



City of San Antonio

Agenda Memorandum

File Number:18-3986

Agenda Item Number: 9.

Agenda Date: 6/18/2018

In Control: Board of Adjustment

Case Number: A-18-108
Applicant: Roberto Garza
Owner: Roberto Garza
Council District: 2
Location: 427 Natalen Avenue
Legal: Lot 82 and the West 12.5 Feet of Lot 81 and the East 22.5
Description: Feet of Lot 83, Block 3, NCB 6781
Zoning: "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park
Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a variance from the Mahncke Park Neighborhood Conservation design requirement the requires a garage to be located behind the principal structure to allow a 2-car garage located on the front façade of the structures and 2) a variance from the Mahncke Park Neighborhood Conservation District design requirements that allow only one curb cut per property to allow for two curb cuts.

Executive Summary

The subject property is located at 427 Natalen Avenue, approximately 500 feet west of North New Braunfels Avenue. The applicant is seeking two variances. The first request is to permit a garage along the front façade of the structures and the second request seeks to allow two curb cuts when the Neighborhood Conservation District limits a property to one.

During field visits, staff noted the presence of other properties with multiple curb cuts. During our research, it was determined that these existed prior to the adoption of the Mahncke Park NCD, which was adopted by City Council in January 2008.

The Neighborhood Conservation District was created in 2008 to address neighborhood stability through

compatible infill construction and rehabilitation and conserve architectural features commonly found within this unique neighborhood. Much of this part of the neighborhood, especially the portion where the subject property is located among multiple multi-family dwellings that have parking in the back of the structures.

Subject Property Zoning/Land Use

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

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	Residential
South	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Residential
East	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Residential
West	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Mahncke Park Neighborhood Plan and currently designated Urban Multi-Family Residential in the future land use component of the plan. The subject property is located 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 the adoption of the NCD regulations. These regulations were created, in part, to prohibit the proliferation of multiple or wide driveways on one property. The intent of the regulation was to limit the impact of the driveway, reduce front yard impervious cover, and to promote the prevalent use of single, narrow driveways. The intent of the NCD is well defined; staff cannot support such a deviation.

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

Literal enforcement of the ordinance would require that the owner design the project with one driveway that serves both properties. This would not result in an unnecessary hardship.

2. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
- 3.

In this case, the applicant is requesting two variances, one to allow for garages along the front façade, and the other to allow for an additional curb cut. The design is in direct conflict with the intent of the code and, as such, staff finds that granting the variance would 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 district in which the request for a variance is located.*

5.

The variance 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.

6. *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.*

Staff cannot support the requests. These requests are clearly at odds with the intent of the Neighborhood Conservation District, and would allow for the development of a lot that is immediately out of character with the surrounding community.

7. *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.*

Staff is unable to determine any unique circumstances existing on the site that warrant these deviations from code and the Neighborhood Conservation District. The project should be designed in a manner that respects the intent of the code.

Alternative to Applicant’s Request

The alternative to the applicant’s request would be to adhere to the requirements of both the Unified Development Code and the Neighborhood Conservation District.

Staff Recommendation

Staff recommends **DENIAL** of the variance in **A-18-108** based on the following findings of fact:

1. The variances are contrary to the public interest in that they make no attempt to observe the spirit of the

ordinance, and;

2. The requested variances detract from the essential character of the community.