



City of San Antonio

Legislation Details (With Text)

File #: 16-5871
Type: Zoning Case
In control: Board of Adjustment
On agenda: 11/21/2016
Title: A-17-004:
A) The request of Marivel Martinez to waive the 12-month time limitation of Section 35-482 (f) of the UDC regarding a subsequent variance application on the property located at 210 Barrett Avenue. Staff recommends Approval. (Council District 3)
B) A request by Marivel Martinez for a three foot variance from the five foot side setback to allow a carport to be two feet from the side property line, located at 210 Barrett Avenue. Staff recommends Approval. (Council District 3)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-004 Photos, 2. A-17-004 Site Plan, 3. BOA17-004NPA, 4. BOA17-004PP

Date	Ver.	Action By	Action	Result
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Case Number: A-17-004
Applicant: Marivel Martinez
Owner: Marivel Martinez
Council District: 3
Location: 210 Barrett Avenue
Legal: Lot 12, Block 11, NCB 7693
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a three foot variance from the five foot side setback, as described in Section 35-310.01, to allow a carport to be located two feet from the side property line.

Executive Summary

The applicant constructed a carport two feet from the side property line. The carport was previously constructed on the side property line, but has been modified to allow a two foot setback. The previous carport was built without a permit and was cited by code. Before the current carport, there was a small carport present on the property. The modified carport is much larger and appears to be closer to the property line than the previous carport. The current carport is constructed of wood and has gutters located along the side to mitigate water

runoff. Per the application, the applicant states she has provided more room for maintenance without trespass and provides the adjacent property with equal access to air and light. The applicant wishes to have a carport to shelter her vehicles from inclement weather and from the sun.

Subject Property Zoning/Land Use

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

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	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
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 South Central Community and designated as Low Density Residential in future land use component of the plan. The subject property is located within Mission San Jose 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. A carport located two feet from the side property line is not contrary to the public interest as it lessens the risk of fire spread and allows for room for maintenance without trespass. The applicant has installed gutters on the carport to direct rainwater towards the street.

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

The denial of the request would not allow the owner to have a carport to protect her vehicles, as the five foot side setback does not leave enough space for a carport of adequate size. Thus a literal enforcement would result in an unnecessary hardship.

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

Granting the variance will result in substantial justice as there are several carports within the neighborhood, and removal of the carport would not allow the owner to enjoy a carport, as many others do within the district.

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.*

A carport built two feet from side property line will not increase fire risk to the adjacent property and will provide adequate space for maintenance without trespass. Further, there will be no water runoff on the adjacent property. Lastly, carports are not uncommon within 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 owner has modified the carport to best accommodate the needs of their family to best respect the side setbacks. There is no other location on the property to park vehicles or to construct a carport. This is no fault of the owner and is not merely financial.

Alternative to Applicant’s Request

The applicant could remove the carport.

Staff Recommendation

Staff recommends **APPROVAL** of variance request in **A-17-004** based on the following findings of fact:

1. The owner has removed two feet of the carport to best meet the side setback and still provide adequate spacing for parking. 2. The owner has installed gutters to reduce water runoff on the adjacent property and has provided adequate room for maintenance without trespass.
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