

Case Number:	BOA-22-10300234
Applicant:	Joann Zamudio
Owner:	Joann Zamudio
Council District:	1
Location:	262 Savannah Drive
Legal Description:	Lot 19, Block 7, NCB 10006
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 9'-11" variance from the minimum 10' front setback requirement, as described in Sec 35-310.01, to allow an attached carport to be 1" from the front property line.

Executive Summary

The subject property is located on Savannah Drive and is a corner lot. There is an existing single-family dwelling on the property. The applicant has constructed a carport without permits and a Code Enforcement investigation was initiated on 07/28/2022. The carport is 1" from the front property line. It appears the property line ends 10 feet into the driveway. Upon staff site visit, staff observed several other similar carports in the area with similar setbacks.

Code Enforcement History

Zoning - Property Setback 07/28/2022

Permit History

There are no permits on file for the property. The permit for the structure 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 10710 dated November 30, 1949 and was zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “B” Residence District to the current “R-4” Residential Single-Family District, established by Ordinance 93881 dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Greater Dellview Area Community Plan and is designated as “Low Density Residential” the future land use component of the plan. The subject property is within the Dellview Area Neighborhood Association and were notified of the case.

Street Classification

Savannah 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 structure has adequate space to have a front setback of 3’-0”. The structure will meet the side setback requirement but does appear to be contrary to the public interest.

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

Staff finds no hardship on the lot as there is adequate space to meet the minimum front setback requirement for the carport.

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

The spirit of the ordinance will not be observed as there may possible water runoff onto the right of way.

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 evidence that the requested variance would alter the essential character of the district as it is too close to the right of way.

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.*

Because of the width of the lot and configuration of the existing residence, maintaining a 1” side setback is not appropriate for the area. 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 35-310.01.

Staff Recommendation – Front Setback Variance

Staff recommends Denial with Alternate Recommendation of 3’ in **BOA-22-10300234** based on the following findings of fact:

1. The structure conforms to the side setback requirements; and
2. There is a sufficient space available to have a 3’ front setback for the structure.