

Case Number:	BOA-21-10300190
Applicant:	Luis Gonzalez
Owner:	Luis Gonzalez and Veronica Aguilar
Council District:	1
Location:	151 Savannah Drive
Legal Description:	Lot 4, Block 10, NCB 10173
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Planner

Request

A request a for a 7’ variance from the minimum 10’ front setback, as described in Section 35-310, to allow a carport with 1’ 6” overhang to be 3’ from the front property line.

Executive Summary

The subject property is located along Savannah Drive near Wonder Parkway. The applicant obtained a permit for an attached carport located in the front yard of the subject property. During a field inspection, it was determined that the structure did not meet the minimum front setback requirement. The applicant may have been using the street curb as the property line, resulting in the carport being constructed closer to the actual property line. Construction of the carport has already commenced and is incomplete. Upon the site visit conducted by staff, it was observed that the carport is 3’ from the front property line and has 1’ 6” overhang.

Code Enforcement History

There are no code violations for this property.

Permit History

The applicant obtained a carport permit on June 9, 2021. An updated permit for the carport is pending the outcome of the BOA hearing.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 10710, dated November 31, 1949, and originally zoned Temporary “A” Single-Family Residence District. The property was rezoned by Ordinance 25046, dated May 23, 1957, to “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Greater Dellview Area Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Dellview Area Neighborhood Association, and they have been notified of the request.

Street Classification

Savannah Drive 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 to allow a carport to be 3’ from the front property line. The structure meets the side setback requirement and will have adequate spacing between the structure and front property line, which does not appear to be 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 result in the applicant building the carport ten feet from the front property line. Staff finds an unnecessary hardship due to the size of the lot and the configuration of the residence on the lot, which prevents the development of a front 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 is defined as the intent of the code, rather than the exact letter of the law. The carport is currently 3’ from the front property line and meets the side setback requirement. The spirit of the ordinance will be observed as there will still be reasonable space between the carport and front property line.

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. Small lots and carports were observed throughout the surrounding area. A 3' front setback for the attached structure does not appear to injure adjacent properties.

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 the size of the lot and 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.

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-21-10300190** based on the following findings of fact:

1. The structure is currently 3' from the rear property line; and
2. The structure conforms to the side setback requirement; and
3. Numerous carports were observed in the surrounding vicinity therefore the structure does not appear to alter the essential character of the neighborhood.