

Case Number:	BOA-23-10300054
Applicant:	Sawyer Dean, LLC
Owner:	Sawyer Dean, LLC
Council District:	1
Location:	2520 McCullough Avenue
Legal Description:	The Northwest 66.90 feet of Lot 15, Block 1, NCB 853
Zoning:	“C-2 UC-5 AHOD” Commercial Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District and “O-2 UC-5 AHOD” High-Rise Office Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

Request

A request for an 8 parking spaces variance from the minimum 16 required parking spaces, as described in Section 35-526, to allow 8 parking spaces.

Executive Summary

The subject property is located on McCullough in Tobin Hill. The applicant is putting a smoothie shop at the space, which falls under “Food Service Establishment” requiring 1 parking space for every 150 square feet. The proposed smoothie shop is 1,800 square feet and requires 12 parking spaces. The remaining 1,080 square feet is projected to be used as a professional office, which requires 1 parking space for every 300 square feet. The total required parking spaces for the professional office is 4. The applicant is requesting an 8 parking space variance from the 16 required parking spaces to allow 8 parking spaces. The traffic division is working with the applicant to get a cooperative parking permit with neighbors.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the property.

Zoning History

The property was located within the original 36 square miles of San Antonio and zoned “D” Apartment District. The properties were rezoned by Ordinance 53624, dated April 8, 1981; the western portion to “B-2” Business District and the eastern portion to “O-1” Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties converted to the current “C-2” Commercial District and “O-2” High-Rise Office District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 UC-5 AHOD” Commercial Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District and “O-2 UC-5 AHOD” High-Rise	Vacant Building

Office Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District	
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2NA UC-5 AHOD” Commercial Nonalcoholic Sales Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District	Offices
South	“C-2 UC-5 AHOD” Commercial Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District and “O-2 UC-5 AHOD” High-Rise Office Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District	Vacant Office Building
East	“R-6 UC-5 AHOD” Residential Single-Family Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District	Single-Family Dwelling
West	“C-2 UC-5 AHOD” Commercial Main Ave/McCullough Ave Urban Corridor Airport Hazard Overlay District	Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Area Regional Center Plan and is designated “Neighborhood Mixed Use” in the future land use component of the plan. It is in the Tobin Hill Community Neighborhood Association and within 200 feet of the Monte Vista Historical Neighborhood Association.

Street Classification

McCullough is classified as a-Secondary Arterial Type B.

Criteria for Review – Parking Spot Variance

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. The applicant is requesting an 8 parking space variance from the 16 minimum parking spaces. The variance request appears to be contrary to the public interest as there will be overflow parking on the street.

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

A literal enforcement of the ordinance would not result in an unnecessary hardship as other permitted uses would meet the parking 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 defined as the intent of the code, rather than the exact letter of the law. The request does not appear to be in the spirit of the ordinance as the requirement is there to protect the residential and commercial neighborhood against excessive street parking.

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.*

No uses other than those allowed within the district will be allowed with this variance.

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.*

Staff finds that the variance would substantially injure the appropriate use of adjacent properties as the variance would create the need for overflow parking in 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.*

Staff finds the plight of the owner of the property for which the variance is sought is not due to any unique circumstances existing on the property and previous uses would reduce the required parking.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum parking requirements of the UDC Sec 35-526.

Staff Recommendation – Parking Space Variance

Staff recommends Denial in BOA-23-10300054 based on the following findings of fact:

1. The variance would create a potentially hazard overflow parking environment; and
2. Other uses would conform to the limited available parking.