



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6608

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**Agenda Item Number:** 9.

**Agenda Date:** 12/3/2018

**In Control:** Board of Adjustment

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**Case Number:** BOA-18-900008  
**Applicant:** Peter J. DeWitt, Adapt Architecture and Construction LLC  
**Owner:** Bart Wilson  
**Council District:** 10  
**Location:** 106 East Sunset Road  
**Legal:** The West 124.8 feet of Lot 35 Exc the Northwest 15 feet TR,  
**Description:** NCB 11889  
**Zoning:** "O-1 AHOD" Office Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for 1) a 7' variance from the 10' Type A landscape bufferyard along the west property line, as described in Section 35-510, to allow for a 3' deep bufferyard, 2) a 12' variance from the 15' Type B landscape bufferyard along the east property line, as described in Section 35-510, to allow for a 3' deep bufferyard, 3) a 21' variance from the 30' rear setback requirement, as described in Section 35-310.01, to allow a structure to be 9' away from the rear property line, 4) a 20' variance from the required maximum 35' front setback, as described in Section 35-310.01, to allow a structure to be 55' away from the front property line, and 5) a request for a variance, as described in Section 35-310.01, to allow for parking spaces to be located in front of the structure.

### **Executive Summary**

The subject property is situated at the intersection of East Sunset Road and Broadway Street. The subject property is currently vacant and is considered to be located on a Local Street. The applicant is requesting five variances; two variance requests are from the required bufferyards along the west and east property lines. The third and fourth requests are to reduce the front and rear setbacks to allow for a new building. The last variance request is to allow for parking spaces to be located in front of the structure. The owner intends to develop a two-story office building and locate his new office at this location. The subject property is surrounded by some residential uses to the east and followed by commercial uses to the west including small offices, retail stores, coffee shops, and restaurants.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

No permit history related to this proposed development exists on the property. The property owner is seeking a variance to allow for permit to be issued.

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

Existing Zoning	Existing Use
“O-1 AHOD” Office Airport Hazard Overlay District	Vacant

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

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 AHOD” Commercial Airport Hazard Overlay District	Retail Store
South	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Apartments
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Retail Stores

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

The property is located within the San Antonio International Airport Vicinity Land Use Plan and currently designated “Community Commercial” in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park-Northwood Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

East Sunset Road 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 owner of the property is trying to develop a small corner office tract that has long been vacant. With the adjacent residential use, the code triggers large bufferyards, as well as setbacks. In order to make the site useable, the applicant requires some relief. The 3’ bufferyards are not contrary to public interest as it does not negatively impact any surrounding properties or the general public. Staff finds that, as a**

**result of the proposed office use, the public interest would not be harmed by the requested reductions.**

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 now vacant property as proposed due to the unique configuration of the lot and establishing new bufferyards and setbacks as required. The applicant is proving bufferyards that do not currently exist. Lastly, the proposed use of an office is unlikely to harm adjacent properties, especially after business hours.**

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

**The intent of the setback is to create an open area without crowding of structures and to establish uniform development standards to protect the rights of property owners. In this case, the development as proposed will increase the overall landscaped area and will replace a vacant lot with a building, proving a service to the community.**

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 variances will not authorize the operation of a use other than those uses specifically authorized by the zoning 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 front and rear reduction for a new building and the three foot buffers would only enhance the overall appearance of the site, streetscape, and neighborhood.**

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 in this case is that the proposed infill development abuts a residential zoning use which prompts larger setbacks normally intended for larger properties. These conditions were not created by the owner and are not merely financial in nature.**

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

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

### **Staff Recommendation:**

Staff recommends **APPROVAL** of variance in **BOA-18-00008** because of the following reasons:

1. The requests does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;
2. The proposed development of the new building maintains landscaped bufferyards surrounding the property.
3. The request does not negatively affect the surrounding district and helps alleviate off-site

parking, and;

4. The location of the parking is necessary to develop the vacant property as intended.