



City of San Antonio

Agenda Memorandum

Agenda Date: August 5, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300126

APPLICANT: Ryan Stangel

OWNER: Ryan Stangel

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 6022 Sunrise Bend Drive

LEGAL DESCRIPTION: Lot 73, Block 9, NCB 16612

ZONING: "R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

1) A 9'-11" variance from the minimum 10' front setback requirement to allow a carport to be 1" from the front setback.

Section 35-310.01

2) A 5'-6" variance from the minimum 15' clear vision to allow a 9'-6" driveway clear vision.

Section 35-514 (a)(2)(b)

Executive Summary

The subject property is located within the I-10 East Corridor. East of Northeast Interstate 410 Loop, within the Sunrise Neighborhood, situated between Old Seguin Road and Binz-Engleman Road on Sunrise Bend Drive. On May 14, 2024, during an onsite inspection for a Residential Improvement Permit, the applicant, also being the property owner, was informed that permits had

not been obtained for the existing fence and carport on the property. According to the property owner, they purchased the property on March 29, 2024, and was unaware that the additions made by the previous owner were noncompliant. Historical images of the property suggest that the carport and fence were constructed between February 2022 and March 2024. The property owner is requesting a 9'-11' front setback variance to allow the attached carport to be 1" from the front setback as well as 5'-6" driveway clear vision variance to allow a 9'-6" clear vision for front yard fence existing on the property. Permits are pending the results of the Board of Adjustment. Staff observed during site visits, numerous carports with a similar front setback built well over 10 years ago in the area.

Code Enforcement History

No Code Enforcement history found.

Permit History

RES-FEN-PMT24-31900614 – Residential Fence Permit Application

RES-IMP-APP24-32000704 – Residential Improvements Permit Application

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 81104 dated, December 30, 1994, and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 83222 dated, November 21, 1995, from Temporary "R-1" to "R-7" Small Lot Home Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-7" Small Lot Home Residence District converted to "R-4" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

"R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning

"R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning

"R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

West

Existing Zoning

"R-4 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the IH-10 East Corridor Perimeter Plan and is designated as "Low Density Residential" in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

Street Classification

Sunrise Bend Drive is classified as a local road.

Criteria for Review –Front Setback and Driveway 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.

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 UDC setback and clear vision regulations. In this case, the driveway clear vision variance does not appear to be contrary to the public interest. The reduced 9'-6" driveway clear vision leaves enough space for sight distance to assure vehicular traffic protection. The variance would not be uncharacteristic of the surrounding area if allowed.

The front setback appears to be contrary to the public interest. The reduced setback does not leave enough room between structure and city right of way. While other reduced front setback carports exist in the area, no variances were historically approved by the Board of Adjustment.

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

A literal enforcement of the ordinance would result in an unnecessary hardship, as the preexisting and fence would have to be reconstructed by the current property owner to abide by the driveway clear vision.

A literal enforcement of the ordinance would not result in an unnecessary hardship as the residential structure did not leave enough room for a carport.

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

The variance to the clear vision appears to observe the spirit of the ordinance, as it will leave room for safe visibility for oncoming vehicles and will not injure the neighboring properties.

The variance to the front setback does not appear to observe the spirit of the ordinance, as it leaves no room between the right of way and 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.

Staff finds the driveway clear vision will not alter the essential character of the district as the fence location leaves sufficient room for public right-of-way to allow safe backing onto a residential street.

Staff finds the reduced front setback will alter the essential character of the district as the carport does not leave sufficient room for public right-of-way.

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 clear vision variance is sought is due to unique circumstances were not created by the owner of the property as the fence existed prior to ownership and is in line with the established area front fence setback.

Staff finds the plight of the owner of the property for which the setback variance is sought is not due to unique circumstances was created by the owner of the property as configuration of the residential structure did not leave enough room for a carport in the front yard.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback regulations of the UDC Section 35-310.01 and the clear vision Section 35-514 (a)(2).

Staff Recommendation –Driveway Clear Vision Variance

Staff recommends Approval in BOA-24-10300126 based on the following findings of fact:

1. The reduced driveway clear vision variance will not alter the essential character of the district in which the property is located as similar properties could be seen in the area.
2. The fence location leave sufficient room for public right-of -way and safely back onto residential street.

Staff Recommendation – Front Setback

Staff recommends Denial in BOA-24-10300126 based on the following findings of fact:

1. The front driveway does not allow room for a carport.
2. The carport will alter the essential character of the district as the carport does not leave sufficient room for public right-of -way.