



City of San Antonio

Legislation Details (With Text)

File #: 17-4162
Type: Zoning Case
In control: Board of Adjustment
On agenda: 7/17/2017
Title: A-17-133: A request by Jason Segal for a 15 foot variance from the 30 foot platted front setback to allow a carport 15 feet from the front property line, located at 11114 Janet Lee Drive. Staff recommends Approval. (Council District 9)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA17-133 attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-133
Applicant: Jacob Segal
Owner: Jacob and Melissa Segal
Council District: 9
Location: 11114 Janet Lee Drive
Legal: Lot 27, Block 6, NCB 13219
Description:
Zoning: "R-6 ERZD" Residential Single-Family Edwards Aquifer Recharge District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 15 foot variance from the 30 foot platted front setback, as described in UDC 35-516(o), to allow a carport 15 feet from the front property line.

Executive Summary

The subject property is located within the Dreamland Oaks Subdivision, a subdivision of quarter-acre lots recorded in 1959 with a 30 foot front setback. This large front setback has resulted in mature tree-lined streets and shaded yards with single-story ramblers. The home was built in 1960 according to Bexar County Appraisal District and included a 260 square foot attached garage. The applicant states that during last year's hail storm, all of their vehicles were damaged beyond repair. The applicant is requesting approval to build a 26 foot deep carport that will maintain a 15 foot front setback and provide over 25 feet of setback from the street. The carport will satisfy the side setback. Construction has not begun.

During the field visit, staff saw two other carports on Janet Lee Drive. Both of these have flat roofs and one was granted a permit for the carport in 2002.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 ERZD" Residential Single-Family Edwards Aquifer Recharge District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 ERZD" Residential Single-Family Edwards Aquifer Recharge District	Single-Family Residential
South	"R-6 ERZD" Residential Single-Family Edwards Aquifer Recharge District	Single-Family Residential
East	"R-6 ERZD" Residential Single-Family Edwards Aquifer Recharge District	Single-Family Residential
West	"R-6 ERZD" Residential Single-Family Edwards Aquifer Recharge District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan area and designated as Suburban Tier in the future land use component of the plan. The subject property is not located within the boundaries of a registered 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. If the variance is granted, the carport will still be 25 feet from the curb, making the request not contrary to public interest

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

The special condition which creates an unnecessary hardship is the 30 foot platted setback, which is 20 feet deeper than the adopted zoning setback, an unnecessary hardship.

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 defined as the intent of the code rather than the exact letter of the law. The carport does not conflict with the intent of the front setback as it will maintain a 15 foot front setback from the property line, contributing to the open street view.

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 ERZD” Residential Single-Family Edwards Aquifer Recharge 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 applicant is requesting a variance to allow the construction of a carport over the existing driveway. A field visit shows very few other carports within the neighborhood, although the adjacent property owner has a carport, built in 2002 with permits.

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 that the property is subject to a building setback line recorded in 1959, at a time when large front yards were desirable and the weather was not prone to hail storms.

Alternative to Applicant’s Request

Denial of the requested variance would result in the applicant having to remove the building setback line from the plat.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-17-133** based on the following findings of fact:

1. That the carport will still satisfy the minimum zoning setback of 10 feet; and
2. That the applicant requested approval prior to constructing the carport.