

Case Number:	BOA-23-10300027
Applicant:	Mark Lovecchio
Owner:	Mark Lovecchio
Council District:	2
Location:	2203 SE 410
Legal Description:	Lot 30, NCB 12887
Zoning:	"I-1 MLOD-3 MLR-1" General Industrial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District
Case Manager:	Jake Exler, Planner

### **Request**

A request for a 22'-6" variance from the required 30' buffer, as described in Sec. 35-510, to allow a 7'-6" buffer along the north and south property lines.

### **Executive Summary**

The subject property is located along 410 on the southeast side near China Grove. The applicant requested for a 22'-6" variance from the required 30' buffer to have a 7'-6" buffer on the north and south property lines. The buffer reductions requested border commercial uses.

### **Code Enforcement History**

The property has a few Code Enforcement cases in the last few months; two for an overgrown yard, one for a zoning investigation, and one for a vehicle investigation. 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 18115, dated September 19, 1957 and zoned Temporary "R-1" Single-Family Residence District. Under Ordinance 70570, dated November 9, 1989, the property zoned "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 MLOD-3 MLR-1" General Industrial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Former Restaurant

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

Orientation	Existing Zoning District(s)	Existing Use
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North	“C-2 MLOD-3 MLR-1” Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Bank
South	“I-1 MLOD-3 MLR-1” General Industrial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District AND “C-2 MLOD-3 MLR-1” Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Restaurants
East	ROW	SE Loop 410
West	“C-3 MLOD-3 MLR-1” General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 1 District	Restaurant, Gas Station

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

The subject property is not located in Eastern Triangle Community Plan and has a future designated land use of “Community Commercial”. The subject property is within the Dellcrest Area Neighborhood Association and were notified of the case.

### **Street Classification**

410 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.**

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 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.*

**The reduced landscape buffer will not substantially injure the appropriate use of adjacent properties as the buffer variances being sought after are bordering commercial uses.**

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-23-10300027** based on the following findings of fact:

1. The reduced buffers requested border commercial uses; and
2. Applying the full buffer would significantly limit the usability of the property.