



City of San Antonio

Legislation Details (With Text)

File #: 19-5370

Type: Zoning Case

In control: Board of Adjustment

On agenda: 7/15/2019

Title: BOA-19-10300080: A request by Jonathan McNamara for 1) a 9’11” variance from the 10’ side setback requirement to allow two new structures to be 1” from the east and west property line, and 2) a 14’11” variance from the 15’ Type B landscape bufferyard requirement to allow a bufferyard to be 1” along the east, south and west property lines, located at 24129 Boerne Stage Road. Staff recommends Approval.(Council District 8) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-19-10300080 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: BOA-19-10300080

Applicant: Jonathan McNamara

Owner: Billy Laforce

Council District: 8

Location: 24129 Boerne Stage Road

Legal Lot P-12D, NCB 34732

Description:

Zoning: “C-2S HS GC-1 MLOD-1 MLR-1” Commercial Historic Significant Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 with Specific Use Authorization for a Car Wash

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 9’11” variance from the 10’ side setback requirement, as described in Section 35.310.01, to allow two new structures to be 1” from the east and west property line, and 2) a 14’11” variance from the 15’ Type B landscape bufferyard requirement to allow a bufferyard to be 1” along the east, south and west property lines, in the areas of the proposed structures, set forth by Section 35-510.

Executive Summary

The owner is reconstructing the car wash into a newer facility and as part of the permitting process was required to rezone from the assigned “R-6” to “C-2 S” with Specific Use Authorization for a Car Wash. The applicant is requesting variances to reduce both side setbacks and bufferyards along the entire property, in the areas where the structures are to be located. During field visits it was noticed that there is currently green grass areas with mature planted trees surrounding the property. The subject property is located along the newly expanded Boerne Stage Road, in a district that largely includes commercial uses. Neighboring properties are fully constructed with uses such as a church, retail, office spaces, and pet hospital. In this case the adjacent lots, although zoned residential, are being utilized for commercial purposes and incorrectly zoned as residential.

Code Enforcement History

No Code Enforcement history.

Permit History

The property owner is seeking variance to allow for permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2S HS GC-1 MLOD-1 MLR-1” Commercial Historic Significant Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 with Specific Use Authorization for a Car Wash	Car Wash

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 GC-1 MLOD-1 MLR-1” Residential Single-Family Hill Country Gateway Corridor Wash Camp Bullis Military Lighting Overlay Military Lighting Region 1	Vacant
South	“R-6 GC-1 MLOD-1 MLR-1” Residential Single-Family Hill Country Gateway Corridor Wash Camp Bullis Military Lighting Overlay Military Lighting Region 1	Retail uses
East	“R-6 GC-1 MLOD-1 MLR-1” Residential Single-Family Hill Country Gateway Corridor Wash Camp Bullis Military Lighting Overlay Military Lighting Region 1	Retail uses

West	“R-6 HS GC-1 MLOD-1 MLR-1” Residential Single-Family Historic Significant Hill Country Gateway Corridor Wash Camp Bullis Military Lighting Overlay Military Lighting Region 1	Church
------	--	--------

Comprehensive Plan Consistency/Neighborhood Association

The property is within the North Sector Plan and designated as “Suburban Tier” in the center tier component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Boerne Stage Road is classified as an Arterial Street.

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 1” bufferyards and the 1” side setbacks are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The applicant is seeking to reconstruct the car wash into a newer facility. As the applicant is not requesting for the complete elimination of the bufferyards, since the reduction is only applying to the proposed structures, the requests are not contrary to the public interest.

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

Literal enforcement would not allow the redevelopment as proposed. Approval of the requested variances would provide a landscape plan along the subject property with trees. The side setback reductions will harm the adjacent property owners.

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

In this case, the proposed side setbacks and bufferyards will improve the existing property appearance and maintain the existing uses.

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 variances will not authorize the operation of a use other than those uses specifically authorized in the zoning district.

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 introduction of a 1” bufferyard and 1” side setbacks would not harm the existing appearance of the existing property nor the adjacent commercial uses.

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 existing surrounding site currently has large mature trees and green grass areas, and accommodating the reconstruction of this site within the existing conditions will allow the business to operate respecting adjacent property owners.

Alternative to Applicant's Request

The owner would need to meet the required bufferyard and side setbacks, the applicant will need to modify the proposed development.

Staff Recommendation

Staff recommends **APPROVAL** of the variances in **BOA-19-10300080**, based on the following findings of fact:

1. The requests do not negatively impact surrounding property owners; and
2. The proposed development will not detract from the character of the neighborhood.