



City of San Antonio

Legislation Details (With Text)

File #: 19-3026

Type: Zoning Case

In control: Board of Adjustment

On agenda: 4/1/2019

Title: BOA-19-10300025: A request by Rolando Salazar for a 10' variance from the 15' Type B landscape bufferyard along the east property line to allow for a bufferyard to be as narrow as 5', located at 3910 IH35 South. Staff recommends Approval. (Council District 5)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 19-10300025 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300025

Applicant: Rolando Salazar

Owner: Rolando Salazar

Council District: 5

Location: 3910 IH35 South

Legal: Lot 1, Block 3, NCB 6674

Description:

Zoning: "IDZ MLOD-2 MLR-2 AHOD" Infill Development Zone
Lackland Military Lighting Overlay Military Lighting
Region 2 Airport Hazard Overlay District with uses
permitted in "0-1" Office District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 10' variance from the 15' Type B landscape bufferyard along the east property line, as described in Section 35-510, Table 510-1 to allow for a bufferyard to be as narrow as 5'.

Executive Summary

The subject property is located at 3910 IH35 South located along the frontage of Interstate Highway 35. The property is a triangular shape abutting residential uses to the east and commercial uses to the south. The applicant is requesting to reduce the 15' bufferyard requirement along the east property line to increase parking availability within this lot.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

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

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ MLOD-2 MLR-2 AHOD” Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "0-1" Office District	Vacant Land

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	UZROW
South	“C-1 MLOD-2 MLR-2 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Restaurants
East	“C-1S MLOD-2 MLR-2 AHOD” Light Commercial with Specific Use for Non-Commercial Parking Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“IDZ MLOD-2 MLR-2 AHOD” Infill Development Zone Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "0-1" Office District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the South Central San Antonio Community Plan and designated as “Neighborhood

Commercial” in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

IH35 South is classified as a major Arterial.

Criteria for Review

1. 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: *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 5’ bufferyard is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The property does not currently benefit from any bufferyard from and even the reduced bufferyard proposed by the applicant will enhance the property. Staff finds the request is not contrary to the public interest.

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 by requiring the project to be redesigned to meet the required bufferyard requirement. Enforcing the full requirement removes developable space for which may leave the project with insufficient parking availability.

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

In this case, the reduced bufferyard is adjacent to a high traffic frontage road.

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 on the subject property other than those specifically authorized in 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.*

Although the applicant is seeking to reduce bufferyard required by the code, the provision of landscape bufferyard will still enhance the community and the proposed project.

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 in this case is the lot is a triangular shape compounded by right-of-way takings over the years to widen these streets. The property is narrow and warrants some relief to allow for development.

Alternative to Applicant’s Request

The alternative to the applicant’s plan would be to comply with the bufferyards defined within Section 35-510,

Table 510-1.

Staff Recommendation:

Staff recommends **APPROVAL** of variances in **BOA-19-10300025**, based on the following findings of fact:

1. The requests do not negatively impact surrounding property owners and significantly improves the use of the site.