

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, April 18, 2011

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Planning and Development Services Department website ([www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

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1. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-027:** The request of Dominic De La Garza, for a 2-foot variance from the 6-foot maximum fence height standard in side and rear yards, in order to allow an 8-foot fence in the side yard, 7576 Culebra Road. (Council District 6)
5. **A-11-028:** The request of Charles Gottsman, for **1)** A 75 square-foot variance to the requirement of the IH-1 Northeast Gateway Corridor Overlay District that digital displays not exceed twenty-five percent (25 %) of the allowable sign area permitted, in order to allow a 150 square foot digital display and **2)** a 5-foot variance to the requirement of the IH-1 Northeast Gateway Corridor Overlay District that multiple tenant signs not exceed a height of 35 feet, in order to allow a 40-foot tall sign, 10644 North IH-35. (Council District 10)
6. **A-11-030:** The request of M.P. Tollette, Jr., for a 10-foot variance to the 25-foot minimum front setback requirement of the “O-2” district, in order to allow a 15-foot front setback, 1715 Thousand Oaks Drive. (Council District 9)
7. **A-11-031:** The request of Brown & Ortiz, P.C., for a 3-foot, 3-inch variance from the requirement that front-yard fences on residential lots not exceed 4 feet in height, in order to allow a 7-foot, 3-inch fence in the front yard, 6818 Oakridge Drive. (Council District 7)
8. Consideration of **Sign Master Plan No. 11-005**, Shaenfield Crossing, located at 10585 Shaenfield Rd.
9. Consideration of **Sign Master Plan No. 11-006**, Vantage at Fair Oaks Ranch Revised, located at IH-10 West and Starr Ranch.
10. Approval of the minutes – March 28, 2011.
11. Consideration of a Board of Adjustment representative to the Planning Commission Technical Advisory Committee (TAC).

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### Board of Adjustment Membership

*Michael Gallagher, Chair*                      *Andrew M. Ozuna, Vice Chair*  
*Geroge L. Britton • Gene Camargo • Helen K. Dutmer • Edward H. Hardemon • Mary Rogers*  
*Liz M. Victor • David M. Villyard • Jesse Zuniga • Vacancy*

### Alternate Members

*Harold O. Atkinson • Maria D. Cruz • Paul E. Klein • Marian M. Moffat • Henry Rodriguez • Steve G. Walkup*

12. Staff Report – Introduction of new staff.

13. Adjournment.

***ACCESSIBILITY STATEMENT** - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.*

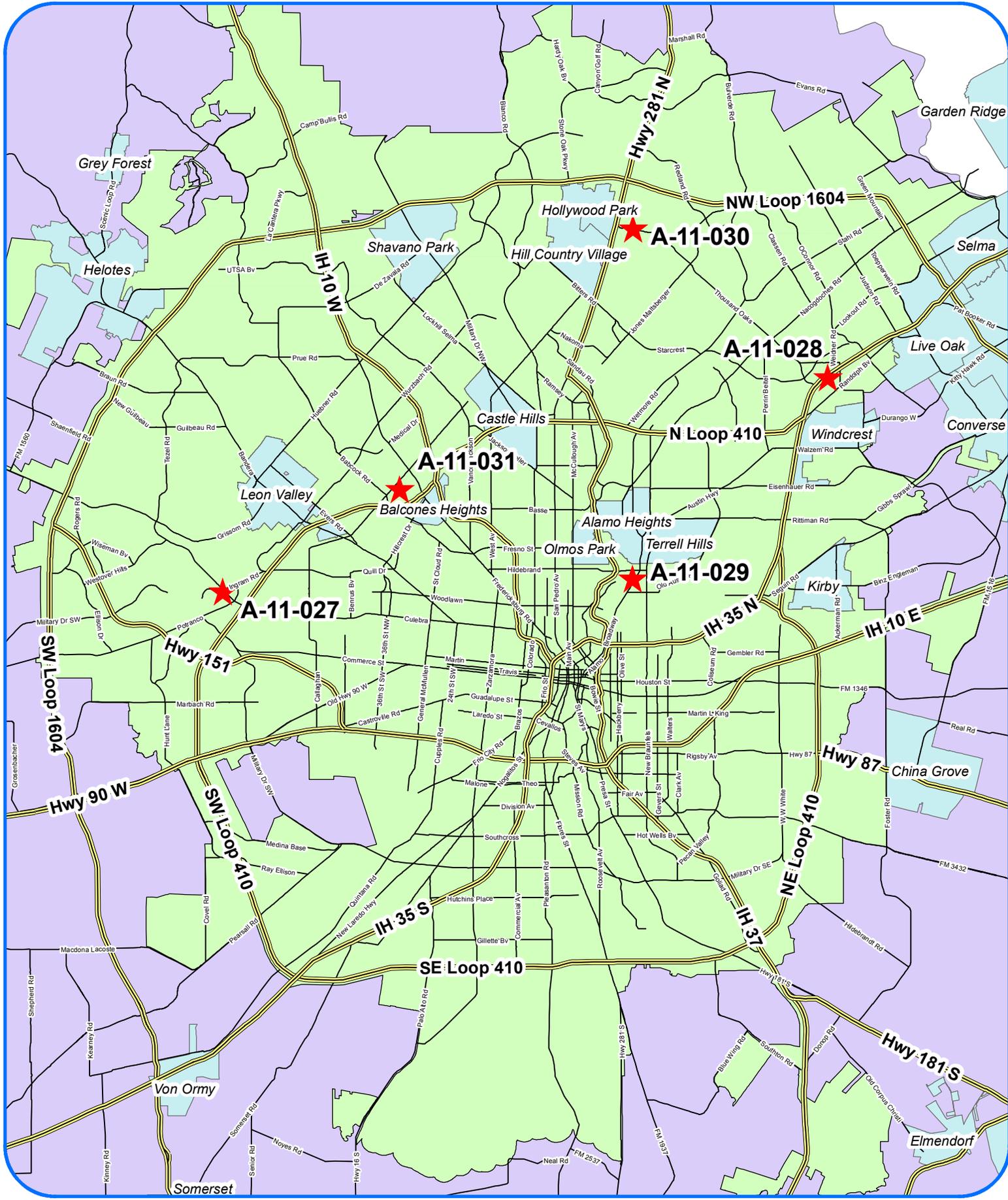
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**Board of Adjustment**  
**Subject Property Locations**  
**Cases for April 18, 2011**





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-11-027  
Date: April 18, 2011  
Applicant: Dominic De La Garza  
Owner: Broadway National Bank  
Location: 7576 Culebra Road  
Legal Description: Lot 1, Block 1, NCB 18281  
Zoning: "C-3 NA AHOD", Commercial, Non-Alcoholic Airport Hazard Overlay District  
Prepared By: Ernest Brown, Planner

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### **Request**

Applicant is requesting a 2-foot variance from the 6-foot maximum fence height standard in side and rear yards, in order to allow an 8-foot fence in the side yard.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on April 4. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The applicant is requesting a variance to install fencing that is inconsistent with the UDC's fence height requirement. The applicant proposes to install an 8 foot fence enclosing their data center's equipment yard. The applicant indicates that the enforcement of the ordinance would cause hardship by placing the facility at a risk of becoming non-operational. Additionally, if this variance is not granted, the applicant states that the equipment yard will be more susceptible to intrusions from trespassers than it would be with the proposed fence. The location of the fence is set away from the property line. The equipment yard fence is located near the bank building and is adjacent to the bank building's ADA sidewalk that has a 2 foot elevation difference. This elevation difference is what the applicant cites as a unique circumstance that would leave the data center equipment yard more susceptible to unauthorized intrusions.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
C-3 NA AHOD (Commercial)	Bank, Data Storage Center

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	C-2 (General Commercial)	Shopping Center
South	I-1 AHOD (General Industrial), C-3R (Commercial)	Storage, Auto Sales
East	C-3 AHOD (Commercial)	Auto Repair, Vacant
West	C-3 R AHOD (Commercial)	Auto Repair

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a sector, perimeter, community or Neighborhood Plan. The subject property is within 200 feet of the Pipers Meadows Neighborhood Association.

**Criteria for Review**

According to Section 35-482(e) of the Unified Development Code, 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 variance would not be contrary to the public interest because the fence location on the interior of the lot, as shown on the attached site plan, will not adversely impact the health, safety, or general welfare of the public.*

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

*The subject property is not of exceptional dimension or topography and does not experience unnecessary hardship through the literal enforcement of the ordinance. Reasonable use of the property as the bank's data center will not suffer through the literal enforcement of the fence height provisions.*

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

*The variance is not in keeping with the spirit of the ordinance nor would the variance do substantial justice. The subject property is not uniquely influenced by oppressive conditions and its reasonable use is not contingent on the existence of a fence of this height.*

4. Such 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 variance will not authorize the operation of a use other than those specifically authorized in the "C-3 NA" zoning 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 variance will not injure the appropriate use of the adjacent conforming properties nor will the essential character of the district be altered. The proposed fences height is set away from the property line and would be on the interior of the property. The placement of the fence around the data center's equipment yard is nearest to the southern abutting property that features a storage facility with a wall greater than six feet height.*

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 of the subject property is due to circumstances of their own creation rather than unique conditions inherent to the property. The applicant cites a perceived security risk due to the change in elevation of an existing ADA sidewalk.*

### **Staff Recommendation**

Staff recommends **denial of A-11-027**. The application has not satisfied the required approval criteria, as presented above. The purpose of a variance is to restore equity when, due to special circumstances or conditions, the ordinance restricts one property more severely than other properties in the same zoning district. The circumstances or conditions must be beyond the control of the owner and relate to the property as opposed to the owner. Personal hardship or inconvenience does not justify a variance.

