



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-1999

**Agenda Item Number:** 7.

**Agenda Date:** 3/6/2017

**In Control:** Board of Adjustment

**Case Number:** A-17-059  
**Applicant:** Isaac Maldonado  
**Owner:** Isaac Maldonado  
**Council District:** 3  
**Location:** 115 Arrid Road  
**Legal:** Lot 17, Block 18, NCB 10978  
**Description:**  
**Zoning:** "R-4" Residential Single-Family District  
**Case Manager:** Margaret Pahl, AICP, Senior Planner

### Request

A request for a four foot variance from the five foot side setback, as described in Table 35-310, to allow a carport one foot from the side property line.

### Executive Summary

The subject property is located near the Southside Lions Park, in the T.E. Barnes, Jr. Subdivision. The lot is a fairly standard 50 feet in width. The applicant recently purchased the 960 square foot house and replaced the original carport. Both were constructed in 1950, according to Bexar County Appraisal District information. The subject property currently has a carport that encroaches into the side setback four feet. The posts measure two feet from the side property line. The carport is composed of wood and meets the 10 foot front setback. According to the applicant, the carport measures 12 feet by 19 feet. There has been an existing carport in the same location dating to 2007, according to available aerial and street imagery. The owner has removed the existing structure, and constructed a newer carport in its place. Upon construction of the new carport, the owner failed to obtain the proper permits and was cited Code Enforcement.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4" Residential Single-Family District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	"R-4" Residential Single-Family District	Single-Family Dwelling
South	"R-4" Residential Single-Family District	Single-Family Dwelling
East	"R-4" Residential Single-Family District	Single-Family Dwelling
West	"R-4" Residential Single-Family District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is not within the boundaries of a neighborhood or sector plan and does not have a designated future land use. The subject property is not located within a neighborhood association.

### **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 the side setback requirements. The carport has been built to reduce water runoff on the adjacent property and provide enough room for maintenance.**

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

**If the carport were to be constructed to meet the side setback, there would be no feasible way to have covered protection for the owner's vehicle. Further, there has been an existing carport in the same location for at least 10 years. Denial of the request would ultimately 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 intends to ensure there are safe distances between structures. The carport has been constructed with the posts two feet from the side property line, and a one foot overhang. There is adequate spacing between the side property line and the structure to allow maintenance without trespass.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-4" Residential Single-Family 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 existing carports within the district and the request does not conflict with the character of the neighborhood. With appropriate fire-rating, the carport should fire hazard to the adjacent property.**

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.*

**There is not enough distance between the home and the side property line to meet the side setback. This is no fault of the owner and not merely financial in nature.**

**Alternative to Applicant's Request**

Denial of the requested variance would not allow the owner to have a carport of adequate size to cover a vehicle.

**Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-17-059** based on the following findings of fact:

1. A carport has existed in this location since the area was developed in 1950;
2. The applicant will be required to fire-rate the structure during permitting; and
3. There is no feasible way to increase the setback to meet the requirement and still have a functioning carport.