



City of San Antonio

Legislation Details (With Text)

File #: 19-7474

Type: Zoning Case

In control: Board of Adjustment

On agenda: 10/7/2019

Title: BOA-19-10300115: A request by Daniel Garcia for a 9' variance from the 10' front setback requirement to allow an attached carport to be 1' from the front property line, located at 232 Saddlebrook Drive. Staff recommends Denial. (Council District 4) (Rachel Smith, Planner (210) 207-5407, rachel.smith@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-19-10300115 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300115

Applicant: Daniel Garcia

Owner: Daniel Garcia

Council District: 4

Location: 232 Saddlebrook Dr

Legal: NCB 15850 BLK 75 LOT 31

Description:

Zoning: "R-6 MLOD-2 MLR-2 AHOD" Residential Single Family
Airport Hazard Overlay District Lackland AFB Annex
Military Lighting Overlay District

Case Manager: Rachel Smith, Planner

Request

A request for a 9' variance from the 10' front setback requirement as described in Section 35-310.01, to allow an attached carport to be 1' from the front property line.

Executive Summary

The subject property is in the Heritage neighborhood and is surrounded on three sides by residential property. The neighborhood character is primarily single-family dwellings with garages at the front of the property. There are no residences with carports on Saddlebrook Drive and few in the neighborhood. The applicant is seeking a variance to reduce the front setback for an existing carport in front of their garage.

Code Enforcement History

8/16/19: Work without permit, carport
9/4/19: Setback violation on the carport

Permit History

There is no permit history related to the variance request for a carport. The applicant is seeking the variance to obtain a permit.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Airport Hazard Overlay District Lackland AFB Annex Military Lighting Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Airport Hazard Overlay District Lackland AFB Annex Military Lighting Overlay District	Single-Family Dwelling
South	“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Airport Hazard Overlay District Lackland AFB Annex Military Lighting Overlay District	Single-Family Dwelling
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Airport Hazard Overlay District Lackland AFB Annex Military Lighting Overlay District “R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Airport Hazard Overlay District Lackland AFB Annex Military Lighting Overlay District	Vacant
West	“R-6 MLOD-2 MLR-2 AHOD” Residential Single Family Airport Hazard Overlay District Lackland AFB Annex Military Lighting Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector plan and is classified as Suburban Tier. The property is within the boundaries of the Heritage Neighborhood Association and they have been provided with the opportunity to comment.

Street Classification

Saddlebrook Drive is classified as a local street.

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 considered the general health, welfare, and safety of a community. Front setbacks provide for easement and right of way access and maintenance. Allowing such a variance to the front setback will be contrary to the public interest.

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

Staff is unable to establish any special condition on the property that warrants reducing the front setback by such an amount.

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 is to provide enough of a setback to preserve the open character of front yards within this neighborhood. The requested variance does not provide such clearance and does not observe the spirit of the ordinance.

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 by the 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.*

Carports are not consistent with the character of the community. The location of the posts will injure the appropriate use and long-term maintenance of the public right of way including the sidewalk.

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.*

Staff is unable to determine any unique circumstance existing on the site that warrants the reduction in the required front setback.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01. Specifically, the applicant could move the posts back to meet setback limitations while retaining the roof length.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **BOA-19-10300115**, based on the following findings of fact:

1. The carport will be inconsistent with the essential character of the district, and;
2. The variance is contrary to the public interest.