



City of San Antonio

Legislation Details (With Text)

File #: 16-5974

Type: Zoning Case

In control: Board of Adjustment

On agenda: 12/5/2016

Title: A-17-009: A) The request of Francis J. Sykes 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 8940 Rich Trace. Staff recommends Approval. (Council District 6)

B) A request by Francis J. Sykes for a 19 foot variance from the 20 foot platted front setback to allow a carport to be one (1) foot from the front property line, located at 8940 Rich Trace Street. Staff recommends Approval. (Council District 6)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-009 Site Plan, 2. BOA17-009NPA, 3. BOA17-009PP, 4. A-17-009 Photos

Date	Ver.	Action By	Action	Result
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Case Number: A-17-009

Applicant: Francis J. Sykes

Owner: Francis J. Sykes

Council District: 6

Location: 8940 Rich Trace

Legal: Lot 18, Block 2, NCB 17643

Description:

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

Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 19 foot variance from the 20 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be one foot from the front property line.

Executive Summary

The property is located within the Richland Hills Unit-1 subdivision, which was established October 22, 1980 and includes a 20 foot platted front setback. The existing carport was built without permits, and was cited by Code Enforcement for building without a permit and for a violation of the front setback. The home is built at the 20 platted front setback and any addition to the front of the home encroaches in the setback. A request for a carport to be on the front property line was originally heard October 3, 2016.

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 Dwellings
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 West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Tara Neighborhood Association and they were 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 setback requirements to ensure equal access to air and light and to reduce the threat of fire. The variance from the front setback is not contrary to the public interest as the carport does not impose any immediate fire threat to adjacent properties, or increase water runoff. Further, the carport does not interfere with Clear Vision requirements.

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

The special condition present in this case is that the primary dwelling is located directly at the 20 foot platted front setback and restricts any development in the front of the home. A literal enforcement of the ordinance will not allow adequate protection of the owner's vehicles from the elements.

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

The spirit of the ordinance will be respected in that the carport does not harm any adjacent properties as the carport respects the established side setbacks and does not interfere with the Clear Vision requirements. Denial of the request would not result in substantial justice for the property owner.

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 contributes to increased protection of the owner’s vehicles. The structure is made of metal and poses little fire threat. The location of the carport also allows for maintenance without trespass and will not increase water run-off on the adjacent properties. The carport does not detract from the character of surrounding 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.

Due to the platted setback and the location of the home, additional parking with covered protection would not be possible on any other portions of the property, which is no fault of the owner. The plight of the owner of the property is not merely financial in nature.

Alternative to Applicant’s Request

Denial of the variance request would result in the removal of the carport.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-17-009** based on the following findings of fact:

1. The carport does not encroach into the side setback or on the public right-of-way, does not increase water runoff, and does not interfere with Clear Vision;
2. The carport is made of metal and poses little fire risk to adjacent properties.