



# City of San Antonio

## Agenda Memorandum

**File Number:**17-5695

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**Agenda Item Number:** 6.

**Agenda Date:** 10/16/2017

**In Control:** Board of Adjustment

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Case Number: A-17-184  
Applicant: Efrain Tamez  
Owner: Efrain Tamez  
Council District: 2  
Location: 3202 Vista Lake Drive  
Legal: Lot 1, Block 28, NCB 18268  
Description:  
Zoning: "R-6" Residential Single-Family District  
Case Manager: Oscar Aguilera, Planner

### Request

A request for a five foot variance from the ten foot front setback, as described in UDC 35-310.01, to allow a carport five feet from the front property line.

### Executive Summary

The subject property is part of the Vista Lake Subdivision and was recorded on May 12, 1979. The applicant is proposing to build a carport five feet from the front property line in order to provide protection of his two vehicles and to protect his family during bad weather. The applicant has not constructed the carport. The applicant will comply with the minimum 5 foot side setback if the variance is granted by the Board of Adjustment. There are several similar carports within the subdivision.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6" Residential Single-Family District	Single-Family Residential

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6" Residential Single-Family District	Single-Family Residential
South	"R-6" Residential Single-Family District	Single-Family Residential, Public School

East	"R-6" Residential Single-Family District	Single-Family Residential
West	"R-6" Residential Single-Family District	Single-Family Residential

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

The property is within the boundaries of the Eastern Triangle Community Plan and it is designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of Lakeside 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 setback limitations to protect property owners and create a cohesive streetscape. Since there are similar carports within the subdivision, the proposed carport would not be 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 setback would prevent the applicant from protecting his property and family from inclement weather.**

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

**The spirit of the ordinance represents the intent of the requirement. Since there are similar carports within the subdivision, the proposed carport would not be contrary to the public interest.**

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 requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6" 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 other carports prevalent in the area. The structure will not impose any immediate threat of water runoff or fire spread to adjacent properties.**

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 is that the several other homes in the community enjoy similar carports.**

### **Alternative to Applicant's Request**

Denial of the requested variance would result in the applicant having to meet the ten foot front setback.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-17-184** based on the following findings of fact:

1. There are similar carports within the subdivision; and
2. That the carport will not introduce a fire spread threat or drain water onto adjacent property.