



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-3289

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 5/23/2016

**Title:** A-16-086: A request by Oscar and Julia Huizar for 1) the elimination of the ten foot front setback to allow an attached carport to be as near as on the front property line and 2) a three and a half foot variance from the required five foot side setback to allow an attached carport to be as near as one and a half feet from the side property line, located at 402 Bradford. (Council District 7)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-086 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-086

**Applicant:** Oscar and Julia Huizar

**Owner:** Oscar and Julia Huizar

**Council District:** 7

**Location:** 402 Bradford

**Legal Description:** Lot 6, Block 29, NCB 9249

**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Logan Sparrow, Senior Planner

### Request

A request for 1) the elimination of the ten foot front setback, as described in Section 35-310.01, to allow a carport to be as near as on the front property line and 2) a three and a half foot variance from the required five foot side setback, also described in Section 35-310.01, to allow a carport to be as near as one and a half feet from the side property line.

### Executive Summary

The subject property is located at 402 Bradford, approximately 236 feet southeast of Camino Santa Maria. The applicant applied for a permit to construct a carport and was issued a permit by staff. The applicant submitted a site plan showing that the carport would meet setbacks. During the framing inspection, DSD Inspectors noted that, prior to a final approval of the structure, the applicant needed to get a variance from the Board of Adjustment because the carport was built on the front property line, and very near the side property line.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 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 as General Urban Tier in the future land use component of the plan. The subject property is within the boundaries of the University Park 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 setback requirements to ensure uniform, safe development within the City of San Antonio. The property owner wanted a carport built to protect cars and to add some space to enjoy the outdoors. Several other homes in this neighborhood, though not necessarily on the same street, benefit from carports - several of which do not meet current setback requirements. Because the structure has been designed to blend into the home, and because it does not grant a privilege not enjoyed by others, staff finds that the request is not contrary to the public interest.

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

The special condition present in this case is the shape of the subject property. Unlike most lots that are rectangle-shaped this property is located at a bend in the property, with a narrow rear property line fanning out to a wider front property line. The home on the property is built nearly property line to property line, as shown in the aerial photographs. The home had to be pushed farther to the street frontage to avoid trespass onto adjacent property. The net effect of this has left the home with a 20 foot front yard, rather than a 30 foot front yard like both of the immediate neighbors. A literal enforcement of the ordinance would require that the carport be built to respect a ten foot front setback, leaving the carport only ten feet deep - not deep enough to park any vehicle.

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 in that the applicant will be able to protect their vehicles just as many other homes in this neighborhood do.**

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-4 AHOD” Residential Single-Family Airport Hazard Overlay District.**

1. *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.*

**Included in the application for a variance was a signed, notarized letter from the property owner at 406 Bradford, the most directly affected neighbor, in support of the project. Additionally, several other homes in this community have metal carports so it is unlikely that this construction will negatively 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 present in this case is the shape of the lot. This is a property-related hardship that forced the construction of the home nearer to the street, leaving ten less feet of depth for a carport.**

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

The applicant would have to build the carport to meet all setbacks.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of variance request in **A-16-086** based on the following findings of fact:

1. There is a legitimate property-related hardship present. 2. The carport is unlikely to detract from the essential character of the district.