



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** June 3, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300092

**APPLICANT:** Marco Bolado

**OWNER:** BAB RE Investments, LLC

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 519 West Highland Boulevard

**LEGAL DESCRIPTION:** The west 40 feet of Lot 10, Block 1, NCB 3057

**ZONING:** "R-6 RIO-4 MC-1 AHOD" Residential Single-Family River Improvement Overlay 4  
Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

1) A 400 square foot variance from the minimum lot size requirement of 6,000 square foot to allow development on a 5,600 square foot lot.

Section 35-310.01

2) A 10' variance from the minimum 50' lot width to allow a development on a lot with a 40' width.

Section 35-310.01

**Executive Summary**

The subject property is located along West Highland Boulevard, west of Roosevelt Avenue, located within the Roosevelt Park Neighborhood Association. Currently the property is a vacant lot after the previously existing home suffered fire damage and was demolished with permit in

2023. The applicant is requesting a 400 square feet variance from the minimum lot size and 10' variance to the lot width to allow development of a single-family home on the lot.

### **Code Enforcement History**

No relevant code enforcement history for the subject property.

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and originally zoned "J" Commercial District. The property was rezoned by Ordinance 61454, dated September 19, 1985, to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

"R-6 RIO-4 MC-1 AHOD" Residential Single-Family River Improvement Overlay 4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District

#### **Existing Use**

Vacant Lot

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

"IDZ-1 RIO-4 MC-1 AHOD" Infill Development Zone 1 for Six Dwelling Units River Improvement Overlay 4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District with uses permitted for Six Dwelling Units

#### **Existing Use**

Single-Family Dwelling

#### **South**

#### **Existing Zoning**

"R-6 RIO-4 MC-1 AHOD" Residential Single-Family River Improvement Overlay 4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

#### **East**

#### **Existing Zoning**

"R-6 RIO-4 MC-1 AHOD" Residential Single-Family River Improvement Overlay 4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

## **West**

### **Existing Zoning**

“R-6 RIO-4 AHOD” Residential Single-Family River Improvement Overlay 4 Airport Hazard Overlay District

### **Existing Use**

Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Downtown Area Regional Center 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 Roosevelt Park Neighborhood Association, and they have been notified of the request.

### **Street Classification**

West Highland Boulevard is classified as a Local Road.

### **Criteria for Review – Minimum Lot Size and Lot Width 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.*

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 lot sizes and widths to prevent development crowding into narrow lots. Staff finds this request is not contrary to public interest, as the applicant is abiding by the setback requirements, which will not infringe onto the neighboring properties.

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

In this case, the special condition found on the subject property is the narrow lot width and size. Without this variance, an unnecessary hardship will prevent the applicant from developing this lot.

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 applicant is requesting this variance prior to construction. Additionally, all other building requirements, such as setback minimums, building height, and lot density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.

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.*

If granted, the lot will maintain 40 feet in width and 5,600 square feet in size, which will not injure the use of adjacent conforming properties. Upon site visits, staff has found that the 10 feet width and 400 square feet variances will not alter the essential character of the district and setback regulations will insure adjacent properties remain uninjured.

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 variances are sought is due to unique circumstances existing on the property, such as the narrow width of the lot effecting size. The circumstances do not appear to be merely financial.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Lot and Building Dimension Regulations of Section 35-310.1 of the Unified Development Code.

**Staff Recommendation – Lot Size Minimum and Lot Width Variances**

Staff recommends Approval in BOA-24-10300092 based on the following findings of fact:

1. The request will not alter the essential character of the neighborhood.
2. The property will be abiding by all other dimension and setback requirements.