

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, August 18, 2014

1:00 P.M.

Cliff Morton Development and Business Services Center

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Development Services Department website (www.sanantonio.gov/dsd), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance.
4. **A-14-088 - POSTPONED:** The request of Veronica Romo for **1)** a 3-foot variance from the maximum height of 3 feet to allow a 6-foot wall in a portion of the front yard and **2)** a 5-foot variance from the minimum 10 foot setback to allow a carport 5 feet from the front property line, located at 233 E. Hafer. (Council District 3)
5. **A-14-085:** The request of Kim Davenport for **1)** an 847 square-foot variance from the 653 square-foot maximum floor area to allow an accessory detached dwelling unit 1500 square-feet in area; and **2)** a request for a variance to allow three (3) bedrooms in an accessory detached dwelling unit; the maximum number of bedrooms allowed by code is one (1) bedroom, located at 1703 Blue Crest Lane. (Council District 9)
6. **A-14-086:** The request of Thomas Kinderknecht for a 1-foot variance from the 3-foot minimum side yard setback to allow a shed with an eave overhang 2 feet from the property line, located at 319 Cypressgarden Drive. (Council District 4)
7. **A-14-087:** The request of Greg Senulis, MTR Engineers, LLC for **1)** a 6-foot variance from the maximum 40-foot setback in the “MC-3” corridor to allow a structure to be setback 46 feet from the property line; **2)** a 4-foot variance from the required 15-foot front bufferyard to allow a reduction of a portion of the required bufferyard to 11 feet, **3)** a request for a 2-foot variance from the required 10-foot side bufferyard to allow a reduction of a portion of the required bufferyard to 8 feet; **4)** a 10-foot variance from the 20-foot setback adjacent to residentially-zoned properties to allow a dumpster 10 feet from a residentially-zoned property; and **5)** a 299 square foot variance from the 389 square feet of required parking lot landscaping to reduce the amount of required parking lot landscaping to 90 square feet, located at 1327 Austin Highway. (Council District 10)
8. Approval of August 4, 2014 Board Meeting Minutes

Board of Adjustment Membership

Andrew Ozuna, District 8, Chair *Mary Rogers, District 7, Vice Chair*
Frank Quijano, District 1 • Alan Neff, District 2 • Gabriel Velasquez, District 3 • George Britton, District 4
Maria Cruz, District 5 • Jesse Zuniga, District 6 • John Kuderer, District 9 • Roger Martinez, District 10
Gene Camargo, Mayor

Alternate Members

Harold Atkinson • Paul E. Klein • Henry Rodriguez • Lydia Fehr • Jeffrey Finley • Christopher Garcia

9. Announcements and Adjournment

ACCESSIBILITY STATEMENT - *This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7268 or 711 (Texas Relay Service for the Deaf).*

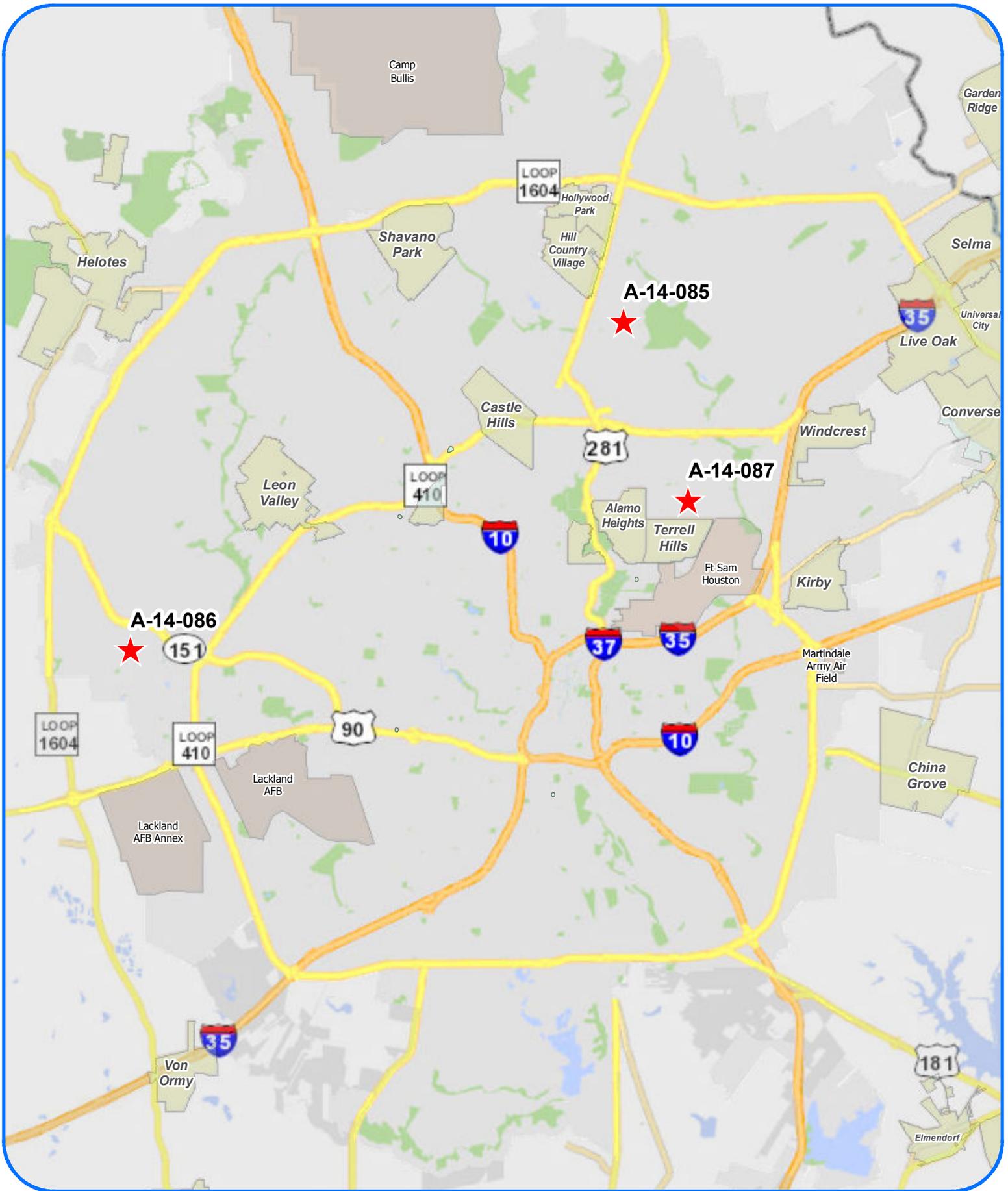
DECLARACIÓN DE ACCESIBILIDAD – *Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7268 o al 711 (servicio de transmitir para sordos).*

Board of Adjustment Membership

Andrew Ozuna, District 8, Chair Mary Rogers, District 7, Vice Chair
Frank Quijano, District 1 • Alan Neff, District 2 • Gabriel Velasquez, District 3 • George Britton, District 4
Maria Cruz, District 5 • Jesse Zuniga, District 6 • John Kuderer, District 9 • Roger Martinez, Distict 10
Gene Camargo, Mayor

Alternate Members

Harold Atkinson • Paul E. Klein • Henry Rodriguez • Lydia Fehr • Jeffrey Finley • Christopher Garcia



Board of Adjustment

**Subject Property Locations
Cases for 18th August 2014**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-085
Date: August 18, 2014
Applicant: Kim Davenport
Owner: John and Kimberly Davenport
Location: 1703 Blue Crest Lane
Legal Description: East ½ of Lot 20, NCB 12061
Zoning: “RE AHOD” Residential Estate Airport Hazard Overlay District
Prepared By: Tony Felts, Senior Planner

Request

A request from Section 35-371(a)(5), 35-371(b)(1), and 35-371(b)(3) for 1) an 847 square-foot variance from the 653 square-foot maximum floor area to allow an accessory detached dwelling unit 1500 square-feet in area; and 2) a request for a variance to allow three (3) bedrooms in an accessory detached dwelling unit; the maximum number of bedrooms allowed by code is one (1) bedroom.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code (“UDC”). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before July 31, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on August 1, 2014. Additionally, notice of this meeting was posted at City Hall and on the City’s internet website on or before August 15, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the northeast side of Blue Crest Lane, approximately 903 feet northwest of Jones Maltsberger Road.

