



City of San Antonio

Agenda Memorandum

Agenda Date: June 16, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300089

APPLICANT: Eduardo Garcia

OWNER: Viperolla, Inc

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 1120 Buena Vista Street

LEGAL DESCRIPTION: Lot 6, Block 6, NCB 2343

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

CASE MANAGER: Joel Vela, Senior Planner

A request for

1) A 3-parking space variance from the minimum 12 parking spaces to allow a development with 9 parking spaces.
Section 35-526

2) A variance to eliminate a 10' side buffer yard.
Section 35-510(c)

3) A 13' variance from the minimum 18' sight distance to allow a driveway with a 5' sight distance.
Section 35-506(5)

Executive Summary

The subject property is situated on the southeast intersection of Buena Vista Street and South Colorado Street. The applicant is proposing to construct an addition to the existing structure, which would increase the minimum parking required onsite as per the Unified Development Code. The proposed parking plan includes 3 fewer parking spaces than the minimum required, and parking spaces within the minimum required landscaped side buffer area. Additionally, the existing fence enclosing the parking lot is situated within the required minimum sight distance for motorists to safely enter and exit the parking lot.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio and zoned "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "F" Local Retail District converted to the current "C-2" Commercial District.

Subject Property Zoning/Land Use

Existing Zoning

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

Existing Use

Law Office

Surrounding Property Zoning/ Land Use

North

Existing Zoning

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

Existing Use

Law Office

South

Existing Zoning

"R-4 WQ MLOD-2 MLR-2 AHOD" Residential Single-Family Water Quality Protection Area Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

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

Existing Use

Single-Family Residence

West

Existing Zoning

“C-2 HL MLOD-2 MLR-2 AHOD” Commercial Historic Landmark Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Office

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Neighborhood Plan and is designated for “Residential” use in the future land use component of the plan. The subject property is located within the notification area of the Historic Westside Residents Neighborhood Association, and they have been notified of the request.

Street Classification

Buena Vista Street is classified as a Primary Arterial Type B.

South Colorado Street is classified as a Secondary Arterial Type B.

Criteria for Review – Parking, Buffer, and Sight Distance Variances

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 adequate on-premises parking, adequate buffer from the right-of-way, and the safe ingress/egress from a parking lot. Staff finds that the variances are contrary to the public interest as reduced parking availability could create instances of overflow parking on adjacent neighborhood streets in addition to creating more hazardous ingress/egress traffic where the minimum sight distance is not met.

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

A literal enforcement of the ordinances would not result in unnecessary hardship, as the applicant maintains the option to establish a shared parking agreement with another nonresidential property in the area to meet their parking minimum and further reduce the parking lot to allow a buffer.

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

The variances would not be in the spirit of the ordinance, as these ordinances exist to protect public safety, community character, and environmental integrity. Reduced parking can create congestion and hinder emergency access, threatening public safety. Eliminating buffers erodes the character of the neighborhood, while reduced sight distances increase the risk of accidents.

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 variance would substantially injure the appropriate use of adjacent properties as instances of overflow street parking may take place in front of those properties.

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 there are no unique circumstances existing on the property that would prevent the applicant from complying with the ordinances as adopted.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the parking, buffer, and sight distance requirements of the UDC Sections 35-526, 35-510(c), and 35-506(5).

Staff Recommendation – Parking, Buffer, and Sight Distance Variances

Staff recommends Denial in BOA-25-10300089 based on the following findings of fact:

1. The applicant maintains the option to establish a shared parking agreement with another nonresidential property in the area to meet their parking minimum and further reduce the parking lot to allow a buffer.
2. Reduced parking can create congestion and hinder emergency access, threatening public safety. Eliminating buffers erodes the character of the neighborhood, while reduced sight distances increase the risk of accidents.