

# **Bond Case Briefs**

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## **ZONING & LAND USE - TEXAS**

### **Five Aces/SA, Ltd. v. River Road Neighborhood Association**

**Court of Appeals of Texas, San Antonio - July 12, 2017 - S.W.3d - 2017 WL 2960399**

Neighborhood association sought review of city board of adjustment's (BOA) approval for developer's renovations and new construction of historic residence.

The District Court granted summary judgment in association's favor. Developer and BOA appealed.

The Court of Appeals held that developer's removal of additions to original historic residence did not require demolition application.

Developer's proposed removal of additions to original historic residence was part of "restoration," "rehabilitation," or "alteration" of the residence within meaning of city's unified development code (UDC), making separate application for demolition and determination of "non-contributing status" unnecessary. Project was limited to partial removal of non-historic, "noncontributing" additions to original historic residence.