



City of San Antonio

Legislation Details (With Text)

File #: 17-1993
Type: Zoning Case
In control: Board of Adjustment
On agenda: 3/6/2017
Title: A-17-065: A request by Donald Fredette for a 29 foot variance from the platted 30 foot front setback to allow a carport one foot from the front property line, located at 5126 Galahad Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 2)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-17-065 Photos, 2. A-17-065 Site Plan, 3. BOA17-065NPA, 4. BOA17-065PP

Date	Ver.	Action By	Action	Result
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Case Number: A-17-065
Applicant: Donald Fredette
Owner: Donald Fredette
Council District: 2
Location: 5126 Galahad Drive
Legal: Lot 47, Block 1, NCB 13683
Description:
Zoning: “NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a 29 foot variance from the 30 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be one (1) foot from the front property line.

Executive Summary

The property is located within the Camelot subdivision, which was established March 29, 1965, and includes a 30 foot platted front setback. The request is the result of a Code Enforcement citation. From the property line to the garage, the home sits back about 45 feet. The carport measures about 44 feet in length, is made of metal, and has coverage for three vehicles.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwellings
South	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District; “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwellings
West	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Camelot 1 Community 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 Camelot 1 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 promote uniform development in the City of San Antonio. The carport does not comply with either the platted setback or the City’s required 10 foot setback. The one foot separation from the public right-of-way could potentially lead to water runoff on the public right-of-way and would not provide much room for maintenance without trespass.

A 10 foot setback would allow for room to maintain the structure and would produce water runoff on the sidewalk.

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

There are no special conditions present on the property that warrant such an expansive carport. The home is built with an attached one-car garage.

The applicant could reduce the carport to include a 10 foot setback and still have up to a 40 foot long carport.

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

The length of the carport does not respect of the spirit in that it does not prevent the overcrowding of residential

lots.

However, 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. Reducing the carport's length and providing a 10 foot setback, will better observe the spirit.

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 "NP-10 AHOD" Neighborhood Preservation 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.

As carports are common throughout the subdivision, most carports do not extend as far the carport in question. Most homes provide, at minimum, a 10 foot setback, as required by the City.

The carport is not in character of the district; however, providing a 10 foot setback would provide better uniformity with surrounding properties. As the structure is composed of metal, it will not impose any immediate threat of water runoff or fire spread on adjacent properties.

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 30 foot platted front setback does create an un-ideal property related hardship, however, the home has an attached garage and the applicant could currently construct a carport up 21 feet without a variance, which could cover one car.

The applicant could increase the setback to 10 feet and still have 35 foot carport with an allowance of up to a five foot overhang, for a total of 40 feet, which is long enough to cover the two vehicles.

Alternative to Applicant's Request

Denial of the variance request would result in the removal of all but 15 feet of the carport.

Staff Recommendation

Staff recommends **DENIAL with an alternate recommendation for a 20 foot variance to allow a 10 foot setback in A-17-065** based on the following findings of fact:

1. A 10 foot setback would still allow the owner to modify the carport to be 40 feet in length total;
2. Carports are very common in the subdivision; however, most carports provide at least a 10 foot setback.