



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 10, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300005

**APPLICANT:** Oxbow Development Group

**OWNER:** Oxbow Real Estate LLC

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 141 Lavaca Street and 620 Matagorda Street

**LEGAL DESCRIPTION:** Lot 2, Block 4, NCB 13815 and Lot 24, Block 7, NCB 707

**ZONING:** “IDZ-3 H HS AHOD” High Intensity Infill Development Zone Lavaca Historic Overlay Landmark Airport Hazard Overlay District with uses permitted in “C-2” Commercial District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A request for a 4’-11” variance from the minimum 5’ side and rear setbacks to allow a 1” side and rear setback.

Section 35-343.01

**Executive Summary**

Subject property is located in downtown San Antonio, just south of Hemisfair Plaza. A portion of the property is located within the corner intersection of East Cesar Chavez Boulevard, South Alamo Street, fronting Lavaca Street. The additional portion is located on the corner intersection of Lavaca Street and Matagorda Street. The applicant is requesting a 1” side and rear setback variance for the property addressed as 141 Lavaca as well as a 1” side setback variance for the property addressed as 620 Matagorda for proposed IDZ-3 development with uses permitted in “C-

2” Commercial District. The applicant will need to submit for a Certificate of Appropriateness with HDRC prior to development. The approved rezoning site plan annotated the proposed 1” setback variances requested, dated November 21, 2024. Permits are pending the Board of Adjustment.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

The issuance of build permits is pending Board of Adjustment outcome.

**Zoning History**

The subject property was part of the original 36 square miles of the City of San Antonio and was originally zoned “J” Commercial District, “I” Business District, “B-2” Business District, and “D” Apartment District. The property addressed off Lavaca Street was rezoned by Ordinance 74924 dated December 9, 1991, and zoned “O-1” Office District. The property addressed off Matagorda was rezoned by Ordinance 75427, dated March 12, 1992, and zoned “R2” Two Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the portion zoned “O-1” Office District converted to “O-2” High-Rise Office District and the portion zoned “R-2” Two Family Residence District converted to the current “RM-4” Residential Mixed District. The properties were rezoned by Ordinance 2024-11-21-0932 dated, November 21, 2024, from “O-2” High Rise Office and “RM-4” Residential Mixed District to “IDZ-3” Infill Development Zone District with uses permitted in “C-2” Commercial District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“IDZ-3 H HS AHOD” High Intensity Infill Development Zone Lavaca Historic Overlay Landmark Airport Hazard Overlay District with uses permitted in “C-2” Commercial District

**Existing Use**

Parking Lots, Offices, Vacant Lot

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"D H HS AHOD” Downtown Lavaca Historic Overlay Landmark Airport Hazard Overlay District

**Existing Use**

Parking Lots, Government Offices, Hemisfair Plaza

**South**

**Existing Zoning**

"RM-4 H HS AHOD” Residential Mixed Lavaca Historic Overlay Landmark Airport Hazard Overlay District

O-2 H HS AHOD” High-Rise Office Lavaca Historic Overlay Landmark Airport Hazard Overlay District

**Existing Use**

Residential Dwellings

## **East**

### **Existing Zoning**

"D H HS AHOD" Downtown Lavaca Historic Overlay Landmark Airport Hazard Overlay District  
O-2 H HS AHOD" High-Rise Office Zone Lavaca Historic Overlay Landmark Airport Hazard Overlay District

RM-4 H HS AHOD" Residential Mixed Lavaca Historic Overlay Landmark Airport Hazard Overlay District

### **Existing Use**

Parking Lots, Residential Dwellings

## **West**

### **Existing Zoning**

"IDZ-1 H HS AHOD" Limited Intensity Infill Development Zone Lavaca Historic Overlay Landmark Airport Hazard Overlay District

C-3 H HS AHOD" General Commercial Lavaca Historic Overlay Landmark Airport Hazard Overlay District

C-3R H HS AHOD" General Commercial Restrictive Alcoholic Sales Lavaca Historic Overlay Landmark Airport Hazard Overlay District

### **Existing Use**

Parking Lot, Residential Dwellings, Government Office, Research Center, Food Service Establishment

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

The subject property is in the Downtown Area Regional Center Plan and is designated as "Regional Mixed-Use" and "Urban Mixed Use" in the future land use component of the plan. The subject properties are located within the boundary of a Lavaca Neighborhood Association, Downtown Neighborhood Association, and the San Antonio Texas District One Resident Association and they have been notified.

## **Street Classification**

East Cesar Chavez Boulevard is classified as a Primary Arterial Type B

South Alamo Street is classified as a Secondary Arterial Type B

Lavaca Street is classified as a local road.

Matagorda Street is classified as a local road.

## **Criteria for Review –Side Setback, Rear 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.*

In this case, the public interest is represented by setback requirements to prevent interference with building fire codes. The applicant is requesting a variance to the side and rear setback to allow a structure to be 1" from the property line. The variance will reduce sight distance that will be contrary to the public interest.

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

Staff has not found special conditions existing on the subject property that would warrant the need for the side and rear setback variance as sufficient space exists for the proposed development.

*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 granting of this variance will not observe the spirit of the ordinance as the required setbacks will reduce open space and reduce sight vision.

*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, a structure will be 1” from the side and rear property lines. This will injure the appropriate use of adjacent conforming properties as sight distance will be reduced, directly affecting the surrounding properties.

*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 side and rear setback variances are not sought is due to unique circumstances existing on the property as a reasonably sized development can be established on the lot.

#### **Alternative to Applicant’s Request**

The alternative to the applicant’s request is to conform to the IDZ-3 Side Setback Regulations of Section 35-343.01 of the Unified Development Code.

#### **Staff Recommendation – Side Setback, Rear Setback Variance**

Staff recommends Denial in BOA-25-10300005 based on the following findings of fact:

1. The variance will reduce sight distance that will be contrary to the public interest.
2. Sufficient space exists for the proposed development.