



City of San Antonio

Agenda Memorandum

File Number:20-1516

Agenda Item Number: 3.

Agenda Date: 2/3/2020

In Control: Board of Adjustment

Case Number: BOA-19-10300168
Applicant: Durand-Hollis Rupe Architects
Owner: Durand-Hollis Rupe Architects
Council District: 1
Location: 811 Jackson Street
Legal Description: Lot 8, Block 44, NCB 350
Zoning: "C-2P" Commercial Pedestrian Airport Hazard Overlay
District
Case Manager: Kayla Leal, Senior Planner

Request

A request for a 25' variance from the 30' Type E landscaping buffer yard requirement to allow a 5' buffer yard along the West property line.

Executive Summary

The subject property is located near the Jackson Street and West Cypress Street intersection. The lot is currently vacant and is abutting commercial and industrial zoning. The uses of the surrounding area include single-family residential, an automotive shop, and a vacant portion of a lot. The applicant is requesting the variance for the buffer yard in order to provide more available square footage space in order to supply parking for the nearby VIA employees. Staff has not determined any adverse impacts that may be present with the request.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

The property has no permits on file.

Zoning History

The subject property was located within the Original 36 Square Miles of San Antonio City Limits and was zoned "J" Commercial District. The zoning converted in 2001 to "I-1" General Industrial District upon adoption of the Unified Development Code, established by Ordinance 93881, dated May 3, 2001. The current "C-2 P" Commercial Pedestrian District changed on April 23, 2003, established by Ordinance 97522.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District	Single family residences
South	"C-2P CD AHOD" & "I-1 AHOD" Commercial Pedestrian Airport Hazard Overlay District & General Industrial Airport Hazard Overlay District	Automechanic shop and vacant lot
East	"C-2P AHOD" Commercial Pedestrian Airport Hazard Overlay District	Parking Lot and Garden Supplier
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Paint Supplier

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Regional Center Plan and designated as "Regional Mixed Use" in the future land use component of the plan. The subject property is in the boundaries of the Five Points Neighborhood Association and as such, they were notified of the case.

Street Classification

Jackson 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 variance is not contrary to the public interest as a buffer yard would still be provided by the applicant.

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

Staff cannot find any special conditions that, if enforced, would result in an unnecessary hardship. Staff has advised the applicant of alternative solutions which may result in a similar fashion, which the applicant also explored.

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 defined as the intent of the code, rather than the exact letter of the law. The intent of the buffer yard requirements is to protect less-intense land uses from those of more intensity, however, in this case the buffer yard is being imposed on the commercially-zoned property which is abutted by a property zoned industrial. A buffer yard will still be required so the spirit of the ordinance will be observed.

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.*

No uses other than those allowed within the district will be allowed with this variance.

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 requested variance will not substantially alter the essential character of the district in which the property is located.

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.*

Staff does not find any unique circumstances that warrant the granting of this request. Moreover, the unique circumstances were not created by the owner of the property and are not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the buffer yard requirements of the UDC Section 35-510.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **BOA-19-10300168** based on the following findings of fact:

1. The buffer yard reduction will not eliminate the buffer yard completely.
2. The applicant is still required to include landscaping to construct on the property.
3. The request will still observe the spirit of the ordinance.