

**ZONING BOARD OF ADJUSTMENT – August 7, 2017
STAFF REPORT**



APPLICATION TYPE:	CASE:
Variance	ZBA17-018: Valadez

SYNOPSIS:
 The applicant is proposing to erect a new metal carport in his front-yard setback. Due to the unique configuration of this double-frontage lot, the applicant is unable to place a 792-square foot carport wholly within in the required front-yard setback. The applicant’s property is located in the Open Structures Overlay Zone, which allows him the opportunity to construct a carport within five feet of the front- property line. The requested variance is from Section 309.C.5.a, which requires that carports in the Open Structure Overlay Zone, that are built within a 5-foot front yard setback, be generally consistent with the materials, character, and appearance to the roof covering the residence. It is the applicant’s intent to place a pre-fabricated, 22’ x 36’ metal carport within this area, contrary to the architectural specifications required by the Zoning Ordinance.

LOCATION:	LEGAL DESCRIPTION:
1427 East Harris Street; generally located at the southwest corner of the intersection of East Harris Street and South Archer Street	Being the north 140’ of Lot 1 in the Fairview Addition, comprising a total of 0.16 acres

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	RS-1 – Single Family Residential	N – Neighborhood	0.16 acres

THOROUGHFARE PLAN:
East Harris Street – Minor Arterial
 Required: 80’ right-of-way, 64’ pavement
 Provided: 100 right-of-way, 55’ pavement with no sidewalk
South Archer Street – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot-wide sidewalk
 Provided: 80’ right-of-way, 36’ pavement with no sidewalk

NOTIFICATIONS:
 24 notifications were mailed out within a 200-foot radius on July 27, 2017. Staff has received zero in support and zero in opposition.

STAFF RECOMMENDATION:
 Staff recommends that the Zoning Board of Adjustment **DENY** a Variance from Section 309.C.5.a of the Zoning Ordinance which would allow the placement of a pre-fabricated metal carport on property located within the Single-Family Residential (RS-1) Zoning District in lieu of constructing a carport that is generally consistent with the materials, character, and appearance to the roof covering the principal residence.

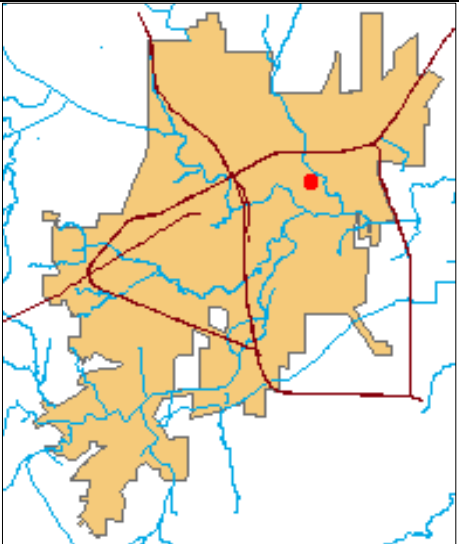
PROPERTY OWNER/PETITIONER:

Property Owners:
 Joe Valadez

Agent:
 Joe Valadez

STAFF CONTACT:

Kristina Heredia,
 Planner
 (325) 657-4210, Extension 1546
Kristina.Heredia@cosatx.us



Special Uses: Section 207(F) of the Zoning Ordinance requires that an applicant for a variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**

There are no special circumstances that would disallow the applicant the ability to build his carport within the allotted five-foot building setback per the Open Structures Overlay Zone. However, the lot's configuration as being a double-frontage lot, combined with the large right-of-way along South Archer Street, a gas line, and a large, fully mature tree, makes it implausible for the applicant to build his carport outside both of the 25-foot building setbacks. While these circumstances are not applicable to other lots in the immediate vicinity, the requirement to meet certain architectural specifications for decreased setback allowances does apply.

