

Case Number:	BOA-21-10300145
Applicant:	Jennifer Gonzales
Owner:	CNB Bandera Mainland, LTD
Council District:	7
Location:	7979 and 7989 Bandera Road
Legal Description:	Lot 5, Block 2, NCB 18572 and Lot 3, Block 9, NCB 18559
Zoning:	“C-3 AHOD” General Commercial Airport Hazard Overlay District
Case Manager:	Kayla Leal, Principal Planner

### **Request**

A request for a variance from the landscape buffer requirements, as described in Section 35-510, to reduce the landscape buffer along the front property line to 1”.

### **Executive Summary**

The subject property is located along Bandera Road just south of the Mainland Drive intersection. The applicant is proposing a new development on the subject properties. There were existing structures that were demolished, and to accommodate for customers of the new business the applicant is requesting a reduction in the landscape buffer along Bandera Road. The zoning of the property is “C-3” which requires a 15’ landscape buffer along Major Arterials, such as Bandera Road. The applicant is proposing a 1” landscape buffer due to an easement toward the front of the property and to provide more parking spaces.

### **Code Enforcement History**

There are no relevant Code Violations regarding the request or the subject property.

### **Permit History**

No relevant permits appear to have been pulled for the property. Commercial Building Plans have been submitted.

### **Zoning History**

The subject property was annexed into San Antonio City Limits on December 31, 1987, established by Ordinance 66020, and was zoned Temporary “R-1” One-Family Residence District. The zoning changed to “B-3” Business District on March 5, 1987, established by Ordinance 64678. Upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the zoning converted from “B-3” to the current “C-3” General Commercial District.

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

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Vacant Lot

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Commercial Uses
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Commercial Uses
East	ROW	Bandera Road
West	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Industrial Uses

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

The subject property is in the Northwest Community Plan and is designated “Community Commercial” in the future land use component of the plan. The subject property is not located within the boundary of a registered Neighborhood Association.

### **Street Classification**

Bandera Road is classified as a Primary 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting to reduce the landscape buffer along the front property line to 1” in order to accommodate for more parking for the new development.

**The variance as requested appears to be contrary to the public interest, and staff is recommending a 50% reduction which equates to a 7’ 6” landscape buffer.**

- 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 providing a 15’ landscape buffer along Bandera Road. This would eliminate the front row of parking on the proposed plan.

**Without the front row of parking, the minimum parking requirements still meet UDC standards, so the suggested buffer of 7’ 6” does not appear to present 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 landscape buffer is intended to provide an aesthetic view for new commercial properties, and the reduction would not provide that.

**A variance to reduce the landscape buffer to 50% of the requirement would maintain the spirit of the ordinance. DSD Tree Review Staff have recommended a 50% reduction.**

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 requested variance not appear to alter the essential character of the district as there are many other commercial projects along Bandera Road. Reducing the landscape buffer to 7' 6" will not substantially injure adjacent 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 to be due to unique layout of the property and is not merely financial.**

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

The alternative to the applicant's request is to conform to the Buffer Yard Requirements of Section 35-510.

### **Staff Recommendation – Side and Front Setback Variance**

Staff recommends Denial **with an Alternate Recommendation for a 7' 6" variance from the minimum 15' landscape buffer requirement to allow a 7' 6" landscape buffer yard in BOA-21-10300145** based on the following findings of fact:

1. The minimum landscape buffer required is 15' along Bandera Road; and
2. DSD Tree Review Staff recommend the buffer be reduced no more than 50% of the required buffer yard.