



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 16, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300225

**APPLICANT:** Leticia Ramirez

**OWNER:** Leticia and Raul Ramirez

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 354 Babcock Road

**LEGAL DESCRIPTION:** South 193.55 feet of Lot 7, NCB 8371

**ZONING:** "R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

**CASE MANAGER:** Colton Uden, Planner

**A request for**

1) A driveway configuration variance from the NCD-7 driveway configuration standards to allow a circular driveway.

Section 35-335(e)(5)(M)

2) A driveway variance from the driveway requirements to allow two driveways on a single-family detached residential lot that is fronting a collector or major thoroughfare.

Section 35-515(d)(4)

**Executive Summary**

The subject property is located along Babcock Road, west of Fredericksburg Road, located within the Jefferson Neighborhood Association as well as the notification boundary of Maverick Neighborhood Association. The applicant is requesting a circular driveway for the stated purposes

of having additional safety of getting off and on Babcock Road from their property. The proposed driveway is currently unbuilt and pending outcome from the Board of Adjustment.

### **Code Enforcement History**

No relevant code enforcement history.

### **Permit History**

The issuance of a building permit is pending outcome from the Board of Adjustment.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1939 dated May 30, 1940, was zoned “B” Residence District. The property was rezoned by Ordinance 64079, dated November 20, 1986, and zoned “R-1” Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” to the current “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

#### **South**

#### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

#### **East**

#### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

#### **West**

#### **Existing Zoning**

“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Near Northwest Community Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Jefferson Neighborhood Association as well as the notification boundary of Maverick Neighborhood Association and the San Antonio Texas District One Resident Association, and they were notified of the case.

**Street Classification**

Babcock Road is classified as a Secondary Arterial Type B.

**Criteria for Review – Neighborhood Conservation District and Driveway Configuration Variances**

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 adhering to driveway requirements to provide standardized and adequate driveways. The driveway variances are contrary to the public interest as the current driveway standards are adequate and uniformed for the neighborhood.

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

A literal enforcement of the driveway ordinances would not result in unnecessary hardship as the lot can accommodate sufficient parking requirements.

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

The requested driveway variances do not appear to be in the spirit of the ordinance as current driveway standards are adequate and uniform for the neighborhood.

*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.*

Staff finds that the driveway variances would substantially injure the appropriate use of adjacent properties as the current driveway standards for the neighborhood and under the code are adequate and uniform.

*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 no unique circumstances existing on the property for the driveway variances as the existing driveway is adequate and does not violate current rules and requirements on driveways.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the driveway requirements of the UDC Section 35-515(d)(4) and Section 35-335(e)(5)(M).

**Staff Recommendation – Driveway Configuration and Requirement Variances**

Staff recommends Denial in BOA-24-10300225 based on the following findings of fact:

1. The requested variances are contrary to the uniform neighborhood conservation district and code requirements.
2. The variances will alter the essential character of the district.