



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5385  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 10/17/2016  
**Title:** A-16-172: A request by Leonardo Trevino for a 30 foot variance from the official 30 foot platted front setback to allow a carport and porch to extend into the platted setback on the front property line, located at 5850 Castlebrook Drive. Staff recommends Denial. (Council District 2)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-16-172 Photos, 2. A-16-172 Site Plan, 3. BOA16-172NPA, 4. BOA16-172PP

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-172  
**Applicant:** Leonardo Trevino  
**Owner:** Leonardo Trevino  
**Council District:** 2  
**Location:** 5850 Castlebrook Drive  
**Legal:** Lot 5, Block 2, NCB 15792  
**Description:**  
**Zoning:** “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a 30 foot variance from the platted 30 foot front setback, as described in Section 35-316, to allow a carport and a porch to extend into the platted setback.

### Executive Summary

The subject property is located in the East Village Subdivision, recorded in 1968, and includes a 30 foot platted front setback. Recently, the applicant began construction on a wooden carport. The applicant is requesting a variance to allow the carport to remain as constructed on the front property line. The carport does not encroach into the side setback, so trespass and water runoff are not a concern. The applicant constructed the carport to protect their new vehicles from inclement weather.

### 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**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
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 not located within the boundaries of any sector, community, or neighborhood plan and does not have a future land use designation. The subject property is located within the boundaries of East Village 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 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.

*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 intent of a front setback is to create development consistent with urban design policies. The carport does conflict with the intent of the front setback as it does not adhere to the consistency of the surrounding properties within the subdivision.

*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 a subdivision where all of the homes were built at least 30 feet from the front property line. Some homes have carports that extend into the platted front setback; however, these carports have at least a 10 foot setback 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 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**

The applicant could construct the carport to meet the setback requirement.  
The applicant could amend the recorded plat.

#### **Staff Recommendation**

Staff recommends **DENIAL with an alternate recommendation of a 20 foot variance from the 30 foot platted front setback to allow a carport to be 10 feet from the front property line** based on the following findings of fact:

1. There is no property-related hardship that creates a unique situation warranting the variance;
2. The carport could be constructed to meet the minimum 10 foot front setback, as required per the UDC, and still provide coverage;
3. Other carports are present in the neighborhood; however, they are constructed provide a front setback.