



City of San Antonio

Legislation Details (With Text)

File #: 16-5376
Type: Zoning Case
In control: Board of Adjustment
On agenda: 10/17/2016
Title: A-16-166: A request by Victor Vidalez for a four foot variance from the minimum five foot side setback to allow a carport one foot from the side property line, located at 1737 W. Mistletoe. Staff recommends Approval. (Council District 7)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-16-166 Photos, 2. A-16-166 Site Plan, 3. BOA16-166NPA, 4. BOA16-166PP (1)

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

Case Number: A-16-166
Applicant: Victor Vidalez
Owner: Linda & Victor Vidalez
Council District: 7
Location: 1737 W. Mistletoe
Legal Description: Lot S 157 FT OF 10 & E 40 FT OF S 157 FT OF 11, Block 7, NCB 1959
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Planner

Request

A request for a four foot variance from the required five foot side yard setback, as described in Section 35-310.01, to allow a carport to remain one foot from the side property line.

Executive Summary

The applicant is seeking a variance to allow a carport to remain one foot from the side property line. The carport is made of wood and poses fire risk if not properly treated. Additionally, the carport has been designed with gutters to prevent water runoff onto the adjacent property. The owner hired a contractor, who failed to obtain proper permits, and was cited by Code Enforcement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and is currently designated as Medium Density Residential in the future land use component of the plan. The subject property is located within the Woodlawn Lake Neighborhood Association and is within 200 feet of the Jefferson Neighborhood Association. As such, both neighborhood associations were 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 minimum setbacks to ensure that we have safe development within the City of San Antonio. The applicant built the carport one foot from the side property line. Because the carport is attached to the house, the carport is required to be five feet from the side property line. The applicant has added a gutter to prevent water from draining onto the adjacent property. The carport meets the front setback and does not interfere with the Clear Vision requirement.

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

A literal enforcement of the ordinance will force the applicant to remove some of the structure and will not provide the owner with enough space to store vehicles nor provide adequate room for maneuvering, as the owner is disabled and prone to falling.

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

Granting the requested variance would result in substantial justice because it will allow the property owner to keep a carport that services the owner, who is disabled. The spirit of the ordinance is observed as the owner has constructed the carport to include gutters which prevent runoff on the adjacent property.

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.

The carport has been designed to match the appearance of the primary dwelling and does not detract from the character of the neighborhood. The applicant has taken steps to ensure the protection of the adjacent property owner, including adding a gutter and constructing the carport to not obstruct visibility for other motorists.

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 that the owner has health issues and is disabled. The carport was built to not only protect the owners' vehicles from the elements but to offer protection from sun exposure.

Alternative to Applicant's Request

The applicant could remove the carport.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-166** based on the following findings of fact:

1. The carport meets the front setback and does not interfere with the Clear Vision requirement; 2. The carport includes a gutter to direct rain runoff onto the street; 3. The carport is built to meet the needs of the owner who is disabled.