



City of San Antonio

Agenda Memorandum

File Number:21-4483

Agenda Item Number: 9.

Agenda Date: 6/21/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300063
Applicant:	Miguel Gil
Owner:	Miguel Gil
Council District:	3
Location:	4318 Katrina Lane
Legal Description:	Lot 57, Block 1, NCB 13841
Zoning:	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Mirko Maravi, Senior Planner

Request

A request for 1) a 4'11" variance from the minimum 5' side setback as required in Section 35-310.01, to allow a carport to be 1" from the side property line and 2) a 9'11" variance from the minimum 10' front setback as required in Section 35-310.01, to allow a carport to be 1" from the front property line.

Executive Summary

The subject property is located midblock along Katrina Lane and built to zero lot line. The applicant is requesting a front and side setback variance for a carport to be constructed in the front yard of the home. The owner received a stop work order after posts were put in place, but the carport is not yet constructed. Deed restrictions found reference zero lot line development yet never platted as such. There is one other carport in the area approved by the Board of Adjustment for a carport front variance for 4223 Katrina that allowed a 2'7" front setback on July 2, 2018.

Code Enforcement History

A citizen 311 call initiated INV-PBP-21-3100001462, a Code Enforcement investigation for building a carport without a permit. Investigation remains open until the outcome of the variance request.

Permit History

No permit history found for subject property.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952 and zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 57067, dated June 2, 1983 to the "R-2A" Three and Four-Family Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2A" Three and Four-Family Residential District converted to the current "RM-4" Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
South	"R-5 MLOD-3 MLR-2" Residential Single- Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
East	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
West	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not within a Community Plan. The subject property is located within the Pecan Valley Neighborhood Association and as such were notified.

Street Classification

Katrina Lane is classified as a Local Roads.

Criteria for Review - 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. The proposed carport would be out of character with the neighborhood in extent and location relative to property lines. A carport 1 inch from the property line will leave little room for maintenance.

Extending the structure 3 feet from property line with overhang will allow room for maintenance and storm water runoff.

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

Literal enforcement of the ordinance would not result in unnecessary hardship. The proposed carport is not yet fully constructed, so the alternative would be to build the carport within the required 5' setback, or 3' without overhang.

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 side setback is intended to prevent runoff onto neighboring properties as well as provide distance from neighboring structures for the purposes of fire safety and maintenance.

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 variance will injure the essential character of the district, which calls for structures to be separated on the sides by setbacks. Allowing construction along the property line would alter this character. Further, the proximity to the neighboring property and structure could injure adjacent use with visual and stormwater impacts.

Maintaining 3 feet from property line with overhang will allow room for maintenance and storm water runoff.

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 no special characteristics exist, and the side setback is a general condition of the district.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the 5' side setback or 3' side setback with no overhang.

Staff Recommendation

Staff recommends Denial in BOA-21-10300063 **with an Alternate Recommendation of a 2' variance to allow a carport to be 3' away from the side property line with an 8" overhang** based on the following findings of fact:

1. The proposed carport would be out of character with the neighborhood in extent and location relative to property lines,
2. The carport may still be constructed either 5' from the side property line or 3' with no overhang; and
3. The proximity to the neighboring property and structure could injure adjacent use with visual and stormwater impacts.