



City of San Antonio

Legislation Details (With Text)

File #: 16-3591
Type: Zoning Case
In control: Board of Adjustment
On agenda: 6/20/2016
Title: A-16-105: A request by Matthew Ranjbar for the elimination of the Type B, 15 foot, bufferyard along the Bandera Road frontage to allow for a commercial development with no bufferyard, located at 8627 Bandera Road. (Council District 7)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-16-105 attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-105
Applicant: Matthew Ranjbar
Owner: Matthew Ranjbar and Narges Izad
Council District: 7
Location: 8627 Bandera Road
Legal Description: Lot 2, Block 5, NCB 17929
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for the elimination of the Type B, 15 foot, bufferyard along the Bandera Road frontage, as described in Section 35-510, to allow for a commercial development with no bufferyard.

Executive Summary

The subject property is located at 8627 Bandera Road just south of its intersection with Knights Peak Drive. The applicant is seeking a variance to eliminate the required Type B, 15 foot bufferyard along the Bandera Road frontage. The applicant is providing the required bufferyard along the north and west property lines where the commercial development abuts single-family dwellings. There are several mature trees along the front of the property that the applicant intends on keeping. The property line is already setback from the street edge, providing a simulated bufferyard, within the right of way but maintained by the property owner. The proposed development is a car sales lot and the owner is concerned that providing the full 15 foot bufferyard will obscure passersby from seeing cars available for sale. While staff is supportive of a reduced bufferyard, the lot is too large to warrant the outright elimination of this provision.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant, proposed Motor Vehicle Sales
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Vacant, Single-Family Dwellings
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Carwash
East	UZROW	Bandera Road
West	"R-5 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northwest Community Plan and currently designated Community Commercial in the future land use component of the plan. The subject property is not within the boundaries, or within 200 feet, of any neighborhood association.

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 bufferyards that help to separate incompatible uses and assist in creating vibrant streetscapes within our communities. A car sales lot requires visibility from passersby to effectively market the vehicles for sale. As such, a reduction of the bufferyard is warranted, whereas staff does not see any property related hardship that warrants the outright elimination of it.

Staff recommends an alternative to reduce the bufferyard from 15 feet to five feet with shrubs required only, rather than shrubs and trees. The subject property already has several mature trees on-site and the applicant has communicated to staff that he intends to keep them. Adding the shrubs along the Bandera Road frontage will beautify the Bandera Road streetscape and allow the property owner to effectively market the vehicles for sale.

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

Staff cannot find any special condition that warrants the elimination of the bufferyard. However, staff is supportive of a reduced bufferyard depth of five feet for shrubs. Requiring the property owner to plant a five foot bufferyard is not likely to result in an unnecessary hardship.

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

Granting the requested variance will not result in substantial justice in that it will create another commercial development that fails to contribute to a vibrant streetscape. A bufferyard of reduced depth meets the intent of the bufferyard code and allows the property owner to effectively run his business.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for*

the district in which the property for which the variance is sought is located.

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted 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.

The bufferyard code is intended to separate incompatible uses, as it does along the north and west property lines of this development, but also to add beauty to our city streetscapes. Staff finds that the total elimination of the bufferyard will further detract from the character of Bandera Road.

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 was unable to find any unique circumstance which warrants the elimination of the required bufferyard. However, staff is supportive of a reduced bufferyard that meets the intent of the code and the needs of the business owner.

Alternative to Applicant’s Request

The applicant could plant a five foot bufferyard of shrubs only. As such, the trees will not block the view of cars for sale. This alternative meets the intent of the code and meets the needs of the business owner.

Staff Recommendation

Staff recommends **DENIAL of variance request in A-16-105** based on the following findings of fact:

1. There are no special conditions that warrant the elimination of the adjoining street bufferyard.
2. There are reasonable alternatives that satisfy all affected parties.