



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-2520  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment  
**On agenda:** 4/11/2016  
**Title:** A-16-065: A request by Haengja Wilcox for 1) a one foot variance from the required five foot side setback to allow a carport to remain four feet from the side property line and 2) a nine foot variance from the 30 foot platted front setback to allow a carport to remain 21 feet from the front property line, located at 607 Patricia Drive. (Council District 9)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-065 Attachments

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

**Case Number:** A-16-065  
**Applicant:** Haengja Wilcox  
**Owner:** Haengja Wilcox  
**Council District:** 9  
**Location:** 607 Patricia Drive  
**Legal Description:** Lot 24, Block 22, NCB 13275  
**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for 1) a one foot variance from the required five foot side setback, as described in Section 35-310.01, to allow a carport to remain four feet from the side property line and 2) a nine foot variance from the 30 foot platted front setback to allow a carport to remain 21 feet from the front property line, as described in Section 35-516 (O).

### Executive Summary

The subject property is part of the Harmony Hills Subdivision platted in 1962. Per the applicant, the applicant hired contractors to construct the carport and through a miscommunication the carport was constructed before the permit was obtained. The owner came to get a permit for the carport and was then informed of the 30 foot platted front setback. The applicant built the carport to provide a location for her husband, who has a disability due to skin cancer, to be outside.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the San Antonio International Airport Vicinity Land Use Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the Greater Harmony Hills Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The carport, as it stands now, is not contrary to the public interest. The carport has gutters and meets the required 10 foot front setback required by the UDC.**

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

**The special condition in the case is the ability to provide a space for a person with a special medical condition.**

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

**Granting the requested variance will result in substantial justice as the water runoff is not likely to cause damage to adjacent property as the carport has gutters. Additionally, the carport is not likely to increase fire spread to adjacent properties.**

- 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-5 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.*

The carport was constructed to meet the 10 foot front setback required by the UDC and is only violating a platted setback. The carport has gutters to address water runoff and is not likely to increase fire spread. Staff finds this carport will not alter the essential character of the district.

*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 in this case is a resident of the home requiring a special accommodation due to a medical disability. This is not merely financial and is not the fault of the owner.

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

The applicant would be required to comply with the platted front setback.

#### **Staff Recommendation**

Staff recommends **APPROVAL of variance request in A-16-065** based on the following findings of fact:

<p>1. The carport, as currently designed, addresses water runoff to adjunct properties and is not likely to increase fire spread to adjacent properties. 2. Providing a resident of the home with an accommodation in response to a medical disability is reasonable.</p>
---