

Case Number:	BOA-23-10300274
Applicant:	Killen, Griffin and Farrimond
Owner:	Jesse Sepulveda Jr.
Council District:	1
Location:	5422 IH 10 West
Legal Description:	Lot 23, Block 139, NCB 8814
Zoning:	“C-1 AHOD” Light Commercial Airport Hazard Overlay District and “O-2 AHOD” High-Rise Office Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 5’ variance from the minimum 15’ landscape buffer, as described in Sec. 35-510, to allow a 10’ landscape buffer, and 2) a 20’ variance from the maximum 25’ height limitation, as described in Sec. 35-517, to allow a 45’ structure.

Executive Summary

The subject property is located along IH 10 West Access Road and West Wildwood, just west of IH 10 and the subject property is currently vacant. The applicant is requesting a 5’ Landscape Buffer on the western property line. Additionally, the applicant is requesting a maximum building height limitation for the property. Per the UDC, the maximum building height for a commercially zoned district is 25’ and the applicant is requesting for it be 45’. This request was approved by the Board of Adjustment on July 2, 2018, with a vote of 11-0. Additionally, the property owner is in the process of rezoning 1802 and 1806 West Wildwood to allow for a Noncommercial Parking Lot. Staff recommend Denial, Zoning Commission recommended Approval on October 3, 2023, and the request is scheduled to appear before City Council on November 2, 2023.

Code Enforcement History

There is no code 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 subject property was annexed into the City of San Antonio by Ordinance 1845, dated May 5, 1940, and zoned “B” Residence District. The property was rezoned by Ordinance 49270 dated April 20, 1978, from “B” Residence District to “O-1” Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “O-1” Office District converted to “O-2” High-Rise Office District. The western portion of the property was rezoned by Ordinance 2016-01-28-0044 dated January 28, 2016, from “O-2” High-Rise Office District to the current “C-1” Light Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-1 AHOD” Light Commercial Airport Hazard Overlay District and “O-2 AHOD” High-Rise Office Airport Hazard Overlay District	Vacant Land

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	ROW	IH 10 W Access Road
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	ROW	IH 10 W Access Road
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the Near Northwest Plan and is designated as “Urban Low Density Residential” in the future designated land use. The subject property is located within the Los Angeles Heights Neighborhood Association and were notified of the case.

Street Classification

IH 10 West is classified as an Interstate.

West Wildwood is classified as a local road.

Criteria for Review – Landscape Buffer & Height Limitation 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 western property line and will leave enough room between properties to reduce noise and therefore is not contrary to the public interest. Additionally, the maximum height allowance variance is not contrary to the public interest as it is located at the end of the street and abuts an interstate on 2 sides.

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

The full landscape buffer and the reduced building height 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 western property line. The maximum building height limitation will observe the spirit of the ordinance as this will allow for the development of the lot.

- 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 and additional building height will not substantially injure the appropriate use of adjacent properties.

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 circumstances do not appear to be merely financial.

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 and Building Height Regulations listed under Section 35-517 of the UDC.

Staff Recommendation – Landscape Buffer & Height Limitation Variance

Staff recommends **Approval** in **BOA-23-10300274** based on the following findings of fact:

1. The applicant would not have sufficient building height for the proposed use intended; and
2. The request would not be out of character with surrounding land uses and zoning districts.