



City of San Antonio

Agenda Memorandum

Agenda Date: March 10, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300022

APPLICANT: Southtown Engineering & Consulting LLC

OWNER: Genmark International Business Inc

COUNCIL DISTRICT IMPACTED: District 7

LOCATION: 9760 Braun Road

LEGAL DESCRIPTION: Lot 1, Block 13, NCB 18163

ZONING: "C-3" General Commercial District

CASE MANAGER: Colton Unden, Planner

A request for

1) A 15' variance from the minimum 30' side setback to allow a 15' side setback.
Section 35-310.01

Executive Summary

The subject property is located along Braun Road, east of NW Loop 1604, not located within any Neighborhood Association. The lot is currently vacant. The proposed use of the lot is for an office and warehouse. Due to the irregular lot size and narrowness the applicant is requesting setback relief from the Board of Adjustment. The property's north and west are abutting roads, the south is abutting a 26' drainage ROW, and the east is abutting a 3.4-acre residential lot.

Code Enforcement History

No relevant code enforcement history.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 79038 dated December 30, 1993, was zoned "B-3" Business District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B-3" Business District to the current "C-3" General Commercial District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning

"C-3" General Commercial District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"C-3" General Commercial District

Existing Use

Dance Hall

South

Existing Zoning

"R-6" Residential Single-Family District

Existing Use

Single-Family Dwelling

East

Existing Zoning

"R-6" Residential Single-Family District

Existing Use

Single-Family Dwelling

West

Existing Zoning

"C-3" General Commercial District

Existing Use

Dental Clinic

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northwest Community Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is not located within any Neighborhood Association.

Street Classification

Braun Road is classified as a Secondary Arterial Type A.
Single Spur is classified as a Local Road.

Criteria for Review – Side Setback Variances

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 setback requirements to provide adequate spacing between properties. The side setback variance are not contrary to the public interest as sufficient space will remain for adequate spacing between residential and commercial uses flanked by a large residential lot.

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

A literal enforcement of the side setback ordinance would result in unnecessary hardship as the applicant would be unable to develop the lot for a suitable commercial use adhering to the setbacks as prescribed due to the irregular and narrow shape of the lot.

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

The requested side setback variance appears to be in the spirit of the ordinance as sufficient space will remain for the purposes of buffering between residential and commercial uses supported by a large residential lot.

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 side setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for the purposes of buffering between commercial and residential uses.

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 setback variances is irregular and narrow shape of the lot.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the side and rear setback requirements of the UDC Section 35-310.01.

Staff Recommendation – Side Setback Variance

Staff recommends Approval in BOA-25-10300022 based on the following findings of fact:

1. The property is abutting a sizeable easement, large acre lot, and major road allowing sufficient buffering between residential and commercial uses.
2. The requested variance will not alter the essential characteristics of the district in which the property is located.