

Case Number:	BOA-23-10300077
Applicant:	Maria Aleman
Owner:	Maria Aleman
Council District:	3
Location:	210 Cravens Avenue
Legal Description:	Lot 3, Block 19, NCB 9614
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Principal Planner

Request

A request for a 4'-11" variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow a structure with a 1'-4" overhang to be 1" from the side property line.

Executive Summary

The subject property is located along Cravens Avenue just east of IH 37 South between the intersections of South Gevers Street and Goliad Road. The applicant is requesting a variance from the side setback, to allow a structure with a 1'-4" overhang to be 1" from the side property line. The carport is built as an extension of the home, in line with the existing dwelling structure. The applicant constructed the structure without a building permit.

Code Enforcement History

INV-PBP-23-3100001428 -March 2023 (Building Without a Permit)

Permit History

The issuance of a Building Permit is Pending the Outcome of the Board of Adjustment.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 7886, dated September 8, 1948, and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is under the Brooks Regional Center Area Community Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is in the Highland Hills Neighborhood Association, and they were notified of the request.

Street Classification

Cravens Avenue is classified as a local street.

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. The proposed structure would only be 1” from the side property line and so 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 not result in unnecessary hardship as the applicant would need to redesign the addition to comply with the ordinance.

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. Reducing the side setback requirement would injure neighboring properties.

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 reduced side setback would injure neighboring properties.

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 variances are sought are not due to unique circumstances existing on the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Regulations under Section 35-310.01 of the UDC.

Staff Recommendation – Side Setback Variance

Staff recommends Denial in BOA-23-10300077 based on the following findings of fact:

1. The structure is currently 1" from the side property line which does not observe the spirit of the ordinance by preventing space from the neighboring property; and
2. The reduced side setback injures neighboring properties; and
3. It will alter the essential character of the neighborhood.