



City of San Antonio

Agenda Memorandum

File Number:19-3001

Agenda Item Number: 3.

Agenda Date: 4/1/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300013
Applicant: Slay Architecture, Madeline Slay
Owner: Shermeen Abdullah
Council District: 7
Location: 838 Bandera Road
Legal Lot 2, 3 and the East Irregular 57.86 feet of Lot 1 and the
Description: West Irregular 39 feet of Lot 4, Block 1, NCB 8347
Zoning: "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland
Military Lighting Overlay Military Lighting Region 2 Airport
Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a parking adjustment, as described in Section 35-526, to decrease the minimum parking for a convenience store from 23 parking spaces to 20 parking spaces, and 2) a variance from the 25' Type D landscape bufferyard requirement, as described in Section 35-510, Table 510-1, to allow a bufferyard to be as narrow as 5' along the north and south property line.

Executive Summary

The subject property is located at 838 Bandera Road at a Y intersection with West Woodlawn Avenue and Bandera Road. The applicant is requesting two items. The first request is for relief from the minimum parking spaces required and the second request is to reduce the bufferyard requirement to 5' along the north and south property line for the expansion of the building to redevelop a convenience store. The Gross Floor Area of the building is 3,700 square feet. Based upon the Unified Development Code, the minimum off street parking required is 23. The applicant requests a waiver of 3 in order to provide 20 parking spaces. This property is a triangular shape compounded by right-of-way takings over the years to widen these streets.

Code Enforcement History

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been

no code violations reported.

Permit History

No permit history related to these requests exists on the property. The property owner is seeking variances to allow for permits to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Gas Station

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Medical Care, Chain Restaurants, Retail
South	"C-3 R MLOD-2 MLR-2 AHOD" Commercial with Restrictive Alcohol Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Thrift Center
East	"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Public School
West	"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Bank

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Near Northwest Community Plan and designated as "Regional Commercial" in the future land use component of the plan. The subject property is located within the boundaries of the Donaldson Terrace Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Bandera Road is classified as a major arterial.

Criteria for Review

According to Section 35-526 (b) 7 of the UDC, in order for a parking modification to be granted, the applicant must demonstrate that a hardship is created by strict interpretation. The UDC currently requires 23 off street parking spaces, however, the applicant is going to re-build the existing convenience store. The hardship is created by this irregular shape of the lot.

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 public interest is defined as the general health, safety, and welfare of the public. In this case, the 5' bufferyards are not contrary to public interest as they do not negatively impact any surrounding properties or the general public. The property does not currently benefit from any bufferyard from and even the reduced bufferyard proposed by the applicant will enhance the property. Staff finds the request is not contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
A literal enforcement of the ordinance would result in unnecessary hardship by requiring the project to be redesigned to meet the required bufferyard requirements. Enforcing the full requirement removes developable space which may leave the development with insufficient space to operate the commercial use.

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

In this case, the reduced bufferyard will be consistent with neighboring properties.

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 in 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.*

Although the applicant is seeking to reduce bufferyards required by the code, the provision of landscape bufferyards will still enhance the community and the proposed project.

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 the lot is a triangular shape compounded by right-of-way takings over the years to widen these streets. The property is narrow and warrants some relief to allow for development.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to comply with the bufferyards defined within Section 35-510, Table 510-1 and the parking requirements defined within Section 35-526.

Staff Recommendation:

Staff recommends **APPROVAL** of variances in **BOA-19-10300013**, based on the following findings of fact:

1. The requests do not negatively impact surrounding property owners and significantly improves the use of the site.
2. The decreased parking spaces will not harm any adjacent property owners.
3. The waiver only applies to this Certificate of Occupancy for this use. Any new use on this property will be required to meet minimum off-street parking or request a waiver.