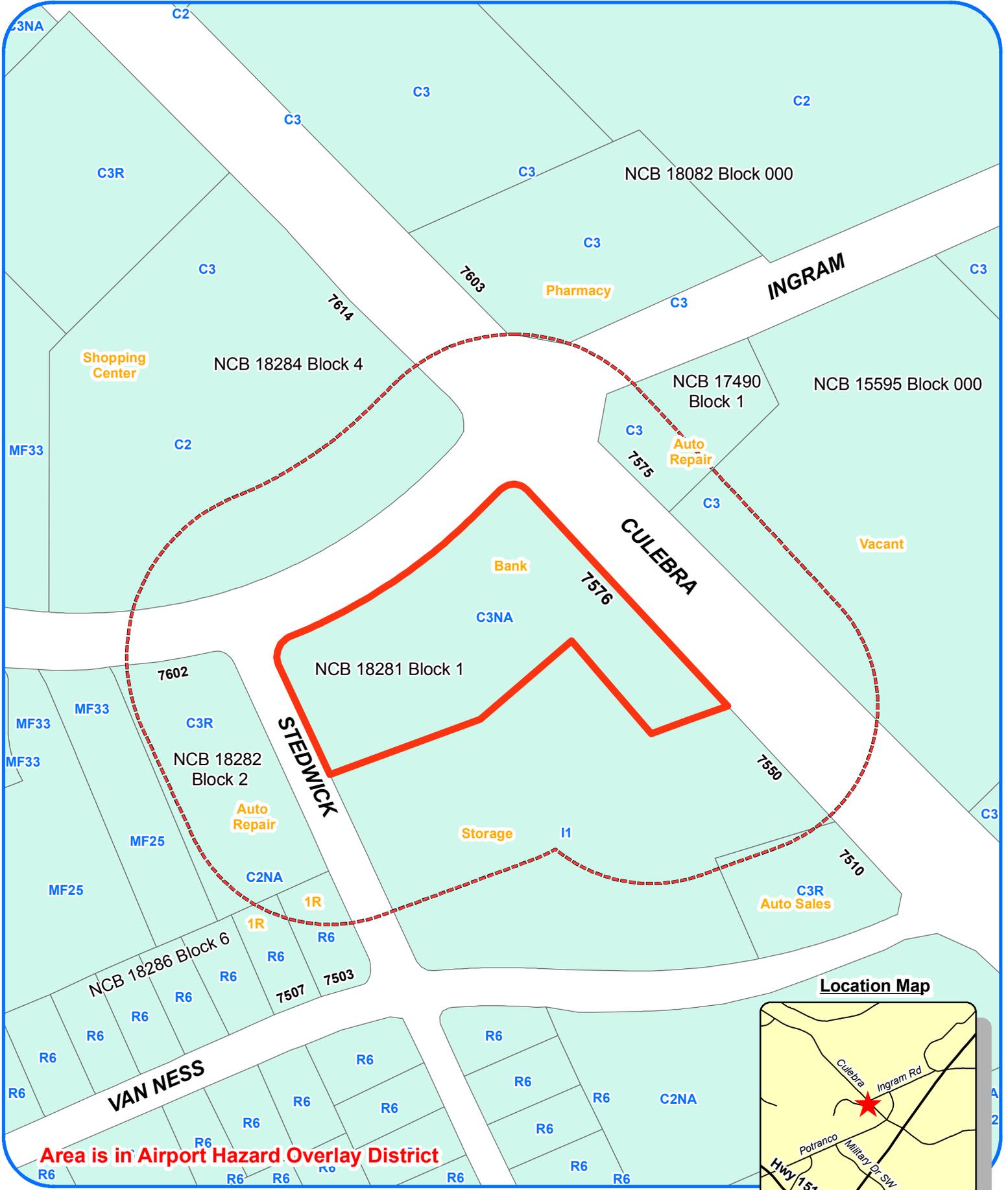
### **Attachments**

Attachment 1 – Location Map

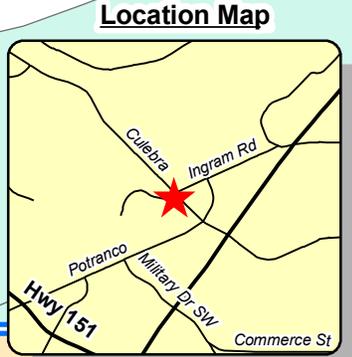
Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Submitted Exterior Elevations



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-027**



**Legend**

- Subject Property ———
- 200' Notification Boundary - - - - -
- Scale: 1" approx. = 150'
- Council District 6



**Board of Adjustment**  
Plot Plan for  
**Case A-11-027**

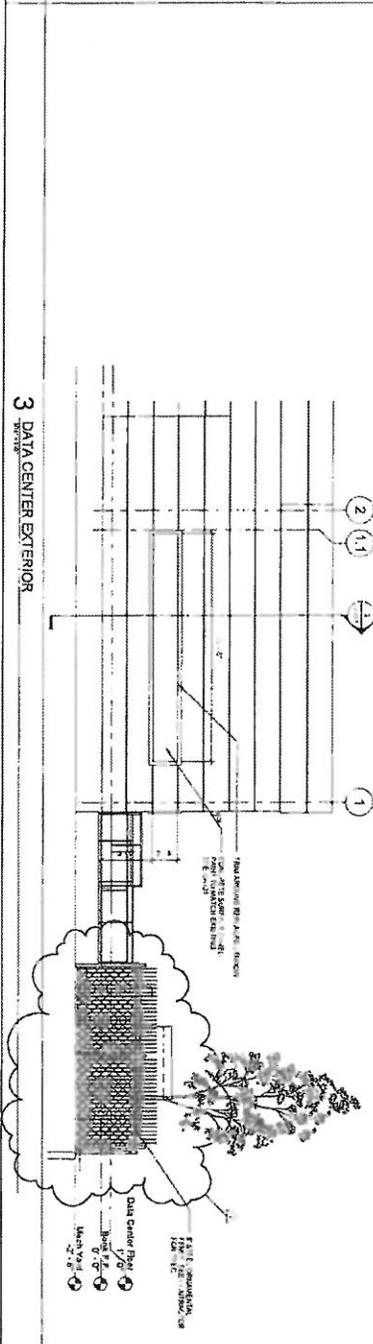
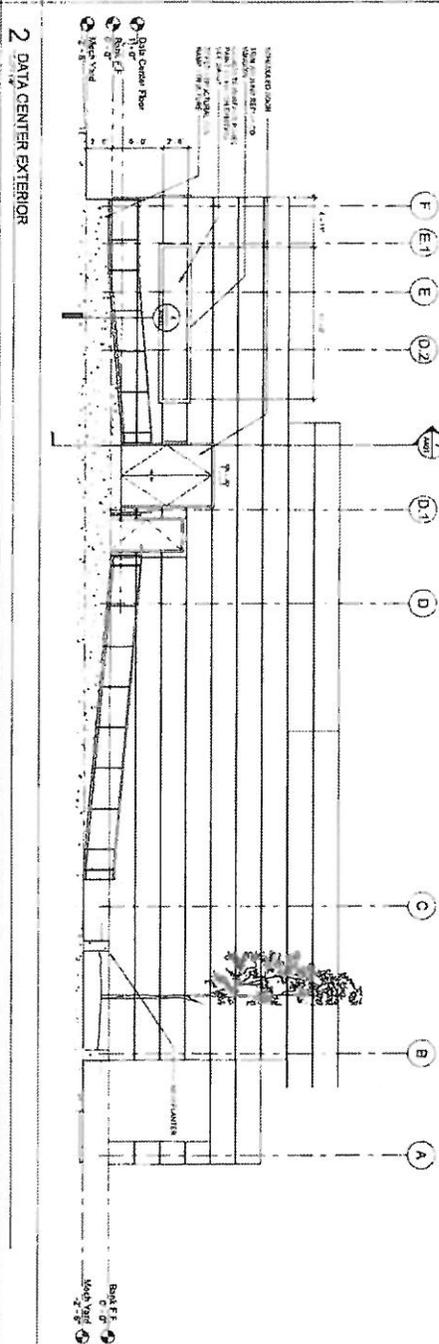
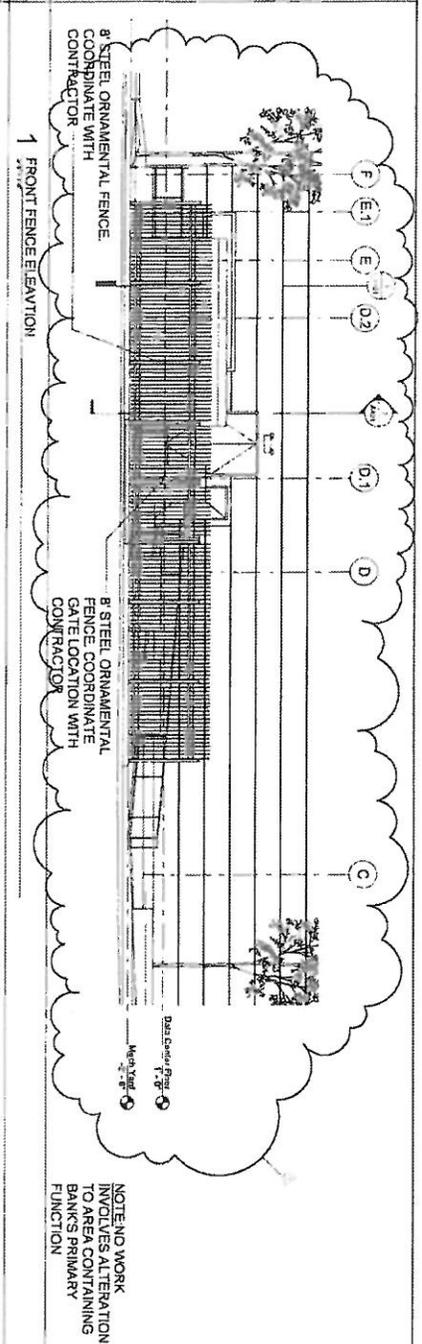


