



City of San Antonio

Legislation Details (With Text)

File #: 19-6902

Type: Zoning Case

In control: Board of Adjustment

On agenda: 9/16/2019

Title: BOA-19-10300089: A request by JD Dudley for 1) a 14'6" variance from the 15' Type B landscape bufferyard requirement to allow a bufferyard to be 6" along 90' of the south property line, and 2) a 8' variance from the 15' Type B landscape bufferyard requirement to allow a bufferyard to be 7' along 165' of the south property line, located at 1901 Southwest Military Drive. Staff recommends Denial with an Alternate Recommendation. (Council District 3) (Debora Gonzalez, Senior Planner (210) 207-3074, debora.gonzalez@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-19-10300089 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-1030089

Applicant: JD Dudley

Owner: McCombs Family Partners

Council District: 3

Location: 1901 Southwest Military Drive

Legal The East 144.06 of Lot 20 & 21, NCB 9727

Description:

Zoning: "C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland
Military Lighting Overlay Military Lighting Region 2 Airport
Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 14'6" variance from the 15' Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be 6" along 90' of the south property line, and 2) a 8' variance from the 15' Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be 7' along 165' of the south property line.

Executive Summary

The subject property is located at 1901 Southwest Military Drive at the intersection with Logwood Avenue. The subject property is currently a car dealership and the applicant is intending to redevelop the existing site into a

QuickTrip gas station. The applicant states that due to the tight physical characteristics of the site, they do not have enough depth to provide the required landscaping while maintaining adequate lot dimensions that allow for safe and proper lot circulation for Fire Trucks, Gasoline Tanker Trucks and Larger Delivery Trucks.

Code Enforcement History

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported.

Permit History

No permits have been issued for this project.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Car Dealership

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-2 MLOD-2 MLR-2 AHOD” Heavy Industrial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	NE Interstate 410 Loop
East	“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Retail/Office Uses
West	“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Coffee Shop

Comprehensive Plan Consistency/Neighborhood Association

The property is within the South Central San Antonio Community Plan and designated as “Regional Commercial” in the future land use component of the plan. The subject property is not within a registered neighborhood association.

Street Classification

Southwest Military Drive is classified as an Arterial A.

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, in the first request the applicant is asking for a near elimination of the bufferyard requirement. The 6" along 90' of the south property line request is contrary to public interest as it negatively impacts surrounding properties. 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. Staff cannot support the near elimination along 90' of the south property line.

However, staff supports the landscape bufferyard of 7' along 165' of the south property line. Staff finds the request is not contrary to the public interest.

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 project to be redesigned to meet the required bufferyard requirements. Enforcing the full requirement removes parking spaces which may leave the development with insufficient parking spaces to operate the commercial use.

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 requirements rather than the strict letter of the law. The intent of the bufferyards is to reduce conflicts between adjacent land uses as well as maintain landscaping. The 6" along 90' of the south property line variance requested compromises the integrity of each of the aforementioned criteria. As such, allowing the 6" along 90' of the south property line reduction does not observe the spirit of the ordinance.

Staff supports the landscape bufferyard of 7' along 165' of the south property line.

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 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.*

Staff cannot support the requested variance for the 6" along 90' of the south property line. This request is at odds with the intent of the UDC.

Although the applicant is seeking to reduce bufferyards required by the code, the landscape bufferyard of 7' along 165' of the south property line provision will still enhance the community and the proposed project.

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.*

Staff finds that there are no unique circumstances present in this case to warrant the granting of the 6” bufferyard along 90’ of the south property line requested variance for the near elimination of the bufferyard.

However, Staff supports the landscape bufferyard of 7’ along 165’ of the south property line.

Alternative to Applicant’s Request

Denial of the variances requested would result in the owner having to meet the required bufferyards set forth in Section 35-510.

Staff Recommendation

Staff recommends **DENIAL** of 1) a 14’6” variance from the 15’ Type B landscape bufferyard requirement to allow a bufferyard to be 6” along 90’ of the south property line in **BOA-19-10300089**, and recommends an **ALTERNATE RECOMMENDATION** of a 8’ variance to allow a 7’ bufferyard based on the following findings of fact:

1. The request does not observe the spirit of the ordinance, and;
2. The proposed development is seeking the near elimination of the required bufferyard along 90’ of the south property line.