



City of San Antonio

Legislation Details (With Text)

File #: 17-2248
Type: Zoning Case
In control: Board of Adjustment
On agenda: 4/3/2017
Title: A-17-073: A request by Rogelio Aguilar for 1) a five foot variance from the 10 foot front setback to allow a carport five feet from the front property line; 2) a 2 foot variance from the 5 foot side setback to allow a carport 3 feet from the side property line; and 3) a variance from the limitation of 50% maximum impervious cover in the front yard, located at 1723 Fresno Street. Staff recommends Denial. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-17-073 Site Plan, 2. BOA17-073NPA, 3. BOA17-073PP, 4. A-17-073 Photos

Date	Ver.	Action By	Action	Result
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Case Number: A-17-073
Applicant: Miguel Sesate
Owner: Rogelio Aguilar
Council District: 1
Location: 1723 Fresno Street
Legal: Lot 16, Block 71, NCB 8829
Description:
Zoning: “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a five (5) foot variance from the 10 foot front setback to allow a carport five feet from the front property line, as described in Section 35-310.01; 2) a 2 foot variance from the 5 foot side setback, as described in Section 35-310.01, to allow a carport 3 feet from the side property line; and 3) a variance from the limitation of 50% maximum impervious cover in the front yard, as described in Section 35-515(d)(1).

Executive Summary

The subject property is a single-family dwelling. The owner constructed a wooden carport that extends within the front and side. In addition to the carport, the owner also paved nearly 100% of the front yard with concrete. The structure was built to protect the owner’s vehicles. The variances are being requested to keep the structure and ground cover as is.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and currently designated as Urban Low Density in the future land use component of the plan. The subject property is located within the boundaries of the Los Angeles Heights Neighborhood Association. As such, 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 Board of Adjustment must find that the request meets each of the six following conditions:

1. The variance is not contrary to the public interest.

The structure serves as a potential fire hazard as it is made of wood and is within close proximity to the adjacent home. Additionally, with the structure being so close to the front property line, there is no room for maintenance without being on the public right-of-way. As impervious areas do not allow water to be readily absorbed into the ground, the larger amount of impervious area on a property, the greater the storm water flow produced from the property into the storm water system. This is contrary to the public interest.

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

The literal enforcement of the ordinance would not result in unnecessary hardship. In 2016, the home met the requirements for both setbacks and impervious cover. Instead of constructing a carport over the existing driveway, which provided space for two vehicles, the owner located the carport over the previously grassed portion of the front yard to provide coverage for two additional vehicles. This is not a special condition.

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 to ensure that residential development is safe and uniform within the City of San Antonio. As the structure encroaches into the side setback, the risk of spread is increased. Further, the impervious cover and carport do not establish uniform or safe development within the neighborhood.

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-4 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 variance requests significantly alter the appearance of the district as City staff observed no other properties with such conditions. Most properties do not exceed the 50% coverage and do not include a carport that extends as far the subject property. Lastly, the carport’s encroachment into the side setback increases the possibility of water runoff on the adjacent property.

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.*

There is no unique circumstance existing on the property that warrants the granting of the requested variances. The owner could have constructed a carport over the existing driveway that met the side and front setback, without creating conditions that exceed the allowed impervious cover.

Alternative to Applicant’s Request

The owner will need to comply with the allowed impervious cover and setback requirements.

Staff Recommendation

Staff recommends **DENIAL of the requested variances, detailed in A-17-073** based on the following findings of fact:

1. The requests significantly alter the character of the district;
2. The request for the impervious cover variance increases the storm water flow produced from the property into the storm water system;
3. The structure poses increased risk of fire spread and water runoff on the adjacent property;
4. There are no unique circumstances existing on the property that warrant the granting of the variances.