



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3910  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 7/6/2015

**Title:** A-15-103: A request by David F Bogle for 1) a 16 foot variance from the 30 foot front setback requirement to allow two buildings on the property to be located 14 feet from the front property line and 2) a 23 foot variance from the 30 foot side setback to allow a building and any potential future rear additions to be located 7 feet from the side property line and 3) an elimination of the Type D 25 foot bufferyard and 4) a 18 foot variance from the 30 foot side setback to allow another building and any potential rear additions to remain 12 feet from the side property line, located at 923 and 927 Clydeville Road. (Council District 9)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-103 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-103  
**Applicant:** David F Bogle R.A., AIA  
**Owner:** Jim R Smith, Loretta B Smith, and Kimberly A Smith  
**Council District:** 9  
**Location:** 923 and 927 Clydeville Road  
**Legal Description:** Lots 11, 12, the East 12.5 feet of Lot 13, and Lot 52, NCB 12048  
**Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District and "O-1" Office Airport Hazard Overlay District  
**Prepared By:** Logan Sparrow, Senior Planner

### Request

A request for 1) a 16 foot variance from the 30 foot front setback requirement, as described in Section 35-310.01, to allow two buildings on the property to be located 14 feet from the front property line and 2) a 23 foot variance from the 30 foot side setback, as described in Section 35-310.01, to allow a building (and any potential future rear additions) to be located 7 feet from the side property line and 3) an elimination of the Type D 25 foot bufferyard, as described in Section 35-510, and 4) a 18 foot variance from the 30 foot side setback, as described in Section 35-310.01, to allow another building (and any potential rear additions) to remain 12 feet from the side property line.

### Executive Summary

The subject property is located at 923 and 927 Clydeville Road, approximately 285 feet southwest of E. Coker

Loop. The applicant has submitted plans to expand a dog ranch with housing, grooming, and walking facilities. The proposed plan conflicts with several Unified Development Code requirements. There are two separate buildings on the property. The west-most building, hereinafter referred to as “Building A”, is to be demolished, with a new structure built in, generally, its current location. Building A will be located seven feet from the west property line and the required setback is 30 feet. The 30 foot setback is triggered by the current “I-1” General Industrial base zoning district abutting the “R-5” Residential Single-Family zoning, and use, to the west. Building A is also set to be in violation of the front setback in that it is proposed to be located 14 feet from the front property line, while the zone mandates a 30 foot front setback.

Building B, being the east-most structure, is set to have an in-line addition added to the rear of the existing structure. The proposed addition is in line with the current structure which has a twelve foot side setback from the east property line. Similar to Building A, Building B must have a 30 foot side setback. Building B also is in conflict with the front setback and is seeking a variance from it, too. In this case, too, the applicant is seeking a 16 foot variance from the 30 foot front setback to allow the buildings to be as near as 14 feet to the front property line.

Lastly, the applicant is seeking the elimination of the Type D bufferyard along the west property line, which requires a buffer depth of 25 feet along the west property line. The property to the west of the subject property has residential zoning and use. A buffer is not required along the east property line because, despite the adjacent property to the east being a residential use, it carries “I-1” General Industrial zoning. Unlike setbacks, which are triggered by zones or uses, bufferyards are triggered only by zones.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“I-1 AHOD” General Industrial Airport Hazard Overlay District and “O-1 AHOD” Office Airport Hazard Overlay District	Dog Ranch

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Warehouse
South	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Artificial Turf Sales
East	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Light Industrial in the future land use component of the plan. The subject property is not located within the boundaries of any 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.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, these criteria are represented by setback requirements to reduce the threat of fire and to provide equal access to air and light for adjacent properties. The subject property is located along Clydeville Road upon which a variety of uses, which range from single-family homes all the way to turf manufacturing and sales operations. The use of a dog park is not out of place within this community. Many properties within this community have reduced front and side setbacks. Staff finds that granting a side setback variance to Building A to be built seven feet from the west property line and granting the variance for Building B to be twelve feet from the east property line are not contrary to the public interest in that in both cases, plenty of space remains to protect adjacent homes from fire threat. Additionally, staff finds that the proposed design does not restrict fair and equal access to air and light.

Staff further finds that granting the front setback variance is not contrary to the public interest as several properties along Clydeville Road enjoy reduced front setbacks. Allowing the development to be 14 feet from the street does not harm the public as parking spaces are still provided for the limited customer count experienced by this type of business.

Staff does find that an elimination of the side bufferyard may be contrary to the public interest as bufferyards serve to separate uses. Along the east property line, Building A is within seven feet of the property line. Staff finds that a reduced bufferyard of five feet in depth should be maintained for the protection of the adjacent property owner.

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

The unique condition present in this case is the development pattern of the surrounding community. Often, industrially zoned property does not have to comply with strict 30 foot setbacks, which are only triggered by abutting residential zones and uses. In this case, the subject property is flanked by residential zones or uses on both sides, making the small property hardly developable. A strict enforcement of the side setback requirements would result in a loss of 49% of the developable area. Additionally, as other structures along Clydeville Road do benefit from reduced front setbacks, staff finds that a literal enforcement of the front setback may result in unnecessary hardship.

Staff would recommend approval of a reduced bufferyard, to maintain a depth of five feet, for the benefit of the neighboring residential single-family home to the west.

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

Substantial justice will be served as relaxing the side and front setbacks will allow the property to develop without strict restraints based upon residential uses to the east and west, some of which are non-conforming. The spirit of the ordinance will be served as adjacent properties are still protected from fire risk and because the applicant is not being granted a privilege not similarly enjoyed by others.

*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 variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “I-1 AHOD” General Industrial Airport Hazard Overlay District and “O-1 AHOD” Office Airport Hazard Overlay Districts.

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 proposed development requires some reduced side and front setbacks to allow for development. As stated earlier, a literal enforcement would result in 49 percent of the property being undevelopable. The site plan, as proposed, leaves plenty of room from the proposed buildings to adjacent structures to reduce fire threats.

Staff does recommend approval of a reduced bufferyard along the west property line, where the building is a bit closer to the residential home.

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 present on the subject property are the result of residential zoning and use on the property to the west, as well as a non-conforming residential use on the “I-1” General Industrial zoning to the east. These are not the fault of the owner of the property, nor are these problems merely financial in nature.

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

Denial of the requests will necessitate major changes to the proposed development, potentially including the project not being attempted.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the variances 1, 2, and 4 in A-15-103** based on the following findings of fact:

1. The proposed development leaves enough room to reduce the threat of fire to adjacent properties.
2. The unique circumstances present in this case are the result of an industrially zoned property being flanked by residential uses on either side.

Staff recommends **DENIAL of the variance 3 in A-15-103** based on the following findings of fact:

1. The elimination of the Type D bufferyard along the west property line may result in some hardship to the neighboring property. **Staff recommends approval of a reduced, five foot, bufferyard.**