City of San Antonio

Legislation Details (With Text)

File #:	19-7807
Type:	Zoning Case
In control:	Board of Adjustment
On agenda:	10/21/2019
Title:	BOA-19-10300121: A request by Luis Cardona for 1) a 25’ variance from the 30’ Type E landscape buffer yard requirement to allow a buffer yard to be 5' along the south property line and 2) a 12’ variance from the 15’ Type C landscape buffer yard requirement to allow a buffer yard to be 3' along the north property line, located at 712 W Laurel St. Staff recommends Approval. (Council District 9) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. BOA-19-10300121 Attachments

Date	Ver.	Action By	Action	Result

Case Number:	BOA-19-10300121
Applicant:	Luis Cardona
Owner:	Luis Cardona
Council District:	9
Location:	712 West Laurel St
Legal Description:	LOT A1 BLK 50 NCB 349
Zoning:	“I-1 AHOD” Industrial Airport Hazard Overlay District
Case Manager:	Rachel Smith, Planner

Request

A request for 1) a 25’ variance from the 30’ Type E landscape buffer yard requirement, as described in Section 35-510 table 510-1, to allow a buffer yard to be 5’ along the south property line and 2) a 12’ variance from the 15’ Type C landscape buffer yard requirement, as described in Section 35-384(d)(1), to allow a buffer yard to be 3’ along the north property line.

Executive Summary

The subject property is in the Five Points neighborhood association and has an existing commercial structure that will be demolished for the construction of a commercial parking lot. The property is surrounded by a few nonconforming residential uses, retail commercial and a VIA Transit Metropolitan Annex. The property abuts a property zoned “C-2P” Commercial Pedestrian District that is currently a residential use and a property that is zoned “I-1” Light Industrial District which is a VIA office location. The property dimensions are up to 60 feet

wide and between 126-146 feet long.

Zoning History
The subject property is located within the original thirty-six square mile area of San Antonio and was zoned "J" Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "J" Commercial District converted to the current "I-1" General Industrial District.

Code Enforcement History
There is no code enforcement history on this property.

Permit History
10/8/19: Demolition permit

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 AHOD" Industrial Airport Hazard Overlay District	Vacant Commercial

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3NA S" Residential Single-Family	VIA Transit Administrative Offices
South	"C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District	Single Family Dwelling
East	"C-3" Commercial	Wholesale Paint Supply Store
West	"I-1" Neighborhood Preservation District	VIA Transit Offices

Comprehensive Plan Consistency/Neighborhood Association

The subject property is designated as "Regional Mixed-Use" in the Midtown Regional Center Area plan. This property is in the boundaries of the Five Points Neighborhood Association.

Street Classification

Laurel Drive 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, the

requested three and five foot bufferyards are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The property does currently benefit from a bufferyard on the south in the form of a six foot wood fence, but that will be demolished for the construction of the parking lot. 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 a bufferyard that takes up nearly the entire portion of the property due to the small lot size. Enforcing the full requirement removes developable space which may leave the development with insufficient space for parking.

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

   In this case, the reduced bufferyard will be consistent with neighboring properties.

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 requested variances will not authorize the operation of a use on the subject property other than those specifically authorized in 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.*

   Although the applicant is seeking to reduce bufferyards required by the code, the provision of landscape bufferyards 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.*

   The unique circumstance in this case is the small, narrow lot which warrants some relief to allow for development.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the buffer yard limitations established by the Unified Development Code Section 35-510 table 510-1 and 35-384(d)(1).

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300121,** based on the following findings of fact**:**

1. The requests do not negatively impact surrounding property owners and significantly improves the use of the site.
2. The lot size warrants some relief of the buffer yard requirements.

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