

Case Number:	BOA-23-10300096
Applicant:	Edna Smith
Owner:	Edna Smith
Council District:	7
Location:	2316 West Craig Place
Legal Description:	Lot 7, Block 44, NCB 1985
Zoning:	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

Request

A request for 1) a 4’-11” variance from the minimum 5’ side setback, as described in 35-310.01, to allow an attached carport to be 1” from the side property line, 2) a 70’ variance from the maximum 18’ NCD-8 driveway width requirement, as described in Section 35-335(c)(H), to allow a 88’ driveway, 3) a 3’-4” variance from the minimum 20’ garage setback requirement, as described in Section 35-516(g), to allow a garage to be 16’-8” from the curb, 4) a 17’-6” variance from the minimum 25’ corner clear vision requirement, as described in Section 35-514(a)(2), to allow a fence to be 7’-6” from the corner curb, and 5) a 1’-5” special exception from the maximum 6’ side yard fence height requirement, as described in Section 35-514, to allow a 7’-5” predominately open fence in the side yard.

Executive Summary

The subject property is located at 2316 West Craig Place, near South Josephine Tobin Drive in the Woodlawn Lake Area. Stemming from a Zoning UDC Investigation for a Zoning- Property Setback violation, code enforcement visited the applicant’s property to find a detached carport with overhang imposing into the side setback. During site visits, staff addressed additional variances that needed to be heard. Those of which include exceeding the Woodlawn Lake Neighborhood Conservation District design guidelines for driveway width, garage setback, clear vision distance from a corner curb, and unauthorized fence height. All of which are in the side yard, while the clear vision is located in the front yard. It is noted that currently, the subject property has two units in the main structure and an accessory structure in the rear.

Code Enforcement History

Permit Investigation (INV-PBP-23-3100000489)- January 2023
Zoning UDC Investigation (INV-PBP-23-3100000489) - January 2023
Overgrown Yard-Trash (INV-OYT-22-2550033569)- July 2022
PMT- Building Without A Permit (INV-PBP-22-3100002907)- July 2022
Vehicle Investigation (October 2020)

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment.
There are no relevant permits pulled for the subject property.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
South	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
East	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
West	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Area Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Community Plan and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Woodlawn Lake Neighborhood Association, and they have been notified of the request.

Street Classification

West Craig Place is classified as a local road.

Criteria for Review – Side Setback, Driveway Length, Garage Setback and Clear Vision Variances

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 public interest is represented by consistent development patterns, design standards to promote the architectural integrity of an already established neighborhood, and unobstructed views from the R.O.W. The applicant is requesting a variance to the side setback to allow a carport to be 1” from the side property line, a driveway width of 88’ and length of 16’-8”, and a clear vision distance of 7’-6”. Staff finds the side setback distance is too close to the side property line, which is conflicts with surrounding development since no other carports were seen into the setback. Further, the NCD-8 (Woodlawn Conservation District) provides guidelines for maximum driveway width and in this case, the subject property deviates from

that. These guidelines serve as a planning tool to guide future development to protect neighborhood character, which this request is contrary to. Additionally, the driveway length of 16'-8" is contrary, as this does not provide adequate spacing for vehicles, which may impose on the R.O.W. Lastly, the clear vision request is contrary, as vehicles may have an obstructed view and unsafe conditions may occur.

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

Staff found no special conditions on the subject property that warrants the need for the reduced side setback to 1", driveway length to 16'-8", and clear vision distance to 7'-6" from the corner curb. Additionally, no special conditions were found to exceed the NCD-8 design guidelines for a driveway width to be 88'. Upon site visits, staff found adequate spacing for alterations for the relocation of the carport to abide by the setbacks, sufficient room for cars to park within an 18' driveway width and 20' driveway length in the rear yard. Additionally, no special conditions were found to reduce the corner clear vision distance, as there is an adequate amount of spacing in the front yard for the fence location to be altered.

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. In this case, the aim of the code is for building regulations and the Woodlawn Lake Neighborhood Conservation District for design guidelines are provided to allow for consistent development patterns and architectural integrity and preservation of neighborhoods. By granting this variance, the spirit of the ordinance will not be observed, as the carport and driveway length in its current location heightens the possibility of water runoff and causes potential vehicle obstruction in the R.O.W. Additionally, an 88' driveway width does not observe the spirit of the conservation district. Lastly, the clear vision distance of 7'-6" may impose on the safety of vehicular traffic, which will cause substantial justice to not be served.

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.*

If granted, the carport, driveway, and fence will stay in their current location at the deviated measurements and distances. These requests impose on the adjacent properties. Upon site visits, staff observed no other carports impeding into the setbacks, driveway widths exceeding the maximum 18', and less than the required 20' minimum. The carport in its current form and driveway with its current dimensions seem to take away from the character-defining elements of the neighborhood. Additionally, staff found another fence in the immediate area imposing into the clear vision area, however, was located near a front driveway curb. Staff found the subject property being the only property with a fence located close to the corner curb.

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 the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. Had the applicant sought guidance on the development standards and design guidelines, they could have been informed about the requirements.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

A. The special exception will be in harmony with the spirit and purpose of the chapter

The UDC states the Board of Adjustment can grant a special exception for a fence height modification. The fence height being requested is predominantly open, located in the side yard and exceeds the maximum height requirement. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance.

B. The public welfare and convenience will be substantially served.

In this case, these criteria are represented by fence heights to protect residential property owners while still promoting a sense of community. The fence is in the side yard and is exceeding the maximum height requirement. Staff did not observe any significant topographical changes on the subject property or adjacent property, which still does not serve the public welfare and convenience.

C. The neighboring property will not be substantially injured by such proposed use.

The proposed 7'-5" predominantly open fence will substantially injure neighboring conforming properties, as no other fences in the immediate seemed to exceed the height requirement.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The additional fence height appears to alter the essential character of the district. Fences exceeding the height requirement along West Craig Place cannot be found in the surrounding area, including properties adjacent to the subject property thus it is highly likely that the request will alter the essential character of the district.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district

The current zoning allows for the use of a single-family dwelling. The requested special exceptions will likely weaken the general purpose of the district.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Building Setback in Section 35-310.01, Garage Setback in Section 35-516(g), Woodlawn Lake Area Neighborhood Conservation standards in Section 35-335(c)(H), and Fence Height Requirements and Clear Vision in Section 35-514 and 35-514 (a)(2).

Staff Recommendation – Side Setback, Driveway Length, Garage Setback and Clear Vision Variances

Staff recommends Denial in BOA-23-10300096 based on the following findings of fact:

1. The carport in its current location does not provide space for routine maintenance without trespass; and
2. The driveway width violates the character of the community, as the Woodlawn Lake Area Conservation District design guidelines were enacted to preserve the neighborhood; and
3. Vehicles obstruct the R.O.W. with the reduced driveway length; and
4. The clear vision distance poses a threat to oncoming vehicles, as they may have an obstructed view of the intersection.

Staff Recommendation – Fence Height Special Exception

Staff recommends Denial in BOA-23-10300096 based on the following findings of fact:

1. No other fences exceeding the height requirement were seen in the immediate area, which poses a threat to the fabric of the neighborhood; and
2. No significant topographical changes were seen on the subject property to warrant the need for exceeded fence height.