



City of San Antonio

Legislation Details (With Text)

File #: 17-2683
Type: Zoning Case
In control: Board of Adjustment
On agenda: 4/17/2017
Title: A-17-088: A request by Maria Perez for a 5 foot variance from the 5 foot side setback to allow a carport on the side property line, located at 1107 Prado. Staff recommends Approval. (Council District 5)
Sponsors:
Indexes:
Code sections:
Attachments: 1. Aerial Map, 2. Site Plan A-17-088, 3. Photos, 4. Plot Plan

Date	Ver.	Action By	Action	Result
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Case Number: A-17-088
Applicant: Maria Perez
Owner: Maria F. and Ramiro T. Perez
Council District: 5
Location: 1107 Prado
Legal: Lot 19, NCB 7346
Description:
Zoning: “R-4 AHOD” Single-Family Residential Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for a request for a 5 foot variance from the 5 foot side setback, per section 35-516, to allow a carport to be on the side property line.

Executive Summary

The subject property is located at 1107 Prado. The applicant is seeking a variance to allow for a carport to encroach into the side setback. The carport meets the front setback. Code enforcement issued a violation for noncompliance with setbacks and failure to obtain a building permit.

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Nogalitos/South Zarzamora Community Plan and designated as Medium Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a Neighborhood Association.

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 minimum setbacks that help to establish uniform and safe development within the City of San Antonio. The proposed carport meets the front setback requirement. The homeowners have issues with the weather elements damaging the side of her house particular windows and the frame. The applicant's carport has gutters that prevent the water drainage from going into neighboring properties and is made of metal. Therefore, staff finds that the request is not contrary to the public interest.

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

A literal enforcement of the ordinance would result in the removal of the carport. If the carport included any setback, there would be no space to park a vehicle, as the carport is currently only 10 feet wide.

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

Granting the requested variance will result in substantial justice in that the property owner will be able to keep a carport to protect her property from inclement weather and several other homeowners on the block have similar carports. The spirit of the ordinance is observed in that the carport meets front setbacks, does not pose a fire risk, and will not drain water onto adjacent properties.

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” Single-Family Residential 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.

Adjacent properties are unlikely to be negatively affected by the requested changes in that the proposed carport design meets the front setback and the carport will not drain water onto the 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 unique circumstance is the lack of side yard and space to park a vehicle. There is no feasible way to meet the setback and provide covered protection for the owner’s vehicles.

Alternative to Applicant’s Request

The applicant would have to comply with the platted side setback.

Staff Recommendation

Staff recommends **APPROVAL of A-17-089** based on the following findings of fact:

1. The carport will not present a fire risk to adjacent properties, nor will it drain water onto adjacent properties.
2. The carport will not be out of character with the surrounding neighborhood.