



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3952

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 7/6/2015

**Title:** A-15-097: CONTINUANCE. A request by James McKnight for a variance from the requirement that a parking lot be hard-surfaced, located at 331 W. Buchanan and 358 W. Villaret. (Council District 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-097 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-097

**Applicant:** Brown & Ortiz PC

**Owner:** Joel Dauley

**Council District:** 3

**Location:** 331 W Buchanan & 358 W Villaret Boulevard

**Legal Description:** Lots 304, S 544.60 feet of W 65 feet of 303 or 303F, E 192 feet of S 340 feet of 303 or 303A, W 70 feet of S 498.32 feet of 302, Block 29, NCB 11128

**Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Noncommercial Parking Lot

**Case Manager:** Margaret Pahl AICP, Senior Planner

### Request

A request for a variance from the requirement as described in 35-526 (f) and (j) that the parking lots be hard-surfaced.

### Executive Summary

The subject property is located at 331 W Buchanan & 358 W Villaret Boulevard, generally northwest of the Loop 410 Expressway and Moursund Boulevard intersection. The property was the subject of a rezoning case (Z2013129 CD), in which conditional use authorization for a non-commercial parking lot was granted on September 5<sup>th</sup>, 2013. The conditional use approval allows the property to maintain the use as residential for future development, as well as an overflow parking lot to address current parking issues.

Section 35-526(j) stipulates that additional spaces, i.e. overflow parking, may be permitted so long as the parking has pervious surfacing. The applicant is seeking a variance to waive this requirement so that vehicles can park on the natural grass. The applicant further states that the property owner, as well as adjacent property owners, wishes that the subject property remain in a more natural state, rather than covered with asphalt or

concrete paving. The Unified Development Code does not require concrete or asphalt, but pervious surfacing, including gravel.

The flea market currently has 846 parking stalls, with this area targeted to add an additional 275 spaces. The market employs 20 traffic control officers instructed to direct traffic to open lots and rotate lots as people leave. They will use the subject lot as their last option.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-4 CD AHOD” Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Noncommercial Parking Lot	Vacant

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District and “RM-4 AHOD” Residential-Mixed Airport Hazard Overlay District and “C-3 NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Outdoor Thrift Market
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Existing parking
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is not within the boundaries of any neighborhood plan. The subject property is not located within the boundaries of any 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 public interest is defined as the general health, safety, and welfare of the public. **A review of aerial photography taken on a busy weekend day shows vehicles parking on both sides of nearby residential streets, sometimes blocking driveways. Therefore, having additional overflow parking for use on only the busiest weekends is not contrary to the public interest.**

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

The special circumstance present on the subject property is that the overflow parking is only necessary on the busiest weekend days. Crowds do not develop during rainy weekends and therefore the threat of mud is not a factor. Since the property is zoned for residential single-family uses, the proposed overflow parking could be easily removed for potential future, residential development.

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 represented by the Conditional Use approval granted by the City Council to provide for temporary parking to alleviate congestion and on street parking within the residential neighborhood nearby. The applicant has parking attendants who regulate the use of all parking within the complex. These attendants will only direct cars to these overflow lots after all of the other parking lots are full.

4. *The 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-4 CD AHOD” Residential Single-Family Airport Hazard Overlay District with Conditional Use for a Noncommercial Parking Lot.

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 is preserving all of the mature trees and asking for the variance to allow the natural grass to remain, keeping the essential character of the district during the weekdays, and weekends when the market is less crowded. As such, the variance will assist in protecting the character of the area.

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 applicant purchased the property to address concerns expressed by neighboring property owners. In addition, these neighbors expressed their desire to have the parcels remain native to the greatest extent possible. The requested variance is not financially motivated.

### **Alternative to Applicant’s Request**

The applicant could provide gravel parking for public safety rather than pervious concrete or pervious asphalt designs.

### **Staff Recommendation**

Staff recommends **APPROVAL** of **A-15-097** based on the following findings of fact:

1. These lots will only be used for parking after all other lots are full, on the busiest weekends;