City of San Antonio

Agenda Memorandum

File Number: 20-7170

Agenda Item Number: 3.

Agenda Date: 12/7/2020

In Control: Board of Adjustment

Case Number:	BOA-20-10300134
Applicant:	George Gervin Youth Center, Inc.
Owner:	George Gervin Youth Center, Inc.
Council District:	2
Location:	311 Spriggsdale
Legal Description:	Lot 3, Block 2, NCB 10147
Zoning:	"AE-3 EP-1" Arts and Entertainment Event Parking District
Case Manager:	Dominic Silva, Senior Planner

Request

A request for a variance from 1) the AE-3 district parking requirements, as described in Section 35-358, to allow parking within the front yard, and 2) the AE-3 lot size requirements, also described in Section 35-358.

Executive Summary

The applicant is requesting variances from the parking and lot size requirements of the Arts and Entertainment district to allow parking within the front property. Due to the unique layout of the property and projected use as multi-family housing, adequate parking will mean expansion into the front yard of the subject property. The AE-3 district also restricts lots sizes at 5 acres for one block. The total acreage of the subject property is 7.22.

The project is compliant with all other AE-3 standards as the project fronts on a local road, not primary arterial, secondary arterial, or enhanced secondary arterials.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

No permits have been processed for this property.

Clear Vision Review

A review of Clear Vision is not required.

Zoning History

The property was annexed in August 16, 1951 as Ordinance 15765 and was zoned as "B" Residence District. Ordinance 26606, dated July 3, 1958, rezoned the "B" Residence District to "D" Apartment District. The "D" Apartment District converted to "MF-33" Multi-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. Ordinance 2008-12-04-1128, dated December 4, 2008, rezoned the "MF-33" to the current "AE-3" Arts and Entertainment District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"AE-3 EP-1" Arts and Entertainment Event Parking District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"AE-3 EP-1" Arts and Entertainment Event Parking District	Vacant Carwash
South	"C-2 EP-1" Commercial Event Parking District and "R-4 EP-1" Residential Event Parking District	Retail Strip Center and Church
East	"R-4 EP-1" Residential Event Parking District	Residential
West	"AE-3 EP-1" Arts and Entertainment Event Parking District	Undeveloped

Comprehensive Plan Consistency/Neighborhood Association
The subject property is located within the Arena District/Eastside Community Plan and is designated as Mixed Use in the future land use component of the plan. The subject property is within 200 feet from both Coliseum/Willow Park and Coliseum Oaks neighborhood associations.

Street Classification

Spriggsdale Street is classified as a local street.

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 requested variances to the lot size and parking requirement are not contrary to the public interest as

they do not negatively impact any surrounding properties or the general public. New development of the vacant property will be beneficial to the surrounding community. The project is compliant with all other code requirements.

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

   Literal enforcement would not allow the redevelopment of the vacant property as proposed due to the oddly shaped configuration of the lot. A majority of the parking will remain behind the front property.

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

   In this case, the proposed project is in compliance with all other code requirements of the AE-3 district and will adhere to the will adhere to the spirit of the ordinance and substantial justice will be done by implementing the requested parking and lot size requirement of the vacant lot.

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.*

   The requested variances will not permit a use not authorized within the district it is located in.

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 introduction of the requested variances to lot size and parking would only enhance the overall appearance of the property, streetscape, and 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 plight of the owner for which the variance is sought is due to the oddly configured lot and future use of the property. A majority of parking will remain behind the front property, and at just over 7 acres, will remain within the spirit and intent of the AE-3 district design guidelines.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to Unified Development Code in Sections 35-358.

Staff Recommendation

Staff recommends **Approval** of the variances requested in **BOA-20-10300134,** based on the following findings of fact:

   1) The request does not negatively impact the surrounding property owners nor will it significantly alter the appearance of the district, and;

   2)   The requested variances will allow maximum use of the vacant property.