



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-3097

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 5/9/2016

**Title:** A-16-073: A request by Rufino Salinas III for 1) a ten foot variance from the required 20 foot minimum front setback to allow a carport to be ten feet from the front property line and 2) a 20 foot variance from the 30 foot platted front setback to allow a carport to be ten feet from the front property line, located at 5847 Sandy Valley. (Council District 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-046 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-073

**Applicant:** Rufino Salinas III

**Owner:** Rufino Salinas III

**Council District:** 4

**Location:** 5847 Sandy Valley

**Legal Description:** Lot 5, Block 126, NCB 15262

**Zoning:** "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

**Case Manager:** Kristin Flores, Planner

### Request

A request for a variance for 1) a 10 foot variance from the required 20 foot minimum front setback, as described in Section 35-310.01, to allow a carport to be ten feet from the front property line and 2) a 20 foot variance from the 30 foot platted front setback, as described in Section 35-516 (O), to allow a carport to be ten feet from the front property line.

### Executive Summary

The applicant currently resides in the Lackland City Subdivision which was recorded in 1968. The subdivision plat includes a 30 foot front setback and a 10 foot rear setback. The lot includes approximately 2140 square feet and a home built in 1974. The applicant has not begun construction, but wishes to follow the proper channels for lawful construction. For this reason, the applicant is seeking approval to build a carport 10 feet from the front property line. In looking through the neighborhood, many homes have both types of carports, either the flat roof or the more modern gable roof version.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Elementary School
South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the United Southwest Communities Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the People Active in Community Effort (PACE). 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. Since the carport meets the side setback and staff found so many similar carports, a 20 foot variance would not be contrary to the public interest.**

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

**Literal enforcement of the platted setback would not allow any carport. Since this new gabled roof carport is being built throughout the neighborhood, literal enforcement for this owner would result in an unnecessary hardship.**

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

**The spirit of the ordinance represents the intent of the requirement. In this case, the large setback was platted into the neighborhood by the builder, Ray Ellison. Building a carport 10 feet from the front property line would respect the spirit of code.**

- 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 "NP-8 AHOD" Neighborhood Preservation 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 will be an attractive addition to the home when it is completed and since several others have been built within the neighborhood it will not alter the character of the district. The proposed carport meets the required side setbacks and will not increase fire risk or water runoff on adjacent property and will leave space for maintenance without trespass.**

*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 applicant is being pro-active in going through the proper process to meet all requirements before building the carport. The carport, as proposed, meets the spirit of the code and will be a valuable asset to the subject property and neighborhood.**

**Alternative to Applicant's Request**

The applicant could build a carport on the opposite side of the home that meets the required setbacks.

**Staff Recommendation**

Staff recommends **APPROVAL** of variance request in **A-16-073** based on the following findings of fact:

<p>1. Carports in this neighborhood are regular feature the proposed carport would fit within the neighborhood. 2. The proposed carport meets the spirit of the code and will not cause harm to neighboring property.</p>
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