The property is currently developed with a single-family dwelling and several accessory buildings. The applicant is proposing to construct an accessory detached dwelling in the rear of the property that is larger than the maximum size allowance and contains more bedrooms than is

allowed by code. The proposed accessory detached dwelling unit will be connected to the same electrical meter as the primary structure as required in Section 35-371(a)(3).

The applicant states that the proposed accessory detached dwelling unit will be used for occupancy of the applicant’s parents.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residences
South	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Residence
East	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Residence
West	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan (designated as Suburban Tier). The subject property is not located within the boundaries of a registered neighborhood association; however, the subject property is located within 200 feet of the Arboretum Neighborhood Association, a registered neighborhood association. As such, the Arboretum Neighborhood Association was notified and asked to comment.

Criteria for Review

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:*

Accessory detached dwelling units are designed to provide affordable housing for the elderly, single-person households, students, and other needy populations. In order to meet this need, the City of San Antonio permits carefully controlled accessory housing in single-family residential zoning districts. The regulations are further designed to ensure that accessory detached dwelling units are subordinate and incidental to the primary residential structure on the property. In the applicant’s case, although the proposed structure is slightly smaller than the primary residence, the proposed dwelling does not meet either the definition of

subordinate or incidental to the primary structure, and as such is contrary to the public interest.

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

There are no special conditions readily apparent to warrant the granting on the requested variance. Though the subject property is sufficiently large enough to accommodate both structures, the applicant has another option to rezone the property to allow for an additional dwelling unit.

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

The spirit of the ordinance will not be observed by granting the variance as the relative size of the proposed accessory detached dwelling unit, although slightly smaller than the primary structure will appear to be the same size to the passerby.

4. *Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “RE” Residential Estate base zoning district. However, the applicant has the option to request rezoning of the property to allow an additional dwelling unit.

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 proposed structure and use will be out of character from the other single-family Residential Estate lots in the area due to the addition of what will essentially be a second home.

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.*

There are no unique circumstances readily apparent to warrant the granting of the requested variances.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to request rezoning from the Zoning Commission and the City Council to allow a second dwelling unit on the property.

Staff Recommendation

Staff recommends **denial of A-14-085** because of the following reasons:

- The requested variance does not meet the spirit of the ordinance as the proposed structure will appear to be the same size as the primary structure to the passerby.

- There are no special conditions readily apparent on the subject property to warrant the granting of the variance.

Attachments

Attachment 1 – Notification Plan (Location Map)

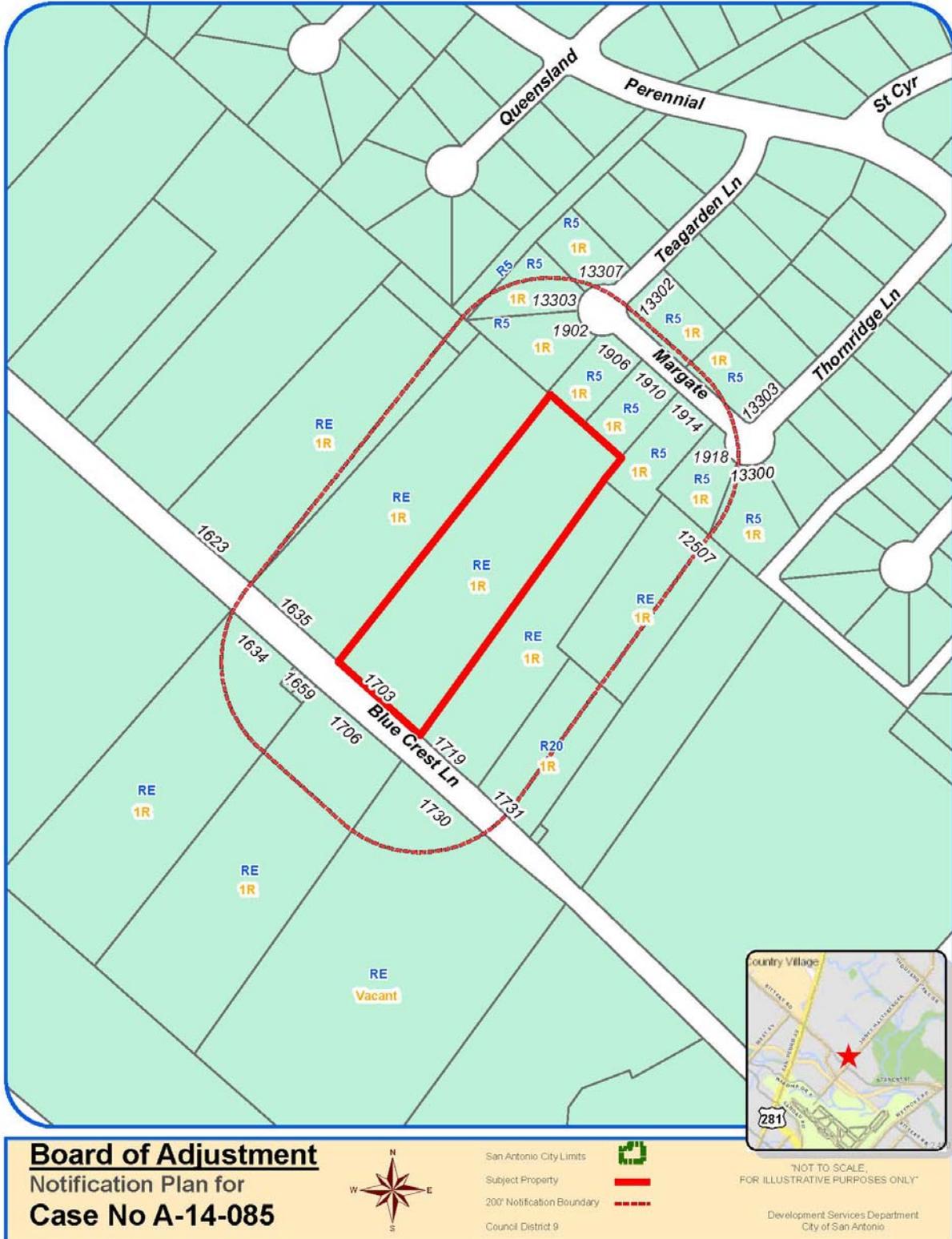
Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

