



City of San Antonio

Legislation Details (With Text)

File #: 17-5683

Type: Zoning Case

In control: Board of Adjustment

On agenda: 10/16/2017

Title: A-17-186:

A) The request of Jarred Corbell to waive the 12-month time limitation of Section 35-482(f) of the UDC regarding a subsequent variance application on the property located at 210 Barrett Avenue. Staff recommends Approval. (Council District 2)

B) A request by Jarred Corbell for variances from the following Mahncke Park Neighborhood Conservation District design guidelines: 1) a 15 foot variance from the requirement limiting multi-family dwellings with four or more units not exceed 50 feet in width to allow 65 feet in width, applicable to those structures located along Tendick Street and 2) a 2.5 foot variance from the requirement that minimum spacing between multi-family structures with five or more units be no closer than 20 feet apart to allow a 17.5 foot spacing, applicable to those properties located along Tendick Street and 3) a 45 foot variance from the requirement limiting multi-family structures with five or more units not exceed 80 feet in width to allow those buildings to be 125 feet wide, applicable to structures in the rear and 4) a five foot variance from the requirement that spacing between multi-family structures be no closer than 20 feet of one another to allow them to be 15 feet apart, applicable to structures in the rear, located at 511 Brackenridge Avenue. Staff recommends Approval. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-186 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-186

Applicant: Jarred Corbell

Owner: Bexar Bartlett, LLC

Council District: 2

Location: 511 Brackenridge Avenue

Legal: Lots 11-20 and 31-40, Block 8, NCB 1070

Description:

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

Case Manager: Logan Sparrow, Principal Planner

Request

A) To waive the 12-month time limitation of Section 35-482(f) of the UDC regarding a subsequent variance application

B) A request for variances from the following Mahncke Park Neighborhood Conservation District design guidelines: 1) a 15 foot variance from the requirement limiting multi-family dwellings with four or more units not exceed 50 feet in width to allow 65 feet in width, applicable to those structures located along Tendick Street and 2) a 2.5 foot variance from the requirement that minimum spacing between multi-family structures with five or more units be no closer than 20 feet apart to allow a 17.5 foot spacing, applicable to those properties located along Tendick Street and 3) a 45 foot variance from the requirement limiting multi-family structures with five or more units not exceed 80 feet in width to allow those buildings to be 125 feet wide, applicable to structures in the rear and 4) a five foot variance from the requirement that spacing between multi-family structures be no closer than 20 feet of one another to allow them to be 15 feet apart, applicable to structures in the rear.

Executive Summary

The subject property is located at the northeast corner of the Brackenridge Avenue and Tendick Street intersection. The applicant previously applied for variances (Case A-17-120) to reduce the rear setback and to waive the requirement that garages must be located behind the front façade; these requests were approved. The Board did not previously approve requests for massing limitations of 50 feet and 80 feet and a variance from the minimum spacing between buildings. The applicant will first need to waive the provisions of Section 35-482(f) to allow the request to be considered within the 12-month time limitation. Since that case, which was considered on June 19, 2017, the applicant has met with the neighborhood and reached an alternative that satisfies both sides. The applicant is seeking a total of four variances. The first two are applicable only to those multi-family structures located along Tendick Street and seek to permit wider structures than the code allows and to lessen the spacing between each of them. The second two variance requests are applicable only to the structures behind those fronting along Tendick Street and seek similar relief.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Proposed Multi-Family Dwellings

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
South	“MR AHOD” Military Reserve Airport Hazard Overlay District	Fort Sam Houston
East	“MR AHOD” Military Reserve Airport Hazard Overlay District	Fort Sam Houston
West	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Multi-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Mahncke Park Neighborhood Plan and currently

designated Compact Multi-Family Residential in the future land use component of the plan. The subject property is within 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 public interest is represented by design standards to ensure consistent development within the community. In this case, the applicant has worked extensively with the neighborhood association to arrive at a compromise that allows the site to be developed. Because the design of the project has been a public process, and because the applicant has been able to satisfy the concerns of the public, staff finds that the variance requests are not contrary to the public interest.

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

The size of the lot requires a sensitive layout. The property is significantly smaller than the multi-family properties to the west. The applicant has proposed a layout that satisfies the neighborhood associations concerns, and masses the buildings appropriately within the context of the surrounding properties. Staff finds that a literal enforcement of the ordinance would restrict the ability to develop the site.

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 requirements rather than the strict letter of the law. The intent of the design standards is to ensure a cohesive development pattern within the community. The proposed project complies with the majority of the required design standards. The variances sought are to provide relief from building-width limitations and to allow slightly less space between structures.

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 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 variances are unlikely to alter the essential character of the district. The applicant will follow the balance of the design requirements as set forth by the neighborhood conservation district.

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 circumstance present in the case is the small lot size, measuring only about two acres. By way of comparison, the multi-family development to the west is nearly five times the size. This is not the fault of the owner, who is trying to develop the property in accordance with the future land use plan.

Alternative to Applicant’s Request

Denial of the variance request would result in the owner having to meet the requirements for maximum building width and minimum spacing.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-17-186**, based on the following findings of fact:

1. The applicant is developing the small site consistent with the approved future land use plan and some relief is merited as a result of the smaller lot size; and;
2. The applicant has worked extensively with the neighborhood to arrive at a compromise that satisfies the needs of both sides.