



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-3558  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 6/20/2016  
**Title:** A-16-109: A request by Armia Mazaheri for 1) a twenty-five (25) foot variance from the thirty (30) foot side yard setback and 2) the elimination of the twenty-five (25) foot, Type D, bufferyard to allow a building to be constructed five (5) feet from the side property line with no bufferyard, located at 1039 Basse Road. (Council District 1)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-16-109 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-109  
**Applicant:** Armia Mazaheri  
**Owner:** Donia Enterprises LLC  
**Council District:** 1  
**Location:** 1039 Basse Road  
**Legal Description:** Lot 41, NCB 10115  
**Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for 1) a twenty-five (25) foot variance from the thirty (30) foot side yard setback, as described in Section 35-310.01 (2), and 2) the elimination of the twenty-five (25) foot, Type D, bufferyard, as described in Section 35-510, to allow a building to be constructed five (5) feet from the side property line with no bufferyard.

### Executive Summary

The subject property is currently located in the Basse Business Park Subdivision. The most recent plat was recorded in 1986. The property was purchased by the owner July 2015. The applicant wishes to build an additional building at the rear of the property, but due to the adjacent residential zoning, a 30 foot side setback and buffer must be applied. The adjacent property is zoned "R-4" but has a Commercial/Industrial use. The applicant has not begun construction of the proposed building.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"I-1 AHOD" General Industrial Airport Hazard Overlay District	Industrial Park
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	Olmos Creek
South	ROW	Basse Road
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District & "C-3 AHOD" General Commercial Airport Hazard Overlay District	Basse Business Center
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Auto Repair

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Central Plan and currently designated as Community Commercial in the future land use component of the plan. The subject property is located within the Shearer Hills-Ridgeview Neighborhood Association. As such, the neighborhood was notified and asked to comment.

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 setback limitations to protect property owners and create a cohesive streetscape. The requested variance does not increase fire hazard, will not create water runoff on the adjacent property, and will not require trespass to maintain the building.**

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

**If the adjacent property's zoning was consistent with the use, the 30 foot setback would not be required. The neighboring property has a Commercial/Industrial use which, if zoned correctly, would not require a setback. However, the applicant has proposed to provide a 5 foot setback.**

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

**The spirit of the ordinance represents the intent of the requirement of providing a substantial setback between Industrial and Residential zoning. In this case, the use of the adjacent property is not consistent with the residential zoning.**

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.**

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 adjacent property's use does not conform to its current zoning designation. The variance will not alter the character of the surrounding properties.**

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 subject property is located adjacent to a property designated “R-4” which triggers a 30 foot setback and buffer. The adjacent property does not have residential uses and limits the space needed for the subject property to expand.**

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

The applicant could construct a building that meets the required setbacks and buffer.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variance in A-16-109** based on the following findings of fact:

1. The proposed building will have a 5 foot buffer between the building and the neighboring property. 2. The adjacent property’s use does not conform to the “R-4” zoning designation. 3. The proposed building will not create any hardships for the neighboring property, in that it will not increase fire hazard, produce water runoff on the adjacent property, and will not require trespass for maintenance.