



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4363  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 8/3/2020

**Title:** BOA-20-10300073: A request by Mark Beavers for a request for 1) a variance to allow the use of metal paneling as a permitted building material 2) a 39'11" variance from the 40' maximum front setback to allow a building to be 79'11" away from the front property line, and 3) a 3% variance from the maximum 80% impervious cover limitation to allow 83% impervious cover, located at 2265 Austin Highway. Staff recommends Approval. (Council District 2) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-20-10300073  
**Applicant:** Mark Beavers (Public Works Department)  
**Owner:** Mark Beavers (Public Works Department)  
**Council District:** 2  
**Location:** 2265 Austin Highway  
**Legal:** Lot 18, NCB 12162  
**Description:**  
**Zoning:** "C-2 MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Senior Planner

### Request

A request from the Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor design requires of Section 35-339.01 for 1) a variance to allow the use of metal paneling as a permitted building material 2) a 39'11" variance from the 40' maximum front setback to allow a building to be 79'11" away from the front property line, and 3) a 3% variance from the maximum 80% impervious cover limitation to allow 83% impervious cover.

### Executive Summary

The subject property is located within the Austin Highway Metropolitan Corridor Overlay and will be the site of a new Fire Station for the surrounding area. This design overlay district resulted from a decade of private non-profit work to revitalize this historic corridor to its previous vitality. As such, one of the defining features selected to preserve/mimic was the buildings' proximity to the street. The District has a maximum front setback of 40 feet in an effort to retain streetscape and rhythm among buildings along the corridor. The district also has permitted building materials in an effort to create a scenic, attractive viewing opportunities along the roadways.

**Code Enforcement History**

No code enforcement history exists on this property.

**Permit History**

No permits have been processed for this property.

**Clear Vision Review**

A review of Clear Vision is not required for this request.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 3958, dated September 5, 1946 and zoned "F" Local Retail Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the "F" Local Retail Business District converted to the current "C-2" Commercial District.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"C-2 MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Airport Hazard Overlay District	Vacant

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"C-2 MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Airport Hazard Overlay District	Commercial

South	“C-3 MC-3 AHOD” General Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Airport Hazard Overlay District	Commercial
East	“C-2 MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Airport Hazard Overlay District	Commercial
West	“C-2 MC-3 AHOD” Commercial Austin Highway/Harry Wurzbach (TAPS Memorial Boulevard) Metropolitan Corridor Airport Hazard Overlay District	Commercial

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and it is currently designated as Business Park in the future land use component of the plan. The subject property is not located within the boundaries of a neighborhood association.

**Street Classification**

Austin Highway is classified as a State Highway.

**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 variances requested are due to the unique use of the property; the amount of paving required for turning radius of a fire truck must be accommodated, thus requiring slightly more impervious cover. To reduce this by 3%, parking spaces would need to be removed and the parking count would not meet the minimum requirements, requiring another variance request.**

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

**A literal enforcement of the ordinance would result in unnecessary hardship due to significantly reducing the amount of developable space on the lot acquired for a fire station; accommodating a fully functioning public safety building requires maximum usage of the narrow dimensional lot.**

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

**The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The intent of the design standards of the Corridor District is meant to retain streetscape and rhythm among buildings and creature viewing opportunities along the corridor. All intents of this law will be observed if approved. Use of metal paneling increases longevity, increased durability, and low maintenance and will the minority of materials used in the project.**

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

**The requested variance will not permit a use not authorized within the “C-2” Commercial 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 variances requested would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, adjacent properties will ultimately benefit from the facility, as it will encourage public safety, offer attractive landscaping, and provide a safer built environment for the community than what is currently on the lot.**

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 circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The property is narrow by nature, and as a result, it does not ensure a safe entrance and exit of public safety vehicles. The station will serve nearby properties and the community. These unique circumstances were not created by the owner of the property and are not financially motivated.**

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

The alternative to the applicant’s request is to conform to side setbacks set forth in the Unified Development Code, Section 35-339.01

#### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300073**, based on the following findings of fact:

1. The requested variances will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. Due to the size of the lot, development of a public safety building on the lot identified cannot be reasonably be done without variances from the design standards.