



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-5682  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 10/16/2017  
**Title:** A-17-183: A request by Danny and Josefina Corprew for a five foot variance from the ten foot front setback to allow a carport to be five feet from the front property line, located at 1731 County Cork Road. Staff recommends Denial. (Council District 6)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-17-183 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-183  
**Applicant:** Danny and Josefina Corprew  
**Owner:** Danny and Josefina Corprew  
**Council District:** 6  
**Location:** 1731 County Cork Road  
**Legal:** Lot 19, Block 9, NCB 34400B  
**Description:**  
**Zoning:** “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Principal Planner

### Request

A request for a five foot variance from the ten foot front setback, as described in Section 35-310.01, to allow a carport to be built five feet from the front property line.

### Executive Summary

The subject property is located northwest of the County Cork Road and Cavendish Circle intersection. The carport is proposed to be 27 feet deep by nearly 19 feet wide. The applicant has applied for a variance to allow the project to proceed as planned. The carport complies with the required five foot side setback. The subject property is located within a subdivision annexed by the City on December 31, 1992 and was developed in 1993, per BCAD records. There are several homes in the community that have carports located within the front ten feet; it is possible that some were built before annexation, or had development underway during the annexation procedures, whereupon the ten foot setback would not have been retroactively applied.

### 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 subject property is within the boundaries of the West Sector Plan and currently designated Rural Estate Tier in the future land use component of the plan. The subject property is within the Oak Creek Community 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 represented by minimum setbacks to provide for safe fire separation distances, the ability to maintain structures without trespass, and consistent development within our communities. Upon evaluation of the streetscape, as well as surrounding streets, staff noted that several other homes in the community already have carports. Some carports were built after obtaining permits, and there are older carports without permits, too.

The applicant is proposing a carport that is 27 feet deep, longer than most vehicles; an extended cab pickup truck is about 22 feet long. The proposed 27 foot carport isn't quite long enough to park two cars front to back - to park two typical compact cars back to back would require 30 feet. A typical parking space is 18 feet deep. As such, staff finds that the applicant could easily meet the ten foot front setback and still have a 22 foot deep carport. Because the variance is not necessary, staff finds that the variance is 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 ten foot front setback would leave 22 feet of developable space for a carport. There is no special condition present that warrants reducing the front setback when there is ample space to develop within the required standards.

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 the intent of the requirements rather than the strict letter of the law. The intent of the setbacks is to reduce conflicts between different land uses and to provide space for fire safety and

maintenance. Because the carport could be built to meet all of the required setbacks and still provide plenty of space to protect the applicant's vehicles, staff finds that granting the requested variance will not result in substantial justice.

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 variance procedure is set aside to assist property owners that, as a result of some physical abnormality on their property, cannot meet the established development standards. In this situation, the applicant easily could. Staff finds that granting a variance would permit another structure in violation of the setbacks without cause.

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 can find no unique circumstance present in this case that warrants reducing the front setback as the carport could be built to protect the owners vehicles without a variance at all.

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

Denial of the variance request would result in the owner having to meet the ten foot front setback requirement.

#### **Staff Recommendation**

Staff recommends **DENIAL of the requested variance in A-17-183**, based on the following findings of fact:

1. The applicant has 22 feet of space to build a carport without a variance; and;
2. The requested depth is significantly longer than even a full size pickup truck, yet not long enough to park two compacts back to back.