



City of San Antonio

Agenda Memorandum

File Number:16-4107

Agenda Item Number: 7.

Agenda Date: 7/25/2016

In Control: Board of Adjustment

Case Number: A-16-117
Applicant: Rodolfo Z. Uribe
Owner: Rodolfo Z. Uribe & Ester H. Uribe
Council District: 4
Location: 2626 Navajo Street
Legal: Lot 48, Block 3, NCB 13616
Description:
Zoning: "I-2 AHOD" Heavy Industrial Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for 1) a 17 foot variance from the 25 foot platted front setback, as described in Section 35-516(o), to allow a carport to be eight feet from the front property line and 2) a 22 foot variance from the 30 foot front zoning setback, as described in Section 35-310.01, to allow the carport to be eight feet from the front property line and 3) a two foot variance from the three foot side yard setback, as described in Section 35-370(b)(1), to allow a carport with no eave overhang to be one foot from the side property line.

Executive Summary

The subject property is located at 2626 Navajo Street, approximately 118 feet east of Niagara Drive and located across the street from South San Antonio High School. The property owner built a carport without permits and was cited by Code Enforcement on May 10, 2016. The property is platted with a 25 foot front setback. The nonconforming "I-2" Heavy Industrial zoning triggers a 30 foot zoning front setback. As such, the applicant needs variances from both the platted setback and the zoning setback. Currently, the carport is eight feet from the front property line.

Further, the carport is not attached to the house and, because there is no eave overhang, may be located as near as three feet from the side property line. The carport is currently one foot from the side property line, and requires a two foot variance to remain.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"I-2 AHOD" Heavy Industrial Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	South San Antonio High School
South	"I-2 AHOD" Heavy Industrial Airport Hazard Overlay District	Single-Family Dwelling
East	"I-2 AHOD" Heavy Industrial 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 South Sector Plan and currently designated as General Urban Tier in the future land use component of the plan. The subject property is not located within a 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 as the general health, safety, and welfare of the public. In this case, the public interest is represented by setback limitations to provide for fire separation and to provide for fair and equal access to air and light. The applicant is seeking permission to allow the carport to be eight feet from the front property line and one foot from the side property line. The carport is made of metal and not attached to the house - therefore, it poses less fire threat than other carports. Additionally, the carport is designed to drain water to the street, not to any neighboring property. Because the applicant has taken steps to ensure the protection of their neighbors, staff finds that the carport is not contrary to the public interest.

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

A literal enforcement of the platted front setback would leave no space for a carport addition. This development standard results in an unnecessary hardship.

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

Granting the requested variance would result in substantial justice as it would allow the property owner to adequately protect their vehicles, and provide a shaded space for enjoyment of the outdoors. Further, it would permit the property owner to enjoy a carport similar to others within the community.

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 "I-2 AHOD" Heavy Industrial 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.*

Staff finds that the carport will not substantially harm adjacent property owners because the proposed carport will not increase fire hazard nor will it create water runoff onto adjacent properties.

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 25 foot platted front setback poses an additional barrier to property development. The 30 foot zoning setback is another unique circumstance, the result of a zoning district conversion following the adoption of the 2001 Unified Development Code. The nonconforming status of the zoning is not the fault of the property owner, nor is it merely financial in nature.

Alternative to Applicant's Request

The applicant could remove the platted front setback, which is a request considered by the City of San Antonio Planning Commission. The applicant would still need a variance to the front zoning setback and the side setback.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-117** based on the following findings of fact:

1. The proposed carport meets the spirit of the code and will not pose an increased fire risk or water runoff to adjacent properties.
