



City of San Antonio

Agenda Memorandum

File Number:18-1890

Agenda Item Number: 3.

Agenda Date: 2/19/2018

In Control: Board of Adjustment

Case Number: A-18-029
Applicant: Michael Lockridge
Owner: 546 Pershing Land Trust
Council District: 2
Location: 546 Pershing Avenue
Legal: Lots 23-25, Block 2, NCB 6525
Description:
Zoning: "R-4 NCD-6 AHOD" Residential Single-Family Mahncke
Park Neighborhood Conservation Airport Hazard Overlay
District
Case Manager: Logan Sparrow, Principal Planner

Request

A request for a variance from the Mahncke Park Neighborhood Conservation District design guideline that limits single-family dwellings to two stories in height to allow for three stories.

Executive Summary

The subject property is located at 546 Pershing Avenue, approximately 1,400 feet east of North New Braunfels Avenue. The applicant is proposing to build two single-family homes on the subject property, one behind the other, and is seeking a variance to allow those homes to be three stories tall, a total of 39'8" tall, whereas the Neighborhood Conservation District restricts the height of single-family development to a maximum of two stories at a maximum of 35 feet.

The Neighborhood Conservation District was created in 2008 to address neighborhood stability through compatible infill construction and rehabilitation within this unique neighborhood. Much of the neighborhood, especially the portion located on the western side of New Braunfels Avenue, consists of craftsman style homes. The East side of Pershing Avenue consists of homes with a variety of architectural styles, although no other homes along Pershing Avenue are three stories tall. On the north side of Pershing Avenue sits the San Antonio Country Club, which is buffered by tall landscaping.

The Mahncke Park Neighborhood Conservation District is currently being updated in response to a Council Consideration Request (CCR) submitted by former District 2 Councilman Alan Warrick. It is possible that, through the NCD update process, the height limitations could be modified.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|-------------------------------------|
| “R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District | Vacant, Proposed Two Dwelling Units |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|---|-------------------------------|
| North | “R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District | San Antonio Country Club |
| South | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | San Antonio Botanical Gardens |
| East | “R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District | Single-Family Dwelling |
| West | “R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Mahncke Park Neighborhood Plan and designated as Urban Single-Family Residential in the future land use component of the plan. The subject property is 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by design requirements intended to provide for consistent development within the Mahncke Park neighborhood. There are 26 lots along Pershing Avenue, all located within the NCD. Of those lots, none have development in excess of two stories. Staff finds that the request is contrary to the public interest.

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

The applicant lists the topography of the site as justification for the additional height. Staff agrees that there is abnormal topographic slope on the property. However, a literal enforcement of the ordinance would still permit a two story home. The portion of the lot where development is proposed is roughly ten feet taller than the street. Should a two story home be built, which are often about 25 feet tall, combined with the ten foot elevation change, would provide for a home 35 feet above street grade, and would provide for the view sought by the applicant.

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 law. The intent of the height limitation within the NCD is to ensure that future development and rehabilitation matches the context of the neighborhood. While development on Pershing Avenue east of North New Braunfels Avenue, is different from the numerous craftsman homes to the west, staff still finds that the placement of two, three story tall homes along Pershing Avenue does not observe the spirit of the ordinance.

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 requested variance will not permit a use not authorized within the “R-4 NCD-6 AHOD” Residential Single-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 Neighborhood Conservation District exists to protect the essential character of the district. The requested variance seeks to introduce a development not seen elsewhere in the neighborhood. Other homes along Pershing Avenue include both one and, primarily, two story homes. And while they may not be characteristic of the numerous craftsman homes in the majority of Mahncke Park, staff cannot determine how the proposed development is in keeping with the essential character of the community.

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 applicant states that the topography on the site should warrant the variance. Staff agrees that there is a substantial topographic slope to the property. However, the slope benefits the applicant, already. The proposed development is already afforded ten additional feet of height over street grade. In all, a typical two story construction will be approximately 35 feet above the street. As such, while staff acknowledges that there is atypical topography, staff does not agree that it warrants a variance.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to conform to the height limitations set forth in the Mahncke Park Neighborhood Conservation District.

Staff Recommendation

Staff recommends **DENIAL of A-18-029** because of the following reasons:

1. The requested variance may detract from the essential character of the community, and;
2. The topography of the property already grants the applicant an additional ten feet in height, and;
3. The requested variance does not observe the intent of the code.