



City of San Antonio

Agenda Memorandum

File Number:19-7818

Agenda Item Number: 2.

Agenda Date: 10/21/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300116
Applicant: Red & Black Engineering Group, LLC
Owner: Pineapple School, Juan Puccio
Council District: 8
Location: 6185 Camp Bullis Road
Legal: LOT 4 EXC S IRR 27.75' & W IRR 144.84' BLK C NCB
Description: 35936
Zoning: "O-2 O-1 MLOD-1 MLR-1 AHOD" High rise office with
Specific Use for Daycare Center Office Camp Bullis Military
Lighting Overlay Military Lighting Region 1 Airport Hazard
Overlay District
Case Manager: Rachel Smith, Planner

Request

A request for a 15' variance from the 25' required front setback requirement, as described in Section 35-310.01, to allow an existing building to be 10' from the front property line.

Executive Summary

The subject property is being redeveloped as a school from residential use. The structure has varying topography and has significant landscaping along the south/front property line that obscures the structures from view of the street. The metal building was part of the residential use and the applicant would like to retain its use for the new development.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 88824, dated December 31, 1998, as "Temporary R-1" Residential District. The property was rezoned by Ordinance 89324, dated February 25, 1999, from "Temporary R-1" Residential Single Family District to "R-8" Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-8" Business District converted to "R-20" Residential District. The property was rezoned by Ordinance 201805170381, dated May 17, 2018 from "R-20" Residential Single Family District to the current "O-2 S O-1"

High-Rise Office District with Specific Use for Daycare Center.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

There is no permit history related to the accessory structure on the property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“O-2 O-1 MLOD-1 MLR-1 AHOD” High rise office with Specific Use for Daycare Center Office Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Under Construction - School

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-20 MSAO-1MLOD-1MLR-1” Residential Single-Family Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-family dwelling
South	“MPCD MSAO-1MLOD-1MLR-1” Master Planned Community Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	
East	“O-2 MSAO-1MLOD-1MLR-1” High Rise Office Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Wholesale Paint Supply Store
West	“NC MSAO-1MLOD-1MLR-1” Neighborhood Commercial Military Sound Attenuation Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	

Comprehensive Plan Consistency/Neighborhood Association

The subject property is designated as a suburban tier in the North sector plan. This property not within the boundaries of a neighborhood association.

Street Classification

Camp Bullis Road is classified as a secondary arterial 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 public interest is represented by setbacks that maintain neighborhood character. The 15' front setback is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The existing shrubbery hides the metal building completely from the street.

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

If enforced, the ordinance would require the destruction of a metal building that is not injuring neighboring properties.

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 code, rather than the strict letter of the law. The intent of the code is to establish a cohesive theme. The request to reduce the front setback observes the intent of the code as the property complies with other requirements in neighborhood design.

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

The variance 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 request will not injure the rights of neighboring properties as the reduction does not detract from the character of the neighborhood.

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 existing here is not the fault of the owner of the property, nor is it due to, or the result of, general conditions in the community in which it is located.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback limitations established by the Unified Development Code Section 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300116**, based on the following findings of fact:

1. The proposed project will not detract from the community character of the community.