



City of San Antonio

Agenda Memorandum

Agenda Date: March 10, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-24-10300237

APPLICANT: Diana Lopez

OWNER: Diana Lopez

COUNCIL DISTRICT IMPACTED: District 7

LOCATION: 2703 West Woodlawn Avenue

LEGAL DESCRIPTION: Lot 20 and east 25 feet of Lot 19, NCB 9155

ZONING: "RM-4 NCD-7 AHOD " Residential Mixed Jefferson Neighborhood Conservation Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

A 3'-6" variance from the minimum 10 front setback to allow a carport to be 6'-6" from the front setback.

Section 35-310.01

Executive Summary

Subject property is located east of the Bandera Road and West Woodlawn interchange, on the corner intersection of West Woodlawn Avenue and Morning Glory Drive. On July 1, 2024, Code Enforcement responded to a Citizen Call for an attached carport constructed without a permit. Further investigation determined that the carport did not meet front setback requirements. The applicant, being the property owner, is requesting a 3'-6" variance to allow an attached carport to be 6'-6" from the front setback. Permits are pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-PBP-24-3100003615-PMT-Building Without a Permit
INV-PBP-24-3100003603-PMT-Building Without a Permit
INV-PBP-24-3100003637-PMT-Building Without a Permit
INV-PBP-24-3100006278- PMT-Building Without a Permit
INV-PBP-25-3100000609- PMT-Building Without a Permit
COD-ADH-REQ24-43904391-Administrative Hearing

Permit History

The applicant has not yet applied for the building permit.

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 1940 dated, May 30, 1940, and zoned "B" Residence District. The property was rezoned by Ordinance 64079 dated, November 20, 1986, to "R-2" Two 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-2" Two Family Residence District to "RM-4" Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning

"RM-4 NCD-7 AHOD" Residential Mixed Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Multi-Family/Duplex

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning

"R-4 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Church

East

Existing Zoning

"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Single-Family Residence

West

Existing Zoning

"RM-4 NCD-7 AHOD" Residential Mixed Jefferson Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Multi-Family/Duplex

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Plan and is designated as "Urban Low Density Residential" in the future land use component of the plan. The subject property is located within the notification area of Jefferson Neighborhood Association and Woodlawn Lake Neighborhood Association, and they have been notified of the request.

Street Classification

Woodlawn Avenue is classified as a Secondary Arterial Type B.

Morning Glory Drive 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 6'-6" front setback. The variance is contrary to the public interest as this does not provide sufficient separation between structure, property line, and right-of-way.

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

Staff found no special conditions on the subject property that would permit an exception to the front setback standard. A literal enforcement of the ordinance would not result in unnecessary hardship, as the carport can be adjusted to meet the front setback requirements, and there is access to a functional garage on the property for vehicle security.

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, 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 attached 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 Section 35-310.01 of the Unified Development Code.

Staff Recommendation – Front Setback Variance

Staff recommends Denial in BOA-24-10300237 based on the following findings of fact:

1. The reduced front setback injures neighboring properties in the surrounding area.
2. The structure is too close to the property line and does not provide sufficient separation between structure and right-of-way.