



City of San Antonio

Agenda Memorandum

File Number:15-5683

Agenda Item Number: 5.

Agenda Date: 11/2/2015

In Control: Board of Adjustment

Case Number: A-15-150
Applicant: Rosa Castro
Owner: Rosa Castro
Council District: 2
Location: 617 Essex Street
Legal Description: Lots 36 & 37, Block 38, NCB 1632
Zoning: "RM-4 AHOD" Mixed Residential Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for a 3.5 foot variance from the minimum 5 foot side setback, as described in Section 35-310.01, to allow a new carport 1.5 feet from the side property line.

Executive Summary

The subject property is located at 1415 West Hollywood Avenue approximately 230 feet east of Piedmont Avenue. The applicant began construction of the carport and was cited by code. The carport is made largely of wood and is presently located 1.5 feet from the side property line and 3 feet from adjacent structures. The applicant is requesting to keep the carport in order to park two cars, side-by-side, and provide shade for the home. The carport, as it stands now, increases the risk of fire and water runoff for the adjacent property. In addition, there is limited room for maintenance without trespass. A reduction in the width of the carport, to respect the setbacks, would provide the applicant room to park two cars, one behind the other, and provide shade for the home. If the variance is approved the applicant will have to meet fire standards.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Area District Neighborhood Plan and is designated as Medium Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Denver Heights Neighborhood Association. As such, the neighborhood association was 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, these criteria are represented by minimum side setbacks to protect home owners, and also to provide for a sense of community. The minimum setbacks are in place to protect the neighbor from fire hazard.

Staff is recommending denial of the request to allow a carport to be located 1.5 feet from the side property line. The carport is made largely of wood and is located approximately 3 feet from adjacent structures. This increases fire risk for the both the subject property and adjacent properties. In addition, the current carport increases the risk of water runoff which could cause damage to adjacent properties. Lastly, the carport, in the current location, provides little space for maintenance without trespass. The proposed carport was built 18 feet wide in order to accommodate two parked cars side-by-side. The applicant has room to reduce the width of the carport and provide enough space to park two cars, one behind the other.

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

Staff was unable to determine a special condition present that would require the applicant to encroach into the side setback.

3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

Granting the requested variance will not result in substantial justice. The proposed carport will increase fire risk and possible water runoff to adjacent properties. Additionally, there is little room for maintenance without trespass.

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 variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “RM-4 AHOD” Residential Mixed 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.*

The carport is approximately 3 feet from adjacent structures increasing the risk of fire spread and water runoff. In addition, the limited space on the subject property leaves little room for maintenance without trespass.

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 was unable to determine a unique circumstance that would require the applicant to encroach within the permitted setback. If the applicant reduces the width of the carport to respect the standard side setback there would be adequate space to park two cars, one behind the other, and provide shade for the home.

Alternative to Applicant's Request

The applicant must reduce the width of the carport to meet the five foot minimum set back, as described in Section 35-310.01

Staff Recommendation

Staff recommends **DENIAL of a request for a 3.5 foot variance to allow a carport to be located 1.5 feet from the side property line in A-15-150** based on the following findings of fact:

1. Adjacent properties will experience an increased risk of fire and water runoff;
2. Limited room for maintenance without trespass;
3. A carport built at the required setbacks will still allow the applicant to park two cars and provide shade for the home, as desired.

Attachments

Attachment 1 - Notification Plan (Aerial Map)

Attachment 2 - Plot Plan (Aerial Map)

Attachment 3 - Site Plan

Attachment 4 - Site Photos