



# City of San Antonio

## Agenda Memorandum

**File Number:**17-2252

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**Agenda Item Number:** 9.

**Agenda Date:** 4/3/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-076  
**Applicant:** Roberto Flores  
**Owner:** Roberto Flores  
**Council District:** 5  
**Location:** 313 and 315 Frio City  
**Legal:** Lots 8 & 9, Block 1, NCB 6439  
**Description:**  
**Zoning:** "I-1 S AHOD" General Industrial Airport Hazard Overlay  
District with Specific Use for Metal  
Recycling/Storage/Processing with No Outdoor Storage  
**Case Manager:** Margaret Pahl, AICP, Senior Planner

### **Request**

A request for 1) a 12 foot variance from the 80 foot minimum lot width to allow a 68 foot lot width; 2) a 23 foot variance from the 30 foot side setback; 3) a 21 foot variance from the 30 foot rear setback each as described in Table-310-1; 4) a variance from Type D 25 foot landscape buffer along the rear property line; 5) a variance from the Type E 30 foot landscape buffer along the side property line both as described in Table 510-1; and 6) a variance from the provision that prohibits corrugated metal as a fencing material, as described in UDC 35-514.

### **Executive Summary**

The subject property is Pecan House Recycling, a metal recycling business with a Certificate of Occupancy since at least 2011. The owner expanded his recycling business onto the adjacent property and was cited by Code Enforcement for expansion onto property zoned "R-4" Residential Single-Family. The process to resolve this expansion is complex and began by rezoning both lots to "I-1 S" Industrial with a Specific Use Authorization for Metal Recycling with no outdoor storage. A specific use application requires a site plan showing improvements on the property and any proposed modifications. The site is completely hard surfaced with no landscaping and buildings constructed to within 7 feet of the side property line and 9 feet from the rear property line. The request was approved by the City Council in December of 2016, with a condition that solid screen fencing be maintained around the perimeter. Residential zoning and uses surround two sides of the property, with commercial and industrial zoning along the Frio City Road frontage. Most of this block was a grocery store and produce market as early as 1970 and through the 1990's. The store fronts remain, but there are no other certificates of occupancy. Several variances are needed to allow this business to resolve the remaining issues and be granted a Certificate of Occupancy. Many of these are variances from development

standards that are impossible to satisfy, given the existing conditions.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"I-1 S AHOD" General Industrial Airport Hazard Overlay District with Specific Use for Metal Recycling/Storage/Processing with No Outdoor Storage	Metal Recycling

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	UZROW	Railroad
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"C-2P CD AHOD" Commercial Pedestrian Airport Hazard Overlay District with Conditional Use for Stone Curing, Monument Manufacturing	Stone Monument Manufacturing

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

The property is within the boundaries of Guadalupe Westside Community Plan and designated as Light Industrial in the future land use component of the plan. The subject property is located within the boundaries of both the San Juan Gardens and Collins Gardens Neighborhood Associations. As such, each 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 variances are required to allow the continuation and expansion of this small business.**

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

**Literal enforcement of the ordinance would prevent the expansion of this business, recently endorsed by the City Council in their approval of the Specific Use Authorization.**

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 the intent rather than the strict letter of the law. In this case, the intent of**

the code is to protect adjacent residential uses from the anticipated impacts of industrial uses. Metal recycling at this scale however is not an intense use, but instead a small scale operation that buys cans from neighboring residents, making the variances consistent with the spirit of the code.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**The variances will not authorize the operation of a use other than those uses specifically authorized in the “I-1 S AHOD” General Industrial Airport Hazard Overlay District with Specific Use for Metal Recycling/Storage/Processing with No Outdoor Storage.**

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.*

**Allowing the business owner to gain approval for a certificate of occupancy will not alter the character of the industrial corridor. More than half of the block (8 of 15 parcels) is zoned for commercial and industrial uses. The use is completely screened from view by an 8 foot tall metal fence.**

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 plight of the owner is unique in that the property has been used as a business for more than 50 years, even though the lots were originally platted at 34 feet in width. The industrial buffering requirements were designed for far larger sites, making the subject property unique.**

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

Denial of the requested variance will result in the applicant not able to finalize the Specific Use Authorization.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-17-076** based on the following findings of fact:

1. The project was given Specific Use Authorization with a site plan showing no buffering;
2. The site is too small to provide adequate setbacks and buffering.