



City of San Antonio

Agenda Memorandum

Agenda Date: May 19, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300044

APPLICANT: Oscar Cruz

OWNER: Oscar Cruz

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 1603 Steves Avenue

LEGAL DESCRIPTION: Lot 15, Block 116, NCB 3386

ZONING: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

CASE MANAGER: Joel Vela, Senior Planner

A request for

1) A 4'-11" side setback variance from the minimum 5' setback requirement to allow an attached accessory structure to be 1" from the side property line.

Section 35-310.01

2) A 4'-11" side setback variance from the minimum 5' setback requirement to allow a carport attached to an accessory structure to remain 1" from the side property line.

Section 35-370(b)(1)

Executive Summary

The subject property is located just east of the intersection of South Hackberry Street and Steves Avenue. The property is in the middle of a residential area. The applicant built an addition on the side of the principal structure that has a 1-inch side setback. Upon site visits, staff noticed a carport the went past the property line. BOA staff, along with Public Works staff worked with the applicant

to attain permission to have the carport outside the property line. BOA approval is still required as it would need a 5-foot side setback. The property is located on a corner lot, and the carport is located in the rear of the property, with an alley abutting the rear. Code Compliance started an investigation for the attachment being built without a permit. The applicant will obtain a permit pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-FYP-25-2770005729 – April 25, 2025 – Parking in the yard – Pending with Code Compliance
INV-PBP-25-3100001319 – March 10, 2025 – Building without a permit – Closed

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio and was zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District was converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Duplex

South

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Southeast Community Area 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 Highland Park Neighborhood Association, and they have been notified of the request.

Street Classification

Steves Avenue is classified as a Secondary Arterial Type B.
Piedmont Avenue is classified as a Local Street.

Criteria for Review – Side Setback

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.

(Principal Structure Setback)

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by adequate side setbacks for dwelling structures. Staff finds that this is not contrary to the public interest as adequate space exists between the property line and the street.

(Carport Setback)

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by adequate side setbacks for a carport located in the rear yard. Staff finds that this is contrary to the public interest as the carport will not leave room between the allowed property line and the street.

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

(Principal Structure Setback)

A literal enforcement of the side setback ordinances would not result in unnecessary hardship as sufficient space exists between the property line and the street.

(Carport Setback)

A literal enforcement of the carport side setback ordinances would not result in unnecessary hardship as the property owner could modify the carport to create more space between the street and the carport.

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

(Principal Structure Setback)

The requested side setback variance appears to be in the spirit of the ordinance as sufficient space will remain for pedestrian right of way.

(Carport Setback)

The requested carport side setback variance does not appear to be in the spirit of the ordinance as no space will remain for pedestrian 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.

(Principal Structure Setback)

Staff finds that the side setback variance would not substantially injure the appropriate use of adjacent properties or alter the essential character of the district as it abuts a right of way and substantial space exists from the property line to the street.

(Carport Setback)

Staff finds that the side setback variance would substantially injure the appropriate use of adjacent properties or alter the essential character of the district as insufficient public space would remain between the structure and the right of way.

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.

(Principal Structure Setback)

Staff finds unique circumstances existing on the property for the side setback variance as the right of way, largely takes up the side of the dwelling unit.

(Carport Setback)

Staff finds no unique circumstances existing on the property for the carport side setback variance as insufficient space would remain on the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Side Setback standards of the UDC Section 35-310.01 and 35-370(b)(1).

Staff Recommendation – Side Setback

Staff recommends Approval in BOA-25-10300044 based on the following findings of fact:

1. Adequate space exists between the property line and the street.
2. The right of way, largely takes up the side of the dwelling unit.

Staff Recommendation – Carport Side Setback

Staff recommends Denial in BOA-25-10300044 based on the following findings of fact:

1. No public easement would exist between the street and the carport.
2. The request would alter the essential character of the district insufficient public space would remain.