

Case Number:	BOA-23-10300265
Applicant:	Francisca Alcorta
Owner:	Francisca Alcorta
Council District:	4
Location:	126 Bluffside Drive
Legal Description:	Lot 10, Block 7, NCB 15184
Zoning:	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 4’-11" variance from the minimum 5' side setback, as described in Section 35-370(b)(1), to allow a carport with a 1" side setback, 2) a 9'-11" variance from the minimum 10' front setback, as described in Section 35-516(g), to allow a 1" front setback, and 3) a 5' variance from the minimum 15' clear vision, as described in Section 35-514(a)(2), to allow a 10' clear vision.

Executive Summary

The subject property is located along Bluffside Drive, on the west side of San Antonio. The applicant removed 2 smaller carports and began constructing a larger detached carport without a permit. Applicant applied for a carport permit, and it showed a 4’ side setback in-line addition and a 10’ front setback. Upon inspections it was found to be encroaching into the required setbacks. Additionally, a new fence was constructed without a permit and is encroaching into the clear vision measuring at 10’ from the curb.

Code Enforcement History

Building a Carport without a Permit (INV-PBP-23-3100002290)

Permit History

Carport Permit (RES-CRT-PMT23-32201325) – 9/5/2023

The issuance of a building permit is pending the outcome of the Board of Adjustment

Zoning History

The property was annexed into the City of San Antonio by Ordinance 41420 dated December 25, 1972, and was originally zoned Temporary “R-1” Single Family Residence District. The zoning converted from Temporary “R-1” Single Family Residence District to the current “R-6” Residential Single-Family District upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
South	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Port San Antonio Area Regional Center Plan and is designated as “Low Density Residential” for future land use. The subject property is not located within a registered neighborhood association.

Street Classification

Bluffside Drive is classified as a local road.

Criteria for Review – Front and Side Setback Variance and 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 represented by setback requirements to prevent water runoff and adequate spacing between properties. The applicant is requesting a variance to the front setback and side to allow a detached carport to be 1” with gutters from the side property line. This appears to be inadequate spacing and may cause possible water runoff from the side.

A front setback variance of 9’- 11” is also being requested to allow the carport to be 1” from the front property line. The carport in its current location may be contrary, as the mitigation of storm water runoff may fall on the right of way.

The applicant is also requesting a clear vision variance to allow a fence to be 10’ from the curb. Staff finds that this request will not be contrary to the public interest as leaves adequate clear vision space to safely back into local street.

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

Staff does not find any special conditions on the subject property. The front property line is 1' is from the carport. This may cause a hardship on the adjacent right of way. A literal enforcement of the ordinance would result in the applicant adjusting the location of their carport in which they currently have that room on the property.

The constructed fence has a 10' clear vision view would not cause hardship for vehicular traffic. A literal enforcement of the ordinance would result in the applicant altering the fence back which would prevent adequate parking space for a vehicle.

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 granting of the front and side setback variances will not observe the spirit of the ordinance, as there are no similar designed carports located in the surrounding area.

The clear vision of 10' leaves sufficient room to back into a local residential street and will 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 the front and side setback variance is granted the carport will be 1" from the right of way and neighboring property causing water runoff issues and alter the essential character of the district.

The clear vision variance the distance will be 10' from the curb. This distance of the fence is not likely to alter the essential character of the district as it appears to be the established fence distance in the area. The clear vision variance will not 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, such as limited spacing on the property. Upon staff site visit it was observed that there is reasonable space to meet the minimum front and side setbacks.

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property for the clear vision variance, such as having a small front yard to park a vehicle.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Regulations for Accessory Structures under Section 35-370(b)(1) and Section 35-516(g) of the UDC and Fence Clear Vision Regulations under Section 35-514(a)(2) of the UDC.

Staff Recommendation – Side Setback Variance and Front Setback Variance

Staff recommends Denial in BOA-23-10300265 based on the following findings of fact:

1. The reduced setbacks will alter the essential character of the district.
2. The carport will be too close to the right of way and neighboring causing possible issues with water runoff.

Staff Recommendation –Clear Vision Variance

Staff recommends Approval in **BOA-23-10300265** based on the following findings of fact:

1. Vehicular traffic will not be obstructed with the reduced clear vision.
2. The carport will not alter the essential character of the district.