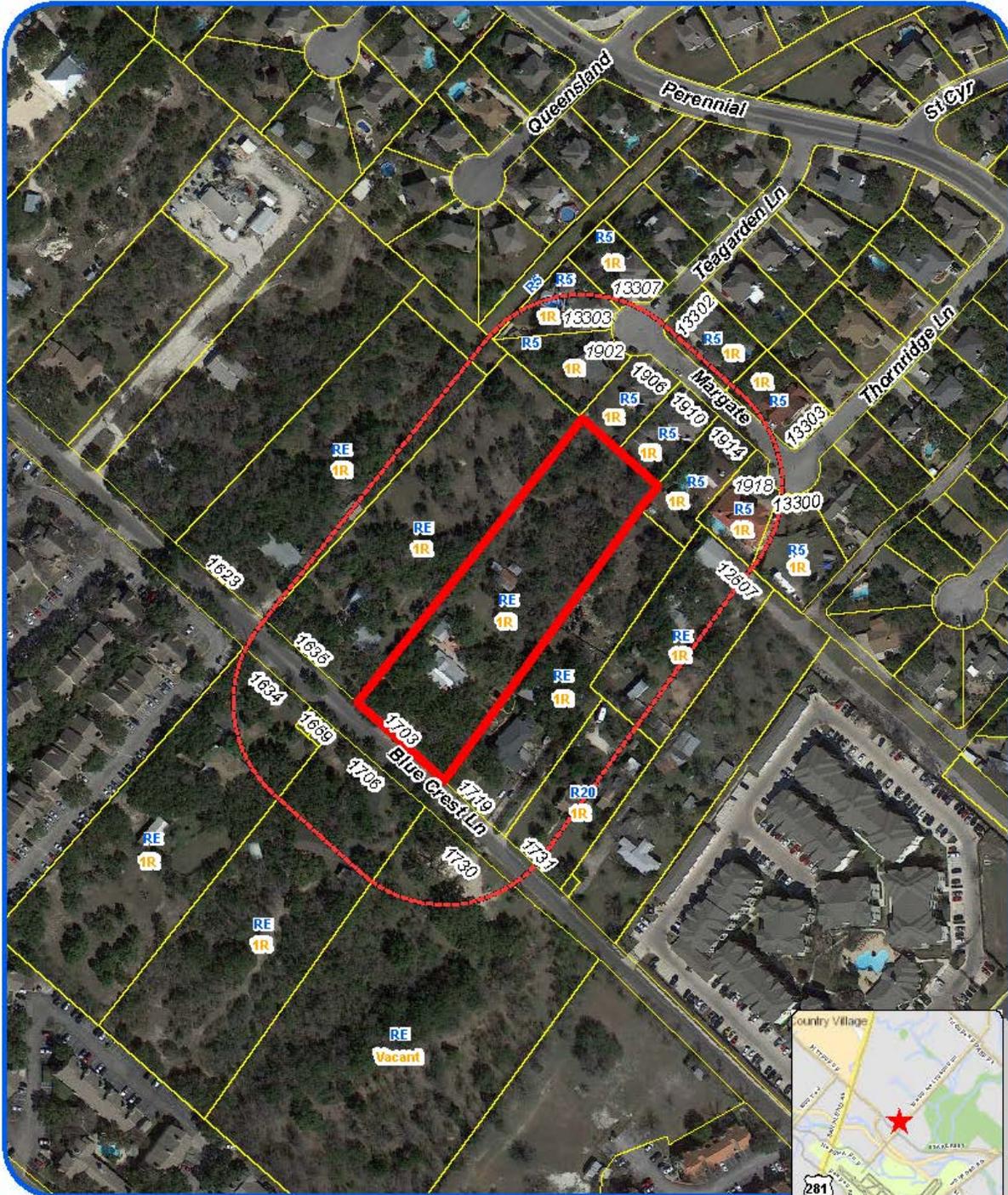
Attachment 4 – Proposed House Plan

Attachment 5 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-14-085</p>		<p>San Antonio City Limits </p>	<p align="right">*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p align="right">Development Services Department City of San Antonio</p>	
	<p>Subject Property </p>	<p>200' Notification Boundary </p>		
	<p>Council District 9 </p>			

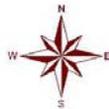
**Attachment 2
Plot Plan**



Variance Request:

1) A request for an 847 square-foot variance from the 653 square-foot maximum floor area to allow an accessory detached dwelling unit 1500 square-feet in area; and 2) a request for a variance to allow three (3) bedrooms in an accessory detached dwelling unit; the maximum number of bedrooms allowed by code is one (1) bedroom.

