

Case Number:	BOA-22-10300208
Applicant:	Livorio Delbosque
Owner:	Livorio Delbosque
Council District:	3
Location:	4211 Katrina Lane
Legal Description:	Lot 34, Block 7, NCB 17450
Zoning:	“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for a 7’ variance from the 10’ minimum front setback requirement, as described in Section 35-310.01, to allow an attached carport with overhang to be 3’ from the front property line.

### **Executive Summary**

The subject property is located along Katrina Lane near Roland Avenue. The applicant is planning on constructing an attached carport with no gutters. The proposed carport is anticipated to be 3’ from the front property line. A carport is required to maintain 10’ from the front property line.

### **Code Enforcement History**

Property Maintenance Investigation- April 2022

Vehicle Investigation- April 2022

### **Permit History**

Residential Fence Permit- July 2022

Re-Roof Permit- April 2022

The issuance of a building permit is pending the outcome of the Board of Adjustments

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and originally zoned “A” Single-Family Residence District. The property rezoned under Ordinance 57067, dated June 2, 1983, from “A” Residential Single-Family District to “R-2A” Three and Four-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-2A” Three and Four-Family Residence District converted to the current “RM-4” Residential Mixed District

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

Existing Zoning	Existing Use
“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
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North	“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
South	“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
East	“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
West	“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

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

The subject property is not apart of a Neighborhood Community Perimeter Plan and does not have a designated for future land. The subject property is located within the boundary of the Pecan Valley Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Katrina Lane is classified as a local road.

### **Criteria for Review – Rear 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. The applicant is requesting a variance to the front setback to allow an attached carport to be 3’ from the front property line. This spacing does not provide suitable spacing between the carport and curb which is contrary to the public interest.

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

A literal enforcement of the ordinance would result in the applicant building the carport 10’ from the front property line, which 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 proposed carport would be 3’ from the front property line, which does not observe the spirit of the ordinance because it would be too close to the sidewalk.

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 carport will maintain 3' from the front property line. This distance does not provide adequate spacing, which is likely to injure adjacent conforming properties and alter the essential character of the district.

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 circumstances do not appear to be the results of general conditions in the district in which the property is located.

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

The alternative to the applicant's request is to conform to the Setbacks per 35-310.01 of the UDC.

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

Staff recommends Denial in BOA-22-10300208 based on the following findings of fact:

1. The carport would be 3' from the front property line, which does not provide the adequate spacing; and
2. The carport will injure adjacent conforming properties and may alter the essential character of the district.