



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 21, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300179

**APPLICANT:** Archbishop John Gabriel

**OWNER:** Infant Jesus of Prague

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 3442 W Woodlawn Avenue

**LEGAL DESCRIPTION:** Lot 11 and East 5 Feet of Lot 12, Block 2, NCB 9288

**ZONING:** "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

1) A 9' 11" variance from the minimum 10' front setback to allow a 1" front carport setback.  
Section 35-516(g)

2) A 4' 6" variance from the minimum 5' side setback to allow a 6" side carport setback.  
Section 35-370(b)(1)

3) A 3' variance from the minimum 5' side setback to allow a 2' side setback for an accessory structure.  
Section 35-370(b)(1)

**Executive Summary**

The subject property is located along West Woodlawn Avenue, east of NW 36<sup>th</sup> Street, located within the University Park Neighborhood Association. The subject property was cited by code enforcement for a carport in violation of side and front setbacks as well as an accessory structure in the rear of the property. The carport does not maintain gutters for water runoff. Built without a permit the accessory structure did not appear to be constructed until sometime after December 2022, according to street and satellite imagery.

### **Code Enforcement History**

INV-ZPS-24-3160000639 - Zoning - Property Setback – Pending Resolution

INV-ZPS-24-3160000640 - Zoning - Property Setback – Pending Resolution

INV-PTI-23-3090000215 - PMT-Building Without a Permit – Pending Resolution

INV-PTI-23-3090000119 - PMT-Building Without a Permit – Pending Resolution

### **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 5309, dated June 18, 1947, and was originally zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Church

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

#### **South**

#### **Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

#### **East**

#### **Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Air Force Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan and is designated as "General Urban Tier" in the future land use component of the plan. The subject property is located within the University Park Neighborhood Association, and they have been notified of this request.

**Street Classification**

West Woodlawn Avenue is classified as a Secondary Arterial Type B.

**Criteria for Review – Carport Side Setback, Carport Rear Setback, and Accessory Structure Side Setback 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 carport and accessory structure setbacks. The carport and accessory structure setback variances requested are contrary to the public interest as no other structures were seen to be within setbacks in the immediate area of which the property is located, and the water runoff generated by the structures could injure neighboring properties.

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

A literal enforcement of the carport and accessory structure setback ordinances would not result in unnecessary hardship as the applicant on the lot could utilize the portion of their carport in the side and rear of the property as well as relocated the accessory structure in the back to be in compliance with the Unified Development Code.

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

The requested carport and accessory structure setback variances do not appear to be in the spirit of the ordinance as no other structures were seen to be within setbacks in the immediate area and water runoff issues will be aggravated.

*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 carport and accessory structure setback variances will substantially injure the appropriate use of adjacent properties as water runoff from the structures can impact the neighboring properties. Furthermore, the requested variances are out of character for the district and area in which the property is located.

*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 warranting the need to have an accessory structure and carport encroaching on the setbacks. The lot is 9,520 square feet, and adequate space exists to have a carport and accessory structure without infringement onto the setbacks.

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

The alternative to the applicant's request is to conform to the accessory structure setback, and carport front and side setback requirements of the UDC Section 35-370(b)(1) and UDC Section 35-516(g).

#### **Staff Recommendation – Carport Side Setback, Carport Rear Setback, and Accessory Structure Side Setback Variances**

Staff recommends Denial in BOA-24-10300179 based on the following findings of fact:

1. No other carports or carports within setbacks were seen on the block and surrounding area.
2. Both the carport and accessory structures can aggravate water runoff issues for neighboring property owners.
3. The variances requested will alter the essential characteristics of the district.