



City of San Antonio

Agenda Memorandum

File Number:19-2033

Agenda Item Number: 3.

Agenda Date: 2/18/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300004
Applicant: GE Reaves Engineering
Owner: AGKL Partners, LLC
Council District: 1
Location: 366 and 370 West Sunset Road
Legal: The East 2.5 Feet of Lot 53 and the Northwest 64.4 Feet of
Description: Lot 54, NCB 11883
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 16' variance from the 30' setback requirement, as described in Section 35-310.01, to allow one new structure to be 14' from the rear property line.

Executive Summary

The subject property is situated at 366 and 370 West Sunset Road, approximately 275 feet east from Treeline Park. The subject property is currently vacant and is considered to be located on a Secondary Arterial. The subject property has recently been re-platted. The applicant is requesting this variance to allow for a single structure to be 14' away from the rear property line. The subject property is surrounded by a variety of commercial and residential uses.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

366 West Sunset Road:

On 11/14/2017 a demolition permit was issued for the demolition of one single-story structure.

On 12/11/2018 a commercial single building permit was issued for a new office park building.

On 12/15/2018 a plumbing permit was issued for underwater line.

On 1/22/2019 an electric permit was issued to build multi meter service.

370 West Sunset Road: no permit history exists.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant/Under Construction

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Dental Center
South	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Apartments
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Medical Facilities
West	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Senior Care Facilities

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan and currently designated “Mixed Use” 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

West Sunset Road is classified as a Second Arterial.

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 four single buildings and only one of these structures is seeking to reduce the rear setback. With the adjacent multi-family use, the code does not trigger bufferyards. 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 this structure to be built, as proposed. Lastly, the proposed development 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 will replace a vacant lot with buildings, proving services to the community. The requested setback reduction is unlikely to harm the adjacent use.

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 rear reduction for the new building would replace a vacant lot with buildings, proving services to 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 unique circumstance in this case is that the proposed infill development abuts a residential zoning use which prompts larger setbacks. This condition was not created by the owner and is not merely financial in nature.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to comply with the rear building setbacks as defined within Section 35-310.01.

Staff Recommendation:

Staff recommends **APPROVAL** of variance in **BOA-19-10300004**, 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.