

Case Number:	BOA-22-10300115
Applicant:	Jorge Cervantes
Owner:	Jorge Cervantes Jr & Monica
Council District:	4
Location:	6006 Reef Ridge
Legal Description:	Lot 12, Block 026, NCB 15293
Zoning:	"R-6 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 9' 4" variance from the 10' minimum front setback, as described in section 35-516(g) to allow a carport with overhang and gutters on the front to be 8" from the front property line.

Executive Summary

The applicant has constructed a carport that encroaches into the side and front setback. A stop work order was issued by code enforcement due not obtaining a permit prior to construction. The applicant has installed gutters on both sides of the carport to mitigate water runoff. Upon the site visit, staff observed a similar carport in the immediate area.

Code Enforcement History

There are no code violations for this property.

Permit History

There are currently no building permits issued for the subject property.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 41419, dated December 25, 1972, and zoned TEMP "R-1" Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from TEMP "R-1" Residence District to the current "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 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Dwelling
South	"R-6 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Dwelling
East	"R-6 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Dwelling
West	"R-6 MLOD-2 MLR-1 AHOD" Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Port San Antonio Area Regional Center Plan and is currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the People Active in Community Effort Neighborhood Association and were notified of the case.

Street Classification

ReefRidge is classified as a local road.

Criteria for Review – Side and Front 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. A request for a 9' 4" variance from the 10' minimum front setback requirement to allow a carport with overhang and gutters on the front to be 8" from the side property line.

- 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 carport having to be moved to meet the 10' minimum front setback requirement. Staff finds an unnecessary hardship due to the size of the driveway.

- 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 9' 4" variance from the 10' minimum front setback requirement to allow a carport with overhang and gutters to be 8" from the side property line will observe the spirit of the ordinance.

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. Various properties located along Reef Ridge all maintain carports within the distance from the side and front property lines due to the size of the lots, therefore the request would not alter the essential character of the neighborhood.

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 unique circumstances existing on the property such as the limited size of the lot and the front setback requirement available for a carport. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Regulations per Section 35-516 (g) in the UDC.

Staff Recommendation – Front Setback Variance

Staff recommends **Approval** in **BOA-22-10300115** based on the following findings of fact:

1. The applicant is requesting a variance prior to obtaining a building permit; and
2. Other carports with similar setbacks exist in the area