



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 23, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300172

**APPLICANT:** Red & Black Engineering Group, LLC

**OWNER:** Series B Of HILD Management Series, LLC

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 707 Vance Jackson Road

**LEGAL DESCRIPTION:** East irregular 208 feet of Lot 21, NCB 8410

**ZONING:** “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for Storage Outside

**CASE MANAGER:** Colton Uden, Planner

**A request for**

1) A 10’ variance from the minimum 10’ buffer to allow an elimination of the buffer requirements along a secondary arterial road.  
Section 35-510

**Executive Summary**

The subject property is located along Vance Jackson Road, north of Fredericksburg Road, located within the notification boundary of the Los Angeles Heights Neighborhood Association. The applicant is seeking an elimination of the buffer yard requirements along a secondary arterial road (Vance Jackson Road). The property underwent a recent rezoning (ZONING-Z-2023-10700300) to add a conditional use to their C-2 zoning to allow Outside Storage, that was approved by City Council on April 4, 2024. The property’s frontage has been entirely paved since initial developments. The Trees Section of Development Services is in support of the variance and stated

the existing pavement along Vance Jackson will not be demolished; therefore, the buffer cannot be accommodated due to the existing conditions not allowing it.

### **Code Enforcement History**

COD-ADH-REQ24-43901780 thru COD-ADH-REQ24-43901786 – Awaiting Hearing  
COD-ADH-REQ24-43900410 thru COD-ADH-REQ24-43900417 – Awaiting Hearing  
COD-ADH-REQ23-43903448 thru COD-ADH-REQ23-43903454 – Awaiting Hearing  
COD-ADH-REQ23-43904006 – Awaiting Hearing  
INV-ZCD-23-3140002281 – Zoning UDC Investigation – Pending Resolution  
INV-ZCD-23-3140002282 – Zoning UDC Investigation – Pending Resolution  
INV-COI-23-3120001607 – Permit Investigation – Pending Resolution  
INV-PTI-23-3090001608 – Permit Investigation – Pending Resolution  
INV-PTI-23-3090001609 – Permit Investigation – Pending Resolution  
INV-PTI-23-3090001611 – Permit Investigation – Pending Resolution  
INV-UDC-23-3130001045 – Zoning UDC Investigation – Pending Resolution  
INV-UDC-23-3130001046 – Zoning UDC Investigation – Pending Resolution

### **Permit History**

COM-SIT-PMT24-40100291 – Commercial Sitework Permit  
COM-BLG-PMT24-40200396 – Commercial New Building Permit

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1595, dated November 29, 1944, and was originally zoned “B” Residence District. A portion of the property was rezoned by Ordinance 37904, dated September 18, 1969, to “O-1” Office District. The property was rezoned by Ordinance 43290, dated January 24, 1974, to “B-2” Business District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the property zoned “B-2” Business District converted to “C-2” Commercial District. The property was rezoned by Ordinance 2024-04-04-0237, dated April 4, 2024, to “C-2 CD” Commercial District with a Conditional Use for Outside Storage.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

“C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for Storage Outside

#### **Existing Use**

Transitional / Outside Storage

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

“C-2 AHOD” Commercial Airport Hazard Overlay District

#### **Existing Use**

Vacant

#### **South**

**Existing Zoning**

“MF-33 AHOD” Multi-Family Airport Hazard Overlay District

**Existing Use**

Apartments

**East****Existing Zoning**

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West****Existing Zoning**

“C-2 AHOD” Commercial Airport Hazard Overlay District

**Existing Use**

Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Near Northwest Community Plan and is designated as “High Density Residential” in the future land use component of the plan. The subject property is located within the San Antonio Texas District One Resident Association and notification boundary of the Los Angeles Heights Neighborhood Association, and they have been notified of this request.

**Street Classification**

Vance Jackson Road is classified as a Secondary Arterial Type B.

**Criteria for Review – Landscape Buffer Yard 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 landscape buffer yard variance is not contrary to the public interest as the preexisting space does not allow the buffer to be accommodated as it is fully comprised of concrete and will not be demolished.

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

A literal enforcement of the buffer ordinances would result in unnecessary hardship as the applicant would need to adjust plans to demolish the preexisting front yard to accommodate the buffer rules.

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

The requested buffer variance appears to be in the spirit of the ordinance as the lot has no other mitigating variance factors and will abide by all other building and lot setbacks.

*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 buffer variance would not substantially injure the appropriate use of adjacent properties as the variance does not appear to directly impact any neighboring properties.

*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 is that the frontage was fully paved from its initial development and the frontage, because of such, cannot accommodate the buffer.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the buffer yard requirements of the UDC Section 35-510.

#### **Staff Recommendation – Landscape Buffer Yard Variance**

Staff recommends **Approval** in **BOA-24-10300172** based on the following findings of fact:

1. The buffer cannot be accommodated due to the existing conditions not allowing it.
2. The proposed variance will not alter the essential character of the district in which the properties are located.