



# City of San Antonio

## Agenda Memorandum

**File Number:**17-3897

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**Agenda Item Number:** 6.

**Agenda Date:** 6/19/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-120  
**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:** Margaret Pahl, AICP, Senior Planner

### **Request**

A request for variances from the Mahncke Park Neighborhood Conservation District standards for the following: 1) a 5 foot variance from the 20 foot rear setback; 2) a variance from the provision that limit multi-family building massing from exceeding 50 feet and 80 feet in width; 3) a variance from the minimum spacing between buildings to allow buildings as close as 11 feet; and 4) a variance from the provision that requires parking to be located behind the front façade, each as described in UDC 35-335.

### **Executive Summary**

The subject property is located in the southeast corner of Mahncke Park, with two property lines shared with Fort Sam Houston. The applicant has purchased an entire block and is in the process of requesting a street vacation to abandon the dead-end portion of Brackenridge Avenue, along with an internal alley. If these two public rights of way are abandoned, the city will sell the property at fair market value, enlarging the project 50 feet to the south and by nearly 15,000 square feet.

The project will include 2.39 acres, if the street is vacated. The portion of the project that is located within the street right of way is not eligible for consideration at this time. An additional variance application will be required at some point in the future if this property is incorporated into the project. Without the street right of way, the lot area is 2 acres and is currently zoned MF-33, multi-family residential with 33 units per acre, which could permit up to 66 units now, or 79 units with the additional acreage from the street right of way. As proposed, the project currently includes 45 residential units, nine of which are shown on the right of way property. The site plan is showing the proposed layout for the entire project, so that the Board of Adjustment and the public can review the project design as envisioned. The variances requested are relief sought from the Neighborhood Conservation District (NCD) provisions. If this project were not located within the NCD, no

variances would be required for the project as proposed.

The project is designed with townhomes in a variety of widths across the primary frontage of Tendick Street. These two-story buildings, with three and four units attached, are wider than the NCD building massing standards permit. This provision limits a four-unit building to no wider than 50 feet and the proposed width in this case is 62 feet. These units do not have any attached parking along the frontage.

A second massing variance is requested from the width limitation of 80 feet for building with five or more units. The applicant is requesting approval to allow three six-plex buildings that are as wide as 122 feet. These buildings are located along the rear property line. This is also the location of the requested rear yard variance to allow rear setback of 15 feet, rather than the 20 feet required in the NCD standards. These larger buildings are also closer together, with only 11 feet between them, which requires a variance. The NCD standards require 20 feet between buildings with more than 5 units. These three larger buildings also require a variance from the provision that requires parking to be located behind the front façade. For these three buildings, an attached garage is proposed. According to the applicant, these buildings will have less visibility at the rear of the project.

The massing along this rear property line for these three larger buildings generates some concern. Even though the density in this project is reduced, the result is larger unit size with only six units in a building that measures 122 feet in width. The project includes a large central open space with nearly 15,000 square feet. The massing could be reduced by relocating some of the units into this area, potentially eliminating the need for additional width of 42 feet for each building.

The requested spacing variances are generated by a standard in the NCD that requires buildings with four units to be separated by at least 10 feet and buildings with five units or more to be separated by at least 20 feet. The site layout shows spacing between buildings along Tendick Street to be 12 feet, 19 feet and 17 feet, but those three wider buildings in the rear are as close as 11 feet.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Vacant (one remaining home)

#### **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 Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Mixed Residential
South	“MR AHOD” Military Reservation Airport Hazard Overlay District	Military Reservation
East	“MR AHOD” Military Reservation Airport Hazard Overlay District	Military Reservation
West	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Apartments

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

The property is within the boundaries of the Mahncke Park Neighborhood Plan area and designated as Compact Multi-Family Residential in the future land use component of the plan. The subject property is located within the boundaries of Mahncke Park Neighborhood Association, a registered 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 defined as the general health, safety, and welfare of the public. The public interest is represented by reduced massing and space between buildings, rather than cohesive private open space. Therefore, the variances to allow buildings wider than the NCD allows and reduced spacing between buildings is contrary to the public interest.

**The variances to allow a reduced rear yard along Fort Sam, and the minimal increase in width for the townhomes without garages along the frontage could be considered not contrary to the public interest. In addition, the proposed attached garages, located in the rear of the project and accessed from the private lane can also be considered in the public interest.**

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

Literal enforcement would require that the owner redesign the project into a more traditional multi-family project, with several smaller buildings. This result is not an unnecessary hardship and preserves the desired scale required in the NCD.

**Literal enforcement of the setback along Fort Sam would result in an unnecessary hardship, since the standard rear setback is 10 feet. Staff also supports the requested attached garages along the rear; they will have little impact when accessed from the private street internally as requested.**

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 compared to the strict letter of the law. The intent of the NCD provisions was to protect the integrity of the characteristics present in the neighborhood. Some of the variances, including the requested massing variance to allow a 50% increase in permitted width and the reduced spacing between these three large buildings do not observe the spirit of the Code.

**The applicant redesigned to remove garages from the streetscape. The reduced rear setback is not adjacent to other single family residential structures.**

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 variances will not authorize the operation of a use other than those uses specifically authorized 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.*

Some of the requested variances to allow three large buildings 122 feet in width, even though they are internal to the project, may injure the adjacent conforming properties. The limitation of 80 feet in width was adopted to maintain smaller scale buildings. There is adequate space on the 2 acre site to add more buildings which comply with the massing limitation.

**The requested variances to allow a 15 foot rear setback and attached garages internal to the project have less impact on the adjacent properties. The Board could consider that the small increase in width to allow the 62 feet wide four unit buildings would not alter the character of the district due to its location across from other multi-family residential projects.**

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 was created by the design as proposed, enlarging the units, reducing the density and clustering the open space in the center of the site. The impact generates the need for a variance from the maximum 80 foot width and the reduced spacing between the buildings.

**The request of a variance to allow a 15 foot rear setback will not impact the public in any way, since the rear lot line is shared with Fort Sam Houston. Attaching garages to structures that are accessed from an internal drive and located behind other buildings will also not impact the public at large.**

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

Denial of the requested variances would result in the applicant having to redesign the project to accommodate the provisions.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances: 1) to allow a 15 foot rear yard, and 4) to allow attached garages for internal units in A-17-120** based on the following findings of fact:

1. The site is in an isolated corner of Mahncke Park;
2. The attached garages are only proposed for the buildings in the rear of the project area.

Staff recommends **DENIAL of the requested variances 2) to allow three 122 foot wide buildings; and 3) to allow spacing as close as 11 feet for these three buildings as requested in A-17-120** based on the following findings of fact:

1. The massing is a 50% increase in allowed width; and
2. The reduced spacing between these large buildings is proposed for a 50% reduction.