



City of San Antonio

Agenda Memorandum

Agenda Date: January 6, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300227

APPLICANT: Benjamin Frausto

OWNER: Benjamin Frausto

COUNCIL DISTRICT IMPACTED: District 4

LOCATION: 10422 Cedar Village

LEGAL DESCRIPTION: Lot 42, Block 71, NCB 15910

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

CASE MANAGER: Colton Uden, Planner

A request for

1) A 4'-11" variance from the minimum 5' side setback requirement to allow a carport to be 1" from the side property line.

Section 35-310.01

2) A 9'-11" variance from the minimum front setback requirement to allow a carport to be 1" from the front property line.

Section 35-310.01

Executive Summary

The subject property is located south of Potranco Road, just east of Loop 1604. A carport was constructed without a permit and within the front and side setback. Code Compliance started and investigation on the carport which initiated the variance process. The carport has enough width to

fit three vehicles. There is an estimated 20' from the dwelling to the front property line. No other carports were observed in the area.

Code Enforcement History

INV-PBP-24-3100005686 – Building without a Permit – Pending Resolution

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 83136 dated December 30, 1995, was zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 85420, dated January 9, 1997, to the “R-1” Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” Single-Family Residence District to the current “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning

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

Existing Use

Single-Family Dwelling

Surrounding Property Zoning/ Land Use

North

Existing Zoning

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

Existing Use

Single-Family Dwelling

South

Existing Zoning

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

Existing Use

Single-Family Dwelling

East

Existing Zoning

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

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland 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 in the West & Southwest Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is not located within any Neighborhood Association or Community Organization.

Street Classification

Cedar Village is classified as a Local Road.

Criteria for Review – Side and Front 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 adhering to setback requirements to provide adequate spacing between properties. The side and front setback variances are contrary to the public interest as insufficient space will remain for the purposes of water runoff and fire safety concerns and maintenance.

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

A literal enforcement of the side and front setback ordinances would not result in unnecessary hardship. The inability to construct a carport does not establish an unnecessary hardship as the lots were developed with limited area in the front yard.

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

The requested side and front setback variances do 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 as well as for the maintenance of the structure.

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 and front setback variances 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 and front setback variances as the area was not developed with space to allow a carport.

Alternative to Applicant's Request

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

Staff Recommendation – Side and Front Setback Variances

Staff recommends Denial in BOA-24-10300227 based on the following findings of fact:

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