



City of San Antonio

Agenda Memorandum

File Number:15-2288

Agenda Item Number: 9.

Agenda Date: 4/6/2015

In Control: Board of Adjustment

To: Board of Adjustment
Case Number: A-15-062
Date: April 06, 2015
Applicant: Overland Properties, LLC
Owner: HLH Developments, LP
Council District: 3
Location: 9000 Block of South Presa
Legal Description: Lot P-5B, NCB 10920
Zoning: "R-4 MC-2 AHOD" Residential Single-Family South Presa
Metropolitan Corridor Overlay Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a 12 foot variance from the 24 foot driveway width maximum as described in the South Presa Metropolitan Corridor Overlay (F 2), to allow a driveway that is 36 feet wide.

Executive Summary

The subject property is located at the northwest corner of South Presa and Mission Way. The applicant is seeking a variance to allow a driveway to exceed the maximum 24 foot wide limit, as established by the South Presa Metropolitan Corridor Overlay, to allow a driveway that is 36 feet wide along South Presa. The variance is requested because the store will be receiving frequent deliveries from large semi trucks. These trucks will struggle to turn into the property if it has the smaller curb cut. Often, retail stores have a secondary entrance often designed for truck deliveries. This location is unique in that it only has one ingress and egress point.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 MC-2 AHOD" Residential Single-Family South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District	Currently vacant, proposed retail store

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 H MC-2 AHOD” Residential Single-Family Historic South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District	Vacant Lot
East	“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Overlay Airport Hazard Overlay District	Park/Open Space

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Stinson Airport Vicinity Neighborhood Plan and designated as Low-Density Residential land use. The property is currently the subject of both plan amendment and rezoning cases. The subject property is not located within the boundaries of any registered neighborhood association.

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, these criteria are represented by limitations on the width of driveways to “minimize the potential for conflict between pedestrians, bicyclists, and vehicles”. The proposed driveway was initially proposed to be located along Mission Way, though after neighborhood feedback and a Texas Department of Transportation variance process, the driveway was permitted to be located along South Presa. Pedestrian circulation is unlikely to be adversely impacted as the remainder of the property will be provided with sidewalks. Staff finds that the requested variance is not contrary to the public interest.

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

A literal enforcement of the code would require that the applicant be limited to a driveway that is only 24 feet wide. This location is unique in that it has only one driveway for ingress and egress. Often, large commercial retail stores have a secondary access point which is often designed specifically to accommodate deliveries. This location does not benefit from this design. Limiting the location to a 24 foot wide driveway makes sharp turns difficult for large semi trucks, which does represent a special condition.

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

The granting of the requested variance will result in substantial justice because the proposed 36 foot wide driveway will be able to adequately serve the needs of the business as well as serve to protect the public. The wider driveway allows for easier, safer turn-ins to the property; this served the spirit of the ordinance.

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-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Overlay 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.*

Several other properties along South Presa benefit from driveways that are 36 feet wide, including the property addressed at 9210 South Presa, which is located only 1,000 feet down the road. In addition to providing safe conditions for ingress and egress along South Presa, the requested variance is not unlike other driveways within the community.

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 plight of the owner is that they are limited to only one ingress and egress point. The 24 foot wide driveway limits the ability to deliver products to the store in a safe manner. This is not the fault of the owner of the property, nor is this problem merely financial in nature.

Alternative to Applicant’s Request

The applicant would need to construct a driveway that is only 24 feet wide.

Staff Recommendation

Staff recommends **APPROVAL of A-15-062** based on the following findings of fact:

1. The proposed 36 foot wide driveway would help the business to receive deliveries in a manner that is more safe for the public; and
2. Other properties along South Presa have similar driveway designs.