



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 5, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300062

**APPLICANT:** Mauro Garza

**OWNER:** Mauro Garza

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 1402 North Main Avenue

**LEGAL DESCRIPTION:** Lot 3, Block 22, NCB 385

**ZONING:** "C-3 UC-5 AHOD" General Commercial Main Avenue/McCollough Avenue Urban Corridor Airport Hazard Overlay District

**CASE MANAGER:** Jewel Polimis, Planner

**A request for**

A 3' variance from the minimum 15' front setback to allow a 12' front setback.  
Section 28-69 (d)

**Executive Summary**

The subject property is located at the intersection of North Main Avenue and East Laurel Street, just north of downtown. The property is in an urban corridor that requires a 15' front setback on a local street, where normally a "C-3" would not require any setback. The request is to add a covered area with a 12' front setback. The applicant stated the use if for a Bar with no cover change. The Board of Adjustment approved a similar request on the neighboring property on August 19, 2024, to allow a 1' front setback.

**Code Enforcement History**

INV-GPU-INV25-2950005172 – April 16, 2025 – Graffiti – Resolved  
INV-GPR-INV25-2940004024 – March 26, 2025 – Graffiti – Resolved  
INV-BDS-24-2670026726 – August 24, 2024 – Bandit Signs – Closed  
INV-OYT-24-2550023637 – April 15, 2024 – Yard/Trash – Closed

### **Permit History**

FIR-FME-PMT24-20500279 – August 22, 2024 – Mobile Food Permit – Active  
MEP-TRD-APP24-33111330 – April 19, 2024 – Plumbing – Issued  
COM-ADD-PMT23-39900060 – June 12, 2023 – Addition (not related) – About to Expire

### **Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and originally zoned “D” Apartment District. The property was rezoned by Ordinance 83331, dated December 14, 1995, to “B-3” Business District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “B-3” Business District to the current “C-3” General Commercial District.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

“C-3 UC-5 AHOD” General Commercial Main Avenue/McCollough Avenue Urban Corridor  
Airport Hazard Overlay District

#### **Existing Use**

Bar

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

“C-3 UC-5 AHOD” General Commercial Main Avenue/McCollough Avenue Urban Corridor  
Airport Hazard Overlay District

#### **Existing Use**

Commercial Uses

#### **South**

#### **Existing Zoning**

“R-6 UC-5 AHOD” Residential Single-Family Main Avenue/McCollough Avenue Urban  
Corridor Airport Hazard Overlay District

#### **Existing Use**

Crockett Park

#### **East**

#### **Existing Zoning**

“C-1 UC-5 AHOD” Light Commercial Main Avenue/McCollough Avenue Urban Corridor  
Airport Hazard Overlay District

#### **Existing Use**

Offices

## **West**

### **Existing Zoning**

“IDZ UC-5 AHOD” Infill Development Main Avenue/McCollough Avenue Urban Corridor Airport Hazard Overlay District with uses permitted in “MF-50” Multi-Family District and “C-2” Commercial District

### **Existing Use**

Multi-Family

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the “Midtown Area Regional Center Plan” and is designated as “Regional Mixed-Use”. The subject property is located within the notification area of the Tobin Hill Community Neighborhood Association and the San Antonio Texas District One Resident Association, and they have been notified of the request.

### **Street Classification**

North Main Street is classified as a Local Street.

East Laurel Street 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 consistent with other structures along the corridor in the immediate vicinity, and not 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 a special condition existing on the property where a literal enforcement of the ordinance does not leave adequate space to fully develop the commercial lot.

*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 appears to be in the spirit of the ordinance, as the requirement is there to protect the urban corridor, and there are other structures along the corridor also within the urban corridor setback in the immediate vicinity.

*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 not substantially injure the appropriate use of the adjacent conforming property as a less restrictive variance was approved for the adjacent property. The proposed development will leave sufficient room from the property and not alter the essential character of the district, as it would adhere to other setback requirements.

*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 due to unique circumstances existing on the property, such as limited space for covered outdoor environment.

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

The alternative to the applicant's request is to conform to the Urban Corridor standards in Section 28-69 (d) of the Code of Ordinances.

#### **Staff Recommendation – Urban Corridor Setback Variance**

Staff recommends Approval in BOA-25-10300062 based on the following findings of fact:

1. Other properties in the vicinity, also within the urban corridor district have structures within the setback prescribed in Section 28-69(d).
2. It will not alter the essential character of the district.