



City of San Antonio

Legislation Details (With Text)

File #: 16-3288

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 5/23/2016

Title: A-16-083: A request by Sergio Medina Mojica for 1) a three and a half foot variance from the required five foot side yard setback to allow an attached carport to remain one and a half feet from the side property line and variances from the Beacon Hill Neighborhood Conservation District design requirements for the following: 1) that a carport addition must match the dwelling in scale, proportion, and profile and 3) a carport addition must be recessed five feet behind the primary façade of the dwelling and 4) a carport addition must match the dwelling's roof line to allow a carport that is one foot six inches from the side property line and that does not match the existing dwellings materials, scale, or roof line and that is flush with the façade of the primary dwelling, located at 1114 W Lynwood. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-16-083 Attachements

Date	Ver.	Action By	Action	Result
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Case Number: A-16-083

Applicant: Sergio Medina Mojica

Owner: Sergio Medina Mojica

Council District: 1

Location: 1114 W Lynwood Avenue

Legal Description: Lots 30 and 31, Block 3, NCB 3104

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 1) a three and a half foot variance from the required five foot side yard setback, as described in Section 35-310.01, to allow an attached carport to remain one and a half feet from the side property line and variances from the Beacon Hill Neighborhood Conservation District design requirements for the following: 1) a carport must match the dwelling in scale, proportion, and profile, 2) a carport addition must be recessed five feet behind the primary façade of the dwelling and 3) a carport must match the dwelling's roof line to allow a carport that is one foot six inches from the side property line for a carport that does not match the existing dwellings materials, scale, or roof line and that is flush with the façade of the primary dwelling.

Executive Summary

The applicant currently resides in the Beacon Hill Neighborhood. The applicant purchased the subject property in 2012 and has made many improvements to the property since that time. The applicant began building a carport without a permit and was cited by code. The applicant is requesting a variance to allow a carport to encroach into the side property line and outside of the Neighborhood Conservation District design guidelines in Beacon Hill. The applicant states his lot is narrower than others in the neighborhood. However, with a fifty (50) foot wide lot the subject property is the same size as a majority of the lots on the block. There are only two lots on this block wider than fifty (50) feet.

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	"R-6 NCD-5 AHOD" Residential Single-Family 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 Neighborhoods Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the Beacon Hill 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 currently framed, is likely to increase water runoff and increase risk of fire spread to adjacent property. Staff finds that allowing the carport to be located so close the side property line is contrary to the public interest.

Neighborhood conservation district design guidelines were established as a proactive tool to ensure compatible infill construction and preserve the unique character of the Beacon Hill neighborhood. Building outside of the

design guidelines 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 that should allow the side yard setback to be reduced. The applicant could design a carport to meet a three foot side yard setback.

Staff was also unable to find a special condition that would require the applicant to build a carport outside of the NCD requirements.

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 the proposed carport will increase the risk of fire spread and water runoff 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-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.*

If a carport is built one and a half feet from the property line there will be an increase in the water runoff and an increased risk of fire spread to adjacent conforming properties. Additionally, there would be no space for maintenance without trespass. Staff believes a three foot side setback would be more appropriate.

Building outside the NCD guidelines will be building outside of the 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.*

In this case, there is currently not a unique property related hardship that would justify the applicant building a carport only one and a half feet from the side property line or building outside of the required NCD guidelines.

Alternative to Applicant’s Request

The applicant could build a carport three feet from the side setback or build a garage in the backyard of the property.

Staff Recommendation

Staff recommends **DENIAL of variance request in A-16-083** based on the following findings of fact:

1. Staff was unable to find a property related hardship that would justify building a carport on the property line or building a carport that does not meet the NCD design guidelines. 2. Building a carport so close to the side property line would greatly increase the risk of fire spread and water runoff to the adjacent property and would not provide any space for maintenance of the structure without trespass.