



City of San Antonio

Legislation Details (With Text)

File #: 18-2403
Type: Zoning Case
In control: Board of Adjustment
On agenda: 3/19/2018
Title: A-18-052: A request by Charles Pope for a request for a seven foot variance from the 15 foot Type B landscaped bufferyard requirement to allow a bufferyard to be as narrow as eight feet in width, located at 2500 Block of Southwest Loop 410. Staff recommends Approval. (Council District 4)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-052 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-052
Applicant: Charles Pope
Owner: Charles Pope
Council District: 4
Location: 2500 Block of Southwest Loop 410
Legal: Lot 7, Block 16, NCB 14477
Description:
Zoning: “C-2S AHOD” Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a seven foot variance from the 15 foot Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as eight feet in width.

Executive Summary

The subject property is located just off Interstate 410 Frontage Road and Poteet Jourdanton Freeway. The applicant is requesting a variance from the 15 foot Type B bufferyard to reduce the landscape buffer to eight feet and allow for new development of two buildings. This lot is currently vacant surrounded by commercial and residential uses. The new development will improve and enhance the wellbeing of the general public by providing new and attractive buildings.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-2S AHOD" Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash	Restaurant
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Restaurant
South	"C-2 AHOD" Commercial Airport Hazard Overlay District	Gas Station
East	"R-4 AHOD" Commercial Airport Hazard Overlay District	Vacant
West	"C-2 AHOD" Residential Single Family Airport Hazard Overlay District	Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The property is within the West/Southwest Sector Plan and designated as Suburban Tier 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 eight foot bufferyard is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. This development would have similar landscaping to a property north of the proposed buildings. The owner is doubling the required bufferyard depth along Loop 410. 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.*

Literal enforcement would not allow the development of the new buildings as proposed. Approval of the requested variance would provide a safe, enclosed parking area towards the the property.

- 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.

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-2S AHOD” Commercial Airport Hazard Overlay District with Specific Use Authorization for a Carwash.

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 introduction of an eight foot buffer along Poteet Jourdanton Freeway 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.*

The unique circumstance in this case is the drainage features along both roadways of the subject location. These are not the fault of the owner and are not merely financial in nature.

Alternative to Applicant’s Request

The owner would need to meet the required 15 foot bufferyard and modify the proposed development.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-052**, 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. The proposed development of the new two buildings increases the bufferyard landscape surrounding the property.