



# City of San Antonio

## Agenda Memorandum

**File Number:**20-7503

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**Agenda Item Number:** 5.

**Agenda Date:** 1/11/2021

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300121  
Applicant: Adam Word Gates - Architect  
Owner: Dan Stendahl  
Council District: 10  
Location: 311 W Meadowlane Drive  
Legal Description: Lot 15, Block 1, NCB 8687  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Azadeh Sagheb, Planner

### **Request**

A request for a 2'9" variance, as described in Section 35-310.01, to allow a carport to be 2'3" away from the side property line with a 1' overhang.

### **Executive Summary**

The subject property is located at 113 West Meadowlane Drive, 130 feet away from the McNay Art Museum, North of Austin Highway. The neighborhood is predominantly surrounded by single-family and multi-family residential properties. The applicant is wanting to construct a two-car carport in the front driveway. The applicant is requesting a variance to encroach into the 5 feet minimum side setback requirement for a detached carport that has a 1' overhang. The carport measuring 18' by 18' will be built with metal posts and an asphalt shingle roof to match the main structure. The applicant is willing to install gutters, which will help prevent stormwater runoff to the main structure and adjacent property. The applicant wants to build a storage closet under the existing Porte Cochere.

### **Code Enforcement History**

No Code Enforcement record exists on this property.

### **Permit History**

A mechanical permit was issued for this property in November 2020.

## **Clear Vision Review**

The Clear Vision standard is not in violation.

## **Zoning History**

The subject property was annexed into the City of San Antonio by ordinance 2942, dated December 29, 1945, and was originally zoned as “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from “B” Residence District to the current “R-4” Residential Single-Family District.

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

| <b>Existing Zoning</b>  | <b>Existing Use</b> |
|---|---------------------|
| “R-4 AHOD” Residential Single-Family<br>Airport Hazard Overlay District | Residential         |

## **Surrounding Zoning/Land Use**

| <b>Orientation</b> | <b>Existing Zoning District(s)</b>                                      | <b>Existing Use</b> |
|--------------------|---|---------------------|
| North              | “R-4 AHOD” Residential Single-Family<br>Airport Hazard Overlay District | Residential         |
| South              | “R-4 AHOD” Residential Single-Family<br>Airport Hazard Overlay District | Residential         |
| East               | “R-4 AHOD” Residential Single-Family<br>Airport Hazard Overlay District | Residential         |
| West               | “MF-33 AHOD” Multi-Family Airport<br>Hazard Overlay District            | Residential         |

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

The subject property is in the Northeast Inner Loop Plan and is designated “Low-Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of Terrell Heights Neighborhood Association. As such, they were notified and asked to comment.

## **Street Classification**

Meadowlane 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 defined as the general health, safety, and welfare of the public. In this case, the variance requested for the side setback encroachment of the carport is contrary to the public interest as the overhang appears to be too close to the adjacent property which may cause fire issues.

**A 2' variance would allow the carport to be 3' away from the side property line leaving enough space for long term maintenance and fire protection.**

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

Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship.

**Staff recommends the design revision as there is room to move the carport further from the property line to have a wide-enough carport to accommodate two cars side-by-side.**

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 defined as the intent of the code, rather than the exact letter of the law. The intent of the side setbacks is to provide spacing between neighboring structures.

**With a 3' variance for the carport having a one foot overhang, there would still be adequate space between the subject property and abutting structure. And the spirit of the ordinance would be preserved.**

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.*

No uses other than those allowed within the district will be allowed with this variance.

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 request to reduce the side setback does not seem likely to alter the essential character of the district. However, the design of carport could be revised to grant adequate space for maintenance without trespassing.

**The applicant could revise the proposed design and maintain a 3' side setback from the property line to develop the intended carport without detracting from the character of surrounding community.**

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 finds that the lot size shall warrant the granting of a lesser request. The current request is for a 2'9" variance, but staff recommends a 2' variance to allow the carport to be 3' from the side property line with an overhang of 1'.**

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

The alternative to the applicant's request is to conform to the Setback Dimensions of the UDC Sections 35-310.01.

### **Staff Recommendation**

Staff recommends **Denial with an Alternate Recommendation of a 2' variance to allow a carport to be 3' away from the side property line with 1' overhang** in **BOA-20-10300121** based on the following findings of fact:

1. The proposed carport size could be modified to maintain a 3 feet side setback, and;
2. By moving the structure it would help in preventing fire spread and maintenance challenges.