



City of San Antonio

Legislation Details (With Text)

File #: 17-3834
Type: Zoning Case
In control: Board of Adjustment
On agenda: 6/19/2017
Title: A-17-125: A request by Kristin Hefty for a three (3) foot variance from the Mahncke Park Neighborhood Conservation District (NCD-6) median setback requirement to allow a front porch three feet in the setback, located at 319 Parland Place. Staff recommends Approval. (Council District 2)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA17-125 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-125
Applicant: Kristin Hefty
Owner: Kristin Hefty
Council District: 2
Location: 319 Parland Place
Legal: Lot 21, NCB 6137
Description:
Zoning: "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a three (3) foot variance from the NCD-6 requirement regarding the median front setback of 27 feet, as described in Section 35-335, to allow a porch addition to be no more than three feet in the setback.

Executive Summary

The subject property is located in the Mahncke Park Place Subdivision, recorded in 1923. It measures 50 feet wide by 150 feet deep. According to Bexar County Appraisal District, the home was originally built in 1947 and included approximately 1,659 square feet. The Mahncke Park Neighborhood Conservation District (NCD-6) design standards apply to new construction projects and to improvements or renovations to existing structures where the work requires a building permit and is specifically governed by the NCD design standards. Under the NCD-6 design requirements, Section 2.1.2., the front setback shall be within five feet (5'-0") of the median setback of developed lots for the block face. The median setback for this blockface is 27 feet, and with a five foot allowance, the applicant can be as close as 22 feet from the front property line. The applicant wishes to construct a larger porch to the front of the home that encroaches no more than three feet (3'0") into the 22

foot setback allowance. The new porch will measure no more than 200 square feet and be 19 feet from the front property line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwellings
South	"MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Park
East	"R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwellings
West	"R-4 NCD-6 AHOD" Residential Single- Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Mahncke Park Neighborhood Plan and currently designated Urban Single-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. As such, they were notified 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 requested front setback variance of three feet would allow the expansion of a covered porch, which would satisfy all other NCD-6 requirements for a porch including minimum width and depth, thus the requested front setback variance is not contrary to public interest. Further, the request is not a safety hazard to the general public or neighboring property owners and will not encroach into the public right-of-way.

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

Literal enforcement in this case for the requested variance would result in an unnecessary hardship, as it

would significantly limit the amount of outdoor covered space to be enjoyed by the family.

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 the intent of the code rather than the strict letter of the code.

Regarding the requested front setback variance, the spirit of the ordinance will be observed by allowing the addition of the porch as it will more than exceed the City required minimum 10 foot front setback.

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.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the “R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation 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 three foot variance will allow the expansion of a front porch, an essential feature of the conservation district, therefore contributing to the character. Further, the addition will not significantly alter the appearance of the district as all homes on the block have front porches. The request does not set a negative precedent against the established context of the neighborhood.

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 plight of the owner is not merely financial in nature. They are seeking approval of the requested variance which will make the home modifications consistent with patterns in the neighborhood.

Alternative to Applicant’s Request

Denial of the requested variance will result in the applicant reducing the size of the porch to meet the NCD-6 median setback requirement.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-17-125** based on the following findings of fact:

1. The request does not set a negative precedent against the established context of the neighborhood; and
2. The request will still meet the required minimum 10 foot front setback.