



City of San Antonio

Agenda Memorandum

File Number:17-5214

Agenda Item Number: 8.

Agenda Date: 9/18/2017

In Control: Board of Adjustment

Case Number: A-17-147
Applicant: Irma G. Tamez
Owner: Irma G. Tamez
Council District: 1
Location: 1510 West Olmos Drive
Legal: Lot 7, Block 47, NCB 7095
Description:
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a 4.5 foot variance from the 10 foot front setback, as described in Section 35-310.01, to allow a carport 5.5 feet from the front setback; 2) a two foot variance to allow an eave overhang one foot from the side property line, as described in Section 35-516 (j); 3) an 11% variance from the limitation of a maximum 50% impervious cover in the front yard, as described in Section 35-515 (d)(1), to allow 61% impervious cover.

Executive Summary

The applicant is requesting the variances to allow for the completion of carport and a larger paved driveway in the front yard. The amount of paved area in the front yard exceeds the allowed 50% impervious cover, and covers about 61% of the front yard. The carport was constructed over the paved area and sits five and a half feet from the front property line. The carport is also designed with a two foot overhang that is located one foot from the side property line. The posts of the carport are in line with side of the home and measure three feet from the side property line. The carport was built to allow additional off-street parking for safety due to high traffic volumes on West Olmos Drive.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|--------------------|
| "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|--------------------|
| North | "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |
| South | "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |
| East | "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |
| West | "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and currently designated as Urban Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of a registered Los Angeles Heights Neighborhood Association. As such, they 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, the public interest is represented by minimum setbacks. The carport, in its current location does not interfere with the Clear Vision requirements and does not obstruct clearance for the public right-of-way. Restrictions on driveway areas are designed to avoid the domination of front yards and reduce runoff. The 11% increase in impervious cover is not overbearing on the site and does not significantly increase runoff, especially considering the majority of the impervious cover is underneath the carport.

The two foot overhang only leaves one foot of room for maintenance on the subject property which is not adequate room and is contrary to the public interest.

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

Literal enforcement of the ordinance would result in an unnecessary hardship as the home was built with no garage and there is not adequate coverage for vehicles on the property. Denial of the requests would result a loss of parking area on site, resulting in the owner parking on the street.

The enforcement of the side setback would not result in a hardship as it would only require the owner to remove the carport's eave overhang.

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

The spirit of the ordinance is the intent of the Code, rather than the strict letter of the law. In this case, the intent of the front setback is to prevent overcrowding of front yards and the request fulfills this intent. Additionally, the impervious coverage requirements are intended to prevent large expanses of impervious surfaces which deaden the streetscape and can discourage pedestrian activity. As there is still 39% green space and landscaping, the impervious cover does not completely dominate the front yard.

The variance to allow a two foot overhang in the side setback would not result in substantial justice as it would produce water runoff in the adjacent property.

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 variances 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.*

Although there are no other front yard carports in the immediate surrounding area, the request to reduce the front setback has no negative impact on the neighboring properties as it does not interfere with Clear Vision from the neighboring driveway and the opposite adjacent property is vacant. The amount of impervious cover does not negatively impact the adjacent property and there is green space on the property to collect and prevent excessive runoff in the street.

The request to reduce the side setback would negatively impact the adjacent property as the overhang leaves little room for maintenance without trespass and produces water runoff 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.*

The unique circumstance existing on the property is the existing driveway which is only 26 feet in depth and can only accommodate one vehicle. Any structure that fully covers the entire length of a vehicle would encroach into some portion of the front setback. Further, to accommodate the needed off-street, the additional paved area is necessary for the owner’s vehicles, to prevent parking on grass.

There is no unique circumstance that warrants the granting of the two foot overhang in the side setback. The overhang could be removed, and the functionality of the carport would go unchanged.

Alternative to Applicant’s Request

The owner would need to remove a portion of the carport to comply with the building setbacks and meet the 50% impervious cover in the front yard.

Staff Recommendation

Staff recommends **APPROVAL of a 4.5 foot variance from the 10 foot front setback and an 11% variance from the limitation of maximum 50% impervious cover in the front yard**, based on the following findings of fact:

1. There is room for maintenance without trespass on the public right-of-way; and
2. The increase of impervious cover does not significantly alter the character of the district; and
3. There is green space on site to collect runoff on the site and the impervious cover does not dominate the front yard.

Staff recommends **DENIAL of a request for a two foot variance to allow an eave overhang one foot from the side property line**, based on the following findings of fact:

1. There is no room for maintenance without trespass on the adjacent property; and
2. The overhang produces water runoff on the adjacent property.