



# City of San Antonio

## Agenda Memorandum

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**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-24-10300211

**APPLICANT:** Efrain Bermudez

**OWNER:** Pedro Bermudez Olivares

**COUNCIL DISTRICT IMPACTED:** District 10

**LOCATION:** 4150 Barrington Street

**LEGAL DESCRIPTION:** Lot 13, Block 3, NCB 14151

**ZONING:** Zoned: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for:**

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

Section 35-516

**Executive Summary**

Subject property is located north of Interstate 410, west of Perrin Beitel Road on Barrington Street. On May 15, 2023, Code Enforcement, in response to a Citizen Call, investigated the detached carport and determined that the detached carport did not meet front setback requirements. According to historical views of the property, the carport was constructed without obtaining a permit sometime between February 2015 - January 2016. The applicant, on behalf of the property owner, is requesting a 9'-11" setback variance to allow a detached carport to be 1" from the front setback. Permits are pending the outcome of the Board of Adjustment.

**Code Enforcement History**

INV-ZPS-23-3160000501 - UDC Zoning Investigation – Property Setback

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

Subject property was annexed into the city of City of San Antonio by Ordinance 32611 dated, September 23, 1964, and zoned Temporary “A” Single-Family Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the zoning converted from “A” Single-Family Residence District to “R-5” Residential Single-Family District.

**Subject Property Zoning/Land Use****Existing Zoning**

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**East****Existing Zoning**

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the San Antonio International Airport Vicinity /Near Northeast Area 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 any Neighborhood Association.

### **Street Classification**

Barrington Street is classified as a local road.

### **Criteria for Review – Front 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. The applicant is requesting a variance to the front setback standard to allow a structure to have a 1” front setback. The public interest is represented by having sufficient separation between structure and property line, in which this requested variance will not provide.

*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 unnecessary hardship as the detached carport can be adjusted to accommodate setback requirements.

*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 reduction of the front setback requirement would injure neighboring properties, as the structure is too close to the property line and resulting in overcrowding in the front yard against the right of way.

*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.*

The front setback would alter the essential character of the district by not adhering to the required setbacks.

*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 can adjust the detached carport to abide by front setback requirements.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the minimum setback requirements of the UDC Section 35-516.

**Staff Recommendation – Front Setback Variance**

Staff recommends Denial in BOA-24-10300211 based on the following findings of fact:

1. The reduced front setback injures neighboring properties.
2. The structure is too close to the property line resulting in overcrowding in the front yard against the right of way.