



City of San Antonio

Agenda Memorandum

File Number:20-3168

Agenda Item Number: 4.

Agenda Date: 5/18/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300031
Applicant: Mona L. Mora
Owner: Mona L. Mora
Council District: 3
Location: 443 Mount Vernon Court
Legal: Lot 23, Block 16, NCB 7618
Description:
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Dominic Silva, Senior Planner

Request

A request for a 5' variance from the 10' front setback, as described in Section 35-310.01, to allow a carport to be 5' from the front property line.

Executive Summary

The subject property is located at 443 Mount Vernon Court, 60' west of Groos Avenue. The applicant is requesting to keep a carport built without permits within the front setback. 80% of the front yard is now under the carport. Currently pervious, the applicant will not seek to pave the area above the 50% impervious cover restriction.

The interior of the carport measures 11' in height, with the exterior roof extending beyond the roof line of the principal structure. Both sides of the carport measures 5' and above, thus no side setback variances are required. The carport is made entirely of wood, measures 40' in width, and 24' in length.

The general character of the neighborhood consists of single-family residences, limited front yards, and no carports within the immediate vicinity staff visited.

Code Enforcement initiated this case on February 20, 2020 due to setback violations. The applicant attempted to apply for a permit with staff on February 21, 2020.

Code Enforcement History

Code enforcement initiated cited the applicant in on February 20, 2020.

Permit History

No permits have been processed for this property.

Zoning History

The lot was originally zoned as “D” Apartment District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the “D” Apartment District converted to “MF-33” Multi-Family District. Ordinance 2016-06-16-0493, dated June 16, 2016, rezoned the area from “MF-33” to the current “R-4” Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 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 Brooks Regional Center Area and is designated as Urban Low Density Residential in the future land use component of the plan. The subject property is within the boundaries of the Hot Wells Mission Reach Neighborhood Association.

Street Classification

Mount Vernon Court is classified as local.

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. The carport is designed such that rainwater runoff is a concern for both the applicant's property and adjacent properties; the structure fails to adequately mitigate storm water runoff through installation of proper controls. The carport is also designed at a height taller than the principal structure. Further, the carport is made entirely of wood, thereby increasing the chance of fire spread. Staff finds that the carport, as designed, could present a negative impact on the adjacent properties.

1. *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. If a permit was sought, staff could have advised on other approaches to achieve a similar result.

2. *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. With no storm water controls present, space available to move the posts 10' from the front property line with 5' of overhang, staff cannot support the requested variance when alternative options are available that doesn't require Board approval.

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 "R-4" Residential Single-Family 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.*

The carport is noticeably out of character within this district. There are no other carports of similar design or placement within the immediate vicinity. Staff finds the carport detracts from the essential character of the district. Staff notes that, while a carport can be permitted within the district, the location of the structure and size compared to the principal structure does not warrant a variance, rather, the applicant can modify the carport to meet requirements without Board approval.

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 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: the posts of the carport can be located 10' from the front property line with 5' of overhang allowed by code.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **DENIAL** of **BOA-20-10300031**, based on the following findings of fact:

1. The carport built is uncharacteristic of the neighborhood as there is no other carports within the immediate area staff inspected, and;
2. There are no unique circumstances present that warrant the request, and;
3. The carport posts can be relocated 10' from the front property line with 5' of overhang.