2. **These special circumstances are not the result of the actions of the applicant.**

Due to the applicant's property being located within the Open Structure Overlay Zone (OSOZ), all special circumstances that may have pertained to the lot's configuration are not applicable to this variance. The specifics of the OSOZ allow property owners the ability to build a carport within five-feet of the property lines, provided the carport matches the pitch and building materials of the roof of the primary residence. It is the applicant's desire to place a prefabricated metal carport on his property. Due to his lot's configuration, a carport can only be placed within the front yard. The variance the applicant is seeking is for the building materials for the carport, as the OSOZ only allows specific building material to be utilized for carports constructed within the front-yard setback.

3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**

No hardship is created by requesting the applicant adhere to the Zoning Ordinance, as it pertains to the OSOZ. The OSOZ allows the applicant the ability to build a carport within five feet of the property line, provided that he adhere to the specific design standards outlined in the OSOZ. The applicant is requesting a variance to build within ten feet of the property line, without following the required design standards required within the OSOZ. There is no undue hardship, nor is the applicant being denied the ability to construct a carport as utilized by others. While the lot has some inherent physical limitations, the applicant still has the ability to build his carport in compliance within the provisions of the Zoning Ordinance.

4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.**

The granting of the sole variance will allow the applicant to do what he is requesting: no other action is necessary. City Council's intention with the OSOZ was to allow preexisting residential areas the ability to construct carports that would match the character of the neighborhoods they would inhabit. Since many of these neighborhoods were older and already built out, the usable areas for carport construction would have to occur closer to the street, thus the five-foot setback requirement. In this situation, however, the surrounding neighborhood does not currently have carports that match the pitch and materials of the adjacent houses. However, the fact remains that the applicant still has the ability to build the proposed carport consistent with the architectural requirements in the Zoning Ordinance. The choice to not do so is purely voluntary.

5. **Granting the variance will not adversely affect adjacent land in a material way.**

The proposed carport will be of a prefabricated metal design, and would not be compatible with adjacent properties. Most carports in the surrounding area are attached to the house, with flat roofs that are inconsistent with the pitch of the roof on the primary residence. While the proposed carport does have a pitch consistent with the primary residence, the fact that it will be unattached may cause a minor disruption to the cohesive and characteristic rhythm of the neighborhood.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Granting this variance goes against the intent of the Zoning Ordinance. The City Council's desire in implementing the OSOZ was to allow certain neighborhoods the ability to build carports within the usual 25-foot front setback, but with the stipulation that they be built with materials and roof pitch that are consistent with the materials and pitch on the roof of the primary residence. This was done not only to minimize the visual impact of a structure so close to the right-of-way, but also to make the addition appear like a natural extension of the house itself. Letting an applicant take advantage of this reduced setback without meeting the architectural requirements set forth in Ordinance, is contrary to the legislative intent of the creation of the OSOZ. The surrounding neighborhood, in large part, is comprised of smaller, single-family residences with few carports. Those that do exist have flat roofs and are connected directly to the residence. Detached carports are not the norm, nor are newer, prefabricated carports. A site visit to the area has not indicated that the placement of a "typical" prefabricated, metal carport would create a negative visual impact, especially given the larger amount of right-of-way that exists.

Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment to **DENY** the Variance from Section 309.C.5.a of the Zoning Ordinance to construct a metal carport in lieu of a carport that is generally consistent with the materials, character, and appearance to the roof covering the residence on property located within the Single-Family Residential (RS-1) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
Proposed Carport Brochure
Site Plan
Application



