



City of San Antonio

Legislation Details (With Text)

File #: 17-2693

Type: Zoning Case

In control: Board of Adjustment

On agenda: 4/17/2017

Title: A-17-081: A request by Carlos F. Melick for a nine foot variance from the 25 foot platted side setback to allow a storage facility 16 feet from the property line, located at 8463 NE Loop 410. Staff recommends Approval. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA17-081NPA, 2. BOA17-081PP, 3. A-17-081 Site Plan, 4. A-17-081 Photos

Date	Ver.	Action By	Action	Result
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Case Number: A-17-081

Applicant: Natasha Uhlrich

Owner: Carlos F. Melick

Council District: 2

Location: 8463 NE Loop 410

Legal: Lot 1, Block 2, NCB 18011

Description:

Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District

Case Manager: Shepard Beamon, Senior Planner

Request

A request for a nine (9) foot variance from the 25 foot platted side setback, as described in Table 35-310, to allow a new metal storage facility 16 feet from the side property line.

Executive Summary

The subject property is situated on a vacant 0.843 acres of land, with street frontage along NE Loop 410 and Rock Island Drive. The proposed use is a metal storage facility. The property includes a 30 foot platted building setback along Loop 410 and a 25 foot platted building setback along Rock Island Drive. The building will meet the 30 foot building setback along Loop 410, but needs a nine foot variance from the 25 foot setback along the side.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"I-1 AHOD" General Industrial Airport Hazard Overlay District	Single-Family House
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	Loop 410
South	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Vacant Industrial
East	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Vacant Industrial
West	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Tire Distributor

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Arena District/Eastside Community Plan and is currently designated Light Industrial under the future land use. The subject property is not located within the boundaries of a registered neighborhood association.

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, the public interest is represented by the front and side setbacks to ensure that the neighboring property is not negatively impacted by inadequate separation. As the property only has one side abutting another property, it is unlikely the request will have any negative impact on the adjacent property.

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

The special condition on this lot that makes enforcement of the ordinance an unnecessary hardship is the 1981 platted setback. The platted 25 foot setback would reduce the build 900+ square feet in area. The lot has an irregular shape which further restricts the configuration of the building and parking.

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

The intent of a side setback is to eliminate overcrowding and ununiformed development of lots. The current zoning regulation requires a 30 foot side only if the side property abuts a residential use or zoning, which in this case, does not apply. Since there will be a minimum of a 16 foot setback, the request meets the spirit of the ordinance.

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

"I-1 AHOD" General Industrial 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.*

As there are no abutting properties on the side for which the variance is requested, it is unlikely that approval of the variance will injure the rights of any property owner. Further, the request will still provide a 16 foot setback and is unlikely to detract from the character of the industrial park.

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 is a 1981 plat, which places large setbacks on smaller industrial lots. The applicant has proposed a building that provides adequate distance from the right-of-way and room to maintain the property without trespass.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the 25 foot platted setback.

Staff Recommendation

Staff recommends **APPROVAL** of the requested front setback variance in **A-17-081**, based on the following findings of fact:

1. The building would still provide a 16 foot side setback, which is adequate room to maintain the property;
2. There are no abutting, or nearby, properties that are likely to be negatively impacted by the request;
3. The current zoning does not require a side setback for the property.