



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 10, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300018

**APPLICANT:** Tom Carter

**OWNER:** 1604 Lookout LP

**COUNCIL DISTRICT IMPACTED:** District 10

**LOCATION:** 15407 Lookout Road

**LEGAL DESCRIPTION:** Lot 9, Block 25, NCB 16588

**ZONING:** “C-2 AHOD” Commercial Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 16’ variance from the minimum 20’ front egress/ingress only drives to allow parking and drives past 4’ from the front property line.

Section 35-310.01 Note (6)

**Executive Summary**

The subject property is located along Lookout Road, east of East Loop 1604, not located within any neighborhood association. The lot is currently vacant, and the property is intended for multi-family apartment construction. Pursuant to Section 35-D101(d) of the Unified Development Code, because the lot was formerly “B-2” and meets all other qualifications and standards it is allowed multi-family dwellings up to 33 units per acre under its current zoning. Lookout Road in front of the property does not belong to the City of San Antonio, which eliminates the requirement for a buffer yard.

### **Code Enforcement History**

No relevant code enforcement history.

### **Permit History**

Application of building permits are pending Board of Adjustment outcome.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 66023 dated December 30, 1987, was zoned Temporary "R-1" One-Family Residence District. The property was rezoned by Ordinance 66444, dated January 21, 1988, to "B-2" Business District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B-2" Business District to the current "C-2" Commercial District, established by Ordinance 93881, dated May 3, 2001.

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

#### **Existing Zoning**

"C-2 AHOD" Commercial Airport Hazard Overlay District

#### **Existing Use**

Vacant Lot

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

#### **North**

#### **Existing Zoning**

"C-2 AHOD" Commercial Airport Hazard Overlay District

#### **Existing Use**

Apartments

#### **South**

#### **Existing Zoning**

"OCL" Outside City Limits

#### **Existing Use**

Apartments

#### **East**

#### **Existing Zoning**

"OCL" Outside City Limits

#### **Existing Use**

Apartments

#### **West**

#### **Existing Zoning**

"C-2 AHOD" Commercial Airport Hazard Overlay District

#### **Existing Use**

Retail Center

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

The subject property is in the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is not located within any Neighborhood Association.

**Street Classification**

Lookout Road is classified as a Secondary Arterial Type A.

**Criteria for Review – Parking and Drives Front 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. In this case, the public interest is represented by adhering to the parking and drives front setback requirements. The variance is not contrary to the public interest as sufficient space will remain and the design and configuration of the proposed buildings and lot is not contrary to the public interest.

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

A literal enforcement of the parking and drives front setback ordinances would result in unnecessary hardship as the applicant would be significantly restricted in their buildable space on the lot due to the irregular shape caused by the flood plain drainage easement.

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

The requested parking and drives front setback variance appears to be in the spirit of the ordinance as the design and configuration of the lot is respecting the flood plain drainage easement restrictions.

*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.*

Staff finds that the parking and drives front setback variance would not substantially injure the appropriate use of adjacent properties as substantial buffering and screening will be afforded by the flood plain drainage easement and secondary arterial road.

*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 unique circumstances existing on the property for the parking and drives front setback is the flood plain's drainage easement heavily restricting the buildable portion of the lot.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the parking and drives front setback requirements of the UDC Section 35-310.01 Note (6).

**Staff Recommendation – Parking and Drives Front Setback Variance**

Staff recommends Approval in BOA-25-10300018 based on the following findings of fact:

1. The buildable area is heavily restricted by the drainage easement for the flood plain.
2. The requested variance will not alter the essential characteristics of the district in which the property is located.