



City of San Antonio

Legislation Details (With Text)

File #: 18-4562
Type: Zoning Case
In control: Board of Adjustment
On agenda: 8/6/2018
Title: A-18-126: A request by Miriam Ade for a 10' variance from the 25' maximum building height to allow a building to be 35' tall, located at 139 Kenley Place. Staff recommends Approval. (Council District 9)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-126 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: A-18-126
Applicant: Miriam Ade
Owner: Miriam Ade
Council District: 9
Location: 139 Kenley Place
Legal: Lot 18, Block 13, NCB 13827
Description:
Zoning: "C-2 CD S MLOD-1 AHOD" Commercial Camp Bullis
Military Lighting Overlay Airport Hazard Overlay Edwards
Recharge Zone District with Conditional Use and Specific
Use Authorization for an Office Warehouse
Case Manager: Dominic Silva, Planner

Request

A request for 10' variance from the 25' maximum building height, as described in Section 35-310.01, to allow a building to be 35' tall.

Executive Summary

The subject property is located at 139 Kenley Place, approximately 412' east of US Highway 281. The applicant is requesting a 35' tall office warehouse on a currently undeveloped lot. Located at the end of a cul-de-sac, the property is surrounded by hotels and self-storage units allowed by code to be up to 35' tall.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 CD S MLOD-1 AHOD” Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District with Conditional Use and Specific Use Authorization for an Office Warehouse	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 MLOD-1 AHOD ERZD” General Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Hotel
South	“C-3 MLOD-1 AHOD ERZD” General Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Hotel
East	“C-2 MLOD-1 AHOD ERZD” Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Vacant
West	“C-3 MLOD-1 AHOD ERZD” General Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Self-Storage Units

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and is currently designated “Suburban Tier” in the future land use component of the plan. The subject property is not located within any registered neighborhood association.

Street Classification

Kenley Place is classified as a local.

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 variances are not contrary to the public interest as the proposed structure is similar to other structures in the immediate vicinity.

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

Strict enforcement would require an alternate design of the proposed structure.

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

Substantial justice will be done as the proposed height of the structure will still provide for a safe development pattern. The small irregular lot does not provide adequate room for a large footprint and requires lateral development.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the “C-2 CD S MLOD-1 AHOD ERZD” Commercial Camp Bullis Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District with Conditional Use and Specific Use Authorization for an Office Warehouse

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 request will not injure the appropriate use of the neighboring conforming property as the applicant is seeking only 10’ more than what the current zoning allows. This will be in line with other structures within the immediate area.

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.*

As the proposed structure will be placed on a small, irregularly shaped lot, space is limited for a large footprint. Thus, lateral development is a more efficient option. Further, adjacent lots are permitted building heights of 35’. This issue is not merely financial in nature.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the required 25' building height limitation and alter the proposed structure.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-18-126**, based on the following findings of fact:

1. The variance is unlikely to detract from the character of the district, and;
2. Other buildings in the immediate vicinity are allowed to build to the requested height.