



City of San Antonio

Agenda Memorandum

Agenda Date: October 21, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300188

APPLICANT: Praxedes Gasper

OWNER: Praxedes Gaspar

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 143 Lansing Lane

LEGAL DESCRIPTION: Lot 17, Block 9, NCB 12689

ZONING: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for:

1) A 3'-2" side setback variance from the minimum 5' side setback to allow a structure to be 1'-10" from the west side property line.

Section 35-310.01

2) A 9'-11" variance from the minimum 10' front setback to allow a structure to be 1" from the front property line.

Section 35-310.01

3) A variance from the prohibited fence materials to allow a corrugated metal fence on the west side of yard.

Section 35-514

4) A 5' variance from the minimum 15' clear vision to allow a 10' driveway clear vision.
Section 35-514

Executive Summary

Subject property is located north of Interstate 90, west of South Zarzamora Street on Lansing Lane. On May 3, 2024, Code Enforcement received a Citizen's Call for building without a permit for an attached carport constructed on the property. The applicant, being the property owner, is seeking a 3'-2" side setback variance and a 9'-11" front setback variance to allow an attached carport to be 1'-10" from the west side and 1" from front property lines. The carport with dwelling area on top is attached to the principal structure and not considered an accessory structure. Additionally, during site visits Staff noted a corrugated metal fence located on the west side of the property and a predominantly open sliding gate fence within 10' of the clear vision area. Permit is pending the results of the Board of Adjustment.

Code Enforcement History

INV-PBP-24-3100002480 - PMT-Building Without a Permit

Permit History

The applicant has not yet applied for the building permit.

Zoning History

Subject property was part of the original 36 square miles of the City of San Antonio and zoned "L" First Manufacturing District. The property was rezoned by Ordinance 22682 dated, April 26, 1956, to "B" Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the zoning converted from "B" Residence district to "R-4" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

East**Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

West**Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Westside/Guadalupe Westside and is designated as "Low Density Residential" in the future land use component of the plan. The subject property is located within the notification area of the El Charro Neighborhood Association, and they have been notified of the request.

Street Classification

Lansing Lane is classified as a Local Road.

Criteria for Review – Side Setback, Front Setback, Prohibited Fence Material and Clear Vision Variance

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 public interest is represented by setback requirements to prevent storm water runoff and routine maintenance without trespass. The requested variances distance does not provide adequate spacing between properties, and water run off may impose on the adjacent property, which are both contrary to the public interest.

In this case, the clear vision request is not contrary to the public interest as the fencing and gate line distance is established in the community and adequate spacing exists for the purpose of safely backing from and on to the residential local road.

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

Staff found no special conditions existing on the subject property that would warrant the need for the setback and prohibited fence material variances requested.

Staff found the special conditions existing on the subject property that would warrant the need for a reduced driveway clear vision exist such as the established distance of front yard fencing in the community.

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 granting of this variance will not observe the spirit of the ordinance, as the carport is too close the abutting property and water runoff may impose onto the adjacent property and the use of corrugated metal is not seen in use within the surrounding area.

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The granting of this variance will observe the spirit of the ordinance, as adequate driveway clear vision remains to safely back from and on to the local residential road.

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 carport will be 1'-10" from the side setback, a 1" setback from the front property lines and corrugated metal fence material will injure the appropriate use of adjacent conforming properties. While staff does recognize other carports were seen in the immediate area that were encroaching into the side and front setbacks, primarily because they are non-conforming, the request cannot be supported.

If granted, driveway clear vision will be 10'. This will not injure the appropriate use of adjacent conforming properties as adequate spacing will remain to safely back from and on to the local residential road.

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 the plight of the owner of the property for which the prohibited material, side and front setback variances are sought are not due to unique circumstances existing on the property.

Staff finds the plight of the owner of the property for which the clear vision variance are sought is due to unique circumstances existing on the property such as the established distance of front yard fencing and gates in the community.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback, fence material and clear vision Regulations of Section 35-310.01 and Section 35-514 of the Unified Development Code

Staff Recommendation – Side Setback, Front Setback, and Prohibited Fence Material Variance

Staff recommends Denial in BOA-24-10300188 based on the following findings of fact:

1. The variance does not provide sufficient distance from neighboring lots and roadway.
2. The variance will injure the appropriate use of adjacent conforming properties, directly affecting the surrounding properties.

Staff Recommendation – Clear Vision Variance

Staff recommends Approval in BOA-24-10300188 based on the following findings of fact:

1. There is suitable clear vision space that will remain to safely back up into a residential local street.
2. The fence line is in the established distance in the surrounding area.