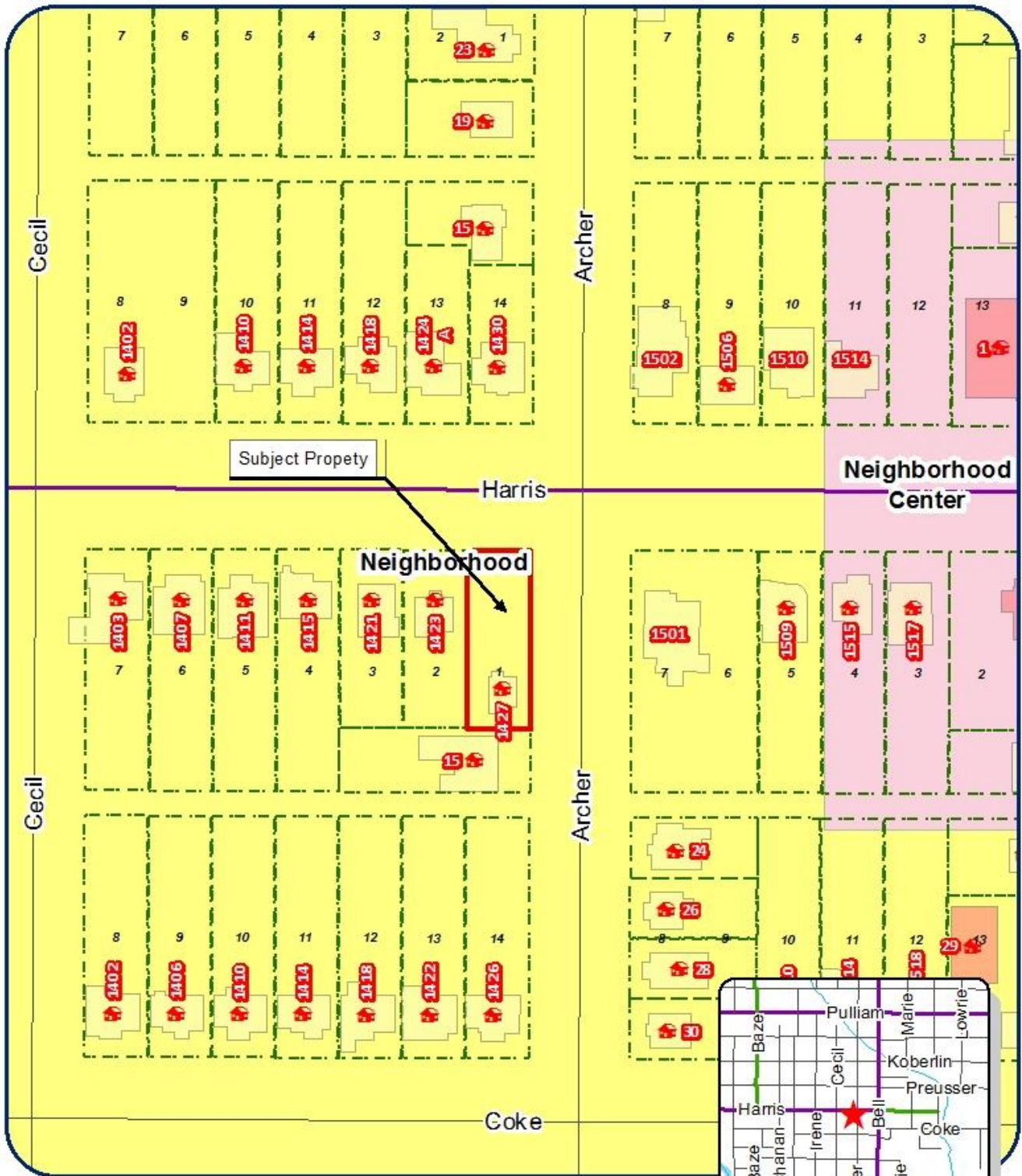
Aerial Map
Case ZBA17-08 Valadez

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 100 ft

Legend

- Subject Properties: █
- Current Zoning: RS 1
- Requested Zoning Change: N/A
- Vision: Neighborhood



