



City of San Antonio

Legislation Details (With Text)

File #: 18-5290

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/17/2018

Title: A-18-166: A request by RWJ Properties, LLC. for a 14.5' variance from the 15' Type B landscaped bufferyard along the south property line to allow a bufferyard to be 6" deep, located at 10644 Interstate 35 North. Staff recommends Denial with an Alternate Recommendation. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-166 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-166

Applicant: RWJ Properties, LLC.

Owner: RWJ Properties, LLC.

Council District: 2

Location: 10644 Interstate 35 North

Legal: Lot 14 and the East 385.66 Ft of Lot A-6, NCB 13806

Description:

Zoning: "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District and "C-2 CD IH-1 AHOD" Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District with Conditional Use for a Parking Lot

Case Manager: Dominic Silva, Planner

Request

A request for a 14.5' variance from the 15' Type B landscaped bufferyard along the south property line, described in Section 35-510, to allow a bufferyard to be 6" deep.

Executive Summary

The subject property is located at 10644 Interstate 35 North, situated along Interstate 35 North access road. The applicant is requesting bufferyard reduction variances in order to develop the eastern half of the property. Proposed designs include an employee parking lot, storage warehouse, and a drainage creek and detention pond. Because the width of the eastern half of the property is severely restrictive at 125' wide, ingress and

egress easements, CPS electrical line easements, and the topographical changes existing along the adjacent residential properties and between the two lots of the property, the applicant has proposed to decrease the bufferyard requirements along the southern and northern property lines.

Additionally, the topographical disparities existing along the southern end of the applicant’s property, adjacent to the residential zoned lots, prohibit development and must include a mandatory drainage creek and detention pond.

The applicant has reached out to Department staff and is interested in modifying the original request to seek a bufferyard alternative that provides between 3’ and 5’ of landscaped separation. Should the amendment be formally provided at the Board hearing, staff may concur with the alternative design.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 IH-1 AHOD” General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District and “C-2 CD IH-1 AHOD” Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District with Conditional Use for a Parking Lot	Pest Control Service

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 IH-1 AHOD” General Commercial Northeast Gateway Corridor Overlay Interstate Highway Airport Hazard Overlay District	Vacant
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family
West	“I-1 IH-1 AHOD” General Industrial Northeast Gateway Corridor Overlay Interstate Highway Airport Hazard Overlay District	Storage Units

Comprehensive Plan Consistency/Neighborhood Association

The property is not located within any plan and has no future land use component. The subject property is not located within the boundaries of any registered neighborhood association.

Street Classification

Interstate 35 North is classified as an Interstate Highway.

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 defined as the general health, safety, and welfare of the public. In this case, given that the adjacent residential zoned properties abut a proposed commercial use of a parking lot and storage facility, staff believes a near total elimination of bufferyard along the southern property line will not serve the public interest of adjacent single-family residential lots.

Staff recommends a 5' bufferyard to adequately separate uses between residential and the commercial parking lot.

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

Staff is unable to establish any special condition that warrants reducing the rear bufferyard to 6". There are other alternatives available for meeting the requirements of a drainage creek in lieu of forgoing a bufferyard on the southern property line.

Staff recommends a 5' bufferyard along the south property line adjacent to residential single-family lots.

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 bufferyard is to reduce conflicts between adjacent land uses as well as maintain landscaping. Here, the applicant's proposed use of a commercial parking lot and storage facility does not warrant reducing the bufferyard to 6" adjacent to single-family residential lots and compromises the integrity of each of the aforementioned criteria.

Staff does support a reduced bufferyard along the southern property line to be 5' that would allow proper vegetation, shrub, and tree cover to be implemented along with any required drainage creek and/or pond due to the close proximity of residential lots adjacent to the proposed commercial parking lot.

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 requested variance will not permit a use not authorized within the "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District and "C-2 CD IH-1 AHOD" Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District with Conditional Use for a Parking Lot.

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.*

Literal enforcement of the required 15' bufferyard along the southern property line would make the use of a parking lot confined for a lot of this size in width; however, there is no special condition present that warrants the near elimination of the bufferyard as requested.

Staff realized that some relief is merited in this instance given the width of the lot. With the recommended 5' bufferyard along the southern property line, some separation can be enjoyed by adjacent residential property owners while also allowing the owner of the subject property to continue with the proposed use of a parking lot.

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 that there are no unique circumstances present in this case to warrant the granting of the requested variance of a 6" bufferyard. Bufferyards are intended to provide landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction.

Staff is supportive of a 5' bufferyard to provide some screening of the subject property and adjacent residential neighboring properties while providing relief to the applicant to continue with the proposed enhance of the subject property.

Alternatives to Applicant's Request

The alternative to the applicant's request is to conform to the bufferyard requirements set forth in Section 35-310 of the Unified Development Code.

Staff Recommendation

Staff recommends **DENIAL** of a 14.5' variance from the 15' Type B landscaped bufferyard along the south property line to allow a bufferyard to be 6" deep with an **Alternate Recommendation** of a 5' bufferyard along the south property line in **A-18-166** based on the following findings of fact:

1. The request does not observe the spirit of the ordinance, and;
2. No conditions are present that warrant the near elimination of the southern bufferyard; however, the width of the site does require some relief. A 5' bufferyard will enhance the property and provide increased separation for the residential properties.