



# City of San Antonio

## Agenda Memorandum

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**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-24-10300241

**APPLICANT:** 2021 FII Bulverde, LLC

**OWNER:** 2021 FII Bulverde, LLC

**COUNCIL DISTRICT IMPACTED:** District 9

**LOCATION:** 26782 Bulverde Road

**LEGAL DESCRIPTION:** Lot 4, Block 3, NCB 18232

**ZONING:** “C-3 GC-3 MLOD-1 MLR-2” General Commercial US 281 North Gateway Corridor  
Camp Bullis Military Lighting Overlay Military Lighting Region 2 District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 2’-8” variance from the minimum 20’ side setback to allow a 17’-4” US 281 North Gateway Corridor side setback on the southern property line.  
Section 35-339.01

**Executive Summary**

The subject property is located along Bulverde Road, west of US Hwy 281. The applicant is developing the vacant lot for a quick service restaurant. Per the site plan the proposed structure would require a 2’-8” variance from the gateway corridor side setback. The subject property was recently annexed into the City in 2016. The “US 281 North Gateway Corridor” was established simultaneously with the annexation by Ordinance 2016-12-01-0902.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

COM-SIT-PMT24-40100365 – Commercial Site Work Permit – Active

COM-PRJ-APP24-39800498 – Commercial Site Work Permit – Issued

**Zoning History**

The property was annexed into the City of San Antonio by Ordinance 2016-12-01-0899 dated December 01, 2016. Ordinance 2016-12-01-0902 dated December 01, 2016, zoned the property to the current "C-3" General Commercial District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"C-3 GC-3 MLOD-1 MLR-2" General Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Vacant Lot

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"C-3 GC-3 MLOD-1 MLR-2" General Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District Military Lighting Region 2 Airport Hazard Overlay District.

**Existing Use**

Vacant Lot

**South**

**Existing Zoning**

"C-3 GC-3 MLOD-1 MLR-2" General Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District Military Lighting Region 2 Airport Hazard Overlay District.

**Existing Use**

Storage

**East**

**Existing Zoning**

"C-3 GC-3 MLOD-1 MLR-2" General Commercial US 281 North Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 District Military Lighting Region 2 Airport Hazard Overlay District.

**Existing Use**

US Hwy 281 (UZROW)

**West**

**Existing Zoning**

"OCL" Outside City Limits

## **Existing Use**

Vacant Lot

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

The subject property is in the North Sector Plan and is designated as “Regional Center” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

## **Street Classification**

Bulverde Road is classified as a Secondary Arterial Type A.

## **Criteria for Review – Side 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. In this case, the public interest is represented by meeting the minimum distance requirements for Gateway Corridor setback. The requested side setback variance would enable a structure to adversely impact the right of way along the corridor and be closer to the roadway.

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

A literal enforcement of the ordinance would result in the applicant constructing commercial development to meet the minimum front corridor setback. The subject property is large enough to develop the property within the required corridor setbacks.

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

The requested variance is to allow reduced setbacks along the US Highway. Due to the size of the property and the reduced distance from the corridor, this will not observe the spirit of the ordinance.

*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 structure will be built too close to the side property line and that the requested variance would set precedent and injure neighboring conforming properties within the corridor.

*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. The applicant can redesign the projected development to meets their needs outside the corridor side setback.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the side corridor setbacks of the UDC Section 35-339.01(f)(4).

**Staff Recommendation – Side Corridor Setback Variance**

Staff recommends Denial in BOA-24-10300241 based on the following findings of fact:

1. The applicant can redesign the projected development to meets their needs in observance of the corridor side setback.
2. The requested variances appear out of character for the area, injures the neighboring properties, and sets negative precedent for future developments in the Gateway Corridor.