



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 2, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300217

**APPLICANT:** Mary L Garcia

**OWNER:** Mary L Garcia

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 230 West Bedford Avenue

**LEGAL DESCRIPTION:** North 132 feet of Lot 6, Block 8, NCB 7395

**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:** Colton Unden, Planner

**A request for**

A 4'-6" variance from the minimum 5' side setback requirement to allow an attached carport with gutters to be 6" from the side property line.  
Section 35-310.01

**Executive Summary**

The subject property is located along West Bedford Avenue, west of General Hudnell Drive, located within the Thompson Neighborhood Association. The applicant had a pre-existing carport that has been present unchanged since at least the earliest street photography of January 2008. The new carport will be in the front yard. Applicant has indicated front setback will be met, and the current front setback is approximately 30-feet. The applicant also owns the property to the left which requested the same variance and was approved in September 2019 by the Board of Adjustment.

**Code Enforcement History**

No relevant code enforcement history.

**Permit History**

Building permit is pending outcome from the Board of Adjustment.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 14067, dated February 7, 1951, and was originally zoned “B” Residence District. The property was rezoned by Ordinance 63541, dated August 28, 1986, to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South**

**Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East**

**Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Port San Antonio Area Regional Center Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is located within the Thompson Neighborhood Association, and they were notified of the case.

**Street Classification**

West Bedford Avenue is classified as a local road.

**Criteria for Review – Carport Side 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. In this case, the public interest is represented by adhering to setback requirements to provide adequate spacing between properties. The side setback variance is contrary to the public interest as insufficient space will remain for the purposes of water runoff and fire safety concerns.

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

A literal enforcement of the side setback ordinances would not result in unnecessary hardship as the applicant can construct a carport to be within setbacks on the lot.

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

The requested side setback variance does not appear to be in the spirit of the ordinance as insufficient space will remain for the purposes of water runoff and fire safety concerns.

*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 that the side setback variance would substantially injure the appropriate use of adjacent properties as insufficient space will remain for maintenance of the addition and the increased risk of fire spreading would be aggravated.

*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 no unique circumstances existing on the property for the side setback variance as a carport could be located to a different part of the lot in compliance with setback rules.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the carport side setback requirements of the UDC Section 35-310.01.

**Staff Recommendation – Carport Side Setback Variance**

Staff recommends Denial in BOA-24-10300217 based on the following findings of fact:

1. Insufficient space will remain for the purposes of water runoff and fire safety concerns.
2. The requested variance will alter the essential characteristics of the district in which the property is located.