



# City of San Antonio

## Agenda Memorandum

**File Number:**18-3667

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**Agenda Item Number:** 1.

**Agenda Date:** 6/4/2018

**In Control:** Board of Adjustment

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**Case Number:** A-18-094  
**Applicant:** Ian P. Cochran  
**Owner:** Wet Clay, LLC  
**Council District:** 1  
**Location:** 1922 Culebra Road  
**Legal Description:** Lot North 52.32 Feet of 4M Southeast Irregular 16.37 Feet of Lot 5 & South Irregular 153.95 Feet of Lot 10 and the North 22.32 Feet of Lot 3 & South 27.68 Feet of Lot 4 and the South 50 Feet of the North 72.32 Feet of Lot 3 and the North 52.32 Feet of 4M Southeast Irregular 16.37 Feet of Lot 5 & the South Irregular 153.95 Feet of Lot 10, Block 6, NCB 6589  
**Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Auto & Light Truck Repair and "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restricted Alcoholic Sales Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Planner

### **Request**

A request for a 12' variance from the 15' Type B landscape bufferyard requirement, as described in Section 35-510, to allow a bufferyard to be as narrow as 3' along the south property line.

### **Executive Summary**

The subject property is situated on the intersection of NW 23<sup>rd</sup> Street and Culebra Road. The applicant is

requesting a variance from the required bufferyards along the south property line. The 4 current lots are set to be re-platted into one large lot for a new commercial development. The bufferyard depth will be as narrow as 3', extending to 3'10" in other areas. Also, the applicant will be required to install a 6' privacy fence along property lines shared with residential zones and uses.

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

| <b>Existing Zoning</b>  | <b>Existing Use</b> |
|---|---------------------|
| "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Auto & Light Truck Repair and "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restricted Alcoholic Sales Airport Hazard Overlay District | Vacant              |

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

| <b>Orientation</b> | <b>Existing Zoning District(s)</b>  | <b>Existing Use</b>    |
|--------------------|---|------------------------|
| North              | "C-3 NCD-8 AHOD" General Commercial Woodlawn Lake Neighborhood Conservation Airport Hazard Overlay District | Auto Body Shop         |
| South              | "R-4" Residential Single-Family Airport Hazard Overlay District   | Single-Family Dwelling |
| East               | "C-2 Commercial Airport Hazard Overlay District   | Auto Shop              |
| West               | "C-2 Commercial Airport Hazard Overlay District   | Retail                 |

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

The property is not located within any plan. The subject property is located within the boundaries of the Prospect Hill/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 3' bufferyard is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. As of now, the property has no buffer yards established, so any new development will be beneficial and a net improvement to the surrounding district.**

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

**Literal enforcement would not allow the redevelopment of the now abandoned property as proposed due to the unique configuration of the lot and establishing new bufferyards as required.**

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

**In this case, the proposed bufferyard will adhere to the spirit of the ordinance and substantial justice will be done by implementing a 3' bufferyard where none exists currently in order to rehabilitate the property. Also, a 6' privacy fence will help to protect adjacent property owners.**

*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 Auto & Light Truck Repair and "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restricted Alcoholic Sales 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 3' bufferyard would only enhance the overall appearance of the property, streetscape, and district. The applicant is providing the full bufferyard depth along the Culebra frontage which contributes to the essential character of the community.**

*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 for which the variance is sought is due to the owner buying into a vacant property that had nonexistent bufferyards to begin with. The shape and size of the lot present some challenge and staff finds some relief is merited.**

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

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

### **Staff Recommendation:**

Staff recommends **APPROVAL** of **A-18-094** because of the following reasons:

- 1) The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;
- 2) The proposed redevelopment of the property will increase the bufferyard landscaping.