

Case Number:	BOA-21-10300195
Applicant:	Jon Robinson
Owner:	Babcock Store LLC
Council District:	8
Location:	2023 Babcock Road
Legal Description:	Lot 49, Block 1, NCB 12811
Zoning:	"C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for a 14' variance from the minimum 15' landscape buffer requirement, as described in Section 35-510, to allow a landscape buffer to be 1' along Louis Pasteur Drive.

Executive Summary

The subject property is located at the intersection of Babcock Road and Louis Pasteur Drive near the San Antonio Medical Center Area. The applicant is requesting a 14' variance from the required 15' landscape buffer required on the property abutting Louis Pasteur Drive. The lot is currently vacant and is zoned "C-3R" General Commercial Restrictive Alcohol Sales District. Table 510-1 requires properties zoned "C-3" to maintain a Type B landscape buffer when abutting streets classified as Minor Arterial. Babcock Road and Louis Pasteur Drive are both Minor Arterial Roadways, so a 15' landscape buffer is required along both street frontages. The applicant meets the requirements for the landscape buffer along Babcock Road, and is only requesting the variance to the landscape buffer along Louis Pasteur Drive in order to better accommodate their development plans. A site plan has been provided and reviewed by DSD's Tree Plan Review Team.

Code Enforcement History

There are no relevant Code Enforcement violations in relation to this variance request.

Permit History

January 2021 – Storage Tank Permit for Removal

January 2021 – Demolition Permit

April 2021 – Sign Permit

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned "B-3R" Restrictive Business District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "B-3R" Restrictive Business District to the current "C-3R" General Commercial Restrictive Alcoholic Sales District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District	Shopping Center / Clinic Offices
South	"C-1 AHOD" "R-5 AHOD" Light Commercial Airport Hazard Overlay District & Residential Single Family Airport Hazard Overlay District	Hospital
East	"C-1 AHOD" "R-5 AHOD" Light Commercial Airport Hazard Overlay District & Residential Single Family Airport Hazard Overlay District	Hospital
West	"C-2NA S AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District w/ a specific Use Authorization for a Hospital.	Parking Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Medical Center Area Regional Center Plan and is designated "Urban Mixed Use" in the future land use component of the plan. The subject property is located within 200' of the Dreamhill Estates Neighborhood Association and they were notified of the case.

Street Classification

Babcock Road and Louis Pasteur Drive are both classified as a Minor Arterial Roads.

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 proposing a 1' landscape buffer along the side property line abutting Louis Pasteur Drive where a 15' landscape buffer is normally required. The lot is rather small for a commercial development, and the landscape buffer requirements are being met along Babcock Road, where another 15' landscape buffer is required. The proposed site plan has been reviewed by traffic and landscaping, and no concerns were found during the review as there is adequate landscaping provided on the property.

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 either a redesign of the building to meet the landscape buffer requirements along both Babcock Road and Louis Pasteur Drive, or a possible halting of the construction plans altogether as the design would not be suitable for business needs and instead leaving the property in its current configuration which is a vacant lot. The small size of the lot and the fact that it has frontage along two Minor Arterial Roadways presents an unnecessary hardship if a literal enforcement of the ordinance were applied.

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 14' variance to the landscape buffer along Louis Pasteur Drive will observe the spirit of the ordinance. The landscaping plan was redesigned and submitted to plan review to meet the requirements of the Traffic and Tree Teams and deemed acceptable to both to be able to move forward with the variance process.

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 14' variance to the buffer requirement is not likely to negatively affect the adjacent neighboring property and will only enhance the current vacant lot both aesthetically and functionally.

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 such as the small amount of available space and its corner location fronting two Minor Arterials.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the required landscape buffer requirements of the UDC Section 35-510.

Staff Recommendation – Landscape Buffer Variance

Staff recommends **Approval** in **BOA-21-10300195** based on the following findings of fact:

1. The submitted site plan has gone through Plan Review and no concerns were found by the Traffic or Tree Teams; and
2. The requested variance is being requested due to the small size of the commercial lot and will only affect the landscape buffer along Louis Pasteur Drive; and
3. All other landscape buffer requirements will be met along Babcock Road; and
4. The redesigned plan allows for more permeable coverage than currently exists.