

**CITY OF SAN ANTONIO**  
**Board of Adjustment**  
**Regular Public Hearing Agenda**

Cliff Morton Development and Business Services Center  
1901 South Alamo Street  
Board Room

**Monday, April 19, 2010**  
**1:00 PM**

**BOARD OF ADJUSTMENT MEMBERS**

Liz Victor – District 1	Jesse Zuniga – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
Vacant – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10 Chairman	
Maria Cruz	Paul Klein
Henry Rodriguez	Mimi Moffat
Harold Atkinson	Steve Walkup

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-10-024:** The request of Abel Hernandez, for a 3-foot variance from the requirement that a minimum 5-foot side setback be maintained in “RM-4” zoning districts, in order to keep an existing carport 2 feet from the north side property line, 1319 Autumn Moon.
5. **CASE NO. A-10-025:** The request of Joyce Janota and Charles Haile, for a 3-foot 10-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts, in order to re-build an accessory structure 1-foot 2-inches from the east side property line, 104 West Huisache Avenue.
6. **CASE NO. A-10-026:** The request of the City of San Antonio, for a special exception to allow a 6-foot tall front-yard fence in “C-3” zoning districts, 2307 Vance Jackson Road.

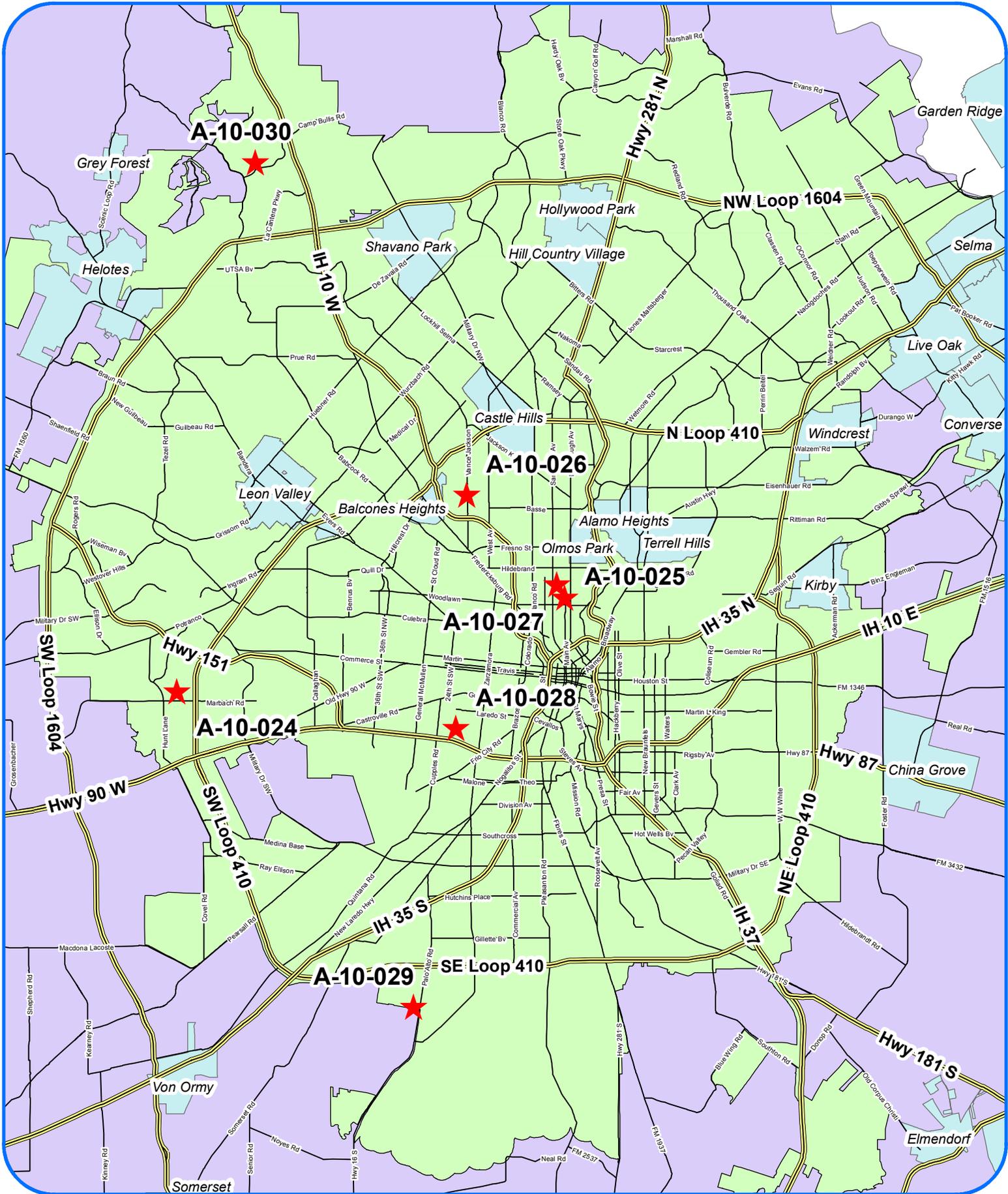
7. **CASE NO. A-10-027:** The request of John and Dianne MacDiarmid, for a 636-square foot variance from the requirement that the total floor area of accessory structures in residential zoning districts not exceed two-thousand five-hundred (2,500) square feet, in order to increase the total floor area of said structures to 3,136 square feet, 305 West Kings Highway.
8. **CASE NO. A-10-028:** The request of Robert Prats, for **1)** a 15-foot variance from the requirement that a maximum 20-foot front setback be maintained in “MF-33” zoning districts, in order to keep an existing structure 35 feet from the front property line and **2)** an 89-foot 6-inch variance from the requirement that a maximum 20-foot front setback be maintained in “MF-33” zoning districts, in order to erect a structure 110 feet, 6 inches from the front property line, 1128 Ceralvo Street.
9. **CASE NO. A-10-029:** The request of Martha Coronado, for a 3-foot, 10-inch variance from the requirement that a 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing structure 1-foot, 2-inches from the side property line, 11411 Gaylord Drive.
10. **CASE NO. A-10-030:** The request of Ned Stagg, for a 30-foot variance from the requirement that lots in “R-6” zoning districts maintain a maximum width of 150 feet, in order to erect a structure on a 180-foot wide lot, 6719 Wagner Way.
11. Briefing regarding amendments to Chapter 28 (Signs and Billboards) of City Code regarding on-premise digital signs
12. Discussion and possible action regarding potential amendments to the Unified Development Code
13. Consideration of possible cancellation of the May 3, 2010 public hearing.
14. Approval of the minutes from the regular meeting on April 5, 2010.
15. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
16. **Adjournment**

**Note:** The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: [www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)

At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

**ACCESSIBILITY STATEMENT**

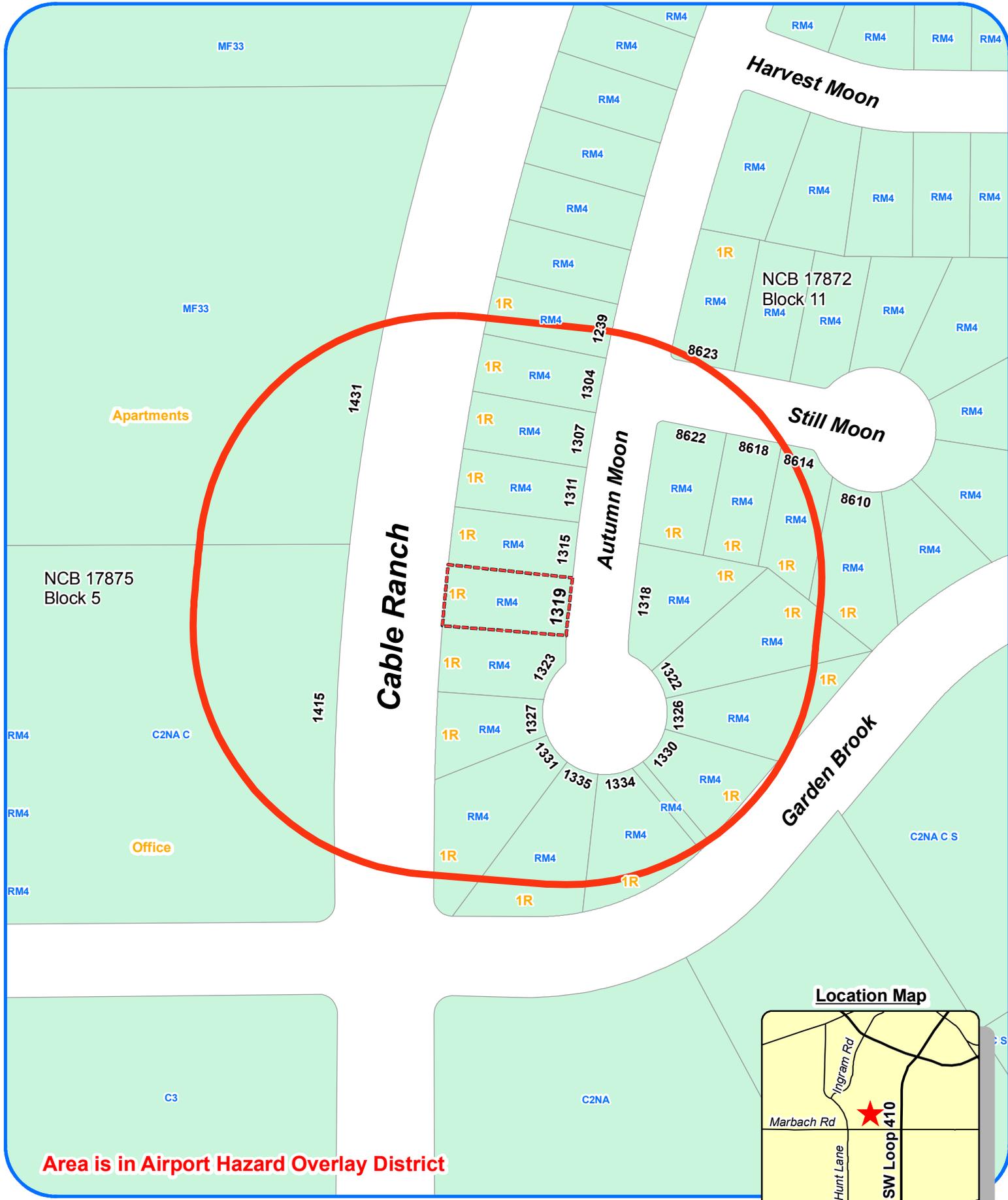
This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



# Board of Adjustment

Subject Property Locations  
Cases for April 19, 2010





**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-024**



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

Planning and Development Services Dept  
 City of San Antonio  
 (3/8/2010)



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-024  
Date: April 19, 2010  
Applicant: Abel Hernandez  
Owner: Cija M. Wilson  
Location: 1319 Autumn Moon  
Legal Description: Lot 25, Block 11, NCB 17872  
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District  
Subject: Minimum Side Setback Variance  
Prepared By: Jacob Floyd, Planner

#### **Summary**

The applicant requests a 3-foot variance from the requirement that a minimum 5-foot side setback be maintained in "RM-4" zoning districts, in order to keep an existing carport 2 feet from the north side property line.

#### **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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

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

Existing Zoning	Existing Use
Residential Mixed (RM-4) District	Single-Family Residence

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	Residential Mixed (RM-4) Districts	Single-Family Residences
South	Residential Mixed (RM-4) Districts	Single-Family Residences
East	Residential Mixed (RM-4) Districts	Single-Family Residences
West	Commercial (C-2NA), Multi-Family Residential (MF-33) Districts	Office, Multi-Family Residences

## Project Description

The applicant is requesting a variance from the requirement that a minimum 5-foot side setback be maintained in "RM-4" zoning districts, in order to keep an existing carport 2 feet from the north side property line. The applicant obtained a permit for the structure prior to construction, but failed to follow the requirements of the UDC and was cited for the violation of the setback requirements. The applicant obtained a permit for the construction of the carport (AP# 1607392) on February 17, 2010, at which time a plot plan indicating a space of 6 feet between the carport and north side property line and 10 feet between the carport and front property line. The location of the carport, as indicated by this plot plan, would have complied with the requirements of the Unified Development Code.

