

Case Number:	BOA-22-10300105
Applicant:	Mario Robledo
Owner:	Mario and Sabrina Robledo
Council District:	3
Location:	931 Sams Drive
Legal Description:	Lot 70, Block 3, NCB 11159
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Senior Planner

Request

A request for a 4’ variance from the minimum 5’ side setback requirement, as described in Section 35-310.01, to allow a carport with gutters to be 1’ from the side property line.

Executive Summary

The subject property is located along Sams Drive in the southern part of San Antonio near Stinson Airport and contains a single-family residence. The applicant was aware of the setback requirements for an attached carport and knew that their proposed carport would not be able to maintain a 5’ side setback to the side property line. The applicant has applied for the variance prior to commencing the construction of the carport. The proposed carport will measure 90’ in length and 11’5” in width and will be located along the side of the existing residence. The variance request is to allow the structure to be 1’ from the side property line. The carport will be able to maintain the minimum 10’ front setback requirement. During the site visit conducted by staff, staff observed other carports near the subject site that did not meet the minimum side setback requirement.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the property. The permit for the carport is pending the outcome of the Board of Adjustment Hearing.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, 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	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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Stinson Airport Vicinity Land Use Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within an area where there are no registered neighborhood associations.

Street Classification

Sams Drive is classified as a local road.

Criteria for Review – Side 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 side setback to allow a carport to be 1’ from the side property line. The structure will meet the front setback requirement and will have gutters installed 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 having to maintain 5’ from the side property line. Staff finds an unnecessary hardship since the lot is too narrow to allow the development of a carport with this requirement.

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 has not been constructed and the proposed setbacks are 1’ to the side property line and 10’ from the front property line. The spirit of the ordinance will be observed as there will still be reasonable space between the carport and neighboring property and the minimum front setback will be met.

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. The neighborhood in which the subject property is located has a number of small and narrow lots. Properties in the surrounding area contain carports that also do not meet the side setback requirement therefore the request does not appear out of character.

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. Because of the width of the lot and configuration of the existing residence, maintaining a 5' side setback is not achievable. The request is not merely financial.

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 – Side Setback Variance

Staff recommends **Approval** in **BOA-22-10300105** based on the following findings of fact:

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