

Case Number:	BOA-23-10300166
Applicant:	Josefina Velez
Owner:	Josefina and Domingo Velez
Council District:	7
Location:	8834 Thatch
Legal Description:	Lot 138, Block 2, 17948
Zoning:	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 7'-5" variance from the minimum 10' front setback, as described in Sec 35-516(g), to allow a carport with a 2'-7" front setback.

Executive Summary

The subject property is located on Thatch Drive in the northwest side of San Antonio. The applicant has constructed a new carport 2'-7" from the front property line. The carport does maintain the minimum 5' side setback requirement. During site visits, staff did not observe any similar carports in the immediate area with a similar front setback.

Code Enforcement History

PMT-Building Without A Permit 01/23/2023

Permit History

Solar - Photovoltaic Permit 08/15/2022

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 61607, dated December 29, 1985, and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Dwelling

Surrounding Zoning/Land Use

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

West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single Family Dwelling
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Huebner/ Leon Creeks Community Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is located within the Wildwood Neighborhood Association, and they were notified of the request.

Street Classification

Thatch 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 carport to be built 2'-7" from the front property line which could 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 having to maintain the carport 10' from the front property line. The subject property is large enough to accommodate a carport while still abiding by the setback requirement.

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

The spirit of the ordinance would not be observed with a 2'-7" front setback as it is too close to the front property line.

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. Staff did not observe any carports in the immediate area. The carport is large and may alter the 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.*

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 carport is wide and could reasonably accommodate two vehicles if the carport keeps 10' front setback with 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-23-10300166 based on the following findings of fact:

1. The request appears out of character for the area; and
2. There is sufficient space to allow the placement of the carport at 10' from the front property line.