



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 16, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300088

**APPLICANT:** Lance Edward Johnson

**OWNER:** Lance Edward Johnson

**COUNCIL DISTRICT IMPACTED:** District 3

**LOCATION:** 304 East Harlan Avenue

**LEGAL DESCRIPTION:** Lot 28, NCB 7726

**ZONING:** "R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Jewel Polimis, Planner

**A request for**

A 4'-6" variance from the minimum 5' setback requirement to allow an accessory structure with a 6" side setback.

Section 35-370(b)(1)

**Executive Summary**

The subject property is located on East Harlan Avenue, just east of South Flores Street, within the boundaries of the St. Leo's Neighborhood Association. According to the site plan submitted by the applicant, the proposed accessory structure is a detached carport with support poles, planned to have a side setback of 12" from the western property line. Staff measured the distance from the existing concrete pad to the western property line as 12". The applicant expressed their intention and need for the variance to locate the support poles in the side yard rather than affixing them to

the existing driveway concrete pad, which would place the support poles closer to the property line than 12”.

**Code Enforcement History**

No Code Enforcement history.

**Permit History**

No permit history.

**Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 1391, dated September 23, 1944, and zoned “D” Apartment District. The property was rezoned by Ordinance 8932, dated April 11, 1996, 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 to “R-6” Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**South**

**Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**East**

**Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

## **West**

### **Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

### **Existing Use**

Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the “South 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 the St. Leo’s Neighborhood Association, and they have been notified of the request.

### **Street Classification**

East Harlan Avenue 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.*

The public interest is defined as the general health, safety, and welfare of the public. The proposed variance is contrary to the public interest, as it reduces the required side setback intended to maintain adequate spacing between structures, ensure access for maintenance, and preserve the character of the surrounding neighborhood.

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

A literal enforcement of the side setback ordinance would not result in an unnecessary hardship, as the proposed structure has not yet been constructed. The applicant retains the ability to modify the carport design to comply with the required side setback.

*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. Granting the variance would not support the spirit of the ordinance, which is to provide sufficient spacing between properties, allow for maintenance access, and maintain neighborhood character as there are no similar designed carports located in the surrounding area that appears to be within the side setback.

*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.*

Granting the variance will substantially injure the appropriate use of the adjacent property by reducing the required setback, which may limit access for necessary maintenance of the structure and alter the essential character of the 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. Sufficient space exists within the side yard to allow for the carport to be redesigned or reconstructed in compliance with the required side setback.

#### **Alternative to Applicant's Request**

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

#### **Staff Recommendation – Carport Accessory Structure Side Setback Variance**

Staff recommends Denial in BOA-25-10300088 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.
2. The requested variance will limit access for maintenance of the structure due to its proximity to the shared property line.