Board of Adjustment
Plot Plan for
Case No A-14-085

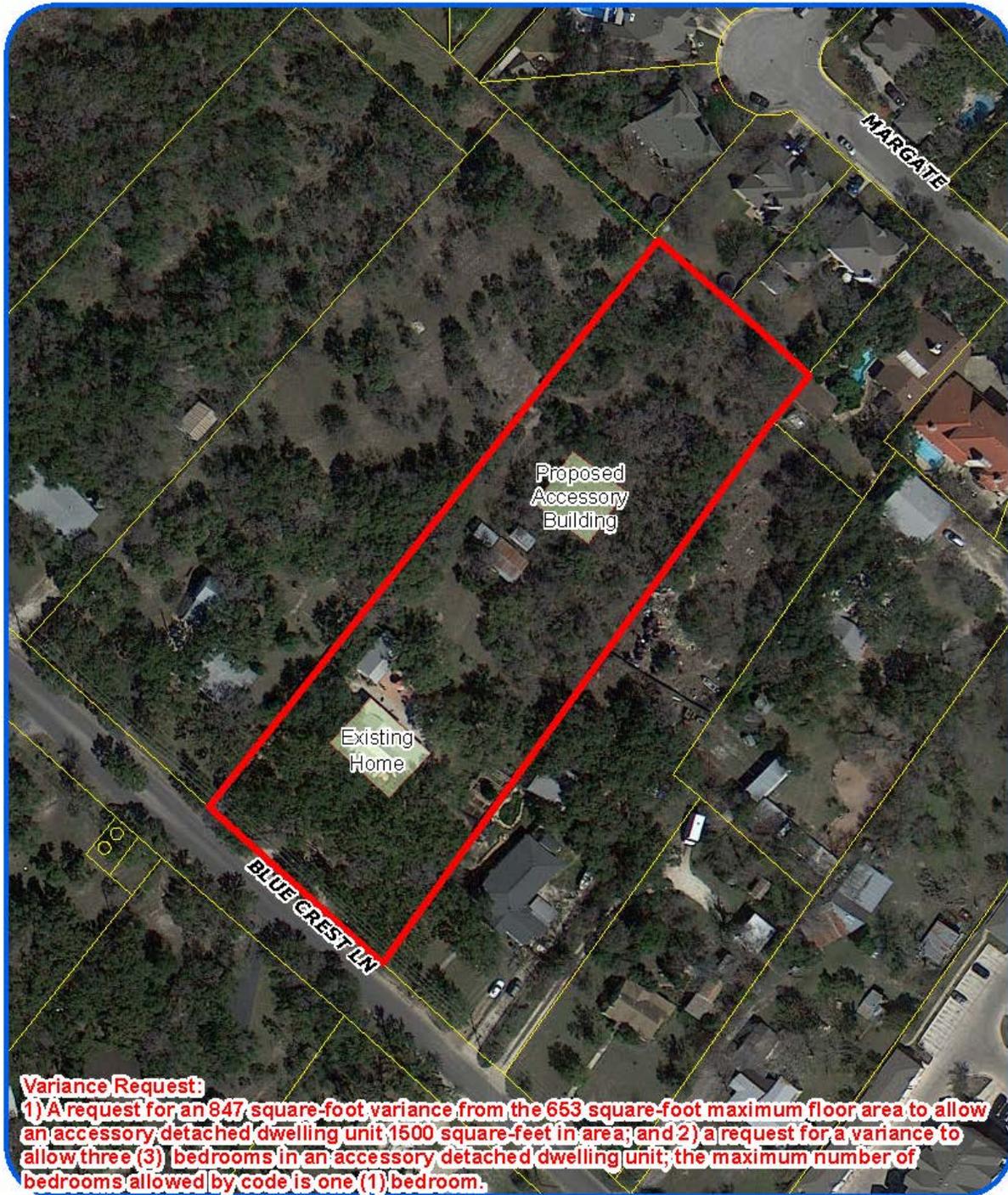


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 9

1703 Blue Crest Lane

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-085

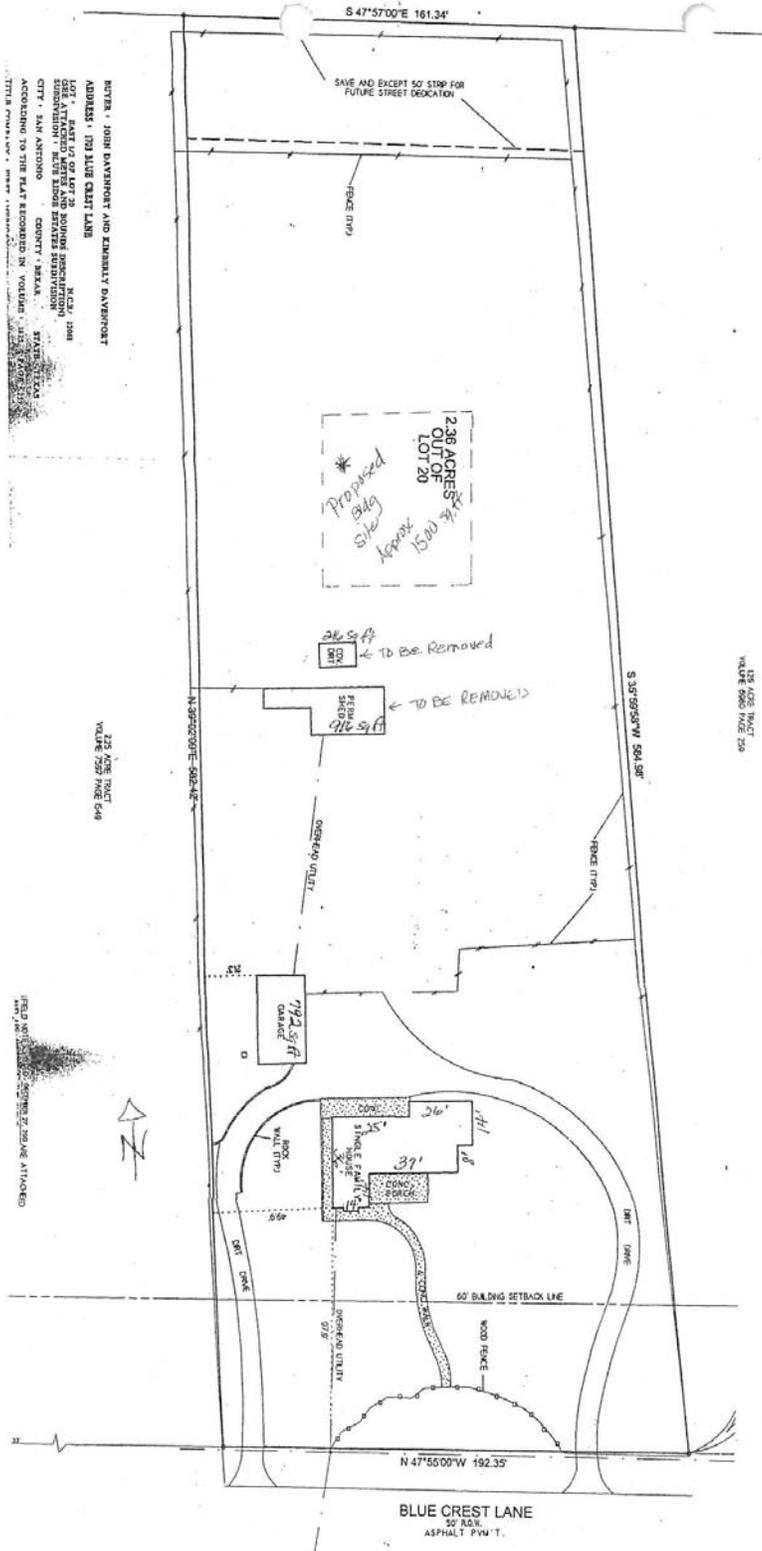


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 9

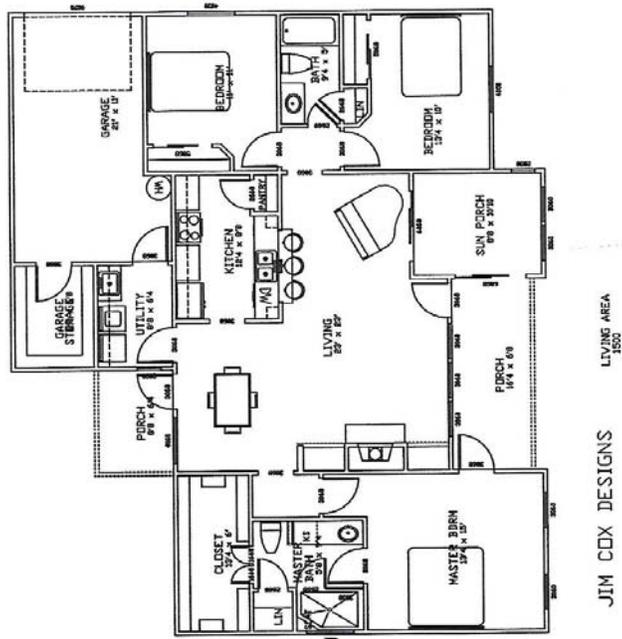
1-11-2021
1703 Blue Crest Lane

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



Attachment 4
House Plan



JIM COX DESIGNS

LIVING AREA
1250

Attachment 5
Site Photos





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-086
Date: August 18, 2014
Applicant: Thomas Kinderknecht
Owner: Thomas Kinderknecht & Gloria Felan
Location: 319 Cypressgarden Drive
Legal Description: Lot 21, Block 79, NCB 15850
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 1-foot variance from the minimum 3-foot side yard setback to allow a shed with an eave overhang 2 feet from the property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on August 1, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on August 1, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before August 15, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located in the Lackland City Subdivision, Unit 189 and includes 7,200 square feet of lot area. The home was built in 1985 and the applicant has owned the property since 1986. Pursuant to Section 35-370 of the UDC, accessory structures may be constructed within 3 feet of the side or rear property lines when they have no eave overhang. This accessory structure was built without a building permit 3 feet from the property line but includes a 1-foot eave overhang. The owner was cited by Code compliance and instructed that the solution was to remove the eave. He decided instead to request a variance to allow the eave to remain as constructed. In the application, the applicant asserts that the shed was constructed to resemble the main house and would look awkward without the eave.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“R-6 AHOD” Residential Single-Family Airport	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/ Southwest Sector Plan area and designated as Suburban Tier land use. The property is located within the boundaries of Heritage Neighborhood Association, a registered neighborhood association, and as such, they were notified and asked to comment.

Criteria for Review

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 in this case is represented by minimum setbacks established to ensure that activities on individual properties do not impact the rights of a neighboring property owner and allow for property maintenance. **In this case, since the eave does not interfere with the owner’s ability to maintain the shed, the variance would not be contrary to the public interest.**

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

The applicant’s building setback satisfies the minimum standard; it is the eave that is encroaching. The Board will have to determine if requiring the eave alteration creates an unnecessary hardship for the applicant.

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

The variance request may be considered consistent with the spirit of the ordinance because the purpose of setbacks is to allow air, light and access for maintenance. The wall of the shed is not closer than the minimum allows.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 AHOD” Zoning District.

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 applicant states that to remove the eave would damage the character of the shed, making it inconsistent with the architectural integrity of the property. The requested variance will likely not alter the characteristics 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.

The owner constructed the shed without the benefit of a building permit review, which could have identified the issue. However, **the shed is built to match the primary structure with a similar eave overhang and would detract from the property without the eave overhang, especially given its visibility from the public street.**

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC accessory structure setback requirements, and remove the eave.

Staff Recommendation

Staff recommends approval, based on the following finding:

1. The requested variance will not alter the essential character of the district as the eave overhang contributes to the consistent architectural theme of the main house and the shed and is visible from the street.

Attachments

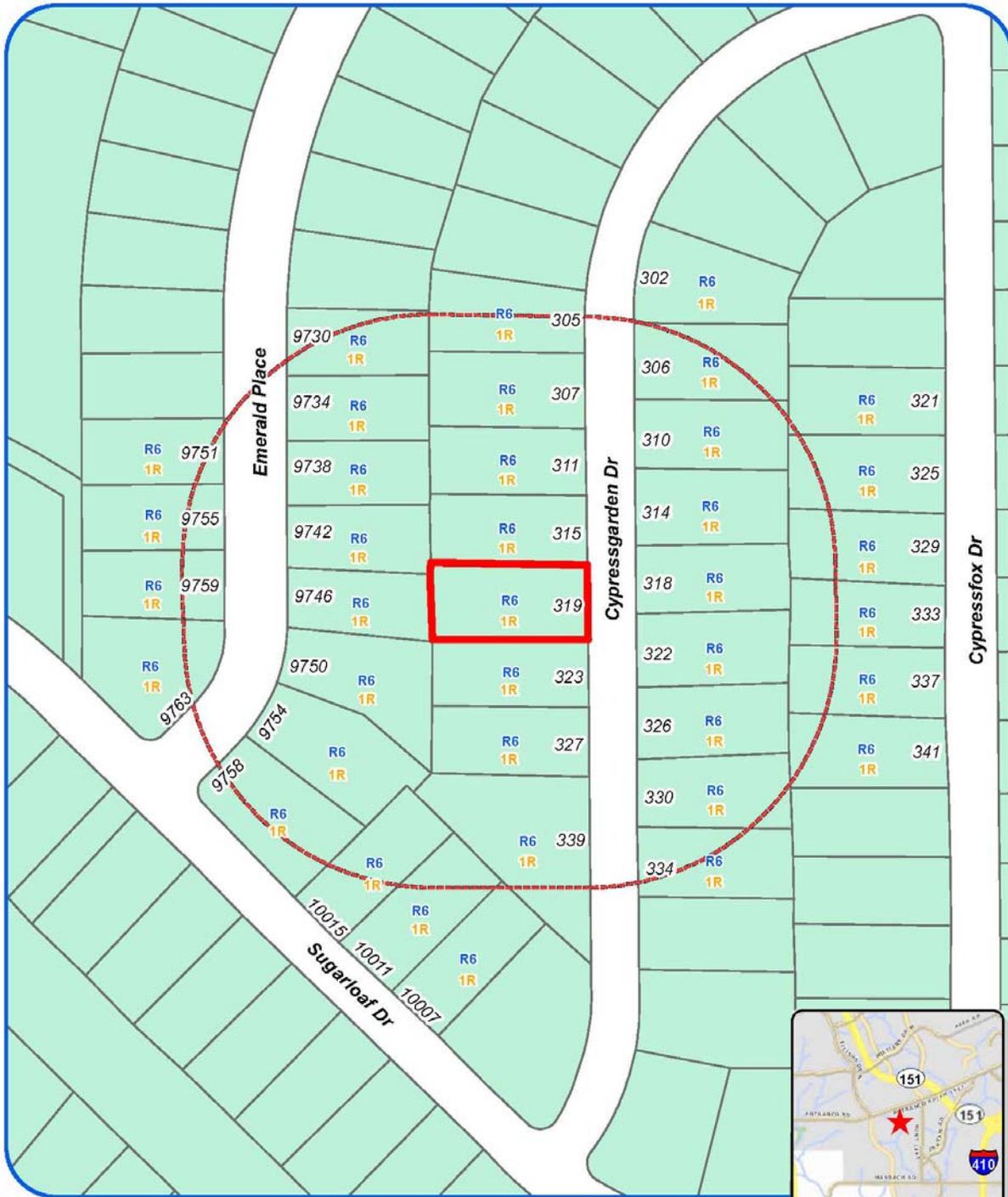
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 –Applicant’s Site Plan

