



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 7, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300174

**APPLICANT:** One Stop Code Consulting, LLC

**OWNER:** ETECE Investments, LLC

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 3050 and 3054 McArthur Avenue

**LEGAL DESCRIPTION:** Lots 104 and 105, Block 1, NCB 11261

**ZONING:** “RM-4 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A variance to allow four separate units on two abutting “RM-4” lots that are each less than one-third of an acre.

Section 35-310.06 (a) (1) (b)

**Executive Summary**

The subject property is located south of S.W. Military Drive, east of New Laredo Highway and a quarter of a mile west of Somerset Road. The applicant, on behalf of the property owner, is proposing development of four separate dwelling units on two abutting lots. As the two properties are zoned “RM-4” on less than one-third of an acre, multi-unit construction is limited within a single structure. The applicant is seeking the variance to allow for four detached multi-family units on each lot. Permits are pending the outcome of the Board of Adjustment.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

RES-RBP-APP24-35502645 Residential Building Permit Application  
COM-SIT-PMT24-40100028

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance, 18115 dated, September 24, 1952, and zoned "B" Residence District. The property was rezoned by ordinance 93308 dated, January 25, 2001, from "B" Residence District to "R-2" Two-Family Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted from "R-2" to "RM-4" Residential Mixed District.

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

"RM-4 MLOD-2 MLR-1 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Vacant Lot

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

"RM-4 MLOD-2 MLR-1 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

"RM-4 MLOD-2 MLR-1 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Single-Family Residence

**East****Existing Zoning**

"RM-4 MLOD-2 MLR-1 AHOD" Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

“RM-4 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West/Southwest Sector Plan and is designated as “Suburban Tier” 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**

McArthur Avenue is classified as a local road.

**Criteria for Review – Four Separate Structures on an RM-4 less than one-third of an acre**

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. This variance is contrary to the public interest, as a single structure within an “RM-4” District less than 1/3 of an acre prevents overcrowding on smaller lots.

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

Staff found no special conditions on the subject property that warrant deviating from the ordinance. Strict enforcement would require the applicant to follow UDC regulations for constructing units within a single structure if the lot is under one-third of an acre, which would not cause unnecessary hardship since the lot can reasonably accommodate a quadplex.

*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. If approved, the structure would deviate from building requirements by being constructed as separate structures on a lot smaller than one-third of an acre.

*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 dwelling units will not be contained within a single structure, which could disrupt the overall aesthetic and functionality of the area. Granting this variance may negatively impact the appropriate use of adjacent conforming properties, leading to potential conflicts and not fitting with the surrounding environment.

*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 plans can be adjusted to accommodate current UDC building requirements.

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

The alternative to the applicant's request is to conform to the "RM-4" Requirements of Section 35-310.06(a)(1)(b).

#### **Staff Recommendation – Four Separate Structures on an RM-4 less than one-third of an acre**

Staff recommends Denial in BOA-24-10300174 based on the following findings of fact:

1. The variance is contrary to the public interest as multiple structures on a lot under 1/3 of an acre promotes overcrowding smaller lots.
2. Allowing separate units will negatively impact the appropriate use of adjacent conforming properties, leading to potential conflicts and not fitting with the surrounding environment.