

Case Number:	BOA-22-10300089
Applicant:	Lucas A. Huckleberry
Owner:	Lucas A. Huckleberry
Council District:	3
Location:	730 Cravens Avenue
Legal Description:	Lot 8, Block 4, NCB 10158
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:	Rebecca Rodriguez, Senior Planner

### **Request**

A request for a 9’ variance from the minimum 10’ front setback requirement, as described in Section 35-310, to allow a carport to be 1’ from the front property line.

### **Executive Summary**

The subject property is located along Cravens Avenue and has a single-family residence. In 2017, the applicant obtained a permit for an attached carport located in the front yard of the subject property. The applicant may have been using the street curb as the property line for the original distance measurement as opposed to the front property line. This resulted in the structure being constructed closer than the 10’ setback requirement to the front property line. A Code Enforcement investigation was opened due to the structure not meeting the minimum front setback of 10’. Construction of the carport has already been completed. The structure was previously enclosed, as shown in Google Street View, however the applicant has since opened the structure to turn it into a carport. Upon the site visit conducted by staff, it was observed that the carport is 1’ from the front property line. The carport does maintain the minimum 5’ side setback requirement.

### **Code Enforcement History**

An investigation was opened on March 16, 2022 for a Zoning – Property Setback Violation.

### **Permit History**

The applicant obtained a carport permit on July 13, 2017. An updated permit for the carport is pending the outcome of the BOA hearing.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 13324 dated November 9, 1950 and zoned “B” Residence District. Under the 2001 United 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	Existing Use
“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	Single-Family Residence

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“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	Single-Family Residence
South	“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	Single-Family Residence
East	“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	Single-Family Residence
West	“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	Single-Family Residence

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Brooks Area Regional Center Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Highland Hills Neighborhood Association, and they have been notified of the request.

## Street Classification

Cravens Avenue 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 to the front setback to allow a carport to be 1’ from the front property line. The structure meets the side setback requirement and will have adequate spacing between the structure and the street curb, which does not 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 building the carport 10’ from the front property line. Staff finds an unnecessary hardship due to the size of the lot and the configuration of the residence on the lot. A literal enforcement would result in the applicant not being able to construct a carport on the property.**

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 currently 1' from the front property line and meets the side setback requirement. The spirit of the ordinance will be observed as the structure does not encroach on the neighboring properties and does not pose a fire/safety hazard to any neighboring structures.**

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 evidence that the requested variance would alter the essential character of the district. Carports were observed in the neighborhood. A 1' front setback for the attached structure does not appear to injure adjacent properties as there is still space between the carport and street curb.**

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 the size of the lot and placement of the residence and is not merely financial. The property has a limited amount of space to the front, which prevents the carport structure to maintain the 10' front setback requirement.**

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the setback requirements of the UDC Section 35-310.

### **Staff Recommendation – Front Setback Variance**

Staff recommends **Approval** in **BOA-22-10300089** based on the following findings of fact:

1. The carport meets the minimum side setback requirement; and
2. Similar carports were observed in the surrounding area therefore the structure does not appear to alter the essential character of the neighborhood;
3. There is a limited amount of space available to comply with the front setback and to develop a carport.