

Case Number:	BOA-23-10300259
Applicant:	Pape-Dawson Engineers, Inc.
Owner:	Chesmar Homes LLC
Council District:	8
Location:	6464 Babcock Road
Legal Description:	Lot 1, Block 1, NCB 16455
Zoning:	"MF-18" Limited Density Multi-Family District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for a 17'-6" variance from the minimum 20' front parking area, as described in Sec. 35-310.01; Note 6, to allow parking past 2'-6" from the front property line.

### **Executive Summary**

The subject property is located on Babcock Road between Spring Time Drive and Prue Road. The applicant is proposing a variance to allow front parking area space within the 20' from the front property line. The variance will allow for parking within the first 20 feet which is restricted to ingress/egress only.

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

The issuance of a Residential Building Permit (RES-RBP-APP23-35532766) and Residential Building Permit (RES-RBP-APP23-35502769) is pending the outcome of the Board of Adjustment.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 41426, dated December 26, 1972, and zoned Temporary "R-1" Single Family Residential District. The property was rezoned by Ordinance 2021-10-21-0815, dated October 21, 2021 to the current "MF-18" Limited Density Multi-Family District.

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

Existing Zoning	Existing Use
"MF-18" Limited Density Multi-Family District	Housing Development

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

Orientation	Existing Zoning District(s)	Existing Use
North	"C-1" Light Commercial District and "C-3R" General Commercial Nonalcoholic Sales District	Daycare and Gas Station
South	"MF-33 Multi-Family District	Apartments
East	"C-2" Commercial District	Church
West	"R-6" Residential Single-Family District	Public School

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

The subject property is under the North Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is within Tanglewood Neighborhood Association and they were notified of this request.

### **Street Classification**

Babcock Road is classified as a Secondary Arterial Type A.  
Spring Time Drive is classified as a Local Road.

### **Criteria for Review – Front Parking Area 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 introduction of parking within the first 20’ of an extended maximum front setback is contrary to the public interest as it will decrease the open area fronting a multi-family development.

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

Staff does not find hardship on the property as there is adequate space to meet the 20’ front parking area requirement.

*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 not be observed as the development can be altered to meet the parking restrictions withing the first 20 feet.

*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 evidence that the requested variance for placing front parking area within the 20’ front setback would alter the essential character of the district. The district allows an extension of the maximum front setback provided there is no parking withing the first 20 feet.

*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 has found no unique circumstances existing on the property to alter from the requirements of the Unified Development Code. The configuration of the proposed buildings, proposal of parking within the 20’ front setback can be altered to meet the requirements.

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Front Parking Area under Section 35-310.01; Note 6 of the UDC.

### **Staff Recommendation – Front Parking Area Variances**

Staff recommends Denial in BOA-23-10300259 based on the following findings of fact:

1. The design and configuration of the proposed buildings can be altered; and
2. The proposed variance will alter the character of the district.