



# City of San Antonio

## Agenda Memorandum

**File Number:** 19-5367

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**Agenda Item Number:** 2.

**Agenda Date:** 7/15/2019

**In Control:** Board of Adjustment

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**Case Number:** BOA-19-10300072  
**Applicant:** Maria C. Puente  
**Owner:** Maria C. Puente  
**Council District:** 1  
**Location:** 350 East Rampart  
**Legal:** Lot 52, Block 25, NCB 12094  
**Description:**  
**Zoning:** "R-5 AHOD" Residential-Single Family Airport Hazard  
Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for an 8' variance from the 10' front setback requirement, as described in Section 35-370, to allow for a detached carport to be 2' from the front property line.

### **Executive Summary**

The subject property is located at 350 East Rampart, approximately 400 feet west of Mertz Drive. The applicant is seeking to build a detached carport 2' away from front property line. On March 28, 2019 Code Enforcement gave the applicant a code violation for building a carport without permits. The house was originally built in 1958 with no garage, located in a community with similar carports. The applicant states that they require this carport to protect their vehicles from hail storms.

### **Code Enforcement History**

On March 28, 2019 Code Enforcement gave the applicant a code violation for building a carport without permits.

### **Permit History**

The property owner is seeking variance to allow for permit to be issued.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential
South	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential
East	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential
West	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the North Central Plan and it is currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Shearer Hills Ridgeview Neighborhood Association. As such, they were notified and asked to comment.

**Street Classification**

East Rampart Street is classified as a Local Street.

**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 variance is not contrary to the public interest as the structure will provide room for maintenance, will not create water runoff on the adjacent property, and will not injure the rights of the adjacent property owners.**

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.**

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

**Substantial justice will be done as the requested setback will still provide for a safe development pattern.**

**The request provides fair and equal access to air and light, and provide for adequate fire separation.**

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

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

**If the requested variance is approved, the carport will not have a negative impact on the neighboring properties as it does not interfere with Clear Vision from the neighboring driveway and there are multiple carports that are similar.**

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 that the home was built with no garage and there is not adequate coverage for vehicles on the property.**

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

Denial of the variance request would result in the owner having to meet the required front setback and adhere to Section 35-370.

### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300072**, based on the following findings of fact:

1. The 2' front setback will allow the carport to be easily fire rated, and is safe for the property owner and neighbors;
2. The attached carport will not detract from the character of the neighborhood.