



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-4735  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 8/21/2017  
**Title:** A-17-169: A request by Leonard Rodriguez for a 10 foot variance from the 15 foot "Type B" bufferyard along the front property line to allow a five (5) foot bufferyard, located at 203 N. New Braunfels Avenue. Staff recommends Approval. (Council District 2)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. BOA17-169 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-169  
**Applicant:** Leonard Rodriguez  
**Owner:** Leonard Rodriguez  
**Council District:** 2  
**Location:** 203 North New Braunfels Avenue  
**Legal:** Lots 14, 27, and 28, Block 3522, NCB 6211  
**Description:**  
**Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for a 10 foot variance from the "Type B" 15 foot bufferyard requirement to allow a five (5) foot bufferyard, as described in Section 35-510.

### Executive Summary

The applicant is requesting the variance from the 15 foot "Type B" bufferyard to reduce the landscape buffer to five feet and allow more developable space on the property. The property currently has two vacant commercial buildings, one built in 1932 and the other in 1958. The owner wishes to reduce the bufferyard to better accommodate parking. One of the two buildings on site is built within the front 15 feet of the property. The other building is located 28 feet from the front property line. The bufferyard is triggered due to arterial classification of N. New Braunfels Avenue. Additionally, there is about 15 feet of paved City-owned right-of-way in front of the subject property that could also include landscaping, if desired.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Restaurant

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District; “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings, Vacant, Office, Bail Bonds
South	“I-1 AHOD” General Industrial Airport Hazard Overlay District; “R-4 HS AHOD” Residential Single-Family Historic Significant Airport Hazard Overlay District	Cemetery, Auto Shop
East	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Corner Store, Carwash
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings, Vacant

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Arena District Community Plan and currently designated as Mixed Use in the future land use component of the plan. The subject property is located within the boundaries of the Jefferson Heights Neighborhood Association. As such, they were notified and asked to comment.

### 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 five foot bufferyard is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. As the owner is not asking for the complete elimination of the bufferyard, 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.*

**As one of the existing buildings is already within the front 15 feet of the property, there is no feasible way to meet the full 15 foot bufferyard. Also, in order to provide adequate parking and circulation on the site, the reduction of the bufferyard is necessary.**

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

**In this case, the proposed bufferyard will sufficiently screen the street and traffic from any visual clutter and will improve the existing streetscape, as there is currently no landscape provided.**

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-3 AHOD” General 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 there is currently no landscaping on the site, the introduction of a five foot buffer would only enhance the overall appearance of the site, streetscape, and neighborhood.**

*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.*

**As the existing building already encroaches and there are large mature trees on site, accommodating to the existing site constraints and the addition of the 15 foot bufferyard only further restricts the amount of required parking and circulation for the businesses.**

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

The owner would need to meet the required 15 bufferyard and remove a portion of one of the existing buildings.

### **Staff Recommendation**

Staff recommends **APPROVAL of the variance in A-17-169**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners and does significantly alter the appearance of the district; and
2. One of the existing buildings is within the front 15 feet of the property, making it impossible to achieve the bufferyard requirement; and
3. There are several mature trees on site that limit the location of parking and circulation.