



City of San Antonio

Agenda Memorandum

File Number:19-4393

Agenda Item Number: 4.

Agenda Date: 6/3/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300060
Applicant: Mitsuko Ramos
Owner: Mitsuko Ramos
Council District: 1
Location: 86 NE Loop 410
Legal: The North Irregular 398 feet of Lot 66, NCB 12025
Description:
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager: Mercedes Rivas, Planner

Request

A request for 1) a 14'11" variance from the 15' Type B bufferyard requirement, as described in Section 35-510, Table 510-1, along the front property line to allow the front bufferyard to be 1", and 2) to waive the planting requirement, as described in Section 35-510, Table 510-1, for shrubs along the front bufferyard to allow a bufferyard to contain only trees.

Executive Summary

The applicant is requesting two items. The first request is for a 14'11" variance from the 15' Type B bufferyard along the front property line to allow the front bufferyard to be 1" as this reduction would allow the parking spaces located in the front of the property abutting the existing bufferyard to remain. The second request is to waive the planting requirement for shrubs along the front bufferyard to allow a bufferyard to contain only trees due to shrubs currently planted in the existing bufferyard. The lot includes an existing building with a row of parking spaces abutting a landscaped buffer owned by TxDOT. This lot is surrounded by other lots that do not have a 15' front bufferyard. Further, this property is surrounded by other commercially zoned properties.

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-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant Gas Station

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" General Commercial Airport Hazard Overlay District	Restaurants and Hotel
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Apartments
East	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Restaurants and Hotel
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Restaurants and Hotel

Comprehensive Plan Consistency/Neighborhood Association

The property is within the North Central 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 Shearer Hills Ridgeview Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

NE Loop 410 Access Road is classified as an Access Road.

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 requested 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 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 parking spaces which may leave the development with insufficient parking spaces 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 that there is currently an existing 15' bufferyard along the front property line.

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.

Staff Recommendation:

Staff recommends **APPROVAL** of variances in **BOA-19-10300060**, 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.