



City of San Antonio

Agenda Memorandum

File Number:16-4714

Agenda Item Number: 9.

Agenda Date: 9/14/2016

In Control: Planning Commission

DEPARTMENT: Transportation & Capital Improvements (TCI)

SUBJECT:

Variance for Rise in Floodplain

SUMMARY:

Request by Pape Dawson, for approval of a variance request related to conditionally-approved Building Permit M2151911 for proposed excavation and fill associated with proposed pond features for a new park and trails system located along Brooks Creek near 3201 Sidney Brooks. Staff recommends Approval. Noah Parsons, Engineer, (210) 207-8058, noah.parsons@sanantonio.gov, TCI Department

BACKGROUND INFORMATION:

Council District:	District 3 - San Antonio
Filing Date:	August 16, 2016
Owner:	Brooks City Base
Engineer/Surveyor:	Pape Dawson Engineers, Inc.
Staff Coordinator:	Noah Parsons, Engineer, (210) 207-8058

ANALYSIS:

Variance Request:

On August 16, 2016, the applicant requested a variance from Section 35-F124(c) of the San Antonio Unified Development Code (UDC). Transportation & Capital Improvements has no objection to the granting of the variance as indicated in the attached letter. (**ATTACHMENT #1**) The applicant's application, letter of justification for granting the variance, and exhibit of the area is also attached. (**ATTACHMENT #2**)

FEMA Study:

A Conditional Letter of Map Revision (CLOMR) was prepared to support revisions to the existing floodplain due to the proposed development. The study has shown increases of water surface elevations on Brooks Creek of up to approximately 1.8 feet for the FEMA 1% annual chance floodplain and indicated no adverse impact to adjacent properties with the proposed improvements.

Aquifer Review:

The subject property is not located within the Edwards Recharge Zone.

ALTERNATIVE ACTIONS:

Building Permit consideration **without** a Variance:

Building Permit will not be approved without compliance to Section 35-F124 (c) of the Unified Development Code, which states that “increases in water surface elevation for the 1% annual chance floodplain do not exceed six (6) inches.”

Building Permit consideration **with** a Variance:

- Per Section 35-F124 (c) of the Unified Development Code, “The planning commission shall consider requests for variances from the requirements of these regulations. Variance requests shall be processed as follows:

For cut and/or fill, building, building permits, or establishment of a mobile home site, the applicant shall present the disapproved permit to the director of development services together with information as to why the variance should be granted. The commission will then hear the request as soon as practical.”

- In accordance with UDC 35-483 the Planning Commission shall render a written finding of the variance by approving, denying, or approving with conditions.
 - 1. Approve with conditions:** In granting variances, the commission may impose such reasonable conditions as will ensure that the property will be as compatible as practical with the regulations and surrounding properties.
 - 2. Approval criteria:** The planning commission may grant variances if it concludes that strict compliance with regulations would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done. The planning commission may grant a variance only if it finds that:
 1. The proposed variance will not be contrary to the spirit and intent of this code and the regulations from which the variance is requested and the proposed variance complies with all other applicable standards of subsection [35-432](#) [<https://www.municode.com/library/>](https://www.municode.com/library/)(e) to the extent practicable; and
 2. The hardship relates to the applicant's land, rather than personal circumstances; and
 3. The hardship is not the result of the applicant's own actions and that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;
 4. Under the circumstances, the public interest underlying the proposed variance outweighs the public interest underlying the particular regulation for which the variance is granted; and
 5. The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.
 - 3. Denial:** The Planning Commission may disapprove a variance based on staff error by specifically identifying non-compliance with the Unified Development Code.

RECOMMENDATION:

Staff reviewed the request and found it to be in conformance with the Unified Development Code (UDC) with exception of the Variance mentioned above. In regards to this Variance, staff does concur with the applicant's justification. Therefore, the Director of Transportation & Capital Improvements recommends approval of the variance.