

Case Number: BOA-22-10300207
Applicant: Killen, Griffin & Farrimond, PLLC
Owner: United Site Services
Council District: 2
Location: 2831 Northwest Loop 410
Legal Description: Lot 1, Block 1, NCB 10576
Zoning: "I-2 EP-1 MLOD-3 MLR-1" Heavy Industrial Facility
Parking/Traffic Control Martindale Army Airfield
Military Lighting Overlay Military Lighting Region
District

Staff

Representative: Amin Tohmaz, Deputy Director Development Services

Request

An appeal of the Deputy Director's decision regarding a Notice of Intent to Revoke Certificate of Occupancy at 3442 Belgium Lane (occupant United Site Services) for operating outside the scope of the allowed use and zoning of the property.

Applicable Code References

City Code Chapter 10, "Building-Related Codes", Sec. 10-12. - Certificate of Occupancy.

(a) Use and occupancy. No building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval if a violation of the provisions of this chapter or of other ordinances of the city.

(d) Revocation. The building official is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter.

Unified Development Code, Chapter 35, Section 35-311, Table 311-2, "Non-Residential Use Matrix"

	Permitted Use	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	LBCS
Utility	Sanitary Landfill, Solid Waste Facility										S	NA	4345

Executive Summary

Code Enforcement staff began an investigation and took enforcement action in response to a complaint submitted regarding the site. United Site Services continues to operate outside the scope of their Certificate of Occupancy and continues to violate zoning regulations in relation to the portion of the business that is conducting onsite waste sanitation. Additionally, there is a continued violation for inappropriate construction materials for the parking area.

Staff has allowed United Site Services multiple opportunities to come into compliance with applicable City Codes and Zoning. Upon each reinspection of the property the violations remain unchanged. Due to the continued noncompliance and as stewards of the public health, safety and welfare, staff issued a Certificate of Imminent Peril on October 6, 2022, in an effort to stop operations on the site.

Based on the noted information and the above facts related to the ongoing violations on the property that impact the health, safety and welfare of the public and surrounding residents, the Notice of Intent to Revoke Certificate of Occupancy at 3442 Belgium Lane (occupant United Site Services) is necessary and warranted. Thus, the appellant's appeal should not be granted.

Code Enforcement History

March 2, 2022 – initial Code complaint received by code enforcement

March 3, 2022 - inspection was conducted and 10-day notice of violation issued

Violations Discovered (3442 Belgium Lane – United Site Services):

- City Code, Chapter 10, “Build-Related Codes”, Section 10-12, “Certificate of Occupancy”, working outside the scope of Permit #1809561 issued 04/22/2015
 - Description of Business: Construction Facility and Truck Repair
 - Business being conducted on site: port-o-potty storage with waste disposal.
- Unified Development Code, Chapter 35, Section 35-311, Table 311-2, “Non-Residential Use Matrix” property is zoned “I-2” Heavy Industrial which would allow storage of port-o-potties but “sanitary processing” requires “I-2 S” Heavy Industrial with a Specific Use Authorization for a Sanitary Land Fill to process sanitary waste.

March 16, 2022 – notice of violation expired

March 24, 2022 – a follow-up inspection was conducted to review for compliance and violations remained unchanged

Additional Violation(s)

- Unified Development Code, Section 35-526(f), “Construction and Maintenance” in relation to parking lot. The parking lot was found to be constructed of inappropriate materials. A 10-day notice of violation was issued.

April 11, 2022 – notice of violation expired

May 4, 2022 a follow-up inspection was conducted to review for compliance and violation remained unchanged

Citations Issued

Each violation was issued a citation and the hearing date was set for June 7, 2022. The cases have been reset four (4) times: June 26, 2022, September 12, 2022, November 15, 2022, and November 29, 2022. The City continued to address the violations through the court system by filing Class C misdemeanor cases on September 15, 2022, October 10, 2022, October 25, 2022, for the Certificate of Occupancy and zoning violations. No arraignment date has been set by the court. Code Enforcement will continue to monitor the location until the violations are rectified.

SAPD History

SAPD-2021-1537493	2021-12-02 00:54:01.000	Burglary Vehicle in Progress
SAPD-2022-0698226	2022-06-01 05:51:37.000	Miscellaneous
SAPD-2022-1260512	2022-09-24 23:29:53.000	911 Hang Up-Patrol By

Permit/Certificate of Occupancy History

- Permit #1809561 issued 07/30/2012
 - Occupant: dba Waste Away
 - Description of Business: Trucking and Truck Repair
- Permit #1809561 name change processed per same permit effective 04/22/2015
 - Occupant: dba United Site Services
 - Description of Business: Construction Facility and Truck Repair
- SAWS Permit #HV-111468 SAWS issued a Waste Disposal Permit issued 11/25/19

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and zoned Temporary "A" Single-Family Residence District. The property was rezoned by Ordinance 24417, dated February 14, 1957, to "LL" First Manufacturing District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "LL" First Manufacturing District converted to the current "I-2" Heavy Industrial District.

June 6, 2022 - applicant submitted a plan amendment and rezoning application

- Plan Amendment PA-2022-11600054
- Zoning Case Z-2022-10700154

September 19, 2022 – Plan Amendment and Zoning cases postponed

September 26, 2022 – BOA appeal submitted

October 6, 2022 – Letter of Imminent Peril submitted

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-2 EP-1 MLOD-3 MLR-1" Heavy Industrial Facility Parking/Traffic Control Martindale Army Airfield Military Lighting Overlay Military Lighting Region District	Vacant Building

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 EP-1 MLOD-3 MLR-1" Residential Single-Family Facility Parking/Traffic Control Martindale Army Airfield Military Lighting Overlay Military Lighting Region District	Single-Family Dwellings
South	"I-2 EP-1 MLOD-3 MLR-1" Heavy Industrial Facility Parking/Traffic Control	Industrial

	Martindale Army Airfield Military Lighting Overlay Military Lighting Region District	
East	"I-2 EP-1 MLOD-3 MLR-1" Heavy Industrial Facility Parking/Traffic Control Martindale Army Airfield Military Lighting Overlay Military Lighting Region District	Industrial
West	"I-2 EP-1 MLOD-3 MLR-1" Heavy Industrial Facility Parking/Traffic Control Martindale Army Airfield Military Lighting Overlay Military Lighting Region District	Industrial Office Building

Board of Adjustment

The Board of Adjustment is asked to determine whether the Notice of Intent to Revoke the Certificate of Occupancy is warranted per Section 10-12 *Certificate of Occupancy* Section 35-311 (Table 311-2) *Nonresidential Use Matrix*, and Section 35-526 *Construction and Maintenance* of the City codes. In addition, the Board of Adjustment has the authority to review and consider the appeal, investigate facts, weigh evidence, and draw conclusions. The Board may reverse or affirm, in whole or in part, the administrative decision brought forward by the appellant and discussed in this report.

Conclusion

Staff concludes that the issuance of a Notice of Intention to Revoke the Certificate of Occupancy is the correct course of action, based on the following findings of fact: 1) there are code violations and evidence of activity outside the scope of the issued Certificate of Occupancy; 2) there is an ongoing zoning violation; 3) the applicant has been given numerous opportunities to come into compliance; and 4) there is a threat posed to the health, safety and welfare of the surrounding residents.