



City of San Antonio

Agenda Memorandum

File Number:15-5866

Agenda Item Number: 5.

Agenda Date: 11/16/2015

In Control: Board of Adjustment

Case Number: A-16-005
Applicant: Mario Morales
Owner: Mario Morales
Council District: 7
Location: 1042 Donaldson
Legal Description: Lot 4, NCB 9176
Zoning: "R-6 NCD-7 AHOD" Residential Single-Family Jefferson
Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for 1) a 4 foot variance from the maximum 12 foot driveway width, as described in the Section 35-335, and 2) a variance from the requirement that parking be located behind the vertical plane of the primary structure to allow a 16 foot wide parking pad in the front yard, as described in Section 35-335.

Executive Summary

The subject property is located in the center Jefferson Neighborhood Conservation District on the corner of Donaldson Avenue and Marby Street. The Neighborhood Conservation Districts and the Historic Districts regulate and limit driveway widths and parking location. In this case, since the property is located within the Jefferson Neighborhood Conservation District, two variances are required for the parking to remain as constructed. The first variance is from the driveway limitation of 12 feet in width to allow a 16 foot wide driveway. The second variance is from the prohibition of parking in the front yard.

During the summer of 2014, code enforcement approached the owner about residents using a handicap ramp to access a carport on the side of the home. After this, the applicant chose to build a curb cut and driveway in the front of the home in an effort to accommodate vehicle travel. The applicant hired a contractor, American Foundation, to pour the new driveway and curb cut. The contractor pulled a permit for the curb cut but was told he did not need a permit to build the driveway, even though it was in an NCD and needs a permit. The contractor built the curb cut to the required standards as framing passed inspection before the concrete was poured. However, the contractor was told he did not need a permit for the driveway. This resulted in the driveway being built beyond the permitted width.

The Jefferson NCD states the intent of design standards is to "encourage off-street parking accommodations for all dwelling types...and high visibility for backing cars and crossing pedestrian traffic." The subject property lies at a transition point, along a busy portion of Donaldson, in the Jefferson neighborhood as residential

properties abut commercial properties.

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 Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-1 NCD-7 AHOD” Light Commercial Jefferson Neighborhood Conservation Airport Hazard Overlay District	Florist
South	“RM-4 NCD-7 AHOD” Residential Mixed Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
East	“C-3 NCD-7 AHOD” General Commercial Jefferson Neighborhood Conservation Airport Hazard Overlay District	Commercial Center
West	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Church

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Near Northwest Neighborhood Plan and currently designated as Medium 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 and Woodlawn Neighborhood Association. As such, each were notified and asked to comment.

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 providing adequate off-street parking for permitted uses.

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

The special exception in this case is the transitional nature of this subject property which is largely surrounded by non-residential uses. Therefore this unique circumstance makes literal enforcement an unnecessary hardship.

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

The spirit of the ordinance is defined as the intent of the code rather than the letter of the law. Providing adequate off-street parking for a residential property in a largely commercial area will allow substantial justice to be done.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted 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 allow the applicant to provide off-street parking, necessary on this busy street. This parking will not alter the character of this street.

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.

The unique circumstances on this property include that the applicant believed he had gone through the correct process to construct the driveway.

Alternative to Applicant’s Request

The applicant could remove the parking pad and increase the parking area in the rear yard.

Staff Recommendation

Staff recommends **APPROVAL** of **A-16-005** based on the following findings of fact:

1. The additional off-street parking will reduce the pressure for on-street parking;
2. The applicant and contractor believed they had gone through the correct process for construction.

Attachments

Attachment 1 - Notification Plan (Aerial Map)
Attachment 2 - Plot Plan (Aerial Map)
Attachment 3 - Site Plan
Attachment 4 - Site Photos