

1. BOA-24-10300060: A request by Christina Ramirez for an appeal from an Administrator's decision for a Nonconforming Denial, located at 9655 New Laredo Highway. Staff recommends Denial. (Council District 4) (Colton Uden, Planner, 210-207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)



City of San Antonio

Agenda Memorandum

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 Unden, 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.



City of San Antonio Development Services Department

Cliff Morton Development and Business Services Center
1901 South Alamo Street
San Antonio, Texas 78283-3966
Website: www.sanantonio.gov/dsd/



APPLICATION TO REGISTER A NONCONFORMING USE

(PLEASE PRINT BELOW AND CHECK BOX THAT APPLIES)

☒ New Application

☐ Renewal

**Applicant/
Representative/
Authorized Agent**

Christina Ramirez

Print Name

925 Somerset San Antonio TX 78211

Mailing Address

210 324 6869

Phone

Dannysmetalrecycling@gmail.com

Email

(Authorized agents must
submit evidence of their
authority to act on the
property owner's behalf)

Southwest Auto Part Recyclers LLC

Business/Project Name (proposed name if applicable)

9655 New Laredo

Street Address

Legal Description

Used Auto Part Recycler

C

Specify the Land Use(s) you are trying to Register

Current Zoning District

1975

7.213

Date Land Use Commenced

Acreage

Site Information

Describe the cause for your application, including the following (attach additional pages if necessary):

- The date the land use(s) began and where they occur on the property.
- The date(s) the structure(s) were built.
- Additional information for consideration in relation to your request.

1975

Property Owner(s)

Name (print or type)

Christina Ramirez

Current Mailing Address

925 Somerset SA TX 78211

Daytime Telephone No.

210 324 6869

email:

Dannysmetalrecycling@gmail.com

I hereby apply for registration of a Nonconforming Use as requested on this application and certify that the submitted information and attachments are true and accurate. Information contained on the attached form(s) will be used for the purposes of administering the formal Nonconforming Use registration pro-cess of the City of San Antonio. All of the statements and representations contained in the attached documents filed in support of this application shall be deemed a permanent part of the application for all purposes.

Christina Ramirez
Property Owner or Authorized Agent Signature

10-17-23
Date



DEVELOPMENT SERVICES

Non-Conforming Use Notification of Decision

March 6, 2024

Southwest Auto Parts Recycler
9655 New Laredo Highway
San Antonio, TX 78211

RE: Nonconforming Use Rights for a Used Auto Parts Recycler (UAPR)
Case # ZONING-NCU-APP-2023-11200175
9655 New Laredo Highway; P-13C, NCB 14492

To whom it may concern:

This is to verify that **Nonconforming Use Rights for a Used Auto Parts Recycler** was **DENIED** on *March 6, 2024*, by the City of San Antonio. Previous Nonconforming was denied on August 10, 2023. The subject property was annexed into the City of San Antonio by Ordinance 81105 dated December 31, 1994, and was originally zoned Temporary “R-1” Single-Family Residence District. The property was rezoned to “B-3R” Restrictive Business District by Ordinance 82683 dated August 24, 1995. 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. While there was a Non-Conforming Use previously registered for the property on January 23, 2016 by the City of San Antonio, research conducted by staff determined that the property does not meet the criteria for nonconforming use renewal. Code Enforcement reported that this property has been vacant for several years. This can be observed through aerial imagery of the property. Customer invoices were requested by staff to verify that the used auto parts recycler has been in operation since its previous nonconforming in 2016 but none were submitted.

Based on the denial of a legal nonconforming use for the subject property the following options may be available:

- Appeal the decision of denial to the Board of Adjustment within 20 days

Or

- Apply for rezoning of the property to a “I-2 S” Heavy Industrial District with a Specific Use Authorization for Used Auto Parts Recycler

If I may be of any further assistance, please do not hesitate to contact us at (210) 207-1111 or dsd.zoning@sanantonio.gov.

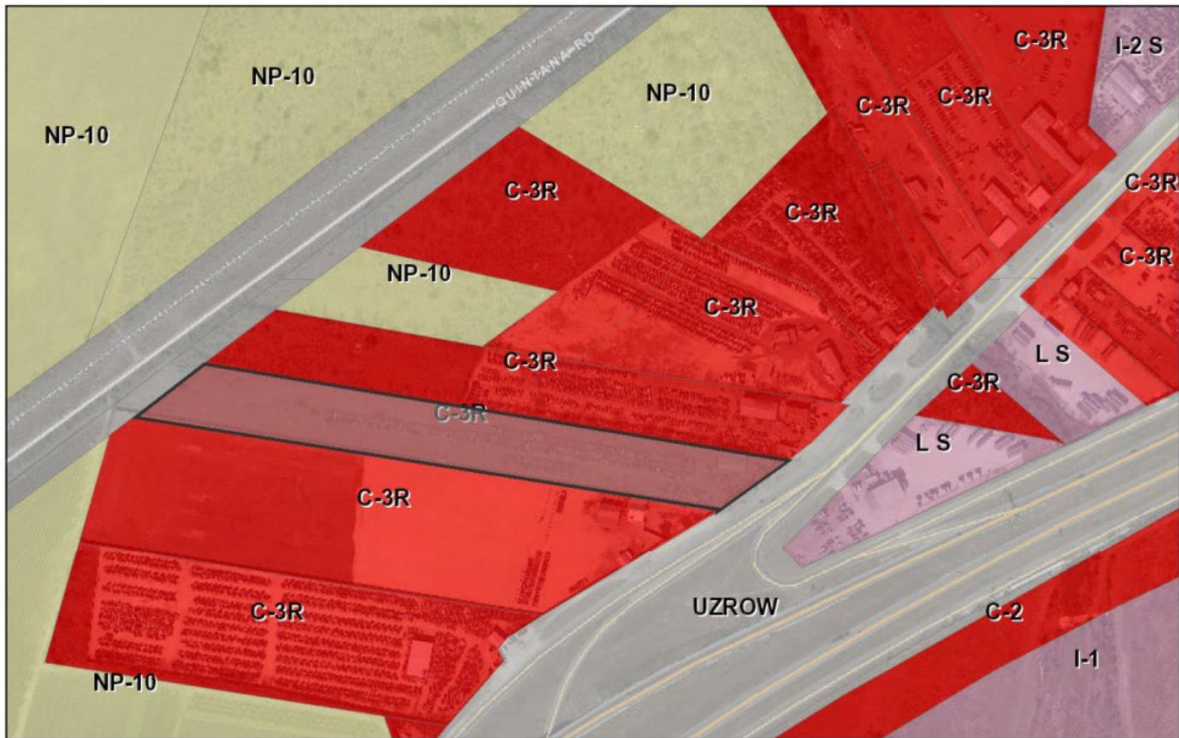
Respectfully,

Mirko Maravi
Principal Planner



DEVELOPMENT SERVICES

City of San Antonio One Stop



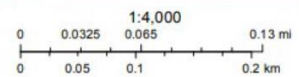
August 10, 2023

drawGraphics_poly

User drawn polygons

Community Service Centers

Pre-K Sites



City of San Antonio GIS
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