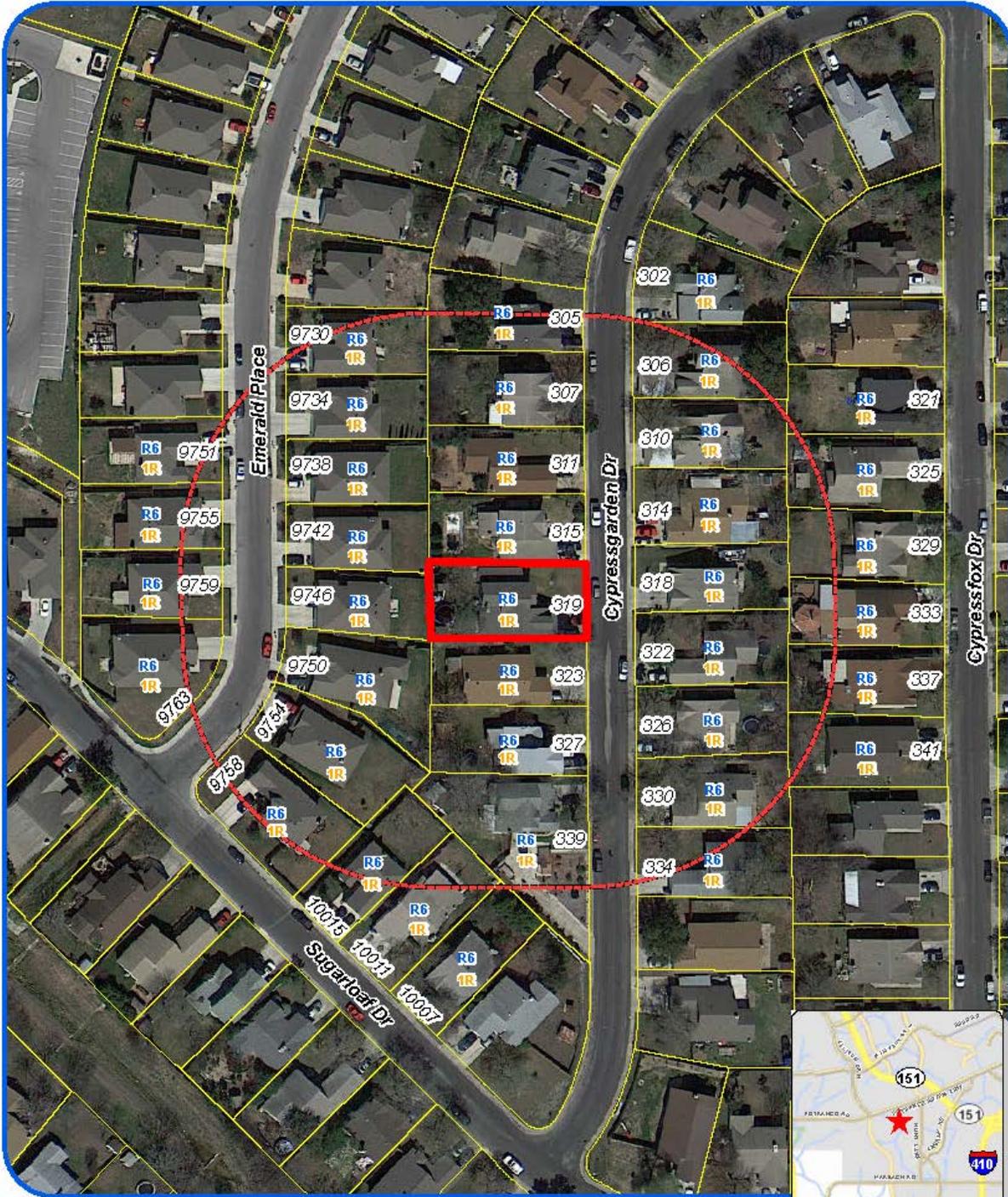
Attachment 4 – Photos

Attachment 1 Notification Plan



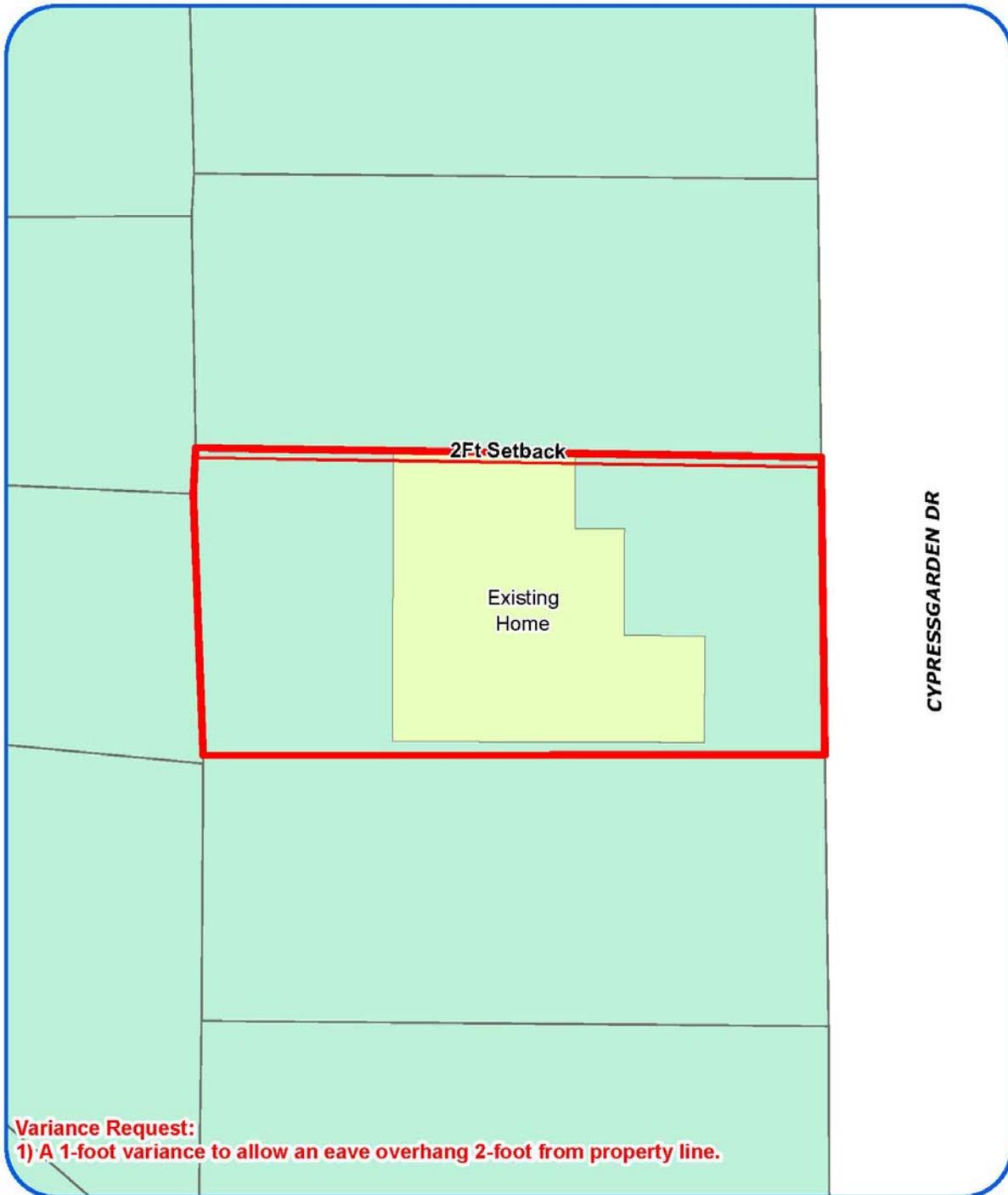
<p>Board of Adjustment Notification Plan for Case No A-14-086</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 4</p>	<p style="text-align: center;">NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY</p> <p style="text-align: right;">Development Services Department City of San Antonio</p>
---	--	---	---

