

Case Number:	BOA-23-10300341
Applicant:	EKR Drafting and Design
Owner:	Vaquero Greenbrier Partners LP
Council District:	10
Location:	8342 Broadway Street
Legal Description:	Lot 52, NCB 11875
Zoning:	“C-3 AHOD” General Commercial Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

A request for

A 20’ variance from the minimum 30' rear setback, as described in Section 35-310.01, to allow a structure to be 10’ from the rear setback.

Executive Summary

The subject property is located on Broadway Street, just south of San Antonio International Airport, and contains a convenience store. Granting the rear variance will allow an addition to be 10’ from the rear property line. The addition has not yet been constructed. The proposed addition will be inline with the current structure. There is currently an apartment complex located behind the subject property. A previous Board of Adjustments variance was issued for this property, BOA-19-10300148, allowing a building to be 23’ from the rear property line, which passed however that building has since been demolished.

Code Enforcement History

There are no relevant code violations for this property.

Permit History

DEM-DEM-PMT23-39200124 – Demolition Permit – May 2023

The permit for the structure is pending the outcome of the Board of Adjustment Hearing.

Zoning History

The subject property was annexed into the City of San Antonio on September 25, 1952, by Ordinance 18115. The subject property was zoned “B-3” Business District on May 19, 1966, by ordinance 34375. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to the current “C-3” Commercial District

Subject Property Zoning/Land Use

Existing Zoning

“C-3 AHOD” General Commercial Airport Hazard Overlay District

Existing Use

Convenience Store

Surrounding Zoning/Land Use

North

Existing Zoning District(s)

“I-1 AHOD” General Industrial Airport Hazard Overlay District

Existing Use

Food Service Establishment

South

Existing Zoning District(s)

“C-3 AHOD” General Commercial Airport Hazard Overlay District

Existing Use

Oil Change Service

East

Existing Zoning District(s)

“MF-33 AHOD” General Commercial Airport Hazard Overlay District

Existing Use

Apartments

West

Existing Zoning District(s)

“C-3 AHOD” General Commercial Airport Hazard Overlay District

“I-1 AHOD” General Industrial Airport Hazard Overlay District

Existing Use

Vehicle Sales

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northeast Inner Loop Neighborhood Plan and is designated as “Neighborhood Commercial” in the future land use component of the plan. The subject property is located within the Oak Park Northwood Neighborhood Association, and they were notified of the case.

Street Classification

Broadway Street is classified as a Secondary Arterial Type B.

Criteria for Review – Rear Setback 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 applicant is requesting a 20’ variance from the minimum 30’ rear setback requirement to allow a structure to be 10’ from the rear property line, which does not appear to be contrary to the public interest as there is adequate space remaining from the property line to the proposed structure.

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

Staff finds an unnecessary hardship for the rear setback variance due the size of the lot. An addition cannot be built without obtaining a variance. The proposed structure will have ample space to the rear.

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

The requested rear setback variance is to allow a structure to be closer to the rear property line. The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure and the surrounding properties.

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 does not find evidence that the requested rear setback variance would alter the essential character of the district. There will be a remaining 10' of distance from structure to the property line, therefore the request would not alter the essential character of the neighborhood.

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 rear setback variance sought is due to unique circumstances existing on the property such proposed addition being in line with the current structure. The variance request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the setback requirements of the UDC Section 35-310.01.

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-23-10300341** based on the following findings of fact:

1. The structure has not been constructed; and
2. There is a limited amount of space available to comply with the rear setback and to develop an addition; and
3. The structure will be in line with the current structure.