



# City of San Antonio

## Agenda Memorandum

**File Number: 17-5511**

**Agenda Item Number: 8.**

**Agenda Date: 10/2/2017**

**In Control: Board of Adjustment**

Case Number: A-17-171  
 Applicant: Gil Vargas  
 Owner: William Gonzaba  
 Council District: 5  
 Location: 720 Pleasanton Road  
 Legal: Lot 51 through 56, NCB 8602  
 Description:  
 Zoning: "C-1 AHOD" Light Commercial Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District  
 Case Manager: Shepard Beamon, Senior Planner

### Request

A request for 1) a 26 foot variance from the 30 foot rear setback as described in Section 35.310.01 to allow a 4 foot rear setback and 2) a request for a 11 foot variance from the 15 foot rear bufferyard requirement, as described in Section 35.510, to allow a 4 foot rear buffer.

### Executive Summary

The Gonzaba Medical Clinic is requesting approval to construct a building enclosure around the outside employee patio area in the rear of the building. The limits of the improvement will be in-line with the existing building setback and will square off the northeast corner of the facility. The new addition would require approval of a variance from the required 30 foot rear setback requirement and the 15 foot bufferyard requirement. Enclosing the area would provide better privacy to the surrounding neighbors.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-1 AHOD" Light Commercial Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District	Medical Clinic

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District; “C-2 AHOD” Commercial Airport Hazard Overlay District; “O-2 AHOD” High-Rise Office Airport Hazard Overlay District	Chiropractor, Single-Family Residences, Parking Lot
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District; “C-2NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay District	Medical Practice, Church, Single-Family Residences
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residences
West	“C-3NA AHOD” General Commercial Non-Alcoholic Sales Airport Hazard Overlay District	Parking Lot, Pharmacy

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the South Central Neighborhood Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

**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.*

**As portions of the building currently sit on the rear property line and four feet off the rear property line, the addition would not significantly increase the encroachment into the rear setback and still provide room to maneuver in the rear yard.**

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

**Literal enforcement would not allow expansion of the building. Approval of the requested variances would provide a safe, enclosed break area for the clinic’s employees.**

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

**The addition will not increase water runoff on the adjacent property and will provide adequate room for maintenance without trespass.**

- 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 “C-1 AHOD” Light Commercial Airport Hazard Overlay District and “C-2 AHOD” Commercial 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.*

**As most of the homes adjacent to the subject property are located a minimum of 50 feet from the rear property line, it is highly unlikely that the addition would increase the risk of fire spread to the adjacent homes. Additionally, the addition would be located in rear of the property, and would not change the outward appearance of the business.**

*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 existing on the property is the compact configuration of the property and the shallow rear yard. As the building already encroaches, there is no space to increase the building footprint for the property without the variances.**

### **Alternative to Applicant's Request**

The owner would need to construct the metal building to meet the 30 foot rear setback.

### **Staff Recommendation**

Staff recommends **APPROVAL of the variances in A-17-171**, based on the following findings of fact:

1. There is room for maintenance without trespass; and
2. The addition will not increase the risk of fire spread; and
3. The addition will be in line with the existing building which has been in place for the last 10 years.