



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-5975

**Agenda Item Number:** 7.

**Agenda Date:** 12/5/2016

**In Control:** Board of Adjustment

Case Number: A-17-010  
 Applicant: Freddie L. Rodriguez  
 Owner: Freddie L. Rodriguez  
 Council: 6  
 District:  
 Location: 8943 Rich Trace  
 Legal: Lot 17, Block 1, NCB 17643  
 Description:  
 Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
 Case Manager: Shepard Beamon, Senior Planner

### Request

A request for a 19 foot variance from the 20 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be one foot from the front property line.

### Executive Summary

The property is located within the Richland Hills Unit-1 subdivision, which was established October 22, 1980 and includes a 20 foot platted front setback. The existing carport was built without permits, and was cited by Code Enforcement for building without a permit and for a violation of the front setback. The home is built at the 20 platted front setback and any addition to the front of the home encroaches in the setback. A carport constructed less than 19 feet will not adequately cover both of the owner's vehicles. A request for a carport to be on the front property line was originally heard October 3, 2016.

### 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 property is within the boundaries of the West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is 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 variance from the front setback is not contrary to the public interest as the carport does not impose any immediate fire threat to adjacent properties, or increase water runoff. Further, the carport does not interfere with Clear Vision requirements.**

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 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 owner’s vehicles from the elements.**

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 carport does not harm any adjacent properties as the carport respects the established side setbacks and does not interfere with the Clear Vision requirements. Denial of the request would not result in substantial justice for the property owner.**

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 carport contributes to increased protection of the owner’s vehicles. The structure is made of metal and poses little fire threat. The location of the carport also allows for maintenance without trespass and will not increase water run-off on the adjacent properties. The carport does 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 home, 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 carport.

**Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-17-010** based on the following findings of fact:

1. The carport does not encroach into the side setback or on the public right-of-way, does not increase water runoff, and does not interfere with Clear Vision;
2. The carport is made of metal and poses little fire risk to adjacent properties;
3. A carport constructed less than 19 feet will not adequately cover both of the owner’s vehicles.