



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-1775

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 2/4/2019

**Title:** BOA-18-900031: A request by Juan Gabriel Aragon for 1) a 9' variance from the 15' Type B landscape bufferyard along the east and south property lines to allow for a bufferyard to be as narrow as 6', and 2) a 14' variance from the 30' rear setback requirement to allow a structure to be 6' away from the rear property line, and 3) a 2' variance from the 10' side setback requirement to allow a structure to be 8' away from the east side property line, located at 920 Big Foot. Staff recommends Approval. (Council District 5)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-900031 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-18-900031

**Applicant:** Juan Gabriel Aragon

**Owner:** Juan Gabriel Aragon

**Council District:** 5

**Location:** 920 Big Foot

**Legal** Lots 11, 12 and 13, Block 21, NCB 2630

**Description:**

**Zoning:** "C-1 CD MLOD-2 MLR-2 AHOD" Light Commercial Lackland  
Military Lighting Overlay Military Lighting Region 2 Airport  
Hazard Overlay District with Conditional Use for Auto and Light  
Truck Repair

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

### Request

A request for 1) a 9' variance from the 15' Type B landscape bufferyard along the east and south property lines, as described in Section 35-510, Table 510-1, to allow for a bufferyard to be as narrow as 6', and 2) a 14' variance from the 30' rear setback requirement, as described in Section 35-310.01, to allow a structure to be 6' away from the rear property line, and 3) a 2' variance from the 10' side setback requirement, as described in Section 35-310.01, to allow a structure to be 8' away from the east side property line.

### Executive Summary

The subject property is located 920 Big Foot, 55 feet east of Nogalitos Street. The applicant is requesting variances to reduce the landscape bufferyard and setbacks along the east and south property lines.

This applicant applied for a total of nine variances in October 20, 2014. They withdrew their request to correct various issues and are back seeking relief on 3 items.

During field visits, staff only noticed that the subject property only has a large carport on the back; no other structures are located in this property. The subject property is surrounded by residential uses to the east and some commercial uses to the north and the west.

**Code Enforcement History**

No new Code Enforcement history exists on the property since the last violation from July 25, 2013 regarding the variance requests from October 20, 2014.

**Permit History**

No permits have been issued for this project.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-1 CD MLOD-2 MLR-2 AHOD” Light Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for Auto and Light Truck Repair	Auto and Light Truck Repair Shop

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3R CD MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Restrictive Alcoholic Sales	Barber Shop
South	“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
East	“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	“C-3R CD MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Restrictive Alcoholic Sales	Mechanic Shop
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**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the Nogalitos/South Zarzamora Community Plan and is designated as “Neighborhood Commercial” in the future land use component of the plan. The subject property is not within the boundaries of any registered neighborhood association.

**Street Classification**

Big Foot is classified as a Local 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the 6’ bufferyard, the 8’ side setback, and the 6’ rear property are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The property does not currently benefit from any bufferyard from and the reduced bufferyard proposed by the applicant will enhance the property. Staff finds 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.*

**Enforcing the full requirement removes developable space which may leave the development with insufficient space to operate the commercial use.**

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 and setback requirement will improve the existing property appearance and would provide separation that is currently lacking.**

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 the bufferyard and setback required by the code, the provision of a landscape bufferyard will still enhance the community.**

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 size which restricts the owner's ability to develop without reducing the side setback and the bufferyard. 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 side building setbacks as defined within Section 35-310.01 and bufferyards defined within Section 35-510, Table 510-1.

**Staff Recommendation**

Staff recommends **APPROVAL** of the variances in **BOA-18-900031**, 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.