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|---|---|
| Case Number: | BOA-22-10300103 |
| Applicant: | Jose Garza |
| Owner: | Corvera Enterprises Inc |
| Council District: | 1 |
| Location: | 3915 San Pedro Ave. |
| Legal Description: | Lot 29, Block 13, NCB 7280 |
| Zoning: | "C-1 AHOD" Light Commercial Airport Hazard Overlay District |
| Case Manager: | Vincent Trevino, Senior Planner |

**Request**

A request for 36 parking space variance from the minimum 64 parking space requirement, as described in Section 35-526, to allow a multi-tenant commercial property to provide 28 parking spaces.

**Executive Summary**

The subject property is located at 3915 San Pedro Avenue. The applicant is requesting a parking space variance due to the limited size of the lot. There is currently a First Time Interior Finish Out building permit for a restaurant submitted. During the plan review process, it was determined by the Traffic Team that additional parking spaces would be required based on the occupancy/use of the space.

**Code Enforcement History**

There is no Code Enforcement history on file.

**Permit History**

No permits have been issued. Commercial Building Permit is pending the outcome of the BOA Meeting. The plans have already been submitted.

**Zoning History**

The property was annexed into the City of San Antonio by Ordinance 1941, May 30, 1940, and zoned "F" Local Retail District. The property was rezoned by Ordinance 21002, March 3, 1955, to "H" Local Retail District. A portion of the property was rezoned by Ordinance 78405, July 29, 1993, to "B-2NA" Business, Non-Alcoholic Sales District. Another portion of the property was rezoned by Ordinance 78405, July 29, 1993, to "B-3NA" Business, Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3NA" Business, Non-Alcoholic Sales District converted to the current "C-3NA" General Commercial Nonalcoholic Sales District. The property was rezoned by Ordinance 2006-08-17-0939, August 8, 2017, to "C-1" Light Commercial District.

**Subject Property Zoning/Land Use**

| Existing Zoning | Existing Use |
|---|---|
| "C-1 AHOD" Light Commercial Airport Hazard Overlay District | Strip Mall |

**Surrounding Zoning/Land Use**

| Orientation | Existing Zoning District(s) | Existing Use |
|---|---|---|
| North | "C-2 AHOD" Commercial Airport Hazard Overlay District | Bank |
| South | "C-3 AHOD" General Commercial Airport Hazard Overlay District | Strip Mall |
| East | "C-3 AHOD" General Commercial Airport Hazard Overlay District | Auto Dealer |
| West | "R-4 AHOD" Residential Single Family Airport Hazard Overlay District | Church |

**Comprehensive Plan Consistency/Neighborhood Association**
The subject property is in the North Central Plan and is designated "Neighborhood Commercial" in the future land use component of the plan. The subject property is located within the Edison Neighborhood Association and were notified of the case.

**Street Classification**
San Pedro Avenue is classified as a Principal Road and Primary Arterial B.

**Criteria for Review – Parking Space 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 for a variance from the minimum parking requirement to provide 28 parking spaces. The requested variance will be contrary to the public interest as this will not allow additional parking spaces will lead to an overflow of vehicles into 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 result in the applicant having to meet the minimum parking requirements. Additional parking spaces cannot be added, which presents an unnecessary hardship causing the applicant to not establish a use that requires a large amount of parking 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 is defined as the intent of the code, rather than the exact letter of the law. The requested variance may negatively affect the surrounding area as DSD Traffic reviewed the proposed plans and indicated per the UDC additional parking spaces are required due the occupancy type of the space.

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 the additional parking spaces are likely to negatively affect the adjacent neighboring properties. The lot is very limited due to the size and the review conducted by DSD Traffic Staff requires additional parking spaces. The proposed additional parking spaces do not appear as though it will alter the character of the district.

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 limited amount of available space on the lot and is not merely financial in nature.

## Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Parking and Loading Standards in Section 35-526, in the UDC.

## Staff Recommendation - Parking Space Variance

Staff recommends Denial in BOA-22-10300103 based on the following findings of fact:
1. Upon site visit, staff observed another business in this strip mall; and
2. The lot does not allow for additional parking spaces.