Scale: 1" approx. = 80'  
Council District 6

**7576 CULEBRA RD**

Development Services Dept  
City of San Antonio  
(3/23/2011)





CARSON  
DESIGN  
ASSOCIATES  
TEL: 361.878.0000  
17021 W. STATE HIGHWAY  
SUITE 150  
SAN ANTONIO, TEXAS 78258

AUSTIN, TEXAS

CAROL MONNA

www.carsondesign.com  
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12/22/10

**Broadway Bank**  
Data Center  
7576 Culebra Rd.  
San Antonio, Texas

ISSUE	02.10.13	Revision 1
SQUAREFOOTAGE	0 SF	
DRAWING TITLE	Exterior Elevations	
PROJECT NO.	1510023	09/01/11
DATE	09/01/11	
SHEET NUMBER	A301	



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-11-028  
Date: April 18, 2011  
Applicant: Charles Gottsman  
Owner: RWJ Properties, LLC  
Location: 10644 North IH-35  
Legal Description: Lot 14, NCB 13806  
Zoning: "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District  
Prepared By: Jacob Floyd, Senior Planner

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### **Request**

The applicant requests 1) a 75 square-foot variance to the requirement of the IH-1 Northeast Gateway Corridor Overlay District that digital displays not exceed twenty-five percent (25 %) of the allowable sign area permitted, in order to allow a 150 square foot digital display and 2) a 5-foot variance to the requirement of the IH-1 Northeast Gateway Corridor Overlay District that multiple tenant signs not exceed a height of 35 feet, in order to allow a 40-foot tall sign.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on April 4. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The intent of the sign requirements within the "IH-1" Northeast Gateway Corridor Overlay District is to establish consistency and uniformity in signage over time. The overlay zoning district was adopted by City Council on June 24, 2004 to create a more attractive, cohesive and safe environment; to preserve, protect, and enhance areas of high tourist and visitor visibility; to provide motorists and pedestrians with attractive viewing opportunities; and to reduce visual chaos and limit distractions along the highly traveled roadway. Chapter 35, Section 35-399.03 allows a maximum multiple tenant sign height of 35 feet and a maximum multiple tenant sign face area of 300 square feet when adjacent to an expressway in the Northeast Gateway Corridor Overlay District. Additionally, the overlay district prohibits signs that are signs prohibited by Chapter 28, Section 28-220, which permits digital displays up to 25 percent of the allowable sign area, 75 square feet in this

instance. This sign face area is measured as the area of a single sign face, as the individual faces of the sign are each visible from a distinct direction.

The applicant desires to erect a multiple tenant sign 40 feet tall with a total area of approximately 300 square feet. Pursuant to Section 28-220 up to 25 percent of the allowable sign area may be digital display, however the applicant wishes to install a 150-square foot digital display on the south face of the sign rather than the permitted 75-square foot digital display area permitted per face.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
I-1 IH-1 AHOD (Industrial)	Commercial

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 IH-1 AHOD (Industrial), C-3 IH-1 AHOD (Commercial)	Vacant, Commercial
South	I-1 IH-1 AHOD (Industrial), R-6 AHOD (Residential)	Self-Service Storage, Single-Family Residential
East	C-2 IH-1 AHOD (Commercial), R-6 AHOD (Residential)	Commercial, Single-Family Residential
West	I-1 IH-1 AHOD (Industrial)	Self-Service Storage

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a Neighborhood or Community Plan. The subject property is not within a registered neighborhood association.

**Criteria for Review**

According to Section 35-482(e) of the Unified Development Code, 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 variances are contrary to the purpose of the gateway corridor overlay to serve the public interest by creating a more attractive, cohesive and safe environment, and reducing visual chaos and distractions along public roadways.*

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

*The strict enforcement of this article does not create unnecessary hardship in providing adequate signs on the subject property. The applicant is permitted a digital display up to 25*

*percent of the allowable sign area per face and a total height of 35 feet. The subject property is not extraordinary in its topography or situation such that visibility of the sign is unusually limited and would only be visible by possessing the desired height and larger digital display area.*

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

*The variances are not in keeping with the spirit of the ordinance nor would the variance do substantial justice. The subject property is not uniquely influenced by oppressive conditions and its reasonable use is not contingent on the provision of signage greater than that permitted within the overlay district. The variances will not relieve a burdensome effect of a regulation created by the unique physical conditions of the property and will result in nothing more than a special privilege not enjoyed by similarly situated properties within the overlay zoning district.*

4. Such 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 variances will not authorize the operation of a use other than those specifically authorized in the "I-1 IH-1 AHOD" zoning 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 variances will not have a substantial adverse impact on neighboring properties. However, the variances may have an adverse impact on the driving environment on the adjacent expressway as the provision of a large electronic message center represents an increase in potential driver distractions.*

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 of the property does not experience a plight from which relief may be found by a zoning variance. The variances are sought solely for the purpose of building a sign taller than what is permitted and with a larger electronic message board area on the sign face with the greatest visibility to motorists.*

### **Staff Recommendation**

Staff recommends **denial of A-11-028**. The application has not satisfied the required approval criteria, as presented above. Successful implementation of the Northeast Gateway Corridor District ordinance is contingent solely on its strict application with new development and improvement or re-development of already developed properties. Frivolous variances from the standards of the zoning ordinance and sign regulations erode their integrity and intended result.

The applicant has provided no evidence that the requested variances would provide relief from hardship instituted by the physical conditions of the property, instead citing a variance granted for a property located elsewhere within the overlay and the desire for a larger electronic message center on sign face most readable to traffic on IH-35. While the location of the property adjacent to an expressway allows a sign with a total area such as that proposed, the purpose of limiting the area comprised of digital display is to establish consistency and uniformity in signage over time while

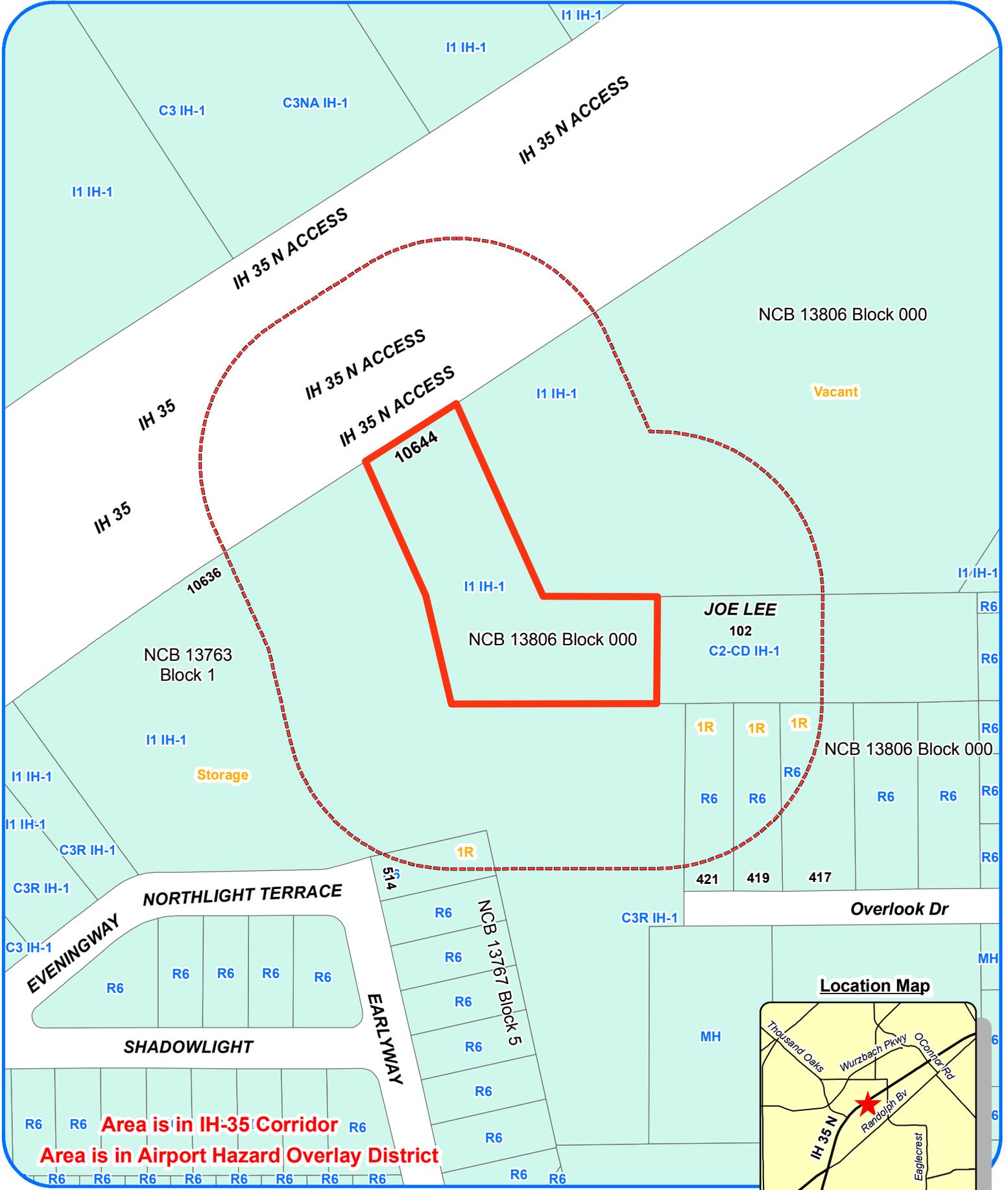
preventing a distracting, chaotic driving environment. It is not the intent of the electronic message center area provisions to set a cumulative area limit which may be transferred to either sign face, but rather to restrict the electronic message center area visible at any one time.

