

Case Number:	BOA-21-10300153
Applicant:	Antonio and Lupe Centeno
Owner:	Antonio and Lupe Centeno
Council District:	7
Location:	7934 Veleta Street
Legal Description:	Lot 4, Block 4, NCB 19169
Zoning:	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District
Case Manager:	Kayla Leal, Principal Planner

### **Request**

A request for a 5' variance from the 10' minimum front setback, as described in Section 35-310, to allow a carport with 3' overhang to be 5' from the front property line.

### **Executive Summary**

The subject property is located within a gated community along Veleta Street. The applicant constructed a carport without pulling permits and the carport is encroaching into the front setback by 5'. Upon the site visit, no other carports were observed to be constructed in the surrounding area, so it does appear to be out of character with the surrounding neighborhood.

### **Code Enforcement History**

An investigation was opened on September 12, 2021 for Building Without A Permit.

### **Permit History**

There are no relevant permits pulled for the subject property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 66020, dated December 30, 1987 and was zoned Temporary "R-1" Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from Temporary "R-1" to the current "R-6" Residential Single-Family District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence
South	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence

East	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence
West	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Northwest Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is not located within the boundary of a Neighborhood Association.

### **Street Classification**

Veleta Street is classified as a local road.

### **Criteria for Review – Front 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 front setback in order to allow carport to be 5’ from the front property line. The variance appears to be contrary to the public interest as no other carports were observed in the surrounding area.

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 relocating the carport five feet further back from the front property line. This would reduce the space underneath the carport, however garages are included within this single-family residential development.

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 is currently 5’ from the front property line, which does not observe the spirit of the ordinance as no other properties have similar carports.

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 will maintain 5' from the front property line, which appears to alter the essential character of the district.

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 short driveway. The circumstances were created by the owner, but do not appear to be merely financial in nature.

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

The alternative to the applicant's request is to conform to the Lot and Dimension Regulations of the UDC Section 35-310.

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

Staff recommends Denial in BOA-21-10300153 based on the following findings of fact:

1. The carport is currently 5' from the front property line; and
2. The carport does not appear to maintain the essential character of the surrounding neighborhood.