



City of San Antonio

Agenda Memorandum

File Number: 19-1776

Agenda Item Number: 9.

Agenda Date: 2/4/2019

In Control: Board of Adjustment

Case Number: BOA-18-900032

Applicant: Jose J. Calzada

Owner: Diana Gonzalez

Council District: 9

Location: 2927 TPC Parkway

Legal: Lot 3, Block 13, NCB 18218

Description:

Zoning: "C-1 MLOD-1 MLR-2 ERZD" Light Commercial Camp
Bullis Military Lighting Overlay Military Lighting Region 2
Edwards Recharge Zone District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) an 8' variance from the 30' rear setback requirement, as described in Section 35-310.01, to allow a structure to be 22' away from the rear property line, and 2) a variance request, 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 located at 2927 TPC Parkway, at the corner of Ellis Park and across from Johnson High School. The applicant got approval from the Board of Adjustment on December 3, 2018 to construct a 6,300 square foot optometry facility with optical goods retail, with a second structure to be built sometime in the future, with parking located in the rear of the facility. The applicant has updated the project and is now seeking a rear setback reduction and to allocate parking in the front of the structure. The applicant states that they will no longer proceed with the previous variance granted and that they will build two structures: one will be 5,000 square feet and the second will be 4,870 square feet.

The proposed location fronts onto TPC Parkway with the side and rear facing a gated residential area. Large mature trees are present in the rear between the elevated residences and the proposed medical facility. The general characteristics of TPC Parkway along the east consist largely of commercial lots or undeveloped, commercially zoned lots.

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
“C-1 MLOD-1 MLR-2 ERZD” Light Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residential
South	“C-2 MLOD-1 MLR-2 ERZD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Veterinary Hospital
East	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Vacant
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the North Sector Plan and is designated “Suburban Tier” 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

TPC Parkway is classified as a Collector.

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 large corner 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 parking located in the front of the structures and the 22' rear setback is not contrary to public interest as it does not negatively impact any surrounding properties or the general public.

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

A literal enforcement would require parking spaces in the rear of the facility; a design intended for urban walkable communities, not the suburban nature of this area.

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 requirement rather than the strict letter of the law. The applicant is abandoning previous variances and will pursue structures smaller than 5,000 square feet. To make this alternative work, they need other relief.

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 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 size of the proposed facilities are proportional with the size of the lot. The structures will not impose any immediate threat of water runoff or fire spread on adjacent properties due to 22' rear setback and adhering to bufferyard requirements.

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 property, for which the variances are sought are due to the substantial lot size compared to the proposed building sizes. The structures will be proportional in size with the lot and a 22' rear setback reduction will not alter the nature of the site.

Alternative to Applicant's Request

The owner would need to adhere to Section 35-310.01 and modify the proposed building design.

Staff Recommendation:

Staff recommends **APPROVAL** of variances in **BOA-18-90032**, based on the following findings of fact:

1. The requests do not negatively impact the surrounding property owners, and;
2. The proposal adheres to all bufferyard requirements.