

Case Number:	BOA-21-10300080
Applicant:	Herbert Lopez Garcia
Owner:	Herbert Lopez Garcia
Council District:	3
Location:	220 Lebanon Street
Legal Description:	Lot 10, Block 11, NCB 10893
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a 7’ 4” variance from the 10’ minimum front setback requirement, as described in Section 35-310, to allow a carport to be 2’ 8” from the front property line.

Executive Summary

The subject property is located along Lebanon Street and the applicant is requesting a variance to the front setback for a carport that was constructed without a permit. The carport currently measures 23 feet in depth and 18 feet in width. Other carports were observed in the vicinity, so the carport does not appear to detract from the character of the neighborhood.

Code Enforcement History

A Permit Investigation for Building Without a Permit was opened on May 25, 2021.

Permit History

The permit is pending the outcome of the Board of Adjustment Meeting.

Zoning History

The subject property was annexed into San Antonio City Limits on September 25, 1952, established by Ordinance 18115, and was zoned “B” Residence District. The zoning converted from “B” to the current “R-4” Residential Single-Family District upon adoption of the 2001 Unified Development Code (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 Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Stinson Airport Vicinity Community Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is not located within the boundary of any registered Neighborhood Associations.

Street Classification

Lebanon Street 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. The applicant is requesting a variance from the front setback to allow a carport that measures 23' in length, which is not 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 carport being relocated to be setback 10' from the front property line. This would reduce the depth of the carport to be about 16' deep, which would not allow for adequate space for the length of a vehicle.

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 carport is setback from the front property line and will not affect the character of the surrounding neighborhood so the spirit of the ordinance appears to be observed.

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 does not find the requested variance to substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district. Other carports were observed in the area with similar design.

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.

Alternative to Applicant's Request

The alternative to the applicant's request is comply with the Lot and Building Dimensions of the UDC Sections 35-310.

Staff Recommendation – Front Setback Variance

Staff recommends **Approval** in **BOA-21-10300080** based on the following findings of fact:

1. The carport is setback 2' 8" from the front property line; and
2. There are other carports with similar designs in the surrounding area; and
3. The carport is abiding by the side setback and does not seem likely to cause adverse effects.