**Attachment 1 (cont)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-14-086</p>		<p>San Antonio City Limits </p>	<p align="right">*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p align="right">Development Services Department City of San Antonio</p>
		<p>Subject Property </p>	
		<p>200' Notification Boundary </p>	
		<p>Council District 4 </p>	

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-086

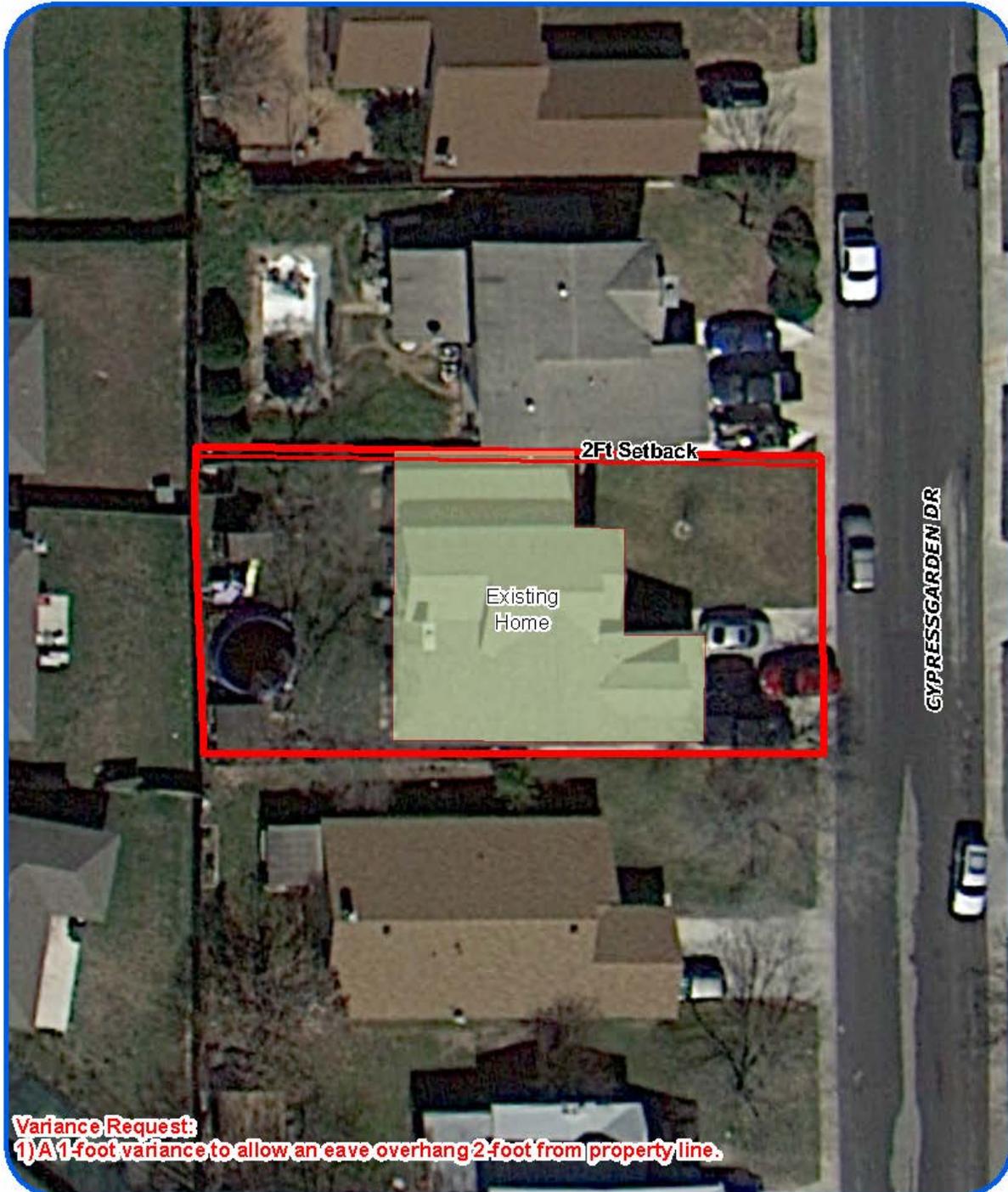


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

319 Cypress Garden

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request:
1) A 1-foot variance to allow an eave overhang 2-foot from property line.

Board of Adjustment
Plot Plan for
Case No A-14-086



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

319 Cypress Garden ^{1:300}

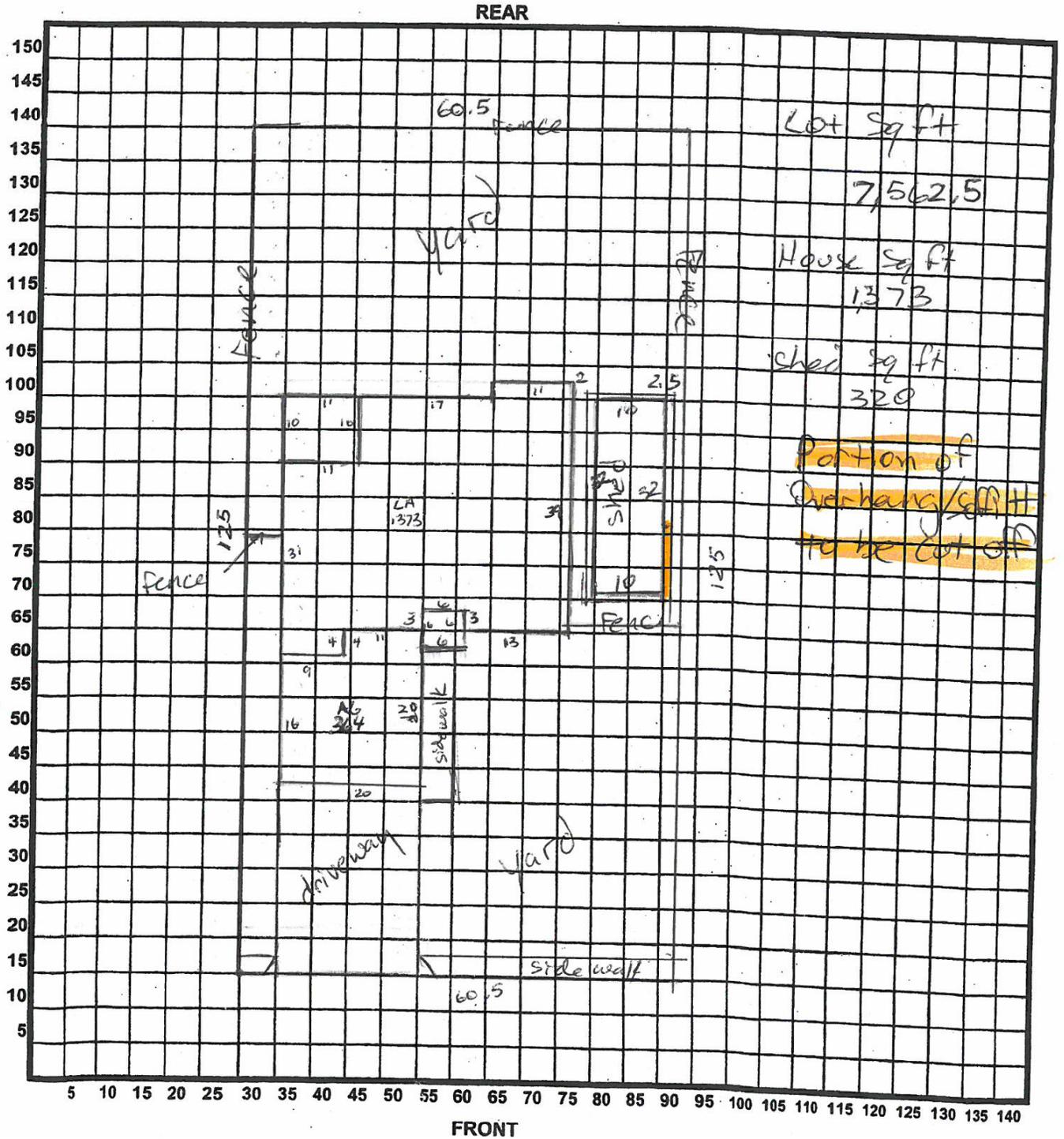
Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

