



City of San Antonio

Agenda Memorandum

File Number:17-2004

Agenda Item Number: 6.

Agenda Date: 3/8/2017

In Control: Planning Commission

DEPARTMENT: Development Services

SUBJECT:

MTD Bartholomew Subdivision 160402

SUMMARY:

Request by Drake Thompson, McMillian Texas Development, LLC, for approval to subdivide a tract of land to establish MTD Bartholomew Subdivision, generally located south of Redland Road and west of Jones-Maltsberger Road. Staff recommends Approval. (Martha Bernal, Planner, (210) 207-0210 Martha.Bernal@sanantonio.gov, Development Services Department)

BACKGROUND INFORMATION:

Council District: 10
Filing Date: March 1, 2017
Owner: Drake Thompson, McMillian Texas Development, LLC
Engineer/Surveyor: KFW Engineers.
Staff Coordinator: Martha Bernal, Planner, (210) 207-0210

ANALYSIS:

Zoning:

"R-6" Single-Family Residential

Variance Request:

On November 2, 2016, the applicant requested a variance from Section 35-506 (r)2(C) of the Unified Development Code (UDC) regarding residential lots located a maximum of forty (40) feet from an arterial right-of-way. The Development Services Department, Engineering Section has no objection to the granting of the variance as indicated in the attached report (**ATTACHMENT #2**).

ALTERNATIVE ACTIONS:

Per State Law, Section, 212.009 and Unified Development Code (UDC), Section 35-432(d) the Planning Commission considers staff review of the variance request along with the plat.

In accordance with UDC 35-483 the Planning Commission shall render a written finding of the variance by approving, denying, or approving with conditions.

1. **Approve with conditions:** In granting variances, the commission may impose such reasonable conditions as will ensure that the property will be as compatible as practical with the regulations and surrounding properties.
2. **Approval criteria:** The planning commission may grant variances if it concludes that strict compliance with regulations would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of these regulations will be observed, public safety and welfare secured, and substantial justice done. The planning commission may grant a variance only if it finds that:
 1. The proposed variance will not be contrary to the spirit and intent of this code and the regulations from which the variance is requested and the proposed variance complies with all other applicable standards of subsection 35-432(e) to the extent practicable; and
 2. The hardship relates to the applicant's land, rather than personal circumstances; and
 3. The hardship is not the result of the applicant's own actions and that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;
 4. Under the circumstances, the public interest underlying the proposed variance outweighs the public interest underlying the particular regulation for which the variance is granted; and
 5. The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

RECOMMENDATION:

Approval of a Subdivision Plat that consists of 6.982 acre tract of land, which proposes thirty-two (32) single family residential lots and four (4) non-single-family residential lots, and approximately seven hundred twenty-nine (729) linear feet of public streets.

Staff reviewed the request, and found it to be in conformance with the Unified Development Code (UDC) with exception of the Variance mentioned above. In regards to the Variance, staff does concur with the applicant's justification. Therefore, the Director of Development Services recommends approval of the variance and plat.