



City of San Antonio

Legislation Details (With Text)

File #: 17-5218
Type: Zoning Case
In control: Board of Adjustment
On agenda: 9/18/2017
Title: A-17-163: A request by Martin Barrera Zuniga for a 4 foot variance from the 10 foot front setback to allow a carport 6 feet from the front property line, located at 215 Westoak Road. Staff recommends Approval. (Council District 6)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-17-163 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-163
Applicant: Martin Barrera Zuniga
Owner: Martin Barrera Zuniga and Hortencia Saucedo
Council District: 6
Location: 215 Westoak Road
Legal: Lot 4, Block 3, NCB 15582
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a four (4) foot variance from the 10 foot front setback, as described in Section 35-310.01, to allow a carport six (6) feet from the front property line.

Executive Summary

The applicant is requesting the variance to allow a carport to remain six feet from the front property line. The carport is composed of wood and has a roof pitch design to drain water on the subject property only. The carport also meets the five foot side setback. The subject property is located within a partial cul-de-sac and is a pie shaped lot. The applicant constructed the carport to protect vehicles from harsh weather conditions. If the variance is approved, the driveway and curb cut should be relocated to gain direct access under the carport to avoid further damage to the curb and sidewalk.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Homes
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Homes
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District; “MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Homes, Apartments
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Homes

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the West/Southwest Sector Plan and currently designated as General Urban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Lackland Terrace Neighborhood Association. As such, they were notified and 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 minimum setbacks. The carport, in its current location does not interfere with the Clear Vision requirements and does not obstruct clearance for the public right-of-way.

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

Literal enforcement of the ordinance would result in an unnecessary hardship as the home has no garage and there is not adequate coverage for vehicles on the property. The carport was constructed to protect vehicles from inclement weather, and without it, would leave the owner’s personal property susceptible to damages.

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 the intent of the Code, rather than the strict letter of the law. In this case, the intent of the front setback is to prevent overcrowding of front yards and the request fulfills this intent.

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 variances 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.*

Although carports are not common in the district, the carport has no negative impact on the neighboring properties as it does not interfere with Clear Vision from the neighboring driveway. Further, the carport provides room for maintenance without trespass and does create water runoff on the adjacent property or public right-of-way.

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 existing on the property is the location of the driveway on a cul-de-sac, which creates difficulty in locating the property line and meeting the front setback.

Alternative to Applicant’s Request

The owner would need to remove a portion of the carport to comply with the building setbacks.

Staff Recommendation

Staff recommends **APPROVAL of the four foot variance**, based on the following findings of fact:

1. The request does not produce water runoff onto the adjacent residential property; and
2. There is room for maintenance without trespass on the public right-of-way and neighboring property;
and
3. The request does not interfere with Clear Vision; and
4. The carport meets the side setback.