

Case Number:	BOA-22-10300156
Applicant:	Brown and Ortiz, PC
Owner:	West North Loop LLC
Council District:	9
Location:	421 West North Loop Road
Legal Description:	LOT E 246.42 FT OF 1, Block 1, NCB 16816
Zoning:	“C-2 AHOD” Commercial Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

1) A request for a 16’-7” and 2’-8” variance from the 30’ minimum rear setback and 10’ minimum side setback, as described in Sec. 35-310.01, to allow a garage to be 13’-5” from the rear property line and 7’-4” from the eastern side property line. 2) A request for a 10’ variance from the 15’ Type B buffer yard, as described in Sec. 35-510, to allow the north and east side buffer yards to be 5’ in width.

Executive Summary

The subject property is located on West North Loop, at the intersection of West Avenue and East Loop and South of Wurzbach Parkway and West of US-281 and contains a commercial structure. The applicant is constructing a garage with the foundation encroaching the 30’ minimum rear setback and 10’ side setback. The subject property abuts residential lots and due to the size of the lots, the garage will not alter the district. There are multiple properties that have existing structures and garages in the surrounding areas. Previously, a variance for a rear setback from the rear property line and a landscape buffer were approved, however the variance was not exercised within 12 months.

Code Enforcement History

There are no relevant code compliance cases for the subject property.

Permit History

A variety of building permits were pulled for the subject property.

Zoning History

The property was annexed by Ordinance 41428 on December 14, 1972, and zoned "B-3" Business District and "I-1" Light Industrial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General Commercial District and "I-1" Light Industrial District converted to the current "I-1" General Industrial District. The property was rezoned by Ordinance 2020-08-20-0587, dated August 20, 2020 to “C-2 AHOD” Commercial Airport Overlay District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Restaurant
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District and “I-1 AHOD” Light Industrial Airport Hazard Overlay District and “I-1 S AHOD” General Industrial Airport Hazard Overlay District with a Specific Use Authorization for Outside Storage/Open, No Screening Required	Industrial/Vacant
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	AC Contractor
West	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Public Park

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the San Antonio International Airport Vicinity Plan and is designated “Community Commercial” in the future land use component of the plan. The subject property is not located within a neighborhood association.

Street Classification

North Loop is classified as a Local Road.

Criteria for Review –Rear Setback 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 applicant has requested a variance to allow a garage to be 13’-5” from the rear and 7’-4” from the side property line, which would not be contrary to the public interest. Additionally, the landscape buffer will not be contrary to the public interest.

- 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 garage being moved to maintain a 30’ rear setback and 10’ side setback and would require landscape within the buffer which will not allow for the garage. This would result in 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. The 16'-7" variance from the 30' minimum rear setback, the 2'-8" variance from the 10' side setback and the 5' landscape buffer on the north and east will observe the spirit of the ordinance and will not adversely affect surrounding properties in the immediate area.

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 garage will maintain a 7'-4" side setback and 13'-5" rear setback and to allow the north and east side buffer yards to be 5' in width, respectively. This will not alter 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.*

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The existing structure will be required to meet the minimum side and rear setback requirements.

Alternative to Applicant's Request

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

Staff Recommendation –Rear Setback and Landscape Buffer Variance

Staff recommends **Approval** in **BOA-22-10300156** based on the following findings of fact:

1. The commercial property abuts a residential (restaurant and ac contractor) lots to the north and east; and
2. The garage will not alter the essential character of the district.
3. The landscape buffer was previously approved.