



City of San Antonio

Legislation Details (With Text)

File #: 20-1513

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 2/3/2020

Title: BOA-19-10300166: A request by Carlos Zapata for a 4' variance from the 5' side setback requirement to allow a detached carport to be 1' from the side property line, located at 1014 East Drexel Avenue. Staff recommends Denial with an Alternate Recommendation. (Council District 3) (Kayla Leal, Senior Planner, (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300166

Applicant: Carlos Zapata

Owner: Carlos Zapata

Council District: 3

Location: 1014 E Drexel Ave

Legal Description: Lot 4, Block 28, NCB 3296

Zoning: "R-4 MLOD-3 MLR-2 AHOD" Residential Single Family
Martindale Army Airfield Military Lighting Overlay Military
Lighting Region 2 Airport Hazard Overlay District

Case Manager: Kayla Leal, Senior Planner

Request

A request for a 4' variance from the side setback requirement, as described in Section 35-310.01, to allow a carport to be 1' from the side property line.

Executive Summary

The subject property is a single family home completely surrounded by single family residences. To the rear of the property is a graveled service alley. The applicant hired a contractor in 2019 to construct a detached metal carport. The carport was partially constructed when the property owner received a citation and stop work order for the carport. The property owner was informed of the setback requirements when they attempted to pull a permit for the carport. The property owner states the carport will be designed to have a channeled metal roof with a slope to the rear so water will drain on site. No gutters have been planned at this stage of the project.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

The property has no permits on file.

Zoning History

The subject property is in the original 36 square miles of the City of San Antonio and was “B” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “B” Apartment district was converted to “R-4” Residential Single Family district.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-3 MLR-2 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-3 MLR-3 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residence
South	“R-4 MLOD-3 MLR-3 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residence
East	“R-4 MLOD-3 MLR-3 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residence
West	“R-4 MLOD-3 MLR-3 AHOD” Residential Single Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Highlands Community Plan and designated as “Low Density Residential” in the future land use component of the plan. The subject property is in the boundaries of the Highland Park Neighborhood Association and as such, they were notified of the case.

Street Classification

East Drexel Avenue 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 defined as the general health, safety, and welfare of the public. In this case, the public interest is served by setbacks. The requested setback reduction does not serve the public interest.

Staff supports a 2' side setback which would meet these needs.

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

Staff finds that the width needed for a carport is 9' and the constructed carport has more than enough width for a single vehicle, however there is not adequate space for the carport at the minimum width to meet the code.

Staff supports maintaining a 2' side setback which still meets the needs of the applicant while also providing adequate space to meet stormwater runoff and fire separation concerns.

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 request does not observe the spirit of the ordinance.

Staff finds that a 2' side setback would provide adequate space for the carport and maintain fire separation, prevent stormwater runoff onto adjacent properties, and provide for the maintenance of the structure.

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.*

No uses other than those allowed within the district will be allowed with this variance.

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 carport is partially constructed. If built as requested, the carport could injure the adjacent property and would not allow for proper maintenance.

However, staff would support a 2 foot side setback to allow for maintenance.

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 does not find any unique circumstances that warrant the granting of this request.

There is adequate space on the side of the primary structure to allow for a 2' variance and allow an adequate sized carport.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the required side setback adhering to Section 35-370.

Staff Recommendation

Staff recommends **an Alternate Recommendation** of a 3' variance from the side setback to allow a carport to be 2' from the side property line **BOA-19-10300166** based on the following findings of fact:

1. The requested variance does not provide adequate space to allow stormwater runoff, and long term maintenance.
2. The alternate recommendation provides adequate space to allow a car to fit in the carport and maintain appropriate fire separation, structure maintenance, and prevent stormwater runoff on adjacent properties.