

Case Number:	BOA-23-10300169
Applicant:	Jose Saenz
Owner:	Jose Saenz
Council District:	5
Location:	1011 Stonewall Avenue
Legal Description:	The north 117.5 feet of Lot 43 and Lot 44, Block 8, NCB 7893
Zoning:	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Principal Planner

Request

A request for a 4’ variance from the minimum 10' front setback, as described in Section 35-516(g), to allow a carport with a 6’ front setback.

Executive Summary

The subject property is located northwest of the intersection of IH-35 and West Southcross Boulevard. The property owner rebuilt a carport that appeared to be a non-conforming structure and did not apply for a permit. The new attached carport post is 6’ from the front property line with a 1’ overhang; the overhang does not require a variance since it is not within 5’ of the front property line. Parking depth in front of the dwelling structure to the front property line is approximately 24’.

Code Enforcement History

INV-PTI-23-3090001238 – Building without a Permit (June 2023)

Permit History

The issuance of a carport permit will depend on the decision from the Board of Adjustment.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944, 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 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland 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-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Dwelling

South	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Dwelling
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single Family Dwelling
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland 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 Nogalitos/ South Zarzamora Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Tierra Linda Neighborhood Association, and they were notified of the request.

Street Classification

Stonewall Avenue 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 carport would have a 6’ front setback, which would not negatively affect the public interest as a similar carport is able to be constructed with the posts moved 4’ to the rear and the overhang ending in the same location.

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 driveway in front of the dwelling is approximately 24’ which would not cover and entire vehicle with the current required setbacks.

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 be observed as a permitted carport overhang can go up to the 5’ 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 finds that the requested variance would not alter the essential character of the district as the overhang will stop at the same location with posts moved back to the 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 space in front of the dwelling does not leave room for a full 10' setback and the ability to protect vehicles.

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 **Approval** in **BOA-23-10300169** based on the following findings of fact:

1. The request will not alter the essential character of the neighborhood; and
2. The carport overhang does not go beyond 5 feet from the from property line.