



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 158**
How to Resolve a Carport Violation

DATE: September 15, 2011, *revised April 9, 2012/August 1, 2014*

CREATED BY: Land Development Division/Zoning Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update IB 158 to guide customers on how to resolve a carport violation. This Information Bulletin will inform citizens how to resolve a violation whenever a carport has been built without the required permit. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

Scope:

It is unlawful to build without first obtaining proper permits as per the *2009 International Residential Code*, Section R105.1. DSD has inspectors that investigate building code concerns and issue violation notices if necessary. A Stop Work Order may be left with the owner or owner's representative if a violation of building without the required permit is found by the inspector. The following is a list of steps to assist you in achieving compliance.

Resolving the Violation, Step 1:

1. Contact the inspector that issued the notice of violation and obtain a time line for applying for the permit. Request any other detailed information from the inspector that you may need in order to apply for a permit. Owner identification and a contact number are required for a follow up investigation.
2. A building permit can be obtained at 1901 S. Alamo or at any one of the City of San Antonio satellite offices. Permits are issued to *registered* Home Improvement Contractors and/or home owners. Property ownership and/or registration are verified at the time of permit application processing.
3. The applicant must submit a site plan drawn to scale showing the new carport's dimensions in relation to the lot size and main structure. Perpendicular distances from the proposed carport to the front, side and rear (if applicable) property lines are to be included

4. The applicant is required to pay a permit fee and a penalty fee before the permit will be issued.
5. A licensed electrician can obtain the required electrical permit for light fixtures if they are part of the carport. The penalty fee will be applicable if fixtures are installed prior to the obtaining of the electrical permit.
6. The permit holder must comply with the most current *Unified Development Code* (UDC) & the *International Residential Code* (IRC) as stated on the permit.

a. Zoning Setbacks

The UDC 35-516 provides the following two provisions relating to placement of a carport:

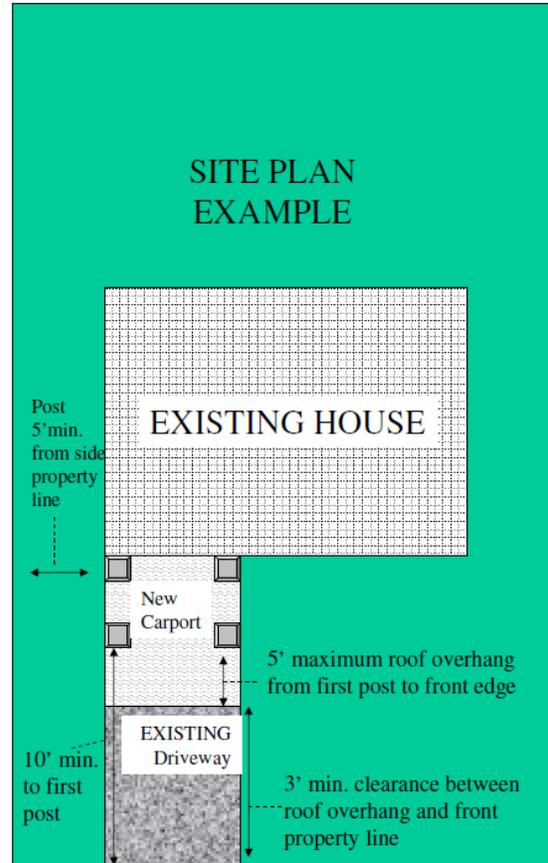
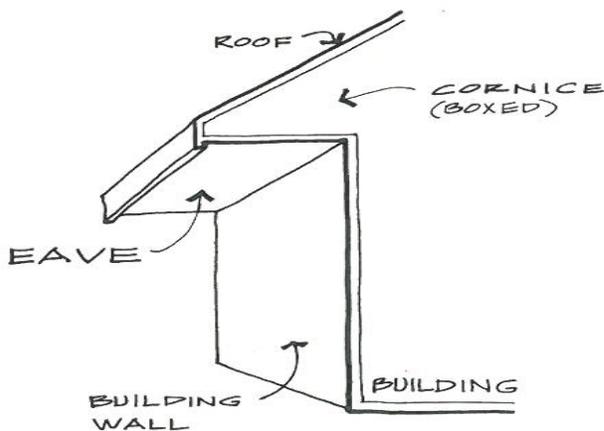
(g) Garages and Carports. There shall be a minimum of twenty (20) feet between the back of a sidewalk or the property line and any garage entry accessed from a street right-of-way. The garage setback requirement for garages accessed from an alley shall be in accordance with section 35-370. Carports may be erected behind the minimum front setback required in the applicable zoning district, so long as twenty (20) feet of total parking area depth is maintained within the lot.

(j) Projecting Architectural Features. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and the ordinary projection of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall extend neither more than five (5) feet into any required yard nor closer than three (3) feet to any property line.

Pursuant to subsection (g) carports may be erected behind the minimum front yard setback required in the applicable zoning district, as long as twenty (20) feet of total parking area depth is maintained within the lot. Setbacks are measured from the property line and must meet the requirements by the applicable zoning district. See [Information Bulletin 515](#) for illustration. Please be aware that certain zoning districts, such as Neighborhood Conservation Districts, have additional provisions relative to carports. The zoning on a property may be checked using the “one stop zoning map” available to the Department homepage at www.sanantonio.gov/dsd.