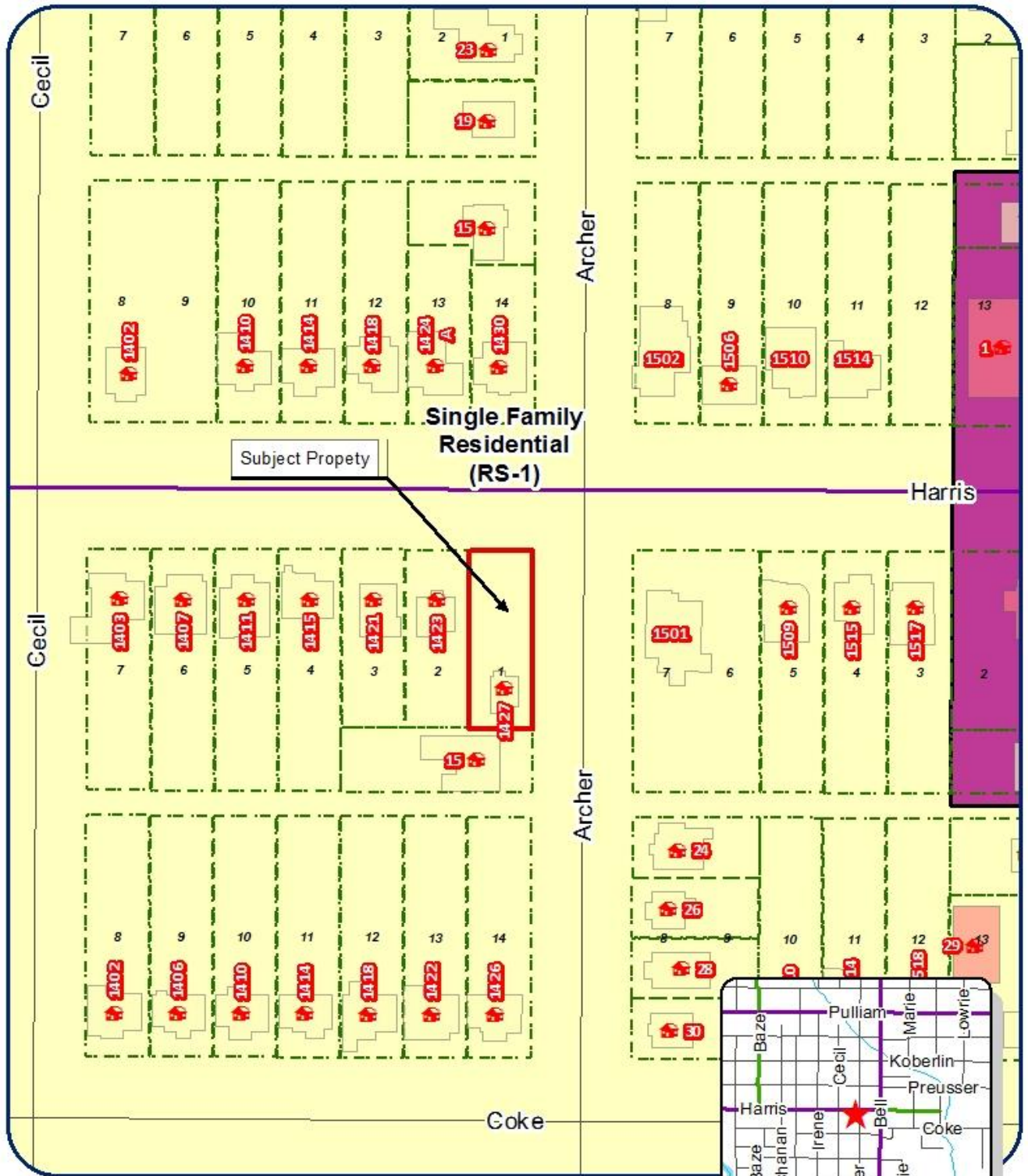


Future Land Use Map
Case ZBA17-08 Valadez

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 100 ft

Legend
 Subject Properties:
 Current Zoning: RS 1
 Requested Zoning Change: N/A
 Vision: Neighborhood





Subject Property

Single Family Residential (RS-1)

