



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4348

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 8/3/2020

**Title:** BOA-20-10300062: A request by Henry Guzman for 1) a 4'11" variance from the 5' side setback requirement to allow the metal carport to be 1" away from the side property line, located at 410 Pilgrim Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 1) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@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-20-10300062

**Applicant:** Henry Guzman

**Owner:** Henry Guzman

**Council District:** 1

**Location:** 410 Pilgrim Drive

**Legal:** Lot 19, Block 47, NCB 10564

**Description:**

**Zoning:** "R-4 AHOD" Single-Family Residential Airport Hazard Overlay District

**Case Manager:** Azadeh Sagheb, Planner

### Request

A request for a 4'11" variance from the 5' side setback requirement, as described in Section 35-516, to allow the metal carport to be 1" away from the side property line.

### Executive Summary

The subject property is located at 410 Pilgrim Drive, West of Vance Jackson Drive, and East of Dellview Park. The area is characterized by residential buildings, with a mixture of garages and carports.

The applicant states that the carport will be visually appealing and congruous with the neighborhood. During site visits, Staff noted that the metal carport is a common type of carport within the vicinity.

### **Code Enforcement History**

There is no Code Enforcement record for this property.

### **Permit History**

No building permits for carport found on file.

### **Zoning History**

The subject property was annexed by Ordinance 18115 dated September 25, 1952 and zoned “B” Residence District. Under the adoption of the 2001 Unified Development Code, Ordinance 93881 dated May 3, 2001, the “B” Residence zoning district converted to the current “R-4” Residential Single-Family District.

### **Subject Property Zoning/Land Use**

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

### **Surrounding Zoning/Land Use**

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

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the Greater Dellview Area Plan and currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Dellview Area Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

Pilgrim 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 defined as the general health, safety, and welfare of the public. In this case, the variance is contrary to the public interest. The applicant is seeking a variance to allow the carport to be one inch from the side property line. One inch setback fails to provide adequate fire separation distances, provides no room for maintenance, and may drain water onto adjacent property.

**Staff supports a 2' side setback, which would provide adequate room for maintenance and would meet rainwater runoff concern.**

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

Staff cannot find any special conditions that, if enforced literally, would result in any unnecessary hardship. The applicant can make use of the carport, and no special condition is present to warrant a carport of this placement.

**The applicant could modify the design proposal to have a 2' side setback for the carport.**

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. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. The requests to reduce the side setback do not observe the intent of the code.

**Staff finds that a 2' side setback would provide adequate space for the carport maintenance and prevent stemware runoff onto adjacent properties.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a 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.*

While other structures in the neighborhood enjoy reduced setbacks, staff cannot support a one inch side setback. It poses immediate risk to adjacent property and leaves no room for maintenance of the structure.

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 unique circumstances existing on the site. The carport should be designed in a manner that respects the intent of the code.

**The property has enough room to move the proposed carport and increase the setback to two feet. The**

carport would still be accommodated in front of the garage and serve its purpose without any immediate threat of water runoff on adjacent properties.

### **Alternative to Applicant's Request**

Denial of the variance request and special exception would result in the owner having to meet the required carports setback regulations in Section 35-516.

### **Staff Recommendation**

Staff recommends **DENIAL** of the variance requests with an **ALTERNATE RECOMMENDATION** to allow the carport to be 2' away from the side property line in **BOA-20-10300062** based on the following findings of fact:

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