



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 6, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300060

**APPLICANT:** Danny Metal Recycling

**OWNER:** RAMFAM Enterprises LLC

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 9655 New Laredo Highway

**LEGAL DESCRIPTION:** Lot P-13C, NCB 14492

**ZONING:** "C-3R MLOD-2 MLR-1 AHOD" General Commercial Restrictive Alcoholic Sales  
Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**CASE MANAGER:** Colton Uden, Planner

**A request for**

An appeal of the Administrator's decision for a Nonconforming Use Denial.

**Executive Summary**

Property received a Nonconforming Denial on March 6, 2024 due to no evidence provided to show continued use of a Used Auto Parts Recycler since the previously approved Nonconforming.

**Nonconforming Timeline**

February 25, 2013 – Approved for Used Auto Parts Recycler

January 23, 2016 – Approved for Used Auto Party Recycler

August 10, 2023 – Denied for Used Auto Party Recycler

March 6, 2024 – Denied for Used Auto Party Recycler

### **Code Enforcement History**

Sept. 15, 2017 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

January 9, 2018 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

March 12, 2018 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

June 11, 2018 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

Nov. 20, 2018 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

January 31, 2019-Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

Feb. 19, 2019- Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

Sept. 26, 2019 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

December 23, 2019- Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

Oct. 15, 2020 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

June 11, 2020 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

Nov. 5, 2020 - Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

Dec. 7, 2021 - Recycle Yard Inspection- Business Closed- Officer C. Tejeda

Feb. 24, 2021- Recycle Yard Inspection- Business Closed- Officer C. Tejeda

July 7, 2021 - Recycle Yard Inspection- Business Closed- Officer C. Tejeda

Aug. 19, 2021-Recycle Yard Inspection- Business Closed- Officer J. Gutierrez

July 20, 2022 - Recycle Yard Inspection- Business Closed- Officer C. Tejeda

Aug. 31, 2022-Recycle Yard Inspection- Business Closed- Officer S. Quintanilla

Oct. 27, 2022- Recycle Yard Inspection- Business Closed- Officer S. Quintanilla

Jan. 26, 2023 - Recycle Yard Inspection- Business Closed- Officer S. Quintanilla

Sept. 23, 2023 - Recycle Yard Inspection- Business operating and has no NCU, location in violation for storing salvage vehicles on C3-R zone- Officer S. Quintanilla

Dec. 20, 2023 - Recycle Yard Inspection- Business remained in violation. Violation explained to new business owner. 10 Day notice issued. – Officer C. Tejeda

Jan. 12, 2024 - Recycle Yard Inspection- Business remained in violation. Violation notice expired// AHO citation issued at \$300 – Officer C. Tejeda

Feb. 9, 2024 - Recycle Yard Inspection- Business remained in violation. Violation notice expired// AHO citation issued at \$500 – Officer C. Tejeda

March 27, 2024 - Recycle Yard Inspection- Business remained in violation. Violation notice expired// AHO citation issued at \$1,000 – Officer C. Tejeda

April 19, 2024 - Recycle Yard Inspection- Business remained in violation. Violation notice expired// Class C filed in municipal court – Officer C. Tejeda

### **Permit History**

Certificate of Occupancy – Used Auto Party Recycler – January 1996

CODE-CAP-APP23-46400018 – UAPR License – Issued (in error without a Nonconforming Registration).

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 81105, dated December 30, 1994 and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 82683, dated August 24, 1995, to the “B-3R” Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned B-3R” Restrictive Business District converted to the current “C-3R” General Commercial Restrictive Alcoholic Sales District.

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

#### **Existing Zoning**

“C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

#### **Existing Use**

Used Auto Parts Recycler

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

#### **North**

##### **Existing Zoning**

“C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

##### **Existing Use**

Used Auto Parts Recycler (last NCU approved in March 2020)

#### **South**

##### **Existing Zoning**

“C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

##### **Existing Use**

Used Auto Parts Recycler (last NCU approved on May 9, 2023)

#### **East**

##### **Existing Zoning**

"L S MLOD-2 MLR-1 AHOD" Light Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Specific Use Authorization for Truck Repair and Maintenance

##### **Existing Use**

Truck Repair and Maintenance

#### **West**

##### **Existing Zoning**

ROW

##### **Existing Use**

Railroad Right of Way

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West/Southwest Sector Plan and is designated as “Agribusiness 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.

**Board of Adjustment**

The Board of Adjustment is asked to determine whether to uphold Staff’s interpretation of Section 35-705(b)(1), Certificate of Nonconforming Use, as it relates to 9655 New Laredo Highway.

**Conclusion**

Staff concludes the use of Used Auto Parts Recycler will require a Change of Zoning approval based on Section 35-705(b)(1) based on the following findings of the fact:

- 1) No evidence was provided by the applicant to show the continued use of Used Auto Parts Recycler.