



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-6348  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment  
**On agenda:** 11/2/2020  
**Title:** BOA-20-10300102: A request by Killen, Griffin & Farrimond for a 10' variance to the maximum front building setback of 25' to allow a structure to be 35' away from the front property line, located at 718 West Hildebrand Avenue. Staff recommends Denial. (Council District 1) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-20-10300102  
**Applicant:** Killen, Griffin & Farrimond  
**Owner:** South Texas Tres Ninas LP  
**Council District:** 1  
**Location:** 718 West Hildebrand Avenue  
**Legal:** Lots 10 Thru 14, Block 19, NCB 6418  
**Description:**  
**Zoning:** "C-3NA NCD-5 AHOD" General Commercial Nonalcoholic  
Sales Beacon Hill Neighborhood Conservation Airport  
Hazard Overlay District  
**Case Manager:** Dominic Silva, Senior Planner

### Request

A 10' variance to the maximum front building setback of 25', as described in the Beacon Hill Neighborhood Conservation design guidelines as established in 35-335, to allow a structure to be 35' away from the front property line.

### Executive Summary

The applicant is requesting a maximum front setback variance from the Beacon Hill Neighborhood Conservation design guidelines to allow a new carwash to be built at 35' from the front property line.

The site was once a multi-bay carwash; it is currently vacant and underutilized with the existing carwash bays

dilapidated. This structure will be demolished in way for the new single bay automatic carwash station. There is no landscaping on the property.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this property.

### **Clear Vision Review**

A review of Clear Vision is not required.

### **Zoning History**

The property is within the original 36 square miles of the City of San Antonio and was originally zoned as “H” Local Retail District. The “H” Local Retail District converted to “B-3” Business District with the adoption of the 1965 Unified Development Code (UDC), established by Ordinance 33412, dated June 28, 1965. The “B-3” was then converted to the current “C-3” General Commercial with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“C-3NA NCD-5 AHOD” General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Vacant

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-2 NCD-5 AHOD” Commercial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Restaurant
South	“R-6 NCD-5 AHOD” Residential Single- Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Residential
East	“C-3NA NCD-5 AHOD” General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Retail

West	“C-3NA NCD-5 AHOD” General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Retail
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### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Midtown Neighborhood Plan and is designated as “Mixed Use” in the future land use component of the plan. The subject property is within the boundaries of the Beacon Hill Neighborhood Association.

### **Street Classification**

West Hildebrand Avenue is classified as a Secondary Arterial B roadway.

### **Criteria for Review**

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. In this case, redeveloping a currently dilapidated and vacant lot with an introduction of bufferyards will substantially increase the welfare of the public; however, the request goes against the Neighborhood Conservation District’s guidelines.

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

Due to the Neighborhood Conservation Design guidelines, enforcement of the front setback is uniform on West Hildebrand Avenue; however, the rear setback of the proposed carwash will be greater than the existing carwash, creating a greater buffer between the residentially zoned properties in the rear to the commercial use of the subject property.

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

The Neighborhood Conservation Design guidelines dictate a maximum front setback to create uniformity along the West Hildebrand Avenue; substantial justice will be done in limiting future development behind the maximum established setbacks.

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.*

The requested variances will not permit a use not authorized within the district it is located in.

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.*

The proposed structure will be further from the residentially zoned properties in the rear than what is currently there; however, due to Neighborhood Conservation District design guidelines, the front setback must be

adhered to.

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.*

The unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. Due to the design guidelines of the Neighborhood Conservation District, future development shall be limited within the maximum setback to create uniformity along the Hildebrand Avenue; however, the proposed development will create a larger buffer between the residentially zoned properties in the rear and the commercial use of the subject property while also introducing bufferyards that are currently lacking.

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

The alternative to the applicant's request is to conform to the Beacon Hill Neighborhood Conservation District's design guidelines.

### **Staff Recommendation**

Staff recommends **Denial** of a 10' variance to the maximum front building setback of 25' to allow a structure to be 35' away from the front property line in **BOA-20-10300102**, based on the following findings of fact:

1. The Neighborhood Conservation District design guidelines dictate a maximum front setback; and,
2. The maximum front setback creates uniformity of the West Hildebrand Avenue.