



City of San Antonio

Agenda Memorandum

File Number:16-5379

Agenda Item Number: 1.

Agenda Date: 10/17/2016

In Control: Board of Adjustment

Case Number: A-16-167
Applicant: Mark Granados
Owner: Ditch Rider, LLC
Council District: 8
Location: 2024 Babcock
Legal: Lots 29 & 30, Block 2, NCB 11612
Description:
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 15 foot variance from the minimum 15 foot landscape bufferyard to eliminate the need for a buffer adjacent to residential zoning on both the rear and the side property lines.

Executive Summary

The subject property is approximately 1.12 acres and was recently purchased by the applicant. According to a proposed site plan submitted with the application, the applicant is planning to demolish the existing building and construct a new commercial building that includes 9,800 square feet of floor area with 70 parking stalls. In the variance request, the applicant is seeking approval to eliminate the bufferyard required along the rear where the property abuts a residential subdivision. A variance is also required to eliminate a bufferyard on the shared property line to the north. A San Antonio Water System facility is located on this residentially zoned property. The hardship described in the application is the City's parking requirement, which for this size building with office or retail uses is 33 stalls.

The applicant has also designed an oversized aisle width in the rear parking lot layout. According to the UDC design standards for parking stalls and safe maneuvering, the required "back-up" area between two rows of parking is 25 feet, not the 34 feet shown on the plan. Therefore, without reducing the number of parking stalls or shrinking the proposed building, there is already 9 feet available for use as buffer along the shared property line. During a site visit, staff noticed several existing trees along this boundary.

When starting with a vacant parcel, it is very difficult to prove a property related hardship as suggested by the applicant. Minimum development standards dictate the potential building size a parcel can support.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 AHOD" Commercial Airport Hazard Overlay District	Proposed Retail/Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	San Antonio Water System (SAWS facility)
South	"C-1 AHOD" Commercial Airport Hazard Overlay District	Medical Office
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Residential Single-Family
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	University Medical School

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as Mixed Use in the future land use component of the plan. The subject property is located within the boundaries of the Dreamhill Estates Neighborhood Association. As such, they were 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 defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the bufferyard standards, adopted to mitigate the potential impacts of a commercial development adjacent to a residential neighborhood. **Since staff found that the parking maneuvering aisle width was more than required, the applicant could dedicate at least 5 feet to a rear bufferyard, providing a buffer between the commercial use and residential uses.**

Eliminating the bufferyard on the north boundary would not be contrary to the public interest.

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

Literal enforcement of the 15 foot bufferyard in this case would result in the applicant having to reduce the size of the proposed building by 6 feet to 64 feet wide, not an unreasonable hardship. **However, even without reducing the building size or the number of parking stalls, the applicant could dedicate at least five feet to the bufferyard along the residential subdivision.**

Staff agrees that installing the bufferyard for the SAWS facility, simply because it is zoned residentially, does pose 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 will not be respected by granting the requested variance to eliminate the rear

bufferyard. The bufferyard requirement was created for this specific purpose and starting with a vacant lot is the ideal opportunity to achieve this goal. **The intent of the ordinance could be observed with the installation of a five foot bufferyard, identified without reducing the number of parking stalls or the square footage of the new building.**

The bufferyard required on the north side however does not meet the intent of the code and therefore can be eliminated while observing the spirit.

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 permitted in the “C-2 AHOD” 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.

The requested variance to eliminate the 15 foot buffer will impact the adjacent residential uses for the life of the new commercial building. While the previous commercial project did not have a formal bufferyard, that should not determine the future for the homeowners for the next fifty years. **At a minimum, the applicant should install a five foot bufferyard along the rear to protect the residential uses from the commercial use.**

Approving the elimination of the bufferyard adjacent to the SAWS facility will not negatively impact its function.

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 could find no unique characteristic on a vacant commercial lot over an acre in size. The applicant states that the unique characteristic is the number of parking stalls (18) lost to the installation of the bufferyard, which is a shared condition of any commercial property adjacent to residential. **The applicant has included more than code requires for the two-way drive aisle that could instead be used as bufferyard.**

The property is adjacent to a SAWS facility which is zoned residentially. This is a unique circumstance not created by the applicant.

Alternative to Applicant’s Request

Without the requested variances, the site plan as proposed could not be executed.

Staff Recommendation

Staff recommends **APPROVAL of an alternative rear yard variance of five feet in A-16-167** based on the following findings of fact:

1. The site plan has 37 more parking stalls than the minimum required by Table 35-526.
2. The site plan shows an additional 9 feet in parking maneuvering area than required in Table 35-526-1.

Staff recommends **APPROVAL of the requested side yard variance in A-16-167** based on the following findings of fact:

1. The project is adjacent to a SAWS facility, which is not a residential use.

