

Case Number:	BOA-23-10300212
Applicant:	Carlos Vargas
Owner:	Carlos Vargas
Council District:	2
Location:	5900 Lake Placid
Legal Description:	Lot 7, Block 33, NCB 18273
Zoning:	“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for a 6'-6" variance from the minimum 10' front setback, as described in Section 35-516(g), to allow a detached carport to be 3'-6" from the front property line.

### **Executive Summary**

The subject property is located along Lake Placid, near U.S. Highway 87 on the southeast side of San Antonio and has a single-family dwelling on a corner lot. The applicant is requesting a variance to allow a carport to be 3'-6" from the front property line. A carport permit was issued in July of 2023, however, once informed about the inaccurate measurements indicating the location of the front property line, the applicant submitted a variance application. Anytime a structure impedes into the setback, it is mandatory they obtain a variance.

### **Code Enforcement History**

Vehicle Investigation (INV-ROW-23-2790013149)- July 2023

### **Permit History**

Carport Permit (RES-CRT-PMT23-32201174)- July 2023

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 64023, dated December 28, 1986, and originally zoned Temporary “R-1” Single-Family Residence District. The property rezoned under Ordinance 70527, dated November 9, 1989, from “Temporary “R-1” Single-Family Residence District to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “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 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Single-Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Single-Family Residence
South	“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Single-Family Residence
East	“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Single-Family Residence
West	“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Single-Family Residence

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

The subject property is in the Eastern Triangle Community Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Lakeside Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Lake Placid 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 3’-6” from the front property line. The carport will not be contrary, as the mitigation of storm water runoff will fall on the property of the applicants and won’t interfere with the neighboring property.**

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 minimum from setback requirement is 10’, resulting in the variance being necessary for the construction of the carport. The applicant would undergo a hardship without a variance, 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 will be 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 3'-6" 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. 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 35-516(g).

#### **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.