



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-3590

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 6/20/2016

**Title:** A-16-104: A request by David Komet for 1) a 7 foot variance from the 10 foot buffer to allow a bufferyard to be 3 feet deep and 2) the elimination of the required 20 foot throat beyond the property line to allow a commercial development with no throat for parking lot entry, located at 1921 Fredericksburg Road. (Council District 7)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-104 Attachments, 2. A-16-104 #2 the diagram

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-104  
**Applicant:** David Komet  
**Owner:** 1921 Deco Building, LLC  
**Council District:** 7  
**Location:** 1921 Fredericksburg Road  
**Legal Description:** Lot 2, Block 1, NCB 6692  
**Zoning:** "C-2NA H AHOD" Commercial Non-Alcoholic Sales Monticello Park  
 Historic Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Senior Planner

### Request

A request for 1) a 7 foot variance from the 10 foot buffer to allow a bufferyard to be 3 feet deep and 2) the elimination of the required 20 foot throat beyond the property line to allow a commercial development with no throat for parking lot entry.

### Executive Summary

The subject property is located at 1921 Fredericksburg Road at its intersection with Elmendorf Road. The subject property is a small vacant commercial property measuring only 6,113 square feet in area. The applicant is seeking two variances. The first is to reduce the required bufferyard along Fredericksburg Road from ten feet to three feet in depth to allow for more developable space. The second variance is to vary from a parking lot entry design standard, established in Section 35-506 of the Unified Development Code that requires that the distance between the property line and the first point of conflict with a parking aisle (see attached diagram).

### Subject Property Zoning/Land Use

<b>Existing Zoning</b>	<b>Existing Use</b>
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“C-2NA H AHOD” Commercial Non-Alcoholic Sales Monticello Park Historic Airport Hazard Overlay District	Vacant
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**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay District	Retail
South	“C-2NA H HE AHOD” Commercial Non-Alcoholic Sales Monticello Park Historic Exceptional Airport Hazard Overlay District	Professional Office
East	“C-2 HL AHOD” Commercial Monticello Park Historic Landmark Airport Hazard Overlay District	Woodlawn Theater
West	“C- H AHOD” Commercial Monticello Park Historic Airport Hazard Overlay District and “O-2 H AHOD” High Rise Office Monticello Historic Airport Hazard Overlay District	Retail, Professional Office

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Near Northwest Community Plan and currently designated Neighborhood Commercial in the future land use component of the plan. The subject property is within the boundaries of the Monticello Park Neighborhood Association. The property is also within 200 feet of the Keystone Neighborhood Association. As such, both neighborhood associations were notified and asked to comment.

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 a requirement to add landscaping to contribute to vibrant streetscapes within our communities. The applicant is seeking to reduce the depth of the bufferyard to three feet. Staff finds that this request is not contrary to the public interest in that commercial development on a site this small merits the relaxation of some development standards.**

**Per BCAD records the property has never held any improvements, and the reduction of the bufferyard will bring development to a growing Fredericksburg Road corridor.**

**Staff further finds that the elimination of the 20 foot throat for parking lot entry is not contrary to the public interest because the entrance is along Elmendorf Road, which carries significantly fewer trips than Fredericksburg Road. The proposed professional office building generates few trips and, as such, staff finds that the elimination of the driveway throat 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 is the size and shape of the lot on which this development is proposed. Designing the site for a commercial use that meets all development standards is extremely difficult. Since**

**the property has been vacant for years, staff finds that a literal enforcement of the ordinance may result in an undevelopable property.**

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

**Granting the requested variance will result in substantial justice because it will allow for development on a property that has long been vacant. Additionally, the variances will bring another development to the Fredericksburg Road corridor.**

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-2NA H AHOD” Commercial Non-Alcoholic Sales Monticello Park Historic 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.*

**Any development in historic districts must gain final approval from the Historic Design Review Commission to ensure that its design will contribute to the district. This project has already gained approval from the HDRC and, therefore, staff finds that it will not detract from the essential character of the district in which it is located.**

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 the abnormally small lot size and awkward shape for a commercial development. This is not the fault of the owner of the property, nor is this issue merely financial in nature.**

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

The applicant would need to design a smaller building to provide for the driveway throat and full bufferyard.

### **Staff Recommendation**

Staff recommends **APPROVAL of variance request in A-16-104** based on the following findings of fact:

1. The size and irregular shape of the lot merits some deviation from the development standards.
2. The project has gained approval from the Historic Design Review Commission and, therefore, will not detract from the essential character of the district in which it is located.