



City of San Antonio

Agenda Memorandum

File Number:20-5538

Agenda Item Number: 2.

Agenda Date: 9/21/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300079
Applicant: Ian Cochran
Owner: Ian Cochran
Council District: 8
Location: 8736 Wurzbach Road
Legal Description: Lot 15 NCB 13662
Zoning: "C-3" General Commercial District
Case Manager: Azadeh Sagheb, Planner

Request

A request for 1) a 7'6" variance from the 15' Type C landscape bufferyard requirement to allow a bufferyard to be 7'6" along the southeast property line, 2) a 7'6" variance from the 15' Type C landscape bufferyard requirement to allow a bufferyard to be 7'6" along the southwest property line, 3) a 16' variance from the required 30' side setback to allow a structure to be built 14' from the southeast property line.

Executive Summary

The subject property is located on Wurzbach Road, north of Methodist Hospital. The area is surrounded by commercial and residential structures. The applicant is requesting variances to develop a vacant lot and construct a commercial structure. The proposed commercial structure is abutting a multi-family residential property on the southeast and southwest sides. The proposed site plan meets both front and rear setback requirements. Due to the existence of a residential property zoned "R-6" to the southeast and southwest, the subject lot needs 30' setbacks along with a 15' Type C bufferyard.

Code Enforcement History

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

Permit History

No permits are on file for the property.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 41427, dated December 26, 1972 as “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “B-3” Business District was converted to “C-3” General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3” General Commercial District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3” General Commercial District	Commercial
South	“R-6 AHOD” Single- Family Airport Hazard Overlay District	Residential
East	“C-3” General Commercial District	Commercial
West	“R-6 AHOD” Single- Family Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within Medical Center Area Regional Center plan and designated Urban Mixed Use within the future land use component of the plan. The subject property is not located within the boundaries of any Neighborhood Associations.

Street Classification

Wurzbach Road is classified as a Secondary Arterial Type A.

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 50% reduction of bufferyards on the southeast and southwest property lines is not contrary to public interest as it does not negatively impact any surrounding properties or the general public. The existence of the internal private street in the residential community creates additional buffer area providing adequate space to get access to light and air. The development of the vacant lot will be beneficial and a net improvement to the surrounding vicinity.

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

Literal enforcement would not allow the development of the property as intended due to the lot size constraints and establishing new bufferyards as the code requirements.

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 bufferyard and setback requirements is to prevent fire spread, increase privacy, and separate uses within a district. The requested variances along the southeast and southwest property line meet the intent of the code.

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 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 introduced bufferyards to the property lines adjacent to a residentially used property would enhance the overall appearance of the site, streetscape, and neighborhood. Besides, the requested setback would provide enough space in creating privacy and facilitating long-term maintenance which will not substantially injure adjacent conforming properties.

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 requirements in Section 310.01 and the landscape bufferyard requirements in Section 35-510.

Staff Recommendation

Staff recommends **APPROVAL** of BOA-20-10300079 of the requested 1) a 7'6" variance from the 15' Type C landscape bufferyard requirement to allow a bufferyard to be 7'6" along the southeast property line, 2) a 7'6" variance from the 15' Type C landscape bufferyard requirement to allow a bufferyard to be 7'6" along the southwest property line, 3) a 16' variance from the required 30' side setback to allow a structure to be built 14' from the southeast property line" based on the following findings of fact:

1. The introduction of the requested bufferyards will beautify and provide improvement in the community, and;
2. A 14' setback will reasonably allow access for maintenance of the commercial structure e while simultaneously provide adequate space and privacy for the adjacent residential property.