



City of San Antonio

Agenda Memorandum

File Number:21-4988

Agenda Item Number: 8.

Agenda Date: 8/2/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300089
Applicant:	David Beyer
Owner:	First Mark Credit Union
Council District:	1
Location:	3200 Fredericksburg Road
Legal Description:	Lot 19, 2, E 33 FT of 1, W 17 FT of 18 & 33 FT of 20, Block 39, NCB 8470
Zoning:	"C-2 AHOD" Commercial Airport Hazard Overlay District" and "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District"
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a 13' variance to the minimum 15' Type B and Type C Bufferyards, as described in Section 35-510, to allow a 2' Type B and Type C Buffer.

Executive Summary

The subject property is located at the corner of Fredericksburg Road and Fresno Street. The property is zoned "C-2" and "C-3NA" and is abutting residentially zoned property. The zoning of this property imposes a 15' landscape buffer, which the applicant is requesting to reduce to allow for parking on the property. The applicant is proposing to demolish the building and the case has been reviewed by the Office of Historic Preservation.

In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a variance does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

Permits have recently been pulled for the renovation of the structure.

Zoning History

The subject property was annexed into San Antonio City Limits on May 13, 1940, established by Ordinance 1845. The property was zoned "F" Local Retail District. A portion of the property changed to "B-3NA" Non-Alcoholic Sales Business District, which converted to the current "C-3NA" upon adoption of the 2001 Unified Development Code (Ordinance 93881, established May 3, 2001). Another portion of the property changed from "F" to "B-2" Business District, established by Ordinance 69501, dated May 18, 1989. The zoning converted to the current "C-2" upon adoption of the 2001 Unified Development Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 AHOD" Commercial Airport Hazard Overlay District" and "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District"	Commercial & General Commercial Nonalcoholic Sales

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District.	Commercial
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District and "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
West	"C-3 AHOD" General Commercial Airport Hazard Overlay District	General Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the Near Northwest Community Plan and is designated "Community Commercial" in the future land use component of the plan. The subject property is located within the Los Angeles Heights Neighborhood Association, and they were notified of this application.

Street Classification

Fredericksburg Road is classified as a Secondary Arterial Type B.

Criteria for Review - Variances

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. The applicant is requesting to reduce the landscape buffer to ensure enough parking for the new structure. There will still be a small strip of landscaping, with varying widths and the smallest width will be 2'.

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 the applicant imposing a 15' landscape buffer along all property lines which would reduce the space for parking. This can negatively affect the surrounding area, and would be an unnecessary hardship.

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. Reducing the landscape buffer to 2' will maintain the spirit of the ordinance.

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 proposed variance does not appear to substantially injure adjacent conforming properties or the essential character of the district. With parking for the building being placed abutting the residential properties, there will still be adequate spacing between structures.

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 the plight of the owner of the property for which the variance is sought is due to the limited space on the property and is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Landscape Buffer Requirements Section 35-510.

Staff Recommendation

Staff recommends **Approval** in **BOA-21-10300089** based on the following findings of fact:

1. Reducing the landscape buffer to 2' will provide adequate space for off-street parking; and
2. The parking will provide separation between any residential structures and commercial structures.