



City of San Antonio

Legislation Details (With Text)

File #: 18-3473
Type: Zoning Case
In control: Board of Adjustment
On agenda: 5/21/2018
Title: A-18-096: A request by Brown & Ortiz, P.C. for 1) a 15' variance from the 30' side setback to allow a 15' side setback, and 2) a 15' variance from the 25' bufferyard to allow a bufferyard to be 10', located at 3600 Orkney Avenue. Staff recommends Approval. (Council District 3)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-096 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-096
Applicant: Brown & Ortiz, P.C.
Owner: The Trails RV Resort Repair Shop & Parts Sales, LLC
Council District: 3
Location: 3600 Orkney Avenue
Legal Description: Lot 1, Block 1, NCB 10879 Exc N 50X50 FT & Exc NE Irr Tri, P
Description: -119 & P-119A
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 15' variance from the 30' side setback, as described in Section 35-310.01, to allow a 15' side setback, and 2) a 15' variance from the 25' bufferyard, as described in Section 35-510, Table 510-1, to allow a bufferyard to be 10'.

Executive Summary

The applicant is requesting variances to reduce the side setback and to reduce the bufferyard on the eastern edge of the subject property to allow for the development of two new commercial uses. The applicant states that the northern half of the subject property is currently under redevelopment to be commercial/retail space and the southern area to be redeveloped for a self-storage facility.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 AHOD" General Industrial Airport Hazard Overlay District	Auto Repair Shop and Rv Park

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Gas Station, Pharmacy, Restaurants
South	"R-4 AHOD" Residential Single-Family Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	UZROW	IH-37 South

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not within the boundaries of any plan and therefore has no future land use designation. The subject property is within the Highland Forest 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the 15 foot side setback and the 10 foot bufferyard are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The property does not currently benefit from any bufferyard and even the reduced bufferyard proposed by the applicant will enhance the area. Staff finds the requests are not contrary to the public interest.

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

A literal enforcement of the ordinance would result in unnecessary hardship by requiring the entire project to be redesigned to meet the required setbacks and bufferyard requirements. Enforcing the full requirement removes developable space which may leave the property with insufficient space to develop the proposed commercial uses.

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

In this case, the reduced bufferyard and setback requirement will still improve the existing property appearance by introducing design elements that the property does not currently provide.

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.

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.*

Although the applicant is seeking to reduce the bufferyard and setback required by the code, the provision of a landscape bufferyard will still enhance the community.

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 unique lot shape which restricts the owner’s ability to redevelop without reducing the side setback and the bufferyard. The property is narrow and warrants some relief to allow for development.

Alternative to Applicant’s Request

The alternative to the applicant’s plan would be to comply with the side building setbacks as defined within Section 35-310.01 and would need to meet the required 25 foot bufferyard and modify the proposed development.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-096**, based on the following findings of fact:

1. The requests do not negatively impact surrounding property owners and significantly improves the use of the site; and
2. The shape of the lot is a unique, property-related hardship that warrants some relief from development standards.