

Case Number:	BOA-21-10300177
Applicant:	Carrisa Bolado
Owner:	Carrisa Bolado
Council District:	2
Location:	5056 Viking Coral
Legal Description:	Lot 18, Block 46, 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:	Roland Arsate, Planner

Request

A request for a 6' 7" variance from the 10' minimum front setback requirement, as described in Section 35-310, to allow a carport to be 3' 5" from the front property line.

Executive Summary

The subject property is located mid-block on Viking Coral Street. The applicant is proposing to keep a carport that is currently still under construction. The carport was built without a permit and was investigated by Code Enforcement. Upon the site visit, staff observed that the subject property has the only carport within the subdivision, which they want to utilize to protect a car they are restoring. The carport appears to be about near its completion and is meeting the side setback requirements. Additionally, there was a noticeable curvature along the front property line which results in one post sitting closer to the front property line than the other.

Code Enforcement History

November 6th, 2021 - Building without a permit – Carport

Permit History

There are no relevant permits pulled for the subject property. A building permit for the carport is pending the outcome of the BOA Hearing.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 81104, dated December 30, 1994 and zoned Temporary "R-1" Single Family Residence District. The property was rezoned by Ordinance 87956, dated June 11, 1998 from "R-1" Single Family Residence District to "R-5" Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning 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 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 Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	"R-5 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Military Lighting Region 1 Airport Hazard Overlay District	Vacant Property / Easement
West	"R-5 MLOD-3 MLR-1 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the 1-10 East Corridor Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is not located within a Neighborhood Association.

Street Classification

Viking Coral Street is classified as a local road.

Criteria for Review - Variances

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 applicant is requesting a variance to the front setback for a carport that is attached to the existing residential dwelling. The applicant is proposing that the constructed carport be 3' 5" away from the front property line as to fit his vehicles underneath it.

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 alter the post of the structure to 10' away from the front property line or removing the structure in its entirety.

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. A 3' 5" front setback will not observe the spirit of the ordinance, as there do not appear to be any other structures in the immediate area encroaching into the front setback.

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 the request for a 6' 7" variance is proposed too close to the property line, and may alter the essential character of the district.

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 not sought due to unique circumstances existing on the property and is being sought due to the amount of available covered parking is not enough to fit the owners vehicles and still meet the front setback requirement.

Alternative to Applicant's Request

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

Staff Recommendation – Front Setback Variance

Staff recommends Denial in BOA-21-10300177 based on the following findings of fact:

1. The carport is 3' 5" from the front property line; and
2. The carport will be encroaching on the front setback; and
3. The carport may alter the essential character of the district in which it is located.