



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-6523

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 12/4/2017

**Title:** A-17-214: A request by Bill Shrum for 1) an eleven foot variance from the 15 foot Type B bufferyard to allow a four foot deep bufferyard in the rear yard and 2) a request for a nine foot variance from the ten foot Type A bufferyard to allow a one foot deep bufferyard in the front of the property, located at 13429 Nacogdoches Road. Staff recommends Approval. (Council District 10)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-17-214 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-214

**Applicant:** Bill Shrum

**Owner:** Halle Properties, LLC

**Council District:** 10

**Location:** 13429 Nacogdoches Road

**Legal:** Lot 66, Block 1, NCB 15716

**Description:**

**Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District

**Case Manager:** Logan Sparrow, Principal Planner

### Request

A request for 1) an eleven foot variance from the 15 foot Type B bufferyard, as described in Section 35-510, to allow a four foot deep bufferyard in the rear yard and 2) a request for a nine foot variance from the ten foot Type A bufferyard, also described in Section 35-510, to allow a one foot deep bufferyard in the front of the property.

### Executive Summary

The subject property is located at 13429 Nacogdoches Road, approximately 315 feet northeast of the Nacogdoches Road and Higgins Road intersection. The applicant is seeking to reduce the front and rear landscaped bufferyards to allow for the development of a new Discount Tire project at the site. Because the "C-3" General Commercial zoned property abuts single-family uses to the rear, a "Type B", 15 foot deep landscaped bufferyard is required. In order to provide adequate parking for customers and employees, the

applicant is seeking permission to reduce the rear bufferyard to four feet. Lastly, the applicant is hoping to reduce the depth of the front bufferyard from ten feet, as is required for a “Type A” landscaped bufferyard, to one foot.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Vacant, Proposed Duplex

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 HAOD” Residential Single-Family Airport Hazard Overlay District District	Single-Family Dwelling
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Senior Center, Emergency Room
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Professional Office
West	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Bank

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Neighborhood Commercial in the future land use component of the plan. The subject property is located within the boundaries of the El Chaparral / Fertile Valley Neighborhood Association. As such they were notified and asked to comment.

**Criteria for Review**

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 served by landscaped bufferyards that help to separate incompatible uses. The building setback line also helps to separate incompatible uses. In this case, the required setback is 30 feet. The site plan submitted shows that the proposed Discount Tire is located nearly 60 feet from the shared property line with adjacent single-family uses. Because the applicant is nearly doubling the required setback, staff finds that reducing the rear bufferyard is not contrary to the public interest.**

**Further, several properties along Nacogdoches Road, including the Professional Office to the east, and other commercial properties across the street, have minimal front bufferyards. Staff finds that the request to reduce the front bufferyard is not contrary to the public interest.**

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

**The special condition present in this case is that the proposed building is to be located nearly twice as far**

as is required from the rear property line. Staff finds that this constitutes a special condition that merits a reduction in the rear bufferyard.

Further, the reduced front bufferyard is not unlike other commercial properties located along Nacogdoches Road.

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

The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The intent of the code is to enhance urban streetscapes with appropriate landscape buffering. The request to reduce the rear or the front bufferyard depth is unlikely to detract from the corridor.

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.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the “C-3 AHOD” General Commercial Airport Hazard Overlay District.

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.*

Adjacent property is unlikely to be harmed by either request. The homes to the rear are provided nearly double the required rear setback, and other properties along Nacogdoches already enjoy reduced, or no, front bufferyards.

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.*

The unique circumstance present in this case is that the proposed building is located nearly 60 feet from the rear property line and that other commercial properties along Nacogdoches Road already enjoy reduced front bufferyards.

#### **Alternative to Applicant’s Request**

The applicant would need to adhere to the bufferyard depths as described in Section 35-510.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of A-17-214 based on the following findings of fact:

1. The requested variances are unlikely to harm adjacent properties; and
2. Other, similarly situated property owners along Nacogdoches Road already enjoy reduce front bufferyards; and
3. The proposed Discount Tire is already providing nearly double the required rear setback.