



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-1717  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 2/20/2017  
**Title:** (Continued from 02/06/17) A-17-045: A request by Swanson Development Group for a 20 foot variance from the minimum 30 foot rear setback to allow a 10 foot building setback, located at 6647 Callaghan Drive. Staff recommends Approval. (Council District 7)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachment A-17-045

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

**Case Number:** A-17-045  
**Applicant:** Swanson Development Group  
**Owner:** Nabil Issa  
**Council District:** 7  
**Location:** 6647 Callaghan Road  
**Legal:** Lot 14, Block 1, NCB 12781  
**Description:**  
**Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP, Senior Planner

### Request

A request for a 20 foot variance from the 30 foot rear setback requirement, as described in Table 35-310, to allow a new building to be located within 10 feet of the rear property line.

### Executive Summary

The applicant is under contract to purchase the existing Texaco Gas Station and is planning to demolish the existing canopy and convenience store and construct a new building and service station canopy. The property includes 23,500 square feet and is surrounded on two sides by arterial streets and the other two sides by existing multi-family residential housing. The proposed redevelopment plans did not consider the adjacent land residential because the property is zoned "C-2". Residential land use however, even multi-family, triggers minimum building setbacks. The applicant is hoping to be given approval to construct within 10 feet of the rear property line. The applicant is satisfying a variety of development standards in this project, such as increasing the landscaping adjacent to the arterial streets and meeting the minimum side setback. The existing site has had a carwash and a large oak tree along this property boundary. Both of these are slated for removal during the redevelopment.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 AHOD" Commercial Airport Hazard Overlay District	Gasoline Service Station

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Commercial Center
South	"C-2 AHOD" Commercial Airport Hazard Overlay District	Apartments
East	"C-2 AHOD" Commercial Airport Hazard Overlay District	Bank
West	"C-2 AHOD" Commercial Airport Hazard Overlay District	Apartments

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated Mixed-Use Center 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.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the setbacks to ensure that neighboring property rights are not violated. **The site has had a service station with a carwash on it since 1987. The carwash is being replaced with a new building setback 10 feet from property line, reducing the impact on the adjacent residential uses.**

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

The special condition on this lot that makes enforcement of the ordinance an unnecessary hardship is the small size. **Literal enforcement of the 30 foot rear setback would make the service station redevelopment impossible. Traffic circulation required for both the convenience store and the gas pumps are complex.**

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

The spirit of the ordinance is the intent of the requirements rather than the strict words. The intent of the setbacks is to reduce conflicts between different land uses. However, in this case, **the two land uses have coexisted together since the 1980's. The redevelopment as proposed will increase the overall landscaping area and will replace a car-wash with a building, reducing the noise.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the*

*district in which the request for a variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized in the “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.*

**The applicant is redeveloping an existing gas station, originally constructed in 1987. The new project includes reducing the driveway/curb cuts and installing landscaping along both arterial streets, improving the character of the district. The redevelopment plan requires a 20 foot variance to one of the setbacks, but will mitigate this reduction with the installation of a new fence.**

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 existing site is currently improved as a service station with convenience store and car-wash. The site layout includes several improvements to reduce the existing non-conformities, such as landscaping adjacent of both streets and reduction in driveway curb-cuts.**

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

Denial of the variance request would result in the owner having to meet the rear setback.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested rear setback variance in A-17-045**, based on the following findings of fact:

1. That the ten foot setback will allow for long-term maintenance;
2. That the adjacent apartments were built in 1970, without a substantial setback provided on site or off-site.