



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 24, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300012

**APPLICANT:** The Thorn Group

**OWNER:** Antonio & Rose Guerrero

**COUNCIL DISTRICT IMPACTED:** District 10

**LOCATION:** 1331 Austin Highway

**LEGAL DESCRIPTION:** Lot 23, Block A, NCB 8695

**ZONING:** “C-2 NA MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 15’ variance from the maximum 25’ height to allow a 40’ building height.  
Section 35-310.01

**Executive Summary**

The subject property is located along Austin Highway, west of Rainbow Drive. The subject property is requesting a new 40’ tall structure. The current “C-2” Commercial District is limited to 25-feet in height per Table 35-310.01. However, the Metropolitan Corridor allows a maximum of 40-feet in height for structures in the corridor. Thus, the applicant is requesting a variance of 15-feet to the maximum allowed in the corridor of 40-feet.

**Code Enforcement History**

No relevant code enforcement history.

**Permit History**

Building permit is pending outcome from the Board of Adjustment.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1257, dated August 2, 1944, and originally zoned “F” Local Retail District. The property was rezoned by Ordinance 87435 dated February 26, 1998, from “F” Local Retail District to “C-2NA” Business, Non-Alcoholic Sales District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted from “C-2NA” Business, Non-Alcoholic Sales District to “C-2NA” Commercial Nonalcoholic Sales District. The property was rezoned by Ordinance 2013-06-20-0490, dated June 20, 2013, to “C-2NA CD” Commercial Nonalcoholic Sales District with a Conditional Use for Auto and Light Truck Repair.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“C-2 NA MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair

**Existing Use**

Transitional Use

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“IDZ-2 MC-3 AHOD” Infill Development 2 Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District with Uses Permitted in MF-40

**Existing Use**

Apartments

**South**

**Existing Zoning**

“C-2 MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District

**Existing Use**

Vacant Lot

**East**

**Existing Zoning**

“C-2 MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District

**Existing Use**

Retail Stores

## **West**

### **Existing Zoning**

“MF-33 MC-3 AHOD” Multi-Family Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Overlay Airport Hazard Overlay District

### **Existing Use**

Apartments

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

The subject property is located within the Northeast Inner Loop Neighborhood Plan and is designated as “Community Commercial” in the future land use component of the plan. The subject property is located within the Oak Park Northwood Neighborhood Association, and they have been notified of this request.

### **Street Classification**

Austin Highway is classified as a Primary Arterial Type A.

### **Criteria for Review – Building Height 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 adhering to maximum height rules to prevent towering structures on lots. The building height variance does not appear contrary to the public interest as the Austin Highway Corridor allows up to 40-feet in height.

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

A literal enforcement of the maximum height ordinances would result in unnecessary hardship as the lot is an unusual configuration and there are other commercial properties in the corridor that are taller than 25-feet.

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

The requested height variance does meet the spirit of the ordinance which allows a maximum height of 40-feet within the corridor.

*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 height variance would not substantially injure the appropriate use of adjacent properties as other structures in the corridor are taller than 25-feet, but no taller than 40-feet.

*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 unique circumstances existing on the property for the height variance such as the unique lot configuration. The unique circumstances are not created by the property owner or developer.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the building height requirements of the UDC Sections 35-310.01.

**Staff Recommendation – Building Height Variance**

Staff recommends Approval in BOA-25-10300012 based on the following findings of fact:

1. The structure will be similar to other structures in the Corridor and the spirit and intent of the Corridor ordinance are met by allowing the 15-foot variance.
2. The unique circumstances were not created by the property owner and developer.