

Case Number:	BOA-23-10300287
Applicant:	Triple J Drafting and Design
Owner:	Northwest Business Park LLC
Council District:	6
Location:	9747 Culebra Road
Legal Description:	Lot 4, Block 1, NCB 18860
Zoning:	“C-2 AHOD” Commercial Airport Hazard Overlay District and “C-3R” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for 1) a 7' variance from the 15' minimum landscape buffer, as described in Section 35-510, to allow an 8' buffer in the northern property line, and 2) an 8' variance from the 15' minimum landscape buffer, as described in Section 35-510, to allow a 7' buffer on the eastern property line.

### **Executive Summary**

The subject property is located on Culebra Road, just west of the intersection with Village Park. The property was recently platted on July 20, 2023. The future commercial development does not meet the landscape buffer requirements abutting the residential uses to the north and eastern property lines. The landscape buffers variances are located on the northern property line, the northern portion of the eastern property line (1b on Site Plan) and the east/west running extension of the eastern property line (1c on Site Plan).

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

COM-PRJ-APP23-39800477 – Current Development, currently on hold until the Board of Adjustment decision.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 68296, dated December 30, 1989, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 71383, dated April 10, 1990, to the “B-2” Business District and “B-3R” Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-2” Business District and “B-3R” Restrictive Business District converted to the current “C-2” Commercial District and “C-3R” General Commercial Restrictive Alcoholic Sales District

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District and “C-3R” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Vacant

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District and “C-3R” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Single-Family Dwellings and Vacant Lot
West	“C-2 AHOD” Commercial Airport Hazard Overlay District and “C-3R” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Commercial

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Northwest Community Plan and is designated as “Community Commercial” in the future land use component of the plan. The subject property is located within the Greater Northwest Community Improvement Neighborhood Association boundaries, and they have been notified of this request.

### **Street Classification**

Culebra Road is classified as a Primary Arterial Type A.

### **Criteria for Review – Bufferyard Variance**

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 public interest is represented by minimum landscape buffer between commercial uses and residential properties, as they ensure that buildings, drives, and parking is positioned a safe and suitable distance from property lines. Staff finds the reduced setbacks on the northern (labeled 1a on Site Plan) and the north portion of the eastern property line (labeled 1b on Site Plan) provides a suitable distance from the property line.**

Staff finds the reduced landscape buffer on east/west running line of the eastern property line (labeled 1c on Site Plan) does not leave a suitable distance from the property line.

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

**Staff found special condition existing on the property of the existing development as a literal enforcement of the ordinance does not leave room to rearrange the reduced landscape buffer labeled 1a and 1b on the Site Plan.**

Staff has found no special conditional that literal enforcement of the ordinance would cause an unnecessary hardship for the landscape buffer labeled 1c on the Site Plan as the proposed dumpster can be relocated.

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 15' landscape buffer is to ensure property distance between residential property line and commercial development. The reduced landscape buffer labeled 1a and 1b will observe the spirit of the ordinance as development would be challenging to rearrange and leave sufficient room from the residential property line.**

The spirit of the ordinance will not be observed for the reduced landscape buffer labeled 1c. The proposed use can be located outside the required landscape buffer.

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.*

**If granted, the reduced landscape buffers labeled 1a and 1b will not substantially injure the appropriate use of the adjacent conforming property as it will leave sufficient room from the property and while not altering the essential character of the district.**

If granted, the reduced landscape buffer labeled 1c will substantially injure the appropriate use of adjacent conforming property as the request is based on a function that can and should be located away from residential development.

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 variances labeled 1a and 1b is sought is due to unique circumstances existing on the property. The development provides limited options to rearrange the development and meet the required landscape buffers.**

Staff finds the plight of the owner of the property for which the variance labeled 1c is sought is not due to unique circumstances existing on the property. The property provides different options for placement of a dumpster that is located away from the residential properties.

### **Alternative to Applicant's Request**

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

### **Staff Recommendation – Landscape Buffer labeled 1a and 1b**

Staff recommends **Approval** in **BOA-23-10300287** based on the following findings of fact:

1. The proposed development leaves minimal options for rearranging the proposed development; and
2. Will not alter the essential character of the district.

**Staff Recommendation – Landscape Buffer labeled 1c**

Staff recommends Denial in BOA-23-10300287 based on the following findings of fact:

1. The proposed use located on the landscape buffer can be relocated outside the required landscape buffer.
2. The proposed variance is contrary to public interest as it will locate a commercial use close to a residential property line.