



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-5157  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 10/5/2015

**Title:** A-15-147: A request by Eugenio Medrano for a 5 foot variance from the minimum 10 foot front building setback to allow a carport 5 feet from the front property line, located at 11610 Rousseau Street. (Council District 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-147 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-147  
**Applicant:** Eugenio Medrano  
**Owner:** Eugenio Medrano  
**Council District:** 4  
**Location:** 11610 Rousseau Street  
**Legal Description:** Lot 3, Block 25, NCB 34400D  
**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl AICP, Senior Planner

### Request

A request for a 5 foot variance from the minimum 10 foot front building setback, as shown on Table 35-310-1, to allow a carport 5 feet from the front property line

### Executive Summary

The subject property is located in the Oak Creek neighborhood, near Loop 1604 and W. Military Drive. The lot includes nearly 11,500 square feet and 110 feet of frontage on Rousseau Street. The homes were built in the 1980's. Recently, the applicant built a large carport, supported by six 8 x 8 treated beams. The applicant is requesting a variance to allow the carport to remain as constructed. The structure is not encroaching into the side setback, so trespass and fire safety are not a concern. A similar carport is constructed on the house across the street, but it is inside the minimum front setback.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
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**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the West Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is also located within the boundaries of Oak Creek, a registered neighborhood association. As such, they were notified and asked to comment.

**Criteria for Review**

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. In this case, the public interest is represented by the minimum front setback of 10 feet.

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

There are no special conditions on this lot that make enforcement of the ordinance an unnecessary hardship. The carport can be shortened to come into compliance.

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 letter of the law. The intent of a front setback is to create an open street view. The carport does not conflict with the intent of the front setback, maintaining the open street view.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District.

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 subject property is located within the subdivision where all of the homes were built at least 20 feet from the front property line. The carport, as currently constructed, is the closest structure to the front property line on the blockface.

*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.*

There are no unique circumstances related to this lot; the lot has 110 feet of frontage on the street. The owner constructed the carport prior to investigating the regulations and while it is structurally sound and not causing a threat of fire, these do not justify the request.

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

The applicant could shorten the carport to satisfy the setback.

### **Staff Recommendation**

Staff recommends **DENIAL of A-15-147** based on the following findings of fact:

1. There is no property-related hardship that creates a unique situation warranting the variance.