



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-1070

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 1/11/2016

**Title:** A-16-026: A request by Felipe Lopez for a 4 foot variance from the minimum 5 foot side setback to allow a carport 1 foot from the side property line, located at 632 W. Rosewood Avenue. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-026 Exhibit

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**Case Number:** A-16-026

**Applicant:** Felipe Jamie Lopez

**Owner:** Felipe Jamie Lopez

**Council District:** 1

**Location:** 632 West Rosewood Avenue

**Legal Description:** Lots 3 & 4, Block 22, NCB 6421

**Zoning:** "R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill  
Neighborhood Conservation Airport Hazard Overlay District

**Case Manager:** Kristin Flores, Planner

### Request

A request for a 4 foot variance from the minimum 5 foot side setback, as described in Section 35-310.01, to allow a new carport 1 foot from the side property line.

### Executive Summary

The subject property is located in Beacon Hill Neighborhood. The applicant states he has a handicapped son and built the carport in order to provide shelter for their son as he enters and exits the car. Per the application, the carport was built one foot from the property line. The applicant was cited by code for building without a permit. The applicant is planning on building an additional ramp in the rear of the home along with a cover over the back porch to provide covered access to the son's bedroom and a space for the son to enjoy the outdoors during the day.

According to the Texas ADA Design Guidelines, handicap accessible parking spaces for cars must include, at minimum, an eight foot parking spot and an additional five feet for an accessible route for a total of a 13 foot parking space. However, ADA design standards for a handicap accessible van require a total of 16 feet comprised of an eight foot parking space and an eight foot accessible route/staging area. Additionally, the ADA

design guidelines state handicap parking spaces can have a maximum slope of 1:50 or 2% grade change and should be located on the shortest accessible route of travel to an accessible facility entrance.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“RM4 NCD-5 AHOD” Residential Mixed Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Midtown Neighborhood Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the Beacon Hill Neighborhood Association. As such the Beacon Hill Neighborhood Association was 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 side setback limitations to protect property owners and to contribute to a sense of community. Staff finds the carport encroaching into the side setback to provide a reasonable accommodation for a person in a wheelchair is not contrary to the public interest. However, if approved the applicant should take measures to address water mitigation and will be required to meet fire standards.**

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

**Staff finds the special condition in this case is the ability to provide covered parking for a handicap resident.**

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

**Granting the requested side setback variance will result in substantial justice for the applicant as the carport will provide reasonable accommodations for the residents of the home. However, fire standards and water runoff mitigation should be addressed.**

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 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation 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.*

**Staff found other carports on the block as they are a common feature in the neighborhood. However, staff finds the carport encroaching into the side setback is likely to cause increased water runoff and, as such, this should be addressed. Additionally, the carport is likely to increase fire risk to adjacent properties. If approved, the carport will be required to meet fire standards.**

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 finds the unique circumstance that would permit the applicant to encroach into side setback is the ability to provide covered parking for a handicap resident.**

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

The applicant could follow the guidelines for side setbacks, as described in 35-310.01.

### **Staff Recommendation**

Staff recommends **APPROVAL of the request in A-16-026** based on the following findings of fact:

- |  |
|--|
| 1. Providing a covered area for a person in a wheelchair to gain access into and out of a vehicle. |
|--|