



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-3674

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 6/4/2018

**Title:** A-18-103: A request by Barkaritiville Pet Resort, Inc. for 1) a 25' variance from the 30' Type E landscaped bufferyard requirement to allow a bufferyard to be as narrow as 5' along the south and east property lines and 2) a 5' variance from the 10' Type A landscaped bufferyard requirement to allow a bufferyard to be as narrow as 5' along the north and west property lines and 3) a variance request to reduce the planting requirements along the western boundary of the property by 60% and 4) a variance request to reduce the tree requirements along the southern and eastern boundaries by 80% and the shrub requirement by 100%, located at 7182 Oak Drive. Staff recommends Approval. (Council District 8)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-18-103 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-18-103

**Applicant:** Barkaritiville Pet Resort, Inc.

**Owner:** Michael H. Gilbert and Deborah J. Gilbert

**Council District:** 8

**Location:** 7182 Oak Drive

**Legal:** Lot 25 EXC East 16', NCB 35733

**Description:**

**Zoning:** "C-2 CD MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District with Conditional Use for Animal and Pet Services (outdoor training, boarding, runs, pens or paddocks permitted)

**Case Manager:** Dominic Silva, Planner

### Request

A request for 1) a 25' variance from the 30' Type E landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 5' along the south and east property lines and 2) a 5' variance from the 10' Type A landscape bufferyard requirement to allow a bufferyard to be as narrow as 5' along the

north and west property lines and 3) a variance request, also described in Section 35-510, to reduce the planting requirements along the western boundary of the property by 60% and 4) a variance request to reduce the tree requirements along the southern and eastern boundaries by 80% and the shrub requirement by 100%.

### **Executive Summary**

The subject property is situated at the intersection of Milsa Drive and Oak Drive, approximately 2,000' west of Interstate 10. The applicant is requesting a bufferyard width reduction and bufferyard planting requirement reduction due to the specific type of commercial use of the property.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"C-2 CD MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District with Conditional Use for Animal and Pet Services (outdoor training, boarding, runs, pens or paddocks permitted)	Pet Boarding

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-20 MLOD-1 MSAO-1" Residential Single-Family Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District	Single-Family Dwelling
South	"I-1 MLOD-1 MSAO-1" General Industrial Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District	Concrete Contractor
East	R-6 MLOD-1 MSAO-1" Residential Single-Family Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District	Public School
West	R-20 MLOD-1 MSAO-1" Residential Single-Family Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District	City Park

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the North Sector Plan and is currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Friends of Friedrich Wilderness Park 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 5' bufferyards and reduction of planting requirements is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The property already has dense vegetation along several property lines.**

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 residential property into a commercial pet boarding facility due to the size of the lot and, due to the nature of the commercial use, adhering to the required bufferyards would considerably decrease the space available for outdoor activities of the pets boarded. This includes outdoor training, boarding, runs, and pens.**

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

**In this case, the proposed bufferyards will adhere to the spirit of the ordinance and substantial justice will be done by implementing a 5' bufferyards where none exists currently.**

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-2 CD MLOD-1 MSAO-1" Commercial Camp Bullis Military Lighting Overlay Camp Bullis Military Sound Attenuation Overlay District with Conditional Use for Animal and Pet Services (outdoor training, boarding, runs, pens or paddocks permitted).**

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 5' bufferyards would only enhance the overall appearance of the property, streetscape, and district while also allowing the owner of the property to maximize space available to conduct outdoor pet boarding activities.

*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 redevelopment of a residential use into a commercial use property. The property was rezoned on May 17, 2018 by Ordinance 2018-05-17-0378.

#### **Alternative to Applicant's Request**

The owner would need to meet the required 15' bufferyard and planting requirements and modify the proposed development.

#### **Staff Recommendation:**

Staff recommends **APPROVAL** of **A-18-103** 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.