



City of San Antonio

Agenda Memorandum

File Number:17-3196

Agenda Item Number: 6.

Agenda Date: 5/15/2017

In Control: Board of Adjustment

Case Number: A-17-104
Applicant: Judy Garcia
Owner: Arthur and Elvira Winn
Council District: 2
Location: 3438 Willowwood Blvd
Legal: Lot 18, Block 2, NCB 13395
Description:
Zoning: "R-6" Residential Single-Family Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 7 foot variance from the 30 foot platted front setback, as described in UDC 35-516 (o) to allow a carport 23 feet from the front property line.

Executive Summary

The subject property is located in the Willowwood Estates Subdivision, recorded in 1961. This subdivision included a platted 30 foot front setback. The lot has nearly 12,000 square feet and a 2,000 square foot home, built in 1963. Recently, the owner hired a contractor to install solar panels, some of which were installed on new wooden carport. According to the application, due to miscommunication, permits were not secured for the carport. An electrical permit was obtained to allow installation of solar panels.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|------------------------|
| "R-5" Residential Single-Family District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|------------------------|
| North | "R-5" Residential Single-Family District | Single-Family Dwelling |
| South | "R-5" Residential Single-Family District | Single-Family Dwelling |

| | | |
|------|--|------------------------|
| East | "R-5" Residential Single-Family District | Single-Family Dwelling |
| West | "R-5" Residential Single-Family District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Arena District Plan and designated for Medium Density Residential in the future land use component of the plan. The subject property is also located within the boundaries of the United Homeowners 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 large open front yards, still provided by the 23 foot front setback. Therefore, the variance 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 ordinance would require that the property owner amend the plat to remove the building setback line, an unnecessary hardship. The carport was constructed to enhance the solar power and meets the side setback standards.

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

The spirit of the ordinance is defined as the intent of the code rather than the exact letter of the law. **The intent of the Code is to provide a minimum front setback to create an open streetscape, provided by the current 23 foot front setback, observing the spirit of the Code.**

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-5" 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.*

The applicant is requesting a variance to allow the completion the solar panels installed on a new carport. The carport is wooden and could be painted to match the color of the primary home.

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 plight of the owner is not financial and was create over 50 years ago when large open front yards were highly valued. This applicant needed additional solar access than was possible on the existing roof, so the solar installer built a carport without permits.

Alternative to Applicant's Request

Denial of the requested variance would result in the applicant having to remove the carport or the platted setback and relocate the solar panels.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-17-104** based on the following findings of fact:

1. The large platted front setback was created over 50 years ago and a 23 foot front setback is provided;
and
2. The applicant needed additional solar access.