



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-1262

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 2/6/2017

**Title:** A-17-039: A request by Refugio Villfana for a 20 foot variance from the 20 foot platted front setback to allow a carport on the front property line, located at 10327 Cone Hill Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-17-039 Photos, 2. A-17-039 Site Plan, 3. BOA17-039NPA, 4. BOA17-039PP

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-039

**Applicant:** Refugio Villafaña

**Owner:** Refugio Villafaña

**Council District:** 4

**Location:** 10327 Cone Hill Drive

**Legal:** Lot 32, Block 12, NCB 15910

**Description:**

**Zoning:** “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for a 20 foot variance from the 20 foot platted front setback, as described in Section 35-516 (o), to allow a carport to be on the front property line.

### Executive Summary

The subject property’s home was built in 1982 and is located within the Lackland City Subdivision, Unit 173, which was established February 5, 1980, and includes a 20 foot platted front setback. The existing carport was cited by Code Enforcement for violation of the front setback. According to a survey, the home is built 24.3 feet from the front property line, which allows up to a four foot addition to the front of the home. The home was built with a two-car garage that has converted in to livable space. The applicant states the carport was constructed due to medical reasons and to prevent slipping in inclement weather. The carport posts, as built, are on the property line, which results in the eave overhang encroaching into the public right-of-way. If the request is approved, the portion of the carport that encroaches must be removed.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Heritage Neighborhood Association, who was 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 front setback to ensure the safety for adjacent property owners and visibility clearance for motorists. The carport does not interfere with Clear Vision; however, it does disrupt uniformity and overall appearance within the neighborhood as there are very few carports in the community.
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.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
The intent of a front setback is to create an open street view and establish uniform development standards. The carport does conflict with the intent of the front setback as it does not adhere to the open street view.
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*  
The variance will not authorize the operation of a use other than those uses specifically authorized 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. During field visits, staff observed the subject carport as the only carport along the street that is located directly on the front property line.

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 property. The owner hired a contractor that constructed the carport without knowledge of the permitting process. This does not justify as a unique circumstance or property related hardship.

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

Denial of the variance request would result in the owner having to meet the setback standards. The owner could amend the plat which would reduce the setback to 10 feet and allow a 14 foot deep carport, with up to a five foot overhang.

### **Staff Recommendation**

Staff recommends **DENIAL of the requested variances in A-17-039 with an alternate recommendation of 15 foot variance from the platted front setback to allow a carport to be five feet from the front property line** based on the following findings of fact:

1. A 15 foot variance would still allow the owner to construct a carport 19 feet in depth and have a two foot overhang, for a total carport length of 21 feet, which should provide adequate coverage for the owner's vehicles;
2. The carport has been constructed to match the appearance of the home and does not detract from the character of the neighborhood;
3. The carport meets the five foot side setback and does not have a negative impact on the adjacent property.