



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-5680

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 11/2/2015

**Title:** A-15-167: A request by Joseph Milligan for 1) an 18 foot variance from the maximum 12 foot driveway width to allow a driveway 30 feet in width; and 2) a variance from the prohibition of parking in the front yard to allow parking stalls in the front yard, located at 206 & 208 Natalen. (Council District 2)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-15-167 Attachment

Date	Ver.	Action By	Action	Result
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**Case Number:** A-15-167

**Applicant:** Joseph Milligan

**Owner:** Patricia Meinecke

**Council District:** 2

**Location:** 206/208 Natalen Avenue

**Legal Description:** Lot 2, Block 7, NCB 3861

**Zoning:** "MF-33 NCD-6 AHOD" Multi-Family Residential Mahncke Park  
Neighborhood Conservation Airport Hazard Overlay District

**Case Manager:** Margaret Pahl AICP, Senior Planner

### Request

A request for 1) an 18 foot variance from the maximum 12 foot driveway width to allow a driveway 30 feet in width; and 2) a variance from the prohibition of parking in the front yard to allow parking stalls in the front yard.

### Executive Summary

The subject property is located in the Mahncke Park Neighborhood Conservation District and developed as a duplex. According to Bexar County records, the 2,700 square foot structure was built in 1932 on an 8,000 square foot lot. The applicant inquired at Development Services about the need for a permit to install a concrete parking pad and was told so long as the work remained on private property, no permit was needed. A few weeks later, the property was cited by Code Enforcement for construction without a permit. The correct answer to that question is *it depends*. The Unified Development Code (UDC) limits residential front yards to no more than 50% impervious coverage. In this case, the parking pad installed does not violate the limitation. In addition, the Neighborhood Conservation Districts and the Historic Districts regulate and limit driveway widths and parking location. In this case, since the property is located within the Mahncke Park Neighborhood

Conservation District, two variances are required for the parking to remain as constructed. The first variance is from the driveway limitation of 12 feet in width to allow a 30 foot wide driveway. The second variance is from the prohibition of parking in the front yard.

The property is a duplex, with one unit on the ground floor and the other unit on the second story. Two parking stalls are located in the rear yard. A few years ago, a plumber installed the water heater blocking the rear exit from the lower unit. This complicates access to the rear parking for the lower unit.

This section of Mahncke Park is slightly different from the typical bungalow style single-family section. The property is located within one block of Broadway, and near several multi-family apartments. Most of the street is zoned for multi-family residential and is characterized by a broad mix of housing types, from large apartments to four unit buildings. The street right of way is also narrower than the typical 50 foot street, measuring only 42 feet in width. The actual asphalt portion is only 26 feet wide, making on-street parking options difficult.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“MF-33 NCD-6 AHOD” Multi-Family Residential Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Duplex

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“MF-33 NCD-6 AHOD” Multi-Family Residential Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Multi-Family Residential
South	“MF-33 NCD-6 AHOD” Multi-Family Residential Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
East	“MF-33 NCD-6 AHOD” Multi-Family Residential Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
West	“MF-33 NCD-6 AHOD” Multi-Family Residential Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

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

The property is located within the boundaries of the Mahncke Park Neighborhood Plan and currently designated as Urban Multi-Family Residential in the future land use component of the plan. The subject property is also located within the boundaries of the Mahncke Park Neighborhood Association, a registered neighborhood association. As such, they were notified of the request and asked to comment.

### **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, the public interest is represented having adequate off-street parking for permitted uses.**

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

**The special circumstance present on the subject property is that the structure was originally built as a duplex and includes two parking stalls in the rear. The lower unit has no rear exit, making access to parking difficult for the elderly owner. Therefore this unique circumstance makes literal enforcement an unnecessary hardship.**

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 letter of the law. According to the applicant, several other similar properties nearby have used the same method to provide improved off-street parking.**

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 “MF-33 NCD-6 AHOD” Multi-Family Residential Mahncke Park Neighborhood Conservation 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.*

**The requested variance will allow the applicant to provide off-street parking, necessary on this narrow street. In addition, the variance will allow easy access to the parking for the resident on the ground floor unit. This parking will not alter the character of this street.**

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 unique circumstances on this property include that the applicant believed he had gone through the correct process to construct the parking pad.**

### **Alternative to Applicant’s Request**

The applicant could remove the parking pad and increase the parking area in the rear yard.

### **Staff Recommendation**

Staff recommends **APPROVAL of A-15-167** based on the following findings of fact:

1. The additional off-street parking will reduce the pressure for on-street parking.