



# City of San Antonio

## Agenda Memorandum

**File Number:**15-1766

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**Agenda Item Number:** 8.

**Agenda Date:** 3/2/2015

**In Control:** Board of Adjustment

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To: Board of Adjustment  
Case Number: A-15-041  
Date: March 02, 2015  
Applicant: Idie Lopez  
Owner: Idie Lopez  
Council District: 6  
Location: 2011 Westvale Drive  
Legal Description: Lot 3, Block 17, NCB 15574  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

### **Request**

A request for a four foot variance from the five foot minimum side yard setback as described in Section 35-370 to allow a carport one foot from the property line.

### **Executive Summary**

The subject property is located at 2011 Westvale Drive in the Westwood Village Subdivision. The lot includes 9,600 square feet of lot area with 70 feet of frontage. The applicant is seeking a variance to allow an existing carport to remain near the side property line. The carport is constructed a little more than 1 foot from the side property line. Additionally, the applicant did not pull any permits for the structure. The carport was constructed as a surprise gift for the applicant while she was out of town over three years ago. A Code Compliance Officer issued a citation for construction without a permit, but a permit could not be issued because of the reduced side setback. The carport structure is made of metal materials and not attached to the primary structure.

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

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 AHOD" Residential Single-Family 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 property is within the boundaries of the West/Southwest Sector Plan, and designated as General Urban Tier land use. The subject property is located within the boundaries of the Lackland Terrace 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 defined as the general health, safety, and welfare of the public. In this case, these are represented by distance requirements between structures so that each property has equal access to air and light. Generally, residential zones mandate five foot side yard setbacks so that each house is at least ten feet from the nearest adjacent home. The carport, which is not attached to the house, is about 21 feet away from the nearest house - double the setback normally mandated in residential zones. As such, staff finds that the requested variance is not contrary to the public interest.**

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

**A literal enforcement would result in the carport having to be reduced in width by about four feet; this would make parking under the carport difficult. The carport is entirely metal and will require infrequent maintenance. The neighboring owner is in support of allowing the carport and the setback may be adequate to address maintenance.**

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

**Because the structure is more than double the distance normally present between structures in residential zoning districts, staff finds that the granting of the requested variance will observe the spirit of the ordinance.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6 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 granting of the variance is unlikely to harm adjacent conforming property because there are several other carports similarly situated throughout the neighborhood. In addition, the applicant has gained broad support from several property owners within the surrounding area.**

*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 unique circumstances present in this case are the distance between the detached carport and the neighboring home. Additionally, because the structure is fire-resistant, staff finds that there is little threat to neighbors. Lastly, the plight of the owner of the property is not merely financial in nature.**

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

The applicant needs to reduce the width of the carport to come into compliance with the side setback standards established by the Unified Development Code.

#### **Staff Recommendation**

Staff recommends **approval of the side setback variance requested in A-15-041** based on the following findings of fact:

1. The existing detached carport is 21 feet away from the nearest structure, more than double the distance between structures in residential zones;
2. The existing structure poses little to no fire threat as it is made of fire resistant materials.