



City of San Antonio

Agenda Memorandum

Agenda Date: October 7, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300182

APPLICANT: Norma Vela

OWNER: Norma Vela

COUNCIL DISTRICT IMPACTED: District 4

LOCATION: 7150 New Laredo Highway

LEGAL DESCRIPTION: Lot 151-C, Block 1, NCB 11253

ZONING: "C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales

CASE MANAGER: Melanie Clark, Planner

A request for

A 9' variance from the minimum 30' rear setback to allow a structure to be 21' from the rear property line.

Table 310-1

Executive Summary

The subject property is situated between Briggs Avenue to the north and S.W. Military Drive to the south, along New Laredo Highway. The applicant, who is also the property owner, is seeking a 9-foot variance to allow an addition to an existing commercial structure, reducing the rear property line setback to 21 feet. On October 5, 2023, Code Enforcement received a citizen complaint regarding the property. An investigation revealed that the addition had been constructed without a permit, resulting in a violation notice. During a follow-up on October 17, 2023, the

property owner informed Code Enforcement that the contractor they had hired had abandoned the project. The applicant was advised to contact the Development Services Department (DSD) to obtain the necessary permits for the remaining work.

Between January 16 and 18, 2024, a reinspection showed that the addition had been completed without a permit, leading to another citation. The applicant's new contractor was contacted and provided the Commercial Project application number; however, construction continued without permit approval. On April 23, 2024, the applicant applied for a change of zoning after discovering that a building permit could not be issued due to the intended use of the structure for motor vehicle sales, which is not permitted in the "C-2" zoning district. The Change of Zoning Ordinance 2024-06-20-0516 was approved on June 20, 2024, granting conditional use for motor vehicle sales on the property. On July 15, 2024, Code Enforcement conducted a reinspection and found that a permit had still not been obtained. The applicant subsequently applied for a variance through the Board of Adjustment on September 12, 2024, once it was determined that a variance for the rear setback was necessary.

Code Enforcement History

INV-PBP-23-3100003398 - PMT-Building Without A Permit

INV-BLD-INV23-23202866- Building Investigation

COD-ADH-REQ24-43900215- Administrative Hearing

COD-ADH-REQ24-43902454- Administrative Hearing

COD-ADH-REQ24-43902455- Administrative Hearing

Permit History

COM-PRJ-APP23-39802693 - Complex Plans ADDITION TO EXISTING BUILDING

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and zoned "B" Residence District. The property was rezoned by Ordinance 40623 dated, April 20, 1972, from "B" Residence to "B-3" Business District. January 25, 2001, the property was rezoned by Ordinance 93308 from "B-3" to "B-2" Business District. With the adoption of the Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted to "C-2" Commercial District. The property was rezoned by Ordinance 2024-06-20-0516 to "C-2 CD" Conditional Use for Motor Vehicle Sales.

Subject Property Zoning/Land Use

Existing Zoning

"C-2 CD MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales

Existing Use

Restaurant

Used Car Sales

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“UZROW” Unzoned Right of Way

Existing Use

New Laredo Highway

South**Existing Zoning**

“RM-4 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

East**Existing Zoning**

“C-2 CD MLOD-2 MLR-1 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales

Existing Use

Used Car Sales

West**Existing Zoning**

“RM-4 MLOD-2 MLR-1 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Vacant Land

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

New Laredo Highway is classified as a Secondary Arterial Type A 86’.

Criteria for Review – Rear 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 applicant is requesting a 9’ variance from the minimum 30’ rear setback requirement to allow a structure to be 21’ from the rear property line, which does not appear to be contrary to the public interest as there is adequate space remaining from the property line to the proposed structure.

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

Due to the unique conditions of the lot, strictly enforcing the ordinance would create unnecessary hardship, as there is insufficient space to build adequate office facilities.

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

The requested rear setback variance is to allow a structure to be closer to the rear property line. The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure and the surrounding properties.

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 has determined that granting the requested rear setback variance would not significantly alter the essential character of the district. With a remaining distance of 21 feet from the structure to the property line, the request will not disrupt the neighborhood's overall character.

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 rear setback variance sought is due to unique circumstances existing on the property such proposed addition being in line with the current structure. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the "C-2" Setback requirements of Table 310-1.

Staff Recommendation –Rear Setback Variance

Staff recommends Approval in BOA-24-10300182 based on the following findings of fact:

1. The rear setback will not alter the essential character of the district.
2. The addition maintains a reasonable distance from surrounding properties and adheres to remaining setback requirements.