

Case Number:	BOA-22-10300258
Applicant:	Morales Design Group
Owner:	Select Stop 6 Holding LLC
Council District:	7 and 8
Location:	6690 Prue Road
Legal Description:	P-60D, NCB 15824
Zoning:	"C-3" General Commercial District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 15' variance from the minimum 30' rear setback, as described in Section 35-310.01, to allow structure to be 15' from the rear property line.

Executive Summary

The subject property is located along Prue Road, just east of the intersection of Horn and is currently a vacant commercial lot. The applicant is requesting a rear variance for the development of gas station.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the property. An issuance of a building permit is pending approval of variance.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 41426, dated December 25, 1972 and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 43007, dated November 8, 1973 to the "B-3" Business District. 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" General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3" General Commercial District	Vacant Commercial

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3" General Commercial District	Vacant Commercial
South	"C-1" Light Commercial District/"C-2" Commercial District	Apartments

East	“PUD R-4” Planned Unit Development Residential Single-Family District	Single Family Dwellings
West	“C-1” Light Commercial District	Vacant Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Huebner/Leon Creeks Plan and is designated “Medium Density Residential” in the future land use component of the plan. The subject property is located within the Alamo Farmsteads Babcock Road Neighborhood Association and were notified of the case.

Street Classification

Prue Road is classified as a Minor and Second Arterial A

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 public interest is defined as the general health, safety, and welfare of the public. The variance for the rear setback to allow a structure to be 15’ from the rear property line and does not appear to be contrary to the public interest as it will leave sufficient space between the multi-family development to the south.

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 having to maintain 30’ from the rear property line requirement. Staff finds an unnecessary hardship due to the configuration of the lot to allow the development of a structure with this requirement.

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

The structure has not been constructed and the proposed setback is 15’ from the rear property line. The spirit of the ordinance will be observed as there will still be reasonable space between the structure and neighboring 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 variance would 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.*

Because of the width and size of the lot and configuration of the existing property the 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 Unified Development Code Section 35-310.01.

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-22-10300258** 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.