Address 319 Cypress Garden Dr. Lot 21

Block 79

NCB 15850



Attachment 4
Site Photos





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-087
Date: August 18, 2014
Applicant: MTR Engineers, LLC (Greg Senulis)
Owner: D F Austin Highway, LLC
Location: 1327 Austin Highway
Legal Description: Lot 32, Block A, NCB 8695
Zoning: "C-2 MC-3 AHOD" Commercial Austin Hwy/Harry Wurzbach
Metropolitan Corridor Airport Hazard Overlay District
Prepared By: Tony Felts, Senior Planner

Request

A request from Section 35-339.01 of the UDC and Sections A.1., B.1., J.9., and M.4. of the adopted "MC-3" Austin Hwy/Harry Wurzbach Metropolitan Corridor Design Standards Manual for 1) a request for a 6-foot variance from the maximum 40-foot setback in the "MC-3" corridor to allow a structure to be setback 46 feet from the property line; 2) a 4-foot variance from the required 15-foot front bufferyard to allow a reduction of a portion of the required bufferyard to 11 feet, 3) a request for a 2-foot variance from the required 10-foot side bufferyard to allow a reduction of a portion of the required bufferyard to 8 feet; 4) a 10-foot variance from the 20-foot setback adjacent to residentially-zoned properties to allow a dumpster 10 feet from a residentially-zoned property; and 5) a 299 square foot variance from the 389 square feet of required parking lot landscaping to reduce to amount of required parking lot landscaping to 90 square feet.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before July 31, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on August 1, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before August 15, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of Austin Highway, approximately 420 feet west of Rainbow Drive.

The property is currently developed with several derelict buildings which previously served as a plant nursery. The applicant is proposing to remove the current buildings on the site and construct a new food service establishment, with a drive-thru. The site is located within the "MC-3" Austin Hwy/Harry Wurzbach Metropolitan Corridor, and as such, is subject to the design standards of the "MC-3" Design Standards Manual which was adopted by City Council in 2012. The design standards were designed to "create a unique character for Austin Highway; address visual clutter; and encourage landscaping." It should be noted that, were this property not located in the "MC-3" Corridor Overlay District, a variance would be unnecessary.

The applicant's proposed site plan includes a shared access driveway to Austin Highway with the abutting property to the west (which is proposed to be developed as a carwash), a 2,111 square-foot restaurant, 24 parking spaces, access and driveways, dumpster collection equipment, and landscaping. The site plan indicates that the site will not be in compliance with the "MC-3" Design Standards Manual in four areas: maximum building setback, required bufferyards, parking lot landscaping, and setback from residentially-zoned properties for dumpsters. Consequently, the applicant is requesting variances from these standards.

Regarding the required bufferyards, the variances requested are not for the entirety of the bufferyard area. The Type B bufferyard (minimum 15-foot width) required in the front of the property along Austin Highway is proposed to be reduced to a minimum width of 10 feet for a length of 90 linear feet (out of a total of 142 linear feet) along Austin Highway. The reduction of this bufferyard is intended to accommodate a two-way accessway to the parking area for the restaurant. The Type A bufferyard (minimum 10-foot width) required along the side yard is proposed to be reduced to a minimum of 8 feet at the southeast corner of the property; the reason for requesting this variance is to accommodate an additional parking space. It should be noted that the side bufferyard abuts an emergency accessway for the apartment complex to the north of the subject property. No bufferyard is required along the west property line due to the presence of a shared access easement between the subject property and the adjacent property to the west. It should be noted, however, that the applicant is depicting a landscaping area between the common access easement and drive-thru lane, which should accomplish the goals of breaking up masses of pavement and providing additional landscaping.

The corridor overlay district design standards include a maximum setback for buildings of 40 feet. The applicant is proposing a setback of 46 feet in order to accommodate as much bufferyard as possible, as well as vehicular and pedestrian accessways.

Regarding the required setback for trash collection and dumpster areas, the corridor overlay district design standards require a setback of 20 feet from any residentially zoned area. The applicant proposes a setback for the dumpster enclosure of 10 feet from the rear property line which abuts the apartment complex to the north, which is zoned "MF-33" Multi-Family Residential. The distance between the dumpster enclosure and the nearest actual residential building measures approximately 20 feet.

Finally, the corridor overlay district design standards require 16.2 square feet of landscaping area per parking space within the parking area in order to provide additional landscaping and break up large swaths of impervious cover. The applicant is proposing to reduce the amount of

landscaping in the parking area to 90 square feet. In order to provide the required amount of landscaping “pods” within the parking area, an area equivalent to approximately two parking spaces would be required to be landscaped in order to fulfill the requirement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 MC-3 AHOD” Commercial Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Vacant; Proposed Food Service Establishment with Drive-Thru

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 MC-3 AHOD” Multi-Family Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Apartments
South	“C-2 MC-3 AHOD” Commercial Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District and “MF-33 MC-3 AHOD” Multi-Family Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Apartments
East	“MF-33 MC-3 AHOD” Multi-Family Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District and "C-2 CD MC-3 AHOD" Commercial Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District with a Conditional Use for Auto and Light Truck Repair	Driveway to Apartment Complex and Auto and Light Truck Repair
West	"C-2 S MC-3 AHOD" Commercial Austin Highway/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District with a Specific Use Authorization for a Carwash	Vacant; Proposed Carwash

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northeast Inner Loop Neighborhood Plan (designated as Community Commercial). The subject property is not located within the boundaries of a registered neighborhood association.

Criteria for Review

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 design standards of the “MC-3” Urban Corridor are designed to create a unique character for Austin Highway, address visual clutter, and encourage landscaping. The applicant has provided additional landscaping on other portions of the property where it would not otherwise be required. As a result, the net effect is that the site will contain excess landscaping than would be required, even though the landscaping areas will be slightly reduced in other areas. Additionally, the applicant has had to contend with unique circumstances in designing their product to be successful given the limited access to Austin Highway. Also, the separation distances for the dumpster enclosure are effectively met because of the required setbacks on the “MF-33” properties and the 10-foot setback that the applicant is providing for the dumpster enclosure. Given these facts, the variance is not contrary to the public interest.

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

The limitation of a shared driveway to Austin Highway, the layout and design of the abutting property to the north and east, and nature of the establishment proposed for the site present unique design challenges in order for the code to be strictly met. As such, special conditions do exist to warrant the granting of the requested variances on the subject 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 will be observed by granting the variance as the applicant has depicted additional landscaping areas, not otherwise required, which more than make up for the deficiencies elsewhere on the site. Additionally, the required separation effect of the dumpster from the nearest residential structure is met because of the 10-foot setback provided by the applicant and the 10-foot required setback on the adjacent property.

4. *Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-2 MC-2 AHOD” Commercial Austin Hwy/Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District.

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 variances are unlikely to injure the appropriate uses of adjacent properties given the excess landscaping area provided by the applicant on the site and the adjacent effective separation distances from the dumpster enclosure.

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.*

As discussed previously, there are unique circumstances readily apparent to warrant the granting of the requested variances.

Alternatives to Applicant's Request

The alternative to the applicant's request is to modify the site plan to reduce the rear landscaping and eliminate the accessway in front of the building. Doing so may have an adverse effect on the adjacent multi-family property to the rear.

Staff Recommendation

Staff recommends **approval of A-14-087** because of the following reasons:

- The applicant has provided excess landscaping on the site not otherwise required in an attempt the make up for the deficiencies elsewhere on the site.
- The location and design of the site, including the shared accessway, are a special consideration which warrants the granting of the requested variances.

