



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 22, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300051

**APPLICANT:** Ronald S. Gross

**OWNER:** Ronald S. Gross

**COUNCIL DISTRICT IMPACTED:** District 9

**LOCATION:** 13835 Susancrest Drive

**LEGAL DESCRIPTION:** Lot 24, Block 5, NCB 16056

**ZONING:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 6'-7" variance from the minimum 10' front setback to allow a carport to be 3'-5" from the front property line. Section 35-310.01

**Executive Summary**

The subject property is located northeast of Jones Maltsberger Road and approximately 90' east of the Flintbed Road and Susancrest Drive intersection. The applicant, being the property owner, is seeking a 6'-7" variance to allow a 20' X 20' detached carport to be constructed 3'-5" from the front property line. The distance from the front setback does not accommodate the size of the carport needed to support coverage for a vehicle. The issuance of a Building Permit is Pending the Outcome of the Board of Adjustment.

**Code Enforcement History**

No Code Enforcement history found.

**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 33076, dated March 18, 1965, and zoned "A" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**South**

**Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**East**

**Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**West**

**Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

**Street Classification**

Susancrest Drive is classified as a local road.

**Criteria for Review – Front 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 complying with front setback standards to improve property and community appearance. The requested variance will be contrary to the public interest as it will not leave sufficient room between right of way and the carport.

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

Special conditions do not exist on the property as the inability to fit a carport would not result in an unnecessary hardship.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The intent of the code is to provide distance between the proposed structure and property lines to ensure safety and clear vision requirements are met. The introduction to a carport with a significant short front 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.*

If granted, the variance request will injure the appropriate use of adjacent conforming properties. The reduced front setback will alter the essential character of the district as no other reduced front yard setback carports 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.*

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. All properties do not have the space to accommodate a carport and the property contains a garage for two vehicles for vehicle protection.

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

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

### **Staff Recommendation – Front Setback Variance**

Staff recommends Denial in BOA-24-10300051 based on the following findings of fact:

1. The proposed variances are contrary to the public interest and will alter the essential character of the district; and
2. All properties do not have the space to accommodate a carport and the property contains a garage for two vehicles for vehicle protection.