

8. BOA-24-10300062: A request by the Law Office of EAR PLLC for 1) a 15' variance from the minimum 30' setback to allow a structure with a 15' rear setback, 2) a 15' variance from the minimum 15' buffer to allow an elimination of the buffer requirements on the front yard, and 3) a 5' variance from the minimum 20' setback to allow a 15' side setback, located at 12102 Huebner Road. Staff recommends Denial. (Council District 8) (Colton Uden, Planner, 210-207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 6, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300062

**APPLICANT:** Law Office of EAR PLLC

**OWNER:** PLSP LTD

**COUNCIL DISTRICT IMPACTED:** District 8

**LOCATION:** 12102 Huebner Road

**LEGAL DESCRIPTION:** Lot 14, Block 3, NCB 14713

**ZONING:** "O-2 MLOD-1 MLR-2 ERZD" High-Rise Office Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**CASE MANAGER:** Colton Uden, Planner

**A request for**

- 1) A 15' variance from the minimum 30' setback to allow a structure with a 15' rear setback. Section 35-310.01.
- 2) A 15' variance from the minimum 15' buffer to allow an elimination of the buffer requirements on the front yard. Section 35-510.
- 3) A 5' variance from the minimum 20' setback to allow a 15' side setback. Section 35-310.01.

**Executive Summary**

The subject property is located along Huebner Road, north of Vance Jackson Road. The applicant is requesting variances before applying for permits and starting construction. The proposed construction is ten suite spaces located on a corner lot of Huebner Road and Sandstone Drive. The site plan submitted shows encroachment into the side setback, of the side not abutting sandstone drive, as well as the rear setback where a utility easement exists. Furthermore, the applicant is requesting the elimination of the front buffer yard along Huebner Road. Huebner Road is classified as a Primary Arterial, and as such requires a 15' buffer yard from an O-2 district.

### **Code Enforcement History**

No relevant code enforcement history for the subject property.

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

The property was annexed within the City of San Antonio by Ordinance and originally zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 61,900, dated November 25, 1985, 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 the current "O-2" High-Rise Office District.

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

#### **Existing Zoning**

"O-2 MLOD-1 MLR-2 ERZD" High-Rise Office Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

#### **Existing Use**

Vacant Lot

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

#### **North**

#### **Existing Zoning**

"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

#### **Existing Use**

Vacant Lot

#### **South**

#### **Existing Zoning**

"C-2 MLOD-1 MLR-2 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

#### **Existing Use**

Vacant Lot

#### **East**

#### **Existing Zoning**

“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**Existing Use**

Vacant Lot

**West**

**Existing Zoning**

“O-1 MLOD-1 MLR-2 ERZD” Office District Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District and “O-2 MLOD-1 MLR-2 ERZD” High-Rise Office District Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**Existing Use**

Office

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is not located within the boundary of a Neighborhood Association.

**Street Classification**

Huebner Road is classified as a Primary Arterial Type A.

Sand Stone Drive is classified as a Local Street.

**Criteria for Review – Side and Rear Setback and Landscape Buffer 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. In this case, the public interest is represented by the side and rear setbacks as well as the landscape buffer yard requirements. The applicant is requesting variances from the setbacks and landscape buffer regulations. The request is contrary to the public interest, as the lot is large enough to allow the required separations and the elimination of these setbacks and buffers would unnecessarily encroach office uses closer to residential lots.

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

A literal enforcement of the ordinance would not result in unnecessary hardship as the applicant could redesign their plans to be in compliance with the landscape and setback requirements as outlined in the Unified Development Code.

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. Reducing the setbacks and landscaping requirements would injure neighboring properties as the elimination of the landscape buffer would provide no screening from the Primary Arterial Road and the reduction of the setbacks would not provide sufficient buffer against the abutting residential districts.

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 side and rear setbacks and landscape buffers proposed would alter the essential character of the district by not adhering to the required setbacks and landscape buffers. Similarly zoned office districts did appear to conform to setback and landscape buffer requirements in the area.

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.*

The side and rear setback variances as well as the landscape buffer variances is not sought due to unique circumstances existing on the property as there is sufficient lot space to abide by the requirements of the Unified Development Code.

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

The alternative to the applicant's request is to conform to the Side and Rear Setback Regulations of Section 35-310.01 and the Landscape Buffer Regulations of Section 35-510 of the Unified Development Code.

#### **Staff Recommendation – Side and Rear Setback Variances**

Staff recommends Denial in BOA-24-10300062 based on the following findings of fact:

1. The reduced setbacks would encroach office uses near residential lots.
2. The variances will alter the essential character of the neighborhood.

