



City of San Antonio

Agenda Memorandum

Agenda Date: January 27, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300250

APPLICANT: LPA, Inc.

OWNER: Bexar County

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: Lot 2, Block 4, NCB 10915

LEGAL DESCRIPTION: 10290 Southton Road

ZONING: "C-2 NA AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District

CASE MANAGER: Vincent Trevino, Senior Planner

A request for

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

Sec. 35-702. - Continuing Lawful Use of Property and Structures.

Sec. 35-706. - Termination of Nonconforming Uses.

Executive Summary

Property received a Nonconforming Denial on December 2, 2024, due to aerial imagery showing a clear expansion of the use in between years of the last non-conforming use registration. In 2021, aerial photography shows a new building on the property. In 2023, aerial photography shows multiple new buildings on the lot. The Unified Development Code stipulates that any enlargement of a Nonconforming Use will result in the termination of that Nonconforming Use. A Nonconforming was approved on July 6, 2018, for a Substance Abuse Treatment Facility. During the 2023 Unified Development Code amendments, the use of Supportive Housing Campus was codified. Commercial permits were applied for in 2021 and a Zoning Review missed the expansion

of the Nonconforming Use. The use of Supportive Housing Campus requires a Specific Use Authorization within the “C-2” base zoning district and permitted by right in the “C-3” base zoning district.

Nonconforming Timeline

October 30, 2024 – Applied for Nonconforming Use for a Supportive Housing Campus
December 2, 2024 – Denied for a Supportive Housing Campus

Code Enforcement History

No Code Enforcement history found.

Permit History

COM-PRJ-APP21-39803121 Commercial Project Application Site Work 09/25/2021 - Approved
COM-PRJ-APP21-39802485 Commercial Project Application Site Work 08/20/2021 - Approved
COM-PRJ-APP24-39802160 Commercial Project Application Site Work 09/23/2024 -
Additional Information Required

Zoning History

The property was annexed into the City of San Antonio by Ordinance 2014-01-09-0001, dated January 8, 2014, and zoned “FR” Farm and Ranch. The property was rezoned by Ordinance 2015-04-16-0326, dated April 26, 2015, to “C-2 NA” Commercial Non-Alcoholic Sales District.

Subject Property Zoning/Land Use

Existing Zoning

“C-2 NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay District

Existing Use

Rehab Center

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“C-2 NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay District

Existing Use

Bexar County Fire Marshall

South

Existing Zoning

“FR AHOD” Farm and Ranch Airport Hazard Overlay District

Existing Use

Bexar County Public Works

East

Existing Zoning

“FR AHOD” Farm and Ranch Airport Hazard Overlay District

Existing Use

Rural/Vacant

West

Existing Zoning

“C-2 AHOD” Commercial Airport Hazard Overlay District and “MPCD AHOD” Master Planned Community Airport Hazard Overlay District

Existing Use

Rural/Vacant and Vacant Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Heritage South Sector Plan and is designated as “Suburban 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

Southton Road is classified as an Enhanced Secondary Arterial.

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 10290 Southton Road.

Conclusion

Staff concludes the use of a Supportive Housing Campus will require a Change of Zoning approval based on Section 35-705(b)(1) based on the following findings of the fact:

- 1) Aerial imagery shows a clear expansion of the use has taken place in the years between the last non-conforming use registration.