

Case Number:	BOA-23-10300187
Applicant:	Fishpond Living at Buena Vista LP
Owner:	Fishpond Living at Buena Vista LP
Council District:	5
Location:	1601 Buena Vista Street and 1615 Buena Vista Street
Legal Description:	Lot 11, Lot 12 and the east 48.64 feet of 10, Block 3, NCB 2312 and Lot 9 and the west 2.72 of Lot 10, Block 3, NCB 2312
Zoning:	"IDZ-3 HS MLOD-2 MLR-2 AHOD" High Intensity Infill Development Zone Historic Significant Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and sixty-one (61) dwelling units.
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 25-parking spaces variance from the minimum 46 parking spaces, as described in Section 35-526, to allow 21-parking spaces.

Executive Summary

The subject property is located along Buena Vista Street just west of IH-35. The applicant is requesting a 25-parking space variance to allow 21-parking spaces. The property was recently rezoned by Ordinance 2023-05-18-0359, dated May 18th, 2023, to "IDZ-3" High Intensity Infill Development Zone District with uses permitted in "C-2" Commercial District and sixty-one (61) dwelling units. There are currently only 21 existing parking spaces onsite. Currently there is no space to add additional parking spaces on the site. The traffic team has reviewed and has no objections to the 21 parking spaces, although the traffic team has suggested a cooperative parking to gain more parking if possible.

This property is a designated individual historic landmark. Any future exterior modifications or new construction will require written approval from the Office of Historic Preservation. Approval of a variance does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.

Code Enforcement History

There is not relevant code enforcement history for the subject property.

Permit History

Plumbing General Permit (MEP-PLM-PMT23-3439628) June 2023

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "F" Local Retail District converted to the current "C-2" Commercial District. The property was rezoned by Ordinance 2023-05-18-0359, May 18th, 2023 to "IDZ-3" High Intensity Infill Development Zone District with uses permitted in "C-2" Commercial District and sixty-one (61) dwelling Units.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"IDZ-3 HS MLOD-2 MLR-2 AHOD" High Intensity Infill Development Zone Historic Significant Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted in "C-2" Commercial District and sixty-one (61) dwelling units.	Apartments

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-1 MLOD-2 MLR-2 AHOD" General Industrial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Commercial
South	"C-2 HL MLOD-2 MLR-2 AHOD" Commercial Historic Landmark Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Office
East	"C-3 MLOD-2 MLR-2 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Law Office
West	"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Guadalupe Westside Community Plan and is designated as “Mixed Use” in the future land use component of the plan. The subject property is in the Historic Westside Residents Neighborhood Association, and they were notified of the request.

Street Classification

Buena Vista Street is classified as a Primary Arterial Type B.
South San Jacinto 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 25 parking spaces variance from the minimum 46 parking

spaces to allow 21 parking spaces. Due to the limited area to add parking spaces, the variance request does not appear to be contrary to the public interest.

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

A literal enforcement of the ordinance would result in having to add additional parking spaces which would result in an unnecessary hardship, as there no additional area to do so.

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

The spirit of the ordinance will be observed as additional parking spaces cannot be added due to the limited area.

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 not alter the essential character of the district as there is no additional space to add the additional parking spaces on the property.

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 due to unique circumstances existing on the property, such as the size of the existing building and lot parking area.

Alternative to Applicant's Requests

The alternative to the applicant's request is to conform to the Parking Standards of the UDC Section 35-526.

Staff Recommendation-Parking Spaces

Staff recommends **Approval** in **BOA-23-10300187** based on the following findings of fact:

1. The granting of the variance to allow 21 parking spaces does not appear to be contrary to the public interest; and
2. The variance would not alter the essential character of the district.