

**RESOLUTION NO. 2002- 147 R**

A RESOLUTION GRANTING VARIANCES FROM SECTION 21-54(b)(2) AND SUBSECTIONS (4), (6) AND (7) OF SECTION 21-83(a) OF THE VICTORIA CITY CODE, WHICH REQUIRES THE DEDICATION OF RIGHT OF WAY IN ACCORDANCE WITH THE MASTER THOROUGHFARE PLAN, AND THE ESTABLISHMENT OF A FRONT YARD SETBACK OF 25', EXTERIOR SIDE YARD SETBACK OF 20' AND REAR SETBACK OF 20' (WHEN ABUTTING A RESIDENTIAL USE) TO 2105 PLEASANT GREEN, WHICH IS OWNED BY ST. PAUL BAPTIST CHURCH; AND DECLARING AN EFFECTIVE DATE.

Section 21-54(b)(2) of the Victoria City Code requires that dedication of ½ of the right-of-way necessary to bring a street into conformity with the Master Thoroughfare Plan;

Section 21-83(a)(4) of the Victoria City Code requires a commercial lot to have at least 25 feet of front yard setback;

Section 21-83(a)(6) of the Victoria City Code requires a commercial lot to have 25 feet of exterior side yard setback abutting an expressway or arterial street; and 20 feet abutting other streets;

Section 21-83(a)(7) of the Victoria City Code requires a commercial lot to have at least 10 feet of rear yard setback, except where abutting existing or proposed residential uses, in which event the minimum rear yard set back is 20 feet;

The owner of the aforementioned property has requested the platting of this property so that improvements can be made to the building at 2105 Pleasant Green;

The request for variances to Sections 21-54(b)(2) and Subsections (4), (6), and (7) of Section 21-83(a) were considered at a public hearing before the Planning Commission, which recommended approval of these variances;

The City Council finds based upon the evidence presented in this case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation;
- (2) The granting of the variance is not based on a hardship which is self-imposed;
- (3) The hardship is not based solely on the cost of complying with the regulation; and
- (4) The hardship is based on circumstances which are unique to the property for which the variance is sought and not circumstances common to other properties.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Variances from Section 21-54(b)(2) and Subsections (4), (6), and (7) of Section 21-83(a) of the Victoria City Code are granted to 2105 Pleasant Green, owned by St. Paul Baptist Church, as described above in accordance with the recommendation of the Planning Commission.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 3<sup>rd</sup> day of September, 2002.

AYES: 6

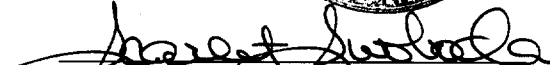
NAYS: 0

ABSTENTIONS: 0


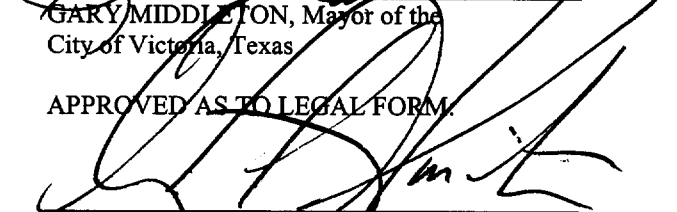
APPROVED AND ADOPTED, this the 3<sup>rd</sup> day of September, 2002.



ATTEST:

  
SCARLET SWOBODA, City Secretary

Distribution:   Legal Department  
                  Planning Department  
                  IMS Department

  
GARY MIDDLETON, Mayor of the  
City of Victoria, Texas  
  
  
APPROVED AS TO LEGAL FORM  
  
DAVID ATMAR SMITH, City Attorney

Copies Sent: September 9, 2002