

Case Number:	BOA-22-10300099
Applicant:	Josue Carrizales
Owner:	Josue J & Blanca Carrizales
Council District:	3
Location:	3830 East Palfrey Street
Legal Description:	Lot 8, Block 5, NCB 13313
Zoning:	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Region 2 District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

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

Executive Summary

The subject property is located on East Palfrey Street. The applicant has constructed a carport that encroaches into the front setback. The carport does not appear to impede any of the immediate surrounding properties as the minimum side setback requirement is met. Staff as well noticed that there are other similar carports in the immediate area of the subject property.

Code Enforcement History

A Code Investigation was created on 06/23/2021 for Building Without A Permit.

Permit History

Residential Improvements Permit Application Created On 07/01/2021.

A residential building 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 18115 dated September 24 1952 and was zoned "A" Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current "R-5" Residential Single Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Region 2	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Region 2	Single-Family Dwelling

South	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Region 2	Single-Family Dwelling
East	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Region 2	Single-Family Dwelling
West	"R-5 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Region 2	Single-Family Dwelling

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 Highland Hills Homeowners Association and were notified of the case.

Street Classification

East Palfrey 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 not contrary to the public interest.*

A 7' 8" variance is being requested to allow an existing carport to be 2' 4" from the front property line. As the carport stands it appears that a 5' setback can be accommodated.

An alternate recommendation for a 5' variance to allow the carport to be 5' from the front property line appears to better serve the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

There do not appear to be special conditions which would prevent the carport from being moved 5' from the front property line.

By relocating the structure to be 5' from the front property line, it will continue to provide adequate space for covered parking under the carport.

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

The requested variance is to allow a carport to be closer to the front property line. Due to the adequate space on the front of the property the variance as requested will not observe the spirit of the ordinance.

In order to maintain the spirit of the ordinance and maintain the character of the neighborhood, staff recommends a 5' variance to the front setback requirement.

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 7' 8" variance does not maintain the essential character of the district.

A 5' variance may better serve the public interest and would not appear to alter the essential character of the district.

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.*

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 short amount of depth space for the carport and is not merely financial in nature.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Front Setback Regulations per Section 35-310 of the UDC.

Staff Recommendation – Front Setback Variance

Staff recommends Denial **with an Alternate Recommendation of a 5' variance from the minimum 10' front setback requirement to allow a carport to be 5' from the front property line** in **BOA-22-10300099** based on the following findings of fact:

1. There were additional carports in the surrounding area that extended past the front façade of the dwelling, so the request does not alter the essential character of the district; and
2. The carport meets the minimum 5' side setback requirement; and
3. There is adequate space to reduce the length of the carport to meet a 5' front setback and still provide covered parking.