



# City of San Antonio

## Agenda Memorandum

**File Number:**17-2001

---

**Agenda Item Number:** 1.

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

**In Control:** Board of Adjustment

---

Case Number: A-17-056  
Applicant: Reynaldo C. Reyes  
Owner: Reynaldo C. Reyes  
Council District: 1  
Location: 147 Laurelwood Drive  
Legal: Lot 15, Block 6, NCB 9675  
Description:  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Margaret Pahl, AICP, Senior Planner

### **Request**

A request for 1) a 6 foot variance from the 10 foot front setback to allow a carport to be 4 feet from the front property line; 2) a 2 foot variance from the 5 foot side setback to allow a carport 3 feet from the side property line and 3) a request for a 5% variance from the maximum 50% impervious coverage in the front yard to allow 55% of the front yard in concrete.

### **Executive Summary**

The subject property is located at 147 Laurelwood Drive, northeast of its intersection with Blossom View. The applicant is seeking a variance to allow a carport to be four feet from the front property line and three feet from the side property line. The carport was built without permits and the owner was cited by Code Enforcement for construction without permits and for the setback violations. There are several other carports along this street however most appear to meet the minimum 10 foot front setback. According to the applicant, the carport is setback 15 feet from the curb, allowing adequate room for street maintenance. The applicant has previously removed the platted front setback in an effort to work toward compliance. The applicant requested a permit for the driveway concrete, but was told that flat work on private property did not require a permit. He was granted approval for the concrete work in the public right of way, which was inspected after construction. The inspector never raised a concern about the width of the driveway or the concrete in the front yard. The applicant has taken steps to gain final approval of the work and the variances described above are the next steps toward meeting that goal. If approved, the building permit for the carport will be the last step required.

### **Subject Property Zoning/Land Use**

---

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family 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 Greater Dellview Community Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the North Central Neighborhood Association and they were 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 the front and side setback requirements. **The carport posts are setback three feet from the side property line, with an overhang. The overhang could be reduced and gutters could be installed on the exterior roofline, reducing the potential stormwater runoff impact on the neighbor and increasing room for maintenance without trespass. If this were completed, the variances would not be contrary to public interest.**

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

Had the applicant applied for a building permit, they would have been advised on better approaches to the carport construction. **The applicant was initially instructed that a plat amendment would be required to remove the platted setback line and completed that process. According to their application, they thought the carport was setback 5 feet and only recently found the pin to show that it was only four feet. During staff review, we informed the applicant about the impervious coverage limitation. Therefore, at this point in their process, literal enforcement would be 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 create a cohesive streetscape and ensure there are safe distances between

structures. **The carport is setback 15 feet from the edge of the street, meeting the intent of the ordinance. With the suggested changes on the side roofline, the spirit of the ordinance can be observed.**

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 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.*

It is possible that the carport as constructed could injure adjacent, conforming property. **While the posts are 3 feet away from the property line, the roof has an overhang and no gutters. Other carports along the street were built with flat roofs, lower profiles, and meet the minimum front setback. The curb cut permit was issued in November 2015. The applicant was cited by Code for construction of the carport in February 2016 and has been working toward gaining necessary approvals for a year.**

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 on the property is the confusing instructions communicated to the applicant by various city staff. The owner has made efforts to remedy the mistakes and preceded through permit and other review processes to correct them.**

#### **Alternative to Applicant’s Request**

Denial of the requested variance will still allow the applicant to have a carport, but it must meet the side and front setbacks.

#### **Staff Recommendation**

Staff recommends **APPROVAL of modified variances in A-17-056** based on the following findings of fact:

1. The roofline could be modified and a gutter could be added to mitigate potential stormwater impacts on the neighbor; and
2. The platted setback was removed to reduce the requested front variance.