



City of San Antonio

Agenda Memorandum

Agenda Date: September 9, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300163

APPLICANT: Nuriddin Kalam

OWNER: James Keedy

COUNCIL DISTRICT IMPACTED: District 10

LOCATION: 323 Ridgehaven Place

LEGAL DESCRIPTION: West 67.5 feet of Lot 15 and east 1.5 feet of Lot 16, Block 29, NCB 10429

ZONING: "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

CASE MANAGER: Vincent Trevino, Senior Planner

A request for

1) A 3'-4" variance from the minimum 5' side setback requirement to allow a carport to be 1'-8" from the side property line.

Section 35-370(b)(1)

2) An 8' variance from the minimum 10' front setback requirement to allow a detached carport to be 2' from the front property line.

Section 35-516(g)

Executive Summary

The subject property is located between the intersections of Kenilworth Boulevard and Greenwich Boulevard, in the Oak Park Northwood residential area. The detached carport would provide covered parking for two vehicles. The property owner began building the detached carport without

a permit but was stopped and cited by Code Compliance. The “NP-8” is a special zoning district which requires an increased front setback for the principal structure, however since the carport is not attached to the principal structure, it only requires the standard 10’ carport front setback.

Code Enforcement History

INV-ZPS-24-3160002063 – Zoning UDC Investigation

Permit History

RES-IMP-APP24-32001093 – Residential Improvements Permit

INV-PBP-24-3100004022 – Building Without a Permit

Zoning History

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned “A” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Single-Family Residence District converted to the current “R-5” Residential Single-Family District. The property was rezoned by Ordinance 2006-06-15-0728, dated June 25, 2006, to “NP-8” Neighborhood Preservation District.

Subject Property Zoning/Land Use

Existing Zoning

"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

South

Existing Zoning

"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

West

Existing Zoning

"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northeast Inner Loop Neighborhood 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 Oak Park Northwood Neighborhood Association, and they have been notified of the request.

Street Classification

Ridgehaven is classified as a Local Street.

Criteria for Review – Front and Side Carport Variances

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 Front and Side setback standards to allow a detached carport to have a 1-8" side setback and a 2' front setback. The public interest is represented by having sufficient separation between structure and property line, in which this requested variances will not provide.

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

Special conditions do not exist on the property as there is sufficient and existing space for a carport to cover two vehicles.

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 intent of the code is to provide distance between the proposed structure and property lines to ensure proper maintenance and separation can occur. The introduction to a carport with a significant short front setback and 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.

If granted, the variance request will injure the appropriate use of adjacent conforming properties. The reduced side setback can create additional water runoff into the neighboring front yard and the reduced front setback will alter the essential character of the district as no other carport with a significantly reduced front setback exist in the area.

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. The property owner chose to add a detached carport to house two tandem vehicles.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Detached Carport Requirements of the UDC Section 35-516(g) and Section 35-370(b)(1).

Staff Recommendation – Carport Front and Side Setback Variances

Staff recommends Denial in BOA-24-10300163 based on the following findings of fact:

1. The proposed variances are contrary to the public interest and will alter the essential character of the district.
2. The reduced setback can injure the appropriate conforming use of adjacent properties as damage can be caused to the neighboring yard and a reduced front setback will be introduced to the area.