



City of San Antonio

Legislation Details (With Text)

File #: 17-1279
Type: Zoning Case
In control: Board of Adjustment
On agenda: 2/6/2017
Title: A-17-038: A request by Nicolas Olmos Lara for a 13 foot variance from the minimum 30 foot front setback to allow a new carport 17 feet from the front property line, located at 203 Serenade Drive. Staff recommends Approval. (Council District 9)
Sponsors:
Indexes:
Code sections:
Attachments: 1. Attachments A-17-038

Date	Ver.	Action By	Action	Result
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Case Number: A-17-038
Applicant: Nicolas Olmos Lara
Owner: Nicolas Olmos Lara
Council District: 9
Location: 203 Serenade Drive
Legal: Lot 1, Block 11, NCB 13207
Description:
Zoning: “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 13 foot variance from the 30 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be 17 feet from the front property line.

Executive Summary

The subject property was platted in 1959 as part of the Harmony Hills Subdivision and includes a 30 foot building setback along the front property line. The home was built in 1966 with an attached two car garage original to the house. The property owner is requesting a 13 foot variance to allow the addition of carport measuring 18 feet wide by 20 feet deep. The owner has installed two wooden support beams but was cited for construction without a permit. The proposed carport will satisfy the side setback and thus not require fire-rated construction. A survey of this street and two surrounding streets however found only one other carport within the 3 block radius of the subject property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low-Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Greater Harmony Hills 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 the front setback adopted in 1959 which created expansive front yards. If the variance is granted, the carport will still be 27 feet from the curb, making the request not contrary to public interest.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
The special condition which creates an unnecessary hardship is the 30 foot platted setback, which is 20 feet deeper than the adopted zoning setback, an unnecessary hardship.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
The intent of a front setback is to create an open street view and establish uniform development standards. The carport does not conflict with the intent of the front setback as it will maintain a 17 foot front setback contributing to the open street view.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*
The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-5 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 subject property is located within the subdivision where all of the homes were built at least 30 feet from the front property line. **The applicant is proposing to remain 17 feet back from the property line, not injuring the essential character of 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 unique circumstance is that the property is subject to a building setback line recorded in 1959, at a time when large front yards were desirable. The requested variance will retain a 17 foot front setback, plus the additional 10 feet included within the city right of way and satisfy the side setback as well.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to record a plat to remove the building setback line, an expensive administrative process.

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-17-038** based on the following findings of fact:

1. The proposed carport will satisfy the minimum side setback; and
2. The proposed carport will be 17 feet setback from the front property line.