



City of San Antonio

Agenda Memorandum

Agenda Date: June 2, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300078

APPLICANT: Jovanna Canel

OWNER: Jovanna Canel

COUNCIL DISTRICT IMPACTED: District 6

LOCATION: 714 South Brownleaf Drive

LEGAL DESCRIPTION: Lot 39, Block 1, NCB 15405

ZONING: "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Jewel Polimis, Planner

A request for

1) A 7'-6" variance from the minimum 10' front setback to allow a carport with a 2'-6" front setback.

Section 35-310.01

2) A 4'-11" variance from the minimum 5' side setback to allow a carport with a 1" side setback.

Section 35-310.01

3) A 6' variance from the minimum 15' driveway clear vision to allow a 9' driveway clear vision.

Section 35-514 (a)(2)

4) A 10% variance from the maximum 50% impervious cover to allow a front yard with 60% impervious coverage.

Section 35-515 (d)

Executive Summary

The subject property is located south of Highway 151 Gateway Corridor and east of Pinn Road within the Brownleaf Subdivision. Code Enforcement responded to a citizen complaint regarding a carport under construction. Upon investigation, it was found that no permits had been obtained for the structure, leading to the issuance of a stop-work order. Staff observed that the attached carport does not comply with the minimum required front and side setbacks, the front yard fence does not comply with driveway clear vision requirements, and the front yard landscaping exceeds the maximum allowable impervious cover. Dated photography shows the impervious cover was expanded sometime after February 2020, and the fence has been in place since January 2008. The carport support poles are just over 3 feet from the side property line, which would not require a variance if it were detached and had no overhang. A permit was issued for a carport on April 21, 2025, however, the setbacks proposed on the accompanying site plan do not match the setbacks in the field. Inspections have yet to be conducted for this permit.

Code Enforcement History

INV-PBP-25-3100002074 – Building Without a Permit - Closed

Permit History

RES-CRT-PMT25-32200553 – Residential Carport Permit - Active

Zoning History

The property was annexed into the City of San Antonio by Ordinance 41422, dated December 25, 1972, and zoned Temporary “R-1” Single-Family Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from Temporary “R-1” Single-Family Residence District to “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Vacant Land

West

Existing Zoning

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Southwest Sector Plan and is designated as "Suburban Tier" in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

Street Classification

South Brownleaf Drive is classified as a local road.

Criteria for Review – Carport Side and Front Setback, Driveway Clear Vision and Impervious Cover Variances

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.

(Carport Side and Front Setback)

The public interest is defined as the general health, safety, and welfare of the public. The variance would be contrary to the public interest as reduced front and side setbacks reduce the ability to maintain and repair the structure without encroaching upon the adjacent lot. While other carports with reduced front setback exist in the area, no variances were historically approved by the Board of Adjustment.

(Driveway Clear Vision)

Staff finds that this request is not contrary to the public interest, as there is a sufficient clear vision to safely observe oncoming traffic and exit the driveway onto the local street.

(Impervious Cover Variance) This variance would be contrary to the public interest, as it would increase the volume and speed of stormwater runoff, which can lead to flooding, erosion, and strain on drainage systems.

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

(Carport Side and Front Setback)

A literal enforcement of the ordinance would not result in unnecessary hardship, as the carport can be relocated to meet the side and front setback requirements.

(Driveway Clear Vision)

A literal enforcement of the ordinance would result in unnecessary hardship as there are similar fences on adjacent property and throughout this area.

(Impervious Cover)

Staff found no special conditions on the property that could result in unnecessary hardship by following the impervious cover limitation. A driveway of adequate size can be accommodated within the allowed impervious cover.

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

(Carport Side and Front Setback)

The requested side and front setback variances do not appear to be in the spirit of the ordinance, as insufficient space will remain for the purposes of water runoff and fire safety concerns as well as for the maintenance of the structure.

(Driveway Clear Vision)

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The current clear vision area of 9' leaves sufficient room to back into the street and will observe the spirit of the ordinance.

(Impervious Cover)

By granting the variance, the spirit of the ordinance will not be observed as the front yard will largely consist of impervious cover that can create excess water overflow and will reduce green space on the lot.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

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.

(Carport Side and Front Setback)

Staff finds that the side and front setback variances would substantially injure the appropriate use of adjacent properties as insufficient space will remain for the maintenance of the carport and purposes of water runoff and fire safety concerns.

(Driveway Clear Vision)

The distance of the fence will not alter the essential character of the district as it appears to be the established fence distance in the area, with the adjacent neighbor sharing the side fence at the same distance.

(Impervious Cover)

The requested variance for increased impervious cover would significantly impact the appropriate use of adjacent conforming property, as it could create pooling water, excess water runoff, and limits landscape/greenspace on the property.

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.

(Carport Side and Front Setback)

The plight of the owner of the property for which the variance is sought is not due to unique circumstances as the location of the carport can be altered to fit within the minimum required setbacks while still protecting vehicles.

(Driveway Clear Vision)

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property for the clear vision variance, such as having a small front yard to park a vehicle.

(Impervious Cover)

The request is not due to unique circumstances existing on the property as the maximum impervious cover provides adequate parking on the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum setback requirements of the UDC Sections 35-310.01, 35-514 (a)(2), and Section 35-515 (d).

Staff Recommendation – Side and Front Setback Variance

Staff recommends Denial in BOA-25-10300078 based on the following findings of fact:

1. Insufficient space will remain for water runoff, fire safety, and maintenance of the structure.
2. The carport is too close to the property line and does not provide sufficient separation between the structure and right-of-way.

Staff Recommendation – Driveway Clear Vision

Staff recommends Approval in BOA-25-10300078 based on the following findings of fact:

1. Vehicular traffic will not be obstructed by the reduced clear vision due to the fence being predominantly open.
2. The reduced clear vision will not alter the essential character of the district.

Staff Recommendation – Impervious Cover

Staff recommends Denial in BOA-25-10300078 based on the following findings of fact:

1. The variance will be contrary to the public interest as it can potentially create excess water runoff.
2. The maximum impervious cover standards provide sufficient parking area for the residential lot.