

Case Number:	BOA-23-10300226
Applicant:	AMD Engineering, LLC
Owner:	SB SA Uptown LTD
Council District:	9
Location:	1110 North 1604 East
Legal Description:	Lot 6, Block 1, NCB 17230
Zoning:	“C-3 MLOD-1 MLR-1 ERZD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District and “C-2 MLOD-1 MLR-1 ERZD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 11’-6” variance from the minimum 15’ landscape buffer, as described in Sec. 35-510, to allow a 3’-6” landscape buffer.

Executive Summary

The subject property is located along North 1604 East on the Northside between US Hwy 281 and Stone Oak Parkway. The applicant is requesting a 3’-6” Landscape Buffer on the northern property line to facilitate parking for a proposed coffee and food service establishment. The buffer reductions requested border commercial uses. There is currently a restaurant on the lot abutting this property.

Code Enforcement History

There is no relevant code enforcement history for the subject property.

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 56134, dated December 21, 1982, and zoned “Temporary R-1” Single-Family Residence District. The northern portion of the property was rezoned by Ordinance 56423, dated January 20, 1983, to “B-3” Business District. The southern portion of the property was rezoned by Ordinance 56423, dated January 20, 1983, to “B-2” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the northern portion of the property zoned “B-3” Business District converted to the current “C-3” General Commercial District and the southern portion of the property zoned “B-2” Business District converted to the current “C-2” Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 MLOD-1 MLR-1 ERZD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District and “C-2 MLOD-1 MLR-1 ERZD” Commercial	Vacant Land

Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	ROW	Loop 1604
South	“R-6 MLOD-1 MLR-1 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Single-Family Residence
East	“C-3 MLOD-1 MLR-1 ERZD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District and “C-2 MLOD-1 MLR-1 ERZD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Strip Mall
West	“C-3 MLOD-1 MLR-1 ERZD” General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District and “C-2 MLOD-1 MLR-1 ERZD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in North Sector Plan and is designated as “Mixed Use Center” in the future designated land use. The subject property is not within a registered Neighborhood Association.

Street Classification

North 1604 East is classified as an Interstate.

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 reduced buffer will be located along the north property line and will leave enough room between properties to reduce noise and therefore is not contrary to the public interest.

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

The full landscape buffer would reduce the amount of space the applicant can build on the property.

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 reduced landscape buffer will observe the spirit of the ordinance as there will still be a landscape buffer located along the north property line.

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.*

The reduced landscape buffer will not substantially injure the appropriate use of adjacent properties as the buffer variances being sought after are bordering commercial uses.

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 reduced landscape variances are sought is due to unique circumstances existing on the property, such as the location of the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Buffers Yard Regulations listed under Section 35-510 of the UDC.

Staff Recommendation – Landscape Buffer Variance

Staff recommends **Approval** in **BOA-23-10300226** based on the following findings of fact:

1. The reduced buffers requested border commercial uses; and
2. Applying the full buffer would significantly limit the usability of the property.