



City of San Antonio

Agenda Memorandum

Agenda Date: June 3, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300095

APPLICANT: Brown & McDonald PLLC

OWNER: SBT Ventures LLC

COUNCIL DISTRICT IMPACTED: District 6

LOCATION: 11019 Culebra Road

LEGAL DESCRIPTION: Lot 14, Block 17, NCB 17635

ZONING: "C-3R S" General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for Sales of Alcoholic Beverages for On Premise Consumption Incidental to Consumption of Food and the "C-3" General Commercial District

CASE MANAGER: Mirko Maravi, Principal Planner

A request for

A 15' variance from the minimum 15' buffer to allow the elimination of the buffer on the western property line.

Section 35-510

Executive Summary

The subject property is located at the far west side of San Antonio, just west of the Culebra Road and Loop 1604 intersection. The applicant is requesting the elimination of a 15' buffer on the portion abutting the multi-family lot. The buffer is not required against the commercial development and the residential lot being used as a park. A 10' setback is required separate from the Buffer. The commercial development was established in 2008 and the multi-family development was established in 2012 per Bexar County records.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The southern portion of the property was annexed into the City of San Antonio by Ordinance 64026, dated December 30, 1986. The northern portion of the property was annexed into the City of San Antonio by Ordinance 92907, dated December 13, 2000. The southern portion of the property was rezoned by Ordinance 92292, dated August 10, 2000, to “B-3R SUP” Restrictive Business District with a Special Use Permit for Sales of Alcoholic Beverages for On Premise Consumption Incidental to Consumption of Food. The northern portion of the property was rezoned to “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to the current “C-3R S” General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for Sales of Alcoholic Beverages for On Premise Consumption Incidental to Consumption of Food and the “C-3” General Commercial District.

Subject Property Zoning/Land Use**Existing Zoning**

“C-3R S” General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for Sales of Alcoholic Beverages for On Premise Consumption Incidental to Consumption of Food and the “C-3” General Commercial District

Existing Use

Commercial Use

Surrounding Property Zoning/ Land Use**North****Existing Zoning**

“R-6” Residential Single-Family District

Existing Use

Culebra Creek Park

South**Existing Zoning**

“C-3R S” General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for Sales of Alcoholic Beverages for On Premise Consumption Incidental to Consumption of Food and Outside City Limits

Existing Use

Commercial

East**Existing Zoning**

“C-3” General Commercial

Existing Use
Commercial

West

Existing Zoning

“C-3R S” General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for Sales of Alcoholic Beverages for On Premise Consumption Incidental to Consumption of Food and “MF-25” Low Density Multi-Family District

Existing Use

Commercial and Apartments

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West & Southwest Sector Plan and is designated as “Suburban Tier” 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

Culebra Road is classified as a Primary Arterial Type A.

Criteria for Review – Buffer

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 the 15’ buffer against a multi-family development. This would not be contrary to the public interest as setbacks would still be required on the commercial lot.

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

Staff found special conditions on the property that could result in unnecessary hardship by abiding by the buffer standards as the commercial development was established prior to the multi-family development.

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

By granting the variance, the spirit of the ordinance will be observed as a separation will exist with the required setback.

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.*

The requested buffer elimination variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district as the commercial driveway is existing.

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 request is due to unique circumstances existing on the property as the commercial development was established prior to the multi-family use.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Buffer Standards of the UDC Section 35-510.

Staff Recommendation – Buffer

Staff recommends Approval in BOA-24-10300095 based on the following findings of fact:

1. The commercial parking lot driveway was established prior to the multi-family development which would not change the character of the district.
2. A required separation would still exist with the required setback.