Pursuant to subsection (j) cited above, the UDC provides for some architectural embellishments, including roof overhangs into the minimum setback area, provided that such overhang does not extend more than five feet into the required setback, and further provided that a minimum of three feet of open space, unobstructed to the sky, is maintained from the property line.

This concept of both subsections (g) and (j) is illustrated below:



If the structure is built within the minimum front or side set back and there are factors for which the carport can not comply with the required minimum setbacks then a variance may be requested if there is a hardship with the property such as unusual lot configuration or topographical changes within the lot.

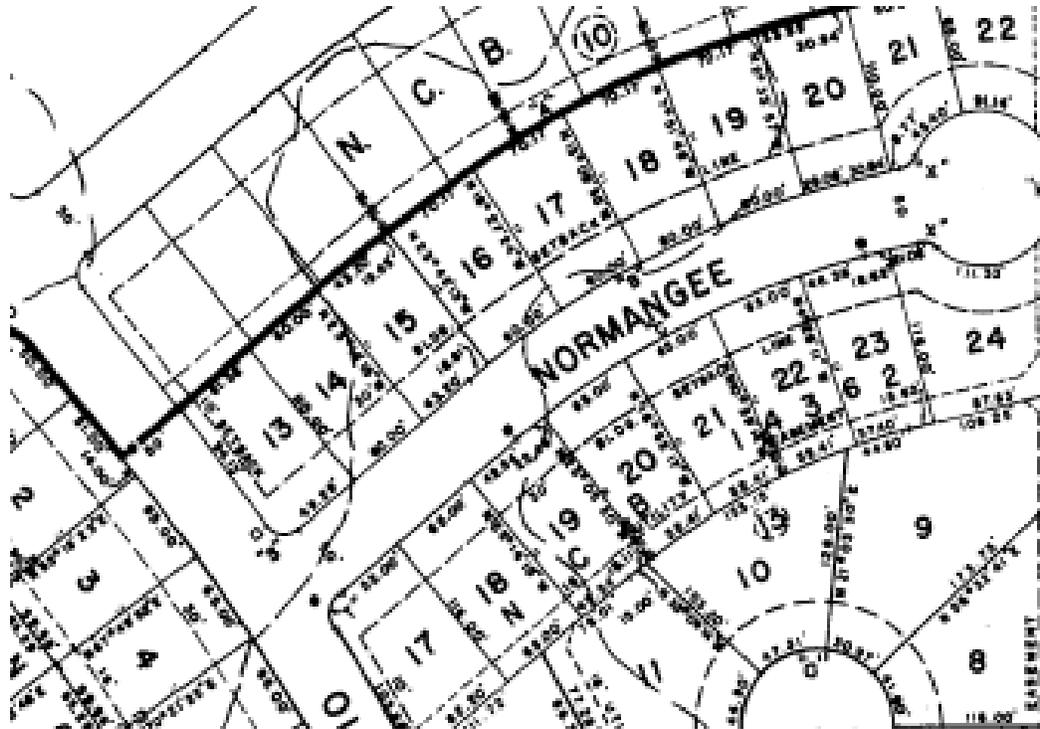
A variance is a request for permission to depart from a required Article in the UDC where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship. The *Variance* request is heard by the Zoning Board of Adjustments (BOA) which has the authority similar to a court-of-law and able to provide remedies as authorized by Code. The BOA hearing fee is \$400.00 for a homestead (non refundable regardless of the outcome). To apply for a variance contact Development Services at 210-207-1111 and ask to speak with a zoning planner. The Zoning Board of Adjustment variance application materials and fee information are available to the public online at <http://docsonline.sanantonio.gov/FileUploads/dsd/Variance%20Application%20-%20Fillable%20Form.pdf>

b. Platting setbacks (if applicable)

A carport may not be erected within a building setback line established by a subdivision plat, except for plats initiated after December 2, 2004 (plat ID number

030096 and later). The building setback line may only be removed from a subdivision through the replat process, for more information on how to do a replat please visit the Land Entitlements section of the Development Services Department. To locate a copy of a plat please see the second part of [Information Bulletin 531](#).

Below is an example of a subdivision plat with a 30 foot platted building setback line along Normangee Street:



c. IRC requirements

The 2009 *International Residential Code* (IRC) is the code that regulates residential-type structures and accessory structures; this includes carports. If the carport is already built and required structural items are not visible for an inspection, then the permit holder will be required to expose the frame for inspection. If that is not feasible then an engineer letter stating that the structure meets or exceeds the building code will be acceptable in lieu of the frame inspection. This also applies for the foundation. If the foundation or structural posts have already been poured and installed, an engineer's letter will be acceptable in lieu of the foundation inspection.

7. DSD enforces the minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment as listed in the 2009 IRC Section 101.3

8. Failure to obtain required building-related permit(s) can result in a Municipal Court case, and/or disconnection of utility services.

Calling for an Inspection, Step 2:

1. Immediately after the obtaining of a permit, request a building inspection to be conducted by calling 207-1111.
2. The building inspector will conduct an inspection and inform you of the status of the project regarding its compliance with the code.
3. If the inspector determines that you can proceed then continue with the project at your own pace. Most carports require the following inspections:
 - Foundation (which requires an engineers letter)
 - Frame
 - Final inspection.

If you have any questions or concerns regarding this Information Bulletin, please feel free to contact Development Services at (210) 207-1111.

Summary:

This Information Bulletin is for informational purposes only.

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