City of San Antonio

Agenda Memorandum

File Number:16-5381

Agenda Item Number: 5.

Agenda Date: 10/17/2016

In Control: Board of Adjustment

Case Number:	A-16-164
Applicant:	Michael Gutierrez
Owner:	Michael Gutierrez
Council District:	2
Location:	5011 Crusade Drive
Legal Description:	Lot 22, Block 4, NCB 13686
Zoning:	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Logan Sparrow, Principal Planner

Request

A request for a 20 foot variance from the 30 foot platted front setback, as described in Section 35-516(o), to allow a carport to be 10 feet from the front property line.

Executive Summary

The subject property is located at 5011 Crusade Drive, approximately 160 feet east of King Arthur Drive. The property was platted in 1964 and includes a 30 foot platted front setback. The applicant built a carport that currently extends 20 feet into that platted front setback. If not for the plat, the carport would meet the city's ten foot front setback requirement. Further, staff noted the presence of several other carports located within the neighborhood. In all, the applicant needs a 20 foot variance from the 30 foot platted front setback to allow the carport to remain.

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 Camelot 1 Neighborhood Plan and currently designated as Low-Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Camelot 1 Neighborhood Association. As such, they were 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, the public interest is represented by setbacks that help to ensure that development on one lot does not detract from enjoyment of another. The subject property is located within a community with many carports. Further, the carport meets the side setback requirement. Lastly, the carport meets the city's zoning front setback. As such, staff finds the request is not contrary to the public interest.

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

Literal enforcement of the 30 foot platted front setback would result in the property owner not being permitted any carport, despite several other property owners enjoying carports of similar design. Staff finds that this would result in an 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 will be respected as the requested variance still locates the carport ten feet from the front property line; the same distance required by the city's zoning code.

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 variances 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 seeks to reduce the front setback, similar to other carports in the community. Because the carport meets the side setback requirement there is little concern for fire spread, rainwater runoff, and the structure can be maintained 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.

The unique circumstance present in this case is the 30 foot platted front setback which leaves no space for carport construction on the property. This is not merely a financial issue.

Alternative to Applicant's Request

Without the requested variances, the carport cannot remain.

Staff Recommendation

Staff recommends **APPROVAL of the requested side yard variance in A-16-164** based on the following findings of fact:

1. The carport is similar to other within the community;
2. The carport meets the side setback.