



# City of San Antonio

## Agenda Memorandum

**File Number:**18-3233

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**Agenda Item Number:** 4.

**Agenda Date:** 5/7/2018

**In Control:** Board of Adjustment

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Case Number: A-18-076  
Applicant: Mitsuko Ramos, Government Relations Group of TX  
Owner: Daniel Martinez, Lemas Holdings, LLC  
Council District: 2  
Location: 11460 IH-10 East and 11402 IH-10 East  
Legal: Lot 5, Block 2, NCB 18226 / P-8J and A-828, CB 5083 and P-8J,  
Description: NCB 18226  
Zoning: "C-2 CD AHOD" Commercial Airport Hazard Overlay District  
with Conditional Use for Manufactured Home/Oversized Vehicle  
Sales, Service, or Storage and "C-2 AHOD" Commercial Airport  
Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for variances from the bufferyard requirements set forth by Section 35-510, on 11460 IH-10 East: for 1) to waive the planting requirement for trees and shrubs along the front bufferyard to allow a buffer containing native vegetation only and 2) a 10' variance from the 15' Type B bufferyard along the front property line to allow the front bufferyard to be 5' deep and 3) to waive the planting requirement for shrubs along the eastern side bufferyard to allow a bufferyard to contain only trees and 4) a 10' variance from the 15' Type B landscaped bufferyard along the east property line to allow a 5' deep bufferyard, and on 11402 IH-10 East: A request for 1) to waive the planting requirement for trees and shrubs along the front buffer yard to allow a buffer containing native vegetation only and 2) a 10' variance from the 15' Type B bufferyard along the front property line to allow the front bufferyard to be 5' deep.

### **Executive Summary**

The applicant is requesting variances to waive the planting requirement for shrubs and along the front bufferyard to allow a buffer containing native vegetation only, also along the eastern side bufferyard to allow a bufferyard to contain only trees, and to reduce the 15 foot Type B landscaped bufferyard to seven feet and allow for redevelopment of the site and provide more landscaping elsewhere on the property. The subject property fronts IH-10 East, owned by TXDOT, and is surrounded by other industrial lots that do not have landscaped bufferyards. Sidewalks and bike lanes are not required due to the area not being safe for these forms of travel.

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

Existing Zoning	Existing Use
“C-2 CD AHOD” Commercial Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversized Vehicle Sales, Service, or Storage and “C-2 AHOD” Commercial Airport Hazard Overlay District	Vehicle Sales

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROV	IH-10 East
South	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Vacant
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the I-10 East Corridor Plan and designated as Community Commercial 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 five foot bufferyards are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The applicant is seeking to replace the planting requirement for trees and shrubs with native vegetation. As the applicant is not requesting for the complete elimination of the bufferyards, the requests are not contrary to the public interest.**

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

**Literal enforcement would not allow the development of the new building as proposed. Approval of the requested variance would provide a landscape plan along the subject property with native vegetation maintaining planting requirements.**

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

**In this case, the proposed bufferyards and native vegetation will improve the existing property appearance.**

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 CD AHOD” Commercial Airport Hazard Overlay District with Conditional Use for Manufactured Home/Oversized Vehicle Sales, Service, or Storage of “C-2 AHOD” 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.*

**The introduction of a five foot buffer would only enhance the overall appearance of the existing property.**

*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 existing site does not currently have any large mature trees, and accommodating the new building within the existing conditions of the 15 foot bufferyard requirement restricts the development of a new building and circulation for the business.**

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

The owner would need to meet the required 15 foot bufferyard and modify the proposed development.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **A-18-076**, based on the following findings of fact:

1. The requests do not negatively impact surrounding property owners and significantly improves the appearance of the site; and
2. The proposed development increases the plantings surrounding the property.