



City of San Antonio

Agenda Memorandum

File Number:16-3901

Agenda Item Number: 9.

Agenda Date: 7/11/2016

In Control: Board of Adjustment

Case Number: A-16-114
Applicant: Lorena Roriguez
Owner: Lorena Roriguez
Council District: 3
Location: 3323 Stephen Foster Drive
Legal Description: Lot 25, Block 3, NCB 14956
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a 26 foot variance from the 30 foot platted front setback to allow a carport to be four (4) feet from the front property line.

Executive Summary

The subject property is located at 3323 Stephen Foster Drive, approximately 250 feet west of Tarleton Place. The applicant started construction of a carport in the front yard without a building permit and was cited by Code Enforcement on May 24, 2016. The property has a 30 foot front setback established by the plat, which was recorded in 1971. The carport is located four feet from the front property line, and requires a 26 foot variance to remain. The carport meets the side setback.

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 Stinson Airport Vicinity Plan and currently designated as Low-Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of any registered neighborhood association.

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 by the general health, safety, and welfare of the public. In this case, the public interest is represented minimum setbacks to provide for fire protection and to provide fair and equal access to air and light. The proposed carport encroaches into the front setback and is located four feet from the front property line. Stephen Foster Drive consists of 42 lots, 21 lots on each side of the street. Of the 42 residential lots, ten already have carports that encroach into the front platted setback. The subject property would be the eleventh; 26 percent of the lots have carports that encroach into setbacks. As such, staff finds that the proposed carport is not contrary to the public interest.

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

The dwelling on the property is located at the 30 foot platted setback line. A literal enforcement of the platted front setback would prohibit the construction of any carport. Staff finds that a literal enforcement would result in unnecessary hardship.

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 letter of the law. Providing some relief to allow the property owner to protect their vehicles will 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.

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 requested variance will allow the applicant to protect their vehicles similar to several other property owners on the same street.

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.

The unique circumstances on this property is the platted front setback which is three times as restrictive as the zoning setback established by the base “R-5” Residential Single-Family District.

Alternative to Applicant’s Request

The applicant would need to remove the carport to comply with the platted front setback requirement.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-114** based on the following findings of fact:

1. The proposed carport is similar to ten other than exist on the same street. 2. The carport meets the side setback and will not drain water onto adjacent property.