



# City of San Antonio

## Agenda Memorandum

**File Number:**16-4902

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**Agenda Item Number:** 7.

**Agenda Date:** 10/3/2016

**In Control:** Board of Adjustment

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**Case Number:** A-16-161  
**Applicant:** S & K Development Co., Inc.  
**Owner:** S & K Development Co., Inc.  
**Council District:** 4  
**Location:** 6300 Block of Ray Ellison Boulevard  
**Legal:** Lots P3, 131, 140, 120, NCB 15228  
**Description:**  
**Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District,  
"C-2 CD AHOD" Commercial Airport Hazard Overlay  
District with Conditional Use for a Mini-Warehouse-over 2.5  
acres, & "C-3 AHOD" General Commercial Airport Hazard  
Overlay District  
**Case Manager:** Shepard Beamon, Planner

### Request

A request for a 20 foot variance from the 30 foot rear setback, as described in Section 35-310.01 of the Unified Development Code, to allow commercial buildings to be ten (10) feet from the rear property line.

### Executive Summary

The subject property is located within the 6300 block of Ray Ellison Boulevard, near the intersection of Ray Ellison and Loop 410. The current applicant/owner wishes to build a self-storage business. The owner has not begun construction and is still in the preliminary development phase. The subject property is zoned "C-2" and "C-3", which require a 30 foot setback from a lot line which abuts a residential use or residential zoning district. The adjacent property has a base zoning of "MF-33" Multi-Family and is the early stages of construction.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“C-2 AHOD” Commercial Airport Hazard Overlay District, “C-2 CD AHOD” Commercial Airport Hazard Overlay District with Conditional Use for a Mini-Warehouse-over 2.5 acres, & “C-3 AHOD” General Commercial Airport Hazard Overlay District	Vacant Lot
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### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Residences
South	“MF-33 AHOD” Multi-Family Residential Airport Hazard Overlay District	Multi-Family Residences (Under Construction)
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant
West	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Convenience Store/Gas Station

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

The property is located within the boundaries of the United Southwest Neighborhood Plan and is designated as High Density Residential in the future land use component of the plan. The subject property is located within the boundary of a People Active in Community Effort (P.A.C.E.) Neighborhood Association. The registered neighborhood association was notified and asked to comment.

### **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 observed as the general health, safety, and welfare of the public. In this case, these criteria are represented by minimum setbacks to protect residents and property owners, and also to provide for a sense of community. This area has a mix of commercial and residential uses. The request will provide adequate space from the residential use to the rear of the subject property and will not have adverse impacts on surrounding properties. The owner is proposing to install fencing around the property to further ensure the property rights of adjacent properties are ensured.**

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

**The special condition in this case is the irregular lot and 50-foot wide gas easement across the front of the property. The easement limits development in the front and the 30 foot rear setback significantly reduces the usable building space which creates an unnecessary hardship.**

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 defined as the requested variance will allow for reasonable development for an unusually shaped lot. Further, the applicant has stated the developer of the adjacent multi-family tract is aware of the proposed development of the commercial use of self-storage and has no reservations.**

**Therefore, the requested variance for rear setback observes the spirit of the code.**

*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-2 AHOD” Commercial Airport Hazard Overlay District, “C-2 CD AHOD” Commercial Airport Hazard Overlay District with Conditional Use for a Mini-Warehouse-over 2.5 acres, & “C-3 AHOD” General Commercial Airport Hazard Overlay 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 area is comprised of residential and commercial uses. The property currently has conditional use for a mini-warehouse, a use approved by City Council. The proposed commercial use of self-storage is a compatible use with the adjacent multi-family uses. Constructing the facility 10 feet from the rear property line will not disrupt the character of the neighborhood or create any hazards or nuisances to the residents in the adjacent multi-family development, including fire and water runoff.**

*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 on this property is the narrow shape of the lot and the location of the 50-foot gas easement on the front property line. This is not merely financial and was not created by the property owner.**

### **Alternative to Applicant’s Request**

The applicant could build a facility that adheres to standard setbacks, as described in Section 35-310.01.

### **Staff Recommendation**

Staff recommends **APPROVAL** a request for a 20 foot variance from the 30 foot rear setback to allow commercial buildings to be ten (10) feet from the rear property line in A-16-161 based on the following findings of fact:

1. The requested setback will not increase fire hazard or water runoff on the adjacent property, so long as the facility satisfies fire and building code requirements;
2. The requested setback will provide adequate space for maintenance without trespass.