



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4321

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**Agenda Item Number:** 3.

**Agenda Date:** 7/16/2018

**In Control:** Board of Adjustment

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Case Number: A-18-114  
Applicant: Armando Canales  
Owner: Armando Canales  
Council District: 1  
Location: 226 Croesus Avenue  
Legal: Lot 2, Block 2, NCB 12260  
Description:  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for 1) a 7' variance from the 10' front yard setback, as described in Section 35-310.01, to allow a carport to be 3' from the front property line and 2) a 15% variance from the 50% maximum front yard impervious cover limitation, as described in Section 35-515 (d)(1), to allow the front yard to be 65% covered in impervious surfacing.

### **Executive Summary**

The subject property is located at 226 Croesus Avenue, approximately 115' east of Vance Jackson Road. The applicant is requesting to keep the carport as constructed. The subject property has a 2 car garage and had an attached 2 car carport that was removed and replaced with the current structure. Code Enforcement initiated this case on December 23, 2016 due to building a carport without permits. During field visits staff noted that the applicant is exceeding the 50% maximum front yard impervious cover limitation. Croesus Avenue has multiple properties with carports that meet the 10' front setback from the property line and have less than the 50% front yard impervious cover. The subject property is also within the Mandatory Detention Area. While this ordinarily affects commercial properties, it does speak to flooding issues within this immediate community.

The applicant submitted a site plan that incorrectly shows a five foot front setback. The applicant is aware of the inconsistency.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“RM-4” Residential Mixed Airport Hazard Overlay District	Parking Lot
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is located within the boundaries of the Greater Dellview Area Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Dellview Area 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 served by setbacks, which help to provide consistent development within the City of San Antonio. The impervious coverage limitation preserves storm water management by reducing runoff and increasing storm water travel times. The applicant is seeking a variance to allow the carport to remain 3’ from the front property line and an increase in impervious surfacing in the front yard. Allowing the carport to be 3’

from the front property line interferes with the character of the neighborhood. Further the regulations are provided to prevent front yards from being covered by impervious surfaces. Staff finds that such variances, as proposed, are 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 a special condition that warrants reducing the front setback to 3' and no special condition is present to a request for a variance from the impervious coverage limitation requirements. If a permit was sought, staff could have advised on other approaches to achieve similar results.

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 provide for a cohesive streetscape. The intent of the impervious coverage limitation requirements is to prevent water flooding and to preserve the character of the community.

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 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.*

The impervious coverage decreases the amount of storm water retained on-site and no other similar size carports were found within the vicinity of this property. Therefore, the requested variances could injure adjacent property owners and are 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 did not find any unique circumstances that warrant the granting of the requested variances. The requested impervious cover exacerbates drainage issues and the front setback reduction detracts from the character of the community.

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

The applicant would need to adhere to the required front setback and adhere to Section 35-310.01 and the impervious coverage limitation as described in Section 35-515 (d)(1).

### **Staff Recommendation**

Staff recommends **DENIAL** of the variance request of **A-18-114**, 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 requested impervious cover reduces the ability for storm water to enter the ground which can harm adjacent property.