



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7464

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 10/7/2019

**Title:** BOA-19-10300097: A request by Laurie Cassidy for a 22' variance from the 30' Type E landscape bufferyard requirement to allow a bufferyard to be 8' along the rear yard property line located at 11722 Jones Maltsberger Road. Staff recommends Approval. (Council District 9) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BOA-19-10300097 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300097

**Applicant:** Laurie Cassidy

**Owner:** Mill Bridge Associates, Ltd.

**Council District:** 9

**Location:** 11722 Jones Maltsberger Road

**Legal Description:** Lot P-6 & the Southwest Irregular 50.32 Feet of Lot 18, NCB

**Description:** 8644

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

**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for a 22' variance from the 30' Type E landscaped bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 8' along the rear yard property line.

### Executive Summary

The subject property is located within the Greater Airport Area and is situated at the intersection of Wurzbach Parkway and Jones Maltsberger Road. The applicant is requesting a variance from the 30' Type E bufferyard to reduce the landscape bufferyard to 8' along the rear yard property line and allow for redevelopment of the site. On the South the subject property site abuts Single-Family zoning, which triggers the bufferyard landscape requirements and is currently undeveloped.

**Code Enforcement History**

No Code Enforcement history exists on the property.

**Permit History**

No permits have been issued for this project.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“I-1 AHOD” General Industrial Airport Hazard Overlay	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay	Vacant
South	“R-5 AHOD” Residential Single-Family District Airport Hazard Overlay	Vacant
East	“I-1 AHOD” General Industrial Airport Hazard Overlay	UZROW
West	“I-1 AHOD” General Industrial Airport Hazard Overlay	Baseball Field

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the San Antonio Airport Vicinity Plan and designated Light Industrial. The subject property is not located within the boundaries of a registered neighborhood association.

**Street Classification**

Jones Maltsberger Road is classified as a minor 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 8’ bufferyard is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. As of now, the property has no bufferyards established, so any new development will be beneficial and a net improvement to the surrounding district.**

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

**Literal enforcement would not allow the redevelopment of the now vacant property as proposed due to the established bufferyard requirement.**

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

**In this case, the proposed bufferyard will adhere to the spirit of the ordinance and substantial justice will be done by implementing an 8' bufferyard where none exists currently in order to develop the property.**

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 variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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 introduction of an 8' bufferyard would only enhance the overall appearance of the property, streetscape, and district.**

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 plight of the owner for which the variance is sought is due to the owner buying into a vacant property that had nonexistent bufferyards to begin with.**

**Alternative to Applicant's Request**

The owner would need to meet the required 30' bufferyard and modify the proposed development.

**Staff Recommendation:**

Staff recommends **APPROVAL** of variance in **BOA-19-1030009**, based on the following findings of fact:

1. The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;
2. The proposed development of the property will increase the bufferyard landscaping.