



# City of San Antonio

## Agenda Memorandum

**File Number:**18-1937

**Agenda Item Number:** 9.

**Agenda Date:** 2/19/2018

**In Control:** Board of Adjustment

Case Number: A-18-032  
Applicant: Oscar Giraldo  
Owner: Oscar Giraldo  
Council District: 10  
Location: 16807 Winding Oak Drive  
Legal: Lot 5 and 6, Block 4, NCB 17721  
Description:  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### Request

A request for an nine foot eleven inch variance from the ten foot front setback, as described in Section 35-310.01, to allow a carport to remain one inch from the front property line.

### Executive Summary

The subject property is located at 16807 Winding Oak Drive, immediately south of its intersection with Golden Tree Drive. The applicant is requesting a variance for a carport to remain as constructed one inch from the property line. The carport does not encroach into the side setback, so trespass and water runoff are not a concern. The applicant constructed the carport to allow parking during inclement weather as a safety precaution for the disabled owner.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

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

The subject property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of any registered 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 served by setbacks, which help to provide consistent development within the City of San Antonio. The applicant is seeking a variance to allow the carport to remain one inch from the front property line. Allowing the carport to be one inch from the front property line interferes with the character of the neighborhood. Staff finds that the carport, as proposed, is contrary to the public interest.

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

Staff is unable to establish any special condition that warrants reducing the front setback to one inch. The applicant could use their house garage, which seems large enough for two automobiles.

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 the intent of the Code, rather than the strict letter of the law. In this case, the intent is to provide enough of a setback to allow for long-term maintenance without trespass. The elimination does not provide such clearance and does not observe the spirit of the ordinance.

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 by 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.*

Staff was able to find only one other carport within the vicinity of this property. That carport will be considered by the Board at a later date. The placement of a carport one inch from the front property is contrary to the essential character of the district.

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.*

Staff is unable to determine any unique circumstance existing on the site that warrants the near elimination of the front setback. The applicant can use their garage to protect themselves and their vehicles from inclement weather.

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

The alternative to the applicant's request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01.

### **Staff Recommendation**

Staff recommends **DENIAL of the variance request of A-18-032** based on the following findings of fact:

1. The carport is contrary to the public interest in that it detracts from the essential character of the community; and;
2. The applicant has a large two car garage to safely park their vehicles.