

RESOLUTION NO. 200 7- 99 R

A resolution granting a variance to Sections 21-64 and 21-83(a)(6) of the Victoria City Code, which establishes minimum lot size, width, and depth, and minimum building setback requirements, to Lot 2, Block 1, North Main Street Subdivision, located at 4005 N. Main Street, which is owned by Olde Main Street Village, Ltd.; and declaring an effective date.

Section 21-64 of the Victoria City Code provides:

Building setback lines, as specified in Article III, Division 1, Development Guidelines, shall be provided for every lot. Such lines shall be drawn on the preliminary and final plats. When public utility easements in excess of the setback requirements exist or are established on a lot, the building setback lines shall be adjusted to conform, at a minimum, to the easement dimensions. No building permit or building moving permit shall be issued for a building which will encroach any minimum building setback line. Except the owner of two (2) adjoining residential lots may obtain a building permit to construct a house or structure across the interior building setback lines of the recorded lots.

Section 21-83(a)(6) of the Victoria City Code provides:

- (a) General commercial and office uses...
 - ...(6) Minimum exterior side yard setback:
 - a. Abutting an expressway or arterial street--25 feet.
 - b. Abutting other streets--20 feet.

The owners of the aforementioned property have proposed to develop a shopping center; however, the proposed buildings would encroach the platted 20 ft. building line on the Vine Street side by 10 feet. Therefore, the owners have requested variances to the requirements of Sections 21-64 and 21-83(a)(6);

This request for a variance was considered at a public hearing before the Planning Commission, which recommended approval of the variance 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 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.

A variance from Sections 21-64 and 21-83(a)(6) of the Victoria City Code is granted to Lot 2, Block 1, North Main Street Subdivision, as described above in accordance with the recommendation of the Planning Commission.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 5th day of June, 2007.

AYES: 5
NAYS: 0
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 5th day of June, 2007

Will Armstrong

WILL ARMSTRONG, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

DAVID ATMAR SMITH, City Attorney
Copies Sent: JUNE 8, 2007

ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary



Distribution: Legal Department
Planning Department
IMS Department