



City of San Antonio

Agenda Memorandum

Agenda Date: May 5, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300061

APPLICANT: Phoenix Vintage Opportunity Fund LLC

OWNER: Phoenix Vintage Opportunity Fund LLC

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 602 Hood Street

LEGAL DESCRIPTION: Lot 9, Block E 1/2 OF B, NCB 1156

ZONING: "R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

CASE MANAGER: Manuel Mottu, Planner

A request for

A 10' and 5' variance from the minimum 20' garage setback and 10' reverse corner lot setback to allow for a detached garage with a 10' garage setback and a 5' reverse corner lot setback. Section 35-516(g) and Section 35-370(b)(2)

Executive Summary

The subject property is located south of JBASA-Sam Houston military base, along Hood Street and within the Government Hill Alliance Neighborhood Association on a corner lot. The applicant is proposing the replacement of an existing detached garage with a larger detached garage capable of housing several vehicles. The new garage will be encroaching onto the required 20' setback from the sidewalk and the 10' required reverse corner lot setback. The proposed garage would be 960-square feet and would allow parking for 4 vehicles. There are no code enforcement violations for the property and no permit applications have been submitted.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property is within the Original 36 square miles of the City of San Antonio and was zoned “C” Apartment District. The property was rezoned by Ordinance 51898, dated February 28, 1980, from “C” Apartment District to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “R-1” Single-Family Residence District was converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“MR HE HS MLOD-3 MLR-2” Military Reservation Historic Overlay Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Existing Use

Military Base

South

Existing Zoning

“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Existing Use

Single-Family Residence

East

Existing Zoning

“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Existing Use

Single-Family Residence

West

Existing Zoning

“R-6 MLOD-3 MLR-2” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Eastside Community Area Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the notification area of Government Hill Alliance Neighborhood Association and the Government Hill Tomorrow Community Organization, and they have been notified of the request.

Street Classification

Hood Street is classified as a Local Street.

Shirley Street is classified as a Local Street.

Criteria for Review – Garage and Reverse Corner Setback Variance

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 minimum setback requirements for a garage and a reverse corner lot. Staff finds the reduced setback appears to impact the public interest as limited space exists to safely exit onto a residential street.

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

Staff finds no special conditions existing on the property as the garage could be reduced in size while still accommodating two vehicles.

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 defined as the intent of the code, rather than the exact letter of the law. The request does not appear to be in the spirit of the ordinance, as it would result in insufficient space for vehicles to exit the garage safely and create an inconsistent setback along the block face.

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.

Staff finds that the setback variance would substantially injure the appropriate use of adjacent properties as the request would disrupt the established setbacks of the adjacent conforming property, and the scale of the proposed garage would alter the essential character of the district.

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 finds the plight of the owner of the property for which the variance is sought is not due to a unique circumstance existing on the property. The size of the garage could substantially be reduced to accommodate two vehicles.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the garage and reverse corner lot setback regulations of the UDC Section 35-516(g) and Section 35-370(b)(2).

Staff Recommendation – Garage and Reverse Corner Setback Variance

Staff recommends Denial in BOA-25-10300061 based on the following findings of fact:

1. The setback variance will not leave sufficient space between the right of way and the proposed detached garage.
2. The request would disrupt the established setbacks of the adjacent conforming property, and the scale of the proposed garage would alter the essential character of the district.