



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-1184

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

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

**Title:** A-16-022 CONTINUANCE: A request by Refugio Mendez for a 6 foot variance from the 10 foot front setback to allow a carport 4 feet from the front property line, located at 242 Meadow Path. (Council District 6)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-022 Exhibits

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-022

**Applicant:** Refugio Mendez

**Owner:** Refugio Mendez

**Council District:** 6

**Location:** 242 Meadow Path

**Legal Description:** Lot 10, Block 2, NCB 15355

**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Kristin Flores, Planner

### Request

A request for a 6 foot variance from the 10 foot front setback, as described in Section 35-310.01, to allow a carport 4 feet from the front property line.

### Executive Summary

The applicant currently resides in the quaint neighborhood of Meadow Village. The applicant began constructing a carport without permits and was cited by code for being in violation of the platted setback. The property owner removed the platted setback, but was still in violation of the building setback. The applicant states the carport is needed for safety reasons.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the West Sector Plan and currently designated General Urban Tier in the future land use component of the plan. The property is also located within the boundaries of the Meadow Village Neighborhood Plan which does not have a future land use component of the plan. The subject property is located within Meadow Village Neighborhood Association, a voluntary Neighborhood Association. As such, the 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 front setbacks to protect property owners and to contribute to a sense of community. Staff finds that the request for a reduction in the front setback is contrary to the public interest.

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

Staff was not able to find a special condition present in this case to permit the applicant to build beyond the front setback. Per the applicant, the carport is approximately twenty-five (25) feet long. If the applicant were to remove six feet, thus complying with standard setbacks, the carport would be nineteen (19) feet long and able to accommodate two vehicles.

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

Granting the requested variance will not result in substantial justice as no special condition is present to grant the requested variance.

- 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 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.*

Staff finds that building a carport within the front setback is out of character with the community. Other carports in the neighborhood comply with setbacks.

*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 was unable to find a unique circumstance present in this case to qualify the property to be granted a variance to the front setback.

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

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

### **Staff Recommendation**

Staff recommends **DENIAL of variance request in A-16-022** based on the following findings of fact:

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| 1. Staff was unable to find a unique circumstance that would require the requested variance. |
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