



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-1991

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 3/6/2017

**Title:** A-17-066: A request by Daniel Steelman for 1) a 20 foot variance from the 20 foot platted front setback and 2) a four foot variance from the minimum 5 foot side setback to allow a carport on the front property line and within one foot from the side property line, located at 1227 Weston. Staff recommends Approval. (Council District 6)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Legistar Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-066

**Applicant:** Daniel Steelman

**Owner:** Daniel Steelman

**Council District:** 6

**Location:** 1227 Weston

**Legal:** Lot 50, Block 2, NCB 17643

**Description:**

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

**Case Manager:** Margaret Pahl, AICP, Senior Planner

### Request

A request for a 20 foot variance from the 20 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be on the front property line and 2) a four foot variance from the five foot side setback, as described in Table 35-310, to allow a carport one foot from the side 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 owner received a code violation for failure to obtain a permit and encroachment into the front and side setback. The home is built within a cul-de-sac and the lot has an irregular pie shape that narrows in the front. This shape causes the side setback to decrease as the structure gets closer to the frontage. The carport extends 23 feet from the front of the home, but it is difficult for staff to determine the location of the front property line. According to the applicant, the carport is currently 12 feet from the curb. A cul-de-sac right of way is 100 feet in diameter, with a 50 foot radius from the center point. Typically, the City right-of-way extends beyond the curb 10 feet, making the existing carport potentially

setback an estimated two feet. There are several other carports within this subdivision, many encroaching into the platted setback.

### **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 restrict encroachment in to the public right-of-way and adjacent properties. The home is located in a cul-de-sac and the carport, while it does encroach into the side setback, does not interfere with the Clear Vision requirements.**

The carport is currently 23 feet deep and built near the front property line. It could be modified with some difficulty to provide a greater front setback. If the posts were relocated back five feet, with a two foot eave overhang, the applicant would retain 20 feet of vehicle coverage.

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

**The special condition present in this case is the irregularity of the lot, which create difficulty in meeting the side setback. A literal enforcement of the ordinance would result in the removal of a significant amount of the carport.**

A five foot front setback would allow the applicant to have a 20 foot carport, which should adequately cover the

owner's vehicles.

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 structure does not obscure the line of vision for the adjacent property. Denial of the request would not result in substantial justice for the property owner.**

The elimination of the front setback does not observe the spirit of the ordinance as the carport does not create an open streetscape and does not allow room for maintenance.

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 carport has been constructed with gutters to prevent water runoff on the adjacent property. The carport does not detract from the character of surrounding neighborhood.**

During field visits, staff observed other carports within the subdivision with similar design; however, the entire elimination of the front setback was not common.

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 configuration of the lot, 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.**

The owner could construct a carport that includes a five foot front setback and still have adequate protection of their vehicles. A five foot front setback would allow a two foot overhang.

### **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 request for a four foot variance from the side setback in A-17-066 based on the following findings of fact:

1. The carport includes gutters to direct runoff away from the adjacent property;
2. The lot has an irregular shape which causes the carport to be one foot from the side property line at its closest;
3. The carport does not detract from the character of the neighborhood.

Staff recommends **DENIAL with an alternate recommendation of a 15 foot variance from the 20 foot platted front setback in A-17-066** based on the following findings of fact:

1. The carport can be modified and still provide vehicle protection;
2. There are several carports in this neighborhood.