

Case Number:	BOA-22-10300233
Applicant:	Gilbert Rodriguez
Owner:	Gilbert Rodriguez
Council District:	7
Location:	338 Senisa Drive
Legal Description:	Lot 6 and east 12 feet of Lot 5, NCB 9186
Zoning:	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a request for a 5’ variance from the maximum 10’ front yard carport maximum height in the Jefferson Neighborhood Conservation District (NCD) design standards to allow a carport to be 15’ in height, 2) a request for a front yard carport roof design variance from the Jefferson Neighborhood Conservation District (NCD) design standards to allow a carport to have a pitched roof, and 3) a request for a 5' variance from the 10' minimum front setback requirement, as described in Sec 35-516(g) , to allow a carport to be 5’ from the front property line.

Executive Summary

The applicant has constructed a carport that measures 15’ in height and a pitched roof. The property is located within the Jefferson Neighborhood Conservation District (NCD), which allows carports up to 10’ in height and the roof designed to be flat. The constructed carport violates the Jefferson Neighborhood Conservation District (NCD) design standards. Additionally, the carport is 5’ from the front property line. The Jefferson Neighborhood Conservation District was established in April 16, 2009.

Code Enforcement History

Zoning - Property Setback Created On 03/16/2022

PMT-Building Without A Permit Created On 03/16/2022

Permit History

There are no relevant permits on file. A permit is awaiting the Board of Adjustments Decision.

Zoning History

The subject property was annexed into the City Limits of San Antonio by Ordinance 1940 dated May 30, 1940 and was zoned “B” Residence District. Ordinance 86704, dated September 25, 1997, rezoned the property to “R-1” Single Family District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” Single Family District to “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling
South	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling
East	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling
West	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northwest Community Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is not located within any Neighborhood Association.

Street Classification

Senisa Drive is classified as a local road.

Criteria for Review - Jefferson Neighborhood Conservation District Design Variances

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 applicant is requesting a variance to allow a 15’ carport with a pitched roof. The Jefferson NCD requires a maximum height of 10’ and flat roof so the request does not follow the design standards and is contrary to the public interest.

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

The applicant would have to demolish or convert to the structure to conform to the NCD design standards of a 10’ tall carport with a flat roof.

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

The requested variance does not appear to observe the spirit of the ordinance as the height exceeds what is permitted.

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.*

The request for a variance may not be likely to negatively affect the adjacent neighboring property. However, the NCD was adopted to preserve the character of the district, and the standards are not being met by this variance.

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.*

The variance is sought is not due to unique circumstances existing on the property, rather it is due to possible error in the measurements of the construction.

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 structure has the ability to move back to the 10' front setback. The variance is contrary to the public interest.

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

Staff does not find an unnecessary hardship due to the size of the front yard.

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

The requested variance is to allow a structure to be closer to the front property line. Due to the configuration of the property and the front yard having adequate space, this 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.*

No other properties located along Senisa Drive were observed to have accessory structures within the front setback that were approved by a Variance, therefore the request would alter the essential character of the neighborhood.

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.*

The variance is not sought is due to unique circumstances existing on the property such as the size and location of the lot. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the height requirements established by the Jefferson Neighborhood Conservation District and Section 35-516(g)..

Staff Recommendation – Jefferson NCD Design Standards Variance and Front Setback

Staff recommends Denial in BOA-22-10300233 based on the following findings of fact:

1. The carport does not uphold the Jefferson Neighborhood Conservation District design standards.
2. Enough room exists within the setbacks for a carport.