



City of San Antonio

Legislation Details (With Text)

File #: 18-4130

Type: Zoning Case

In control: Board of Adjustment

On agenda: 7/2/2018

Title: (Continued from 06/04/18) A-18-101: A request by Jesse Sepulveda for 1) a 14'11" variance from the 15' Type B landscape bufferyard requirement to allow a bufferyard to be as narrow as 1" along the west property line, 2) a 20' variance from the 25' maximum building height to allow a 45' tall building, and 3) a 9'11" variance from the 10' side setback to allow a commercial building to be 1" from the west property line and 4) a variance from the provisions in Section 35-517 "Building Height" that require that a commercial or of?ce development that abuts a single-family district, when seeking height beyond that permitted by the base zoning district, shall be limited to the height of the adjacent single-family zone for the ?rst 50 feet from the shared property line, located at 1807 West Wildwood Drive. Staff recommends Denial. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-101 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-101

Applicant: Jesse Sepulveda

Owner: Jesse Sepulveda

Council District: 1

Location: 1807 West Wildwood Drive

Legal Lot 23, Block 139, NCB 8814

Description:

Zoning: "C-1 AHOD" Light Commercial Airport Hazard Overlay and "O-2 AHOD" High-Rise Office Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 5' variance from the 15' Type B landscape bufferyard requirement to allow a bufferyard to be as narrow as 10' along the west property line and 2) a 20' variance from the 25' maximum height restriction to allow a building to be 45' tall, and 3) a variance from the provisions in Section 35-517 Building Height that require that a commercial or office development that abuts a single-family district, when seeking height beyond that permitted by the base zoning district, shall be limited to the height of the adjacent single-family zone for

the first 50 feet from the shared property line.

Executive Summary

The subject property is located at 1807 West Wildwood Drive along IH-10 Frontage Road. The applicant is seeking variances to allow for a three story office building with parking area and to reduce the west side bufferyard by 5 feet. The property is a irregular shape and construction could face issues related to setbacks and bufferyards. The applicant initially submitted requests for four variances but continued consideration of the requests to rework the site plan.

The new project proposal places the structure as far to the east as possible to minimize the impact on the established single-family neighborhood along Wildwood Drive. The applicant is still seeking two variances to permit a building that is 45 feet tall. The last variance seeks to reduce a bufferyard from 15 feet to 10 feet.

The adjacent single-family zoning districts, while currently only improved with single-story residential structures, are permitted up to 35 feet in height by the zoning code. As such, the applicant is seeking a variance that would grant them only 10 feet more height than that enjoyed by surrounding properties.

There are similar developments along IH-10, most notably including the Villarreal and Begum Law Firm, located at 5826 IH-10 West. That structure is 51 feet tall, and similarly abuts single-family developments. Staff research was unable to find any instance of complaints stemming from that project.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-1 AHOD” Light Commercial Airport Hazard Overlay and “O-2 AHOD” High-Rise Office Airport Hazard Overlay District	Proposed Office, Current Vacant Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	IH-10
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	UZROW	IH-10
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and is currently designated Urban Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Los Angeles Heights registered 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 defined as the general health, safety, and welfare of the public. Typically, setbacks and bufferyards are established to separate incompatible uses. The site plan is arranged such that the required setbacks are respected, and the applicant is seeking only a minor reduction in the required bufferyard. A fence is still required between the two properties.

The requested height of the law office is only 10 feet higher than what the adjacent single-family districts are permitted, a minimal increase considering the placement of the structure on the small lot. Similar developments are located a short distance west of the subject property.

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

Literal enforcement of the ordinance would cap the applicant to 25 feet. The small, irregular lot does not provide room a large footprint and requires lateral development to provide adequate space.

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

The spirit of the ordinance intends to provide for reasonable development standards to allow for safe development and to protect incompatible uses. The irregularly shaped, small commercial lot does not allow for a large building footprint. Staff finds that adding height is a reasonable alternative in this scenario. The site plans has been arranged to minimize the impact to adjacent properties.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the “C-1 AHOD” Light Commercial Airport Hazard Overlay and “O-2 AHOD” High-Rise Office 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 requests will not injure the rights of the neighboring properties as the applicant is seeking only ten feet more than what adjacent lots are permitted, and is meeting the required building setback. Staff finds the requested variances are not likely to harm adjacent property owners.

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.*

There are several unique circumstances present in this case. The commercial lot, which fronts onto IH-10, is small and irregularly shaped. Further, adjacent single-family districts are permitted more building height than the “C-1” Light Commercial District. Lastly, similar developments along IH-10 have been met without complaints or concerns from the public. This issue is not merely financial in nature.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the required bufferyards set forth in Section 35-510 and the required building height set forth in Section 35-517.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-101** based on the following findings of fact:

1. The small, irregularly shaped lot provides no room for a large footprint. Adding height is the only remaining option, and;
2. There are similar commercial developments located nearby along IH-10 West, and;
3. The applicant has situated the structure as far away from residential uses as the site will allow.