



# City of San Antonio

## Agenda Memorandum

**File Number:** 18-4565

**Agenda Item Number:** 8.

**Agenda Date:** 8/6/2018

**In Control:** Board of Adjustment

Case Number: A-18-127  
 Applicant: Joanne Hendley  
 Owner: Joanne Hendley  
 Council District: 10  
 Location: 16815 Winding Oak Drive  
 Legal: Lot 8, Block 4, NCB 17721  
 Description:  
 Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
 Overlay District  
 Case Manager: Dominic Silva, Planner

### Request

A request for an 7.5' variance from the required 10' front setback, as described in Section 35-310.01, to allow a carport to remain 2.5' from the front property line.

### Executive Summary

The subject property is located at 16815 Winding Oak Drive, immediately southwest of its intersection with Golden Tree Drive. The applicant is requesting a variance for a carport to remain as constructed. The carport does not encroach into the side setback, so trespass and water runoff are not a concern. The applicant states that the carport is 2.5' from the front property line. However, staff does not concur with this measurement. The carport is nearly identical to one previously considered by the Board two houses up the street. That carport, which staff determined was nearly on the front property line, was denied by the Board of Adjustment, and has since been modified to meet the development code.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home
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**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
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 subject property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of any registered neighborhood association.

**Street Classification**

Winding Oak Drive is classified as a local.

**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 served by setbacks, which help to provide consistent development within the City of San Antonio. The applicant is seeking a variance to allow the carport to remain as built. Allowing the carport to be so close to the front property line interferes with the character of the neighborhood, which generally consists of homes with front-entry garages, not carports. Staff finds that the carport, as proposed, is contrary to the public interest.

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

Staff is unable to establish any special condition that warrants reducing the front setback. The applicant could use their 2-car garage or modify the carport to meet the requirements of the Unified Development Code. Specifically, posts could be located at the 10’ setback line, with up to a 5’ eave extension beyond them.

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 is to provide enough of a setback to allow for long-term maintenance without trespass and to preserve the open character of front yards within this neighborhood. The requested variance does not provide such clearance and does not observe the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized by 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.*

Within the immediate vicinity, there is one additional carport. This structure was considered by the Board of Adjustment, previously, and was denied on the basis that it detracted from the character of the community. That carport has since been retrofitting to meet the requirements of the Unified Development Code.

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.*

Staff is unable to determine any unique circumstance existing on the site that warrants the large reduction in the required front setback. The applicant can use their garage to protect themselves and their vehicles from inclement weather, or modify the structure to meet the code.

### **Alternative to Applicant’s Request**

The alternative to the applicant’s request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01.

### **Staff Recommendation**

Staff recommends **DENIAL** of the variance request of **A-18-127** based on the following findings of fact:

1. The carport is contrary to the public interest in that it detracts from the essential character of the community; and;
2. The applicant has a large two car garage to safely park their vehicles.
3. The applicant has the ability to modify the structure to meet the requirements of the Unified Development Code.