



City of San Antonio

Agenda Memorandum

Agenda Date: May 19, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300070

APPLICANT: Max Schmitt

OWNER: Repetti Schmitt Trust

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 1043 West Magnolia Avenue

LEGAL DESCRIPTION: Lot 24, Lot 25 and Lot 26, Block 31, NCB 1822

ZONING: "R-6 CD NCD-5 AHOD" Residential Single-Family Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Four Dwelling Units

CASE MANAGER: Joel Vela, Senior Planner

A request for:

A variance from the NCD-5 Residential Design Standards to allow for the complete removal of a porch and balcony.
Section 35-335

Executive Summary

The property is located on the Northeast corner of W. Magnolia Avenue and Michigan Avenue, within the Beacon Hill Area Neighborhood Association, and just East of Interstate Highway 10W. Code enforcement observed construction being conducted without a permit and instructed the applicant to obtain the required permit. During the permit application intake process it was discovered that a porch and balcony located on the property had been completely removed which is not permitted for properties within the NCD-5 zoning overlay. The applicant is requesting a

variance from the NCD-5 Residential Design Standards for the removal of the porch and balcony and permit issuance is pending Board of Adjustment decision.

Code Enforcement History

INV-PBP-25-3100001703

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio. The property was rezoned by Ordinance 86704, dated September 25, 1997, to “R-2” Two-Family Residence District. The property was rezoned by Ordinance 2022-08-04-0551, dated August 4, 2022, to the current “R-6 CD” Residential Single-Family District with a Conditional Use for Four Dwelling Units.

Subject Property Zoning/Land Use

Existing Zoning

“R-6 CD NCD-5 AHOD” Residential Single-Family Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Four Dwelling Units

Existing Use

4 Dwelling Units

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-6 CD NCD-5 AHOD” Residential Single-Family Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for four dwelling units

Existing Use

4 Dwelling Units

South

Existing Zoning

“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning

“R-6 CD NCD-5 AHOD” Residential Single-Family Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Two Dwelling Units

Existing Use

Two Dwelling Units

West

Existing Zoning

"R-6 CD NCD-5 AHOD" Residential Single-Family Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District with a Conditional Use for Two Dwelling Units

Existing Use

Two Dwelling Units

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Neighborhoods Neighborhood 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 Beacon Hill Area Neighborhood Association and the San Antonio Texas District One Resident Association, and they have been notified of the request.

Street Classification

West Magnolia Avenue is classified as a Local Street.

Michigan Avenue is classified as a Local Street.

Criteria for Review – NCD-5 Residential Design Standard 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 Beacon Hill Neighborhood Conservation District Residential Design Standards. Staff finds that the complete removal of the porch and balcony is contrary to the public interest as it is a visual design standard created by Beacon Hill for uniformity and consistency with other homes in the area.

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 a renovation of the porch and balcony is a small feature that could adhere to Beacon Hill NCD-5, residential design standards and could match the look and feel of the area and meet the spirit and intent of the Beacon Hill NCD-5, to conserve the architectural features and historical visual aesthetics of the community.

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 requested variance will not allow the subject property to meet certain aesthetic and design requirements for properties located in the NCD-5 overlay as a porch and balcony is a prominent architectural feature.

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.

The variance will substantially alter the essential character of the district as the neighboring properties adhere to the aesthetic and design requirements set forth by the NCD-5 overlay causing the subject property to negatively stand out from the rest of the neighborhood.

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.

The plight of the owner of the property for which the variance is sought is not due to unique circumstances as the porch and balcony could be renovated or rebuilt to conform with the Beacon Hill NCD-5 design standards and continue to be in conformity with similar designs found on neighboring properties.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Neighborhood Conservation District standards of the UDC Section 35-335.

Staff Recommendation – NCD-5 Residential Design Standard Variance

Staff recommends Denial in BOA-25-10300070 based on the following findings of fact:

1. The renovation of the porch and balcony would have allowed for the property to remain within the requirements of the NCD-5 overlay.
2. The variance would substantially alter the essential character of the district in which the property is located as it is contrary to the design standards set forth in the Beacon Hill NCD-5.