



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-3364

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 4/15/2019

**Title:** BOA-19-10300036: A request by Daryl Wayne Shelton for 1) a 10' variance from the 15' Type B landscape bufferyard requirement to allow a bufferyard to be as narrow as 5' along the rear property line, 2) a 25' variance from the 30' rear setback requirement to allow two detached structures to be as close as 5' from the rear property line, and 3) a 6' variance from the 10' side setback requirement to allow a detached structure to be 4' from the side property line, located at 258 Ardmore Street. Staff recommends Approval. (Council District 6) (Debora Gonzalez, Senior Planner (210) 207- 3074, debora.gonzalez@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BOA-19-10300036 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300036

**Applicant:** Daryl Wayne Shelton

**Owner:** Daryl Wayne Shelton

**Council District:** 6

**Location:** 258 Ardmore Street

**Legal** The South 120 feet of Lot 1 and 2, Block 13, NCB 8997

**Description:**

**Zoning:** "C-1 GC-2 MLOD-2 MLR-1 AHOD" Light Commercial TX 151  
Corridor Lackland AFB Military Lighting Overlay Military  
Lighting Region 1 Airport Hazard Overlay District

**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for 1) a 10' variance from the 15' Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 5' along the rear property line, 2) a 25' variance from the 30' rear setback requirement, as described in Section 35-310.01, to allow two detached structures to be as close as 5' from the rear property line, and 3) a 6' variance from the 10' side setback requirement, as described in Section 35-310.01, to allow a detached structure to be 4' from the side property line.

### Executive Summary

The subject property is located at the intersection of Ardmore Street and South Acme Road. The applicant intends to use the subject property for a food truck and build two detached structures without permits to be used as restrooms for the business. The subject property is located along a busy street with commercial and industrial uses adjoining residential uses to the east.

### **Code Enforcement History**

On 1/16/2019 the applicant received a code enforcement violation for building without a permit.

### **Permit History**

No permits have been issued for this project.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“C-1 GC-2 MLOD-2 MLR-1 AHOD” Light Commercial TX 151 Corridor Lackland AFB Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Food Truck

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-2NA GC-2 MLOD-2 MLR-1 AHOD” Commercial with nonalcoholic sales TX 151 Corridor Lackland AFB Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Custom Cabinets
South	“R-4 GC-2 MLOD-2 MLR-1 AHOD” Residential Single-Family TX 151 Corridor Lackland AFB Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 GC-2 MLOD-2 MLR-1 AHOD” Residential Single-Family TX 151 Corridor Lackland AFB Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant
West	“C-3R GC-2 MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales TX 151 Corridor Lackland AFB Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant

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

The property is within the West Sector Plan and designated as “General Urban Tier” in the future land use component of the plan. The subject property is within Community Workers Council/Los Jardines Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

Ardmore is classified as a Local street.

### **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, given the lot constraints, granting the variances still provides adequate accessibility to light, air, and open space. Bufferyards are intended to provide landscaped separation between uses and to screen from view certain land uses that may create visual clutter and distraction, as well as to enhance streetscapes throughout the City.**

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 demolition of both entire structures. Further, if enforced, the ordinance would significantly reduce the amount of developable space on each site.**

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 code, rather than the strict letter of the law. The intent of the bufferyard and setback limitations is to screen from view certain land uses, prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will be observed if approved.**

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

**The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variances would not place the structures out of character within the community. Further, both structures that are restroom for the facility follows a district norm of reduced setbacks for all houses built within the 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.*

**The unique circumstances existing on the property are due to the lot shape and the minimum setback requirements which restrict developable space. It is difficult to establish how the requests could harm adjacent owners or detract from the character of the community.**

### **Alternatives to Applicant's Request**

Denial of the variance request would result in the owner having to meet the required bufferyard set forth in Section 35-510 and adhere to setback requirements set forth in Section 35-310.01.

### **Staff Recommendation**

Staff recommends **APPROVAL** of variances in **BOA-19-10300036**, based on the following findings of fact:

1. The requested variances is will not detract from the character of the district,
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structures without trespass, and;
3. The lot is small to reasonably provide for all required setbacks and landscape bufferyard requirements.