



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-1594  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 2/20/2017  
**Title:** A-17-050: A request by Jose Nunez for a 30 foot variance from the 30 foot platted setback to allow a carport on the front property line, located at 4431 Monaco Drive. Staff recommends Denial with Alternate Recommendation. (Council District 2)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-17-050 Site Plan, 2. BOA17-050NPA, 3. BOA17-050PP, 4. A-17-050 Photos

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-050  
**Applicant:** Jose Nunez  
**Owner:** Jose Nunez  
**Council District:** 2  
**Location:** 4431 Monaco Drive  
**Legal:** Lot 25, Block 5, NCB 13510  
**Description:**  
**Zoning:** “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Senior Planner

### Request

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

### Executive Summary

The subject property is located at 4431 Monaco Drive, approximately 206 feet west of Fairdale Drive. The applicant built a carport without permits and was cited by Code Enforcement. The carport is built up to the front property line. The applicant submitted an alternative site plan showing the carport shortened by 8 feet which would still provide adequate vehicle coverage, but also increase the setback to 20 feet behind the curb and 10 feet behind the front property line.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
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### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
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 East Terrell 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 requirement. The property is platted with a 30 foot setback and the applicant is seeking to eliminate the entire setback. Staff finds that elimination of the entire setback is contrary to the public interest as it breaks up the continuity of the streetscape by introducing development up to the sidewalk.

**Staff finds that allowing the carport to be ten feet from the front property line, which would meet the zoning setback, is not contrary to the public interest.**

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

Staff can find no special condition that warrants the granting of a variance to eliminate the development standard. Had the applicant have applied for a permit, the homeowner would have been advised on a more appropriate approach to the carports development. Additionally, the applicant now has a two car garage. Even if the applicant complied with the ten foot zoning setback, they would still have covered space for four vehicles.

**Allowing the applicant to build the carport ten feet from the front property line would still allow the applicant space for covered vehicles, and remain more consistent with the community.**

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

The spirit of the ordinance intends to create a more open front yard for homes within the community. Substantial justice will not be served by permitting the applicant to keep the carport on the front property line.

**The applicant could build the carport ten feet from the front property line, which would meet the zoning setback.**

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.*

Staff was unable to find another carport on the front property line. The design, as built, clearly conflicts with the essential character of this community.

**Allowing the applicant to build the carport ten feet from the front property line would be more consistent with 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.*

Staff was unable to establish any special condition that warrants eliminating the front setback. The applicants desire to provide covered space for six vehicles does not outweigh the public interest served by a cohesive streetscape and good community design.

**Staff finds that allowing the applicant to place the carport ten feet from the front property line would permit the owner to have some shaded protection for their vehicles and would be more complimentary to designs within the neighborhood.**

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

The applicant could remove the front eight feet of the carport to meet the zoning setback.

#### **Staff Recommendation**

Staff recommends **DENIAL** with an alternate recommendation of a 20 foot variance from the 30 foot setback to allow the carport to be ten feet from the front property line of the requested variances in A-17-050 based on the following findings of fact:

1. The carport, as designed, detracts from the character of the community;
2. There is no hardship.