

Case Number:	BOA-23-10300176
Applicant:	Erika Limon
Owner:	Christopher Limon
Council District:	3
Location:	4319 Greco Drive
Legal Description:	Lot 20, Block 6, NCB 17449
Zoning:	“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Joseph Leos, Planner

Request

A request for a 9’-11" variance from the minimum 10' front setback requirement, as described in Section 35-516(g), to allow a carport to be 1” from the front property line.

Executive Summary

The subject property is located along Greco Street, west of Roland Avenue on the Southeast side of San Antonio. The applicant began constructing a detached carport but was halted by Code Enforcement for building without a permit (INV-PTI-23-3090000013). Soon after, the applicant submitted a Residential Improvements Permit Application and was issued a Carport Permit. The front setback distances provided on the application were inaccurate, as the front property line was located 10’ inward from the curb. Carports are required to maintain a minimum distance of 10’ from the front property line and currently, it is 1”. A similar variance was approved on November 2022 in the area for a reduced carport front setback (BOA-22-10300208/4211 Katrina Lane). Subdivision Plat of Pecan Valley Estates – Unit 1 (Volume 9520, Page 62) established the lots as an “R-7” Development which has a zero-side setback.

Code Enforcement History

Permit Investigation- Building Without a Permit (INV-PTI-23-3090000013)- April 2023

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment
Carport Permit- April 2023

Zoning History

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and originally zoned “A” Single-Family Residence District. The property rezoned under Ordinance 57067, dated June 2, 1983, from “A” Single-Family Residence District to “R-2A” Three and Four-Family Residence District. The zoning converted to the current “RM-4” Residential Mixed District upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 MLOD-3 MLR-2” Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District and "R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence and Vacant Lot
South	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
East	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
West	"RM-4 MLOD-3 MLR-2" Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not a part of a Neighborhood Community Perimeter Plan and does not have a designated for future land. The subject property is located within the boundary of the Pecan Valley Neighborhood Association, and they have been notified of the request.

Street Classification

Greco 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. In this case, the public interest represented by setback requirements to prevent water runoff and adequate spacing between properties. The applicant is requesting a variance to the front setback to allow a detached carport to be 1" from the front property line. The carport in its current location will not be contrary, as the mitigation of storm water runoff will fall on the property of the applicants.

- 2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The special condition found on the subject property is the size. The front property line is 10' inwards from the curb and has a zero-lot line along the side property line, resulting in the variance being necessary for the construction of the carport. Without it, the applicant would undergo a hardship, as the construction of a sizeable carport to fit their vehicles would be unattainable.

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. The granting of this variance will observe the spirit of the ordinance, as the carport is located within their property and is abiding by all other setback requirements. Additionally, building permits were issued but once notified about the need for the variance, the applicant abruptly halted construction to obtain one. All of which appears to 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.*

If granted, the carport will be 1” from the front property line. This will not injure the appropriate use of adjacent conforming properties, as other carports imposing into the setback were found in the immediate vicinity and approved by the Board of Adjustment. The request does not seem to be out of character with the district and is harmonious with 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 due to unique circumstances existing on the property, such as limited spacing on the property.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the Setbacks of the UDC Section 35-370(b)(1).

Staff Recommendation – Front Setback Variance

Staff recommends **Approval** in **BOA-23-10300176** based on the following findings of fact:

1. The carport allows for suitable spacing and storm water mitigation;
2. Without the variance, the applicant would not be able to construct a sizable carport to fit their vehicles; and
3. Other similar variances were approved by the Board of Adjustment.