



City of San Antonio

Agenda Memorandum

File Number:16-2523

Agenda Item Number: 5.

Agenda Date: 4/11/2016

In Control: Board of Adjustment

Case Number: A-16-069
Applicant: Alvin G. Peters
Owner: HNB Investment, LLC c/o Abida Parveen
Council District: 8
Location: 15698 Chase Hill Boulevard
Legal Description: Lot 1, Block 2, NCB 16600
Zoning: "C-3 ERZD MLOD AHOD" General Commercial Edwards Recharge
Zone Military Lighting Overlay Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for 1) a 18 foot variance from the 30 foot rear setback, as described in Section 35-310.01, to allow a commercial development within twelve feet of the rear property line and 2) a 20 foot variance from the 30 foot side setback, also described in Section 35-310.01, to allow for a commercial development within ten feet of the side property line.

Executive Summary

The subject property is located at 15698 Chase Hill Boulevard, approximately 100 feet north of the Chase Hill Boulevard and Seco Creek intersection. The applicant is preparing to develop the vacant site for commercial purposes, and is seeking a reduction in the side and rear setbacks. The applicant is proposing to build within twelve feet of the rear property line, requiring an 18 foot variance. Further, the proposed development plans have the development within ten feet of the side setback, which requires a 20 foot variance. The 30 foot setbacks are triggered because this "C-3 ERZD" zoned lot abuts a residential use on the north and east property lines, being an apartment complex.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3 MLOD AHOD ERZD" General Commercial Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 MLOD AHOD ERZD" Commercial Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Multi-Family Dwelling
South	"C-3 MLOD AHOD ERZD" General Commercial Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Commercial, Martial Arts School
East	"C-2 MLOD AHOD ERZD" Commercial Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Multi-Family Dwelling
West	"C-3 MLOD AHOD ERZD" General Commercial Military Lighting Overlay Airport Hazard Overlay Edwards Recharge Zone District	Chase Hill Boulevard, School

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as Mixed-Use Center in the future land use component of the plan. The subject property is not within any neighborhood association.

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 public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The proposed commercial development seeks to reduce the side and rear setbacks. The nearest apartment building to the north is approximately 15 feet from the shared property line. The applicant is proposing to develop the structure ten feet from the side property line. As such, the two structures would be separated by 25 total feet, a proper distance for fire safety and to buffer these uses. Additionally, the apartment complex to the north has few windows that would overlook this commercial development.

The nearest apartment building to the east is about ten feet from the property line. The applicant is proposing to build within twelve feet of the east property line, and would therefore separate the two structures by 22 feet. Additionally, there are several mature trees on the adjacent property that help to buffer the proposed commercial development.

Staff finds that the requested reductions on the side and rear property lines are not contrary to the public interest.

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

The special condition present in this case are that the cumulative building setbacks between the proposed development and adjacent developments still provide for adequate fire safety and use-separation.

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

done.

Granting the requested variance will result in substantial justice as the applicant will be able to develop a commercial use on the lot that still respects adjacent property. The applicant has proposed to add trees within the ten foot side setback to further reduce the impact of the proposed development.

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 variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-3 MLOD AHOD ERZD” General Commercial Military Lighting Overlay Airport Hazard 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.

It is unlikely that the requested variance will detract from the essential character of this community. The applicant is leaving setbacks of ten and twelve feet and providing landscaped buffers along the north property line. Buffering is not required, but provides for added protections for adjacent properties. The cumulative setbacks of the subject and abutting properties will provide proper separation of the two uses.

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 present in this case is that, while the applicant is seeking a reduction on the required setback, the proposed design is still compatible with adjacent development. Also, the site plan shows a development that respects adjacent property, and proposes methods to mitigate the impact of the development beyond what is required by code.

Alternative to Applicant’s Request

The applicant could design a smaller commercial development that could still meet the required setbacks.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-069** based on the following findings of fact:

1. The proposed development benefits from the cumulative setbacks of the subject and abutting properties. 2. There will be safe distance for fire separation.