



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 27, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300254

**APPLICANT:** Md Shihab Adnan

**OWNER:** ENA Wholesale LLC

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 715 Amanda Street

**LEGAL DESCRIPTION:** North 40 feet of Lot 19 and north 40 feet of Lot 20 exclude northeast TRI 10.53 feet, Block 16, NCB 10291

**ZONING:** "R-4 MLOD-3 MLR-2" Residential Single-Family Martindale-Army Airfield Military Lighting Overlay Military Lighting Region 2 District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 2'-6" variance from the minimum 5' side setback to allow for a proposed residential structure to be 2'-6" from the side property line.  
Section 35-310.01

**Executive Summary**

Subject property is located southeast, approximately 375 feet of Interstate 10, approximately 115 feet north of H Street on Amanda Street. The applicant, on behalf of the property owner, is requesting a 2'-6" side setback variance to allow single-family residential development on a vacant lot. An approved Certificate of Determination (COD) has been obtained, which permits development on a substandard lot. Permits are pending the outcome of the Board of Adjustment.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

RES-RBP-PMT-24-36602691- Residential New Building Permit

RES-RBP-APP24-35502273- Residential Building Permit

ADDR-COD-24-10600171- Certificate of Determination

**Zoning History**

The property was annexed into the City of San Antonio by Ordinance 15765, dated October 17, 1951, and zoned "B" Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted from "B" Residence District to the current "R-4" Residential Single-Family District

**Subject Property Zoning/Land Use****Existing Zoning**

"R-4 MLOD-3 MLR-2" Residential Single-Family Martindale-Army Airfield Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Vacant lot

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

"R-4 MLOD-3 MLR-2" Residential Single-Family Martindale-Army Airfield Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

"R-4 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-4 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-4 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 far East/Eastern Triangle Plan and is designated as “Community Commercial” 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**

Amanda Street is classified as a Local Street.

**Criteria for Review –Side 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 the setback requirements ensure safe distance from neighboring properties. Staff finds this request for a 2’-6” side setback variance is not contrary to public interest, as the applicant is abiding by all remaining development and 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 lot size. Without these variances, an unnecessary hardship will prevent the applicant from developing on the 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. All remaining setback and building requirements, such as, building height, and 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 a 2'-6" side setback, which will not injure the use of adjacent conforming properties. Upon site visits, staff has found that the requested variance 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 lot size and do not appear to be merely financial.

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

The alternative to the applicant's request is to conform to the side setback regulations of the UDC Section 35-310.01.

#### **Staff Recommendation –Side Setback Variance**

Staff recommends Approval in BOA-24-10300254 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.