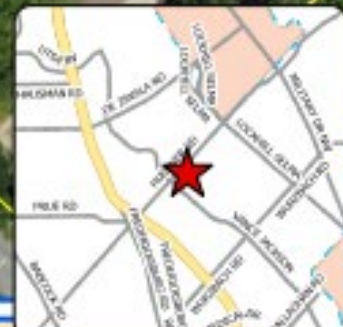
#### **Staff Recommendation –Landscape Buffer Variance**

Staff recommends Denial in BOA-24-10300062 with an alternate recommendation for a 7'-6" landscape buffer based on the following findings of fact:

1. The lot possesses adequate space for a reduced buffer.

2. The elimination of the landscape buffer would not allow screening along Huebner Road.

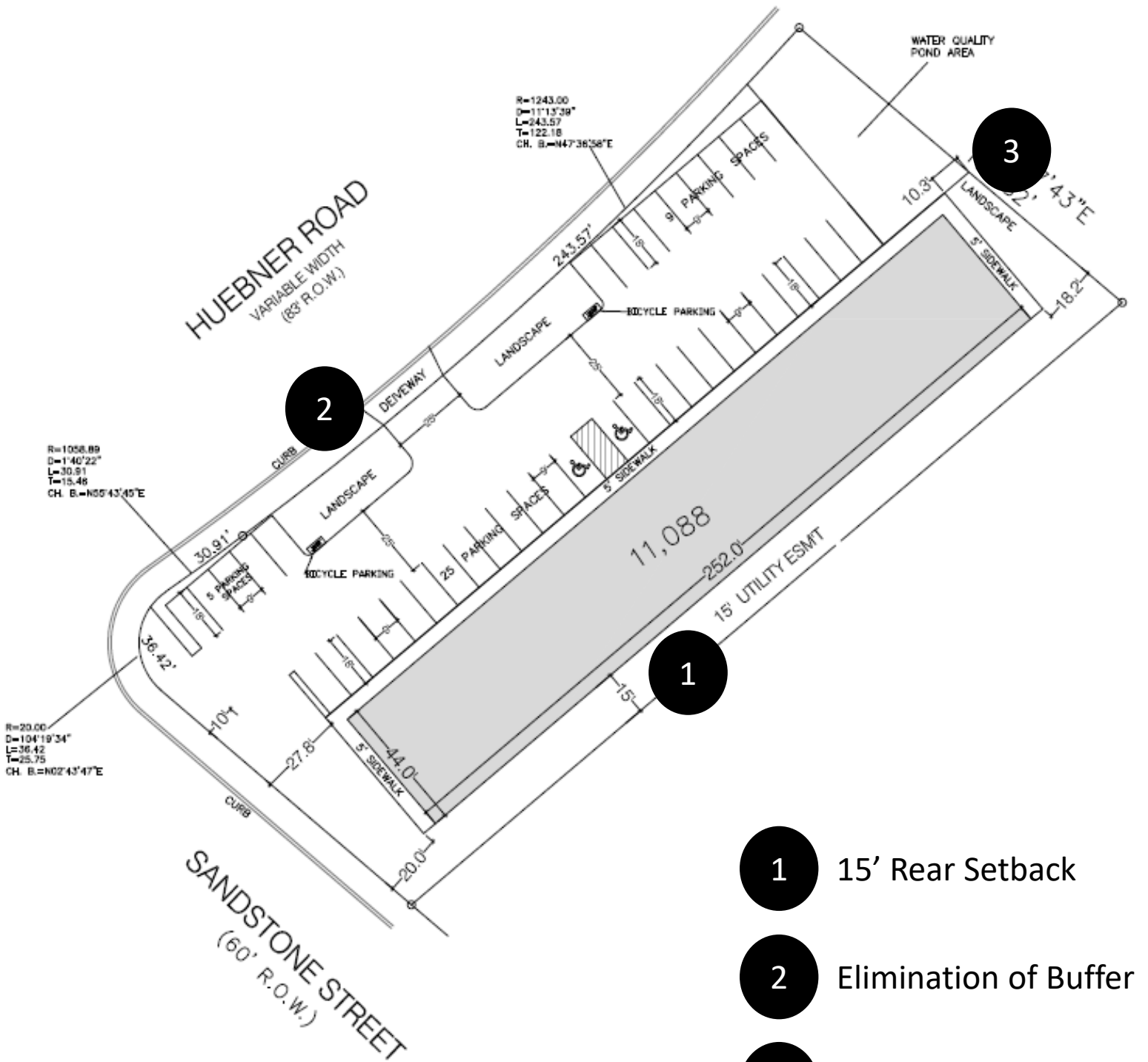




**QUESTION**

“NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY”  
Development Services Department  
City of San Antonio







**BOA-24-10300062**

**12102 Huebner**



**Subject Property**





**BOA-24-10300062**

**Subject Property**



**Subject Property**





**BOA-24-10300062**

Surrounding Area



Surrounding Area





**BOA-24-10300062**

Surrounding Area



Surrounding Area