Zoning Map

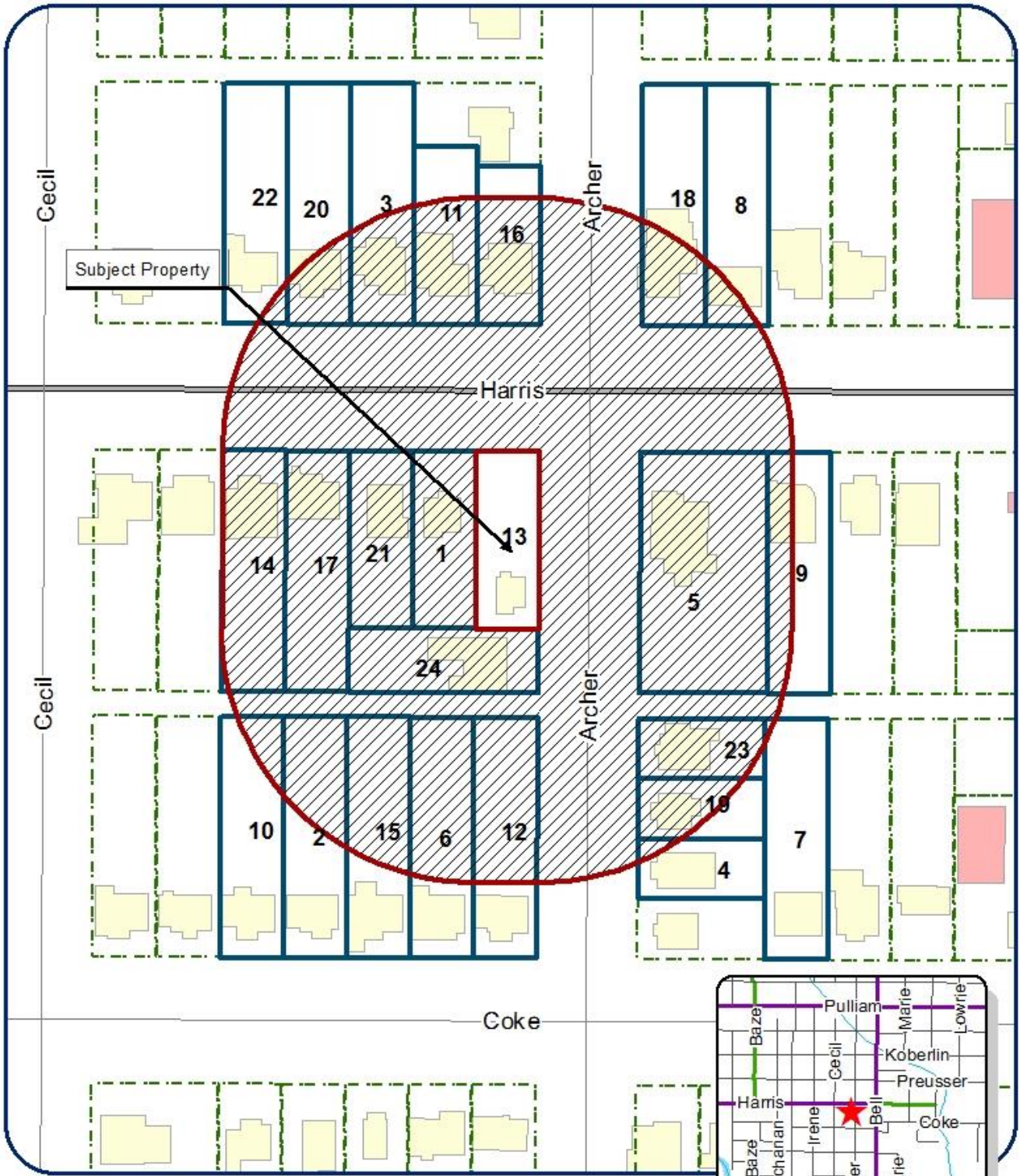
Case ZBA17-08 Valadez

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 100 ft

Legend

- Subject Properties: █
- Current Zoning: RS 1
- Requested Zoning Change: N/A
- Vision: Neighborhood





Case ZBA17-08: Valadez
1427 East Harris

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 100 ft
 Subject Property Legal Description(s): Fairview Addition, Block 20, N140 of Lot 1

Legend
 Subject Properties:
 Current Zoning: **RS 1**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**



