



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 03, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300064

**APPLICANT:** Stephanie Garcia

**OWNER:** JDRE, LLC

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 2102 South Presa Street

**LEGAL DESCRIPTION:** Lot 38, Block 2, NCB 1669

**ZONING:** "I-1 AHOD" General Industrial Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

1) A 15' variance from the minimum 15' Buffer to allow the elimination of the Buffer in the front yard.

Section 35-510

2) A 29'-11" variance from the minimum 30' front setback to allow a structure with a 1" front setback.

Section 35-310.01

3) A 29'-11" variance from the minimum 30' side setback to allow a structure with a 1" side setback.

Section 35-310.01

4) A 20' variance from the minimum 30' rear setback to allow a structure with a 10' rear setback.  
Section 35-310.01

5) A 15' variance from the minimum 25' rear buffer to allow a 10' buffer in the rear yard.  
Section 35-510

### **Executive Summary**

The subject property is located west of Interstate 37, across from the Lowell Street and South Presa intersection, on the corner of West Drexel Avenue and South Presa Street. The applicant, on behalf of the property owner, is proposing a horse and carriage storage building and staging area for Yellow Rose and H.R.H Carriage Company. The proposed building would allow the carriages to be stored onsite and closer to the city center. As the horses are transported daily, to and from their farm to City of San Antonio Riverwalk area, the planned horse stalls would provide a temporary hub for the horses to transition to and from carriages and horse carrier transport. To obtain the space needed for the horses and carriages, the applicant is seeking a 29'-11" variance to allow for a 1" front and side setback, along with a 20' variance for a 10' rear setback. Additionally, the applicant is seeking elimination of the front yard landscape buffer requirement as well as a 15' variance to allow a 10' rear landscape buffer to the rear of the property. Permits for this project are pending the outcome of BOA decision.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "J" Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "J" Commercial District converted to the current "I-1" General Industrial District.

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

#### **Existing Zoning**

"I-1 AHOD" General Industrial Airport Hazard Overlay District

#### **Existing Use**

Vacant Land

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

#### **North**

#### **Existing Zoning**

"I-1 AHOD" General Industrial Airport Hazard Overlay District

#### **Existing Use**

Auto Service and Single-Family Residential

#### **South**

**Existing Zoning**

“I-1 AHOD” General Industrial Airport Hazard Overlay District

**Existing Use**

Single-Family Residential

**East****Existing Zoning**

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residential

**West****Existing Zoning**

“I-1 AHOD” General Industrial Airport Hazard Overlay District

**Existing Use**

Single-Family Residential

Church

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is currently located in the Downtown Area Regional Center Plan and is designated as “Urban Mixed Use” in the future land use component of the plan. The subject property is located within 200’ of the Roosevelt Park Neighborhood Association and were notified of the case.

**Street Classification**

South Presa is classified as Secondary Arterial Type B

West Drexel Avenue is classified as a local road.

**Criteria for Review –Front, Side and Rear Setback and Landscape Buffer 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. In this case, the public interest is represented by the reduced setbacks against residential lots and buffers against a secondary arterial. Staff finds these variances are contrary to the public interest as it reduces separation from an industrial use and residential lots and eliminates a buffer along South Presa Street.

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

Staff found no special conditions on the subject property that would allow a variance to the required setbacks and buffers. An industrial use requiring ample space to properly conduct their business should be located on a adequately sized lot.

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 proposed structure is not within the spirit of the ordinance as it provides no protection from the right of way and abutting residential lots.

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.*

Staff finds the granting of the variances will substantially injure the appropriate use of adjacent conforming properties and alter the essential character of the district in which the property is located, as the reduced setbacks will unnecessarily expose residential lots to an industrial use and alter the character of the Secondary Arterial Road by eliminating the buffer.

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 not due to unique circumstances existing on the property, as not all industrial uses can be properly located surrounding residential use lots.

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

The alternative to the applicant's request is to conform to the setback and buffer requirements of the UDC Section 35-310.01 and Section 35-510.

### **Staff Recommendation – Front/Side Setback and Front/Rear Buffer Variance**

Staff recommends Denial in BOA-24-10300064 based on the following findings of fact:

1. The setback variances will unnecessarily expose residential lots to encroaching industrial use.
2. The buffer elimination will alter the essential character of the district.
3. The lot size and location are not suitable for the proposed industrial use.