



City of San Antonio

Agenda Memorandum

File Number:18-5288

Agenda Item Number: 9.

Agenda Date: 9/17/2018

In Control: Board of Adjustment

Case Number: A-18-144
Applicant: Thomas Bradley
Owner: Thomas Bradley
Council District: 1
Location: 132 Joy Street
Legal: Lots 5 through 15, Block 16, NCB 7335
Description:
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for 1) a 20' variance from the required 30' rear setback, as described in Section 35-310.01, to allow an addition to be 10' away from the rear property line and 2) a 5' variance from the 15' Type C landscape bufferyard requirement, as described in Section 35-510, to allow a 10' wide bufferyard.

Executive Summary

The subject property is located at 132 Joy Street, situated 209' west of McCullough Avenue. The applicant is requesting two variances to allow a proposed expansion of the main building to be 10' away from the rear property line; this includes keeping the existing 10' landscape bufferyard as is.

The property is currently utilized as a landscaping design business, and with a growing number of design employees, requires expansion to the rear in order to accommodate demand and design center workspace. The property is located on a dead end street positioned between commercial businesses, a cell tower, and multi-family zoned properties to the rear.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-3 AHOD" General Commercial Airport Hazard Overlay District	Plant Nursery
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-2 S AHOD" General Industrial Specific Use for Cell Tower Airport Hazard Overlay District	Cell Tower
South	"MF-33 AHOD" Multi-family Airport Hazard Overlay District	Single-Family Residential
East	"OCL" Outside City Limits	Furniture Store
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The property is within the North Central Plan and designated as Neighborhood Commercial in the future land use component of the plan. The subject property is not located within the boundaries of any registered neighborhood association.

Street Classification

Joy Street is classified as a Local Street.

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 10' 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 is surrounded by dense foliage and mature trees to the rear, so any new development, including the reduction of the setback to 10', will not have a negative impact on the surrounding residential properties.

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

Literal enforcement of the ordinances would result in unnecessary hardship by not allowing rear expansion of the landscaping design office due to the 107' width of the property and 30' rear setback. The existing metal storage structure located on the property prohibits westward expansion considerably, so any new development of the primary structure will need Board approval.

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 and setback reduction to the rear of the property will adhere to the spirit of the ordinance and substantial justice will be done by implementing a 10' bufferyard and 10' rear setback in order to facilitate expansion of the landscaping office space.

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.

The introduction of a 10’ bufferyard and 10’ setback reduction is out of right-of-way sight and hidden from adjacent properties by way of mature trees and dense foliage. Such variances will not substantially injure the adjacent conforming properties or alter the essential character of the district.

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 location of the main building in relation to adjacent multi-family properties. As the property is addressed on Joy Street, the width of the property at 107’ leaves only west expansion possible; however, a large metal storage structure limits potential expansion considerably. This leaves rear expansion as the only alternative. The unique circumstances were not created by the owner and not merely financial in nature.

Alternative to Applicant’s Request

The owner would need to meet the required bufferyard and setbacks and modify the proposed expansion.

Staff Recommendation:

Staff recommends **APPROVAL** of **A-18-144** based on the following findings of fact:

- 1) The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district as the proposed expansion is located in the rear of the building, and;
- 2) The dense foliage and mature trees currently within the rear bufferyard adjacent to the residential lots will not be removed or altered.