



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 23, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300166

**APPLICANT:** Frank & Mary Mungia

**OWNER:** Frank & Mary Mungia

**COUNCIL DISTRICT IMPACTED:** District 3

**LOCATION:** 222 Banbridge Avenue

**LEGAL DESCRIPTION:** Lot 6, Block 12, NCB 10864

**ZONING:** "R-5" Residential Single-Family District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 2' variance from the minimum 5' side setback to allow a 3' side setback.  
Section 35-310.01 (Table 310-1)

**Executive Summary**

The subject property is located along Banbridge Avenue, east of Pecan Valley Drive, located within the Highland Hills Neighborhood Association. The applicant is seeking a side setback variance of two feet to allow construction of an attached garage to the right side of the home for the stated purposes of protecting their vehicle from the weather. The proposed new structure will provide the required 20-foot front setback for the garage. If approved, the applicant will need to comply with any and all necessary fire codes associated a reduced setback.

**Code Enforcement History**

No relevant code enforcement history.

**Permit History**

Building permit is pending outcome from the Board of Adjustment.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and was originally zoned "A" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Residence District converted to the current "R-5" Residential Single-Family District.

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

"R-5" Residential Single-Family District

**Existing Use**

Single-Family Dwelling

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

"R-5" Residential Single-Family District

**Existing Use**

Single-Family Dwelling

**South****Existing Zoning**

"R-5" Residential Single-Family District

**Existing Use**

Single-Family Dwelling

**East****Existing Zoning**

"R-5" Residential Single-Family District

**Existing Use**

Single-Family Dwelling

**West****Existing Zoning**

"R-5" Residential Single-Family District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Brooks Area Regional Center and is designated as "Low Density Residential" in the future land use component of the plan. The subject property is located within the Highland Hills Neighborhood Association, and they have been notified of this request.

### **Street Classification**

Banbridge Avenue 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 side setback variance is not contrary to the public interest as other structures were seen to be within setbacks in the immediate area of which the property is located, and furthermore the required garage front setback for the new addition to the home will be met.

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

A literal enforcement of the side setback ordinances would result in unnecessary hardship as the applicant on the lot would be unable to have an attached garage for the purpose of protecting their vehicles.

*3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The requested side setback variance appears to be in the spirit of the ordinance as the lot can maintain a single-family dwelling with an attached garage and no other factors exist that prevent accommodations for a reduced side setback.

*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.*

Staff finds that the side setback variance would not substantially injure the appropriate use of adjacent properties as the adjacent structure appears to have an adequate side setback and the new construction will need to abide with all fire mitigating standards.

*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 unique circumstances existing on the property is that an attached garage cannot be built on the property without a side setback variance, preventing protection of vehicles in a way that is congruent with the neighborhood.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the side setback requirements of the UDC Section 35-310.01 (Table 310-1).

**Staff Recommendation – Side Setback Variance**

Staff recommends **Approval** in **BOA-24-10300166** based on the following findings of fact:

1. Adequate space between buildings will remain for the purposes of fire safety and alleviating water runoff concerns into adjacent properties.
2. Other homes in the immediate area were observed by staff to also be within or close to setbacks.