

Case Number:	BOA-23-10300178
Applicant:	Margaret Mann
Owner:	Margaret Mann
Council District:	3
Location:	211 Channing Avenue
Legal Description:	The south 98 feet of Lot 24, Block 9, NCB 2947
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 9'-11" variance from the minimum 10' front setback, as described in Section 35-310.01, to allow a carport with a 1" front setback and 2) a 4"-10" variance from the minimum 5' side setback, as described in Section 35-310.01, to allow a carport with a 2" side setback.

Executive Summary

The subject property is located along Channing Avenue just East of IH-37 between the intersections of Nopal Street and South Gevers Street. The applicant is requesting a variance from the front and side setback, to allow a carport to be 1" from the front and 2" from the side property line. The applicant has constructed the carport and was required to obtain a building permit prior to construction. Upon site visits, staff did observe carports in the area.

Code Enforcement History

Zoning UDC (INV-UDC-23-3130000757)-May 2023

Building Without Permit (INV-PTI-23-3090001137)-May 2023

Permit History

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

Minor Building Repair (REP-MBR-APP23-35005767)-May 2023

Minor Building Repair (REP-MBR-APP21-35005287)-May 2021

Foundation Repair (REP-FND-PMT23-35101332)-May 2023

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio 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” Residence 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
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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 Highlands Community Plan and the future land use is as “Urban Low Density Residential”. The subject property is located within the boundary of Highland Park Neighborhood Association, and they have been notified of the request.

Street Classification

Channing Avenue is classified as a local street.

Criteria for Review – Front and 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 carport would only be 1” from the front setback and 2” from the side setback 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 carport 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 front and 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 front and side setback would injure neighboring properties as no other variances were approved in the area.

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 as the carport could have been designed to meet the required setbacks.

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 – Front and Side Setback Variance

Staff recommends Denial in BOA-23-10300178 based on the following findings of fact:

1. The reduced front and side setbacks injure neighboring properties; and
2. It will alter the essential character of the neighborhood.