**Attachments**

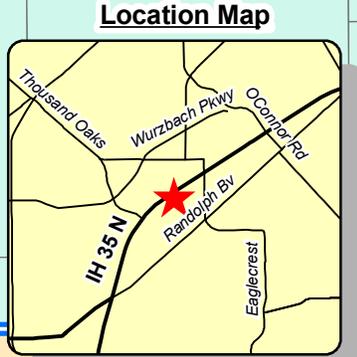
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



**Area is in IH-35 Corridor**  
**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-028**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 10

**IH 35 N**

**Variance request  
5' height increase &  
150 sf Digital Sign Area  
on South Face**

**NCB 13806  
Block 000  
Lot 14**

**Board of Adjustment**  
Plot Plan for  
**Case A-11-028**



**● Sign Location**  
Scale: 1" approx. = 50'  
Council District 10

**10644 N IH 35**

Development Services Dept  
City of San Antonio  
(3/23/2011)

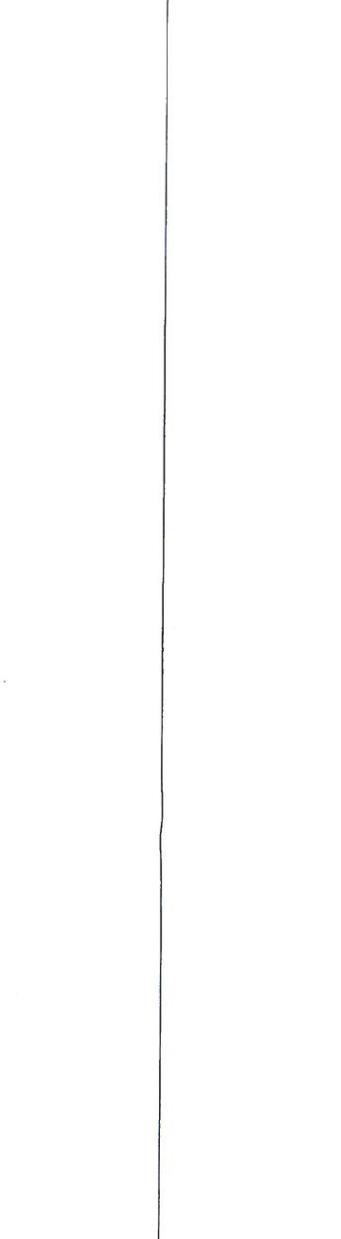
CLIENT	ABC PEST & LAWN
ADDRESS	10644 135 NORTH
CITY	SAN ANTONIO, TX
SMITHSONIAN	DEBORAH PATTERSON
DATE	11-11-10
DESIGNER	AMIE VILELA
DWG. #	8458.58
File: DRWG/MS/2009/ABC PEST & LAWN	
Revision History: 12-21-10-3-8-11	

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Violation of any of the above shall subject the violator(s) to all statutory and common law damages available to Aetna Sign Group, LTD., including, but not limited to, the value of man hours incurred in the production of this design, attorney's fees, and any and all other costs incurred by Aetna Sign Group, LTD. in the enforcement of its copyrights.  
All signs will be manufactured to accommodate 120 volt current unless otherwise instructed by customer.  
Note: Aetna will supply transformers, boxes, disconnects, switches & levers, insulators etc to provide all other necessary hardware to accomplish installation.  
Warning! Building Codes: new signs all signs that are near transformers, sized at 7,500 volts and up, must utilize #12/161 (GFI) transformers. This type of transformer must have a dedicated electrical (SEI) circuit with ground for the transformer to work. You are responsible to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

Front View - Scale: 1/8" = 1'-0"  
Footing required:  
4'-0" hole dia.  
12'-0" deep.

Specifications:  
Cut Existing Pole Sign At Grade, Set New Base Pipe As Shown.  
Existing Sign To Be Stubbed Into New Pipe At 40'-0" O.A.H.  
Remove And Discard Existing Faces, Manufacture And Install New Flex Faces For Existing Main Id Cabinet. White Flex Faces With Applied Vinyl Graphics (color - T.B.D.)





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-11-030  
Date: April 18, 2011  
Applicant: M.P. Tollette, Jr.  
Owner: John F. & Barbara J. Thabet, M.P. Tollette, Jr. and Patricia M. Tollette  
Location: 1715 Thousand Oaks Drive  
Legal Description: Lot 18, Block 1, NCB 16481  
Zoning: "O-2 ERZD" High-Rise Office Edwards Recharge Zone District  
Prepared By: Jacob Floyd, Senior Planner

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### **Request**

The applicant requests a 10-foot variance to the 25-foot minimum front setback requirement of the "O-2" district, in order to allow a 15-foot front setback.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on April 4. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The intent of the front setback requirement of the "O-2" district is to provide a reasonable buffer between the public right-of-way and the office structure, to allow for air flow and light penetration, to prevent the overcrowding of lots, and to avoid obstructing motorist visibility.

The variance is requested in order to allow a building within 15 feet of the front property line, along Thousand Oaks Drive. The subject property and Lot 19, abutting to the east, are the only two lots bearing the "O-2" zoning, the adjacent properties being zoned "C-2", "R-6", "MF-33", and "NP-8" as shown on the attached zoning map. The applicant explains that the variance is necessary due to easements existing on the property and the intent to locate the proposed office building nearer to the street with entrance and parking to the rear. The subject property features 70-foot wide CPS easement in the rear, adjacent to which is a 20-foot wide sanitary sewer and telephone easement, together occupying the rear 90 feet of the subject property, more than half of the lot depth, which is approximately 148.6 feet deep at its deepest point.

Prior to requesting this zoning variance, the applicant replatted the subject property, as well as adjacent Lots 13 through 17 and Lot 19, to remove a 25-foot building setback line as shown on the previous recorded plat.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
O-2 ERZD (High-Rise Office)	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 ERZD (Residential)	Single-Family Residential
South	R-6 ERZD, NP-8 ERZD (Residential)	Church, Single-Family Residential
East	PUD RM-4 ERZD (Residential)	Townhomes
West	C-2 ERZD (Commercial)	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the North Sector Plan. The subject property is within 200 feet of the Shady Oaks Home Owners Association.

**Criteria for Review**

According to Section 35-482(e) of the Unified Development Code, 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 variance is not contrary to the public interest as the proposed setback will not result in an impediment of motorist visibility nor infringe upon the public well being.*

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

*The subject property is burdened by easements existing within the property which occupy a large share of its total area. Consequently, the literal enforcement of the ordinance would unduly restrict the buildable area of the subject property.*

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

*The variance will grant relief from the unnecessary hardship resulting from the substantial area occupied by easements within the property and will allow the construction of a reasonably sized structure.*

4. Such 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 variance will not authorize the operation of a use other than those specifically authorized in the "O-2 ERZD" zoning 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 variance will not injure the appropriate use of the adjacent conforming properties nor will the essential character of the district be altered. The adjacent properties zoned "C-2" are not subject to a minimum front setback requirement and possess greater area within which to build.*

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 of the subject property is due primarily to the significant area within the property occupied by easements, within which no structure may be built. In addition, the location of the easements within the rearmost 90 feet of the subject property dictates that any proposed building is located within the forward portion of the property.*

### **Staff Recommendation**

Staff recommends **approval of A-11-030**. The application has satisfied the required approval criteria, as presented above and by granting the variance relief will be given to allow the reasonable use of the subject property. The unique configuration of easements within the subject property, in conjunction with its shape and area, create an unnecessary hardship through the literal enforcement of the minimum front setback required by the "O-2" district.

