

Case Number:	BOA-23-10300256
Applicant:	Rose and Glenn Knapp
Owner:	Rose and Glenn Knapp
Council District:	2
Location:	4105 Sunrise Cove Drive
Legal Description:	Lot 128, Block 10, NCB 16611
Zoning:	“R-5 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay 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 35-310.01, to allow a carport to be 1” from the front property line.

Executive Summary

The subject property is located along Sunrise Cove, near North Foster Road. The property owner was cited by code enforcement for constructing a carport within the setbacks and without a permit. Soon after, the applicant applied for a carport permit and upon reinspection, was cited for building out of the scope of the permit. Initially, the property owner was cited for building within the side setback, however, upon review, it was determined that the property is located along a zero-lot line and allows for a reduced side setback. During site visits, staff observed that the carport was built within the front setback, measuring 1” from the front property line.

Code Enforcement History

Permit Investigation (INV-PBP-23-3100002327)-August 2023

Permit History

Carport Permit (RES-CRT-PMT23-32201279)- August 2023

Zoning History

The property was annexed into the City of San Antonio by Ordinance 81104, dated December 30, 1994 zoned “R-5” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-5” Single-Family Residence District converted to the current “R-5” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	“R-5 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
South	“R-5 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	“R-4 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-5 MLOD-3 MLR-1 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the IH-10 East Corridor Perimeter 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 Sunrise Neighborhood Association, and they have been notified of the request.

Street Classification

Sunrise Cove 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 is represented by setback requirements to prevent storm water runoff and routine maintenance without trespass. The applicant is requesting a variance to the front setback to allow a carport to be 1” from the front property line. This distance does not provide adequate spacing, and water run off may impose on the ROW, which are both contrary to the public interest.

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

Staff was unable to establish any special conditions on the subject property to warrant the need for a reduced front setback. A literal enforcement of the ordinance would not result in an unnecessary hardship, as the applicant could alter the carport to abide by the minimum front setback.

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 not observe the spirit of the ordinance, as the carport too close the front property line and water runoff may impose onto the ROW.

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 injure the appropriate use of adjacent conforming properties, as other carports imposing into the setback were not found in the immediate vicinity. The request seems to be out of character with the district and is not 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 not due to unique circumstances existing on the property. The circumstances do not appear to be merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Regulations of the UDC Section 35-310.01

Staff Recommendation –Front Setback Variance

Staff recommends Denial in BOA-23-10300256 based on the following findings of fact:

1. The carport will not allow for suitable spacing and storm water mitigation; and
2. The carport is located too close to front property line.