



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 2, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300214

**APPLICANT:** Francisco Lopez

**OWNER:** Frances S. Lopez

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 522 Ceralvo Street

**LEGAL DESCRIPTION:** Lot 11, NCB 6870

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

**CASE MANAGER:** Melanie Clark, 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 eastern side property line.  
Section 35-310.01

**Executive Summary**

Subject property is located east of South Zarzamora Street, northwest of Frio City Road, on Ceralvo Street. On October 15, 2024, Code Enforcement was contacted in response to a citizen's complaint regarding construction on the subject property. The investigation determined that building permits had not been obtained prior to construction and a stop work was issued. The applicant, on behalf of the property owner, is requesting a 4'-11" variance to allow an attached carport to remain 1" from the eastern side property line. Permits are pending the results from the Board of Adjustment.

### **Code Enforcement History**

INV-BLD-INV24-23201258- Building Investigation  
INV-COM-INV24-22703413- Building Investigation/Complaint  
INV-ELE-INV24-23301304- Electrical Investigation  
INV-MEC-INV24-23401244- Mechanical Investigation  
INV-PLB-INV24-23501249- Plumbing Investigation

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

Subject property was part of the original 36 square miles of the City of San Antonio and zoned "J" Commercial District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the zoning converted from "J" Commercial District to "I-1" General Industrial District. The property was rezoned by Ordinance 96343 dated, Sept 12, 2002, from "I-1" General Industrial District to "R-4" Residential Single-Family District.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

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

#### **Existing Use**

Single-Family Residence

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

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

#### **Existing Use**

Single-Family Residence

#### **South**

#### **Existing Zoning**

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

#### **Existing Use**

Single-Family Residence

#### **East**

#### **Existing Zoning**

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

#### **Existing Use**

Single-Family Residence

## **West**

### **Existing Zoning**

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

### **Existing Use**

Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Guadalupe Westside Community/Westside Plan and is designated as "Low Density Residential" in the future land use component of the plan. The subject property is located within the notification area of the Collins Garden Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Ceralvo Street is classified as a local road.

### **Criteria for Review – Side 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. In this case, the public interest is represented by adhering to setback requirements to provide adequate spacing between properties. The applicant is requesting a 1" side setback for an attached carport. The request is contrary to the public interest as a 1" side setback does not provide sufficient space between neighboring properties.

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

A literal enforcement of the ordinance would not result in unnecessary hardship as the carport can be adjusted to accommodate setback requirements.

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

The intent of the code is to provide distance between the proposed structure and property lines to ensure proper maintenance and separation can occur. The carport with a significantly reduced side setback will not observe the spirit of the ordinance.

*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 the reduced side setback will alter the essential character of the district as the carport side setback does not provide an adequate distance from the property line causing increased risk for fire spread and water runoff onto the neighboring property.

*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 carport dimensions to abide by side setback requirements.

#### **Alternative to Applicant's Request**

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

#### **Staff Recommendation – Side Setback Variance**

Staff recommends Denial in BOA-24-10300214 based on the following findings of fact:

1. The variance will alter essential character of the district as it does not provide an adequate distance from the established property line.
2. Will not observe the spirit of the ordinance as reduced side setback, increases risk of fire spread and water runoff onto the neighboring property.