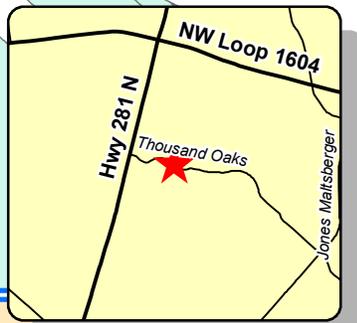
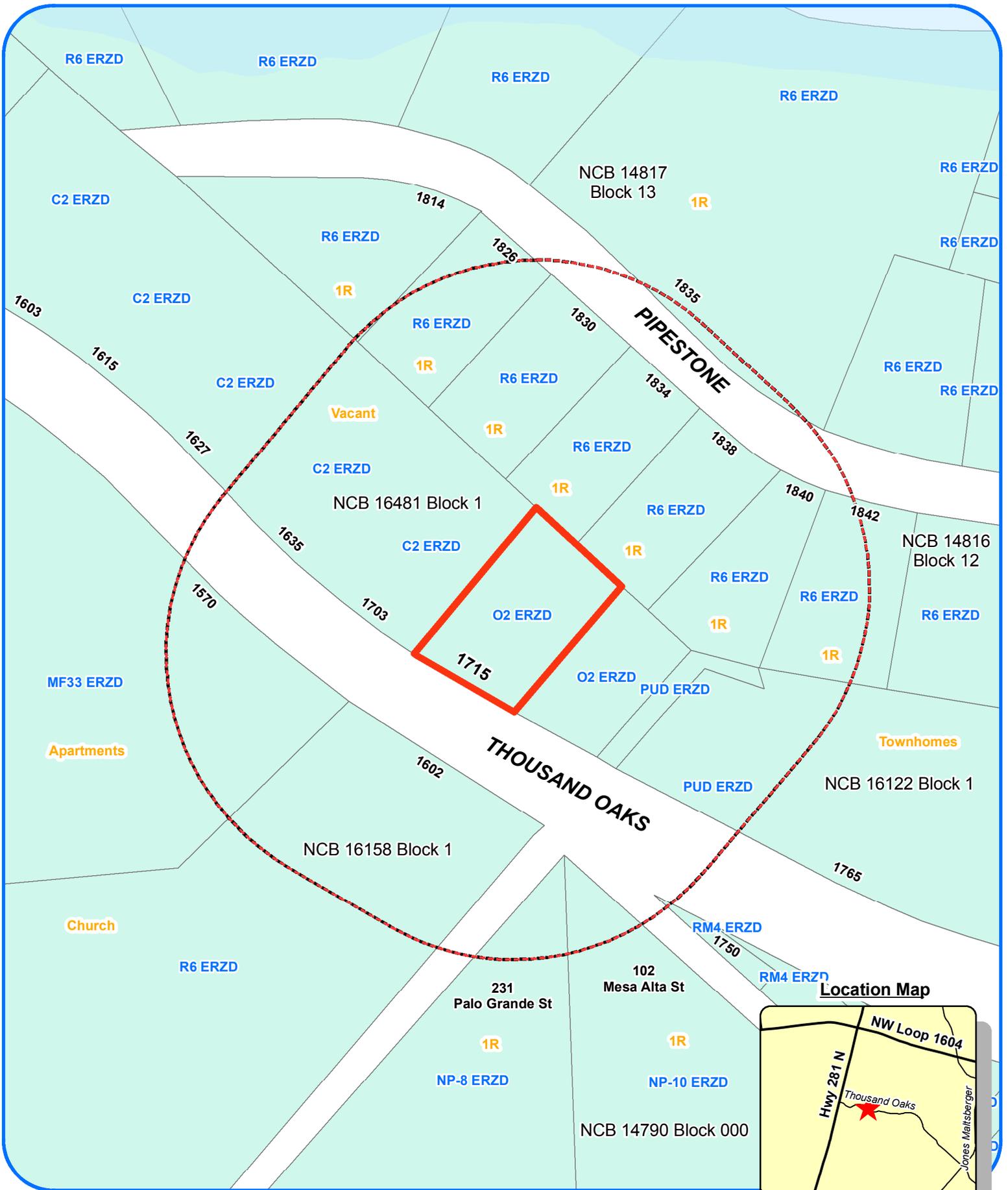
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Recorded Plat

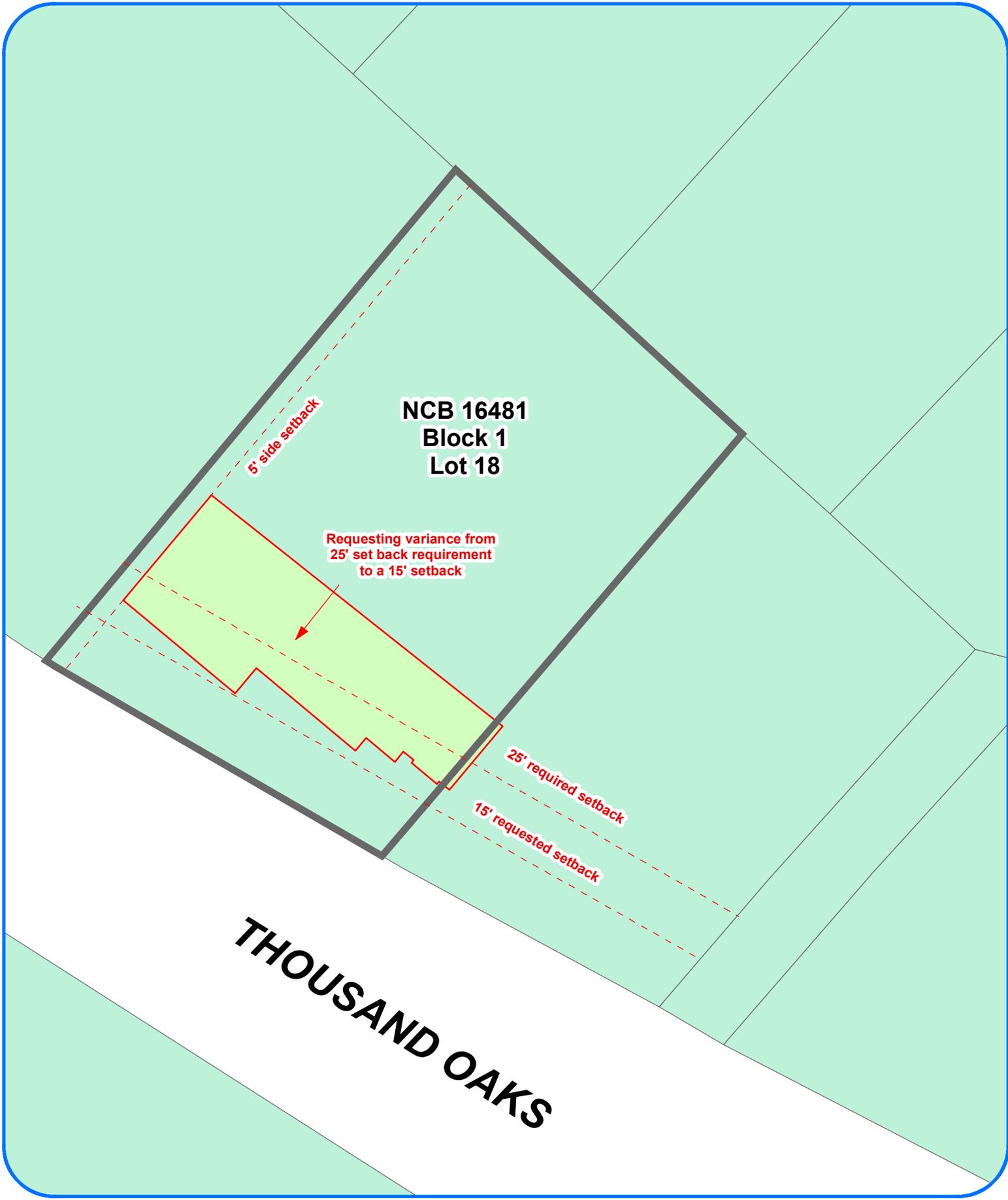


**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-030**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 9



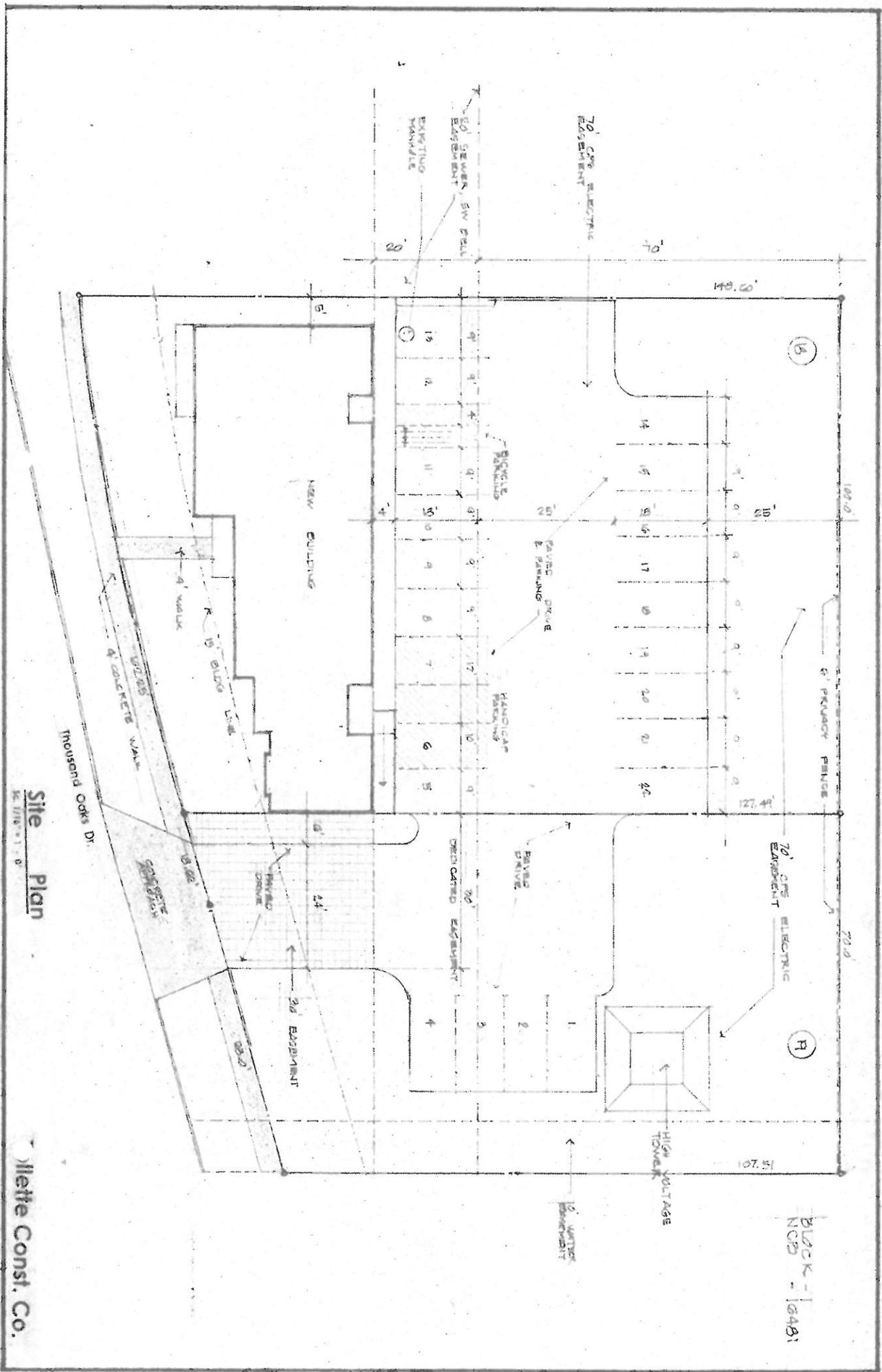
**Board of Adjustment**  
Plot Plan for  
**Case A-11-030**



Scale: 1" approx. = 30'  
Council District 9

**1715 THOUSAND OAKS**

Development Services Dept  
City of San Antonio  
(3/23/2011)



Site Plan  
 Scale: 1/8" = 1'-0"

Mette Const. Co.

