

Case Number:	BOA-23-10300019
Applicant:	Pape-Dawson Engineers
Owner:	FDG Sonoma, LLC
Council District:	8
Location:	13985 FM 1560
Legal Description:	Lot P-5 and Lot P-2A, NCB 14866, Lot P-1B and Lot P-2, CB 4538, Lot P-2B, CB 4539, and Lot P-5, CB 4540
Zoning:	"MF-18 UC-1 ERZD" Limited Density Multi-Family IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a parking location variance, as described in Section 35-310.01; Table 310-1; Note 6; to allow parking within the front 20' of the front setback.

Executive Summary

The subject property is located along FM 1560 west of 1604 and is currently a vacant commercial property. The applicant is proposing a variance to allow parking within the 20' front setback requirement. The variance will allow adequate parking spaces for a support building associated with the apartment complex.

Code Enforcement History

There are no code violations for this property.

Permit History

COM-SIT-PMT22-40100137 for a Site Work. Permit was issued.

RES-RBP-APP22-35505067 Construction of 214 buildings consisting of 133 duplexes and 81 stand-alone units – Pending outcome of the BOA hearing.

Zoning History

A portion of the property was annexed into the City of San Antonio by Ordinance 39197, dated February 24, 1971 and another portion was annexed by Ordinance 101603, dated December 30, 2005. The subject property converted from "B-1", "B-2" and "B-3" to the current "C-1", "C-2" and "C-3" with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001. A portion of the property was rezoned by Ordinance 2021-10-07-0760, dated October 7, 2021 to "MF-18" Limited Density Multi-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-18 UC-1 ERZD" Limited Density Multi-Family IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District	Vacant Commercial

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"DR ERZD" Development Reserve Edwards Recharge Zone District	Single-Family Residence

South	"C-2 ERZD" Commercial Edwards Recharge Zone District	Industrial Shop
East	"C-2 ERZD" Commercial Edwards Recharge Zone District	Transitional Use
West	"DR ERZD" Development Reserve Edwards Recharge Zone District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the North Sector Plan and is designated "Suburban Tier" in the future land use component of the plan. The subject property is within the Bavarian Forest Homeowners Association and were notified of the case.

Street Classification

FM 1560 is classified as a Secondary Arterial A.

Criteria for Review – Front Setback 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.*

Due to the design and configuration of the proposed buildings the parking within the 20' front setback requirement 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.*

Staff finds hardship on the property as there is not adequate space to meet the 20' front setback requirement for no parking.

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 the parking cannot be outside the 20' front setback requirement.

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 parking within the 20' setback would not alter the essential 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.*

Because of the configuration of the proposed buildings, proposal of parking within the 20' front setback is appropriate for the area. The request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setbacks per 35-310.01, Table 310-1; Note 6 of the UDC.

Staff Recommendation – Front Setback Variance

Staff recommends Approval in BOA-23-10300019 based on the following findings of fact:

1. Due to the design and configuration of the proposed buildings and size of the property; and
2. There is not sufficient space available to have parking outside the 20' front setback, as this parking will support a building associated with the apartment complex.