

Case Number:	BOA-22-10300253
Applicant:	Steve Dallas
Owner:	Steve Dallas
Council District:	8
Location:	2902 Hunters Den Street
Legal Description:	Lot 14, Block 19, NCB 17847
Zoning:	“R-6 MLOD-1 MLR-2 AHOD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 4” variance from the minimum 5’ side setback requirement, as described in Sec 35-370(b)(1), to allow a detached carport to be 4’-8” from the side property line, 2) a 13’-4” variance from the maximum residential curb cut width of 20’, as described in Sec. 35-506(r)(10), to allow a 33’-4” curb cut in the front driveway, and 3) a 9’-11” variance from the minimum 10’ front setback requirement, as described in Sec 35-516(g), to allow a detached carport to be 1” from the front property line.

Executive Summary

The subject property is located near the intersection of Hunters Den and Hunters Hawk and currently has one dwelling unit on the property. Code Enforcement issued a zoning violation for the accessory structure. The accessory structure is located within the minimum side and front setback requirements. Additionally, a curb cut of 33’-4” will be needed to utilize the carport. The approval of the variance will allow code compliance to close out the zoning case associated with this property. The variance will also allow for any pending buildings permit to be issued. There were no carports in the area observed.

Code Enforcement History

PMT-Building Without A Permit Created 08/22/2022

Zoning - Property Setback Created 08/22/2022

Permit History

There is currently a residential permit on file. A residential building permit is pending the outcome of the Board of Adjustment Meeting.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 61615, dated December 29, 1985 and zoned Temp “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-1 MLR-2 AHOD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 MLR-2 AHOD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 MLOD-1 MLR-2 AHOD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 MLOD-1 MLR-2 AHOD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 MLOD-1 MLR-2 AHOD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Land Use Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is not located within a registered homeowner association.

Street Classification

Hunter Den Street and Hunter Hawk Street are classified as local roads.

Criteria for Review – Side Setback Variance, Curb Cut Variance, 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 is appearing to provide adequate space along the side property line and will not cause adverse effects to the neighboring property.

The front setback is too close to the right of way and the curb cut may negatively affect the sidewalk which may be contrary to the public’s interest.

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

Staff finds no hardship due to the large size of the front yard which has space for the carport.

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

A requested variance is to allow a structure to be closer to the side property line. There

appears to be adequate space to the neighboring property.

The spirit of the ordinance will not be observed for the front setback variance and curb cut variance. The right of way is adjacent may be negatively affected if approved.

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 evidence that the accessory structure may alter the essential character of the district as there are no other carports in the area with similar setbacks and curb cuts.

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 circumstances were created by the owner, therefore there are no unique circumstances exist on the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the side setback regulations for Accessory Structures of UDC Section 35-370(b)(1), Carports front setbacks Section 35-516(g) and Neighborhood Wide Design Standards Section Sec. 35-506(r)(10).

Staff Recommendation – Side Setback Variance

Staff recommends **Approval** in **BOA-22-10300253** based on the following findings of fact:

1. The structure appears to have adequate space from the neighboring property.

Staff Recommendation – Curb Cut Variance and Front Setback Variance

Staff recommends **Denial** in **BOA-22-10300253** based on the following findings of fact:

1. The structure alters the essential character of the district; and
2. The structure may negatively impact the right of way.