



City of San Antonio

Agenda Memorandum

File Number:21-3634

Agenda Item Number: 6.

Agenda Date: 5/17/2021

In Control: Board of Adjustment

Case Number: BOA-21-10300046
Applicant: Ronald Arias
Owner: Ronald Arias
Council District: 10
Location: 9519 Kimbro Drive
Legal Description: Lot 1, Block 5, NCB 13993
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard
Overlay District
Case Manager: Azadeh Sagheb, Senior Planner

Request

A request for a 2'5" variance to the minimum 5' side setback, as required in Table 310-1, to allow a carport to be 2'7" from the side property line.

Executive Summary

The subject property is located at 9519 Kimbro Drive, north of NE Loop 410 and East of San Antonio International Airport, in a cul-de-sac. The irregularly shaped lot has an angular property boundary line to the north. The applicant is proposing to build a carport with concrete footprint, wood framing, and shingle roof. Due to the angular lot line that exists on the north side of property, one corner of the proposed carport would encroach 2'5" into the required 5' side setback. The applicant is requesting a variance to allow the proposed carport to be 2'7" away from the side property line.

Code Enforcement History

No Code Violations at this time.

Permit History

There is no permit on record.

Clear Vision Review

The Clear Vision standard review is not required.

Zoning History

The subject property was annexed to the City of San Antonio by Ordinance 32611, dated September 23, 1964, and was originally zoned as TEMP “A” Temporary Single-Family Residence District. The property rezoned to “R-5” Single-Family Residence District by Ordinance 66918, dated April 7, 1988. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from “R-5” Single-Family Residence District to the current “R-5” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
West	“I-2 AHOD” Heavy Industrial Airport Hazard Overlay District	Industrial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Sector Plan and is designated “Low-Density Residential” in the future land use component of the plan. The subject property is not located within the boundaries of any Neighborhood Association.

Street Classification

Kimbro Drive 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.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the requested variance for the carport to have a lesser side setback is not contrary to the public interest.

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 unnecessary hardship. The geometry of the lot does not leave enough space for the carport to comply with the Code requirement. By imposing a literal enforcement, the applicant would not be able to build the carport as intended.
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. Due to the unique shape of the property, the applicant needs to apply for a variance to have a lesser side setback.
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 permitted 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 requested variance will not substantially injure the appropriate use of adjacent conforming properties and does not seem likely to alter the essential character of the district.
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 circumstances existing on the property were not created by the owner of the property and are not merely financial. The property is located on a cul-de-sac and the setbacks are circular and extended further into the property.

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 **Approval** of **BOA-21-10300046** based on the following findings of fact:

1. The irregularly shaped lot does not allow the proposed carport to comply with the UDC requirement, and;
2. Only a portion of the lot requires the 2'7" side setback allowing enough room for future maintenance without trespassing.