The applicant indicates that the literal enforcement of the ordinance will result in unnecessary hardship due to the size and shape of the driveway. Specifically, the applicant states that there is insufficient space between the property line and the driveway to meet the setback requirements without locating the posts supporting the structure in the middle of the driveway. Additionally, the applicant states that code compliance looked at the carport while it was being built and did not advise them of the setback violations. However, when a Planning and Development Services Department inspector inspected the property on March 3, 2010 the applicant was informed of the setback violation and instructed to correct the problem.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a Neighborhood Association or a Community Plan.

## Criteria for Review

According to Section 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 granting of the variance would be contrary to the public interest as the location of the carport is such that it creates a visual obstruction to the adjacent property and, while*

~~not necessarily amounting to a hazard to pedestrians and vehicular traffic, it does significantly reduce the sight distance of the adjacent properties.~~

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

*The literal enforcement of the ordinance would not result in unnecessary hardship to the applicant as the property does not possess special physical conditions that would deny the applicant the reasonable use of the property without the variance. The subject property is of a width that is typical of this district and is not characterized by exceptional slope, geologic formation, or other special condition that makes the subject property different from any other.*

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

*The granting of the variance would not observe the spirit of the ordinance. The property may be enjoyed in a reasonable manner and used on an equal basis as other properties in the "RM-4" zoning district without the granting of the variance.*

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 granting of these variances would not authorize a use other than those specifically permitted in the "RM-4" 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 granting of the variance will not substantially injure the appropriate residential use of the adjacent conforming properties. However, the carport is contrary to the character of the district; no other properties in the neighborhood were observed as having a carport or appear to diminish openness of the streetscape.*

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 applicant is entirely self-created and not due to unique circumstances existing on the property, but rather is due to the failure of the applicant to ensure that the required setbacks were preserved during construction of the carport. The applicant was issued a permit for the structure based on a submitted site plan showing compliance with the setback requirements of the "RM-4" zoning district.*

### **Staff Recommendation**

Staff recommends that **A-10-024, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not possess any physical

condition that distinguishes it from similar properties nor would the literal enforcement of the required setbacks deny the applicant the reasonable use of the subject property as a residence. The plight of the applicant is self created and not the result of a unique circumstance existing on the property. The applicant was issued a permit for the carport based on the submitted plot plan illustrating that all setback requirements would be maintained.

**Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Plot Plan

Attachment 4 – Applicant's Submitted Survey

Attachment 5 – Permit Application Submitted 2-16-2010

*Autumn Moon*



**Board of Adjustment**  
Plot Plan for  
**Case A-10-024**



Scale: 1" approx. = 20'  
Council District 6

**1319 Autumn Moon**

Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)



# CITY of SAN ANTONIO

Planning & Development Services Department  
1901 S. Alamo  
San Antonio, Texas 78204

[www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)  
Telephone Number (210) 207-1111  
Fax Number (210) 207-0102

1607392

## GENERAL REPAIR/RESIDENTIAL PERMIT APPLICATION (Minor Commercial Repairs Application/Note: Other documentation may be required)

Date: 2-16-10	Address: 1319 Autumn Moon San Antonio Tx 78227		
Lot: 26	Block: 11	NCB:	Owner Name:
Job Cost: \$		All work must conform to the 2009 International Residential or Building Codes. Separate permits are required for mechanical, electrical and/or plumbing work.	

### PERMIT TYPE (Check the work that the permit will cover):

- Room Addition (Less than 1,000 sq ft & 1-story only) Square feet: 419 sq ft  
 Air conditioning/heating system (circle one): 

None	Wall	Extended from main	New split system
------	------	--------------------	------------------

  
 Require Site plan\* with application  
 Requires 3rd party energy conservation inspection during construction if air conditioned/heated (See IB 167)
- Accessory Structure (Larger than 200 square feet & 1-story only – No dwelling or living areas)  
 Require Site plan\* with application
- Deck larger than 200 sq ft, > 30" above grade, attached to dwelling, or serves a required exit door (2009 IRC)  
 Require Site plan\* with application
- Residential Swimming Pool (in-ground & above-ground greater than 5,000 gallons)  
 Require Site plan\* with application and compliance with Appendix G of the 2009 IRC
- Carports/Patio Covers/Porch Covers – Type II (metal) or Type V (wood)  
 Require Site plan\* with application
- Foundation Repair Foundation Type: \_\_\_\_\_ Type & Number of Piers: \_\_\_\_\_  
 Require engineer's letter or design
- General Repairs (Structural Changes only) (Check type of work – all that apply):
- Windows (excludes replacing broken glass)  
 Walls (excludes paint, wallpaper and repair of sheet rock unless studs are moved or altered)  
 Siding (replacement – excludes placing of new siding over existing)  
 Doors (excludes replacement of existing door on current hinges)  
 Floor (structural – excludes floor covering such as carpet, tile, wood/laminate flooring)

Contractor Name	Contractor ID#:	Escrow: YES     or NO
Registered License Holder:	License #:	
Authorized Agent Name:	Contact ID#: AC	
Telephone:	Fax:	Email:
Other Contact ID# (s) associated with this permit:		

Work Summary: 419 sq ft wood attached carport to front

518-6098

I have read the completed application and know the same to be true and correct and hereby agree that if a permit is issued, all provisions of the City Ordinance will be complied with whether herein specified or not. I understand that the permit belongs to the property owner and I am an authorized agent.

Signature of applicant/owner: *[Signature]*

Date: 2-17-10

\*Applications require a detailed site plan to scale showing the size of the lot, the location of existing structure(s), locations of easements, and the proposed room addition/swimming pool or spa/carport or porch/patio cover/deck/ or accessory structure with distances to all adjacent property lines and other existing structures. Work site located in a floodplain or historic district may require additional City department approvals.

# PLOT PLAN

FOR  
BLDG PERMITS

Address 1319 Autumn Moon Lot 26

Block 11

NCB \_\_\_\_\_

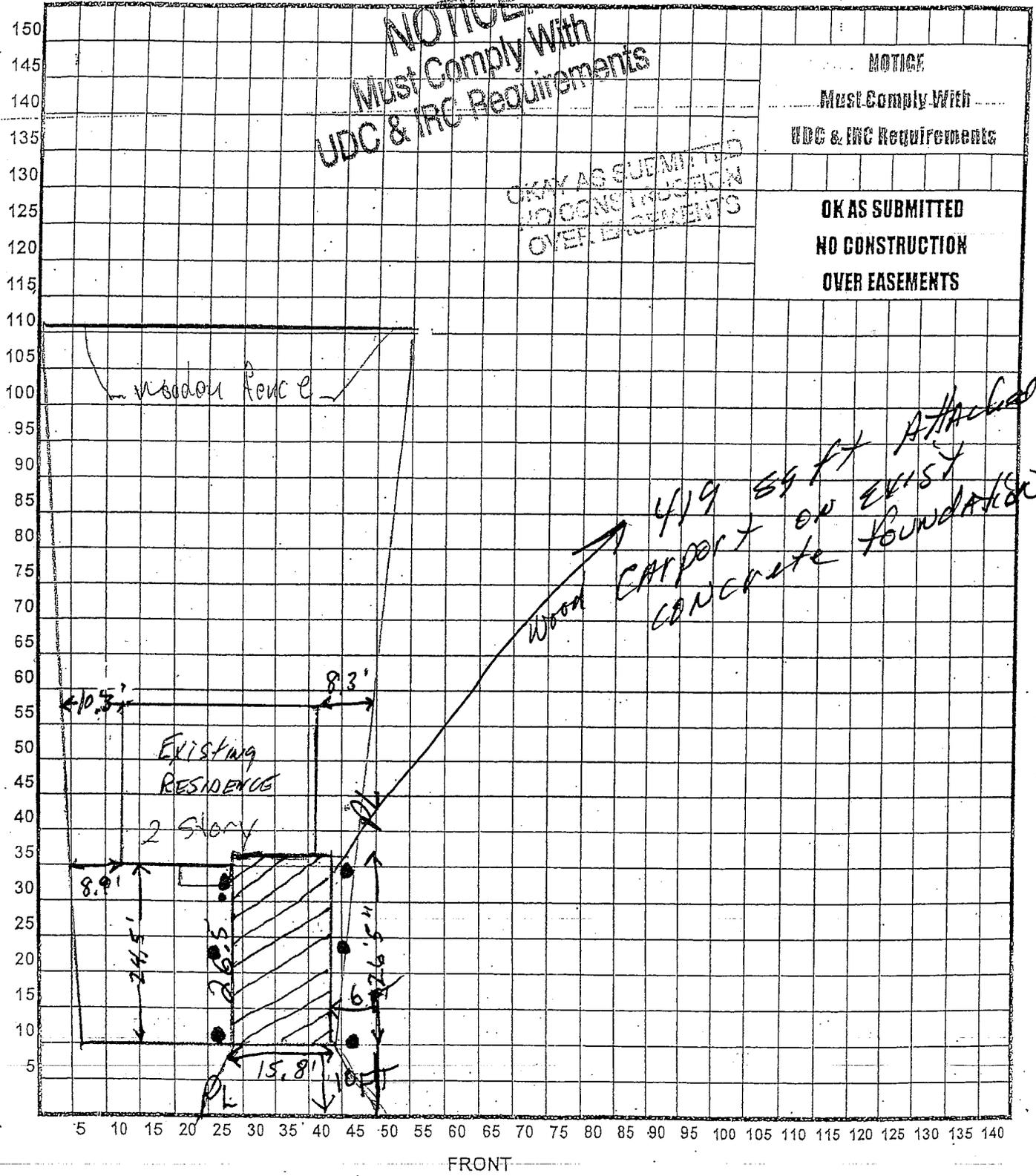
REAR

**NOTICE:**  
Must Comply With  
UDC & IRC Requirements

**NOTICE**  
Must Comply With  
UDC & IRC Requirements

OK AS SUBMITTED  
NO CONSTRUCTION  
OVER EASEMENTS

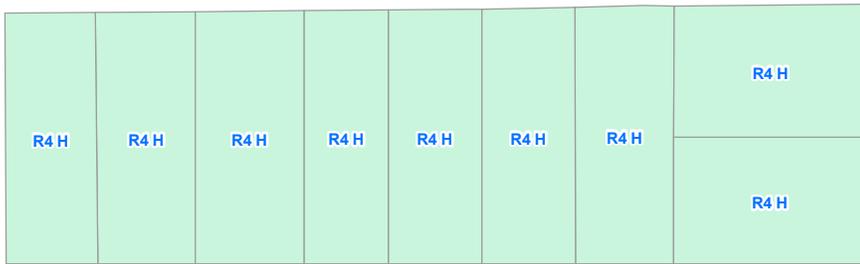
**OK AS SUBMITTED**  
**NO CONSTRUCTION**  
**OVER EASEMENTS**



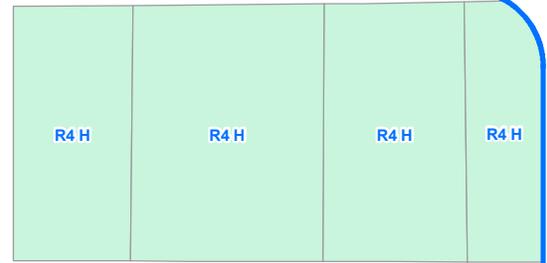
I certify that the above plot plan shows all improvements on this property

