



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** April 15, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300044

**APPLICANT:** CKG Freedom Venture Capital LLC

**OWNER:** CKG Freedom Venture Capital LLC

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 339 Olney Drive

**LEGAL DESCRIPTION:** Lot 11, Block 2, NCB 9785

**ZONING:** "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Mirko Maravi, Principal Planner

**A request for**

1) A 9'-11" variance from the minimum 10' carport setback to allow a 1" carport setback.  
(Section 35-516)

**Executive Summary**

The subject property is located just north of Terrell Hills in a single-family subdivision. The property owner replaced an existing carport without a permit, closer to the side property line. After being cited by Code Compliance, the permit found that the carport was within 1" from the side property line. The side property line is approximately 10' from the end of the street.

**Code Enforcement History**

INV-PBP-23-3100003794 – 10/25/2023 – Building Carport with no permit (Resolved)

**Permit History**

RES-IMP-APP23-32001900 – 11/15/2023 – Carport (pending decision of BOA)

**Zoning History**

The property was annexed into the City of San Antonio by Ordinance 4965, dated April 16, 1947, and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Northeast Inner Loop Neighborhood Plan and is designated as “Low-Density Residential” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

### **Street Classification**

Olney Drive and Townley Road are classified as a Local Streets.

### **Criteria for Review – Carport Setback**

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 carport setback located on the side property line. Staff finds that the requested variance is not contrary to the public interest as it is currently 10’ from the right of way and no fence or gate is present to create a clear vision issue.

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 unnecessary hardship as it would leave no room for a vehicle and can maintain a safe distance of approximately 10’ from the street.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Staff finds the spirit of the ordinance will be observed and substantial justice will be done as there can be no fence constructed to create a clear vision issue without a separate variance and the carport maintains an approximate 10’ distance from the street.

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 variance will not substantially injure the appropriate use of adjacent conforming property as there is an alley separating the side yards.

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 for which the variance is sought is due to unique circumstances existing on the property, such as the 10' distance from the street to the side property line.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Carport Setback of the UDC Section 35-516.

**Staff Recommendation – Carport Setback**

Staff recommends Approval in BOA-24-10300044 based on the following findings of fact:

1. The variance will not substantially injure the appropriate use of adjacent conforming property as there is an alley separating the side yards; and
2. There can be no fence to create a clear vision issue without a separate variance and the carport maintains an approximate 10' distance from the street.