



City of San Antonio

Agenda Memorandum

File Number:21-3260

Agenda Item Number: 3.

Agenda Date: 5/3/2021

In Control: Board of Adjustment

Case Number: BOA-21-10300014
Applicant: Jennifer Rodriguez
Owner: Jennifer Rodriguez
Council District: 6
Location: 2403 Mission Forest
Legal Description: Lot 90, Block 4, NCB 18288
Zoning: "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family
Lackland Military Lighting Overlay Military Lighting
Region 2 Airport Hazard Overlay District
Case Manager: Joyce Palmer, Planner

Request

A request for 1) a 9'9" variance from the minimum 10' front setback to allow a carport to be 3" from the front property line and 2) a 1'11" variance from the minimum 5' side setback to allow a carport with an 8" overhang to be 3'1" from the side property line.

Executive Summary

The subject property is located at 2403 Mission Forest on the west side of San Antonio. The neighborhood is predominantly surrounded by single-family residential properties. The applicant is requesting a variance to encroach into the 5 feet minimum side setback requirement and 10 feet minimum front setback for a detached carport. The plat for this property shows a right-of-way of 50 feet; the current street width is 30 feet, so an additional 10 feet of right-of-way is required on either side of the street. Therefore, the property line for 2403 Mission Forest starts 10' back from the street curb, and the front setback requirement is 10' from that point. The carport will encroach 9'9" into the front setback, and 1'11" into the side setback. The purpose of the carport is to protect the property owner's vehicle. Many other large carports are present in the surrounding neighborhood.

Code Enforcement History

A Zoning UDC Investigation (INV-ZPS-21-3160000236) is open and pending resolution.

Permit History

A carport permit (RES-CRT-PMT21-32200181) is currently active for this property.

Clear Vision Review

The Clear Vision standard is not in violation.

Zoning History

The subject property was annexed to the City of San Antonio by ordinance 81107, dated December 31, 1994 and was zoned “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
South	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
East	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Greenbelt
West	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is located within 200 feet of Crown Meadows West Townhomes Owners Association and were notified of the request.

Street Classification

Mission Forest is classified as a local street.

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.*

In this case, the variance requested for the front setback encroachment of the carport is contrary to the public interest as there are only 3" space between the carport and the property line.

The alternate recommendation of a 4' variance will keep carport 6' away from front property line which is not contrary to the public interest.

The public interest is defined as the general health, safety, and welfare of the public. 1' 11" encroachment into the side setback for the metal carport is not contrary to the public interest.

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

The variance requested for the front setback encroachment of the carport will not create unnecessary hardship for the owner; with a 6' setback, the carport will still cover vehicles in the driveway.

The alternate recommendation of a 4' variance will provide 6' of space between the carport and the front property line and will not create unnecessary hardship for the property owner.

Allowing the property owner to maintain a 3' 11" side setback will not create unnecessary hardship; the property owner will be able to maintain space and allow access on their side property without changing the current carport width and side setback.

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 front setbacks is to provide spacing between structures and right of way. Currently, there are only 3" of space between the carport and front property line.

The alternate recommendation of a 4' variance would still provide some space between the structure and the right of way.

The side setback requirement is to allow space and access between adjacent properties, and a reduced side setback of 3'1" would provide enough space for access between adjacent properties.

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 of a variance to allow a 3" front setback will alter the essential character of the district.

With the alternate recommendation of 6' front setback, the carport would be 18' deep and can accommodate property owner's vehicles, while maintaining the character of the surrounding neighborhood.

Staff finds that having a lesser side setback for the subject carport does not pose immediate risk to adjacent properties and leaves enough room for maintenance of the structure.

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 is unable to determine unique circumstances existing on the site to have a lesser front setback.

The alternate recommendation would respect the intent of the code.

Staff finds that the plight of the owner is 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.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **Denial with an Alternate Recommendation of a 4' variance to allow a carport to be 6' away from the front property line in BOA-21-10300014** based on the following findings of fact:

1. The 3" front setback puts the carport too close to the right of way and could create a traffic hazard while utilizing the carport.
2. The alternate recommendation provides adequate space for the carport to provide a covered space for the property owner's vehicle, while maintaining the character of the surrounding neighborhood.

Staff recommends **Approval of a 1'11" variance from the minimum 5' side setback to allow a carport with an 8" overhang to be 3'1" from the side property line in BOA-21-10300014** based on the following findings of fact:

1. The requested variance for a lesser side setback will provide adequate space for long-term maintenance without trespassing and

2. The requested variance will provide adequate space to prevent water runoff to neighboring property.