



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 9, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300165

**APPLICANT:** Ortiz and McKnight

**OWNER:** Lennar Homes of Texas Land & Construction Ltd

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 4015 - 4043 Imogene Ivy and 4006 - 4030 Artesian Belt

**LEGAL DESCRIPTION:** Lot 23-29, Block 4, NCB 11295 and Lot 2-9, Block 1, NCB 11295

**ZONING:** "R-3 MLOD-2 MLR-1 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**CASE MANAGER:** Mirko Maravi, Principal Planner

**A request for**

A 4' variance from the maximum 12' driveway width to allow a 16' driveway width on 15 lots. Section 35-310.05a(b)(10)(B)

**Executive Summary**

The subject property is located southwest of downtown, just north of the intersection of IH-35 South and Somerset Road. Located in a new subdivision, the 15 lots were recently rezoned due to lot size. From the rezoning, the standard for a maximum driveway width was came with the "R-3" base zoning district. The lots are mostly 3,850 square feet, which is 150 square feet short of the "R-4" base zoning district and not have a limitation of the driveway width. Per Plat, lots have a 35-foot street frontage, which is the minimum required for an "R-4".

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 68300, dated December 30, 1988, and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 69287, dated April 18, 1989, to "R-A" Residence Agriculture District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-A" Residence-Agriculture District converted to the "NP-10" Neighborhood Preservation District. The property was then rezoned by Ordinance 2020-08-20-0579, dated August 20, 2020, to the current "R-4" Residential Single-Family District. The properties were rezoned by Ordinance 2023-10-12-0741, dated October 12, 2023, to the current "R-3" Single-Family Residential District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"R-3 MLOD-2 MLR-1 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Vacant Lots

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

ROW

**Existing Use**

IH-35 South

**South**

**Existing Zoning**

"R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Vacant Lot

**East**

**Existing Zoning**

"R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Vacant Lot

**West**

**Existing Zoning**

"R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Vacant Lot

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West & Southwest Sector Plan and is designated as "Suburban Tier" in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood or community association.

**Street Classification**

Imogene Ivy and Artesian Belt are classified as local streets.

**Criteria for Review – Maximum Driveway Width**

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 the maximum driveway width in an "R-3" lot. The request is not contrary to the public interest as the lots are approximately 150 square feet short of meeting the maximum lot width.

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

Special conditions exist on the property as the lots have a 35-foot frontage, which provides sufficient space for the requested driveway width.

*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 exact letter of the law. The intent of the code is to limit the width of a driveway on an "R-3" lot. The requested variance will be in the spirit of the ordinance as the width of the lot are the "R-4" standards.

*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.*

No uses other than those allowed within the district will be allowed with this variance.

*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.*

If granted, the variance request will not injure the appropriate use of adjacent conforming properties. The adjacent properties are zoned “R-4” and have a similar lot with.

*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 finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property such as the approximately 150 square feet size to meet the “R-4” standard.

**Alternative to Applicant’s Request**

The alternative to the applicant’s request is to conform to the Driveway Width Requirements of the UDC Section 35-310.05a(b)(10)(B).

**Staff Recommendation – Maximum Driveway Width Variance**

Staff recommends Approval in BOA-24-10300165 based on the following findings of fact:

1. The lots have a 35-foot frontage, which provides sufficient space for the requested driveway width.
2. The lots are approximately 150 square feet from not having the maximum width.