



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2212

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**Agenda Item Number:** 6.

**Agenda Date:** 3/5/2018

**In Control:** Board of Adjustment

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Case Number: A-18-041  
Applicant: Irma Tamez  
Owner: Irma Tamez  
Council District: 1  
Location: 1510 West Olmos Drive  
Legal: Lot 7, Block 47, NCB 7095  
Description:  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for A) to waive the 12-month time limitation of Section 35-482(f) of the UDC regarding a subsequent variance application on the property and B) a four foot variance from the ten foot front setback, as described in Section 35-310.01, to allow a carport to be six feet from the front setback.

### **Executive Summary**

The applicant is requesting the variance to allow for the carport to be six feet from the property line. The applicant originally sought a variance to keep the structure as-built, and was considered by the Board of Adjustment on September 18, 2017. At that hearing, the board denied the requests for the setbacks relief, as well as impervious cover limitations. The applicant is now seeking a lesser variance than that originally sought. The overhang of the as-built carport will be trimmed back one and a half feet to be in-line with the front support posts. This modification will result in the carport being six feet from the front property line. The east side of the as-built carport overhang will also be reduced back to be in alignment with the side of the house, which is three feet away from the property line. The applicant will also remove at least 140 square feet of the as-built driveway to reduce the impervious cover and come into compliance. The carport was built to allow additional off-street parking for safety due to high traffic volumes on West Olmos Drive.

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

Existing Zoning	Existing Use
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"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
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### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
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 Near Northwest Community Plan and is currently designated Urban Low Density Residential in the future land use component of the plan. The subject property is within the Los Angeles Heights 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 variance is not contrary to the public interest as the structure will provide room for maintenance, it will not create water runoff on the adjacent property, and will not injure the rights of the adjacent property owners.**

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

**Literal enforcement of the ordinance would result in an unnecessary hardship as the home was built with no garage and there is not adequate coverage for vehicles on the property. Denial of the requests would result a loss of parking area on site, resulting in the owner parking on the street.**

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 of the front setback is to prevent overcrowding of front yards and the request fulfills this intent.**

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

**Although there are no other front yard carports in the immediate surrounding area, the request to reduce the front setback has no negative impact on the neighboring properties as it does not interfere with Clear Vision from the neighboring driveway and the opposite adjacent property is vacant.**

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 existing on the property is the existing driveway which is only 26 feet in depth and can only accommodate one vehicle. Any structure that fully covers the entire length of a vehicle would encroach into some portion of the front setback.**

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

Denial of the variance request would result in the owner having to meet the required ten foot front setback.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of the requested variances in **A-18-041**, based on the following findings of fact:

1. The requested setback provides room for adequate light, air, and maintenance,
2. At least 140 square feet will be removed from the front impervious cover, and;
3. The overhang will also be trimmed to be more compliant with the required setbacks.