



# City of San Antonio

## Agenda Memorandum

**File Number:**16-3377

**Agenda Item Number:** 2.

**Agenda Date:** 6/6/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-077  
**Applicant:** Chris and Judy Griesenbeck  
**Owner:** Chris and Judy Griesenbeck  
**Council District:** 1  
**Location:** 447 Pinewood Lane  
**Legal Description:** Lot 12, Block 20, NCB 12069  
**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Senior Planner

### Request

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

### Executive Summary

The subject property is located at 447 Pinewood Lane, approximately 497 feet west of Jones Maltsberger Road. The applicant was cited by Code Enforcement for construction of a carport without permits. The carport is made of wood and is located on the side property line. It is large enough to park two vehicles side by side and meets the required ten foot front setback. In addition to that carport, the applicant is extending the eave overhang of the primary dwelling and pouring a one foot tall retaining wall to improve water drainage.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the North Central Community Plan and currently designated as Low-Density Residential in the future land use component of the plan. The subject property is within the Shearer Hills/Ridgeview 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 ensure uniform, safe development within the City of San Antonio. The carport is currently located on the side property line - this is contrary to the public interest. Staff drove along Pinewood Lane and noted several carports. Carports in the community are large enough for one car and are not the dominating design feature of the home. This carport in question is noticeably larger and, while it meets the front setback, has a massing effect that is out of place within the neighborhood. Staff finds that allowing the carport to be located on the side property line is contrary to the public interest.

Staff recommends that the eave overhang of the home be located a minimum of two feet away from the side property line to meet fire code.

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 entire side yard setback to be eliminated. The applicant has plenty of space available to design a carport that meets the three foot 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 design is out of place within the neighborhood. Also, allowing an eave overhang to be so close to the property line will not result in substantial justice.

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-5 AHOD" Residential Single-Family Airport Hazard Overlay District.

1. *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 adjacent lot does not have any structure located near the carport to be immediately harmed in the event of fire. Staff finds, however, that the existing design detracts from the essential character of the district. Allowing

the eave overhang to be located so near the side property line, however, does pose a fire risk.

*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 have 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 design a carport that meets the side setback.

### **Staff Recommendation**

Staff recommends **DENIAL of variance request in A-16-077** based on the following findings of fact:

1. There are no special conditions present to warrant the granting of the requested variance.
2. The carport, as designed, is out of character within the community.