2-17-2010

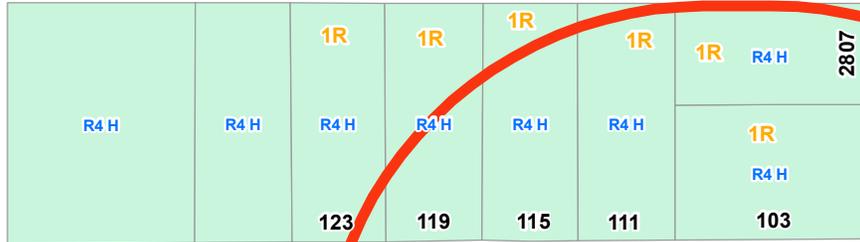
*Red [Signature]*



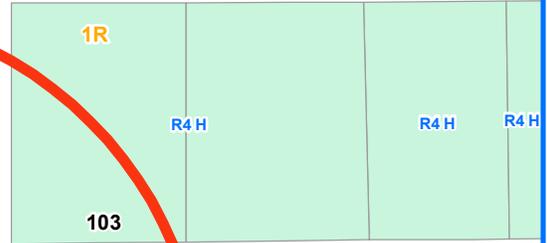
NCB 1769 Block 5



NCB 1702 Block 6



NCB 1770 Block 7

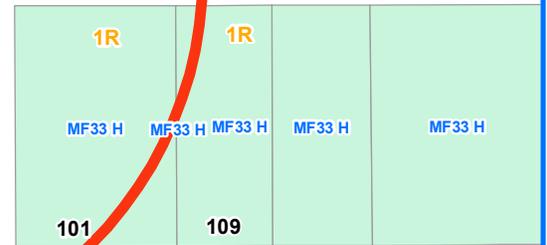
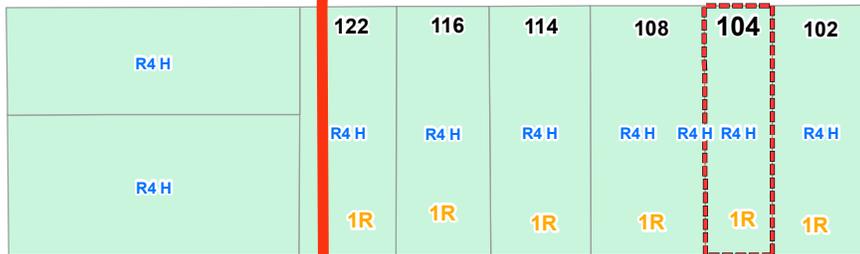


NCB 1703 Block 8

**W. Huisache Ave.**

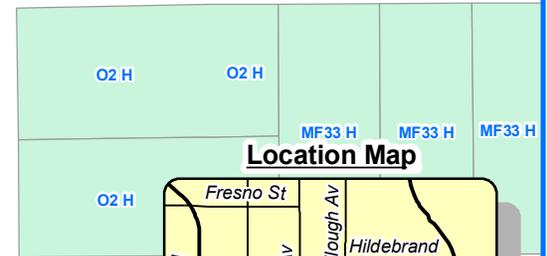
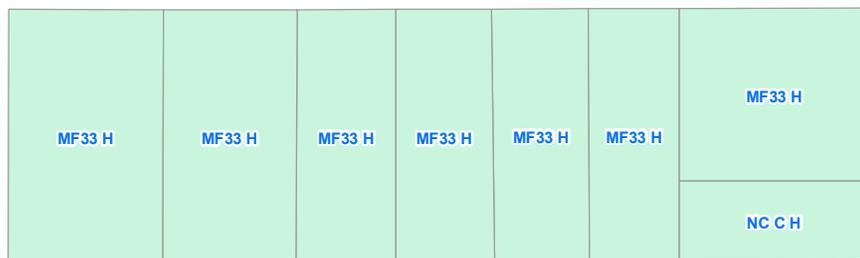
**E. Huisache Ave.**

**N. Main Ave.**



**W. Magnolia Ave.**

**E. Magnolia Ave.**



**Area is in Airport Hazard Overlay District**

**Location Map**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-025**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 1



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-025  
Date: April 19, 2010  
Applicant: Joyce Janota & Charles Haile  
Owner: Joyce Janota & Charles Haile  
Location: 104 West Huisache Avenue  
Legal Description: The East 40 feet of Lot 8, Block 7, NCB 1770  
Zoning: "H R-4 AHOD" Residential Single-Family Airport Hazard Overlay Monte Vista Historic District  
Subject: Minimum Side Setback Variance  
Prepared By: Jacob Floyd, Planner

#### **Summary**

The applicant requests a 3-foot 10-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-4" zoning districts, in order to re-build an accessory structure 1-foot 2-inches from the east side property line.

#### **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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

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

Existing Zoning	Existing Use
Historic Residential Single-Family (R-4) District	Single-Family Residence

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	Historic Residential Single-Family (R-4) District	Single-Family Residences
South	Historic Multi-Family (MF-33) District	Single-Family Residences
East	Historic Residential Single-Family (R-4) District	Single-Family Residences
West	Historic Residential Single-Family (R-4) District	Single-Family Residences

## Project Description

The applicant is requesting a variance from the requirement that a minimum 5-foot side setback be maintained in "R-4" zoning districts, in order to re-build an accessory structure 1-foot 2 inches from the east side property line. The applicant was granted a Certificate of Appropriateness from the HDRC on March 17, 2010. The current accessory structure is in poor condition and the applicant desires to re-build the structure on the existing footprint.

The subject property is approximately 40 feet wide, slightly greater than the 35 foot minimum width required by this zoning district, but less than the typical 50 foot width in this area. The accessory structure currently accommodates approximately 17 feet of open space between it and the west side property line, an amount which the proposed construction would reduce to 14 feet 10 inches. The applicant indicates this narrowness would result in unnecessary hardship through the literal enforcement of the ordinance as relocating the structure to meet the required side setbacks would substantially reduce the usable area of the rear yard as well as cause a significant reduction in the contiguous green space of the rear yard.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Monte Vista Neighborhood Plan. The subject property is not located within the boundaries of a Neighborhood Association registered as of March 29, 2010.

## Criteria for Review

According to Section 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 granting of the variance would not be contrary to the public interest. The proposed structure is to be located in the footprint of a structure in existence since approximately 1920.*

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

*The literal enforcement of the ordinance would result in unnecessary hardship as the width of the subject lot is less than is typical of this district. The literal enforcement of the side setback requirements would significantly reduce the contiguous usable space of the rear yard.*

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

*The granting of the variance would observe the spirit of the ordinance by allowing the applicant to preserve the limited open space of the rear yard and maintaining the established location of the accessory 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 granting of these variances would not authorize a use other than those specifically permitted in the "R-4" 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 granting of the variance will not substantially injure the appropriate residential use of the adjacent conforming properties nor does staff believe that it would alter the character of the district. The recognized pattern of development of this historic district is distinct from that of modern development and includes accessory structures situated in this manner.*

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 property is due to the narrowness of the subject property and is not merely due to financial considerations. This condition is unique to the subject property, as the typical width of lots in the district is approximately 50 feet.*

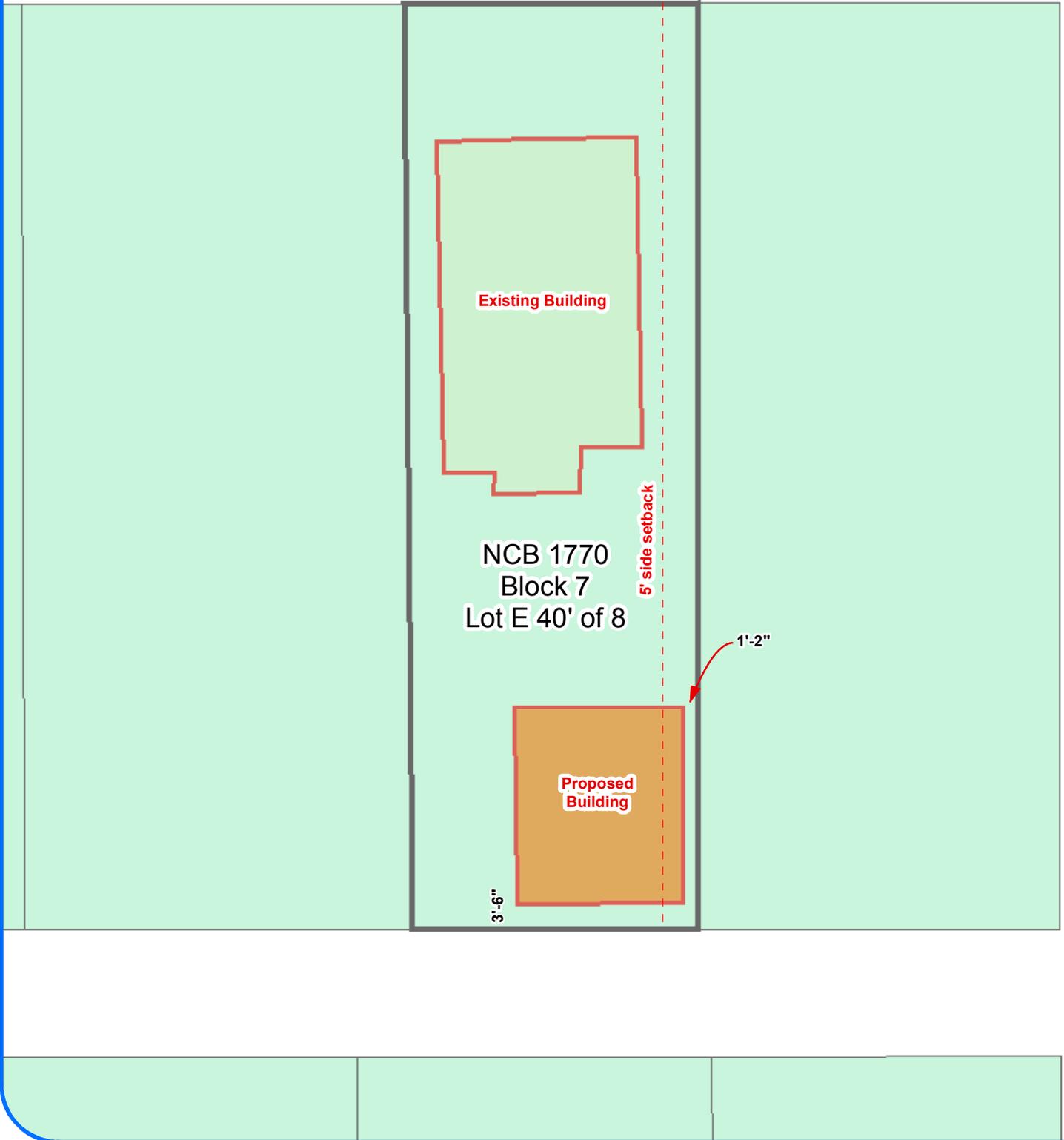
### **Staff Recommendation**

Staff recommends that **A-10-025, be approved** because the findings of fact have been satisfied as presented above. The granting of the variance will allow the applicant to maintain the traditional location of accessory structures on this property, as well as preserve the contiguity of the green space of the rear yard.

### **Attachments**

- Attachment 1 – Location Map
- Attachment 2 – Plot Plan
- Attachment 3 – Applicant's Proposed Site Plan
- Attachment 4 – Property Survey circa 12/2000
- Attachment 5 – HDRC Certificate of Appropriateness
- Attachment 6 – Sanborn Fire Insurance Map circa 1953

# W. Huisache St.



**Board of Adjustment**  
Plot Plan for  
**Case A-10-025**

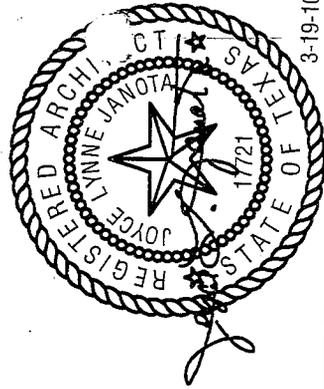


Scale: 1" approx. = 20'  
Council District 1

**104 W Huisache Ave**

Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)

