



# City of San Antonio

## Agenda Memorandum

**File Number:**17-4745

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**Agenda Item Number:** 4.

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

**In Control:** Board of Adjustment

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Case Number: A-17-148  
Applicant: Robert Grant  
Owner: Robert Grant  
Council District: 10  
Location: 12019 Perrin Beitel Road  
Legal: Lot 2, NCB 15865  
Description:  
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District  
Case Manager: Shepard Beamon, Senior Planner

### Request

A request for a 10 foot variance from the "Type B" 15 foot bufferyard requirement to allow a five (5) foot bufferyard, as described in Section 35-510.

### Executive Summary

The applicant is requesting the variance from the 15 foot "Type B" bufferyard to reduce the landscape buffer and allow more developable space on the property. The property is a former gas station which was converted to an automotive insurance office. The property is intended to be redeveloped into two free standing buildings. The site currently has no landscaping, and is primarily paved. The 15 foot "Type B" landscape bufferyard is triggered when a "C-3" zoned property is adjacent to a major arterial, which in this case are Perrin Beitel Road and Thousand Oaks Drive.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3 AHOD" General Commercial Airport Hazard Overlay District	Auto Insurance

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Pharmacy, Gas Station
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Restaurant
East	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Strip Mall, Dentist
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Strip Mall

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

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated as Mixed Use 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 bufferyard requirements, which provide landscaped separation to screen from view certain land uses that may create visual clutter and distraction. The requested five foot landscape buffer provides the adequate screening and opacity between the proposed commercial development and the major arterial.**

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

**Literal enforcement of the ordinance would result in an unnecessary hardship as site is compact and difficult to develop. Providing the full 15 foot bufferyard will significantly reduce developable space on the property.**

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 of the Code, rather than the strict letter of the law. In this case, the intent of the bufferyard is to improve streetscape appearance. The five foot bufferyard is sufficient in that it will provide landscaping along the corridor, improving the appearance as there is currently no landscaping on site.**

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-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.*

**As there is only one abutting property to the rear of the subject property, the requested reduction of the bufferyard is highly unlikely to injure the rights of any adjacent property owner. Further, as there is**

**currently not landscaping on site, the five foot landscape buffer will serve as an aesthetic improvement not only to the site, but also to the 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.*

**The unique circumstance existing on the property is the narrow, triangular shape of the property. The required 15 foot bufferyard does not allow any portion of a building or parking within, significantly limiting the site layout. This circumstance is no fault of the owner and not merely financial in nature.**

### **Alternative to Applicant's Request**

The owner would need to modify the site plan to include the full 15 foot bufferyard.

### **Staff Recommendation**

Staff recommends **APPROVAL of a 10 foot variance from the 15 foot landscape bufferyard**, based on the following findings of fact:

1. The request is unlikely to injure the rights of any adjacent property owner; and
2. The request will allow the uniquely shaped lot to be developed; and
3. The request will enhance the overall appearance of the site and the corridor.