



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-1609  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 2/8/2016

**Title:** A-16-036: A request by Roy & Annette Centano for an 18 foot variance from the official 20 foot front setback to allow a carport 2 feet from the front property line, located at 4314 Golden Spice Drive. (Council District 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-036 Attachements

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-036  
**Applicant:** Roy & Annette Centeno  
**Owner:** Roy & Annette Centeno  
**Council District:** 3  
**Location:** 4314 Golden Spice Drive  
**Legal Description:** Lot 34, Block 7, NCB 14922  
**Zoning:** "R-5" Residential Single-Family District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for an 18 foot variance from the official 20 foot front setback, as described in Section 35-310.01, to allow a carport 2 feet from the front property line.

### Executive Summary

The applicant currently resides in the Peach Grove Subdivision. The property owner recently constructed a carport without permits and was cited by code. The property owner has stopped construction in order to apply for a variance. This subdivision has a twenty (20) foot front setback line, the official setback line. The applicant wishes to continue the construction of the carport to provide the occupant's car protection from inclement weather.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5" Residential Single-Family District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5” Residential Single-Family District	Single-Family Dwelling
South	“R-5” Residential Single-Family District	Single-Family Dwelling
East	“R-5” Residential Single-Family District	Single-Family Dwelling
West	“R-5” Residential Single-Family District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is not within the boundaries of a Neighborhood Plan or Sector Plan and does not have a designated future land use. The subject property is located within the Pecan Valley Neighborhood Association. As such, the neighborhood was notified and asked to comment.

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 front setback limitations to protect property owners and to contribute to a sense of community. Staff finds that the request for a carport encroaching into the front setback is contrary to the public interest.

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

Staff was not able to find a special condition that would permit the property owner to encroach within the front setback.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Granting the requested variance will not result in substantial justice as no special condition is present.

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-5” Residential Single-Family 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.*

Staff finds that a carport within the front setback is out of character with the essential character of the community. Staff was unable to find other carports within this neighborhood indicating that carports are not common within community.

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 was unable to find a unique circumstance that would permit the applicant to encroach into the front setback. The front setback is a general condition required of all properties in this subdivision.

**Alternative to Applicant’s Request**

The applicant could follow the guidelines for front setbacks, as described in 35-310.01.

**Staff Recommendation**

Staff recommends **DENIAL of variance request in A-16-036** based on the following findings of fact:

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| <ol style="list-style-type: none"><li>1. Staff was unable to find a special or unique condition which would require the applicant to encroach into the front setback.</li></ol> |
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