



City of San Antonio

Agenda Memorandum

Agenda Date: August 5, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300135

APPLICANT: Steven Jacob Scoggins

OWNER: Rios Enterprises LLC

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 5707 South Zarzamora Street

LEGAL DESCRIPTION: Lot 25, Block 47, NCB 7961

ZONING: "C-1 MLOD-2 MLR-1 AHOD" Light Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Vincent Trevino, Senior Planner

A request for

1) A 15' variance from the required 15' buffer requirement to allow the elimination of a buffer on the front of the property along South Zarzamora Street and provide a 3-foot landscape island along the front property line.

Section 35-510

Executive Summary

The subject property is located on South Zarzamora Street between the intersections of Fitch Street and Milvid Avenue. The applicant will be demolishing an existing building and constructing a new structure on the same foundation, however facing towards Fitch Street. Due to the location of the existing foundation the applicant is requesting buffer yard variance to eliminate the buffer requirement and provide a 3-foot landscape island along the front property line.

Code Enforcement History

No Code Enforcement history found.

Permit History

SIG-PMT-APP23-20801298 – Sign Permit

The applicant has not yet applied for the building permit.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944, and zoned “B-2” Business District. The property was rezoned by Ordinance 47762, dated March 22, 1977, to “B-1” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-1” Business District converted to the current “C-1” Light Commercial District.

Subject Property Zoning/Land Use**Existing Zoning**

“C-1 MLOD-2 MLR-1 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Restaurant/Corner Store

Surrounding Property Zoning/ Land Use**North****Existing Zoning**

“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

South**Existing Zoning**

“C-1 MLOD-2 MLR-1 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Salon

East**Existing Zoning**

“C-1 MLOD-2 MLR-1 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Commercial Uses

West**Existing Zoning**

“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Kelly/South San PUEBLO Community Plan and is designated as “Mixed Use” in the future land use component of the plan. The subject property is located within the notification area of Tierra Linda Neighborhood Association, and they have been notified of the request.

Street Classification

South Zarzamora Street is classified as a principal Primary Arterial Type A.
Fitch Street and Milvid Avenue are classified as Local Streets.

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 buffer that will be located along the front property line with a 3-foot landscape island and 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 3-foot landscape island along the front property line.

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 elimination of the landscape buffer with a 3-foot landscape island along the front property line 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 of the existing building.

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-24-10300135 based on the following findings of fact:

1. The reduced buffer requested is along the front property line along South Zarzamora Street.
2. Applying the full buffer would significantly limit the usability of the property.