



City of San Antonio

Legislation Details (With Text)

File #: 18-4264

Type: Zoning Case

In control: Board of Adjustment

On agenda: 7/16/2018

Title: A-18-113: A request by Albert B. Fernandez, Jr. for an 82 percent variance from the required bufferyard area to allow the lot to be developed with 18 percent of the required bufferyard, located at 320 Interpark Boulevard. Staff recommends Approval. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-113 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-113

Applicant: Albert B. Fernandez, Jr.

Owner: Bexar County

Council District: 9

Location: 320 Interpark Boulevard

Legal: Lot 2, Block 1, NCB 17184

Description:

Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District

Case Manager: Dominic Silva, Planner

Request

A request for an 82 percent variance from the 30' Type E landscaped bufferyard requirements, as described in Section 35-510, to allow a lot to be developed with 18 percent of the required bufferyard.

Executive Summary

The subject property is located at 320 Interpark Boulevard, situated approximately 648' west of Highway 281. The applicant is requesting a variance from the 30' Type E bufferyard of 82 percent. The southwest corner of the property will maintain a bufferyard of 50 linear feet to the overall total of 283 linear feet of property line required to have a bufferyard based upon the adjoining zoning "C-2" Commercial District - this being

immediately next to a parking lot of substantial size. A lot to the west was purchased for the expansion of the parking lot which is the location of the proposed bufferyard reduction.

The existing building is undergoing renovations to the exterior, utilities, and site work to include expanded parking and a common area for the proposed Bexar County Courthouse, Precinct 3, Constable and Justice Court.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 AHOD” General Industrial Airport Hazard Overlay District	Courthouse

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Retail
South	“C-2 AHOD” Commercial Airport Hazard Overlay District and “I-1 AHOD” General Industrial Airport Hazard Overlay District	Vacant
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Learning Center
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The property is within the San Antonio International Airport Vicinity Plan and designated as Business Park in the future land use component of the plan. The subject property is not located within the boundaries of any neighborhood association.

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 82 percent bufferyard reduction is not contrary to public interest as it does not negatively impact

any surrounding properties or the general public. As of now, the property to the immediate south is a parking lot of substantial size. The bufferyard is located in the far back of the property and cannot be seen from any street right-of-way.

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

Literal enforcement would not allow the expansion of the parking lot as proposed due to the requirements of a 30' bufferyard. An existing curb lies on the property line, as well as electrical easements. Altering the existing conditions to meet the required bufferyard would result in unnecessary hardship.

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 adhere to the spirit of the ordinance and substantial justice will be done by implementing an 18 percent bufferyard where none exists currently in order to enhance the proposed westward parking lot expansion.

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.*

The introduction of an 82 percent bufferyard reduction would not alter the essential character of the district as the area is largely commercial and industrial.

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 renovation and expansion of parking lots to the west. The existing curb and electrical easements lies directly on the southern property line, limiting the amount of bufferyard without significantly altering existing conditions.

Alternative to Applicant's Request

The owner would need to meet the required 30' bufferyard and modify the proposed development.

Staff Recommendation:

Staff recommends **Approval** of **A-18-113** based on the following findings of fact:

- 1) The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;
- 2) The property to the immediate south of the proposed bufferyard reduction is largely developed as a parking lot, and;
- 3) Based on existing conditions, the area of the proposed bufferyard reduction lies within an undevelopable area due to electrical easements and a curb.