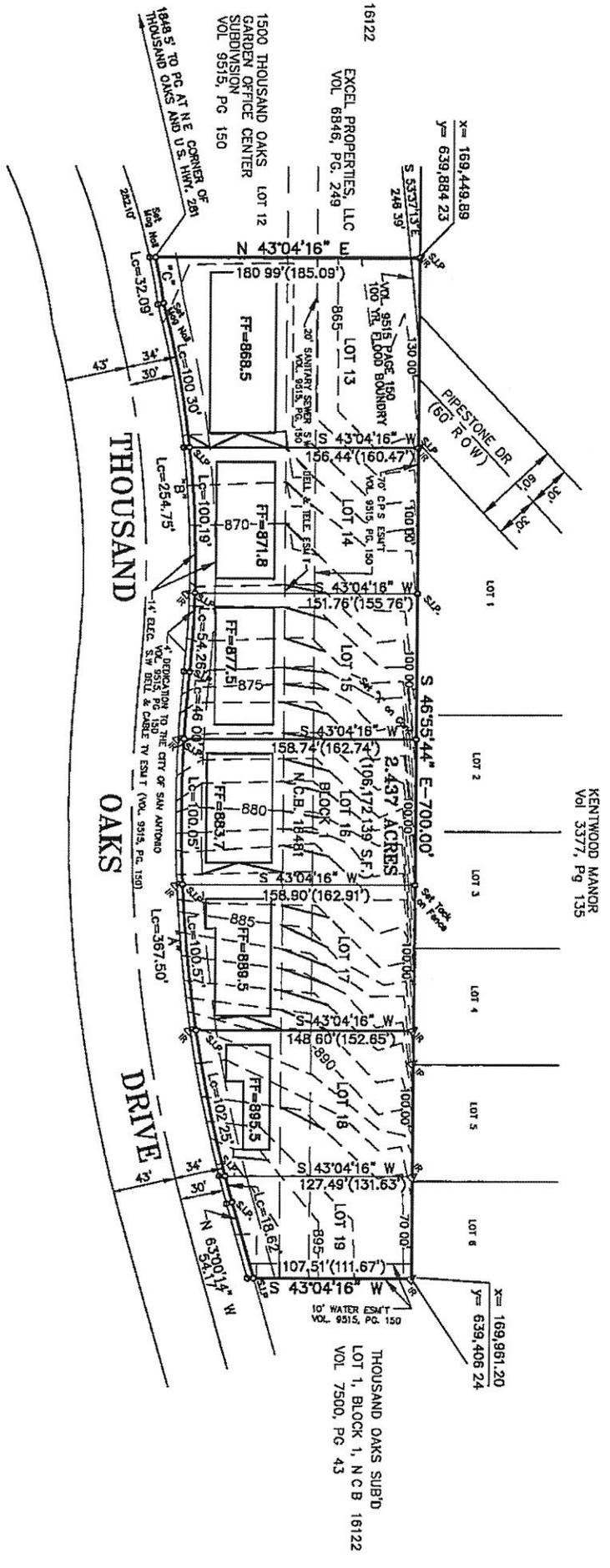
Block - 10481  
 NCD



1074.00 | 408'27" | 423.07 | N 31.60° W | 120.79 | 234.73  
 444.00' | 4'08'27" | 32.08' | N 57'10"00" W | 16.05' | 32.09'

THE (185.99') INDICATES LOT DISTANCE INCLUDING 4' DEDICATION  
 TO THE CITY OF SAN ANTONIO.

SCALE : 1" = 100' - N -



**BUILDING SETBACK LINE PLAT OF  
 1500 THOUSAND OAKS GARDEN OFFICE CENTER SUBDIVISION**  
 THIS REPLAT IS FOR THE PURPOSE OF REMOVING OR CHANGING THE 25 FOOT BUILDING



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-11-031  
Date: April 18, 2011  
Applicant: Brown & Ortiz, P.C.  
Owner: Richard & Celia C. Acosta  
Location: 6818 Oakridge Drive  
Legal Description: Lot 5, Block 11, NCB 12481  
Zoning: R-5 AHOD” Residential Single-Family Airport Hazard Overlay District  
Prepared By: Jacob Floyd, Senior Planner

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### **Request**

The applicant requests a 3-foot, 3-inch variance from the requirement that front-yard fences on residential lots not exceed 4 feet in height, in order to allow a 7-foot, 3-inch fence in the front yard.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on April 4. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 31. Additionally, notice of this meeting was posted at city hall and on the city’s internet website on April 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The intent of the 4-foot maximum fence height in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. The fence height in front yards is also limited because its presence can detract from the streetscape and pedestrian friendliness of a neighborhood.

The fence proposed consists of wrought iron bars with a width of 1 inch and an overall height of 6 feet, 6 inches and masonry columns with a maximum height of 7 feet, 3 inches. The applicant explains that the primary purpose of the fence is to increase security of the property and deter crime and vandalism both of the subject property and the surrounding area in general. Additionally, the applicant indicates that the literal enforcement of the maximum fence height will result in unnecessary hardship by increasing the vulnerability of the subject property to crime and jeopardizing the safety and general welfare of both the property owner and other owners in the area. According to the applicant, the literal enforcement of the maximum fence height results in unnecessary hardship due to the topography of the subject property, as it is located on a corner and

has a steep slope in several directions. The slope of the property results in the residence being positioned approximately 15 feet higher than the property abutting to the south west and 20 feet higher than the property abutting to the south east. The subject property also sits approximately 6 feet higher than Glencrest Drive, along the east property line, due to a stone retaining wall.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-5 AHOD (Residential)	Single-Family Residence

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-5 AHOD (Residential)	Single-Family Residential
South	R-5 AHOD (Residential)	Single-Family Residential
East	R-5 AHOD (Residential)	Single-Family Residential
West	R-5 AHOD (Residential)	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the North Sector Plan. The subject property is within the Oak Hills Citizens Association.

**Criteria for Review**

According to Section 35-482(e) of the Unified Development Code, 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 variance is not contrary to the public interest as its location, as shown on attached site plan, will not obstruct motorist visibility.*

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

*The literal enforcement of the fence height standards will not result in unnecessary hardship. The applicant's claim that the property's steep slope creates unnecessary hardship in adhering to the fence height standards is unjustified, as the location of the proposed fence does not correspond with the severe topography. Furthermore, the stone retaining wall along Glencrest Drive and Oakridge Drive benefits the property by creating a barrier along portions of its street frontage. Strict adherence to the fence height standards does not restrict the subject property more severely than other similar properties.*

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

*The variance will not observe the spirit of the ordinance as it will grant a special privilege not afforded to others and will not ensure the equitable application of the city code. The subject property is not uniquely affected by special circumstances of conditions restricting its use as a residence to an extent greater than intended by the applicable regulations.*

4. Such 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 variance will not authorize the operation of a use other than those specifically authorized in the "R-5" zoning 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 variance will not injure the appropriate use of the adjacent conforming properties nor will the essential character of the district be altered. There are other properties within the district that enjoy similar fences within the front yard, however many of these may have been built without complementary permits.*

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 is due primarily to personal circumstances rather than special conditions inherent to the property itself and not general to the district. The perceived vulnerability of the property to criminal acts is not a relevant factor on which a variance may be supported.*

### **Staff Recommendation**

Staff recommends **denial of A-11-031**. The application has not satisfied the required approval criteria, as presented above. The purpose of a variance is to restore equity when, due to special circumstances or conditions, the ordinance restricts one property more severely than other properties in the same zoning district. The circumstances or conditions must be beyond the control of the owner and relate to the property as opposed to the owner. Personal hardship or inconvenience does not justify a variance.

An alternative course of action available to the property owner is to seek a special exception for an ornamental-iron front yard fence, in accordance with Section 35-399.04 of the UDC. However, the design of the fence, as currently proposed, does not meet the conditions necessary for approval of the special exception.

