



City of San Antonio

Agenda Memorandum

File Number: 18-3658

Agenda Item Number: 3.

Agenda Date: 6/4/2018

In Control: Board of Adjustment

Case Number: A-18-101

Applicant: Jesse Sepulveda

Owner: Jesse Sepulveda

Council District: 1

Location: 1807 West Wildwood Drive

Legal: Lot 23, Block 139, NCB 8814

Description:

Zoning: “C-1 AHOD” Light Commercial Airport Hazard Overlay and
“O-2 AHOD” High-Rise Office Airport Hazard Overlay
District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a 14’11” variance from the 15’ Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 1” along the west property line, 2) a 20’ variance from the 25’ maximum building height to allow a 45’ tall building, and 3) a 9’11” variance from the side 10’ setback, as described in Section 35-310.01, to allow a commercial building to 1” from the west property line and 4) a variance from the provisions in Section 35-517 “Building Height” that require that a commercial or office development that abuts a single-family district, when seeking height beyond that permitted by the base zoning district, shall be limited to the height of the adjacent single-family zone for the first 50 feet from the shared property line.

Executive Summary

The subject property is located at 1807 West Wildwood Drive along IH-10 Frontage Road. The applicant is seeking variances to allow for a three story office building with parking area. The applicant states that the existing property sits in an odd shaped lot and it will make it difficult for any residential use. Staff is concerned about the project as the requested variances seem to nearly double the allowed height, and all but eliminate the

setbacks and bufferyards intended to protect nearby property owners.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-1 AHOD” Light Commercial Airport Hazard Overlay and “O-2 AHOD” High-Rise Office Airport Hazard Overlay District	Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	IH-10
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	UZROW	IH-10
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and is currently designated Urban Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Los Angeles Heights 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the variances are contrary to the public interest as the structure limits room for maintenance, and directs water runoff onto adjoining properties. The Unified Development Code exists to carefully balance the needs of new construction with the protection of incompatible uses. Staff finds the variance requests are contrary to the public interest in that they seek to remove nearly all of the protections for adjacent owners.

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

Staff cannot find any special conditions that, if enforced literally, would result in any unnecessary hardship. The property has enough room for a structure within the required setbacks.

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. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. The 1” landscape bufferyard will not provide room enough for vegetation survival, and if built as proposed the subject property will tower over the adjacent property leaving no space to provide fair and equal access to air, light, and proper storm water controls, while also preventing adequate fire separation.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the “C-1 AHOD” Light Commercial Airport Hazard Overlay and “O-2 AHOD” High-Rise Office 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.*

Reducing the bufferyard landscape to 1” and side setback to 1” substantially injures the adjacent property owners. The requested height is insensitive to adjacent property owners. Staff finds the requested variances are likely to harm adjacent property owners.

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.*

Staff finds that there are no unique circumstances present in this case to warrant the granting of the requested variances for the near elimination of the bufferyard and setbacks, and for nearly doubling the permitted height.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the required bufferyards set forth in Section 35-510, the required side setback set forth and the building height set forth in Section 35-517 and in Section 35-310.01.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **A-18-101** based on the following findings of fact:

1. The request does not observe the spirit of the ordinance, and;
2. The requested variance may detract from the essential character of the community, and;
3. The requested variances will likely harm adjacent property owners.