



City of San Antonio

Legislation Details (With Text)

File #: 16-3292

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 5/23/2016

Title: A-16-088: A request by Jerry D Holley for a variance to allow parking within the 20 foot front setback, located at 5322 Medical Drive. (Council District 7)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-16-088 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-088

Applicant: Jerry D Holley

Owner: Jerry D Holley

Council District: 7

Location: 5322 Medical Drive

Legal Description: Lots 32 and 33, Block A, NCB 11609

Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District

Case Manager: Kristin Flores, Planner

Request

A request for a variance to allow parking within the 20 foot front setback, as described in Section 35-310.01 Note (6).

Executive Summary

There is a provision in the Unified Development Code that states, "for a lot with one hundred (100) feet or more of frontage along a public or private street the maximum front setback of twenty (20) feet in "MF-18", "MF-25", "MF-33", "MF-40", and "MF-50" may be extended to ninety (90) feet provided that no parking or drives other than egress/ingress drives shall be located within twenty (20) feet of the front property line." The subject properties are two vacant lots, both with at least 100 feet of frontage, where the property owner wishes to develop new multi-family housing and parking lots. However, the proposed parking areas are located within the first twenty (20) feet of the front property line. The applicant is requesting a variance to use these lots for parking before beginning construction of the property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
South	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
East	“C-2 AHOD” Residential Single-Family Airport Hazard Overlay District	VIA Transit Center
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as Mixed-Use Center in the future land use component of the plan. The subject property is not located within a Neighborhood Association.

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. In this case, the public interest is represented by setbacks that help to ensure that we have uniform, safe development within the City of San Antonio. The parking lots, in the current location, are shielded from the view of right of way and will not increase impervious cover on the property. Staff finds the requested 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 special condition in this case is the presence of the parking lots over the past eighteen (18) years. The owner wishes to utilize the parking lots in the current location, but due to the 2001 code amendment the parking lots do not meet current development standards.

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

Granting the requested variance will result in substantial justice as the parking lots will not be visible from the right-of-way and will not increase impervious cover.

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 “MF-33 AHOD” Multi-Family 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.*

Since the parking lots have been in the present location for many years it is unlikely the continued use will cause harm to 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.

In this case, the parking lots have been in the present location for many years and the owner wishes to utilize them in the current location. This is a situation the owner inherited and is working to ensure compliance before beginning construction.

Alternative to Applicant's Request

The applicant would need to reconfigure the site plan to relocate parking and meet current development standards.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-088** based on the following findings of fact:

1. The parking lots have been the current location for many years. 2. The parking lots are blocked from the view of right-of-way and will not further increase impervious cover on the subject property.
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