



City of San Antonio

Legislation Details (With Text)

File #: 18-4483
Type: Zoning Case
In control: Board of Adjustment
On agenda: 8/6/2018
Title: A-18-132: A request by Antonio San Martin for a 6' variance from the maximum 12' driveway width to allow a driveway to be 18' wide, situated at 315 Thomas Jefferson Drive. Staff recommends Denial. (Council District 7)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-132 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: A-18-132
Applicant: Antonio San Martin
Owner: Antonio San Martin
Council District: 7
Location: 315 Thomas Jefferson Drive
Legal: Lots 31 and 32, Block 7, NCB 7078
Description:
Zoning: "R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 6' variance from the maximum 12' driveway width, as described in the Jefferson Neighborhood Conservation District design requirements, to allow a driveway to be 18' wide.

Executive Summary

The subject property is located at 315 Thomas Jefferson Drive, in the Jefferson Neighborhood Conservation District and is approximately 220 feet west of Dickinson Drive. The Neighborhood Conservation Districts regulates driveway widths and parking location. The applicant poured new concrete onto a pre-existing, broken driveway in the front yard, and expanded sections of the driveway, and was not aware of the driveway design requirements. The applicant became aware of this violation when he received a stop work order on June 22,

2018.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Near Northwest Neighborhood Plan and currently designated as Urban Low Density Residential in the future land use component of the plan. The subject property is also located within the boundaries of the Jefferson Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Thomas Jefferson Drive is classified as a local.

Criteria for Review

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.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by Neighborhood Conservation District design requirements. Increasing the driveway width in the front yard of the subject property is contrary to the public interest. The applicant is allowed to keep the 18' wide driveway behind the primary structure. Staff cannot support the request as the intent of the NCD is to create a cohesive driveway layout in the community.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

There are no special conditions that prohibit the subject property from meeting the 12' wide driveway in the front yard. There is enough length and width in the front yard to access the garage in the rear side of the property and the applicant can keep the 18' wide driveway behind the structure.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Substantial justice will not be served as the driveway, as built, does not meet the Neighborhood Conservation District design requirements. The intent of the code is to limit front yard impervious cover and to provide for a cohesive design. This driveway achieves neither.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District.

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.*

The requested variance will significantly alter the essential character of the district. The Neighborhood Conservation District design requirements were adopted to maintain and preserve communities. This design fails to adhere to the established design, and detracts from the goal of the NCD to achieve that essential character.

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.*

There is no unique circumstance existing on the property that warrants the requested driveway width. The driveway width should be reduced to 12'.

Alternative to Applicant's Request

The applicant would need to remove the 6' of driveway width along any portion of the driveway in front of the rear wall of the structure.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **A-18-132**, based on the following findings of fact:

1. There is no unique circumstance or special condition that warrants the driveway width enlargement, and;
2. The design negatively alters the essential character of the community.