



City of San Antonio

Legislation Details (With Text)

File #: 17-1970
Type: Zoning Case
In control: Board of Adjustment
On agenda: 3/6/2017
Title: A-17-064: A request by Maria Carrillo for a 20 foot variance from the 20 foot platted front setback to allow a carport to be on the front property line, located at 9702 Dugas Drive. Staff recommends Denial. (Council District 4)
Sponsors:
Indexes:
Code sections:
Attachments: 1. 17064 Aerial Map, 2. 17064 Plot Plan, 3. 17064 Site Plan, 4. 17064 Photos

Date	Ver.	Action By	Action	Result
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Case Number: A-17-064
Applicant: Maria Carrillo
Owner: Maria Carrillo
Council District: 4
Location: 9702 Dugas Drive
Legal: Lot 5, Block 77, NCB 15859
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for a 20 foot variance from the 20 foot platted front setback, as described in UDC 35-516, to allow a carport on the front property line.

Executive Summary

The subject property is located at 9702 Dugas Drive and includes 7,700 square feet of lot area. The property owner purchased the home a few years ago and recently constructed a wooden carport on the front property line without a building permit. They were cited by Code Enforcement but were unable to get a building permit without approval of the requested variance. According to the applicant, the carport is necessary to protect the family during inclement weather. The driveway has a slight slope and can get slippery. The driveway is only 21 feet deep and the carport covers the entire driveway. The new wooden carport satisfies the minimum 5 foot side setback, so therefore will not require fire-rated construction.

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 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 Heritage 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 a 20 foot platted front setback, and the 10 foot UDC front setback. The carport was built for added protection for inclement weather and safety. There are no similar carports near or adjacent to the property. The request for the carport to encroach 20 feet into the recorded front set back would therefore change the subdivision uniformity and alter the character of the neighborhood. Staff finds that the request will be contrary to the public interest due to an alteration of the subdivision's design scheme.

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

The property was originally built with an attached two car garage. The garage provides access into the house without the need to exit and could provide the safety described in the application. The 20 foot platted front setback has created a cohesive streetscape with no other carports along the block. Literal enforcement of this setback would prohibit the carport entirely.

However, the owner is claiming several special conditions in this case that enforcing the ordinance would result in unnecessary hardship. The property owner is requesting the variance in order to access her property without her or her children being injured when there is inclement weather, to protect her property from inclement weather, and added security for her family and property.

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

The spirit of the ordinance is the intent of the regulations. In this case, the original developer Ray Ellison included a platted front setback to create uniform streetscape design for the Lackland City subdivision. There are no similar carports adjacent or near the property. Therefore, the carport will be out of character with the surrounding properties.

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-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 location is unique as there are no structures encroaching into the platted setback on this street, placing the carport in conflict with the essential character of the subdivision.

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 plight of the owner is that the subdivision includes a platted front setback that has not been routinely violated as in other examples. The property owner is requesting the variance in order to provide covered parking when there is inclement weather, a condition that is experienced throughout the entire district.

Alternative to Applicant’s Request

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

Staff Recommendation

Staff recommends **DENIAL of the requested variance as described in A-17-064** based on the following findings of fact:

1. The subject property is located within a neighborhood where the platted setback has not previously been violated;
2. The owner has an attached garage that can provide the safety and protection described in the application.