

Case Number:	BOA-23-10300022
Applicant:	Kamlesh Mehta
Owner:	K&D Gajera, LLC
Council District:	10
Location:	4660 Thousand Oaks Drive
Legal Description:	Lot 29, Block 6, NCB 14339
Zoning:	“C-3 AHOD” General Commercial Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 5’ variance from the minimum 10’ buffer, as described in Sec 35-510, to allow a 5’ buffer along a Collector Street.

Executive Summary

The subject property is located at the intersection of Thousand Oaks Drive and Schertz Road. The applicant is requesting a landscape buffer variance for their property to reduce the landscape along a Collector Road. The buffer requirement requires trees and shrubs along the eastern perimeter of the property. Tree staff is in approval with the 5’ buffer as there is still adequate space for plantings.

Code Enforcement History

Property Maintenance Investigation - 2/15/2023

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 39443 dated May 27th, 1971. The property was rezoned by Ordinance 44873, dated January 30, 1975, to the “B-3” Business District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current “C-3” General Commercial District, established by Ordinance 93881 dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Convenience Store

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Vacant Commercial
South	“ED AHOD” Entertainment Airport Hazard Overlay District	Vacant Commercial
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant Commercial
West	“MF-33 PUD AHOD” Multi-Family Planned Unit Development Airport Hazard Overlay District	Vacant Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the NE I-35 and Loop 410 Area Regional Center Sector Plan and is designated “Employment/Flex Mixed Use” in the future land use component of the plan. The subject property is within Sierra North Citizens on Alert Neighborhood Association and were notified of the case.

Street Classification

Thousand Oaks Drive is classified as a Secondary Arterial A.
Schertz Road is classified as a Collector Street.

Criteria for Review –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 requested landscape variance is not contrary to the public’s interest as trees and shrubs can be placed in other portions of the lot.

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

Without the variance the applicant would have to comply to the landscape buffer requirements. This would result in an unnecessary hardship for the addition of the building.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Reducing the landscape buffer requirement 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 landscape buffer variance will not alter the essential character of the district as no other buffers are required in the abutting or opposing lots.

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 unique character of the business would be hindered by the existing buffer.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Landscape Buffer requirements listed in Section 35-510.

Staff Recommendation –Landscape Buffer Variance

Staff recommends **Approval** in **BOA-23-10300022** based on the following findings of fact:

1. The landscape buffer will not alter the essential character of the district; and
2. The required trees and shrubs can be located in other areas of the property.