



# City of San Antonio

## Agenda Memorandum

**File Number:**17-4733

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**Agenda Item Number:** 6.

**Agenda Date:** 8/21/2017

**In Control:** Board of Adjustment

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Case Number: A-17-155  
Applicant: Leticia Gonzalez  
Owner: Leticia Gonzalez  
Council District: 7  
Location: 2303 North Zarzamora Street  
Legal: Lot 1 and 2, Block 28, NCB 1989  
Description:  
Zoning: "C-2 NCD-8 AHOD" Commercial Woodlawn Lake  
Neighborhood Conservation Airport Hazard Overlay District  
Case Manager: Shepard Beamon, Senior Planner

### Request

A request for a 16 foot variance from the 30 foot rear setback, as described in Section 35-310.01, to allow a commercial building addition 14 feet from the rear property line.

### Executive Summary

The applicant is requesting the variance to allow an in-line addition to an existing fruit stand. The existing building measures 1,215 square feet and the proposed addition will include a 351 square feet enclosed area and a 805 square foot outdoor covered patio. The applicant states the addition will be used for storage and additional seating. The existing building, constructed in 1981, sits 14 feet from the rear property line. The addition will align with the back façade, and also measure 14 feet from the rear property line, if the variance is approved. The 30 foot rear setback is being enforced because the "C-2" zoned subject property abuts a residential use.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 NCD-8 AHOD" Commercial Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Restaurant

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 NCD-8 AHOD” Commercial Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District; “R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District; “C-3 AHOD” General Commercial Airport Hazard Overlay District; “C-2 AHOD” Commercial Airport Hazard Overlay District	Strip Center, Apartments, Commercial, Single-Family Dwellings
South	“C-2 NCD-8 AHOD” Commercial Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District; “R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District; “C-2NA NCD-8 AHOD” Commercial Non-Alcoholic Sales Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District; “C-2 AHOD” Commercial Airport Hazard Overlay District	Single-Family Dwellings, Vacant Commercial, Party Supply, Restaurant
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Law Office, Single-Family Dwellings
West	“C-2 NCD-8 AHOD” Commercial Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District; “R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings

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

The property is within the boundaries of the Near Northwest Community Plan and currently designated as Neighborhood Commercial in the future land use component of the plan. The subject property is located within the boundaries of the West End Hope in Action 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 14 foot rear setback provides appropriate room for maintenance for the commercial building without trespass or interference with the adjacent property. Further, the requested addition will satisfy all other required setbacks.**

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

**Although the abutting property is zoned “C-2” Commercial District, the residential use triggers the 30**

**foot rear setback. The setback creates restrictions on any expansion on the building, while still providing adequate parking.**

*3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**In this case, the intent of setback is to provide adequate separation between incompatible uses. A rear setback of 14 feet is adequate separation between the commercial and residential uses.**

*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 NCD-8 AHOD” Commercial Woodlawn Lake Neighborhood Conservation 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.*

**As the existing building has been in the same location since 1981 and has done no visible harm to the adjacent residential property, it is unlikely the 351 square foot addition will create any new problems or concerns for the adjacent property. Further, the addition will not significantly alter the appearance of the commercial corridor.**

*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.*

**If the building addition were to comply with the 30 foot rear setback, the building would not be able to comfortably accommodate additional seating for customers and needed additional storage.**

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

The owner would need to build an addition to meet the 30 foot rear setback.

### **Staff Recommendation**

Staff recommends **APPROVAL of the variance in A-17-155**, based on the following findings of fact:

1. The existing building has not created in hardship for the neighboring property since 1981; and
2. The 14 rear setback is adequate distance from the adjacent property and provides room for maintenance.