



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 7, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300039

**APPLICANT:** Wendell Brown

**OWNER:** Gretchel and Wendell Brown

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 215 South Pinto Street

**LEGAL DESCRIPTION:** South 109.75 feet of Lot 11 and Lot 12, Block 5, NCB 2338

**ZONING:** "R-4 HL MLOD-2 MLR-2 AHOD" Residential Single-Family Historic Landmark  
Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 4'-11" variance from the minimum 5' rear setback to allow an addition to a detached accessory structure to be 1" from the rear property line.

Section 35- 370 (b)(1)

**Executive Summary**

Subject property is located within the Historic Westside Residents Neighborhood, west of Interstate 35 South, north of West Cesar E. Chavez Boulevard, south of West Commerce Street on the corner intersection of Monterey Street and South Pinto Street. The applicant, being the property owner, is proposing construction of an addition to the rear of an existing detached garage. The existing detached garage, built in 1930, faces Monterey Street, with the east side of the accessory structure resides along the rear property line. The applicant is requesting the variance to allow the

proposed addition, utilized as additional storage, to be 1” from the rear property to align with the existing accessory structure. Permits are pending the outcome of the Board of Adjustment.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

Subject property was part of the original 36 square miles of the City of San Antonio, and zoned “B” Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “B” Residence District to “R-4” Residential Single-Family District.

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

#### **Existing Zoning**

"R-4 HL MLOD-2 MLR-2 AHOD" Residential Single-Family Historic Landmark 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-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.

#### **Existing Use**

Single Family Residence

#### **South**

#### **Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.

#### **Existing Use**

Single Family Residence

#### **East**

#### **Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.

#### **Existing Use**

Single Family Residence

#### **West**

#### **Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family 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 in the Guadalupe/Westside Community Plan and is designated as "Low Density Residential" in the future land use component of the plan. The subject property is located within the notification area of the Historic Westside Residents Neighborhood Association, and they have been notified of the request.

**Street Classification**

South Pinto Street is classified as a local road.

**Criteria for Review – Rear 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. The reduced setback is contrary to public interest as it allows an accessory structure located in the rear of the property to be 1" from the rear setback and provides an unsuitable distance causing increased risk for fire spread and water runoff onto the neighboring property.

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

A literal enforcement of the ordinance would not result in unnecessary hardship, as the proposed addition can be reconfigured to meet Unified Development Code setback regulations.

*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 reduced rear setback does not appear to observe the spirit of the ordinance as distance from the abutting property does not abide UDC standards.

*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 requested setback variance will alter the essential character of the district. The reduced rear setback does not provide the necessary separation between neighboring properties resulting in increased risk for fire spread and water runoff onto the neighboring property.

*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 are not due to unique circumstances existing on the property as the accessory structure can be constructed to meet the setback requirements of Unified Development Code.

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

The alternative to the applicant's request is to conform to the Setback Regulations of Section 35-370 of the Unified Development Code.

#### **Staff Recommendation – Rear Setback Variance**

Staff recommends Denial in BOA-25-10300039 based on the following findings of fact:

1. The request will substantially injure the appropriate use of adjacent conforming properties in the surrounding area as a 1" rear setback does not provide a suitable distance between the properties.
2. The distant of the accessory structure from the rear setback exceeds the regulations the Unified Development Code increasing the risk for fire spread and water runoff onto the neighboring property.