

Case Number:	BOA-21-10300120
Applicant:	Jennifer Gonzales
Owner:	Clawson Properties, LLC
Council District:	2
Location:	143 Remount Drive
Legal Description:	Lot 178, Block 1, NCB 15731
Zoning:	“I-1 MLOD-3 MLR-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a 5’ variance from the minimum 30’ front setback requirement, as described in Section 35-310, to allow a structure to be 25’ from the front property line.

Executive Summary

The subject property is located along Remount Drive just outside of Loop 410. The property is currently being used for industrial uses and is zoned “I-1” General Industrial District. The zoning district requires a minimum 30’ front setback, and the applicant is requesting a 25’ front setback in order to construct a warehouse on the property. All other setbacks for the property will be met by the construction of the warehouse.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There are no relevant permits pending.

Zoning History

The subject property was annexed into the San Antonio City Limits on December 26, 1972, established by Ordinance 41431, and was zoned Temporary “R-1” Temporary Residence District. The zoning changed from Temporary “R-1” to “I-1” Light Industry District on May 20, 1976, established by Ordinance 46666. Upon adoption of the 2001 Unified Development Code, the zoning converted from “I-1” to the current “I-1” General Industrial District, established by Ordinance 93881 dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 MLOD-3 MLR-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District	Industrial Uses

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	“I-1 MLOD-3 MLR-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District and “L MLOD-3 MLR-2 AHOD” Light Industrial Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District	Industrial Uses
South	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District	Vacant Residential
East	“C-3 MLOD-3 MLR-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District	Industrial Uses
West	“I-1 MLOD-3 MLR-2 AHOD” General Industrial Martindale Army Air Field Military Lighting Region 2 Airport Hazard Overlay District	Industrial Uses

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Comprehensive Plan Area, therefore Consistency is not required. The subject property is not located within the boundaries of a registered Neighborhood Associations.

Street Classification

Remount Drive is classified as a local 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 to the front setback to allow a warehouse to be constructed 25' from the front property line. The setback will still allow for parking and does not appear 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 in constructing the warehouse 30' from the front property line, which would reduce the space behind the warehouse.

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 proposed development will meet all other development standards and will allow for space in the rear for the required landscape buffer, which observes 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.*

If granted, the structure will be 5' closer to the front property line, but there is still adequate space for parking. The variance does not appear to 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 for the front setback is sought is due to unique circumstances existing on the property and is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Sections 35-310.

Staff Recommendation – Side Setback Variance

Staff recommends **Approval** in **BOA-21-10300120** based on the following findings of fact:

1. The proposed warehouse will be setback 25' from the front property line; and
2. The proposed development will meet all other development standards; and
3. The requested setback will allow for the required landscape buffer along the rear property line.