

Case Number:	BOA-23-10300026
Applicant:	Mark Lovecchio
Owner:	Mark Lovecchio
Council District:	7
Location:	5552 NW Loop 410
Legal Description:	Lot 2, Block 1, NCB 14347
Zoning:	"I-1 AHOD" General Industrial Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

Request

A request for a 7'-6" variance from the minimum 15' buffer, as described in Sec. 35-510, to allow a 7'-6" buffer on the north and south property lines.

Executive Summary

The subject property is located along NW Loop 410 near the southeast end of Leon Valley. The applicant requested for a reduction of the buffer on the north and south property lines.

Code Enforcement History

The property has several complaints to Code Enforcement services in the last two months for graffiti and an overgrown yard. No violations were found.

Permit History

The applicant is seeking a Commercial Project Application pending approval from the Board of Adjustments.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 38135, dated January 8, 1970 and zoned Temporary "R-1" Single-Family Residence District. Under Ordinance 40330, dated January 27, 1972, the property "R-1" Single-Family Residence District was rezoned to "I-1" Light Industry District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "I-1" Light Industry District converted to the current "I-1" General Industrial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 AHOD" General Industrial Airport Hazard Overlay District	Former Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	ROW	NW Loop 410
South	Outside City Limits	Gym, Commercial

East	"C-3NA AHOD" General Commercial, Nonalcoholic Sales Airport Hazard Overlay District	Former Furniture Store, Vacant Lot
West	Outside City Limits	Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within any neighborhood plan. There is no registered neighborhood association.

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 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.*

The full landscape buffer would reduce the amount of space the applicant can build on the property, which would result in an unnecessary hardship.

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 reduced landscape buffer will observe the spirit of the ordinance as it will leave a buffer 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.*

The reduced landscape buffer will not substantially injure the appropriate use of adjacent properties as the buffer variances being sought border commercial 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 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 **Approval** in **BOA-23-10300026** based on the following findings of fact:

1. The requested 7'-6" buffer provides adequate noise and light protection to neighboring properties.