



City of San Antonio

Agenda Memorandum

File Number:20-3903

Agenda Item Number: 5.

Agenda Date: 7/6/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300040

Applicant: Debra Sharp

Owner: Debra Sharp

Council District: 1

Location: 902 West Gramercy Place

Legal Lot 23 and 24, Block 12, NCB 1787

Description:

Zoning: "R-6 NCD-5 AHOD" Residential Single Family Beacon Hill
Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Dominic Silva, Senior Planner

Request

A request from the Beacon Hill Neighborhood Conservation design standards, as described in Section 35-335, for 1) a 11'11" variance from the maximum 12' driveway width to allow a 23'11" driveway width, 2) a 14' variance from the maximum 15' curb cut width to allow a maximum of a 29' curb cut, and 3) a 20% variance from the 50% front yard impervious cover limitation to allow 70% of the front yard to be impervious cover.

Executive Summary

The subject property is a single family home located on the corner of West Gramercy Place and Blanco Road. The applicant is requesting to keep a majority of the impervious cover as is within the front property; measuring at 70% impervious, it is 20% above the 50% limit allowed by code. Additionally, the driveway width and curb cut were also extended to compensate for the increased impervious cover.

The width of the driveway with the additional impervious cover is approximately 30 feet in width. The NCD standard for driveway widths is a maximum of 12 feet. As the BOA's purview is to allow variances from the code requirements, the applicant can only request less than 24 feet. In this case, the maximum request would result in a driveway width of 23'11". Dependent on the results of the variance request, the driveway will have to be modified from its current condition.

The subject property is located within the Beacon Hill Neighborhood Conservation District and must follow

certain design standards as adopted December 15, 2005. Specific to this request, the design standards were set to limit urban heat island effects within the area, limit excessive and unnecessary impervious paving, and promote pervious, green surfaces. Minimal use of impervious cover for driveways the location of curbs is of major importance to this district's neighborhood conservation design guidelines.

During field visits, staff did not see any other properties within the area with similar concrete-covered front yards to the extent as the applicant.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

A Right-of-Way permit was processed July 19, 2019, but review of the NCD design guidelines was unapproved.

Clear Vision Review

A review of Clear Vision is not required for this request.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio and zoned as "B" Residence District. By Ordinance 86704, dated September 25, 1997, the "B" Residence Districted was rezoned to "R-1" Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the "R-1" Single Family Residence District converted to the current "R-6" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-5 AHOD" Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Car Wash
South	"R-6 NCD-5 AHOD" Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Residential

East	"C-2 MLOD-2 MLR-1 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Tax Office
West	"R-6 NCD-5 AHOD" Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within Midtown Neighborhoods Plan and designated Neighborhood Commercial within the future land use component of the plan. The subject property is within the boundaries of the Beacon Hill Neighborhood Association.

Street Classification

West Gramercy Place is classified as a local street.

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 impervious coverage limitation preserves storm water management by reducing runoff and increasing storm water travel times. Further, the regulations and design standards adopted in Beacon Hill are provided to prevent front yards from being covered by impervious surfaces, which can detract from the character of the community and increase urban heat island effects. Staff finds the request is contrary to the public interest.

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

Staff is unable to establish a special condition that would allow a request for a variance from the impervious coverage limitation, driveway width, and curb cut requirements.

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 the intent of the code, rather than the strict letter of the law. The intent of the impervious coverage limitation requirements, along with maximum curb cut and driveway widths, is to prevent water flooding and to preserve the character of the community. The requested variances detract from this.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the

zoning 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 impervious coverage decreases the amount of storm water retained on-site and increases urban heat island effects. Therefore, the requested variance could injure adjacent property owners.

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.*

Staff did not find any unique circumstances that warrant the granting of the requested variance. The requested impervious coverage limitation, along with the extended driveway and curb cut, does not mitigate water issues, exacerbates drainage issues, and detracts from the character of the community.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to adhere to Section 35-335.

Staff Recommendation

Staff recommends **DENIAL** of the variances in **BOA-20-10300040** based on the following findings of fact:

1. The requested impervious cover reduces the ability for storm water to enter the ground, which can harm adjacent properties, and;
2. The impervious cover has created an inconsistency and has altered the essential character of the neighborhood.
3. The requested impervious cover, and extended driveway and curb cut, detracts from the character of the community and directly goes against the Design Guidelines adopted by Beacon Hill.