ES' HUISACHE AVE



3-19-10

JOB No.: JH-001

DRAWN: jjj

CHECKED: COH

SHEET

**SITE**

OF 1

**MAIN HOUSE**  
104 W HUISACHE AVE

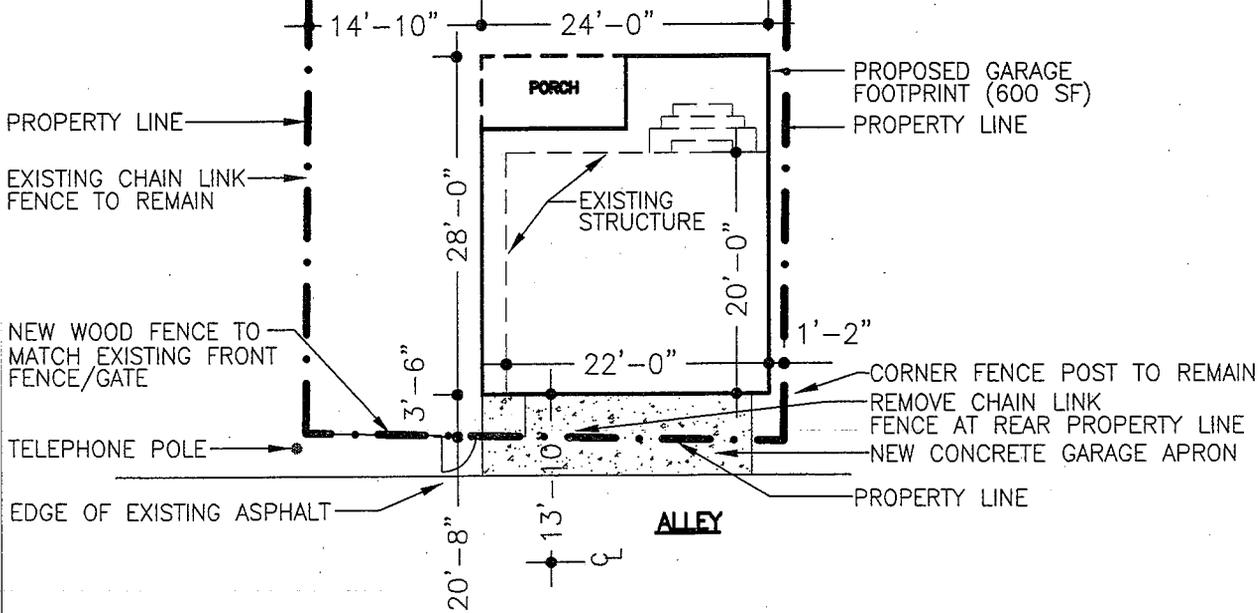
EXISTING WOOD FENCE  
NEW WOOD FENCE AT  
ALLEY TO MATCH

EXISTING WOOD FENCE  
NEW WOOD FENCE AT ALLEY  
TO MATCH

# JANOTA - HAILE GARAGE

## SET BACK VARIANCE - ATTACHMENT A

104 WEST HUISACHE AVE  
SAN ANTONIO, TEXAS 78212



**SITE PLAN**

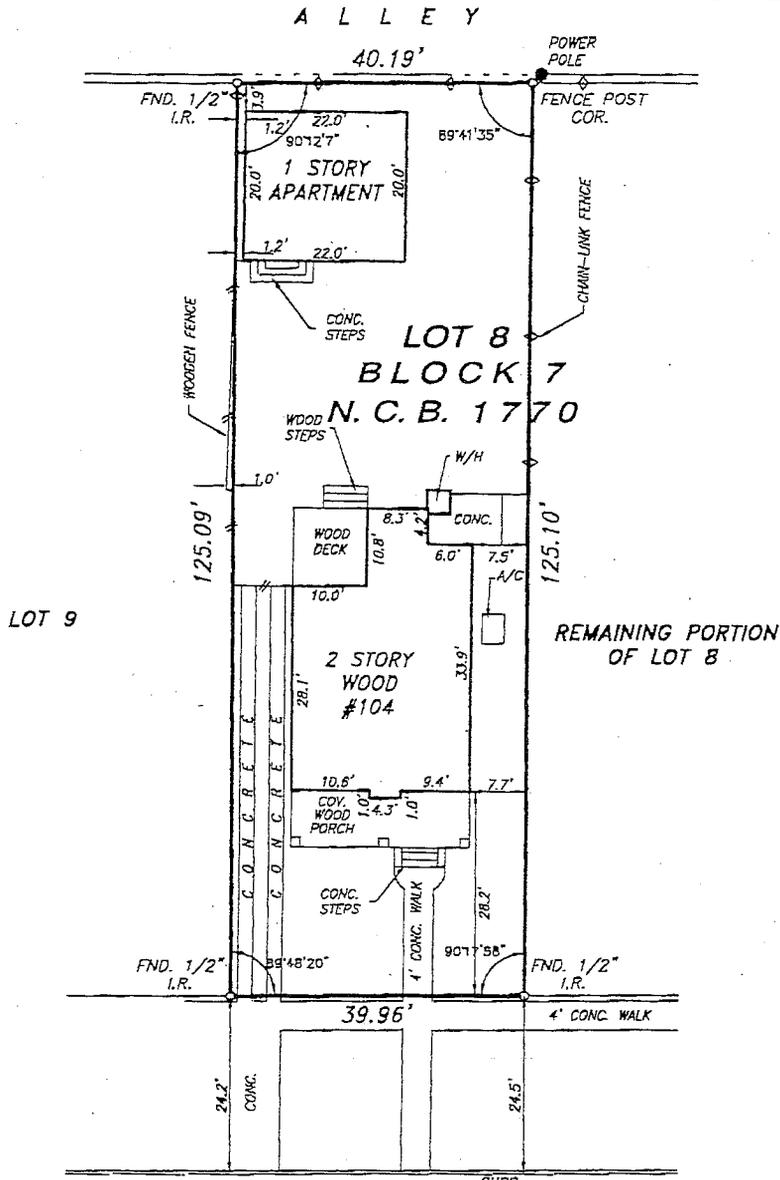
1/16" = 1'-0"

PROPERTY LINE

DATE: 3-19-10

**STUDIO SENY**  
 Architecture Interior Design  
 104 West Huisache  
 San Antonio, TX 78212  
 Phone (210) 735-5093  
 mail@studioseny.com

SUBJECT TO RESTRICTIVE COVENANTS AND / OR EASEMENTS RECORDED IN:  
 VOL. \_\_\_\_\_, PAGE \_\_\_\_\_, RECORDS VOL. \_\_\_\_\_, PAGE \_\_\_\_\_, RECORDS  
 \_\_\_\_\_ COUNTY, TEXAS



NOTE:  
 VERIFY ALL BUILDING SETBACK  
 LINES

**W. HUISACHE**  
 50' R.O.W.

SCALE: 1" = 20'

FIELD WORK COMP. 12-15-00

CHECKED BY: RVG

Lot(s) EAST 40' OF LOT 8 Block 7 N.C.B. 1770  
 Addition or Subdivision \_\_\_\_\_  
 Volume \_\_\_\_\_, Page \_\_\_\_\_ of the DEED & PLAT records of BEXAR County, Texas.  
 Address: 104 W. HUISACHE CF No. SF 02-10003703  
 Reference number: CHARLES O. HAILE

To: The Lienholder and/or Landowner and to ALAMO TITLE COMPANY  
 the above plat is true and correct according to an actual survey made on the ground, under my  
 supervision. I further certify that all easements and right-of-ways of which I have  
 been advised are shown hereon and that, except as shown hereon, there are no  
 apparent encroachments, overlapping of improvements or conflicts in the boundary lines,  
 and no obvious physical evidence of easements or right-of-ways by use as of the  
 date of the field survey. This certification is made and limited to those persons or  
 entities shown on the face of this survey and is non-transferable.

Registered Professional Land Surveyor

**R** RONNFELDT ENGINEERING CONSULTANTS, INC.  
 7272 WURZBACH ROAD, SUITE 1101  
 SAN ANTONIO, TEXAS 78240 (210) 215-8439

Date	Revision	By

JOB NO. 02-1143



# CITY OF SAN ANTONIO

## HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

March 17, 2010

**HDRC CASE NO:** 2010-083  
**ADDRESS:** 104 W. Huisache Ave.  
**LEGAL DESCRIPTION:** NCB 1770 BLK 7 LOT E, 40 FT OF 8  
**HISTORIC DISTRICT:** Monte Vista Historic District  
**APPLICANT:** Joyce Janota & Charlie 104 W. Huisache Ave.  
**OWNER:** Joyce Janota & Charlie Haile  
**TYPE OF WORK:** Partial demolition and addition

### REQUEST:

The applicant is requesting conceptual approval to remodel and enlarge an existing guest quarters building.

1. Work will include repair and renovation of an existing guest quarters to include an expanded footprint. The renovated accessory building will include an unfinished garage on the first floor and unfinished storage area in the attic.
2. Construction will include a new concrete slab and apron to existing alley for garage entry, wood framing, exterior finishes including windows, siding, and roofing, interior electrical work, and plumbing including rough-in for future conversion of attic space to guest quarters.
3. Additional work will include new roofing on main house to match new garage roof and new wood fence along alley side of property to replace existing chain link and match fence on north side of property.

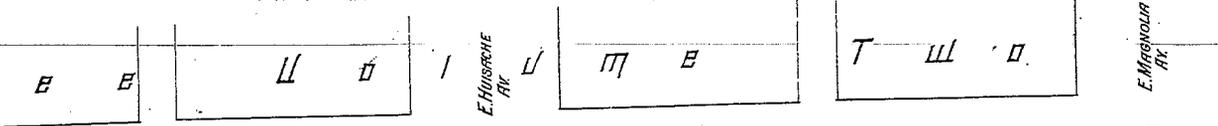
### RECOMMENDATION:

Staff recommends approval as submitted. The existing out-building is in need of major work. The new construction responds the design of the main house and is appropriate for the site and district.

### COMMISSION ACTION:

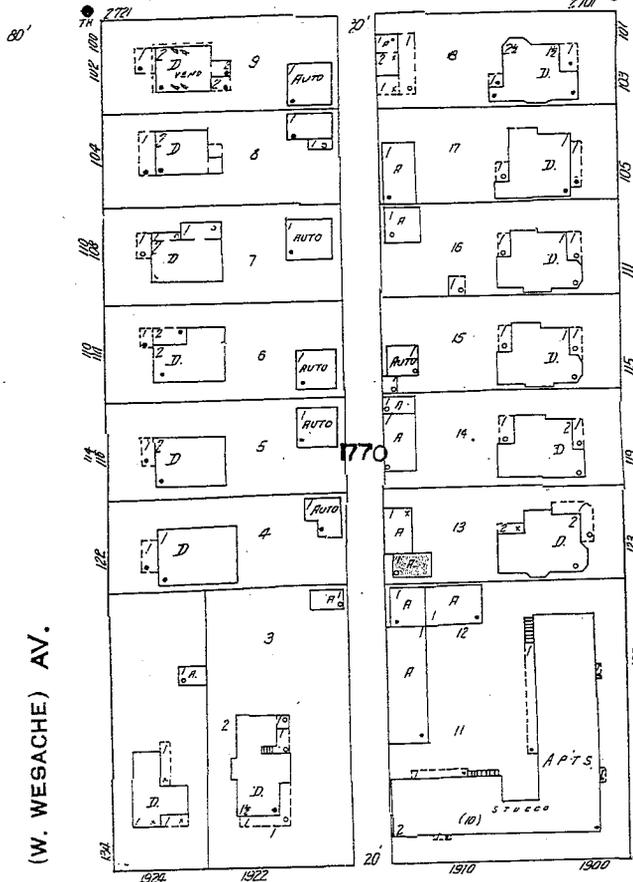
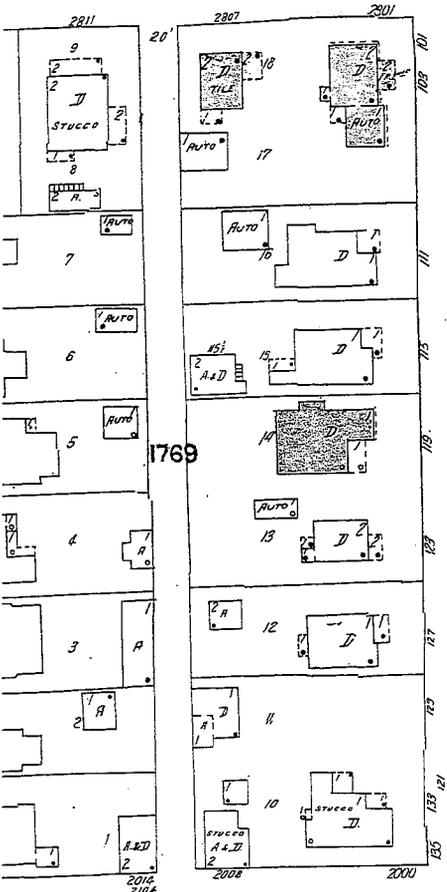
Approved as submitted.

