



City of San Antonio

Agenda Memorandum

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-24-10300249

APPLICANT: Horizon Landscape

OWNER: BPC 3105 Wurzbach RD LTD

COUNCIL DISTRICT IMPACTED: District 6

LOCATION: 3103 Wurzbach Road

LEGAL DESCRIPTION: Lot 2, Block 1, NCB 16931

ZONING: "C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Airforce Base
Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

1) An 11' variance application from the minimum 15' landscape buffer to allow a 4' landscape buffer against Ingram Road.

Section 35-510

2) A 9' variance application from the minimum 15' landscape buffer to allow a 6' landscape buffer against Wurzbach Road.

Section 35-510

Executive Summary

Subject property is located west of Northwest Loop 410, on the corner of the Wurzbach Road and Ingram Road intersection. The applicant, on behalf of the property owner, is requesting an 11' and a 9' landscape buffer variance to allow for a 4' landscape buffer along Ingram Road and a 6'

buffer along Wurzbach Road for proposed commercial development on the property. Permits are pending the Board of Adjustment.

Code Enforcement History

No Code Enforcement history found.

Permit History

REQ-BPPR-24-42800246- Preliminary Plan Review – Building
DEM-DEM-PMT23-39200450- Demolition Permit

Zoning History

The property was annexed into the City of San Antonio by Ordinance 47700, dated April 10, 1977, and zoned “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to the current “C-3” General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Airforce Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Vacant lot (Concrete Slab)

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Airforce Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Fast Food Restaurant

South

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Airforce Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Bank

East

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Airforce Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Fast Food Restaurant

West

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Airforce Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Retail Store

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Northwest Community Area Plan and is designated as “General Urban 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

Wurzbach Road is classified as Secondary Arterial Type A.

Ingram Road is classified as Secondary Arterial Type A.

Criteria for Review Buffer 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 the reduced landscape buffers will provide sufficient distance along the front and side property lines therefore is not contrary to the public interest.

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

The full landscape buffer would reduce the amount of space the applicant can build on the property.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The reduced landscape buffer will observe the spirit of the ordinance as there will still be a 4’-foot and 6’- foot landscape buffer along the front and side property lines.

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 reduced landscape buffers will not alter the essential character of the district.

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 reduced landscape variance is sought is due to unique circumstances existing on the property, such as the location and lot size of the property.

Alternative to Applicant's Request

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

Staff Recommendation – Buffer Variance

Staff recommends Approval in BOA-24-10300249 based on the following findings of fact:

1. Applying the full buffer would significantly limit the usability of the property.
2. The requested variances will not alter the essential character of the district.