

Case Number:	BOA-23-10300221
Applicant:	Garza EMC
Owner:	BH 146 Navarro Street LLC
Council District:	1
Location:	146 Navarro Boulevard
Legal Description:	Lot 13, NCB 125
Zoning:	“D H RIO-3 AHOD” Downtown Historic La Villita River Improvement Overlay Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for a 39’-11" variance from the minimum 40’ Throat Length, as described in Section 35-506, to allow a parking lot with a 1" Throat Length.

### **Executive Summary**

The subject property is located along Navarro Street, near the intersection of East Nueva and South St Mary’s Street. Upon review by Development Services Streets department, it was noted that the applicant would need to obtain a variance from the minimum driveway throat requirement of 40’. "Throat length" is the length extending from the entry into the site at the property line, to the first conflict or intersection with a parking aisle. The applicant is proposing to have a 1” driveway throat because the elimination of a driveway throat is not permitted. An administrative variance is permitted up to 20’, however variance is required if the request if for under 20’.

### **Code Enforcement History**

There is no relevant code enforcement history for the subject property.

### **Permit History**

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

### **Zoning History**

The property was part of the original thirty-six (36) square miles of San Antonio and was originally zoned “I” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “I” Business District converted to “I-1” General Industrial District. The property was then rezoned by Ordinance 97651 dated May 2, 2003 from “I-1” General Industrial District to the current “D” Downtown District.

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

Existing Zoning	Existing Use
“D H RIO-3 AHOD” Downtown Historic La Villita River Improvement Overlay Airport Hazard Overlay District	Office Building

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

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW	Riverwalk

South	“D H HS RIO-3 AHOD” Downtown Historic La Villita Historic Significance River Improvement Overlay Airport Hazard Overlay District	Hotel
East	“D H HE RIO-3 AHOD” Downtown Historic La Villita Historic Exceptional River Improvement Overlay Airport Hazard Overlay District	La Villita
West	“D RIO-3 AHOD” Downtown La Villita River Improvement Overlay Airport Hazard Overlay District	Parking Lot

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Downtown Area Regional Center Plan and is designated “Regional Mixed-Use” in the future land use component of the plan. The subject property is located within the boundary of the Downtown Neighborhood Association and they have been notified of the request.

### **Street Classification**

Navarro Street is classified as a Primary Arterial Type A.  
South Presa Street is classified as a Local Road.

### **Criteria for Review – Driveway Throat Variance**

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.*

In this case, the public interest is represented by minimum driveway throat lengths, as they are enforced to mitigate conflicts for vehicles entering or leaving a driveway. Staff finds this request is contrary to the public interest for safety of vehicular traffic for this entering into the parking garage.

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

Staff was unable to establish any special conditions to allow for the reduced driveway throat to 1”. A literal enforcement of the ordinance would not result in an unnecessary hardship, as the applicant would need to alter building plans to accommodate for the minimum driveway throat requirement of 40’.

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

The spirit of the ordinance will not be observed, as minimum driveway throat lengths are set standards for construction and design of ingress and egress to ensure safety, as well as the wellbeing of the surrounding area. The intention of minimum driveway throat requirements ensures safe and efficient traffic flow within a property, as well as prevent accidents from occurring.

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 driveway throat length would be reduced, which may interfere with the flow of traffic on Navarro Street which may cause congestion.

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 not due to unique circumstances existing on the property, as the applicant can alter plans. The circumstances do not appear to be merely financial.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Transportation and Street Design of the UDC Section 35-506.

#### **Staff Recommendation- Driveway Throat Variance**

Staff recommends Denial in BOA-23-10300221 based on the following findings of fact:

1. Minimum driveway throat lengths are enforced for the safety of vehicular traffic for those entering the parking lot.