



City of San Antonio

Legislation Details (With Text)

File #: 18-4567

Type: Zoning Case

In control: Board of Adjustment

On agenda: 8/6/2018

Title: A-18-129: A request by Jose J. Calzada for a 1,300 square foot variance from the maximum 5,000 square foot building size to allow a building to be 6,300 square feet, located at 2927 TPC Parkway. Staff recommends Approval. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-129 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-129

Applicant: Jose J. Calzada

Owner: Diana Gonzalez

Council District: 9

Location: 2927 TPC Parkway

Legal: Lot 3, Block 13, NCB 18218

Description:

Zoning: "C-1 MLOD-1 ERZD" Light Commercial Camp Bullis
Military Lighting Overlay Edwards Recharge Zone District

Case Manager: Dominic Silva, Planner

Request

A request for a 1,300 square foot variance from the maximum 5,000 square foot building size, as described in Section 35-310.01, to allow a building to be 6,300 square feet.

Executive Summary

The subject property is located at 2927 TPC Parkway, at the corner of Ellis Park and across from Johnson High School. The applicant is proposing to construct a 6,300 square foot optometry facility with optical goods retail,

with a second structure to be built sometime in the future. Parking will be located in the rear of the facility.

The proposed location fronts onto TPC Parkway with the side and rear facing a gated residential area. Large mature trees are present in the rear between the elevated residences and the proposed medical facility. The general characteristics of TPC Parkway along the east consist largely of commercial lots or undeveloped commercially zoned lots.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-1 MLOD-1 ERZD” Light Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residential
South	“C-2 MLOD-1 ERZD” Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Veterinary Hospital
East	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Vacant
West	“R-6 MLOD-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

TPC Parkway is classified as a collector.

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.

Given the large lot size and width, the applicant is requesting a 25% increase from the allowable footprint, with 600 square feet of that space reserved for a mechanical data and electrical mezzanine. The variance is highly unlikely to be noticed from the public right-of-way.

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

A literal enforcement would decrease the space available for use of the facility considerably and result in unnecessary hardship.

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

The spirit of the ordinance is the intent of the requirement rather than the strict letter of the law. The design of the proposed structure maintains the spirit of the ordinance by placing parking in the rear of the facility.

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-1 MLOD-1 ERZD” Light Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone 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 size of the proposed medical facility is proportional with the size of the lot. The structure will not impose any immediate threat of water runoff or fire spread on adjacent properties due to all setbacks and bufferyards adhered to.

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 of the property for which the variance is sought is due to the substantial lot size compared to the proposed building size. The structure will be proportional in size with the lot and all setbacks and bufferyards adhered to.

Alternative to Applicant's Request

The owner would need to adhere to Section 35-310.01 and modify the proposed building design.

Staff Recommendation:

Staff recommends **APPROVAL** of **A-18-129** based on the following findings of fact:

- 1) The request does not negatively impact the surrounding property owners as there are other commercial properties within the area of substantial size, and;
- 2) The proposal adheres to all setbacks and bufferyard requirements as well as facilitates a neighborhood design by limiting parking to the rear of the facility.