



City of San Antonio

Agenda Memorandum

File Number:18-4267

Agenda Item Number: 6.

Agenda Date: 7/16/2018

In Control: Board of Adjustment

Case Number: A-18-119
Applicant: Robert Ritz and Virginia Ritz
Owner: Robert Ritz and Virginia Ritz
Council District: 4
Location: 1207 Hunter Boulevard
Legal: Lot 37, NCB 11055
Description:
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for 1) a 4'11" variance from the 5' side yard setback, as described in Section 35-310.01, to allow a carport to be 1" from the side property line and 2) a 9'11" from the 10' front yard setback, also described in Section 35-310.01, to allow a carport to be 1" from the front property line.

Executive Summary

The subject property is located at 1207 Hunter Boulevard, approximately 200' west of Rockwell Boulevard. The applicant built a large carport with no permits within 1" of the front and side property lines. The carport does have storm water controls present that direct water away from the adjoining property. The structure is made entirely of metal. The general characteristics of the neighborhood consist of wide frontages and limited amount of carports. There is a similar carport placed within the front and side setbacks located west of the applicant's property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Heritage South Sector is designated as "General Urban Tier" in the future land use component of the plan. The subject property is not located within any 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 defined as the general health, safety, and welfare of the public. In this case, the variance is contrary to the public interest. While the carport is designed with storm water controls present and made entirely of metal, the substantial size of the carport, location too near to the adjoining property, and the availability of a garage pose a negative impact on other properties. Staff is concerned about fire separation and the ability to maintain the structure without trespass.

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

Staff cannot find any special conditions that, if enforced literally, would result in any unnecessary hardship. No special condition is present to warrant a carport of this size. With room to shift the carport posts to follow the requirements of Section 35-310.01 and minimize the overhang of the front and side, staff cannot support this

request when other alternatives are available with no approval from the Board required. If a permit was sought, staff could have advised on other approaches to achieve a similar result.

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. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. Staff notes that, while storm water controls are present and the structure is made entirely of metal, staff cannot support the requested variance when alternative options are available that doesn't require Board approval: space is available to relocate the posts 10' from the front property line and 5' from the side property line with 5' and 2' of overhang, respectively, which is allowed by code.

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 "MF-33 AHOD" Multi-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 other carports within the area, the space available to relocate the posts and overhang and the substantial size of the carport itself does not warrant a variance. Rather, the applicant can modify the carport to meet requirements without Board approval.

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 could not find any unique circumstances that warrant the granting of the requested variance. Had the applicant applied for a permit, staff could have assisted with an alternative design that benefits the applicant and the community. Although staff recommends denial, there are other options available to the applicant that doesn't require a variance.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the required front and side setbacks and adhere to Section 35-310.01.

Staff Recommendation

Staff recommends **DENIAL** of **A-18-119**, based on the following findings of fact:

1. With a garage present and the substantial size of the carport, there are no unique circumstances present that warrant the request, and;
2. The carport posts can be relocated 10' from the front property line and 5' from the side property line

with 5' of overhang and 2' of overhang, respectively, which require no BOA approval.