



City of San Antonio

Agenda Memorandum

Agenda Date: May 5, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300058

APPLICANT: Elissa Ramirez

OWNER: Elissa Ramirez

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 322 Cupples Road

LEGAL DESCRIPTION: Lot 24 Exclude west 17.5 feet, Block 23, NCB 3686

ZONING: "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Jewel Polimis, Planner

A request for

1) A 4'-6" variance from the minimum 5' side setback to allow for a carport with a 6" side setback.
Section 35-310-01 Table 310-1

2) A 2'-6" variance from the minimum 5' side setback to allow and addition with a 2'-6" side setback.
Section 35-310-01 Table 310-1

3) A 4'-6" variance from the minimum 5' side setback to allow for an accessory structure with a 6" side setback.
Section 35-370 (b)(1)

Executive Summary

Subject property is located just south of Castroville Road, across from San Fernando Cemetery II. In March 2025, the property was cited by code compliance for building the carport in question without a permit and within the side setback. Upon site visits, staff found an additional structure in the rear that required a side setback and a recent addition to the rear of the property that requires a setback variance. Maintaining the 2'-6" on the addition requires a variance, however a 6-inch administrative variance would allow the addition if approved. Dated street view photography shows the carport was built after April 2016. This case was initiated by a Code Compliance investigation that started on March 2025.

Code Enforcement History

INV-ZPS-25-3160000617 – Zoning Investigation – Carport Setback

Permit History

No Permit history found.

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 1258 dated August 2, 1944, and zoned "F" Local Retail District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from "F" Local Retail District to "C-2" Commercial District. The property was rezoned by Ordinance 2023-08-03-0515, dated August 3, 2023, to the current "R-4" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

"R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Dwelling Unit

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Dwelling Unit

South

Existing Zoning

"R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Dwelling Unit

East

Existing Zoning

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Dwelling Unit

West**Existing Zoning**

“MF-33 MLOD-2 MLR-1 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

San Fernando Cemetery II

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the “West & Southwest Sector Plan” and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is located within the notification area of the El Charro Neighborhood Association and the Brady Gardens Neighborhood Association, and they have been notified of the request.

Street Classification

Cupples Road is classified as a Secondary Arterial Type B.

Criteria for Review – Setbacks

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.

(Carport and Accessory Structure Side 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 adhering to the required side setbacks for a carport and accessory structure. The side setback variances are contrary to the public interest as insufficient space will remain for the purposes of water runoff, fire safety, and structure maintenance.

(Principal Structure Side Setback)

In this case, the public interest is represented by adhering to the required side setbacks for an addition to the rear of the dwelling structure. The side setback variance is not contrary to the public interest as the setback is already established on the structure and the addition would be required to meet all fire codes and standards if approved.

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

(Carport and Accessory Structure Side Setback)

A literal enforcement of the side setback ordinances would not result in unnecessary hardship as sufficient space exists in the rear yard to construct a carport within the required setbacks.

(Principal Structure Side Setback)

A literal enforcement of the side setback ordinances would result in unnecessary hardship as the addition would not align with the existing setback.

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

(Carport and Accessory Structure Side Setback)

The requested side 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.

(Principal Structure Side Setback)

The requested side setback variance appears to be in the spirit of the ordinance as sufficient 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.

(Carport and Accessory Structure Side Setback)

Staff finds that the side 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.

(Principal Structure Side Setback)

Staff finds that the side setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for maintenance of the addition and the risk of fire spreading would not increase. The addition will not alter the essential character of the district as reduced setbacks are historically observed in the area.

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.

(Carport and Accessory Structure Side Setback)

Staff finds no unique circumstances existing on the property for the side setback variance as sufficient development space exists on the rear yard.

(Principal Structure Side Setback)

Staff finds unique circumstances existing on the property for the side setback addition such as the established setback on the structure and reduced historical setbacks observed in the area.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Regulations of Section 35-310-01 Table 310-1 and Section 35-370 (b)(1) of the Unified Development Code.

Staff Recommendation – Carport and Accessory Structure Setbacks

Staff recommends Denial in BOA-25-10300058 based on the following findings of fact:

1. Insufficient space will remain for the purposes of water runoff, fire safety, and structure maintenance.
2. Sufficient development space exists on the rear yard.

Staff Recommendation – Principal Structure Setback

Staff recommends Approval in BOA-25-10300058 based on the following findings of fact:

1. Established setback on the structure and reduced historical setbacks were observed in the area.
2. Sufficient space will remain for the purposes of water runoff and fire safety concerns.