



City of San Antonio

Agenda Memorandum

Agenda Date: May 19, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300073

APPLICANT: Marta Partida

OWNER: Marta Partida

COUNCIL DISTRICT IMPACTED: District 7

LOCATION: 225 John Page Drive

LEGAL DESCRIPTION: Lot 47, Block 16, NCB 7082

ZONING: "R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

CASE MANAGER: Jewel Polimis, Planner

A request for

1) A 4'-11" variance from the minimum 5' rear setback to allow a carport with a 1" rear setback.
Section 35-370

3) A 230 square foot variance from the maximum 890 square feet to allow a 1,120 square foot carport accessory structure in the NCD-7.
Section 35-335(c)(G)

Executive Summary

Subject property is located east of St. Cloud Road and across the ballfield of St. Paul Learning Center. Located in the Jefferson Neighborhood Conservation District, the property owner is adding a detached carport that is within the rear setback as well as exceeding the maximum accessory structure size. The carport meets the requirements in Section 35-516(g) to have 20' of total parking

area depth, however it does not meet the rear accessory structure setbacks. The property owner began building the carport without a permit but was stopped and cited by Code Compliance. Permits are pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-BSB-INV25-2900000312 – Dangerous Premises Investigation

INV-PBP-25-3100001886 – Building Without a Permit

Permit History

REP-RRP-PMT-24-35303899 – Residential Repair Permit

REP-MBR-APP24-35012080 – Minor Building Repair Permit

REP-MBR-APP24-35011331 – Minor Building Repair Permit

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 1816, dated May 5, 1940, and zoned “B” Residence District. The property was rezoned by Ordinance 64079, dated November 20, 1986, to “R-1” Single-Family 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 “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Abandoned Single-Family Residence

South

Existing Zoning

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Single-Family Residence

West**Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

School

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Community Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the notification area of Jefferson Neighborhood Association, and they have been notified of the request.

Street Classification

John Page Drive is classified as a Local Road.

St. Cloud Road is classified as a Secondary Arterial Type B Road.

Criteria for Review – Carport Side Setback Variance and NCD-7 Standards

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 the carport being built exceeding the rear setback and the maximum carport accessory structure size. Staff finds this accessory structure rear setback and size unsuitable, as it does not provide sufficient room for proper maintenance, or an adequate distance from neighboring property causing increased water runoff onto the neighboring property.

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

Staff found no special conditions on the subject property that would permit an exception to the rear setback requirement as defined in the Unified Development Code. Staff found no special conditions on the subject property that warrant the need for any deviation from the Neighborhood Conservation District standards for a carport.

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 rear setback variance for the carport does not appear to observe the spirit of the ordinance, nor abides by the accessory structure standard.

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 granting of the variances will substantially injure the appropriate use of adjacent conforming properties and alter the essential character of the district in which the property is located. The carport will alter the essential character of the district by being too close to the rear setback as well as the exceeding the size limitations for accessory structures as directed by the Jefferson Neighborhood Conservation 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.

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 the carport can be reconfigured to meet setback requirements Unified Development Code and the Jefferson Neighborhood Conservation District.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum rear setback and the Neighborhood Conservation District requirements of the UDC Section 35-370 and Section 35-335(c)(G).

Staff Recommendation – Carport Rear Setback Variance and NCD-7 Standards

Staff recommends Denial in BOA-25-10300073 based on the following findings of fact:

1. The requested variance will alter the essential characteristics of the district in which the property is located, exceeding the size limitation for accessory structures.
2. The distance of the carport from the rear setback is not suitable, as it does not provide adequate distance from neighboring properties for proper water runoff and fire safety.