



City of San Antonio

Agenda Memorandum

Agenda Date: June 16, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300084

APPLICANT: Margarita Juarez

OWNER: Margarita Juarez

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 1522 La Manda Boulevard

LEGAL DESCRIPTION: Lot 7 and Lot 8, Block 195, NCB 9561

ZONING: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

CASE MANAGER: Jewel Polimis, Planner

A request for

1) A 4'-11" side setback variance from the minimum 5' setback requirement to allow a carport to be 1" from the eastern side property line.

Section 35-310.01

2) A 3' side setback variance from the minimum 5' setback requirement to allow an accessory structure to be 2' from the eastern side property line.

Section 35-370(b)(1)

Executive Summary

The subject property is located east of West Avenue on La Manda Boulevard. On May 16, 2024, Code Enforcement responded to a citizen complaint regarding a carport being built without permits and was confirmed by the officer that no permits had been issued for the structure. Owner applied for the carport and a permit was issued on May 23, 2024. According to the approved site plan

(RES-CRT-PMT24-32200756), the carport was proposed to be located 3 feet from the eastern side property line. On December 2, 2024, the applicant applied for a permit extension, which is set to expire on May 31, 2025. A site inspection conducted on December 4, 2024, failed as the carport's framing did not comply with the required side setback, prompting the need for a Board of Adjustment variance. The applicant submitted a request for a 3-foot side setback variance on May 13, 2025. Site inspection by staff on May 21, 2025, revealed that the first supporting beam was located approximately 1 inch from the eastern property line, including gutters, while the remaining beams maintained a 3-foot distance. Additionally, an accessory structure at the rear of the property was found to be 2 feet into the eastern side setback and is also addressed in their application.

Code Enforcement History

INV-PBP-24-3100002693 – Building Without a Permit - Closed

Permit History

RES-CRT-PMT24-32200756 – Residential Carport - Active

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 6039 dated October 15, 1947, and zoned “B” Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “B” Residence District to “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

South

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the “North Central Community Plan” 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 North Central Neighborhood Association and San Antonio Texas District One Resident Association, and they have been notified of the request.

Street Classification

La Manda Boulevard is classified as a Local Road.

Criteria for Review – Side Setback

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.

(Carport)

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by adhering to setback requirements to provide adequate spacing between properties. The side setback variance for the carport is contrary to the public interest, as insufficient space will remain for the purposes of water runoff, fire safety concerns, and property maintenance.

(Accessory Structure)

The side setback variance for the structure is not contrary to the public interest as sufficient space will remain for the purposes of water runoff, fire safety concerns, and property maintenance.

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

(Carport)

A literal enforcement of the side setback ordinance would not result in unnecessary hardship, as the applicant can reposition the front post to be aligned with the remaining posts at 3’ from the side property line and can reduce the overhang to be aligned with the frame of the accessory structure.

(Accessory Structure)

A literal enforcement of the side setback ordinance would result in unnecessary hardship, as the applicant would have to reconstruct the as-built accessory structure to meet the side setback requirement.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

(Carport)

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 5' side setback is to leave sufficient space between the structure and the abutting property. The carport does not appear to observe the spirit of the ordinance due to its proximity to the neighboring property. There are no similarly designed carports located in the surrounding area that appear to exceed the side setback. The risk of fire and water hazards will greatly increase due to inadequate spacing between properties.

(Accessory Structure)

The spirit of the ordinance will be observed as there is adequate distance between the structure and the property line. Gutters are installed for prevention of water runoff and maintenance of the structure.

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.

(Carport)

If granted, the carport will maintain a 1" side setback, which would alter the essential character of the district and appropriate use of the adjacent conforming property, as the risk of fire spreading would be greatly aggravated.

(Accessory Structure)

The structure is 2' from the side property, including gutters. This separation is adequate for structure maintenance, reduction in fire spreading, and water runoff. The structure abuts an open area of the adjacent property's rear yard.

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.

(Carport)

Staff finds the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. There is adequate space for the front post of the carport to be reduced to meet the 3' side setback of the remaining posts, as a full-sized truck can fit within this boundary.

(Accessory Structure)

Staff finds the plight of the owner of the property to be financial resulting in the need to reconstruct the as-built accessory structure to meet the side setback requirement.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the side setback standards of Section 35-310.01 and Section 35-370(b)(1) of the Unified Development Code.

Staff Recommendation – Carport Side Setback Variance

Staff recommends Denial in BOA-25-10300084 based on the following findings of fact:

1. Insufficient space will remain for the purposes of water runoff, fire safety, and maintenance of the structure.
2. The requested variance will alter the essential characteristics of the district in which the property is located.

Staff Recommendation – Accessory Structure Side Setback Variance

Staff recommends Approval in BOA-25-10300084 based on the following findings of fact:

1. The rear and side distances provide suitable spacing between the structure and the nearest structure on the abutting property. Sufficient space will remain for the purposes of water runoff, fire safety, and maintenance of the structure.
2. The requested variance will not alter the essential characteristics of the district in which the property is located, and the structure abuts an open area in the adjacent property's rear yard.