

Case Number:	BOA-23-10300165
Applicant:	Ronald Koepp
Owner:	Ronald Koepp
Council District:	3
Location:	4401 Stayman Drive
Legal Description:	Lot 15, Block 2, NCB 14917
Zoning:	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for a 7'-6" variance from the minimum 10' front setback, as described in Sec 35-516(g), to allow a carport with a 2'-6" front setback.

### **Executive Summary**

The subject property is located on the corner of Stayman Drive in the far southeast side of San Antonio. The applicant is requesting to construct a new carport 2'-6" from the front property line. The carport will maintain the required 5' side setbacks. Upon staff site visits, staff observed only a few carports in the immediate area. Property has an existing garage within the proper front setback.

### **Code Enforcement History**

There are no Code Enforcement cases on file.

### **Permit History**

MEP Trade Permits Application 12/13/2021

Plumbing General Permit 12/13/2021

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and zoned "A" Single-Family Residence District. Ordinance 55204 dated April 15, 1982 rezoned the property to "R-5" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-5" Single-Family Residence District converted to the current "R-5" Residential Single-Family District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single Family Dwelling

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single Family Dwelling
South	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single Family Dwelling
East	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single Family Dwelling
West	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single Family Dwelling

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

The subject property is not located within an adopted neighborhood community perimeter plan. The subject property is located within the Pecan Valley Neighborhood Association, and they were notified of the request.

### **Street Classification**

Stayman 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. The requested front setback variance would allow the proposed structure to be built and may negatively affect the right of way along the front property line.

- 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 constructing the structure to meet the minimum 10' front setback. The subject property is large enough to maintain a garage with the required setback as opposed to the requested carport.

- 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 reduced front setback for a carport. Due to the size of the

property and the structure being proposed, 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.*

Staff does find evidence that the requested variance would alter the essential character of the district. There are a few carports found in the immediate area, one of which is meeting required 10' front setback.

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 applicant could redesign the carport to maintain the minimum front setback and add an overhang.

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

The alternative to the applicant's request is to conform to the front setback regulations of Setback and Frontage Regulations of Section 35-516(g).

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

Staff recommends Denial in BOA-23-10300165 based on the following findings of fact:

1. The request appears out of character for the area; and
2. The structure is only 2'-6" from the front property line and may negatively affect the right of way with water runoff.