



# City of San Antonio

## Agenda Memorandum

**File Number:**16-5679

**Agenda Item Number:** 9.

**Agenda Date:** 11/7/2016

**In Control:** Board of Adjustment

Case Number: A-16-179  
Applicant: Rigoberto Perez  
Owner: Rigoberto Perez  
Council District: 2  
Location: 5047 Crusade Drive  
Legal: Lot 13, Block 4, NCB 13686  
Description:  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Logan Sparrow, Principal Planner

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

### Executive Summary

The subject property is located at 5047 Crusade Drive, approximately 823 feet east of King Arthur Drive. The applicant built a carport without permits and was cited by Code Enforcement. The carport meets the side setback, but is located on the front property line. The Board has recently considered several other carports in this community. Of the four considered by the Board, none have been granted permission to allow for a carport on the front property line. Rather, the Board approved requests to allow carports ten feet from the front property line to meet the front setback required by the zoning district. Carports are not uncommon within the neighborhood, 16 of the 48 homes on the street, being 1/3 of the homes have them, however staff could not locate another that was built on the front property line. The Board would need to eliminate the front setback to allow the structure to remain in its current location.

### 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
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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 is currently designated Low Density Residential in the future land use component of the plan. The subject property is within the Camelot 1 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 structure is currently located on the front property line and is out of place along the street. While carports are common along the street, no others are on the front property line.

**Staff finds that granting the property a 20 foot variance from the 30 foot platted front setback to allow a carport to be ten feet from the property line would be more in line with the public interest while still granting the property owner the ability to protect their vehicles.**

*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. However, staff cannot support a request to allow the carport on the front property line as no other carport on the street is located on the front property line.**

**Staff is supportive of a request to allow the carport to be ten feet from the front property line as others in the community have been approved for.**

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

Granting the variance will not result in substantial justice in that the elimination of the front setback is out of character within the community.

**Staff supports an alternative recommendation to allow the carport to be ten feet from the front property line, similar to others along the street.**

*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.*

There are several carports present in the community. A total of 16 of 48 homes on the street benefit from them. However, none of those are located on the front property line.

**Allowing the applicant to have a carport ten feet from the front property line would allow the applicant covered space to protect their vehicles and be more consistent with established carport development patterns on the 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 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 **DENIAL with an alternative request that the carport be located ten feet from the front property line in A-16-174** based on the following findings of fact:

1. Allowing the carport on the front property line detracts from the character of the district; 2. Allowing the carport ten feet from the front property line is more consistent with other carports on the street; 3. The carport does not increase fire risk, drain water onto adjacent property, or require trespass to maintain.