



City of San Antonio

Agenda Memorandum

File Number:16-5678

Agenda Item Number: 7.

Agenda Date: 11/7/2016

In Control: Board of Adjustment

Case Number: A-16-174
Applicant: Analia M. Narveaz
Owner: Analia M. Narveaz
Council District: 4
Location: 7927 Campfire Lane
Legal: Lot 5, Block 31, NCB 15492
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Logan Sparrow, Principal Planner

A request for a 19 foot variance from the 30 foot platted front setback, as described in Section 35-516(o), to allow a carport eleven feet from the front property line.

Executive Summary

The subject property is located at 7927 Campfire Lane, immediately north of its intersection with Bronco Lane. The applicant added the carport after hail had damaged their property. The applicant was cited by Code Enforcement for construction of a carport without a permit and for it violating the setback. The property includes a 30 foot platted front setback. The carport is currently located eleven feet from the front property line, more than the ten foot front setback required by the zoning. However, the carport requires a 19 foot variance due to the platted front setback to allow the carport to remain in its current location.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the West/Southwest Sector Plan and is currently designated General Urban Tier in the future land use component of the plan. The subject property is within the Lackland Terrace 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 carport is located eleven feet from the front property line, one foot more than required by the zoning code. Additionally, the carport meets the side setback. In that the carport does not drain water onto adjacent property, increase the fire risk, or require trespass to maintain staff finds that 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.*

The special condition present in this case is that the 30 foot platted setback leaves no developable space for a carport addition. The carport more than meets the City's zoning ordinance, and it meets the side setback. A literal enforcement of the ordinance would result in the property owner removing a carport similar to other carports enjoyed by neighbors in the community. 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.*

Granting the variance will result in substantial justice in that the property owner will benefit from a carport similarly to others in 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 "R-6 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.*

There are several carports present in the community, including one directly across the street. Driving along Campfire Lane and Cinch Drive, located behind Campfire Lane, staff found that of the 32 homes, eleven of them had carports, being nearly 35 percent. Because carports are rather common in the neighborhood, staff finds that the request is unlikely to detract from the essential character of the community.

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 present in this case are that the platted front setback leaves no developable space for a carport addition. Additionally, many other property owners in this community enjoy carports. The request is not merely financial in nature.

Alternative to Applicant's Request

The applicant could amend the plat to remove the platted front setback or the applicant could remove the carport.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-174** based on the following findings of fact:

1. The carport is similar to many others in the community; 2. The carport meets the zoning front setback and the side setback; 3. The carport does not increase fire risk, drain water onto adjacent property, or require trespass to maintain.