



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 21, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300051

**APPLICANT:** Horizon Landscape

**OWNER:** Sky Shopping LLC

**COUNCIL DISTRICT IMPACTED:** District 3

**LOCATION:** 2815 Southeast Military Drive

**LEGAL DESCRIPTION:** Lot 2, Block 2, NCB 10979

**ZONING:** "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash.

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A request an elimination of a buffer yard requirements.  
Sec-35-510 and Table 510-1

**Executive Summary**

Subject property is located approximately 525' east of the South New Braunfels Avenue and S.E Military Drive Intersection, fronting along S.E Military Drive and the eastern portion of the property abutting Hanzi Drive. The applicant, on behalf of the property owner, is proposing development of new automatic carwash with vacuum stations on the property. The applicant stated in their application that although they can provide the full 15' of width and the screening shrubs required by the UDC, due to an existing 16-foot underground gas line easement within the landscape buffer, the applicant is unable to adhere to the tree requirement as directed in the UDC. Approximately 50-feet of open space exists from the back of the side walk to the property line.

The applicant is requesting elimination of the buffer yard tree requirement to allow for continued development. Permits are pending the outcome of the Board of Adjustment.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

COM-PRJ-APP25-39800021- Commercial Project Application-Minor Plans

COM-PRJ-APP25-39800544 - Commercial Project Application-Minor Structures

COM-SHD-PMT25-41200024 – Commercial Shade Structure Permit – Minor Structures

**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 34688, dated August 4, 1966, from “B” Residence District to “B-2” Business District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “B-2” Business District to “C-2” Commercial District. The Property was rezoned by Ordinance 2024-09-19-0747, dated September 19, 2024, from “C-2” Commercial District to “C-2 S” Commercial District with a Specific Use Authorization for a Carwash.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash

**Existing Use**

Vacant Land

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

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

**Existing Use**

Apartments

**South**

**Existing Zoning**

“C-3 AHOD” General Commercial Airport Hazard Overlay District

**Existing Use**

Restaurants

Retail

**East**

**Existing Zoning**

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

**Existing Use**

Apartments

**West**

**Existing Zoning**

"IDZ-2 AHOD" Medium Intensity Infill Development Zone Airport Hazard Overlay District with uses permitted in "C-2" Commercial District

**Existing Use**

Restaurant

Apartments

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Brooks Area Regional Center Plan and is designated as "Urban Mixed-Use" in the future land use component of the plan. The subject property is located within the notification area of the Highland Hills Neighborhood Association, and they have been notified of the request.

**Street Classification**

S.E. Military Drive is classified as a Primary Arterial Type A.

Hanzi Drive is classified as a local road.

**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 an elimination of a landscape buffer requirement as the property has a 16-foot easement in the area where the buffer is required.

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

A literal enforcement of the ordinance would result in unnecessary hardship, as pre-existing underground utility structures on the property restricts the applicant from safely meeting all UDC landscape requirements, preventing development of 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 elimination of the buffer requirement will observe the spirit of the ordinance as the applicant can provide smaller, less root intrusive, shrubbery within the buffer to maintain permeable surface area for absorption of water runoff and environmental benefits. Additionally, the project meets all remaining UDC requirements.

*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.*

If granted, the elimination of the buffer requirement will not alter the essential character of the district as significant open space exists prior to the front property line.

*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 variances are sought are due to unique circumstances existing on the property such as pre-existing underground utility structures that restrict the applicant from safely meeting full Unified Development Code landscape buffer requirements.

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

The alternative to the applicant's request is to conform to the Setback Regulations of Section 35-510 and Table 510-1 of the Unified Development Code.

#### **Staff Recommendation – Buffer Variance**

Staff recommends Approval in BOA-25-10300051 based on the following findings of fact:

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