



City of San Antonio

Legislation Details (With Text)

File #: 16-3898

Type: Zoning Case

In control: Board of Adjustment

On agenda: 7/11/2016

Title: A-16-111: A request by Cheryl Carter for a 23 foot variance from the 30 foot platted front setback to allow a carport to be 7 feet from the front property line and 2) a 4 foot variance from the required 5 foot side yard setback to allow the carport to be 1 foot from the side property line, located at 11526 Casa Alto Street. (Council District 10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-111

Applicant: Cheryl Carter

Owner: Cheryl Carter and Irene Ruiz

Council District: 10

Location: 11526 Casa Alto Street

Legal Description: Lot 27, Block 14, NCB 14421

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

Case Manager: Logan Sparrow, Senior Planner

Request

A request for a 23 foot variance from the 30 foot platted front setback to allow a carport to be seven (7) feet from the front property line and 2) a four (4) foot variance from the required five (5) foot side yard setback to allow the carport to be one (1) foot from the side property line.

Executive Summary

The subject property is located at 11526 Casa Alto Street, approximately 106 feet southwest of Casa Oro Street. The applicant built a carport, intended to protect two trucks and to add shaded space to enjoy the outdoors, without a permit, and on May 04, 2016 was cited by Code Enforcement. The plat, recorded in 1971 includes a 30 foot platted front setback. The carport is currently located seven feet from the front property line, and requires a 23 foot variance from the 30 foot platted front setback to remain. Additionally, the carport is one (1) foot from the side property line and requires a four (4) foot variance to remain.

Subject Property Zoning/Land Use

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

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"RP" Resource Protection District	Tennis Courts
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 North Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Citizens on Alert registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

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 limitations to provide for fire separation and to provide for fair and equal access to air and light. The applicant is seeking permission to allow the carport to remain seven feet from the front property line. The front setback established by the base "R-6" Residential Single-Family District is ten feet. As such, the request seeks only a three foot deviation from the zoning setback requirement.

The carport is made entirely of metal, and poses little fire threat to adjacent property. The applicants have expressed that they are willing to add rain gutters to eliminate the possibility of water runoff onto adjacent property. Staff finds that the carport 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 front wall of the home is located 30 feet from the front property line, at the platted setback line. A literal enforcement of the ordinance would result in the property owners not being permitted a carport at all. This results 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 calls for setbacks to ensure that property owners are not harmed by the encroachment of additions. The applicant has expressed that they will add rain gutters to prevent water runoff. The carport is made entirely of metal and poses little fire threat to adjacent property owners. Staff finds that granting the requested variance would result in substantial justice.

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 the carport will not substantially harm adjacent property owners because the proposed carport will not increase fire hazard nor will it create water runoff onto adjacent properties.

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 30 foot platted front setback poses an additional barrier to property development. The front setback makes the construction of any carport impossible without relief.

Alternative to Applicant’s Request

The applicant could remove the platted front setback, which is a request considered by the City of San Antonio Planning Commission.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-111** based on the following findings of fact:

<p>1. The proposed carport meets the spirit of the code and will not pose an increased fire risk or water runoff to adjacent properties.</p>
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