



City of San Antonio

Agenda Memorandum

Agenda Date: January 27, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300244

APPLICANT: WGA Consulting Engineers

OWNER: HW Zavell LLC

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 2100 North Main Avenue

LEGAL DESCRIPTION: Lot A23 exclude northwest Tri, NCB 1724

ZONING: “C-2 H UC-5 AHOD” Commercial Monte Vista Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

A 7’ variance from the 15’ setback to allow a structure to be 8’ from the Urban Corridor district front setback.

Section 28-69(d)

Executive Summary

Subject property is located within the Monte Vista Historical area, on the corner of North Main Avenue and East Ashby Place. The applicant, on behalf of the property owner, is requesting a 7’ variance to allow expansion of an existing structure, built in 1935, to be within 8’ of the Main Avenue/McCullough Avenue Urban Corridor. An approved Certificate of Appropriateness has been obtained from the Office of Historic Preservation (OHP). Permits are pending the outcome of the Board of Adjustment. A portion of the development is within the corridor setback, however it appears to have been built prior to the 1987 urban corridor standards. The applicant worked with

the easement owner to have the 10' easement start at a height of 15-feet above finished grade, and is indicated on their plat.

Code Enforcement History

No Code Enforcement history found.

Permit History

COM-PRJ-APP24-39802129- Commercial Project Application

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "H" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "H" Local Retail District converted to "C-3" General Commercial District. The property was rezoned by Ordinance 2020-12-03-0861, dated December 3rd, 2020, to the current "C-2" Commercial District.

Subject Property Zoning/Land Use

Existing Zoning

"C-2 H UC-5 AHOD" Commercial Monte Vista Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

Existing Use

Vacant lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"C-2 H UC-5 AHOD" Commercial Monte Vista Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

Existing Use

Office

South

Existing Zoning

"C-2 H UC-5 AHOD" Commercial Monte Vista Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

Existing Use

Restaurant

East

Existing Zoning

"C-2 H UC-5 AHOD" Commercial Monte Vista Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

Existing Use

Office

West

Existing Zoning

“C-2 H UC-5 AHOD” Commercial Monte Vista Historic Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District.

Existing Use

Retail Store

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is located within the notification area of Monte Vista Historical and Tobin Hill Community Neighborhood Associations, and they have been notified of the request.

Street Classification

North Main Avenue is classified as a Local Street.

East Ashby Place is classified as a Local Street.

Criteria for Review – Urban Corridor 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 public interest is represented by minimum setback requirements along a corridor. Staff finds the reduced setbacks to be inconsistent with other structures in along the corridor in the immediate vicinity, and out of character for the urban corridor district.

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

Staff found no special conditions existing on the property as there is adequate space to develop the lot without encroachment of the urban corridor setbacks.

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 request does not appear to be in the spirit of the ordinance, as the requirement is there to protect the urban corridor, and the proposed development plans can be adjusted to meet corridor setback requirements.

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 urban corridor setback variance will substantially injure the appropriate use of the adjacent conforming properties. The proposed development will alter the essential character of the district by creating a less consistent streetscape or disrupting the flow 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.

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 meet UDC requirements.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the urban corridor setback requirements of the UDC Section 28-69(d).

Staff Recommendation – Urban Corridor Setback Variance

Staff recommends Denial in BOA-24-10300244 based on the following findings of fact:

1. The proposed development will not leave sufficient room between property the urban corridor.
2. The requested variance will alter the essential character of the district.