

Case Number:	BOA-22-10300016
Applicant:	Jason Reed
Owner:	BAR-PASO PARTNERS LP
Council District:	2
Location:	1735 South WW White Road
Legal Description:	Lot N IRR 221.0 FT of B, Block 2, NCB 13502
Zoning:	"C-2 MLOD-3 MLR-1" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District
Case Manager:	Roland Arsate, Planner

### **Request**

A request for a 10' variance from the minimum 15' landscape bufferyard requirement, as described in Section 35-510, to allow a 5' landscape buffer along S. WW White Road.

### **Executive Summary**

The subject property is located on the corner of South WW White Street and Lakewood Drive. The subject property is currently a large vacant lot that is closed off by fencing. The subject property is located in an area with many commercial uses and some residential to the rear. The applicant is requesting a variance to the landscape buffer requirements. The property is abutting South WW White Road, which has a Major Arterial street classification. With the property zoned "C-2" Commercial District, there is a minimum 15' landscape bufferyard requirement. The applicant is requesting to reduce the bufferyard to 5' along South WW White Road.

### **Code Enforcement History**

Jan 2022 – Overgrown Yard

### **Permit History**

March 2022 – Sign permit

Jan 2022 - Commercial Project Plans

Jan 2022 – Electrical permit

August 2018 – Tree Permit

April 2018 – Demo Permit

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned "A" Single-Family Residence District. The property was rezoned by Ordinance 30760, dated September 16, 1962 from "A" Single-Family Residence District to "F" Local Retail District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "F" Local Retail District to the current "C-2" Commercial District.

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

Existing Zoning	Existing Use
"C-2 MLOD-3 MLR-1" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District	Vacant Lot

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"C-2 MLOD-3 MLR-1" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District	Commercial Uses
South	"C-2 MLOD-3 MLR-1" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District	Commercial Uses
East	"C-2 MLOD-3 MLR-1" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District and "C-3R MLOD-3 MLR-1" General Commercial Restrictive Alcohol Sales Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District	Commercial Uses
West	"R-5 MLOD-3 MLR-1" Residential Single- Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-1 District	Residential Uses

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Eastern Triangle Community Plan and is designated “Community Commercial” in the future land use component of the plan. The subject property is located within the Dellcrest Area Neighborhood Association and were notified of the case.

### **Street Classification**

South WW White is classified as a Principal Arterial A road.

### **Criteria for Review - Variances**

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 is requesting a variance from the minimum landscape buffer yard requirements to allow a 5’ landscape buffer along S WW White Road. The property is currently vacant and there do not appear to be existing hardships that would not allow the 15’ landscape buffer requirement to be met, so the variance appears to 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 applicant having to redesign the layout of the building to meet the landscape buffer requirement as designated. This would not result in any unnecessary hardship for the applicant as they would just need to redesign the design of the site layout to ensure there are proper bufferyards and pervious cover is met.

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. A variance to a buffer requirement does not observe the spirit of the ordinance.

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 request for a variance to the buffer requirement may create future development requests to omit buffer requirements. Granting the variance will substantially injure the district in the future and may 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 not due to unique circumstances existing on the property. The subject property is currently vacant and the applicant can redesign the layout to meet the business' needs while also meeting buffer requirements.

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

The alternative to the applicant's request is to conform to the landscape bufferyard requirements per the UDC Section 35-510.

### **Staff Recommendation – Landscape Buffer Variance**

Staff recommends Denial in BOA-22-10300016 based on the following findings of fact:

1. The subject property is currently vacant; and
2. The layout and design of the site can be revised to meet the landscape buffer requirements; and
3. The landscape review team does not find the variance request suitable for the property.