

Case Number:	BOA-23-10300104
Applicant:	Colin Bass
Owner:	Natalie Medina
Council District:	1
Location:	3314 North Saint Mary's Street
Legal Description:	Lot 1 and 2, Block 2, ICB 6078 (BCAD 370545)
Zoning:	"NC CD RIO-1 AHOD" Neighborhood Commercial River Improvement Overlay 1 Airport Hazard Overlay District with Conditional use for a Parking Lot
Case Manager:	Bronte Frere, Planner

A request for

A 9'-4" variance from the minimum 15' buffer yard, as described in Section 35-510, to allow a 5'-8" buffer yard along the eastern property line.

Executive Summary

The subject property is located on North Saint Mary's Street, just east highway 281, where Saint Mary's intersects East Huisache Avenue. The proposed development of this property is for a parking lot to service an adjacent business. The variance requested is along the eastern portion of the property which is next to a residential dwelling. No buffer is required along the southern property line as the lot has a Conditional Use for a commercial use. Upon visiting the site, staff observed no other conditions that would warrant an additional variance request.

Code Enforcement History

There is no code history for the subject property.

Permit History

There is no relevant permit history for the subject property.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "F" Local Retail District converted to the "C-2" Commercial District. The property was rezoned by Ordinance 2020-03-19-0201, dated March 19, 2020, to "NC" Neighborhood Commercial District. The property was rezoned by Ordinance 2023-11-02-0803, dated November 2, 2023, to the current "NC CD" Neighborhood Commercial District with a Conditional Use for a Noncommercial Parking Lot.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NC CD RIO-1 AHOD" Neighborhood Commercial River Improvement Overlay 1 Airport Hazard Overlay District with Conditional use for a Parking Lot	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 CD RIO-1 AHOD” Residential Single-Family River Improvement Overlay 1 Airport Hazard Overlay District with a Conditional Use for Apparel/Accessory Store and “C-3 AHOD” General Commercial Airport Hazard Overlay District	Commercial and Single-Family Residential
South	“NC RIO-1 AHOD” Neighborhood Commercial River Improvement Overlay 1 Airport Hazard Overlay District and “R-4 RIO-1 CD AHOD” Residential Single-Family River Improvement Overlay 1 Airport Hazard Overlay District with Conditional Use for Non-Commercial Parking Lot and “C-1 CD RIO-1 AHOD” Light Commercial River Improvement Overlay 1 Airport Hazard Overlay District with Conditional Use for Car Wash	Commercial and Parking Lot
East	“R-3 RIO-1 AHOD” Single-Family Residential River Improvement Overlay 1 Airport Hazard Overlay District	Single-Family Dwelling
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Commercial

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

North Saint Mary’s Street is classified as a local road.

Criteria for Review – Buffer Yard 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 landscape buffer along the eastern property line does not leave a suitable distance from the proposed parking lot and the adjacent property.

A reduction to a 7’-6” buffer yard would leave enough separation from the property and the adjacent property and would not be contrary to the public interest.

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

Staff has found no special conditional that literal enforcement of the ordinance would cause an unnecessary hardship for the landscape buffer as the property has sufficient room to accommodate a landscape buffer.

A 7'-6" buffer yard would still grant a buffer reduction for the developer while also maintaining half of the required buffer area.

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 spirit of the ordinance will not be observed for the reduced landscape buffer as it would not leave enough room to satisfy the intention of providing landscape buffers, which is to provide a separation between residential and non-residential land uses.

The spirit of the ordinance would be observed with a 7'-6" buffer yard, as it would still provide sufficient and aesthetically pleasing separation between the subject property and abutting residential property.

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 buffer will substantially injure the appropriate use of adjacent conforming property as the buffer yard would not sufficiently provide a separation between the property and the abutting and adjacent residential dwellings.

A 7'-6" buffer yard would provide sufficient separation between the proposed development and the abutting property while not altering the essential 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.*

The plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. The property provides sufficient room to implement a buffer yard larger than 5'-8".

The plight of the property owner for which the variance is sought could be resolved with a 7'-6" buffer yard, as the 7'-6" reduced buffer yard would still provide space for the proposed development and adequately separate the subject property from the abutting lot.

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

Staff recommends Denial **with an alternative recommendation for a 7'-6" buffer yard variance along the eastern property line** in BOA-23-10300104 based on the following findings of fact:

1. The request for a 9'-4" variance reduces the required buffer yard to less than half of its required area, which is contrary to the public interest,
2. A request would alter the essential character of the district, as the proposed development of a parking lot would not be adequately separated from the adjacent residential property; and
3. The reduced 7'-6" buffer yard would preserve the essential character of the district while still allowing space on the property for the proposed development.