

Case Number:	BOA-22-10300018
Applicant:	Mary McGehee
Owner:	Mary McGehee
Council District:	3
Location:	223 West Mayfield Boulevard
Legal Description:	The south 285.6 feet of Lot 225, NCB 7848
Zoning:	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 4' 11" variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow an attached carport to be 1" from the side property line.

Executive Summary

The subject property is located on West Mayfield Street. There is an attached carport to the side of an existing single-family structure. The applicant is requesting a side setback variance to allow an existing carport to be 1" from the property line. The carport appears to be constructed out of a fire-rated metal and there are gutters installed. The same variance request was presented to the Board of Adjustment on August 16, 2021, where the motion to approve the request failed.

Code Enforcement History

Permit Investigation for Building Without a Permit for a carport on May 27, 2021.

Permit History

There are no relevant permits issued on file for the subject property. A Permit for the carport is pending the outcome of the BOA Hearing.

Zoning History

The subject property was annexed by the City of San Antonio on September 23, 1944, established by Ordinance 13941, and was zoned “B” Residence District. The property was rezoned from “B” Residence District to “R-1” Single-Family Residence District, established by Ordinance 84398, dated July 11, 1996. The zoning converted from “R-1” to the current “R-6” Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland 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-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is designated “Low Density Residential” in the future land use component of the South Central San Antonio Community Plan. The subject property is not located within a Neighborhood Association.

Street Classification

West Mayfield 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 variance request to allow a carport and an addition to encroach into the side yard setbacks may be contrary to the public’s interest and negatively affect the neighboring properties. As they are currently constructed, they appear too close to the property lines and adjacent structures.

Staff finds an alternate recommendation for the carport to be 3’ from the side property lines to better serve the public interest as it will allow for more adequate space.

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

The carport structure is existing, so a literal enforcement of the ordinance would result in the applicant needing to relocate the carport 5’ from side property line to conform to the setback requirement.

The subject property has a 15' side setback on the western portion. A 2' variance would allow which would allow a 12' width carport on the side of the home.

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 structure to be closer to the side property line. Due to the carport being a new build, this variance may not observe the spirit of the ordinance.

An alternate recommendation of a 2' variance for the carport would observe the spirit of the ordinance by allowing for more separation from the neighboring property.

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.*

If granted, the structure with the attached carport will maintain 1" from the side property line which is likely to alter the essential character of the district.

In order to mitigate any adverse effects on neighboring properties, it is recommended that the structures be moved 3' away from the side property lines.

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.*

It appears 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 size and location of the lot. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Sections 35-310.01.

Staff Recommendation – Side Setback Variances

Staff recommends Denial **with an Alternate Recommendation for a 2' variance from the minimum 5' side setback requirement to allow a carport with overhang and gutters to be 3' from the eastern side property line in BOA-22-10300091** based on the following findings of fact:

1. The attached carport will be 3' away from the side property line; and
2. Structure being 3' from the side property line will allow ample space to access vehicles; and
3. The carport is not out of character for the neighborhood.