

Case Number:	BOA-23-10300068
Applicant:	Mark Sanchez
Owner:	Mark Sanchez
Council District:	6
Location:	5934 Seacroft Drive
Legal Description:	Lot 32, Block 8, NCB 14884
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:	Vincent Trevino, Senior Planner

### **Request**

A request for 1) a 2'-6" variance from the minimum 10' front setback requirement, as described in section 35-310.01, to allow an attached carport with a 1'-7" overhang to be 7'-6" from the front property line, and 2) a 1'-5" variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow an attached carport with a 1' overhang to be 3'-7" from the side property line.

### **Executive Summary**

The subject property is located along Seacroft Drive just east of Callaghan Road and currently has an existing single-family residence. Built without a permit, the applicant constructed an attached carport which encroaches into the front and side setback. A Zoning UDC Investigation began on October 26th, 2022, for a property setback violation. The width of the carport is 18'. There are other similar carports in the surrounding area however no approved variances were found. Carport permit was approved however the site plan indicated a 5' side and 10' front setback.

### **Code Enforcement History**

A Zoning UDC Investigation began on October 26th, 2022, for a property setback violation.

### **Permit History**

RES-CRT-PMT22-32201869 (Carport) October 26th, 2022.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 39443, dated May 26, 1971, and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

### **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 in the West Area Community Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is within the Thunderbird Hills Neighborhood Association and were notified of the case.

### **Street Classification**

Seacraft Drive is classified as a local road.

### **Criteria for Review – Front & 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 proposed carport would only be 3’-7” from the side property line and 7’-6” from the front property line and is 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 not result in unnecessary hardship as the applicant would need to redesign the carport to comply with the ordinance.

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. Reducing the front setback requirement and side setback requirement would injure

neighboring properties as there are no approved variances for similar carports in the area.

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.*

The reduced front and side setback would alter the essential character of the district by not adhering to the required setbacks with no other carport in the area having an approved variance.

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 variances are sought are not due to unique circumstances existing on the property.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Setbacks per Section 35-310.01 of the UDC.

#### **Staff Recommendation – Front & Side Setback Variance**

Staff recommends Denial in BOA-23-10300068 based on the following findings of fact:

1. The reduced front and side setback would alter the essential character of the district; and
2. Neighboring properties that have carports have no variances on file.