



Commonwealth Services Inc.

16616 Green Maze Ln.

Helotes TX 78023

210-264-4269

April 10, 2025

Board of adjustment for rear setback variance

Leticia Chapa  
7408 Linkwood  
Leon Valley TX, 78240

This letter is to request a rear setback variance and offer background and explanation for our request.

The property at 7408 Linkwood was originally platted in 1956  
This property does not conform to the standard lot size as laid out in the current ordinance of 8400 ft.<sup>2</sup>.

When Miss Chapa was looking at purchasing the property, she did her due diligence, and according to the survey, no rear setback was recorded.  
Every survey that we have received from the survey company shows a 30 foot front setback and 5 foot side setbacks with no rear setback.  
She was also given a document called the Linkwood study from the City Of Leon Valley, This study laid out exceptions to the different ordinances based on the fact that some of these lots do not conform to the lot size standards.

Miss Chapa moved forward with purchasing the property and designing the home, her desire is a one story home where she's going to be able to age gracefully.  
Miss Chapa does not desire a large yard to maintain and up keep.

After investigating the issues with Susana in the zoning department, it was brought to our attention that the correct front setback is 25 feet. We have moved the proposed home forward to the 25 foot setback. This will give us 16'5" for the rear setback of the home.

The home to the right of Miss Chapa's lot has a setback of 19 feet.

There are also numerous properties surrounding Miss Chapa's lot that have large garage buildings and apartments within 5 feet of the rear setback.

Susana stated that the buildings that I'm talking about are accessory structures, she is correct on some but there are at least two structures that are definitely attached to the main home as an extension of the house.

I find it extremely interesting that as long as it's a accessory structure the 5 foot setback is fine.

In our desire to find a resolution without having to go before the board of adjustment, I found two different sections in the code of ordinance that I felt like dealt with this issue. Susana did not agree and felt that the best course of action was to bring this before the board.

The two sections are as follows just for reference.

#### 15.02.305 (g)

*Lot area.* On any lot separately platted as of September 21, 1965, a single-family house may be erected even though of less area than required by these regulations, with the requirement that it be connected to a public sewage disposal system.

#### Sec. 15.02.186 - Development of nonconforming lots

Nonconforming lots which do not meet the minimum area, width, or depth requirements for the district in which they are located may be used for any lawful purpose permitted within the zoning district in which they are located. However, the use of such a lot shall be subject to a determination by the zoning officer(s) that a good faith effort has been made to follow all rules and regulations associated with this article.

(1972 Code, sec. 30.406; 2008 Code, sec. 14.02.186)

#### Sec. 15.02.187 - Proof of legal nonconformance

It shall be the responsibility of the owner, operator, or occupant to provide proof that a nonconforming structure or use of land or building existed prior to the enactment of this ordinance.

(1972 Code, sec. 30.407; 2008 Code, sec. 14.02.187)

I would like to mention that Susana has been fantastic to work with in her response and has treated us very respectfully and it has been a pleasure working with her.

We have a difference of opinion in the interpretation of these two sections, but we will come up with a resolution.

In conclusion, we are asking the board of adjustment to grant a rear setback variance so that we may move forward with the construction of the new home for Miss Chapa

Respectfully, Blaine Ty Matthews.