Attachments

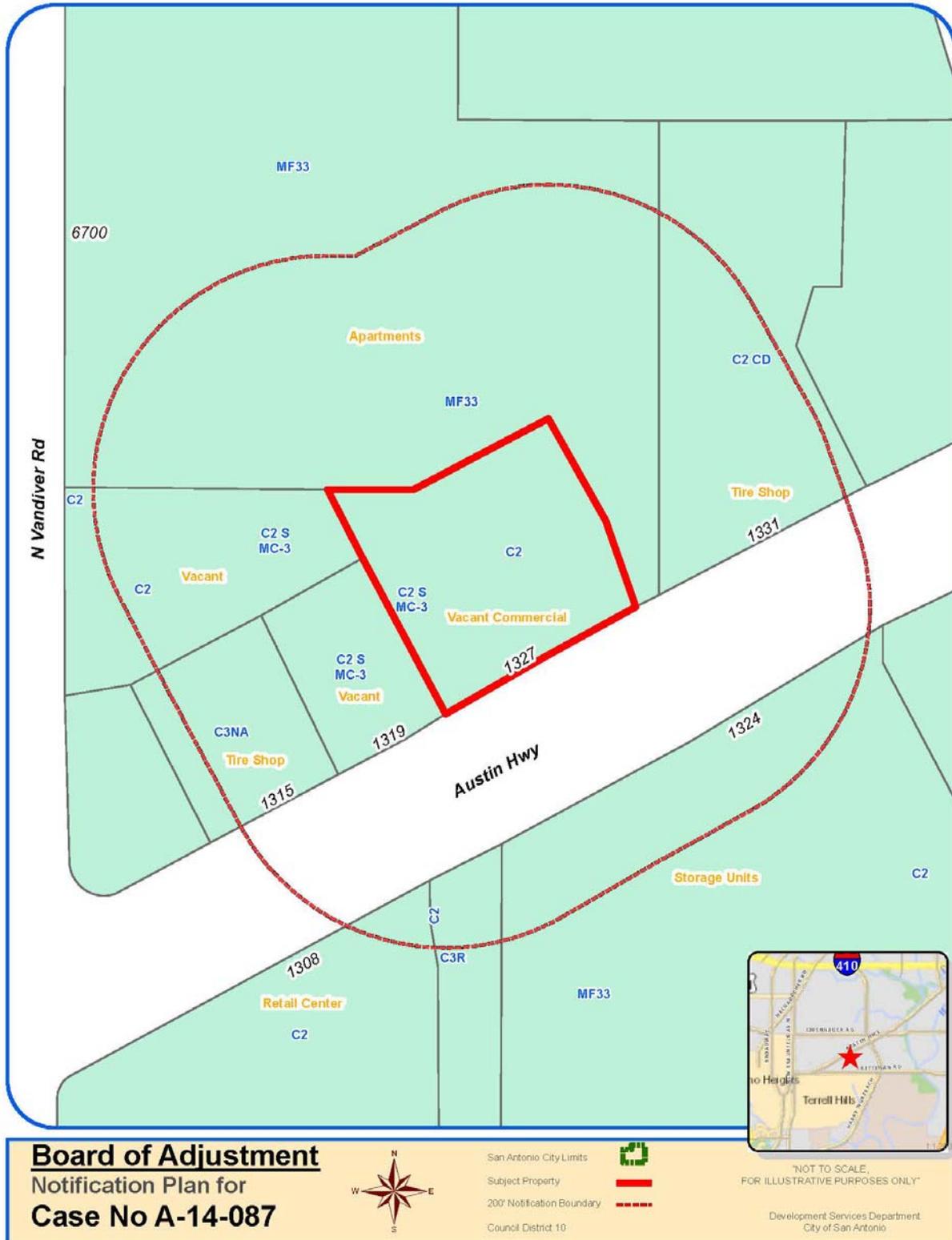
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

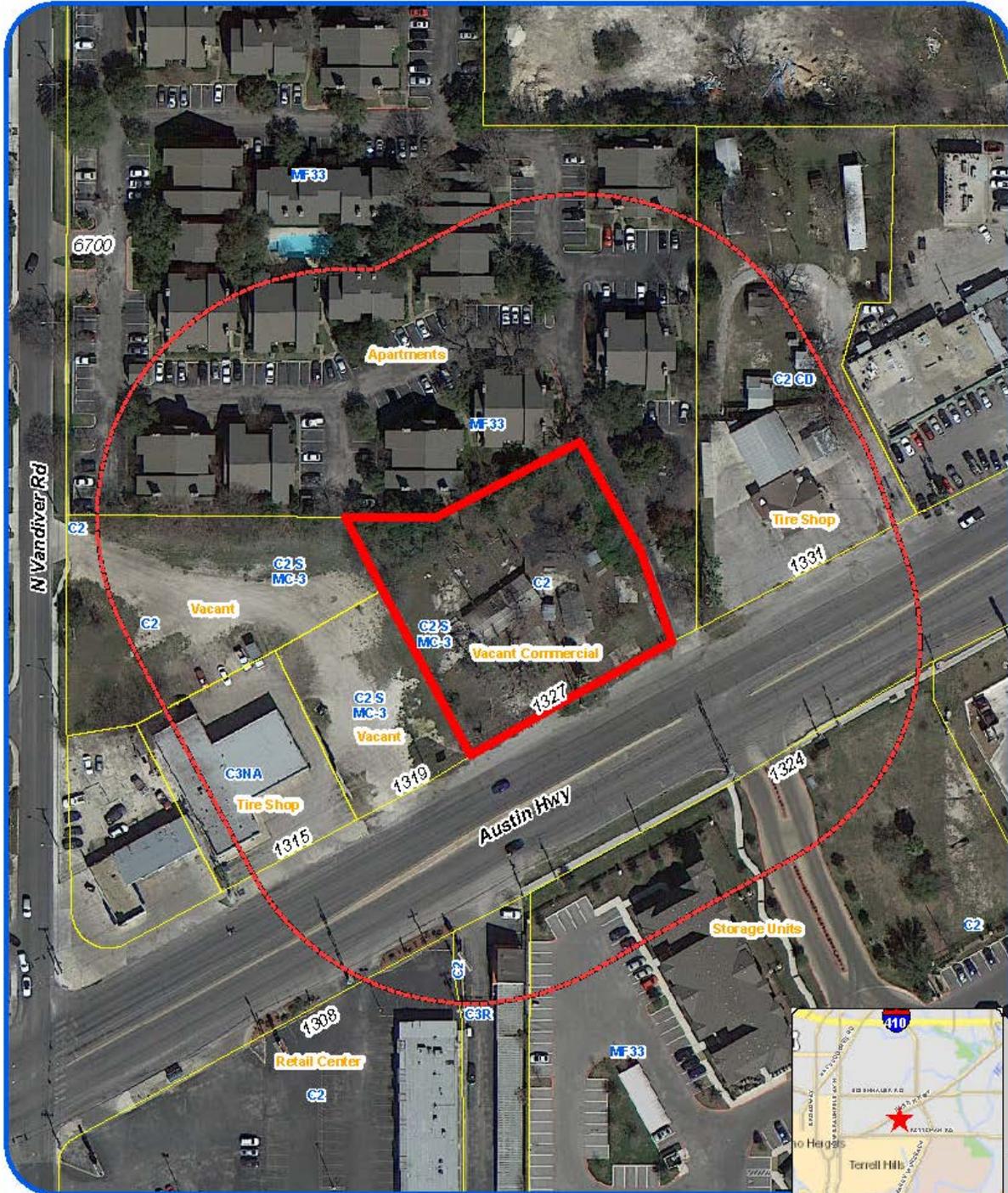
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-14-087**



- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 10 

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-087



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 10

1327 Austin Hwy

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Variance Request:

1) A request for a 6-foot variance from the maximum 40-foot setback in the "MC-3" corridor to allow a structure to be setback 46 feet from the property line; 2) a 4-foot variance from the required 15-foot front bufferyard to allow a reduction of a portion of the required bufferyard to 11 feet; 3) a request for a 2-foot variance from the required 10-foot side bufferyard to allow a reduction of a portion of the required bufferyard to 8 feet; 4) a 10-foot variance from the 20-foot setback adjacent to residentially-zoned properties to allow a dumpster 10 feet from a residentially-zoned property; and 5) a 299 square foot variance from the 389 square feet of required parking lot landscaping to reduce to amount of required parking lot landscaping to 90 square feet.

Board of Adjustment
Plot Plan for
Case No A-14-087



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 10

1327 Austin Hwy

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



**Attachment 4
Site Photos**

