

Case Number:	BOA-22-10300076
Applicant:	Claudia Romero
Owner:	Claudia Romero
Council District:	7
Location:	154 Rosemont
Legal Description:	Lot 14, NCB 7360
Zoning:	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 1’ variance from the maximum 10’ carport height requirement in the Jefferson Neighborhood Conservation District (NCD) design standards to allow a carport to be 11’ in height.

Executive Summary

The applicant has constructed a carport that measures 11’ in height. The property is located within the Jefferson Neighborhood Conservation District (NCD), which allows carports up to 10’ in height. The constructed carport violates the Jefferson Neighborhood Conservation District (NCD) design standards. The applicant pulled a building permit to construct the carport. Upon the NCD inspection conducted by staff, it was found that the height of the carport constructed exceeded the 10’ that was allowed by the building permit.

Code Enforcement History

There is no Code Enforcement history.

Permit History

Carport Permit- 03/24/2021

The building permit for the carport was issued, but the carport appeared to be in violation upon inspection of the construction.

Zoning History

The subject property was annexed into the City Limits of San Antonio by Ordinance 1939 dated May 30, 1940 and was zoned “B” Residence District. Ordinance 86704, dated September 25, 1997, rezoned the property to “R-1” Single Family District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” Single Family District to “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling
South	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling
East	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling
West	“R-6 NCD-7 AHOD” Residential Single Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northwest Community Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Jefferson Heights Neighborhood Association and they were notified of the case.

Street Classification

Rosemont 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 allow an 11’ carport. The Jefferson NCD requires a maximum height of 10’ so the request does not follow the design standards and is 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 demolish or convert to the structure to conform to the NCD design standards of a 10’ tall carport.

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 requested variance does not appear to observe the spirit of the ordinance as the height exceeds what is permitted.

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 variance may not be likely to negatively affect the adjacent neighboring property. However, the NCD was adopted to preserve the character of the district, and the standards are not being met by this variance.

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, rather it is due to possible error in the measurements of the construction.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the height requirements established by the Jefferson Neighborhood Conservation District.

Staff Recommendation – Jefferson NCD Design Standards Variance

Staff recommends Denial in BOA-22-10300076 based on the following findings of fact:

1. The carport does not uphold the Jefferson Neighborhood Conservation District design standards.