



City of San Antonio

Agenda Memorandum

File Number:16-2521

Agenda Item Number: 3.

Agenda Date: 4/11/2016

In Control: Board of Adjustment

Case Number: A-16-066
Applicant: Burt Manriquez
Owner: Burt Manriquez
Council District: 7
Location: 1122 Alexander Hamilton
Legal Description: Lot 3, Block 15, NCB 8386
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for the elimination of the required five foot side yard setback, as described in Section 35-310.01, to allow a carport to remain on the side property line.

Executive Summary

The subject property is part of the Woodland Hills Terrace Subdivision platted in 1929. The property owner has lived at the subject property since 1977. Since 2007 the applicant has made several home improvements. The applicant most recently constructed and added to an existing carport on the property line without permits. He was cited by code and has now requested a variance to keep the carport in order to have a covered place to park his car. He states his wife is disabled and benefits from having covered parking.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is within the Donaldson Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The proposed design, which was built without permits, encroaches into the setback and requires complete elimination of the required side setback. The wooden structure causes a fire risk to adjacent property and water runs off of the sloped roof directly onto the neighbor's property. This carport is contrary to the public interest.

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

Staff was not able to find a special condition that should allow the elimination of the side yard 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 as the water runoff, over time, is likely to cause damages to the neighboring property. Additionally, the wooden carport is likely to cause an increase in fire spread to adjacent properties.

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 "R-4 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.

Carports are not unprecedented within this community. However, the carports in this neighborhood are built to city standards making a non-compliant carport out of character in this community. Additionally, having a carport of this nature increases water run-off and risk of fire spread to the adjacent property.

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 did not find any unique circumstance that warrants the granting of the requested variance. Had the applicant applied for a permit, staff could have assisted with an alternative design that benefits the applicant

and adjacent property owners.

Alternative to Applicant's Request

The applicant could construct a detached garage in the rear of the property to accommodate his need for covered parking or continue to utilize the existing carport without expansion. The applicant could also redesign the carport to comply with the side setback regulations as described in Section 35-310.

Staff Recommendation

Staff recommends **DENIAL of the request for the elimination of the required five foot side yard setback in A-16-066** based on the following findings of fact:

<p>1. There are no special conditions present to warrant the granting of the requested variance. 2. The carport, as designed, poses a fire risk and drains water directly onto adjacent property. Over time, this could cause damages to the neighbor's home.</p>