Shanon Peterson Wasielewski  
Historic Preservation Officer



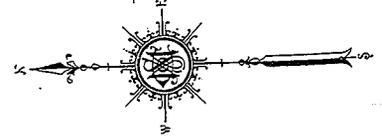
N. MAIN

AV. NOT PAVED



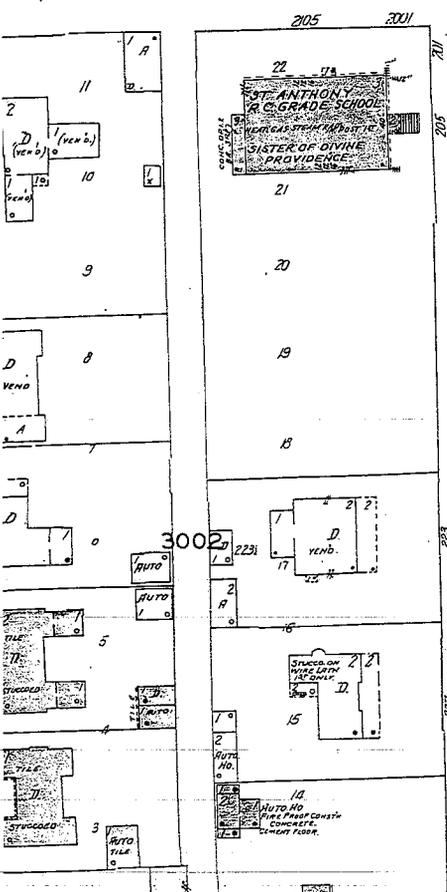
(W. WESACHE) AV.

AV. GRAVELEDO



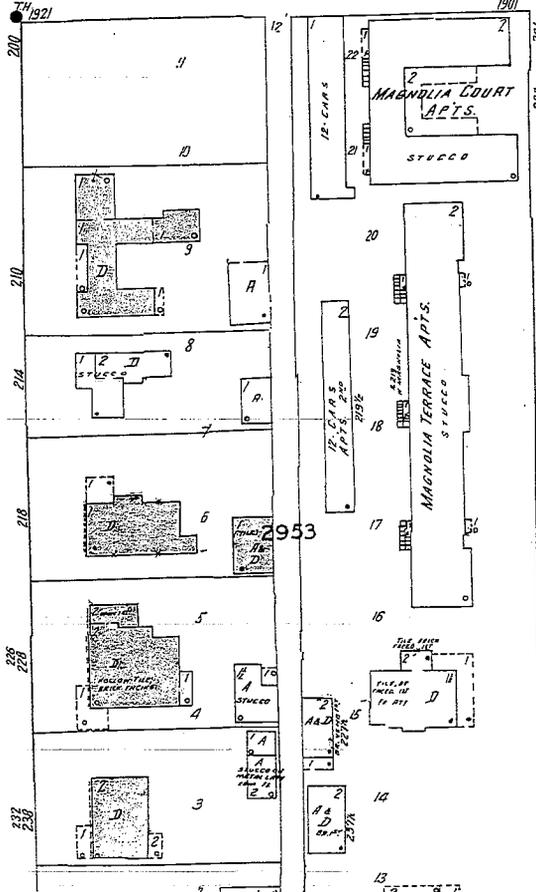
HOWARD

GRAVELEDO



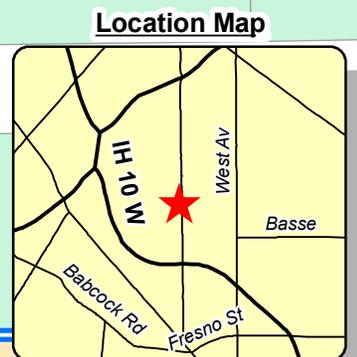
W. HUISACHE

W. MAGNOLIA





**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-026**



**Legend**  
 Subject Property   
 200' Notification Boundary   
 Scale: 1" approx. = 100'  
 Council District 1



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-026  
Date: April 19, 2010  
Applicant: City of San Antonio  
Owner: City of San Antonio  
Location: 2307 Vance Jackson Road  
Legal Description: Lot 1, Block 2, NCB 10183  
Zoning: "C-3 R AHOD" General Commercial Restrictive Alcoholic Sales  
Airport Hazard Overlay District  
Subject: Special Exception for a front-yard fence in a commercial zoning  
district  
Prepared By: Mike Farber, Planner

#### **Summary**

The applicant requests a special exception to allow a 6-foot tall front-yard fence in a "C-3" zoning district.

#### **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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

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

Existing Zoning	Existing Use
C-3 NA AHOD, General Commercial District	Vacant/future fire station

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 AHOD Commercial District	Retail Shopping Center
South	C-2/C-3 AHOD Commercial Districts	Commercial Auto Repair
East	MF-33 AHOD Multi-Family District	Apartments
West	R-4 AHOD Residential Single-Family District	Single-Family Residences

## Project Description

The applicant is requesting a special exception for a 6-foot tall ornamental-iron front-yard fence. The proposed fence will enclose the majority of the property, with the future intention being security for a proposed fire station.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of both the Dellview Neighborhood Association and the Greater Dellview Area Community Plan.

## Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.05):

1. The special exception will be in harmony with the spirit and purpose of the chapter:

*The requested special exception is in harmony with the spirit and purpose of this chapter in that proposed fence will follow the specified criteria established in Section 35-399.05 of the Unified Development Code.*

2. The public welfare and convenience will be substantially served:

*The requested special exception will serve the public welfare in that this proposed fence will act as a necessary security measure for the proposed fire station.*

3. The neighboring property will not be substantially injured by such proposed use:

*The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain commercial in nature.*

4. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought:

*It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that six foot tall fences are a fairly common feature in the vicinity of the subject property.*

5. The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:

*The purpose of the district is to promote the public health, safety, morals, or general welfare. The granting of this special exception will not weaken this purpose, nor will it weaken the regulations established for this district.*

### **Staff Recommendation**

It does not appear that the granting of this special exception would alter the character of the neighborhood, nor would it appear to impose a hardship to neighboring properties. The fence as proposed appears to meet all of the limitations, conditions and restrictions set forth in Section 35-399.05 of the UDC. (A copy of the application indicating this is attached with this packet). Staff recommends **approval of A-10-026, 2307 Vance Jackson Road.**

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

**Vance Jackson**

NCB 10183  
Block 2  
Lot 1

Proposed 6' Tall Fence

**Eland Dr.**

**Board of Adjustment**  
Plot Plan for  
**Case A-10-026**

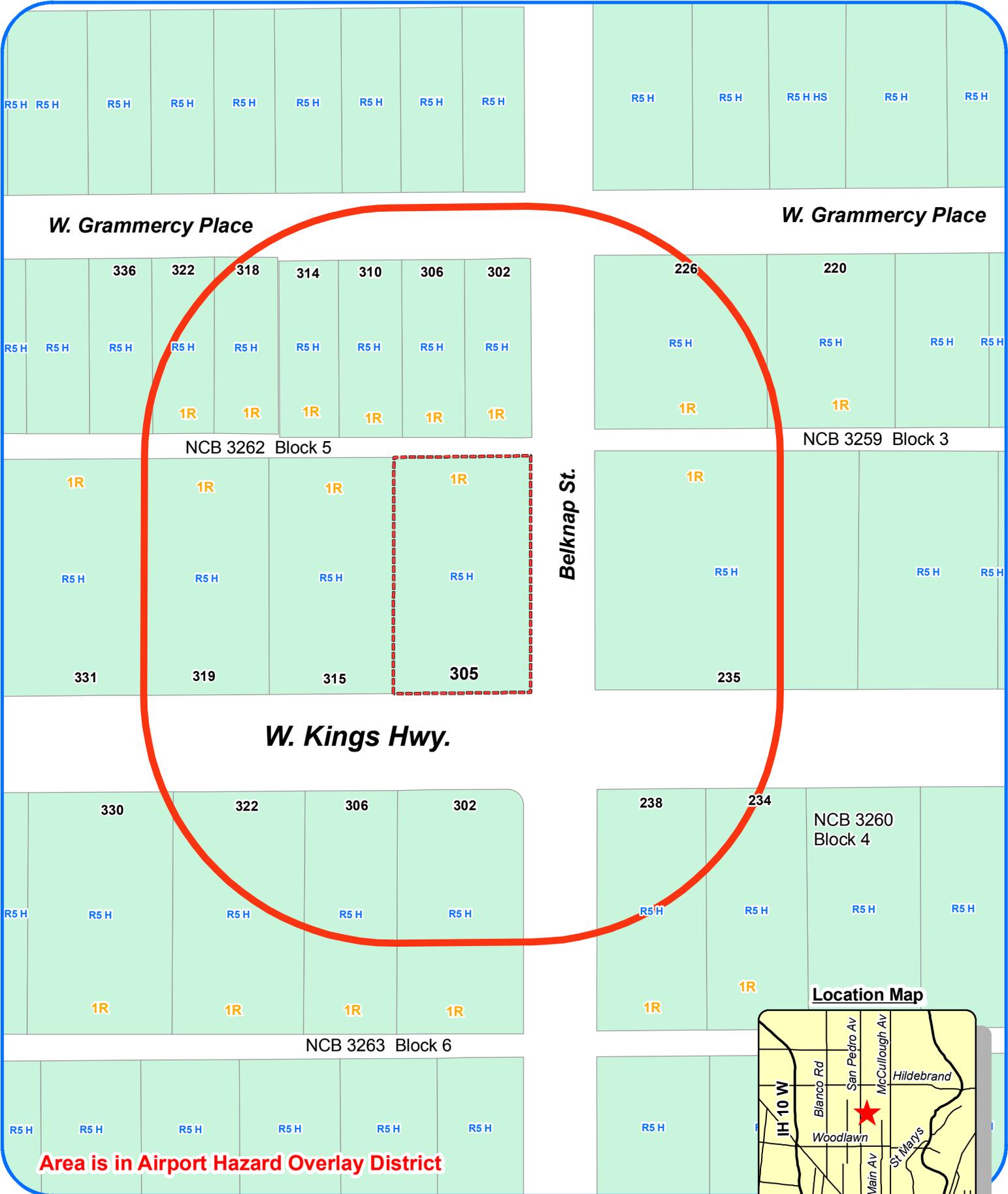


Scale: 1" approx. = 30'  
Council District 1

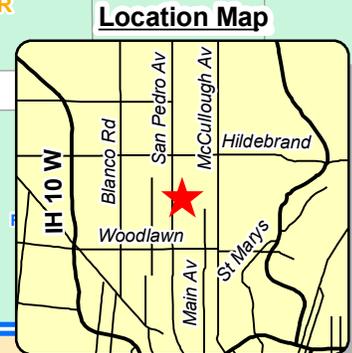
**2307 Vance Jackson**

Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)





**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-027**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 1



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-027  
Date: April 19, 2010  
Applicant: John & Dianne MacDiarmid  
Owner: John & Dianne MacDiarmid  
Location: 305 West Kings Highway  
Legal Description: Lot 6 and the East 25 feet of Lot 5, Block 5, NCB 3262  
Zoning: "H R-5 AHOD" Residential Single-Family Airport Hazard Overlay Monte Vista Historic District  
Subject: Accessory Structure Size Variance

#### **Summary**

The applicant requests a 636-square foot variance from the requirement that the total floor area of accessory structures in residential zoning districts not exceed two thousand five hundred (2,500) square feet, to increase the total floor area of said structures to 3,136 square feet.

#### **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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

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

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

## Surrounding Zoning/Land Use

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

## Project Description

The applicant is requesting a 636 square foot variance from the requirement that the total floor area of accessory structures in residential zoning districts not exceed two thousand five hundred (2,500) square feet in order to construct an accessory structure with a total floor area of 3,136 square feet. The proposed structure is a garage attached to an existing accessory detached dwelling unit and will replace an existing carport and storage structure.

The applicant received a Certificate of Appropriateness from the Historic and Design Review Commission for approval to demolish the existing carport/utility storage and to erect the proposed garage.

The applicant was granted a 302 square foot variance from the accessory structure total floor area restriction of 2,500 square feet on March 16, 2009. However, due to a miscalculation of the floor area of the existing accessory dwelling unit the extent of the variance requested was insufficient to permit the construction as proposed. The current request before the board includes the correct floor area calculation.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Monte Vista Neighborhood Plan. The subject property is not located within the boundaries of a Neighborhood Association registered as of March 29, 2010.