Photos of Site and Surrounding Area

FRONT ON E HARRIS STREET



FRONT ON ARCHER STREET



LOCATION OF PROPOSED CARPORT



HOUSE SITS 15' INTO FT-YRD SETBACK



Photos of Site and Surrounding Area

LOOKING EAST ON HARRIS



LOOKING WEST ON HARRIS



LOOKING NORTH ON ARCHER



LOOKING SOUTH ON ARCHER



Proposed Carport

SAFEGUARD METAL BUILDINGS, INC.
 offers a variety of installed building packages that include metal carports, metal garages, RV carports, RV covers, metal barns, and storage buildings. Our products are designed to meet most any need that you might have. We manufacture exceptional buildings from quality components in spans up to 60' wide and as long as you need.

STANDARD ITEMS:
 2-1/2" x 2-1/2" 14 Gauge Steel Frame
 29 Gauge Steel Panels
 Center Braces on Every Roof Bow
 Rebar Anchors for Ground Installations
 Sleeve Anchors for Cement Installations

OPTIONAL ITEMS:
 Engineer Certified Units
 140 MPH – 30 PSF
 Heavier 12 Gauge Galvanized Frame Available

FREE INSTALLATION IN YOUR LEVEL SITE

BASE PRICES LISTED ARE FOR THE ROOF TOP ONLY
 FRAME IS 1 FOOT SHORTER THAN THE STATED ROOF LENGTH

STANDARD WIDTH Metal Buildings - 12' to 24' Wide

Free Bracing on all roof styles for 8' tall and taller

Safeguard, the ultimate, first line of defense against Mother Nature.



18'x21'x6' **\$895**

REGULAR STYLE - 6' SIDE HEIGHT

12x21	18x21	20x21	22x21	24x21
\$795	\$895	\$1095	\$1195	\$1295
12x26	18x26	20x26	22x26	24x26
\$895	\$995	\$1195	\$1495	\$1595
12x31	18x31	20x31	22x31	24x31
\$1095	\$1195	\$1495	\$1795	\$1995
12x36	18x36	20x36	22x36	24x36
\$1295	\$1395	\$1795	\$2095	\$2295
12x41	18x41	20x41	22x41	24x41
\$1495	\$1695	\$2095	\$2495	\$2695



18'x21'x6' **\$995**

BOXED EAVE STYLE - 6' SIDE HEIGHT

12x21	18x21	20x21	22x21	24x21
\$895	\$995	\$1195	\$1295	\$1495
12x26	18x26	20x26	22x26	24x26
\$995	\$1095	\$1295	\$1595	\$1895
12x31	18x31	20x31	22x31	24x31
\$1195	\$1395	\$1595	\$1895	\$2195
12x36	18x36	20x36	22x36	24x36
\$1395	\$1595	\$1895	\$2195	\$2595
12x41	18x41	20x41	22x41	24x41
\$1695	\$1895	\$2295	\$2695	\$3095



