



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 5, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300063

**APPLICANT:** Intertek Automotive Research

**OWNER:** Caleb Brett USA Inc.

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 4950 Callaghan Road

**LEGAL DESCRIPTION:** South 585 feet of Lot 4, NCB 11556

**ZONING:** "C-2 S NCD-3 MLOD-2 MLR-2 AHOD" Commercial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Solar Farm, "C-3 NCD-3 MLOD-2 MLR-2 AHOD" General Commercial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, and "I-1 NCD-3 MLOD-2 MLR-2 AHOD" General Industrial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Manuel Mottu, Planner

**A request for:**

A 15' setback variance from the minimum 30' setback to allow for a PV array system with a 15' setback.

Section 35-398(b)

### **Executive Summary**

The subject property lies west of the intersection of Bandera Road and Callaghan Road and is within the Ingram Hills Neighborhood Association. The property was recently rezoned to allow for a Solar Farm on 3.11 acres located on the western and southern parts of the lot, with the western portion abutting a residential area and the southern portion adjacent to a drainage easement. The applicant is requesting a 15' setback variance to allow for the placement of solar panels closer to the neighboring residential properties which will allow to produce sufficient power for the subject property.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

MEP-TRD-APP24-33121621 – July 26, 2024 – Electric Permits for Solar Panels - Active  
COM-PRJ-APP24-39802207 - September 30, 2024 – Solar Panel Installation – Pending BOA  
REQ-CMRORAEVR-25-44400016 – January 14, 2025 – Administrative Variance for Trees

### **Zoning History**

The subject property was annexed by Ordinance 18115, dated September 25, 1952, and was zoned "A" Single-Family Residence District. The Northern portion of the property was rezoned by Ordinance 40259, dated January 6, 1972, from "A" Single-Family Residence District to "B-2" Business District. The Southern portion of the property was rezoned by Ordinance 41266, dated September 28, 1972, from "A" Single-Family Residence District to "B-2" Business District and "R-3" Multiple-Family Residence District. The Southern portion of the property was rezoned by Ordinance 47492, dated December 16, 1976, from "R-3" Multiple-Family Residence District to "B-3" Business District. The central portion of the property was rezoned by Ordinance 49267, dated April 20, 1978, from "B-3" Business District to "I-1" Light Industry District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "B-3" Business District and "I-1" Light Industry District was converted to "C-3" General Commercial District and "I-1" General Industrial District. A 3.11-acre portion of the property was rezoned by Ordinance 2025-03-20-0202, dated March 20, 2025, from "C-3" General Commercial District to "C-2 S" Commercial District with a Specific Use Authorization for a Solar Farm.

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

#### **Existing Zoning**

"C-2 S NCD-3 MLOD-2 MLR-2 AHOD" Commercial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Solar Farm, "C-3 NCD-3 MLOD-2 MLR-2 AHOD" General Commercial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, and "I-1 NCD-3 MLOD-2 MLR-2 AHOD" General Industrial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Automotive Research Facility

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

#### **North**

##### **Existing Zoning**

“I-1 NCD-3 MLOD-2 MLR-2 AHOD” General Industrial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

##### **Existing Use**

Automotive Research Facility

#### **South**

##### **Existing Zoning**

“R-20 NCD-3 MLOD-2 MLR-2 AHOD” Residential Single-Family Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

##### **Existing Use**

Single-Family Residence and Drainage Easement

#### **East**

##### **Existing Zoning**

“I-1 NCD-3 MLOD-2 MLR-2 AHOD” General Industrial Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

##### **Existing Use**

Truck Trailer Sales and Drainage Easement

#### **West**

##### **Existing Zoning**

“R-20 NCD-3 MLOD-2 MLR-2 AHOD” Residential Single-Family Ingram Hills Neighborhood Conservation Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

##### **Existing Use**

Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Ingram Hills Neighborhood Plan and is designated as “Community Commercial” in the future land use component of the plan. The subject property is located within the notification area of Ingram Hills Neighborhood Association, Thunderbird Hills Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Callaghan Road is classified as a Secondary Arterial Type A.

### **Criteria for Review – Solar Farm Setback 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 adhering to setback requirements to provide adequate spacing between properties and structures. The setback variance is not contrary to the public interest as sufficient space will remain between the proposed solar farm and the neighboring residential properties to address fire safety, maintenance access and emergency response.

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

Staff finds a literal enforcement of the ordinance would result in a limited, restricted amount of development space in which to install an efficient solar farm.

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

By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as enough space will remain within the reduced setback which appears to address fire safety and noise concerns.

*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 proposed solar farm will be installed far enough away from the neighboring residential properties that the requested variance would not injure the neighboring properties within the immediate area.

*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 variance is sought is due to unique circumstances existing on the property. The applicant is restricted by the limited development space on the lot and a drainage easement that prevents the relocation of the proposed installation.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Solar Farm regulations of the UDC Section 35-398(b).

**Staff Recommendation – Solar Farm Setback Variance**

Staff recommends Approval in BOA-25-10300063 based on the following findings of fact:

1. There will be sufficient space between the proposed solar farm and the neighboring residential properties to address fire safety and noise concerns.
2. The requested variance will not alter the essential character of the district.