



City of San Antonio

Agenda Memorandum

File Number:19-4218

Agenda Item Number: 3.

Agenda Date: 5/20/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300051
Applicant: Edward Escamilla
Owner: Gilberts Utility & Concrete Work, INC.
Council District: 6
Location: 1935 Air Lawn Street
Legal: Lot 7 & 8, Block 2, NCB 16323
Description:
Zoning: "I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial
Highway 151 Gateway Corridor Lackland Military Lighting
Overlay Military Lighting Region 1 Airport Hazard Overlay
District
Case Manager: Mercedes Rivas, Planner

Request

A request for a variance from the building materials requirements within the Highway 151 Gateway Corridor Overlay design standards to allow for corrugated metal to be used as a primary building material.

Executive Summary

The subject property is located at 1935 Air Lawn Street. The applicant is seeking permission to keep an existing storage building that has corrugated metal as its primary finish on its' façade. The Highway 151 Gateway Corridor Overlay requires finished masonry as a primary building material, with the allowance for the use of metal as an accent. This storage building is being used to store two pieces of construction equipment and some tools used for asphalt paving to shelter them from the elements. The building is located behind a locked fence, which would prevent the public from accessing it. The structure in question has already been constructed and was constructed without permits. The applicant is seeking a variance to allow a structure with a primary building material of corrugated metal so that a permit can be issued for the existing structure.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

The applicant is waiting for variances to be approved to obtain a permit for the building in question.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Storage Facility

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Industrial
South	"I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Overlay Region 1 Airport Hazard Overlay District	Industrial
East	"I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Industrial
West	"I-1 GC-2 MLOD-2 MLR-1 AHOD" General Industrial Highway 151 Gateway Corridor Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Industrial

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the West/Southwest Sector Plan and is currently designated as Specialized Center. The subject property is not located within the boundaries of a Neighborhood Association.

Street Classification

Air Lawn 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the façade of the storage building was constructed using corrugated metal. The building is located behind a locked fence, which would prevent the public from accessing it. Additionally, the property is located on a local street behind other property that directly abuts the highway. When the properties abutting the highway are fully developed, this subject property will not be visible from the highway.

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

Allowing the applicant to keep the corrugated metal façade of the storage building will help create a safe and private environment while enhancing aesthetics. Therefore, the public welfare and convenience will be substantially served. Additionally, the property is located on a local street behind other property that directly abuts the highway. When the properties abutting the highway are fully developed, this subject property will not be visible from the highway.

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

Granting the variance will not substantially injure the neighboring properties as the building will enhance safety and privacy for the subject property and is highly unlikely to injure adjacent properties. Additionally, the property is located on a local street behind other property that directly abuts the highway. When the properties abutting the highway are fully developed, this subject property will not be visible from the highway.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in 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 building will not impose any immediate threat to adjacent properties. Additionally, the property is located on a local street behind other property that directly abuts the highway. When the properties abutting the highway are fully developed, this subject property will not be visible from the highway.

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 is that the property is located on a local street behind other property that directly abuts the highway. When the properties abutting the highway are fully developed, this subject property will not be visible from the highway.

Alternative to Applicant's Request

The applicant would need to adhere to the permitted materials as described in Section 35-339.01.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300051**, based on the following findings of fact:

1. The applicant states the building is necessary to protect his equipment and for security purposes.
2. The property is located on a local street behind other property that directly abuts the highway. When the properties abutting the highway are fully developed, this subject property will not be visible from the highway.