## Criteria for Review

1. The variances are not contrary to the public interest:

*It does not appear that the granting of the variance would be contrary to the public interest. The proposed structure will be located in the approximate footprint of an existing carport and will be of a similar scale. Furthermore, staff believes that the replacement of the deteriorated existing structure would be advantageous to the area in general.*

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

*It does appear that the literal enforcement of the ordinance would result in unnecessary hardship as the existing structure is in a substantially deteriorated condition and a structure of lesser size would deny the continued use of the property to the extent currently enjoyed. Additionally, the area of the subject property is such that the granting of the variance will allow the proposed structure to be of a scale in keeping with the intent of the accessory structure regulations to preserve a compatible relationship between the size of the property and the scale of the structures thereon.*

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

*The granting of the requested variance appears to be in keeping with the spirit of the ordinance and would allow the property owner to replace a deteriorating structure with a structure of similar scale.*

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 sought will not authorize the operation of a use other than those uses specifically permitted 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.

*It does not appear that the granting of the requested variance will injure the appropriate use of adjacent property, nor will it alter the essential character of the district, as size and scale of the proposed construction is in keeping with the historic character of the district.*

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 intent of the accessory structure size restrictions are to prevent the overcrowding of lots, maintain a reasonable amount of open space, and ensure an appropriate relationship between the size of a lot and the scale of the structures built. Given the size of the subject property, approximately 19,500 square feet, the intent of the requirements will not be violated should the variance be granted.*

### **Staff Recommendation**

Staff recommends that **A-10-027, 305 West Kings Highway, be approved** because the findings of fact have been satisfied as presented above. The subject property appears to have unique characteristics that would create an undue hardship due to literal enforcement of the accessory structure size restrictions. Furthermore, the granting of these variances

will allow a continuation of the established development pattern of the district in terms of the size and scale of construction.

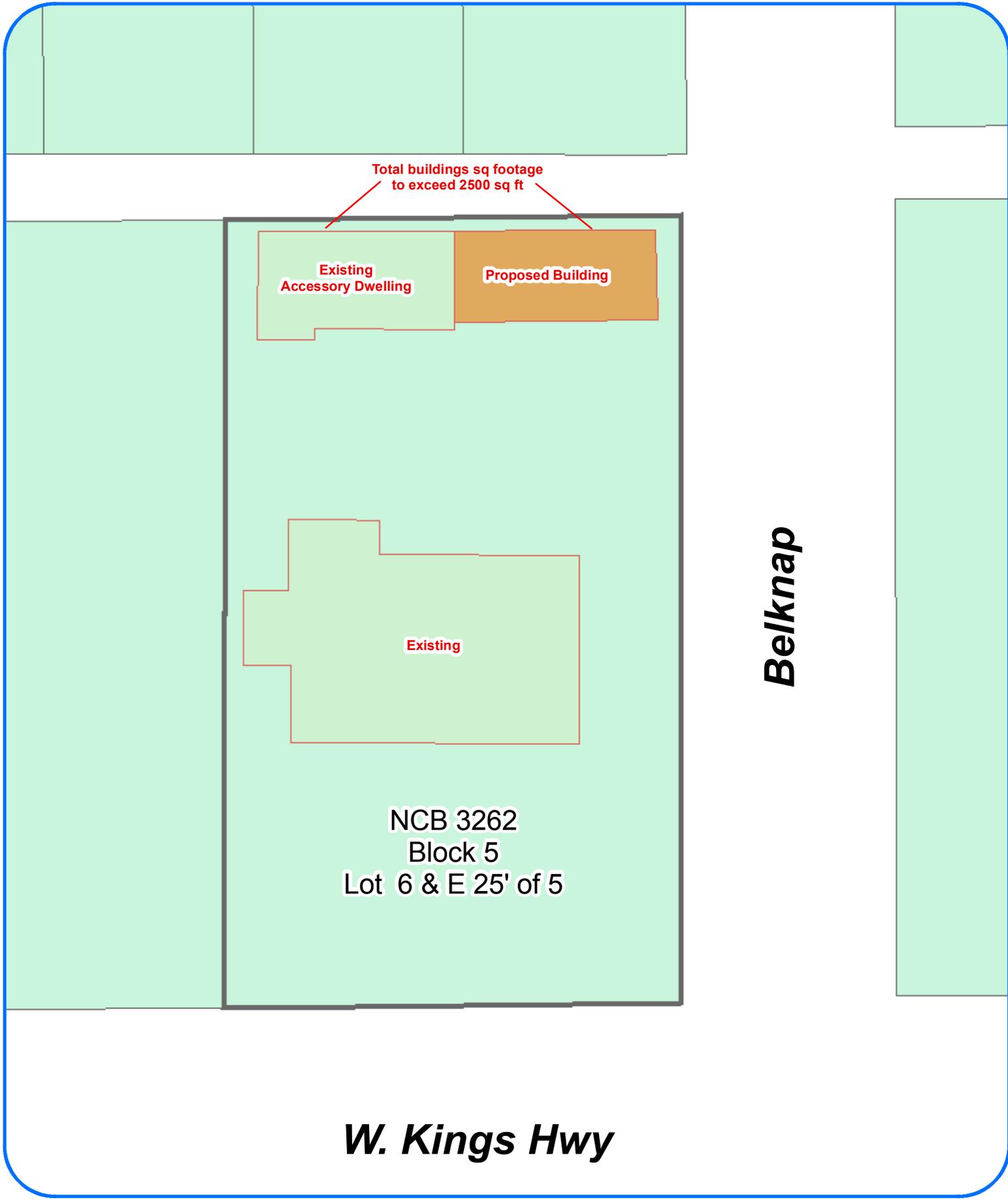
**Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – Applicant's Submitted Drawings



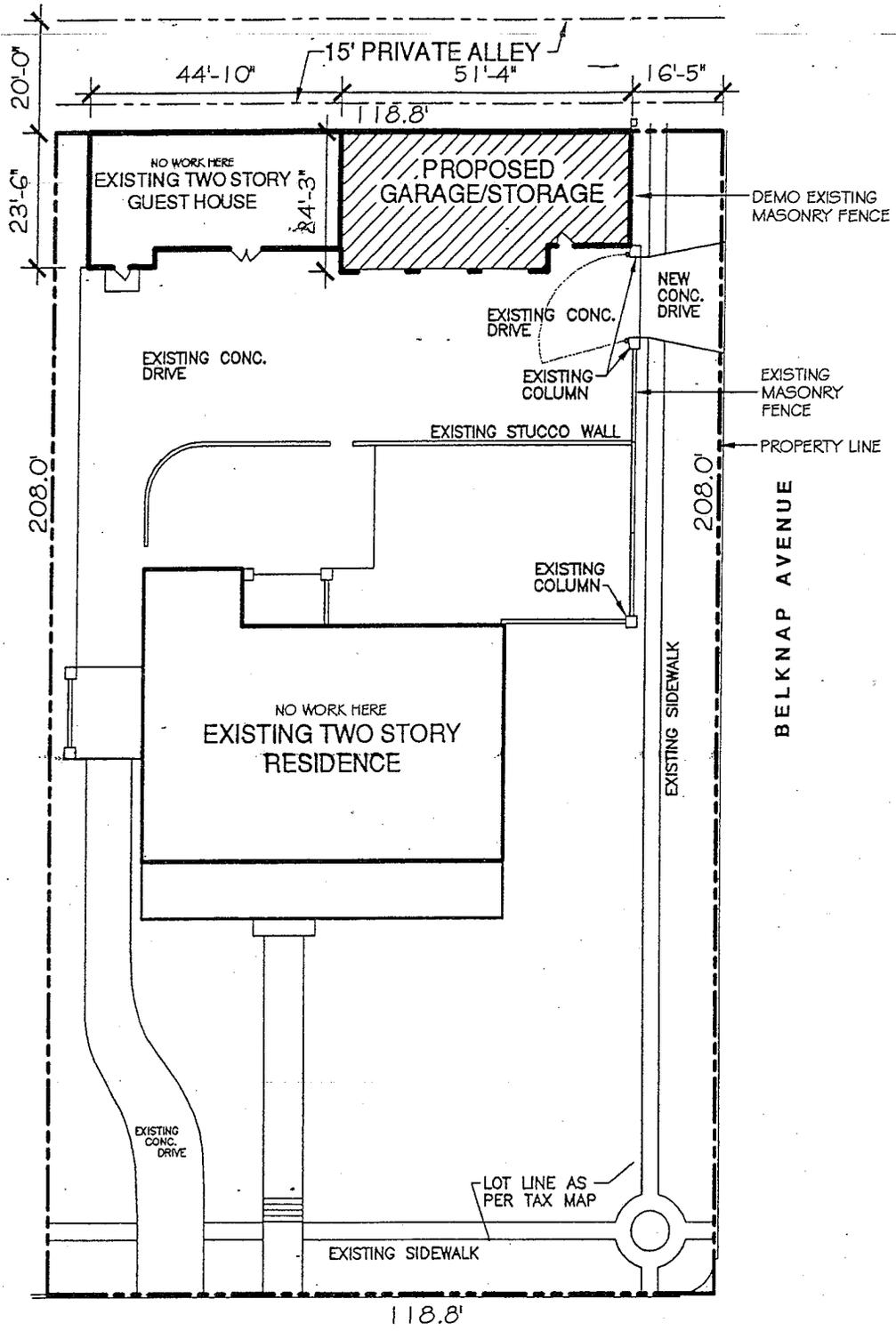
**Board of Adjustment**  
Plot Plan for  
**Case A-10-027**



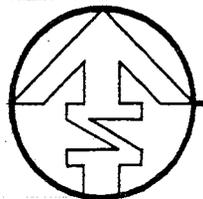
Scale: 1" approx. = 30'  
Council District 1

**305 W. Kings Hwy**

Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)



W. KINGS HIGHWAY

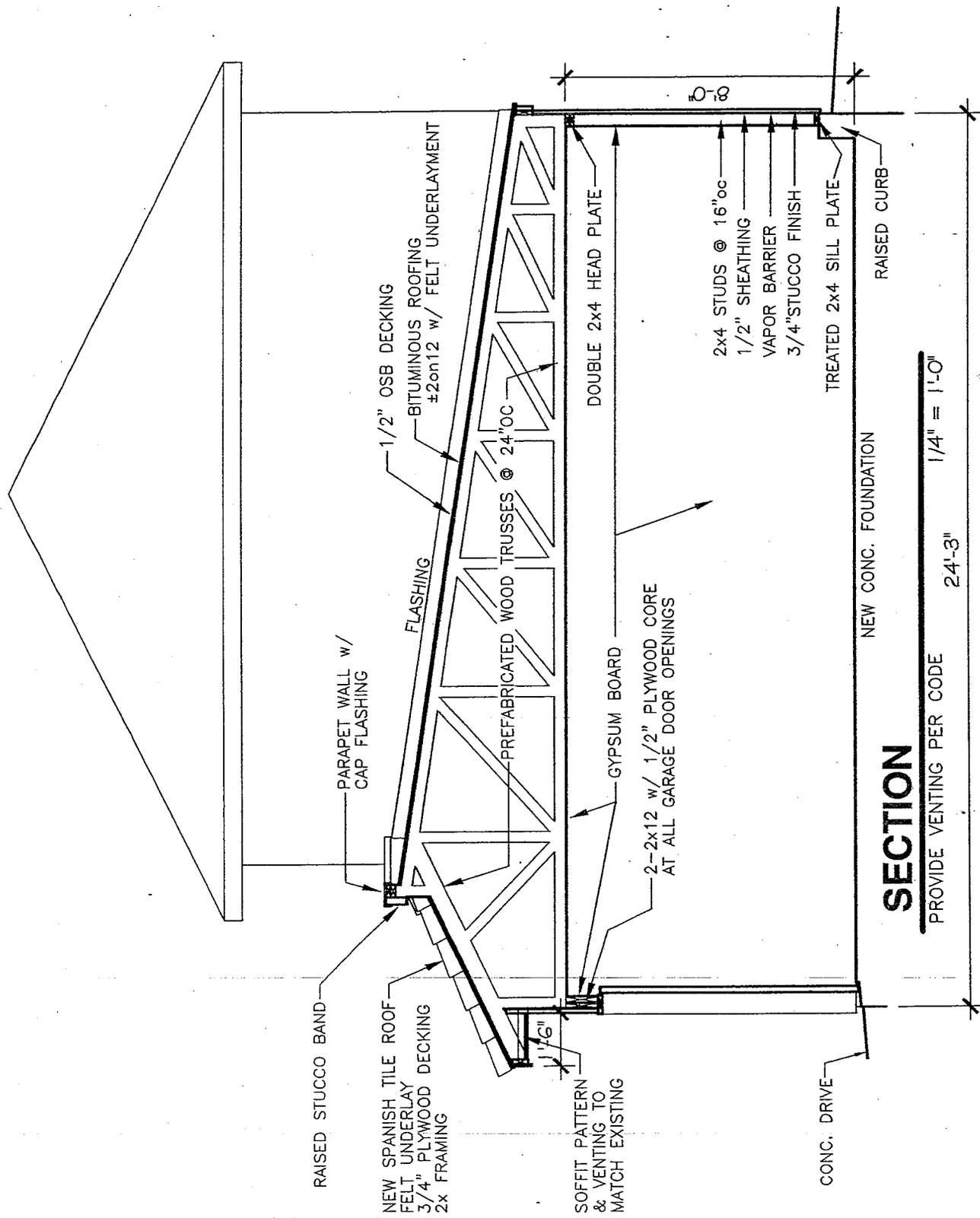


SITE PLAN

1" = 30'

