



# City of San Antonio

## Agenda Memorandum

**File Number:**19-4812

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**Agenda Item Number:** 3.

**Agenda Date:** 6/17/2019

**In Control:** Board of Adjustment

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**Case Number:** BOA-19-10300059  
**Applicant:** Grant Garbo  
**Owner:** Grant Garbo  
**Council District:** 1  
**Location:** 527 East Huisache Avenue  
**Legal:** Lot 26, Block 6, NCB 3090  
**Description:**  
**Zoning:** "MF-33 H AHOD" Multi-Family Monte Vista Historic  
Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### **Request**

A request for 1) variance of the parking requirements related to size and location, as described in Section 35-526(e)(B)(4), to allow up to 4 head in parking spaces off of an alley without providing a turnaround and 2) a parking adjustment, as described in Section 35-526(b)(7), to decrease a 5 parking space requirement to allow 4 parking spaces.

### **Executive Summary**

The subject property is located at 527 East Huisache Avenue, approximately 523 feet east of Stadium Drive. According to Bexar County Appraisal District the subject property was constructed in 1960 and is located within the Monte Vista Historic District. The applicant is seeking to a variance of the turnaround provision to allow greater than 2 parking spots on the alley without a turn around and a parking reduction of one space. The applicant states that the alley is infrequently used for through traffic and that there are many other properties that use the full length of the property along the alley for parking in the Monte Vista neighborhood.

The applicant proposes to develop an assisted living facility in the subject property. The subject property is zoned MF-33 and allows for the proposed use. The applicant initially brought to this project to the citizens of Monte Vista as well as the Historic Design Review Committee in October of 2017. The UDC Table 526-3(a) requires the property 0.3 parking spaces for each resident in addition to 1 parking space per employee. The applicant states that they will have a maximum of 10 residents, none of whom drive, and up to 2 staff employees at any given time, therefore, the provision of 4 parking spaces is as functional and reasonable as it

would still allow for 2 visitors at a time.

Any exterior modifications will require approval from the Historic and Design Review Commission (HDRC). Approval of the proposed variances does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. An application including these changes has been submitted to the HDRC, but was denied on April 17, 2019. There is not approval on file to accommodate the proposed changes at this time.

At the April 17, 2019 Historic and Design Review Commission hearing, the request for final approval of multiple request items was denied, including the proposed rear parking configuration, which matches the site plan submitted to the Board of Adjustment.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The property owner is seeking variances to allow for residential plan review approval and building permit to be issued.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District	Duplex

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District	Vacant
South	"MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Dwelling
East	"MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Dwelling
West	"MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the Monte Vista Neighborhood Plan and does not have a designated future land use component. The subject property is located within the boundaries of the Monte Vista Neighborhood Association and Tobin Hill Community Association. As such, they were both notified and asked to comment.

## **Street Classification**

Huisache Avenue is classified as a local.

## **Criteria for Review - Variance for Turnaround**

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.*

Commercial rear yard parking accessing from the alley and further overflow parking isn't conducive for a residential community. Additionally, allowing an unsafe exit of the parking area is contrary to the public interest.

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

Commercial rear yard parking accessing from the alley and further overflow parking isn't conducive for a residential community. The applicant could explore other alternatives to meet code requirements.

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 the intent of the requirement rather than the strict letter of the law. Allowing an unsafe exit of the parking area may not observe the intent of the ordinance.

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 variance will not authorize the operation of a use on the subject property other than those specifically authorized in the 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.*

Commercial rear yard parking accessing from the alley and further overflow parking isn't conducive for a residential community and could alter the character.

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 property is located within an historic district where alleys have been historically used as access, which could be a unique circumstance existing for the property.

## **Criteria for Review - Parking Adjustment**

According to Section 35-526 (b)(7) of the UDC, in order for a parking modification to be granted, the applicant must demonstrate that a hardship is created by strict interpretation. The UDC currently requires 5 parking spaces. The applicant was denied for an Administration Exception Variance Request to allow a reduction in parking spaces and to allow rear yard parking without having to improve the alley. UDC 35-506 requires alley

improvement up to the subject property.

Staff cannot support the request for a parking reduction for a commercial use mid-block in a residentially established neighborhood. Commercial rear yard parking accessing from the alley and further overflow parking isn't conducive for a residential community.

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to conform to the code.

### **Staff Recommendation:**

Staff recommends **DENIAL** of variance and parking adjustment in **BOA-19-10300059**, based on the following findings of fact:

- 1) The request for a reduction of one (1) parking space could create a burden with overflow parking within the immediate residential neighborhood.
- 2) Without alley improvements the commercial requirements for a turnaround cannot be met