



City of San Antonio

Agenda Memorandum

File Number:15-3912

Agenda Item Number: 9.

Agenda Date: 7/6/2015

In Control: Board of Adjustment

Case Number: A-15-113
Applicant: Rosa Linda Hernandez
Owner: Rosa Linda Hernandez
Council District: 6
Location: 514 S San Joaquin Street
Legal Description: Lots 7 & 8, Block 6, NCB 8660
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Senior Planner

Request

A request for a four and a half foot variance from the minimum five foot side yard setback, as described in Section 35-310.01, to allow an attached carport, with eaves, six inches from the side property line.

Executive Summary

The subject property is located at 514 S San Joaquin Street, approximately 152 feet south of San Fernando Street. The applicant was cited by Code Enforcement for construction of a carport without permits, and for building the carport within the side setback. The carport, which is made mostly of wood, is currently located six inches from the side property line. The applicant informed staff that the intention was to add gutters onto the structure, but have not done so because they were told to stop working on the project pending the variance procedure. The neighboring house is located 15 feet from the shared property line. As such, there is a 15 foot spacing between the carport and the neighboring home, more than the ten foot spacing required by current code which mandates a five foot setback from each structure. Nonetheless, should the adjacent property one day wish to install a similar carport at a fairly standard ten feet, only five feet would exist between the structures.

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-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any community plan. The subject property is not located within the boundaries of any registered neighborhood association.

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 criteria are represented by setback requirements to reduce the threat of fire and to provide equal access to air and light for adjacent properties. In this case, the carport, being made of wood and does introduce a heightened fire risk. Code, generally, requires that homes have a ten foot spacing between them, being a five foot setback on each side. The adjacent property is located 15 feet away from the shared property line. While this 15 foot distance represents 150% what is required today, it does not account for the neighboring property one day adding a carport, too.

Staff is recommending approval of a modified request to allow the carport to be one foot from the side property line. With this request, the neighboring property could also build a ten foot wide carport and leave a six foot distance between the two structures, the same distance permitted between accessory structures if they were not attached to the homes.

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

Staff is recommending denial of the four and a half foot variance request because, with gutters installed, the carport would be on the property line.

Staff is recommending approval of a four foot variance, to allow the carport one foot from the side property line because the neighboring property is 15 feet from the shared property line. This spacing provides for reasonable fire protection, and the addition of a potential future carport on the adjacent property. This modified request would also leave enough carport width that it could still be used.

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

Granting the variance to the side setback will not result in substantial justice because the carport, in its current location poses an increased fire risk if the neighboring property adds a carport in the future.

Substantial justice will be observed by granting staff's modified request of a one foot side setback in that

if the neighbor added a ten foot carport there would still be a six foot spacing between the two structures, the same distance permitted by the Unified Development Code for unattached accessory structures.

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-4 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.

While the neighboring home is currently 15 feet from the carport, that may not always be the case. Staff needs to ensure that there is adequate space between structures to prevent the spread of fire should one occur. Should the neighboring property add a ten foot carport of their own the 15 foot distance could be reduced to five feet. This distance is potentially unsafe.

Staff is recommending approval of a modified request for a four foot variance from the five foot setback to allow the carport on the subject property to be located four feet from the side property line. This allows the neighboring property to add a carport, should they choose to in the future, while maintaining a six foot spacing.

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.

The unique circumstance present in this case to warrant the staff’s recommendation of a four foot variance is because the adjacent property is located abnormally far from the subject property.

Alternative to Applicant’s Request

The applicant can remove six inches of the existing carport to be one foot from the side property line. This distance would still provide adequate spacing in the event of a carport addition in the future onto the neighboring property.

Staff Recommendation

Staff recommends **APPROVAL of a modified request for a four foot variance to allow the carport to be one foot from the side property line in A-15-107** based on the following findings of fact:

1. This modified request would still permit enough width so that the applicant could utilize the carport.
2. This would still leave a six foot spacing in the event that the neighbor adds a carport in the future.