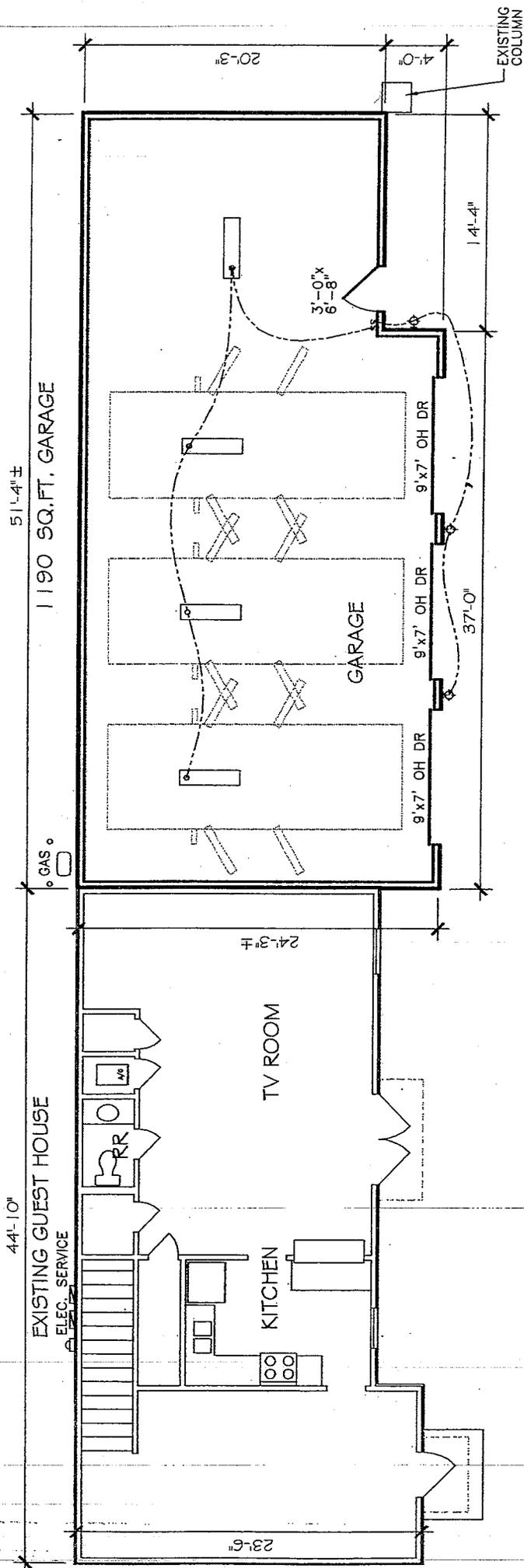
REVISED 3-17-10

**PROPOSED GARAGE REPLACEMENT**  
 305 W. KINGS HIGHWAY



REVISED 3-17-10

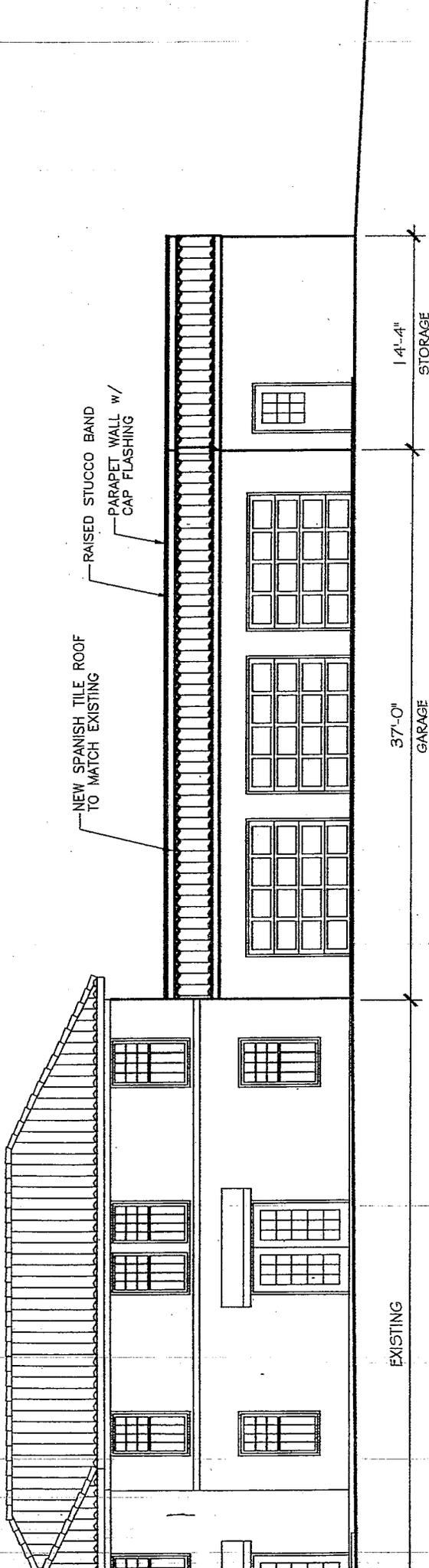
**PROPOSED GARAGE REPLACEMENT**  
**305 W. KINGS HIGHWAY**



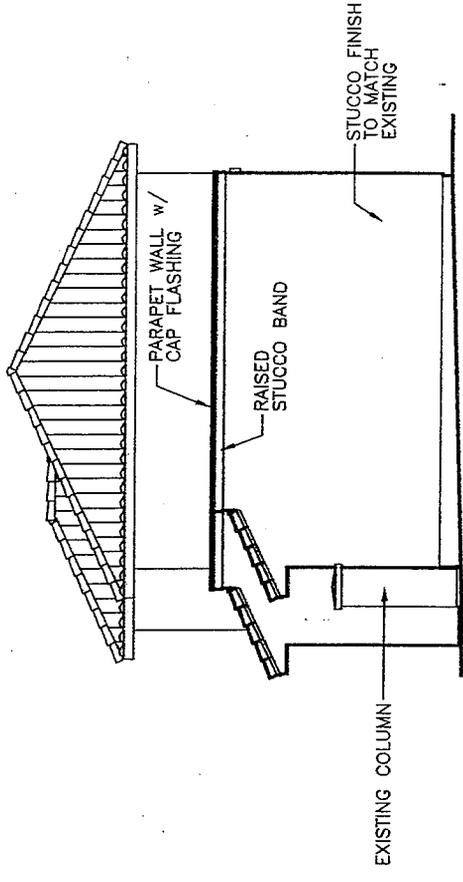
**FLOOR PLAN**

REVISED 3-17-10

**PROPOSED GARAGE REPLACEMENT**  
 305 W. KINGS HIGHWAY



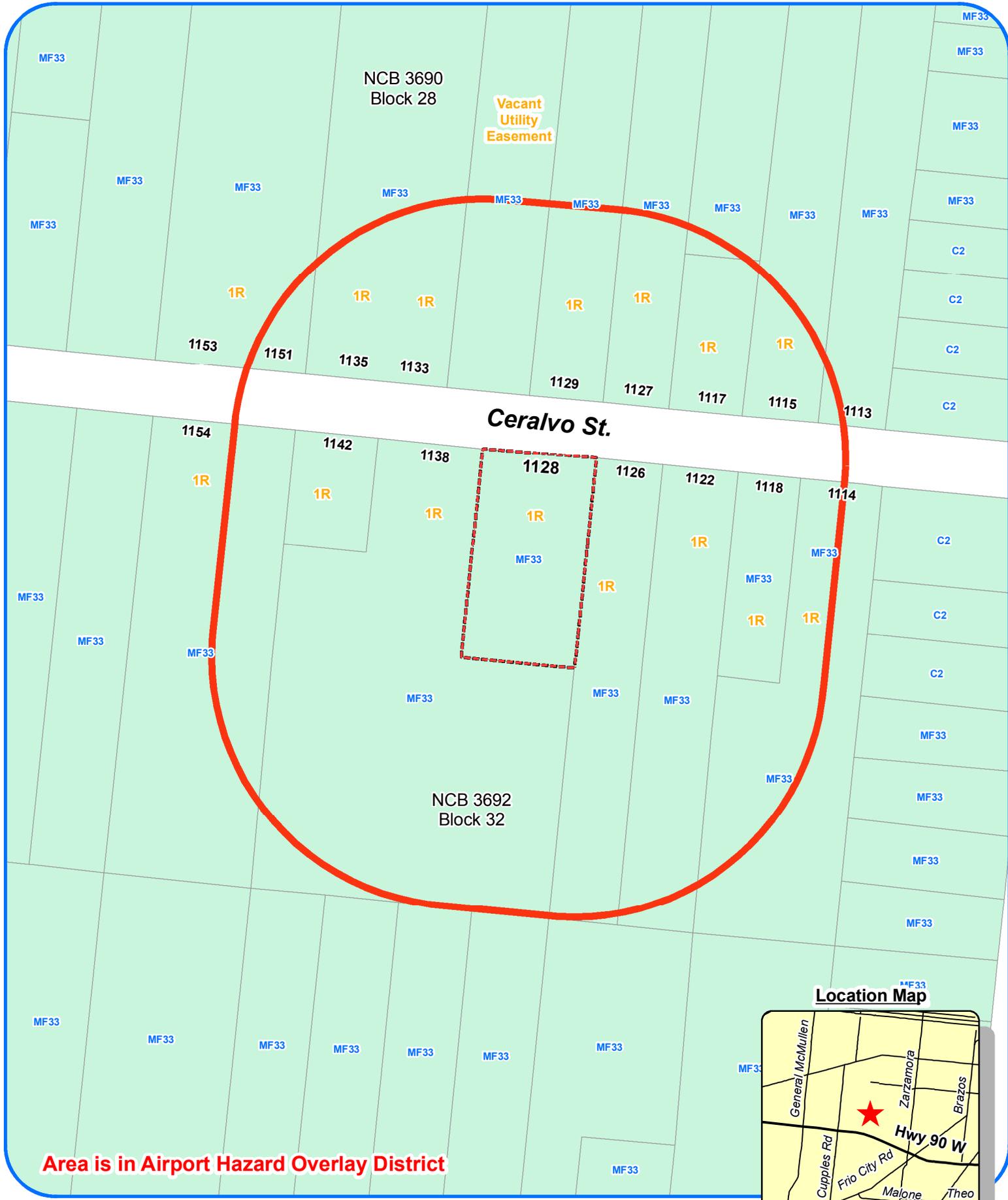
**FRONT ELEVATION** 1" = 10'



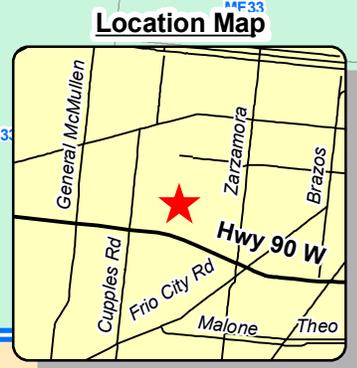
**END ELEVATION** 1" = 10'

REVISED 3-17-10

**PROPOSED GARAGE REPLACEMENT**  
 305 W. KINGS HIGHWAY



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-028**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 5



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-028  
Date: April 19, 2010  
Applicant: Robert Prats  
Owner: Robert Prats  
Location: 1128 Ceralvo Street  
Legal Description: Lot 63, Block 32, NCB 3692  
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District  
Subject: Maximum front-yard setback variance requests  
Prepared By: Mike Farber, Planner

---

### **Summary**

The applicant requests **1)** a 15-foot variance from the requirement that a maximum 20-foot front setback be maintained in MF-33 zoning districts, in order to keep an existing structure that sits 35 feet from the front property line and **2)** an 89-foot 6-inch variance from the requirement that a maximum 20-foot front setback be maintained in MF-33 zoning districts, in order to erect a structure that would sit 110 feet, 6 inches from the front property line.

