



City of San Antonio

Agenda Memorandum

File Number:20-3169

Agenda Item Number: 5.

Agenda Date: 5/18/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300036

Applicant: Cathy Ann Guzman

Owner: Cathy Ann Guzman

Council District: 1

Location: 2110 West Hermosa Drive

Legal: Lot 5 and 6, Block 9, NCB 8434

Description:

Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard
Overlay District

Case Manager: Dominic Silva, Senior Planner

Request

A request for 1) a 3'11" variance from the side setback requirement, as described in Section 35-370, to allow a carport to be 1'1" away from the side property line and 2) a 3'8" variance from the front setback, also described in Section 35-370, to allow a carport to be 6'4" away from the front property line.

Executive Summary

The subject property is located at 2110 West Hermosa Drive, 120' west of Becky Renee Street. The applicant is requesting to keep a metal carport built without permits within the side and front setbacks.

Code Enforcement issued a citation on April 23, 2018 for the carport built without permits. On May 1, 2018, the applicant applied and received a permit. City inspectors placed all inspections on hold once determined the carport did not meet the setbacks.

The general character of the neighborhood consists of single-family residences, adequate front yard space, and various carports placed within either the side or front of the property with a similar design and/or material. The applicant's carport is built entirely of metal with a flat designed roof. The applicant has already obtained a structural engineer's letter on the integrity of the frame and footings.

Code Enforcement History

Code enforcement cited the applicant on April 23, 2018.

Permit History

A permit was processed and applied on May 1, 2018. It was placed on hold due to setback violations.

Zoning History

The property was originally zoned as “B” Residence District. The “B” Residence District converted to the current “R-4” Residential Single-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Near Northwest and is designated as Urban Low Density Residential in the future land use component of the plan. The subject property is within the boundaries of the Los Angeles Heights Neighborhood Association.

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 variance is contrary to the public interest: the carport lacks space for adequate maintenance of the structure without trespassing onto the adjacent property. Staff notes that, while the carport is made

entirely of metal which adequately addresses concerns of fire spread separation, the carport lacks storm water management controls or space for maintenance.

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

Although the integrity of the frame and footings has been verified, staff cannot find any special conditions that, if enforced literally, would result in any unnecessary hardship. There is room within the front yard to accomplish coverage of the driveway without Board approval. No special condition is present to warrant a carport of this size. If a permit was sought, staff could have advised on other approaches to achieve a similar result.

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. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. With no storm water controls present, space available to move the posts on either side, staff cannot support the requested variance when alternative options are available that doesn't require Board approval.

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 "R-4" Residential Single-Family 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 is noticeably out of character within the district due to its placement and large size. Staff finds the carport detracts from the essential character of the district. While the carport can be permitted within the front yard, the size compared to the principal structure does not warrant a variance, rather, the applicant can modify the front and side posts to meet requirements without Board approval.

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.*

Although the applicant has obtained an engineer's report on the structural integrity of the frame and footings, there are no conditions present that warrant a carport of this size. Further, there is not adequate room for maintenance without trespass.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **DENIAL** of **BOA-20-10300036**, based on the following findings of fact:

1. There are no conditions present that warrant a carport of this size, and;
2. There are no other carports of similar design, placement, and within the area, and;
3. The carport lacks adequate space for maintenance and storm water controls.