



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-2659  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 4/2/2018  
**Title:** A-18-062: A request by Rosemary Olivares Dodd for a portion of the 15 foot Type B landscape buffer yard along the south property line to be relocated, located at 5314 IH-10 East. Staff recommends Approval. (Council District 2)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-18-062 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-18-062  
**Applicant:** Rosemary Olivares Dodd  
**Owner:** Rosemary Olivares Dodd  
**Council District:** 2  
**Location:** 5314 IH-10 East  
**Legal Description:** The Southeast Irregular 168.9 Feet of Lot 12, Block 3, NCB 13904  
**Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Planner

### Request

A request for a portion of the required 15 foot Type B landscape buffer yard, as described in Section 35-510, to be relocated.

### Executive Summary

The applicant is requesting a variance from the 15 foot Type B bufferyard along the southern property line in order to increase internal parking space. As part of the redevelopment, the applicant is seeking a variance to relocate a section of the southern bufferyard to the eastern side of the property. The proposal will not decrease the amount of required landscaping, only its configuration.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 AHOD” General Industrial Airport Hazard Overlay District and “C-3 AHOD” General Commercial Airport Hazard Overlay District	Industrial Radiator Facility

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	Interstate Highway 10 East
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	“C-3R AHOD” Commercial Airport Hazard Overlay District	Vacant
West	UZROW	Interstate Highway 10 East

### Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the IH-10 East Corridor Plan and currently designated as Community Commercial and Low-Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the East Gate Neighborhood Association. As such, they were notified and asked to comment.

### Criteria for Review

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

1. *The variance is not contrary to the public interest.*

**The seven foot bufferyard relocation 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 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 re-development of the southern end of the property for parking space. Approval of the requested variance would provide a safe, enclosed parking area towards the southern interior of 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 “I-1 AHOD” General Industrial Airport Hazard Overlay District or 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.*

**The proposed relocation of the buffer would only enhance the overall appearance of the site, streetscape, and surrounding district.**

*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 configuration of the lot restricts parking spaces on the south end within the existing conditions of the 15 foot bufferyard requirement and restricts expansion of the business.**

**Alternative to Applicant’s Request**

The owner would need to meet the required 15 foot bufferyard and modify the proposed internal parking space.

**Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **A-18-062**, 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 relocation of the current bufferyard on the southern end of the property will not decrease the amount of required plantings.