



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 20, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300074

**APPLICANT:** Alan Dsouza

**OWNER:** Alan Dsouza

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 238 Rounds Street

**LEGAL DESCRIPTION:** Lot 76, Block 3, NCB 2159

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

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

1) A 1/2-story variance from the maximum 1.5 stories to allow a 2-story structure.  
Section 35-310.01

2) A 20% variance to from the maximum 45% of lot area requirement to allow 65% buildable area in an “R-1”.  
Section 35-310.01

**Executive Summary**

The subject property is located west of Interstate 10 West, east of North Navidad Street on Rounds Street. The applicant, being the property owner, is proposing reconstruction on an existing structure on an “R-1” zoned lot. The applicant plans to demolish the rear portion of an existing structure to create a 2-story addition to the rear, leaving the front portion as a single story. The

design standards for “R-1” is a maximum height of 25’ and 1 ½ stories. Due to the limited lot size, the applicant is requesting a 1/2 story variance to allow the addition to instead, vertically meet the dimensions needed for expansion. Additionally, as the proposed expansion will increase the buildable area beyond the maximum allowable 45% for a “R-1” property, a 20% variance will also be required to allow 65% buildable area within the boundaries of the property. Permits are pending Board of Adjustment’s decision.

**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 was a part of the original 36 square miles of the City of San Antonio and zoned “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “C” Apartment District converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2023-04-06-0216 dated, April 6, 2023, from “MF-33” Multi-Family District to “R-1” Single-Family Residential District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

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

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“R-2 AHOD” Single-Family Residential Airport Hazard Overlay District

**Existing Use**

Single-Family Residential

**South**

**Existing Zoning**

“R-3 MLOD-2 MLR-2 AHOD” Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**East**

**Existing Zoning**

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

**Existing Use**

Single-Family Residence

**West**

**Existing Zoning**

“R-2 MLOD-2 MLR-2 AHOD” Single-Family Residential Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is located within the notification area of the West End Hope in Action Neighborhood Association, and they have been notified of the request.

**Street Classification**

Rounds Street is classified as a local road.

**Criteria for Review – Story and Buildable Lot Area 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 the building standard requirements in the UDC Section 35-310.01. The requested variances will be contrary to the public interest as the proposed structure will exceed both height and the 45% of the buildable lot area for an “R-1” zoned property thus becoming disproportionate with neighboring properties in the area.

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

Changes to the proposed design plans would not result in an unnecessary hardship and no special conditions were found on the existing property that would merit deviation from the building standards requirements provided in the UDC section 35-310.01.

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 intent of the code is to provide the adequate height and distance between the proposed structure and neighboring properties within a smaller sized lot to ensure safety and conformity. The proposed addition will exceed the height and area size in comparison to the single-story residences within the surrounding area and will injure the safety and privacy of neighboring lots.

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 variances requested will injure the appropriate use of adjacent conforming properties. Exceeding the half story and building lot area requirements will alter the essential character of the district as the lot size is unable to accommodate the height and area space for the proposed renovation.

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 unique circumstances existing on the property as the design can be modified to adhere to the UDC regulations.

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

The alternative to the applicant's request is to conform to the maximum story and buildable lot area percentage per the UDC Section 35-310.01

#### **Staff Recommendation – Story and Buildable Lot Area Variance**

Staff recommends Denial in BOA-24-10300074 based on the following findings of fact:

1. The proposed variances are contrary to the public interest as the proposed structure will exceed both height and the buildable lot area, causing the property to become disproportionate with the area.
2. The proposed addition will injure the safety and privacy of neighboring lots.