

Case Number:	BOA-23-10300014
Applicant:	Robert W. Carey
Owner:	Robert W. Carey
Council District:	3
Location:	9336 West Loop 410
Legal Description:	Lot P-201B and P-203, NCB 10917
Zoning:	“C-2NA AHOD” Commercial, Nonalcoholic Sales Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

### **Request**

A request for a 15’ variance from the required 15’ buffer, as described in Sec. 35-510, to allow the elimination of a buffer on the west and north property lines.

### **Executive Summary**

The subject property is located along West Loop 410 on the southeast side. The applicant requested for the elimination of the buffer on the west and north property lines. The requirement derives from abutting residential lots and both the residential lots are currently vacant. The development will have a 30’ setback to the rear and a 10’ setback on the west side.

### **Code Enforcement History**

The property has no Code Enforcement history.

### **Permit History**

No permits were obtained.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952 and zoned “B” Residence District. Under Ordinance 62153, dated January 9, 1986, the property zoned “B” Residence District was rezoned to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District. Under Ordinance 2020-08-06-0492, dated August 6, 2020, the property was rezoned to the current “C-2NA” Commercial, Nonalcoholic Sales District.

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

Existing Zoning	Existing Use
“C-2NA AHOD” Commercial, Nonalcoholic Sales Airport Hazard Overlay District	Vacant Lot

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Lot
East	“C-3 AHOD” Commercial Airport Hazard Overlay District	Car Wash
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Lot

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

The subject property is not located in Heritage South Sector Plan and has a future designated land use of “Suburban Tier”. The subject property is within the Villa Coronado Neighborhood Association and were notified of the case.

### **Street Classification**

410 access road is classified as a Super Arterial.

### **Criteria for Review – Landscape Buffer 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 requested landscape variance is contrary to the public’s interest as the buffer reduces vehicular noise and light to surrounding houses.

**The reduced buffer will leave enough room between properties to reduce noise and so is not contrary to the public interest.**

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

Without the variances, the applicant would need to comply with the buffer requirement. This would not result in an unnecessary hardship, as the lot appears to be large enough to have a buffer.

**The full landscape buffer would reduce the amount of space the applicant can build on the property.**

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

Reducing the landscape buffer requirements will not observe the spirit of the ordinance and will adversely affect surrounding properties in the immediate area.

**The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The reduced landscape buffer will observe the spirit of the ordinance as it will leave space between 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.*

If granted, the landscape buffer variance will alter the essential character of the district.

**The reduced landscape buffer will not substantially injure the appropriate use of adjacent properties as the buffer variances being sought after are not on sides directly bordering occupied properties.**

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 unique character of the project would not be hindered by the existing buffer standard.

**Staff finds the plight of the owner of the property for which the reduced landscape variances are sought is due to unique circumstances existing on the property, such as the location of the property.**

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

The alternative to the applicant's request is to conform to the Buffers section listed under Section 35-510 of the UDC.

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

**Staff recommends Denial with an alternate recommendation for a 7'-6" buffer on the west and north property lines in BOA-23-10300014**

1. There is adequate space for the property to conform to a 7'-6" buffer requirement; and
2. The 7'-6" buffer will reduce noise and light from the properties.