet south of Village Basin. The applicant wishes to build a carport, 13 feet wide, on the side of his house to accommodate a car and staging room for a person in a wheelchair to enter and exit the car. It is likely an increase in impervious cover will be required in order to accommodate a car travelling across the front yard to reach the location of the proposed carport. At this point in time, no detailed plans for a driveway have been submitted thus an exact percentage of impervious cover is not known.

According to the Texas ADA Design Guidelines, handicap accessible parking spaces for cars must include, at minimum, an eight foot parking spot and an additional five feet for an accessible route for a total of a 13 foot parking space. However, ADA design standards for a handicap accessible van require a total of 16 feet

comprised of an eight foot parking space and an eight foot accessible route/staging area. Additionally, the ADA design guidelines state handicap parking spaces can have a maximum slope of 1:50 or 2% grade change and should be located on the shortest accessible route of travel to an accessible facility entrance.

The subject property, as it stands now, has swells on either side. As requested by the Board, the storm water department was asked to review the subject property for possible drainage easements. Storm water staff state there is not a drainage easement located on the subject property. The swells were likely added by the developer as a way to direct water away from the home. Staff also stated that, as the subject property is positioned higher than adjacent properties, there is a possibility that increasing impervious cover in the front or rear could create drainage issues for the subject property. Storm water advises hiring an engineer to build the carport and to include a curb wall to mitigate possible water runoff.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-4” Residential Single-Family District	Single Family Residence

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-4” Residential Single-Family District	Single Family Residence
South	“R-4” Residential Single-Family District	Single Family Residence
East	“R-4” Residential Single-Family District	Single Family Residence
West	“R-4” Residential Single-Family District	Single Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of Northwest Neighborhood Plan and is designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Hidden Meadow and is within 200 feet of the Great Northwest Neighborhood Association. As such, both neighborhood associations 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 defined as the general health, safety, and welfare of the public. In this case, these criteria are represented by minimum side setbacks and limits of impervious cover to protect home owners, and also to provide for a sense of community. The minimum setbacks are in place to protect the neighbor from fire hazard and possible damage from water runoff.**

**The proposed carport would only provide 5 feet of space between the neighboring structures. Structures located this close to one another increase the risk of fire and water runoff to adjacent properties. However, there are ways these issues can be mitigated. As the carport has not yet been built, these issues will be addressed before construction takes place to ensure the carport does not cause harm to the subject property or adjacent properties.**

Staff recommends approval of an increase to allow up to 60% impervious cover in the front yard. The proposed increase may increase water runoff to adjacent properties, but initial construction could use measures to address this concern.

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

The special condition in this case is the sloped drive way. The current driveway, where most residents would plan to build a carport, slopes significantly toward the street. The ADA design guidelines state handicap parking spaces can have a maximum slope of 1:50 or 2% grade change. Allowing the applicant to create a carport that meets the ADA design slope standard, where the current driveway does not, is a reasonable accommodation.

The special condition for an increase in impervious cover is directly related to the variance to allow a carport to be located on the side property line. If the carport is permitted to be located on this side property line the applicant will need build a pathway to reach to carport in order to provide a reasonable accommodation for the resident.

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

Granting the requested side set back variance will result in substantial justice as the carport will provide reasonable accommodations for the residents of the home. In addition, fire standards and water runoff mitigation can be addressed with initial construction. Granting the requested variance for increased impervious cover in the front yard will result in substantial justice by providing a reasonable accommodation for the resident of the home.

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” 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.*

Staff is recommending approval of the request to eliminate the side setback to allow a carport to be built on the property line. The carport has not been constructed thus, if the variance is granted, the applicant can address fire separation and water runoff with initial construction. Additionally, the large amount of foliage in the neighborhood and on the subject property is likely to block the view of the carport from the public right of way.

The request to increase impervious cover in the front yard will likely increase water runoff to adjacent properties and could potentially cause harm. However, as the driveway has not yet been built water runoff can be address with initial construction.

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 presented in this case is the presence of a driveway which is unable to accommodate the needs of the handicap resident in the home. This is not a circumstance created by the applicant and is not merely financial. Providing an area for the applicant to construct a carport which

meets ADA parking standards for slope and width is a reasonable accommodation for a resident who requires parking modifications.

### **Alternative to Applicant's Request**

The applicant must build the carport to meet the five foot minimum set back, as described in Table 35-310.01

The applicant must not exceed the maximum 50% impervious cover in the front yard in the front yard, as described in Table 35-515-1.

### **Staff Recommendation**

Staff recommends **APPROVAL of the elimination of the side setback to allow a carport to be located on the property line in A-15-139** based on the following findings of fact:

1. The resident of the home is handicapped and currently has no place to park a car which meets ADA standards;
2. The carport has not been built thus initial construction can meet fire standards and possible water runoff;
3. The large amount of foliage in the neighborhood and on the subject property is likely to block the view of the carport from the public right of way.

Staff recommends **APPROVAL of the request to allow up to 60% impervious cover in the front yard in A-15-139** based on the following findings of fact:

1. Providing a resident reasonable accommodations to a safe, level parking area is within the spirit of the code;
2. The driveway has not been built and initial construction can address possible water runoff.

### **Attachments**

Attachment 1 - Notification Plan (Aerial Map)

Attachment 2 - Plot Plan (Aerial Map)

Attachment 3 - Site Plan

Attachment 4 - Site Photos