



City of San Antonio

Agenda Memorandum

File Number:16-4903

Agenda Item Number: 9.

Agenda Date: 10/3/2016

In Control: Board of Adjustment

Case Number: A-16-146
Applicant: Michael Villarreal
Owner: Francis Sykes Freddie Rodriguez
Council District: 6
Location: 8940 and 8943 Rich Trace
Legal: Lots 18 and 17, Blocks 2 and 1, NCB 17643
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Shepard Beamon, Planner

Request

A request for a 20 foot variance from the 20 foot platted front setback, as described in Section 35-516(o), to allow two carports to be on the front property line.

Executive Summary

The subject properties are located at 8940 and 8943 Rich Trace. The properties are located within the Richland Hills Unit-1 subdivision, which was established October 22, 1980 and includes a 20 foot platted front setback. The applicant built the existing carports, without permits, and has been cited by Code Enforcement for building without proper permits and for a violation of the front setback. Both carports are built along the platted front property line and, thus, the applicant is seeking the elimination of the front yard setback for both carports.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The properties are within the boundaries of the West Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject properties are located within the boundaries of the Tara Neighborhood Association and they were 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 equal access to air and light and to reduce the threat of fire. The elimination of the front setback is not contrary to the public interest as both carports are constructed of metal and do not impose any immediate fire threats to adjacent properties. Both carports include gutters to transport water away from neighboring properties. Further, the carports do not interfere with Clear Vision requirements and provide adequate visual clearance for adjacent properties.

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 each primary dwelling is located directly at the 20 foot platted front setback and restricts any development in the front of the home. A literal enforcement of the ordinance will not allow adequate protection of the owners' vehicles from the elements, as they both have converted the garages into livable space.

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 carports do not harm any adjacent properties as the carports respect the established five foot side setback and do not interfere with the Clear Vision requirements. Further, carports are common within the neighborhood. Denial of the request would not result in substantial justice for both property owners.

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-6 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.*

The carports contribute to increased protection of the vehicle. The structures are made of metal and pose

little fire threat. Both carports have gutters on both sides of the carports that drain water towards the street and do not increase water runoff. The locations of the carports also allow for maintenance without trespass on the adjacent properties. Further, there are existing carports along Rich Trace and within the subdivision. The carports do not detract from the character of surrounding neighborhood.

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.*

Due to the platted setback and the location of the homes, additional parking with covered protection would not be possible on any other portions of the property, which is no 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 result in the removal of the carports.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-16-146** based on the following findings of fact:

1. The carports do not encroach into the side setback, provide gutters to prevent water runoff, and do not interfere with Clear Vision;
2. The carports are made of metal and pose little fire risk;
3. There are existing similar carports along Rich Trace and within the neighborhood, many of which are also on, or near, the front property line, that do not detract from the character of the neighborhood.