



City of San Antonio

Legislation Details (With Text)

File #: 18-6079

Type: Zoning Case

In control: Board of Adjustment

On agenda: 11/5/2018

Title: A-18-164: A request by Ann Hicks for an 8.4' variance from the 30' front setback requirement to allow a structure to be 21.6' away from the front property line, located 2020 Air Lawn Street. Staff recommends Approval. (Council District 6)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-164 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: A-18-164

Applicant: Ann Hicks

Owner: Allen S. Hicks

Council District: 6

Location: 2020 Air Lawn Street

Legal: Lot 9, Block 1, NCB 16322

Description:

Zoning: "I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway
151 Gateway Corridor Lackland Military Lighting Overlay
Military Lighting Region 1 Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for an 8.4' variance from the 30' front setback requirement, as described in Section 35-310.01, to allow a structure to be 21.6' away from the front property line.

Executive Summary

The subject property is located at 2020 Air Lawn Street, approximately 140 feet north of Castroville Road. The applicant is seeking to keep a metal building that sits 21.6' from the front property line. The immediate area is mostly zoned Industrial and Commercial with vacant lots. The original structure on the property was built in 1988, according to BCAD. The owner is trying to close the sale of the property and needs the approved variance before the sale can be finalized.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 GC-2 MLOD-2 MLR-1 AHOD” General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 GC-2 MLOD-2 MLR-1 AHOD” General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Military Lighting Overlay Region 1 Airport Hazard Overlay District	Vacant
South	“I-1 GC-2 MLOD-2 MLR-1 AHOD” Light Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant
East	UZROW	Texas 151 Access Road
West	“L GC-2 MLOD-2 MLR-1 AHOD” General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Fence Company/Outdoor Storage

Comprehensive Plan Consistency/Neighborhood Association

The property is within the West Sector Plan and designated as Specialized Center in the future land use component of the plan. The subject property is within 200’ of the Community Workers Council Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Air Lawn Street 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 public interest is represented by setbacks to prevent fire spread and to protect adjacent property owners. The requested 21.6' setback from the front property line is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. Staff finds that 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.*

The special condition present in this case is the non-conforming status of the existing structure. While redevelopment of the structures would not meet the strict letter of the law, the placement since being built has not generated any problems with adjacent properties.

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

The intent of front setbacks is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. In this case, the proposed setback will not injure the rights of adjacent property owners, which observes the intent of the code.

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 permitted in the "I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 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.*

The requested variance does not detract from the essential character of the community, especially considering that is an industrial area.

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 nonconforming status of the existing structure. Staff finds that allowing this setback reduction is not merely financial in nature, nor is it the fault of the property owner.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the minimum front setback requirement.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-164**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners and does not significantly alter the appearance of the district; and
2. The structure has been in its current location since 1988 without affecting adjacent neighbors.