



# City of San Antonio

## Agenda Memorandum

**File Number:**19-2371

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**Agenda Item Number:** 4.

**Agenda Date:** 3/4/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300007  
Applicant: Juana A. Alonso  
Owner: Juana A. Alonso  
Council District: 2  
Location: 4139 Sunrise Creek Drive  
Legal: Lot 33, Block 14, NCB 16611  
Description:  
Zoning: "R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family  
Martindale Army Air Field Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for 1) a 4'11" variance from the 5' side setback, as described in Section 35-310.01, to allow a carport to be 1" from the side property line, 2) a 9'11" variance from the 10' front setback, as described in Section 35-310.01, to allow a carport to be 1" from the front property line, and 3) a 49.9% variance from the 50% front yard impervious cover limitation to allow 99.9% of the front yard to be covered in impervious cover.

### **Executive Summary**

The subject property is located at 4139 Sunrise Creek Drive, in the Sunrise Neighborhood. The applicant is requesting a variance for a carport to remain as constructed, 1" from both sides of the property line and 1" from the front property line. The owner is also requesting a variance to allow the front yard to be 99.99% covered in cement. This is a community with multiple carports encroaching in side and front setbacks; and this carport is over built in comparison to others and the property is exceeding the 50% front yard impervious cover limitation.

### **Code Enforcement History:**

On October 29, 2018 Code Enforcement gave a citation to property owner for building a carport with no permits and within the front and side setbacks.

### **Permit History:**

No permit history related to carport exists on the property.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-4 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Home

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-4 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Home
South	“R-4 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Home
East	“R-4 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Home
West	“R-4 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Home

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

The subject property is within the boundaries of the IH-10 East Corridor Perimeter Plan and currently designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of Sunrise Neighborhood Association.

### **Street Classification**

Sunrise Creek Drive is classified as a Local Street.

### **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 and both sides of the property lines. Allowing the carport to stay as built will create inconsistency and will differ from other properties in the neighborhood. Further, the impervious coverage regulations are intended to preserve neighborhood character, to reduce storm water travel times, and to provide impervious surfacing to capture stormwater. Staff finds that these requests 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 any special condition that warrants reducing the front and side setbacks to one inch and increasing the impervious coverage limitation requirements.

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

Staff is unable to establish any special condition that warrants reducing the front and side setback to one inch and 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 zoning district in which the variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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. Further, the community does have multiple carports encroaching in one side and front setbacks; however this carport is over built in comparison to others. Therefore, the requested variances could injure adjacent property owners. Staff finds these requests 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 and side setbacks. Also, the requested impervious coverage limitation does not mitigate water issues, exacerbates drainage issues, and detracts from the character of the community.

### **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 and to adhere to the impervious coverage limitation as described in

**Staff Recommendation**

Staff recommends **DENIAL** of variances in **BOA-19-10300007**, 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.
3. Both requests will create inconsistency and alter the essential character of the neighborhood