



# City of San Antonio

## Agenda Memorandum

**File Number:**19-6905

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**Agenda Item Number:** 8.

**Agenda Date:** 9/16/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300101  
Applicant: Damian Benavides  
Owner: Damian Benavides  
Council District: 7  
Location: 446 Alexander Hamilton Drive  
Legal: Lot 1, Block 16, NCB 7082  
Description:  
Zoning: "R-6 NCD-7 AHOD" Residential Single-Family Jefferson  
Neighborhood Conservation Airport Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request from the NCD-7 Jefferson Neighborhood Conservation Design standards to allow a detached carport to be in front of the primary façade.

### **Executive Summary**

The subject property is located at the intersection of Alexander Hamilton Drive and Saint Cloud. The applicant is seeking to build a detached carport located in front of the primary façade. The Jefferson Neighborhood Conservation design standards require detached side yard carports to be recessed at least 5' behind the primary façade plane of the residential structure. During field visits, staff noted the odd lot shape with the two side lot lines becoming narrower towards the back. The residential community has multiple properties with carports located on the sides.

The Jefferson Neighborhood Conservation District was adopted by City Council in April 2009 to address neighborhood stability through compatible infill construction and rehabilitation within this unique neighborhood.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The applicant is waiting for the variance to be approved to obtain carport permit.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation 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	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The subject property is within the boundaries of the Near Northwest Community Plan and currently designated “Urban Multi-Family Residential” in the future land use component of the plan. The subject property is located within the Jefferson Neighborhood Association. As such they were notified and asked to comment.

### **Street Classification**

Alexander Hamilton 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 represented by the adoption of the NCD regulations. These regulations were created, in part, to help preserve the neighborhood character. The intent of the NCD is well defined; staff cannot support such a deviation.

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

Literal enforcement of the ordinance would require that the owner redesign the carport 5’ behind the primary

façade of the residential structure. This would not result in an unnecessary hardship.

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

In this case, the applicant is requesting to build a detached carport to be located in front of the primary façade. The design is in direct conflict with the intent of the code and, as such, staff finds that granting the variance would not observe the spirit of the ordinance.

3. *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 zoning district.

4. *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 cannot support the request. The request is clearly at odds with the intent of the Neighborhood Conservation District, and would allow for the carport that is immediately out of character with the surrounding community.

5. *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 circumstances existing on the site that warrant this deviation from code and the Neighborhood Conservation District. The project should be designed in a manner that respects the intent of the code.

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

The alternative to the applicant's request would be to adhere to the requirements of both the Unified Development Code and the Neighborhood Conservation District.

### **Staff Recommendation**

Staff recommends **DENIAL** of the variance in BOA-19-10300101 based on the following findings of fact:

1. The variance is contrary to the public interest in that it makes no attempt to observe the spirit of the ordinance, and;
2. The requested variance detracts from the essential character of the community.