



City of San Antonio

Agenda Memorandum

Agenda Date: January 27, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300245

APPLICANT: Erik Galvan

OWNER: Erik Galvan and Nidia Inostroza

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 1912 Santa Barbara Street

LEGAL DESCRIPTION: Lot 2, Block 13, NCB 8496

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

CASE MANAGER: Colton Unden, Planner

A request for

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

Section 35-310.01

2) A 5'-2" clear vision variance from the minimum 15' clear vision to allow a 9'-10" driveway clear vision.

Section 35-514 (a)(2)

Executive Summary

The subject property is located along Santa Barbara Street, west of West Avenue, located within the Los Angeles Heights Neighborhood Association. The applicant had a carport constructed without permit and was cited by Code Enforcement in November 2024. The applicant had the Carport constructed 1" from the side property line. The Carport first showed up on street imagery

in 2024. Staff measured a 10’-6” width and 41’ depth for the carport during site visits. Upon staff site visits, a driveway clear vision variance was added to the case.

Code Enforcement History

INV-PBP-24-3100005950 - PMT-Building Without a Permit – Pending Resolution

COD-ADH-REQ24-43904865 – Administrative Hearing – Awaiting Hearing

Permit History

Building permit is pending outcome from the Board of Adjustment.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and 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 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

Single-Family Dwelling

South

Existing Zoning

“MF-33 AHOD” Multi-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 located within the Near Northwest Community 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 Los Angeles Heights Neighborhood Association, and they have been notified of this request.

Street Classification

Santa Barbara Street is classified as a Local Road.

Criteria for Review – Side Setback and Driveway Clear Vision 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. In this case, the public interest is represented by adhering to setback requirements to provide adequate spacing between properties. The side setback variance is contrary to the public interest as insufficient space will remain for the purposes of water runoff and fire safety concerns.

The driveway clear vision variance is not contrary to the public interest as the fencing is at an established line within the neighborhood.

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

A literal enforcement of the side setback ordinances would not result in unnecessary hardship as the applicant can modify the configuration and location of the carport to be within setbacks on the lot.

A literal enforcement of the clear vision ordinances would result in unnecessary hardship as the applicant would need to relocate their fence line well within the property leaving insufficient space in the yard.

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

The requested side setback variance does 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.

The requested clear vision variance does appear to be in the spirit of the ordinance as staff observed the fence and gate line present in surrounding properties along the immediate area.

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 setback variance 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.

Staff finds that the clear vision variance would not substantially injure the appropriate use of adjacent properties as the fence and gate line is well established in the neighborhood in which the variance is requested.

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 setback variance as a carport could be located to a different part of the lot in compliance with setback rules.

Staff finds the unique circumstance existing on the property for the clear vision variance is the presence of a well-established fence and gate line within the community.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the carport side setback and driveway clear vision requirements of the UDC Sections 35-310.01 and 35-514 (a)(2).

Staff Recommendation – Carport Side Setback Variance

Staff recommends Denial in BOA-24-10300245 based on the following findings of fact:

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

Staff Recommendation – Driveway Clear Vision Variance

Staff recommends Approval in BOA-24-10300245 based on the following findings of fact:

1. The gate and fence are located at a well-established line within the neighborhood.
2. The requested variance will not alter the essential characteristics of the district in which the property is located.