



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5390  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 10/17/2016  
**Title:** A-16-173: A request by Enrique Flores for 1) a five foot variance from the five foot front setback to allow a carport on the side property line and 2) a variance from the provision that requires an all-weather surface for residential parking, located at 119 Sun Street. Staff recommends Denial with an Alternate Recommendation. (Council District 3)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. BOA16-173NPA, 2. BOA16-173PP, 3. A-16-173 Site Plan, 4. A-16-173 Photos

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-173  
**Applicant:** Enrique Flores  
**Owner:** Enrique Flores  
**Council District:** 3  
**Location:** 119 Sun Street  
**Legal:** Lot N. 39 ft. of 18 and S. 4 ft. of 19, Block 10, NCB 2908  
**Description:**  
**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a 5 foot variance from the 5 foot side setback, as described in Section 35-310.01, to allow a carport to be on the side property line and 2) a variance from the provision that requires an all-weather surface for residential parking, as described in 35-526(f)(1).

### Executive Summary

The applicant is requesting a variance for a wood framed carport that meets the front setback but encroaches into the side setback five feet. The applicant is also requesting a variance from the UDC provision that requires residential driveways be paved with an impervious material. Currently, the driveway is unpaved and consists of compacted soil. Per the UDC, "*areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris.*"

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

### **Surrounding Zoning/Land Use**

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

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the South Central Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is also located within the boundaries of the Lone Star Neighborhood Association. As such, they were notified and asked to comment.

### **Criteria for Review**

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 the side setback to ensure the safety for adjacent property owners and visibility clearance for motorists. The carport is made of wood and poses fire risks to the adjacent property. Further, the carport increase risks of water runoff and requires maintenance with trespass. The lack of an all-weather surface creates a mismatch look of the neighborhood.

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

There are no special conditions on this lot that make enforcement of the ordinance an unnecessary hardship. The carport could be constructed to provide a side setback for maintenance. Further, the driveway should be paved to match the surrounding neighborhood and provide proper drainage.

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

The intent of a side setback is to establish uniform development standards and prevent hazards and nuisances to adjacent properties. The carport does conflict with the intent of the side setback as it could increase fire risk. The unpaved driveway conflicts with the spirit of the ordinance as it disrupts the uniformity of the neighborhood.

*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 could potentially increase fire risks and water runoff onto the adjacent property, as there is less than 10 feet of clearance between the carport and the adjacent home. All other driveways along this street are paved. Approval of the variance will alter the appearance of the neighborhood.

*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.*

There are no unique circumstances related to this property. Further, all other driveways are paved and there are no property related hardships that warrants approval of the request.

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

The applicant could construct the carport to meet the setback requirement.

#### **Staff Recommendation**

Staff recommends **DENIAL of both variance requests** based on the following findings of fact:

1. There is no property-related hardship that creates a unique situation warranting the variance;
2. The carport could be constructed to provide a side setback to reduce fire risks and water runoff;
3. The unpaved driveway is uncommon in the neighborhood as all other driveways along the street have all-weather surfacing in their driveways.

Staff recommends **APPROVAL of an alternate recommendation for a three foot variance from the five foot setback to allow a carport to be two feet from the side property line** based on the following findings of fact:

1. The two foot setback would provide space for maintenance and prevent water runoff onto the adjacent property;
2. A two foot setback would still provide the owner a 10 foot wide carport, which is adequate space to park and cover a vehicle;