



City of San Antonio

Agenda Memorandum

File Number:15-5159

Agenda Item Number: 2.

Agenda Date: 10/5/2015

In Control: Board of Adjustment

Case Number: A-15-149
Applicant: Michele Haussmann
Owner: Legend Realty Partners
Council District: 9
Location: 12215 Starcrest Drive
Legal Description: Lot 1, block 4 NCB 12062
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a 25 foot variance from the 40 foot minimum buffer yard, as described in Table 35-510-1, along the rear property line to allow a 15 foot bufferyard.

Executive Summary

The subject property is located on Starcrest Drive, very near its intersection with Jones Maltsberger. The vacant 2 acre parcel was purchased in 2007 for the development of 100,000 square feet of self storage, located within two 3-story buildings. In 2008, the owner submitted plans to Development Services for a building permit and was told that a 15 foot wide buffer yard would be required along the north property boundary. At the time, the vacant property to the north of it was zoned "R-6" Residential Single-Family. The business climate became very risky and the plans were never constructed. Since that time, a large area rezoning case was considered and a portion of the adjacent property (less than 50%) was rezoned to "RE" Residential Estate, which triggers a wider 40 foot bufferyard. The applicant is seeking a variance to construct the buildings as originally designed, with a cohesive 15 foot wide buffer along the entire northern property boundary.

The residential estate property to the north is a 5 acre lot that is 600 feet deep and heavily wooded. According to Bexar County, the property includes a home but it is not visible from the air or the street. In an effort to retain the large lot characteristics of this fairly isolated residential community on Blue Crest Lane, a zoning map amendment was initiated by the City Council in 2008. In the report, staff noted that if the property was larger than one acre, it was zoned "RE" Residential Estate.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"C-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"MF-33 AHOD" Multi-Family Residential Airport Hazard Overlay District	Multi-Family Residential
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Convenience Store w gasoline & carwash
East	"MF-33 AHOD" Multi-Family Residential Airport Hazard Overlay District	Multi-Family Residential
West	"MF-33 AHOD" Multi-Family Residential Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the North Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

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 minimum buffers installed to protect adjacent properties from future conflicts generated by differing uses. The variance is not contrary to the public interest.

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

The special circumstance present on the subject property is that the site plans were designed for construction when only a 15 foot buffer was required by the adjacent property's zoning district. Now, a 40 foot wide buffer is required along a portion of the rear boundary. Therefore this unique circumstance makes literal enforcement 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 letter of the law. The bufferyard is intended to mitigate the impact between two incompatible uses. In this case though, a self storage facility is not an intense use. Therefore, this variance observes the spirit of the code.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-3 AHOD" General Commercial Airport Hazard Overlay 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 currently heavily wooded and its proposed development will change the habitat and refuge it has provided to birds and wildlife. However, the requested reduction in bufferyard width for the 140 linear feet of the shared boundary is not likely to alter the character of the district or injure the adjacent property.

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.*

According to the applicant, the site is subject to on-site detention, which only impacts 15-20% of the parcels within city limits. In addition, a fire lane 26 feet in width also is required for this project. This is not merely financial.

Alternative to Applicant's Request

The applicant could reduce the size of the second storage building to accommodate the required buffer.

Staff Recommendation

Staff recommends **APPROVAL of A-15-149** based on the following findings of fact:

1. The 15 foot wide bufferyard is adequate to provide screening of the proposed use, especially since the rear setback in the "RE" residential estate district requires an additional 30 feet.