



City of San Antonio

Agenda Memorandum

File Number:15-4278

Agenda Item Number: 7.

Agenda Date: 8/3/2015

In Control: Board of Adjustment

Case Number: A-15-127
Applicant: Myles Caudill
Owner: La Pita Ventures, LLC
Council District: 2
Location: 534 Pershing Avenue
Legal Description: Lots 16, 17, 18 & W half of 19, Block 2, NCB 6525
Zoning: "R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park
Neighborhood Conservation Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for 1) a 29 foot variance from the Mahncke Park Neighborhood Conservation District (NCD) design standard, as described in Section 35-335, limiting the structure width to no wider than 50 feet to allow a home addition resulting in a 79 foot wide house; and 2) a 3 foot variance from the minimum 5 foot side yard setback, as shown on Table 35-310-1, to allow the existing home to remain 2 feet from property line.

Executive Summary

The subject property is located in the Mahncke Park Neighborhood in an area called Northview. The Northview plat, recorded in 1923 created the lots along Pershing and showed the Country Club Golf Course adjacent. The property is also located within the Mahncke Park Neighborhood Conservation District (NCD). This design overlay district was created in January 2008 with almost 92% of the structures within its boundary over 25 years old. These design districts were created by the City as a regulatory tool to help preserve the existing character of older, established neighborhoods. According to its Executive Summary, the residential architecture is dominated by Craftsman style bungalows. It claims that although the architectural style of the area is an important feature, the design standards are crafted to perpetuate historical arrangements of buildings, scale, and massing of building volumes. It was this goal that generated the limitation of no homes wider than 50 feet.

This section of the neighborhood has a different arrangement of buildings and lots. The most noticeable feature is that Pershing Avenue is "single-loaded", a term meaning that there are houses on only one side of the street. In addition, the lots are wider than those in the bungalow section of the neighborhood. This two block section of Pershing Avenue includes 12 of the 26 lots that are wider than 75 feet. The topography here also makes this block face unique in the neighborhood. Many of the lots are several feet above the grade of the street.

The home contains 2,350 square feet and was built in 1938. It has been used as a duplex for a long time, but the current owner is renovating it into a single-family dwelling. Since the lot is over 90 feet wide, the owner is

seeking a variance to allow a side yard addition that can create both a master suite and covered parking. The requested width variance is to allow the addition over what is now a second driveway. The driveway will remain and the proposed 2nd story addition will create a covered parking area underneath.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4” Residential Single-Family	San Antonio Country Club & Golf Course
South	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	San Antonio Botanical Garden
East	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling
West	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Mahncke Park Plan and currently 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 registered neighborhood association. As such, they were notified and asked for 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 terms of the NCD, the public interest is represented by the design regulations limiting the width of residential structures which contribute to the rhythm of the streetscape. This street is different; the lots are wider and the homes are elevated from the streetscape. Therefore, allowing the addition as proposed is not contrary to the public interest.**

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

The circumstance present on the subject property is primarily its lot width of 92 feet, making a literal enforcement of the limited house width an unnecessary hardship.

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 represented by limiting those inconsistent design proposals and preserving the bungalow/porch development pattern. This section of the neighborhood, east of New Braunfels, does not conform to this development pattern and therefore, the variance will observe the spirit of the ordinance.

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 “R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation 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 homes within this section of Pershing do not represent a repeating design pattern, but instead are each unique. This variance will contribute to the renovation of this home and replace a rental unit in decline.

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 owner is attempting to improve the property without damaging a huge heritage oak tree in the front yard of the property. In addition, the proposed master suite will be over 70 feet from the front property line.

Alternative to Applicant’s Request

The applicant must relocate the planned addition to the rear.

Staff Recommendation

Staff recommends **APPROVAL** of **A-15-127** based on the following findings of fact:

1. The block is single-loaded with homes elevated above the streetscape; and
2. The proposed addition will not be obvious from the public right-of-way.