



City of San Antonio

Agenda Memorandum

File Number:18-3206

Agenda Item Number: 7.

Agenda Date: 5/7/2018

In Control: Board of Adjustment

Case Number: A-18-075
Applicant: Ricardo Flores
Owner: Ricardo Flores
Council District: 8
Location: 4343 Shavano Woods Drive
Legal: Lot 19, Block 20, NCB 17017
Description:
Zoning: "R-5 MLOD-1 AHOD ERZD" Residential Single-Family
Camp Bullis Military Lighting Overlay Airport Hazard
Overlay Edwards Recharge Zone District
Case Manager: Dominic Silva, Planner

Request

A request for 1) a 3'6" variance from the 20' maximum driveway width, as described in Appendix C, to allow a residential driveway width to be 23'6" wide and 2) a 3' variance from the 5' side setback requirement, as described in Section 35-310.01, to allow a carport to be as close as 2' from the side property line, and 3) a special exception, as described in Section 35-514, to allow an 6'8" tall privacy fence in a portion of the front yard of the property.

Executive Summary

The subject property is located at 4343 Shavano Woods, approximately 846 feet west of Indian Woods. The applicant is seeking to keep a carport and fence built without permits within the front of the property. Code Enforcement initiated this case on June 13th, 2016. On February 3rd, 2017, a contractor attempted to apply for a carport permit, however, no permit was issued due to the setback violation.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 MLOD-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 MLOD-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
South	"R-5 MLOD-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
East	"R-5 MLOD-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling
West	"R-5 MLOD-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the North Sector Neighborhood Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is within The Woods of Shavano Neighborhood Association. As such, they were notified and asked to comment.

Criteria for Review

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

The UDC states the Board of Adjustment can grant a special exception for a fence height modification up to eight feet. The additional fence height is intended to provide safety and security of the applicant's property. If granted, this request would be in harmony with the spirit and purpose of the ordinance.

B. The public welfare and convenience will be substantially served.

In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. A 6'8" tall closed fence was built along a portion of the front property line to provide additional security for the applicant's property. This is not contrary to the public interest.

C. The neighboring property will not be substantially injured by such proposed use.

The fence will create enhanced security for the subject property and is highly unlikely to injure adjacent properties as it has been in place for more than 10 years. Further, the fencing does not violate Clear Vision standards.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The fencing does not detract from the character of the neighborhood. The fencing is in line with other

preexisting fencing material and height within the immediate vicinity.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The property is located within the “R-5 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District and permits the current use. The requested special exception will not weaken the general purpose of the district.

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, both variances do not harm adjacent property owners as proper storm water management was observed, as well as adequate space for maintenance.

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

Literal enforcement of the ordinance would result in the removal of some portion of the carport and a portion of the drive approach. The owner has taken measures to control storm water runoff through gutters and staff finds adequate space has been reserved to conduct maintenance without trespass.

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

Substantial justice will be done as the requested variances will still provide for a safe development pattern. Both variance requests provide fair and equal access to air and light, and provide for adequate fire separation.

- 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-5 MLOD-1 AHOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone 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 finds the structure will not impose any immediate threat of water runoff or fire spread on adjacent properties due to storm water management controls currently installed. The carport is located partially behind a 6’8” privacy fence that is unlikely to alter the essential character of the district in which the property is located.

- 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 due to the irregular configuration of the side property in relation to the principal structure placement and the area in which a carport can fit without encroachment into the side property setback.

Alternative to Applicant's Request

Denial of the variance request and special exception would result in the owner having to meet the required setbacks set forth in Section 35-310.01, fence height regulations in Section 35-514, and drive approach regulations in San Antonio Sidewalk and Driveway Design and Construction Guidelines Section C21.

Staff Recommendation

Staff recommends **APPROVAL** of the requested special exception for a 6'8" tall fence within the front property line in **A-18-075**, based on the following findings of fact:

1. The fence has been in place for more than 10 years, and;
2. Clear Vision standards are not in violation.

Staff recommends **APPROVAL** of 1) a 3'6" variance, as described in San Antonio Sidewalk and Driveway Design and Construction Guidelines Section C21, to allow a residential driveway width to be 23'6" from the maximum 20', 2) a 3' variance from the 5' side setback requirement, as described in Section 35-310.01, to allow a carport to be as close as 2' from the side property line in **A-18-075**, based on the following findings of fact:

1. The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;
2. Proper storm water management controls have been installed to eliminate runoff onto the adjacent property.