

Case Number:	BOA-21-10300199
Applicant:	Arturo Rangel
Owner:	Arturo Rangel
Council District:	1
Location:	135 Jade Drive
Legal Description:	Lot 3 and the East 2.5' of Lot 4, Block 9, NCB 10121
Zoning:	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a 3' variance from the minimum 5' side setback requirement, as described in Section 35-310, to allow a carport with 1' 2" overhang to be 2' away from the side property line and 2) a 7' 6" variance from the minimum 10' front setback requirement, as described in Section 35-310, to allow a carport with 1' 2" overhang to be 2' 6" from the front property line.

Executive Summary

The subject property is located along Jade Street within a single-family subdivision. The applicant has constructed a carport that encroaches into the side and front setback. The carport currently measures 30' 6" long and 14' 11" wide. Staff did not observe any other carports on Jade Drive but on the neighboring street, Conway Drive, there were a significant number of carports with similar designs.

Code Enforcement History

There is no relevant Code Enforcement history on file.

Permit History

No relevant permits have been issued for the subject property. A permit is pending the outcome of the BOA Meeting.

Zoning History

The subject property was annexed into the City Limits of San Antonio by Ordinance 11681, dated April 12, 1950, and was zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B" Residence District to the current "R-4" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Land Use Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is not located within a Homeowners Association.

Street Classification

Jade 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 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 and side setback requirements. Staff is recommending an alternate recommendation for the side setback to be 3' and for the front setback requirements to be met.

The side and front setbacks as requested appear to be 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 result in the applicant having to move the post of the structure to 5' away from side property lines, which would reduce the width of the carport 11' 11" and the posts would be in the way of the driveway. Staff finds an alternate recommendation of a 2' variance to be more suitable to the property due to the limited space for the carport.

The depth of the carport and driveway appear to provide enough space in order to meet the front setback requirement and staff does not find an unnecessary hardship.

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 side setback is intended to provide space between structures, it appears that there is sufficient space for the car port to move over 1 foot from the side.

Staff finds the carport can be moved an additional 7' 6" from the front property line which would allow the 10' front setback requirement to be met.

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 find that the carport can be moved to allow a 3' setback from the side and the front of the carport to be moved 7' 6" from the front setback to be meet the minimum 10' front setback requirements. The recommended side setback does not appear to injure adjacent conforming properties.

Other carports were observed to be encroaching into the front setback in the immediate area, however staff finds the carport is deep enough to meet the 10' front setback and fit the length of a vehicle.

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 the small amount of available driveway space.

There appears to space for the carport to move 1' from the side setback so that it would be 3' from the side property line. The front setback can also be adjusted so that the minimum front setback requirements be met.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setbacks per UCD Section 35-310.

Staff Recommendation – Side Setback Variance

Staff recommends Denial **with an Alternate Recommendation of a 2' variance from the minimum 5' side setback requirement to allow a carport with 1' 2" overhang to be 3' from the side property line, in BOA-21-10300199** based on the following findings of fact:

1. The driveway and carport appear to have ample space to relocate the posts one more foot from the side property line; and
2. The adjusted width of the carport will be 13' 11".

Staff Recommendation – Front Setback Variance

Staff recommends Denial in BOA-21-10300199 based on the following findings of fact:

1. The length of the carport measured to be 30' 6" and there appears to be sufficient space for the carport to be moved back to meet the minimum 10' front setback requirement.