



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-4098

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 7/17/2017

**Title:** A-17-122: A request by John C. Salinas for 1) a 13 foot variance from the 30 foot platted front setback and 2) a 19 foot variance from the 30 foot platted side setback to allow a carport, located at 12007 Las Nubes. Staff recommends Approval. (Council District 10)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-17-122 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-122

**Applicant:** John C. Salinas

**Owner:** John C. Salinas

**Council District:** 10

**Location:** 12007 Las Nubes

**Legal:** Lot 40, Block 27, NCB 14248

**Description:**

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

**Case Manager:** Oscar Aguilera, Planner

### Request

A request for 1) a 13 foot variance from the 30 foot platted front setback and 2) a 19 foot variance from the 30 foot platted side setback to allow a carport, as described in section 35-516.

### Executive Summary

The subject property was platted as part of Eldorado Subdivision Unit 8, recorded in 1972. The subdivision plat includes 30 foot platted front and side setbacks. The applicant wishes to build a carport 13 feet from the front property line and 19 feet from the side property line. The UDC standard front setback is 10 feet and the side setback is five feet from the property line, however, since the property is considered a reverse corner lot, the 30 foot setback is imposed on the the subject property due to the adjacent properties on either side. Since the 30 foot platted front and side setback, a variance is required before the applicant can complete construction of the carport. The applicant has initiated the construction of the proposed carport but stop to obtain approval of a variance.

### 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 North Sector Plan and designated as Suburban Tier. The subject property is located within the boundaries of El Dorado Neighborhood Association and they were 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 setback limitations to protect property owners and create a cohesive streetscape. The City’s zoning front setback of 10 feet and side setback of 10 feet, for a reverse corner lot, provides this streetscape protection in other areas. Since the carport will meet the City’s minimum setbacks, the front setback of 13 feet and the side setback of 19 feet from the property line would not be contrary to the public interest.**

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

**Literal enforcement of the platted setbacks would not allow any carport. The requested setbacks meet the code and do not result in the unnecessary hardship.**

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

**The spirit of the ordinance represents the intent of the requirement. The City zoning front setback is 10 feet, the side setback zoning requirement for a reverse corner lot is 10 feet. The zoning setbacks provide an open street and prevent overcrowding of front yards. Therefore, the requested variance for the proposed carport meets this spirit.**

- 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.*

**There are other carports prevalent in the area. A 13 foot variance from the 30 foot platted setback for a 17 foot front setback and 19 foot variance from the 30 foot platted setback for a 11 side setback will be more strict than the City’s established 10 feet standard for front setback and 5 feet standard for side setbacks.**

*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.*

**The City of San Antonio has an established 10 foot front setback and a 5 foot side setback, applied in all residential districts, and the proposed carport meets these established setbacks. The 30 foot setbacks on both the front and side are unique circumstances not created by the current owner.**

#### **Alternative to Applicant’s Request**

The applicant could remove the platted setback and build to the 10 foot zoning front and 5 foot side setbacks.

#### **Staff Recommendation**

Staff recommends **APPROVAL of A-17-122** based on the following findings of fact:

1. The proposed carport meets the spirit of the code as it is to be built 17 feet from the front and 11 from the side property lines meeting the UDC standard for residential construction.
2. There are similar carports within the subdivision.