

RESOLUTION NO. 2005- 131 R

**A resolution granting a variance to Section 21-83(a)(2) of the Victoria City Code, which requires a minimum lot width for a general commercial lot of at least 100 feet on a public street, for the Miori Center, Resubdivision No. 1, located at 1301 and 1305-1319 Sam Houston Drive, which is owned by Miori Brothers; and declaring an effective date.**

Section 21-83(a)(2) of the Victoria City Code requires a commercial lot to have at least 100 feet of width where it fronts a commercial street;

The owners of Miori Center, Resubdivision No. 1 is an existing commercial shopping center at 1301 and 1305-1319 Sam Houston Drive are proposing to subdivide the property into 2 commercial lots to sell an existing structure thereon, but the most appropriate place to divide the lot leaves one of the lots with 87.3' of frontage; therefore, they are requesting variances to the City's 100-foot lot frontage requirement;

This request for variances was considered at a public hearing before the Planning Commission, which recommended approval of the variances described above and entered into its minutes the reasons which justified such recommendation; and

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

- (1) The granting of the variances 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 variances 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 variances are sought, and not circumstances common to other properties.

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

1.

A variance to Section 21-83(a)(2) of the Victoria City Code is granted for the Miori Center, Resubdivision No. 1, Resubdivision No. 1, located at 1301 and 1305-1319 Sam Houston Drive, which is owned by Miori Brothers, as described above in accordance with the recommendation of the Planning Commission, conditioned upon the execution, by all necessary parties, of an agreement for shared driveway and lot access, in a form approved by the City Attorney and filed with the County Clerk prior to the recording of the final plat.

2.

This resolution shall become effective immediately upon adoption.

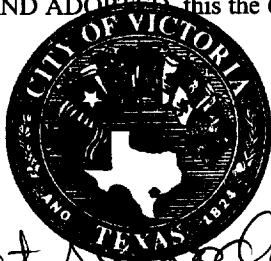
PASSED, this the 6<sup>th</sup> of September, 2005.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 6<sup>th</sup> of September, 2005.



ATTEST:

*Scarlet Swoboda*  
SCARLET SWOBODA, City Secretary

*Will Armstrong*

WILL ARMSTRONG, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

*David Atmar Smith*

DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department  
Planning Department

Copies Sent: September 7, 2005