



City of San Antonio

Legislation Details (With Text)

File #: 18-3476
Type: Zoning Case
In control: Board of Adjustment
On agenda: 5/21/2018
Title: (Continued from 04/16/2018) A-18-064: A request by Joe F. Rodriguez for an eight foot variance from the 15 foot Type C landscaped buffer yard requirements to allow a buffer yard to be as narrow as seven feet, located at 1452 South WW White Road. Staff recommends Approval. (Council District 2)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A18-064 Attachments

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Case Number: A-18-064
Applicant: Joe F. Rodriguez
Owner: Joe F. Rodriguez
Council District: 2
Location: 1452 S. WW White Road
Legal: The West 281.7 Feet of Lot 52, NCB 10755
Description:
Zoning: "C-3" General Commercial District
Case Manager: Dominic Silva, Planner

Request

A request for a eight foot variance from the 15 foot Type C landscaped buffer yard requirements, as described in Section 35-510, to allow a buffer yard to be as narrow as seven feet.

Executive Summary

The subject property is located within the Eastern Triangle Plan and is situated 188 feet north of Holmgreen Road. The applicant is requesting a variance from the 15 foot Type C buffer yard to reduce the landscape buffer to seven feet and allow for redevelopment of the site. As part of the redevelopment, the owner will be installing two new parking lot screening plant beds totaling 720 square feet on the frontage along S. WW White Road. The current configuration of the vacant property has no buffer yards.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------|--------------|
|-----------------|--------------|

| | |
|-----------------------------------|--------|
| "C-3" General Commercial District | Vacant |
|-----------------------------------|--------|

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|--------------|
| North | "R-5" Residential Single-Family District | Church |
| South | "C-2" Commercial District | Salon |
| East | "R-5 Residential Single-Family District | Church |
| West | "R-5" Residential Single-Family District | Fire Station |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Eastern Triangle Plan and designated as High Density Mixed Use in the future land use component of the plan. The subject property is located within the boundaries of the Dellcrest Area 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 seven foot buffer yard is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. As of now, the property has no buffer yards established, so any new development will be beneficial and a net improvement to the surrounding district.

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

Literal enforcement would not allow the redevelopment of the now abandoned property as proposed due to the narrow configuration of the lot and establishing new buffer yards as required.

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

In this case, the proposed buffer yard will adhere to the spirit of the ordinance and substantial justice will be done by implementing a seven foot buffer yard where none exists currently in order to rehabilitate the property.

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" General Commercial 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 introduction of a seven foot buffer would only enhance the overall appearance of the property, streetscape, and 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 plight of the owner for which the variance is sought is due to the owner buying into a vacant property that had nonexistent buffer yards to begin with.

Alternative to Applicant's Request

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

Staff Recommendation:

Staff recommends APPROVAL of A-18-064 because of the following reasons:

- 1) The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;
- 2) The proposed redevelopment of the property will increase the buffer yard landscaping.