



City of San Antonio

Agenda Memorandum

File Number:20-5778

Agenda Item Number: 1.

Agenda Date: 10/5/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300055
Applicant: Caroline E. McDonald, Brown & Ortiz, P.C.
Owner: William Epp
Council District: 9
Location: 12590 West Avenue
Legal: Lot East 246.42' of Lot 1, Block 1, NCB 16816
Description:
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager: Dominic Silva, Senior Planner

Request

A request for a 10' variance from the 15' Type B bufferyard, as described in Section 35-514, to allow the north and east side bufferyards to be 5' in width.

Executive Summary

The subject property is located on an undeveloped corner of commercial property between West Avenue and West North Loop Road. Adjacent to the property on the north and east are residential zoned properties utilized as commercial uses - a restaurant to the north and mechanical A/C and heating repair shop to the east.

The applicant will be constructing a 1-story commercial building on the property that was recently approved for a "C-2" zoning district, downzoned from "C-3" and "I-1." Partial right-of-way acquisition was recently taken from the property, leaving the developable space of the property limited. Additionally, the configuration of surrounding properties further restricts maximum use of the property.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

No permits have been processed for this project.

Zoning History

The property was annexed by Ordinance 41428 on December 14, 1972 and zoned “B-3” Business District and “I-1” Light Industrial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to the current “C-3” General Commercial District and “I-1” Light Industrial District converted to the current “I-1” General Industrial District. Ordinance 2020-08-20-0587, dated August 30, 2020, rezoned the property from “C-3” and “I-1” to the current “C-2.”

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan and is currently designated as “Community Commercial” in the land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

West Avenue is classified as a secondary arterial. West North Loop Road is classified as a local 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

variance is not contrary to the public interest as the applicant is proposing to construct a commercial structure currently underutilized lot. The surrounding area predominately consists of commercial uses.

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

Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship. The subject property is surrounded by odd shaped lots, so a literal enforcement of the ordinance would create difficulty in constructing a commercial structure with space for parking and traffic.

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 bufferyard requirements is to create buffers between adjacent property uses and protect the public health, safety, and welfare. In this case, the adjacent properties are commercially utilized, and due to the right-of-way acquisition, requires a variance in order to meet parking requirements.

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 requested variance will not permit a use not authorized within the “C-2” Commercial District 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 subject property is located in a predominately commercial and industrial area. The variance will not injure the adjacent properties nor alter the character of the district.

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 finds that, due to the right-of-way acquisition, irregular lots adjacent to the subject property, and commercial uses of those lots, a variance is justified and are not due to financial circumstances or due to the general conditions of the district.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the bufferyard requirements of UDC Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300055**, based on the following findings of fact:

1. The requested variances will not detract from the character of the developing and existing commercial and industrial uses, and;
2. Adequate space will be reserved for all required setbacks and parking spaces.