



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620
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March 9, 2021

Hylan Real Estate Investments, LLC
C/O Swift Sessions, Kevin Garrett
391 Sportsplex Dr., Suite A & B
Dripping Springs, Texas 78620
kevingarrett@gmail.com

**RE: Board of Adjustment Order of Approval Issued March 9, 2021
Application for Special Exception (VAR2021-0002)
Location: 391 Sportsplex Dr., Dripping Springs, Texas 78620**

Mr. Wilson, and Mr. Garrett,

The Board of Adjustment heard your request for a special exception on March 9, 2021. The Board considered the submitted Application for Special Exception, applicant presentation and the staff report as presented at the meeting. The Board voted **[Place Vote Here]** to approve your request as recommended by staff.

The submitted Application requests a special exception to the parking requirements from the City's Code of Ordinance Chapter 30 Zoning, Exhibit A Zoning Ordinance, Section 5.6(24) Parking Based on Use a health club, health spa, or exercise club. The Code states that for a health club, health spa, or exercise club, there shall be one (1) space per 150 sq. ft. Furthermore, section 5.7.6 states that:

5.7.6. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over forty thousand square feet (40,000 sq. ft.).

The intent of the Code is to ensure that all properties within the City Limits have and provide adequate amount of parking so as not to cause undue harm on the vicinity properties. The applicant is proposing to account for their use of a health club, health spa, or exercise club (Swift Sessions) through the existing parking that exists on the site.

When determining whether to grant the special exception the Board of Adjustment shall consider the below findings from Chapter 30 Zoning Exhibit A Zoning Ordinance Section 2.22.2:

- (1) there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and

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- (2) the special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) the granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (4) the granting of the special exception constitutes a minimal departure from this Chapter; and
- (5) the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property.
- (6) Granting the special exception is in harmony with the spirit, general purpose, and intent of this Chapter so that:
 - a. the public health, safety and welfare may be secured; and
 - b. that substantial justice may be done

Order of the Board of Adjustment: Motion for Approval

[Add motion with any conditions or staff recommendations]

This letter has been filed with the City Secretary which is considered the office of the Board of Adjustment and shall serve as the decision contemplated in Section 211.011 of the Texas Local Government Code.

Bill Foulds, Jr., Chair of Board of Adjustment

ATTEST:

Andrea Cunningham, City Secretary