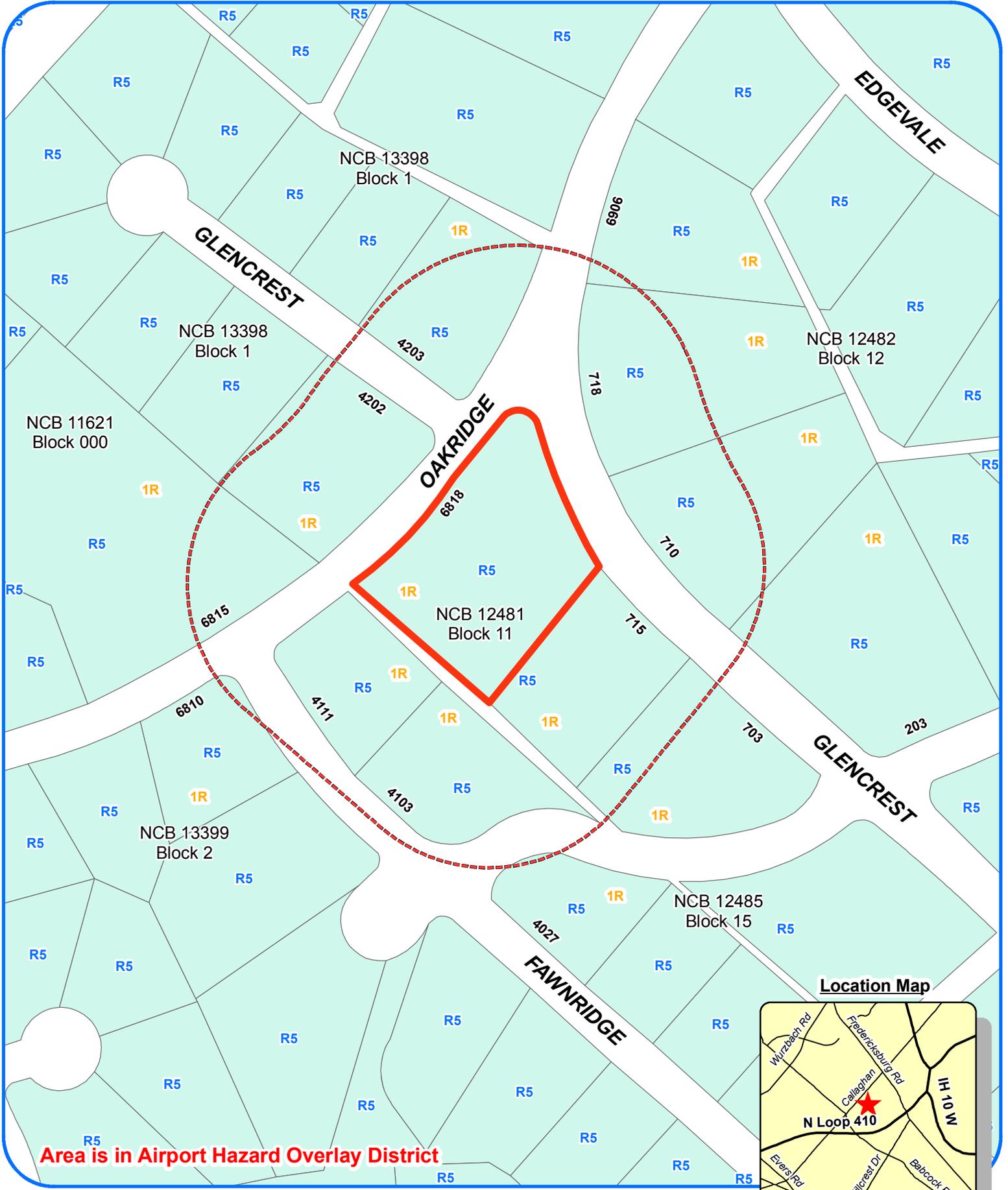
### **Attachments**

Attachment 1 – Location Map

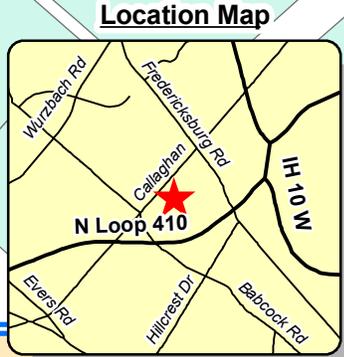
Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Submitted Drawings



**Area is in Airport Hazard Overlay District**



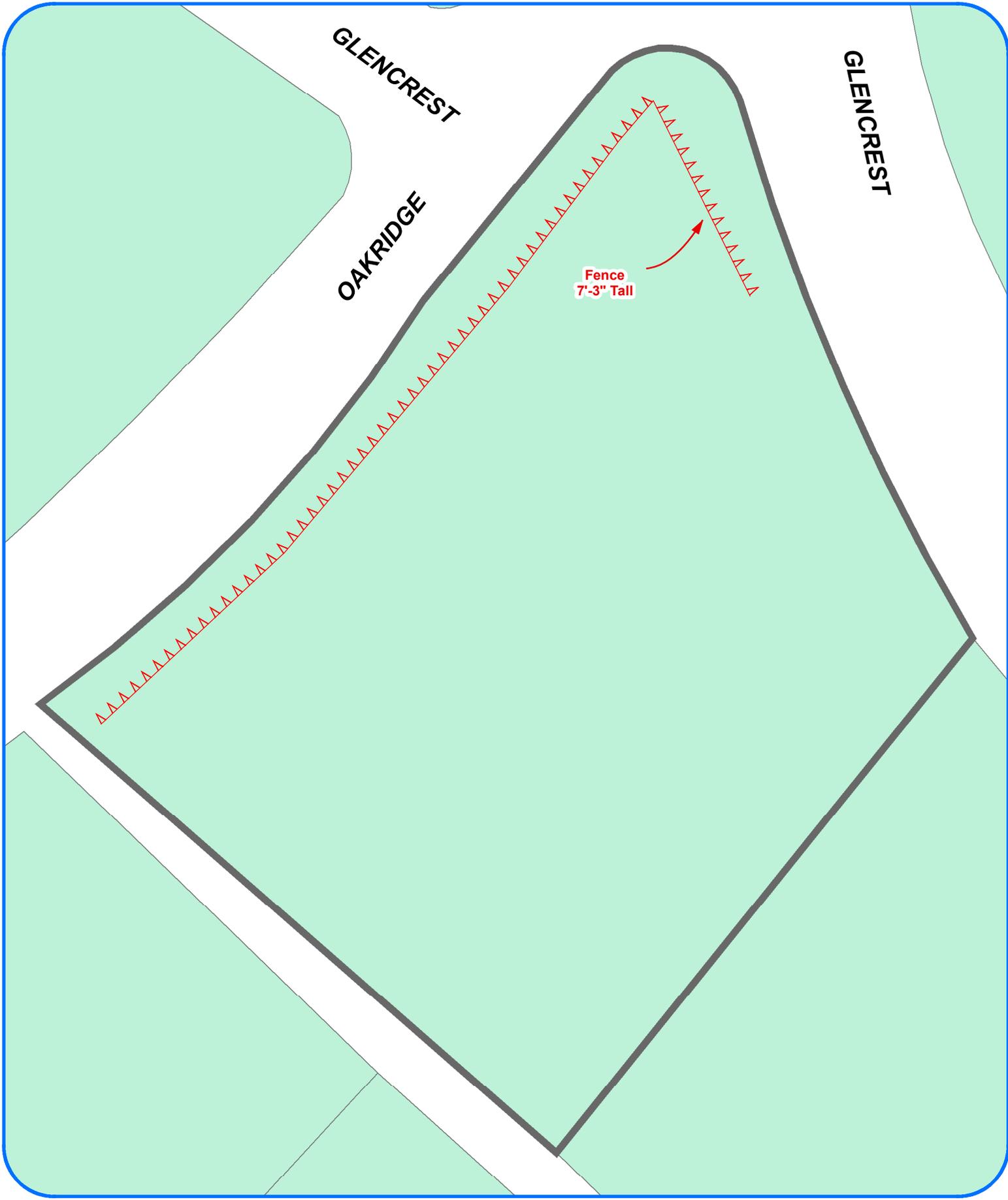
**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-031**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 7

Planning and Development Services Dept  
 City of San Antonio  
 (3/22/2011)



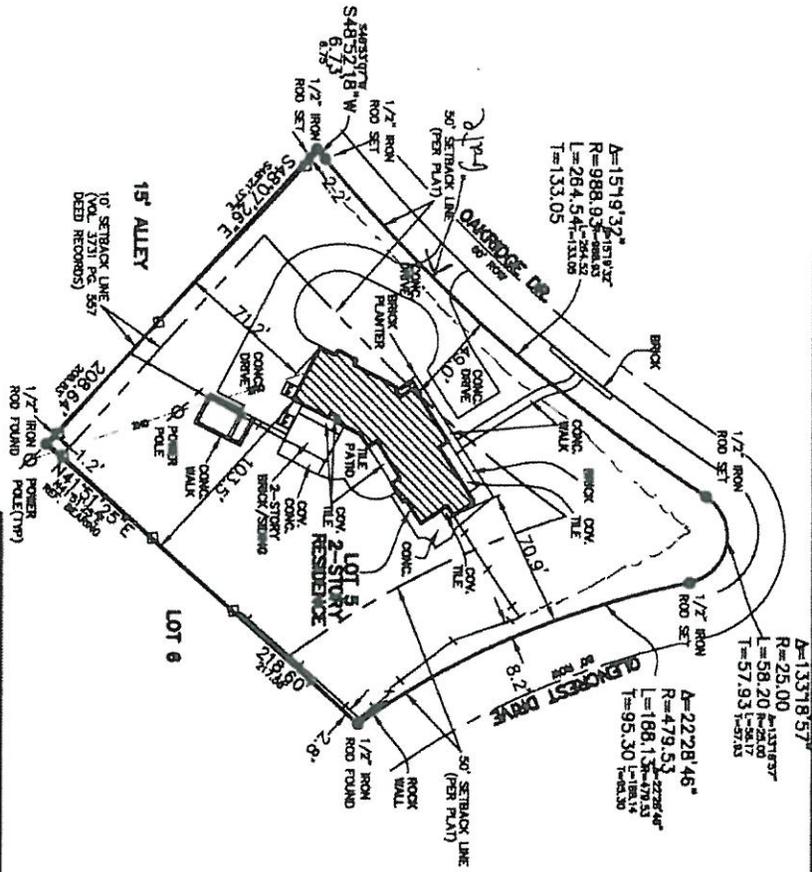
**Board of Adjustment**  
Plot Plan for  
**Case A-11-031**



Scale: 1" approx. = 40'  
Council District 7

**6818 OAKRIDGE**

Development Services Dept  
City of San Antonio  
(3/23/2011)



I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY DESCRIBED HEREON. I FURNISH CERTIFY THAT ENCROACHMENTS, EASEMENTS AND FRONT-OR-BAY'S VISIBLE ON SITE ARE SHOWN HEREON, SETBACKS AND EASEMENTS SHOWN ARE FROM RECORDED COUNTY DOCUMENT RECORDS. MINOR RESTRICTIONS AND EASEMENTS COMMENTED BY 2011 STEPHEN & COOK ENGINEERING, INC. ALL RIGHTS RESERVED

*[Signature]*  
 STEPHEN & COOK, INC.

