

Case Number:	BOA-22-10300096
Applicant:	Ernesto Vela
Owner:	Vela Ernesto & Victoria Amelia
Council District:	2
Location:	110 Bellview
Legal Description:	Lot north 60 feet of west 25 feet of 24 & north 60 feet of 25, NCB 6137
Zoning:	“R-4 NCD-6 AHOD” Residential Single Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for 1) a variance from the maximum 50% impervious cover requirement, as described in Section 35-515, to allow the front yard to exceed the 50% impervious cover and 2) a variance from the Mahncke Park Neighborhood Conservation District (NCD-6), as described in Section 35-335 (c)(F) regulation of a maximum 1 curb cut to allow 2 curb cuts on the lot.

Executive Summary

The applicant is proposing to build a driveway that would require two (2) curb cuts and would exceed the 50% impervious cover maximum limit, as based on the site plan. Per Mahncke Park Neighborhood Conservation District (NCD-6) a lot must not exceed more than one (1) curb cut. Upon site visit Staff did not observe any other similar builds in the immediate surrounding area.

Code Enforcement History

There is no Code Enforcement history.

Permit History

The issuance of the building permits for the structures requesting the variance are pending the outcome of the BOA Meeting.

Zoning History

The subject property was located within the Original City Limits of San Antonio and was zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “B” Residence District to “R-4” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-6 AHOD” Residential Single Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-6 AHOD” Residential Single Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
South	“R-4 NCD-6 AHOD” Residential Single Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
East	“R-4 NCD-6 AHOD” Residential Single Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
West	“C-2 NCD-6 AHOD” Commercial Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	School

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Area Regional Center (2019) and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Mahncke Park Neighborhood Association and were notified of the case.

Street Classification

Bellview is classified as a Local Street.

Criteria for Review - 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 applicants requested variances of exceeding the impervious cover maximum and exceeding the 1 curb cut maximum may be contrary to the public’s interest and negatively affect the neighboring properties.

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

A literal enforcement would restrict the applicant to 1 curb cut.

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

The requested variances will allow the front yard to exceed the 50% impervious cover maximum and allow the lot to have two (2) curb cuts, exceeding the Mahncke Park

Neighborhood Conservation District (NCD-6) standards. The variances will not observe the spirit of the ordinance as the driveway will be newly constructed.

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 the requested variances may alter the essential character of the district as this would be a new build and no other similar driveways were in the area.

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.*

It appears 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 size of the front yard.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot Layout requirements established by the Mahncke Park Neighborhood Conservation District and Section 35-515.

Staff Recommendation – 50% Impervious Cover Variance and Mahncke Park Neighborhood Conservation District Design Variance

Staff recommends Denial in **BOA-22-10300096** based on the following findings of fact:

1. The proposed driveway would go against the established Mahncke Park Neighborhood Conservation District Design Standards; and
2. Upon staffs' visit there are currently no similar driveways/curb cuts in place of this size.