



City of San Antonio

Agenda Memorandum

Agenda Date: November 18, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300203

APPLICANT: Rueben Castillo

OWNER: Rueben Castillo

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 462 East Hutchins Place

LEGAL DESCRIPTION: Lot 16, Block 24, NCB 10818

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

CASE MANAGER: Melanie Clark, Planner

A request for:

1) A 4'-11" variance from the minimum 5' side setback to allow an attached carport to be 1" from the side setback on the west side of the property
Section 35-310.01

Executive Summary

Subject property is located west of South Flores Street and Stinson Park, 350' west of Chaucer Avenue and East Hutchins Place intersection. On September 18, 2024, Code Enforcement responded on a Citizen Call for the subject property. During investigation it was determined that the attached carport was constructed without a permit. The applicant, being the property owner, is requesting a 4'-11" variance to allow an attached carport to remain 1" from the west side property line. Permits are pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-PBP-23-3100005163- Permit Investigation-PMT Building without a Permit

Permit History

The applicant has not yet applied for the building permit.

Zoning History

Subject property was annexed into of the City of San Antonio by Ordinance 18115 dated, September 24, 1952, and zoned “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 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

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

Existing Use

Single-Family Residence

South

Existing Zoning

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

Existing Use

Single-Family Residence

East

Existing Zoning

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

Existing Use

Single-Family Residence

West

Existing Zoning

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

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Stinson Airport Vicinity Land Use 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 the Harlandale McCollum Neighborhood Association, and they have been notified of the request.

Street Classification

Hutchins Place is classified as a local road.

Criteria for Review – Side Setback 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.

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 and right-of-way. The applicant is requesting a 1” side setback for an attached carport. The request is contrary to the public interest as a 1” side setback does not provide sufficient space between neighboring properties.

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

A literal enforcement of the ordinance would not result in an unnecessary hardship as a carport could be placed in the rear yard while still complying with the required setbacks.

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

The intent of the code is to provide distance between the proposed structure and property lines to ensure proper maintenance and separation can occur. The carport with a significantly reduced side setback will not observe the spirit of the ordinance.

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.

Staff finds the reduced side setback will alter the essential character of the district as the carport side setback does not provide an adequate distance from the property line causing increased risk for fire spread and water runoff onto the neighboring property.

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 variance is sought is not due to unique circumstances existing on the property, as adequate space exists in the rear yard to have a carport meeting the required setback standards.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum setback requirements of the UDC Section 35-310.01.

Staff Recommendation – Side Setback Variance

Staff recommends Denial in BOA-24-10300203 based on the following findings of fact:

1. The variance will alter essential character of the district as it does not provide an adequate distance from the established property line.
2. Will not observe the spirit of the ordinance as reduced side setback, increases risk of fire spread and water runoff onto the neighboring property.