



# City of San Antonio

## Agenda Memorandum

**File Number:**16-5978

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**Agenda Item Number:** 3.

**Agenda Date:** 12/5/2016

**In Control:** Board of Adjustment

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**Case Number:** A-17-015  
**Applicant:** Buck Benson/Pulman  
**Owner:** MMM and D, LLC  
**Council District:** 8  
**Location:** 4900 West Loop 1604  
**Legal** Lot P-7, NCB 14851  
**Description:**  
**Zoning:** "I-1 MLOD UC-1 AHOD ERZD" General Industrial Military  
Lighting Overlay Loop North 1604 West Urban Corridor  
Airport Hazard Overlay Edwards Recharge Zone District  
**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for a 15 foot variance from the 30 foot front setback, as described in Section 35-510.01, to allow a veterinary clinic and boarding facility to be 15 feet from the front property line.

### Executive Summary

The subject property is currently vacant and is zoned "I-1" General Industrial District. Under the current zoning, requires a 30 foot front setback and the proposed building will face Loop 1604. The applicant is requesting a 15 foot variance due to the irregularly shaped lot which is a narrow triangular shape. Further, there is a 14 foot CPS easement along the rear of the property which faces Bacon Road. During the platting process, the City requested an increase in the dedication of the right-of-way. The wider easement and the 30 foot setback significantly reduce the buildable width on the property.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 MLOD UC-1 AHOD ERZD" General Industrial Military Lighting Overlay Loop North 1604 West Urban Corridor Airport Hazard Overlay Edwards Recharge Zone District	Vacant

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	North Loop 1604 West
South	“R-6 MLOD UC-1 AHOD ERZD” Residential Military Lighting Overlay Loop North 1604 West Urban Corridor Airport Hazard Overlay Edwards Recharge Zone District, “C-3 MLOD UC-1 AHOD ERZD” General Commercial Military Lighting Overlay Loop North 1604 West Urban Corridor Airport Hazard Overlay Edwards Recharge Zone District, “I-1 MLOD UC-1 AHOD ERZD” General Industrial Military Lighting Overlay Loop North 1604 West Urban Corridor Airport Hazard Overlay Edwards Recharge Zone District	Plant Nursery, Hindu Temple, Vacant Commercial
East	“C-3 MLOD UC-1 AHOD ERZD” General Commercial Military Lighting Overlay Loop North 1604 West Urban Corridor Airport Hazard Overlay Edwards Recharge Zone District	Vacant Commercial
West	UZROW	North Loop 1604 West

## Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated Specialized Center in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

### 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 setback requirements to ensure equal access to air and light and to reduce the threat of fire. The variance from the front setback is not contrary to the public interest as the subject property shares no common boundary with any other landowners and the requested reduced setback will not pose any immediate fire threat to adjacent properties. Further, locating the building closer to the front property will not create any hindrance for motorists along Loop 1604.**

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

**The special condition present in this case is the irregular shape of the property and the additional dedication of the right-of-way. The 30 foot setback places undue hardship to design a suitable building for the intended business.**

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 be respected in that the 15 foot setback will still provide adequate distance between the building and Loop 1604. The proposed setback does not harm any adjacent properties and does not interfere with the Clear Vision requirements. Denial of the request would not result in substantial justice for the property owner.

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 “I-1 MLOD UC-1 AHOD ERZD” General Industrial Military Lighting Overlay Loop North 1604 West Urban Corridor 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.*

There are no adjacent properties immediately abutting the subject property as the property is adjacent to City right-of-way and vacant commercial. Further, approval of the request will not detract from the surrounding commercial properties.

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 irregular dimensions of the property create a unique circumstance for its development. The request for an additional right-of-way dedication along Bacon Road makes it difficult to design a suitable building on the property. The “I-1” zoning is required by the proposed use which will include a boarding component. Further, the “I-1” zoning requires a 30 foot setback which places additional building restrictions.

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

The owner could construct the building to meet the 30 foot setback.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-17-015** based on the following findings of fact:

1. The requested variance does not pose any threat to adjacent properties;
2. The requested variance will not be out of character with the surrounding commercial properties;
3. The rear 14 foot easement and irregular shape lot places further restrictions on the building size.