LOT(S) 5 BLOCK 11 NCR. 12481  
 OAK HILLS SUBDIVISION, UNIT 2 VOLUME 3975 PAGE 43  
 OF THE DEED AND PLAT RECORDS OF BECKAR COUNTY, TEXAS.  
 BUYER BY HAND AND SEAL THIS 24 DAY OF JANUARY 20 11  
 ADDRESS: 6818 OAKRIDGE DR. OF NO.       
 STEPHEN & COOK, INC. JOB NO. 15-178-000A DRAWN BY: N.A. DRISK CAD/S: SRV BY: RP



RECORD INFORMATION: 545'00"00" W AT MEASURED IN FIELD 100.00'

SELECT TO RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS AS FOLLOWS:

VOL. <u>3731</u> PAGE <u>557</u> DEED RECORDS	VOL. <u>    </u> PAGE <u>    </u> RECORDS
VOL. <u>    </u> PAGE <u>    </u> RECORDS	VOL. <u>    </u> PAGE <u>    </u> RECORDS

12000 STARCREST, SUITE 107  
 STEPHEN & COOK ENGINEERING, INC. SAN ANTONIO, TEXAS 78247-4117  
 REGISTERED LAND SURVEYORS 210/481-2535 \* FAX: 210/481-2150  
 WWW.SGCENET

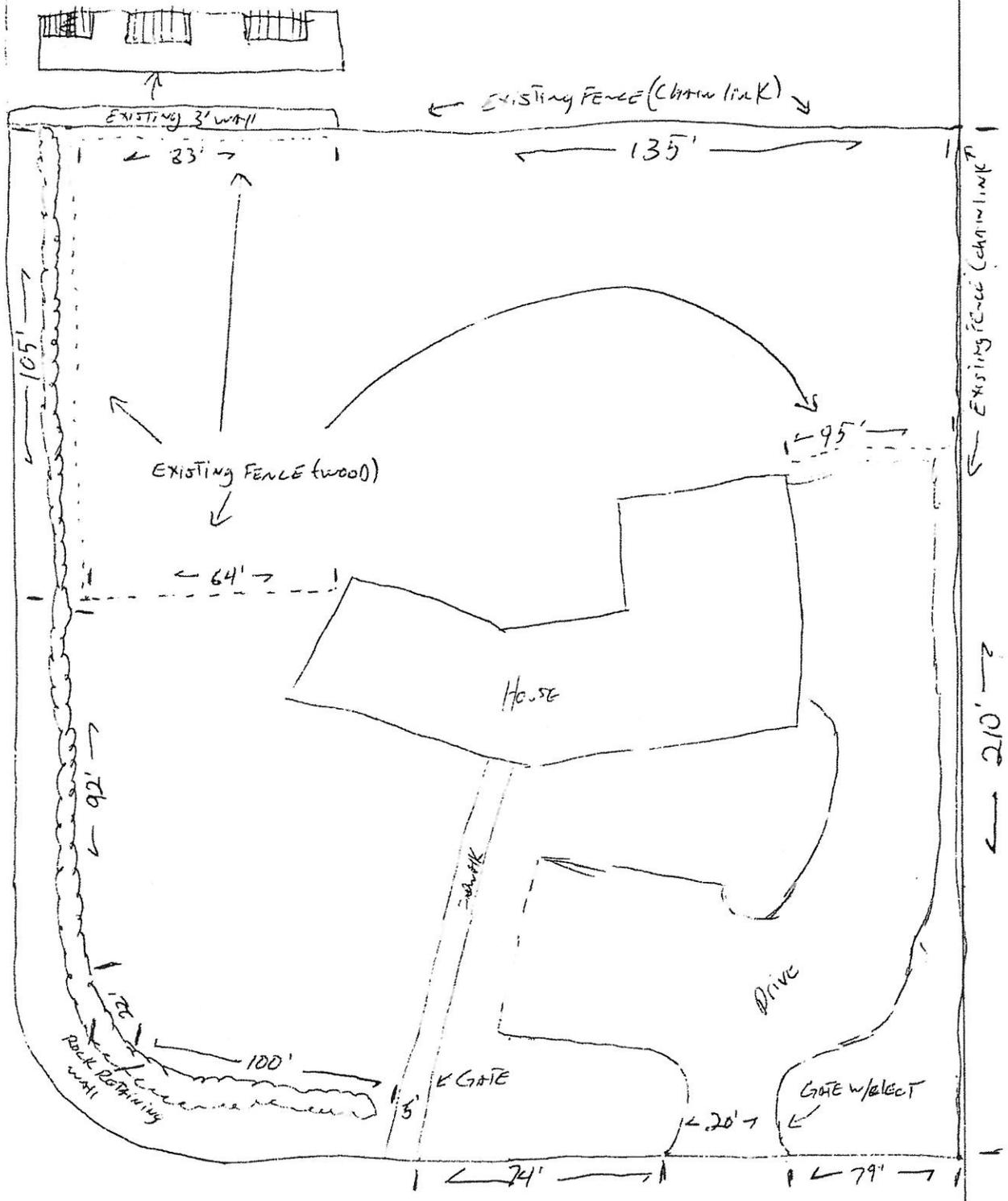


Mr. Acosta

6818 OAK RIDGE

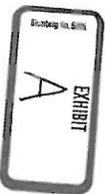
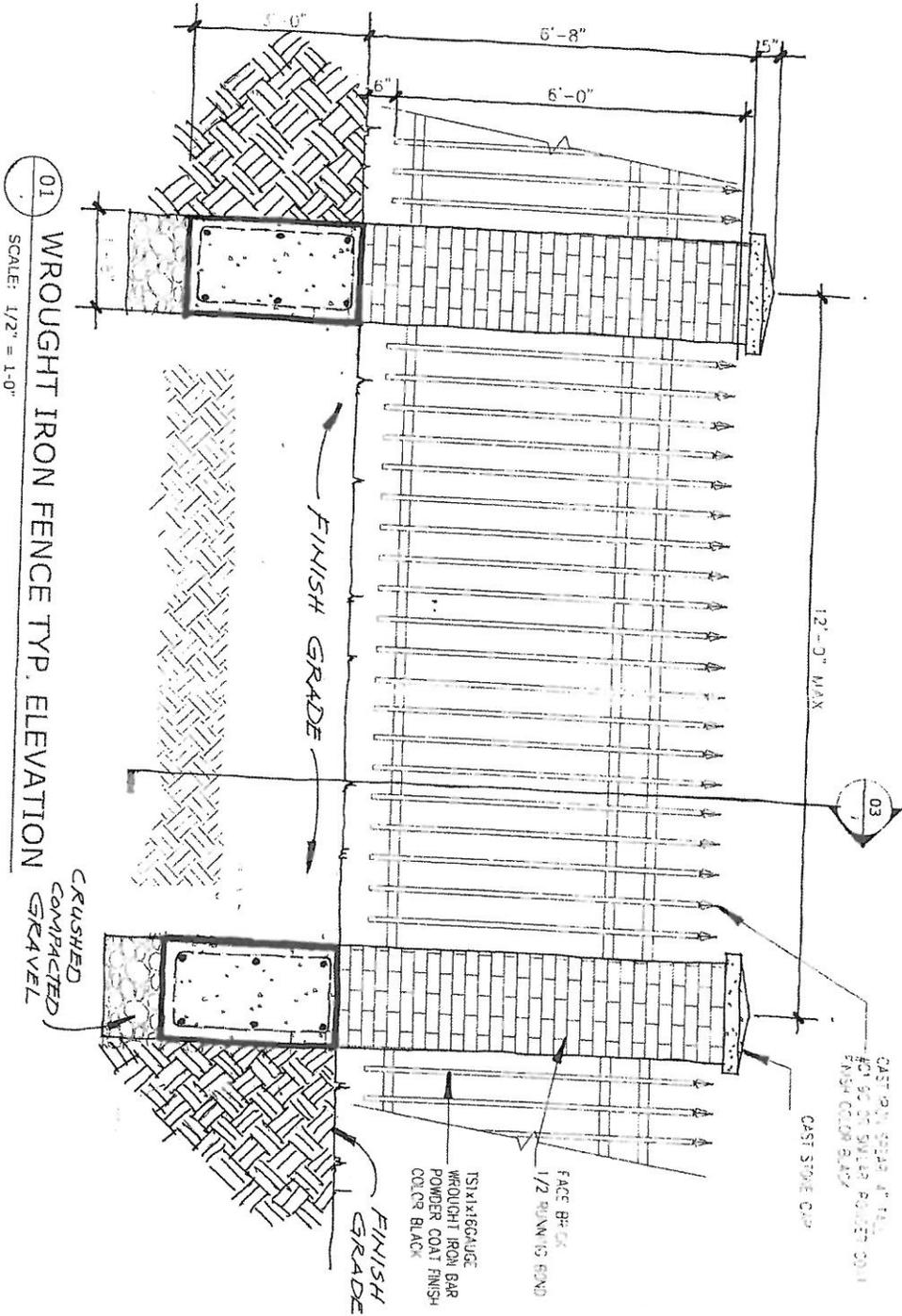
DEMO EXISTING FENCE  
RUN ELECT

GLENCREST



OAK RIDGE

FOR ACOSTA RESIDENCE  
ATTN: RICHARD ACOSTA



SHEET 1 OF 2  
9-29-10

