



City of San Antonio

Legislation Details (With Text)

File #: 18-2875

Type: Zoning Case

In control: Board of Adjustment

On agenda: 4/16/2018

Title: A-18-067: A request by Jose Rolando Garza for 1) a ten foot variance from the required Type B 15 foot landscaped bufferyard along the east and west property lines to allow a bufferyard to be five feet deep and 2) a request for a five foot variance from the required ten foot side setbacks to allow a development five feet from the east and west side property line, located at 1330 West Mulberry Avenue. Staff recommends Approval. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-067 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-067

Applicant: Jose Rolando Garza

Owner: Jose Rolando Garza

Council District: 1

Location: 1330 W. Mulberry

Legal: Lot 5, Block 85, NCB 3254

Description:

Zoning: "C-1 AHOD" Light Commercial Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a ten foot variance from the required Type B 15 foot landscaped bufferyard, as described in Section 35-510, along the east and west property lines to allow a bufferyard to be five feet deep and 2) a request for a five foot variance from the required ten foot side setbacks, as described in Section 35-310.01, to allow a development five feet from the east and west side property line.

Executive Summary

The subject property is located southwest of the intersection of West Mulberry Avenue and IH-10. The applicant is seeking two variances. The first is to reduce the 15 foot Type B bufferyard landscape to five feet and the second is for a five foot variance to accommodate a new building in this site.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-1 AHOD" Light Commercial Airport Hazard Overlay District	Vacant
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"O-2 AHOD" High-Rise Office Airport Hazard Overlay District "	Office
South	"R-4 AHOD" Heavy Industrial Airport Hazard Overlay District	Church
East	"R-6 NCD-5 AHOD" Heavy Industrial Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Heavy Industrial Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Near Northwest Neighborhood Plan and designated as Community Commercial in the future land use component of the plan. The subject property is located within the boundaries of the Keystone registered 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 owner of the property is trying to develop a small commercial tract that has long been vacant. With the adjacent residential use, the code triggers large bufferyards, as well as setbacks. In order to make the site useable, the applicant requires some relief. The applicant sought staff's assistance with a layout to best achieve his development needs. The agreed upon resolution was to reduce both the east and west bufferyards and setbacks to five feet to allow the proposed structures to be placed square on the lot. Staff finds that, as a result of the light commercial uses proposed, the public interest would not be harmed by the requested reductions.

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

Literal enforcement would make development of the site nearly impossible, or would require a very small structure, which may not satisfy the needs of any tenants. The lot was originally intended for residential uses however, with the addition of the Interstate Highway, the property is no longer suitable for residential use; a commercial use is more appropriate, and deserves some relief.

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

The intent of the setback is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. In this case, the proposed setbacks and landscape bufferyard reduction will not injure the rights of adjacent property owners.

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-1 AHOD” Light 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 five foot setback for a new building and the 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.

The unique circumstance in this case is the corner configuration lot which restricts the owner’s ability to develop it without reducing setbacks and landscape bufferyard.

Alternative to Applicant’s Request

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

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-067**, based on the following findings of fact:

1. The request does not negatively impact surrounding property owners and does not significantly alter the appearance of the district; and
2. The proposed development of the new building maintains the bufferyard landscape surrounding the property.