18'x21'x6' **\$1195**

VERTICAL STYLE - 6' SIDE HEIGHT

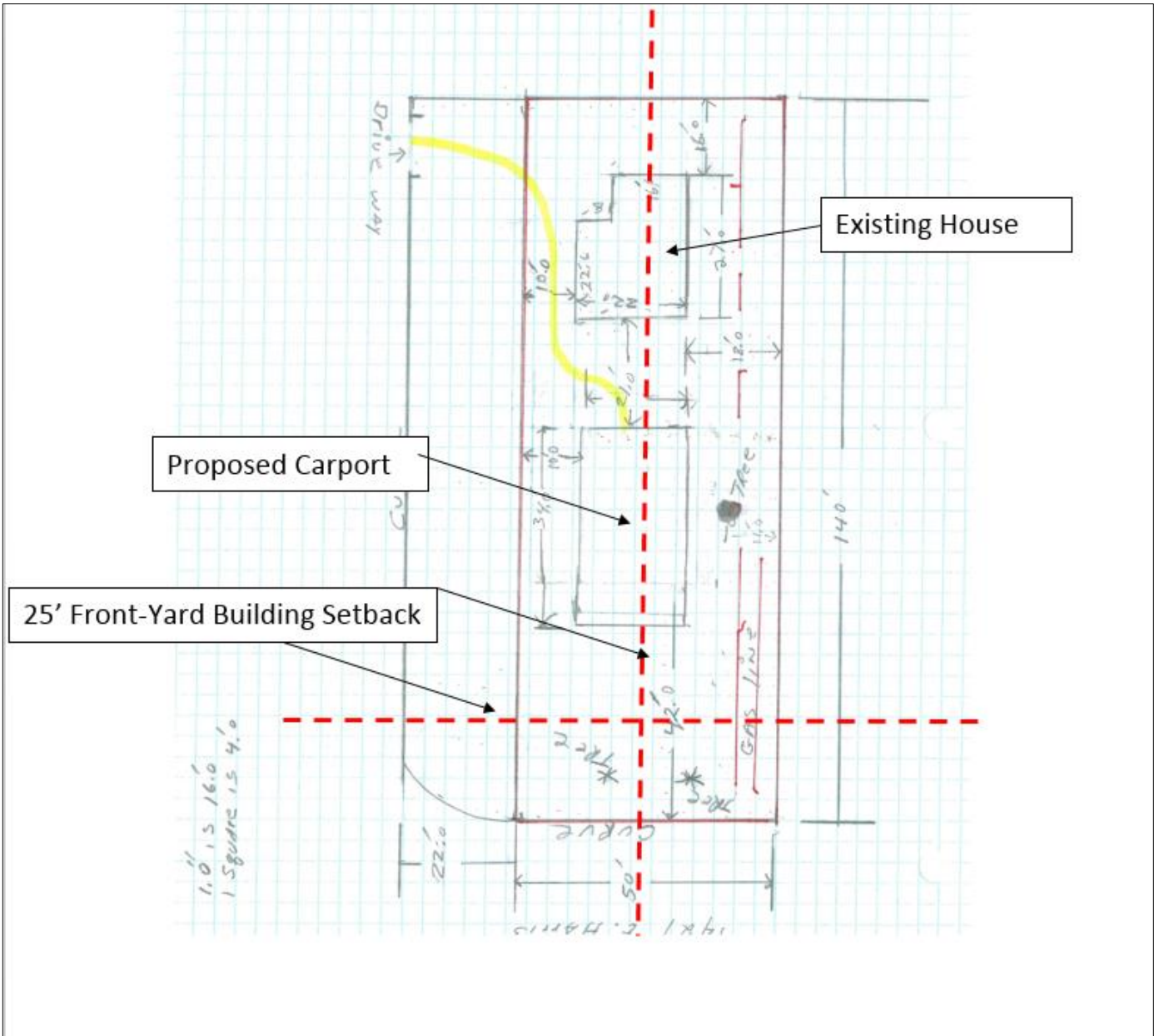
12x21	18x21	20x21	22x21	24x21
\$1095	\$1195	\$1395	\$1595	\$1695
12x26	18x26	20x26	22x26	24x26
\$1395	\$1495	\$1695	\$1995	\$2095
12x31	18x31	20x31	22x31	24x31
\$1695	\$1795	\$1995	\$2395	\$2595
12x36	18x36	20x36	22x36	24x36
\$1995	\$2095	\$2395	\$2795	\$2995
12x41	18x41	20x41	22x41	24x41
\$2295	\$2495	\$2695	\$3295	\$3495



Colors may vary

www.safeguardmetalbuildings.com

Site Plan



Effective January 3, 2017

Section 3 continued: Variance Request Criteria

2. These special circumstances are not the result of the actions of the applicant;

Explanation: existed conditions already before I
bought property.

3. Literal interpretation and enforcement of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;

Explanation: Side property on ~~the~~ Archer should
be treated as a side yard due to shape
of lot.

4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;

Explanation: Only changing the ~~one~~ requirement
will allow me to build the carport.

5. Granting the variance will not adversely affect adjacent land in a material way; and

Explanation: Carport will not protrude past the
house.

6. Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.

Explanation: The zoning ordinance allow me to
build a carport, I am asking for that
right.