



City of San Antonio

Agenda Memorandum

File Number:20-6594

Agenda Item Number: 8.

Agenda Date: 11/16/2020

In Control: Board of Adjustment

Case Number:	BOA-20-10300105
Applicant:	Rene Lafuente
Owner:	Aguilar Edwin & Jessica F Martinez
Council District:	3
Location:	1207 West Hutchins Place
Legal Description:	Lot 12, Block 146, NCB 9421
Zoning:	“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for A request for a 4’ variance from the minimum 5’ side setback requirement, as described in Section 35-310.01, to allow a carport to be 1’ with overhang 1” from the side property line.

Executive Summary

The subject property is located near the corner of West Hutchins Place and Logwood Avenue. There is currently a single-family residence on the property. The applicant is requesting the variance to the side setback for a newly constructed carport that is attached to the primary structure. The applicant received a code violation for building without a permit and has stopped working on the carport. The posts are one foot away from the side property line with the overhang of the carport being one inch from the property line.

Code Enforcement History

There is an open code enforcement violation case for building without a permit.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property was annexed into San Antonio City Limits on March 8, 1947 established by Ordinance

4745 and was zoned “C” Apartment District. The zoning converted from “C” to the current “MF-33” Multi-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
South	“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
East	“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
West	“MF-33 MLOD-2 MLR-2 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. There are no registered Neighborhood Associations.

Street Classification

Hutchins Place is classified as a Minor Arterial.

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 property line which may cause water drainage onto the neighboring property.

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. While there is room to move the carport further from the property line, there is not enough space to maintain a 5' setback and still have a wide-enough carport.

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. The applicant will still maintain some space between structures with a 3' variance.

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 pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the district. However, the carport has adequate space to fit a vehicle and is able to be adjusted to be farther from the property line.

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 location of the carport for the lot shall warrant the granting of a lesser request. The current request is for a 4' variance, but staff recommends a 3' variance to allow the carport to be 2' from the side property line.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **Denial with an Alternate Recommendation of a 3' variance to allow a carport to be 2' away from the side property line with overhang 1' 1" away in BOA-20-10300105** based on the following findings of fact:

1. The carport currently has a width of 11' 10"; and
2. The overhang will be further from the property line, allowing for drainage onto the subject property; and
3. The adjusted width of the carport will be 10' 10".