### **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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

---

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

Existing Zoning	Existing Use
MF-33 AHOD, Multi-Family District	Single-Family Residence

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	MF-33 AHOD, Multi-Family District	Single-Family Residences
South	MF-33 AHOD, Multi-Family District	Single-Family Residences
East	MF-33 AHOD, Multi-Family District	Single-Family Residences
West	MF-33 AHOD, Multi-Family District	Single-Family Residences

## Project Description

The applicant is requesting variances from the maximum front-yard setbacks in "MF-33" zoning districts to allow both an existing single-family residence and a proposed handicapped accessible structure to sit behind the maximum front-yard setback.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a neighborhood association or a Community Plan.

## Criteria for Review

According to Section 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:

*It does not appear that the granting of the variances will be contrary to the public interest. The structures will serve a residential purpose and would not violate the intent of the existing multi-family zoning.*

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

*It appears that the literal enforcement of the ordinance would result in unnecessary hardship. The predominant use of the properties in the vicinity of the subject property is single-family residential, despite the prevailing zoning of "MF-33". The subject property is fairly small and shallow for a truly functional multi-family zoned property. The previous zoning for this property was "C", which was governed by the 1956 zoning ordinance. The zoning for this subject property was subsequently converted to "MF-33" upon adoption of the 2001 UDC. The current zoning is incompatible for this property and to no fault of the applicant. The general area would benefit from a future area-wide rezoning initiative.*

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

*It appears that the granting of the variances would observe the spirit of the ordinance. The applicant would be denied the reasonable use of the property without the granting of these variances in that the development of multi-family or mixed residential structures would be difficult given the dimensions of the lot.*

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 granting of these variances would not authorize a use other than those specifically permitted in the "MF-33" 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.

*It does not appear that the granting of these variances would injure the appropriate use of adjacent conforming property. While multiple dwellings on the same lot are not common features in this neighborhood, said use is appropriate given the current zoning.*

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.

*There do appear to be unique circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. A denial of the request would cause a cessation of a multi-family use; a use for which the property is zoned. The "MF-33" zoning appears to be incompatible with both the predominant use and lot size for the majority of the properties in the area.*

### **Staff Recommendation**

Staff recommends that **A-10-028, be approved** because the findings of fact have been satisfied as presented above. The subject property appears to have unique characteristics that would create an undue hardship due to literal enforcement of the maximum front setback standards.

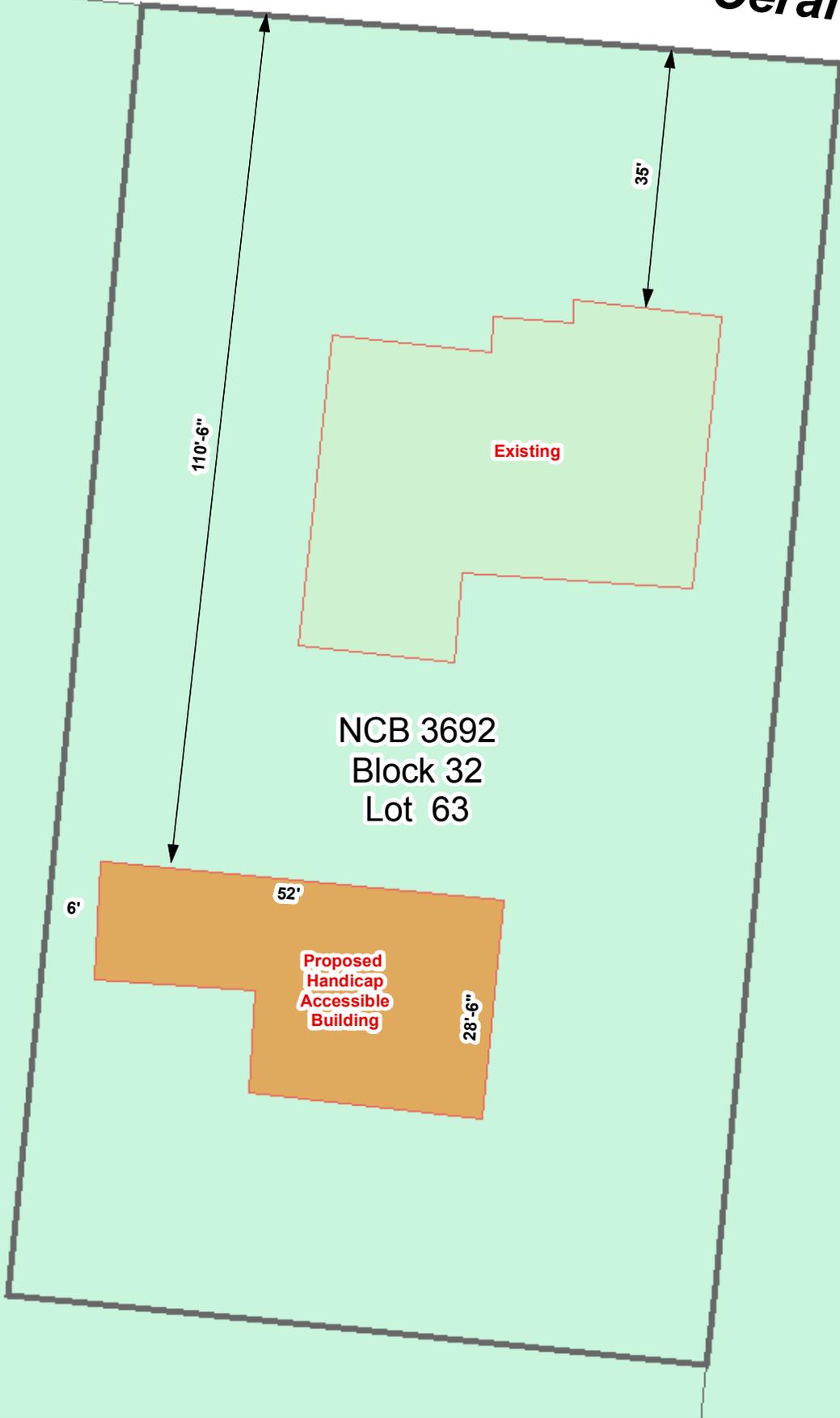
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Ceralvo St.



**Board of Adjustment**  
Plot Plan for  
**Case A-10-028**



Scale: 1" approx. = 30'  
Council District 5

**1128 Ceralvo St.**

Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)

LOT 63  
BLK 3 1/2

NOB. 3692

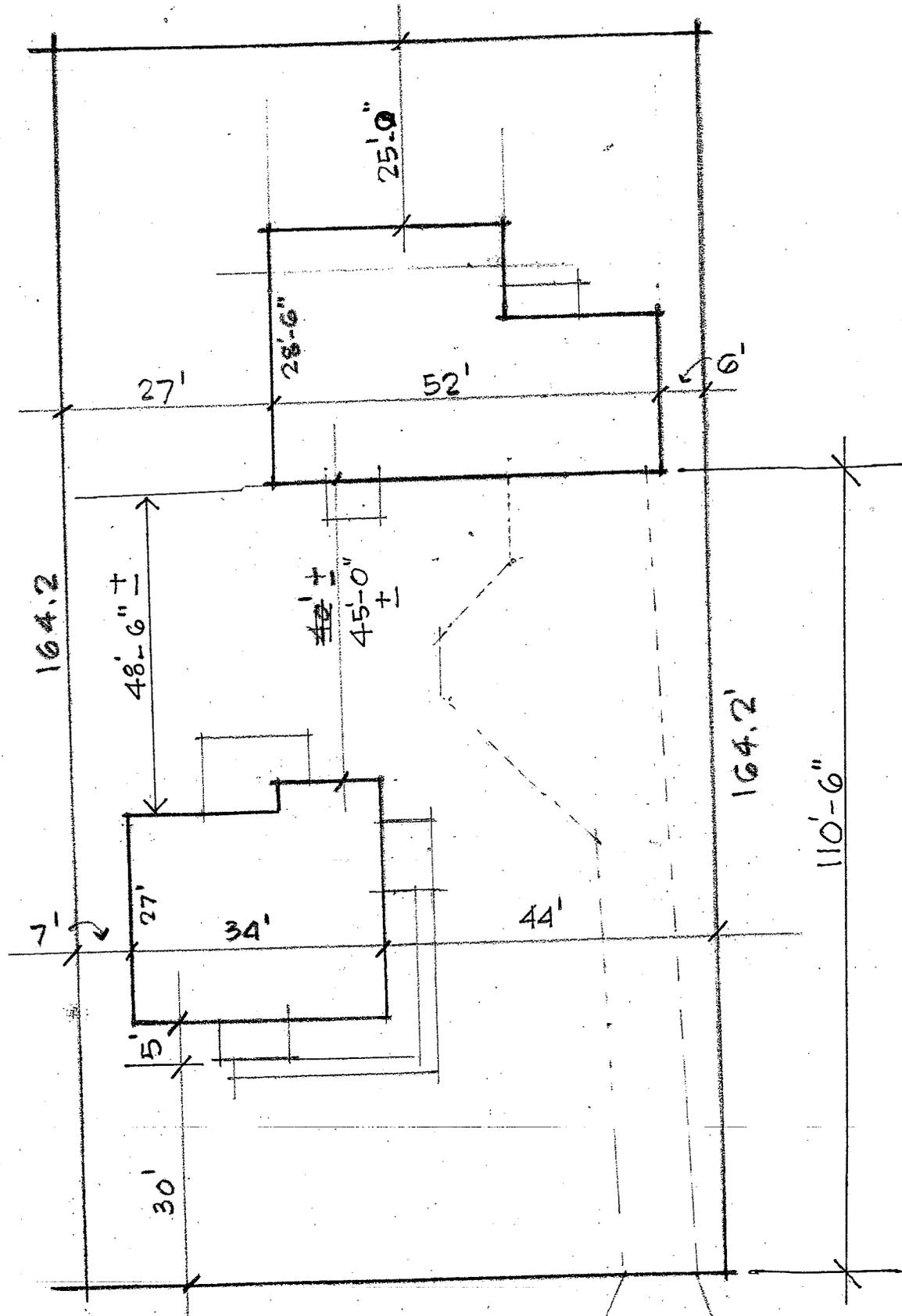
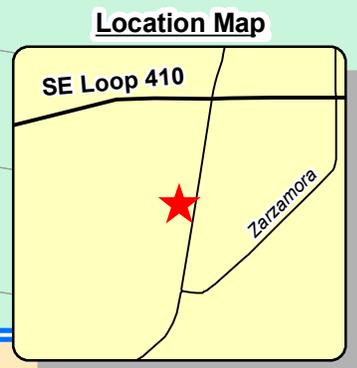


EXHIBIT  
"A"

1128 CERALVO ST.



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-029**



- Legend**
- Subject Property -----
  - 200' Notification Boundary —————
  - Scale: 1" approx. = 100'
  - Council District 4



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-029  
Date: April 19, 2010  
Applicant: Martha Coronado  
Owner: Martha Coronado  
Location: 11411 Gaylord Drive  
Legal Description: Lot 16, Block 14, NCB 14564  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Subject: Minimum side setback variance request  
Prepared By: Mike Farber, Planner

#### Summary

The applicant requests a 3-foot, 10-inch variance from the requirement that a 5-foot side setback be maintained in R-6 zoning districts, in order to keep an existing structure that sits 1-foot, 2-inches from the side property line.

#### 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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

#### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 AHOD, Single-Family District	Single-Family Residence

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD, Residential Single Family Districts	Single-Family Residences
South	R-6 AHOD, Residential Single Family Districts	Single-Family Residences
East	R-6 AHOD, Residential Single Family Districts	Single-Family Residences
West	R-6 AHOD Residential Single Family Districts	Single-Family Residences

## Project Description

The applicant is requesting a variance from the minimum side setback in "R-6" zoning districts to allow an existing addition to the east side of the house that encroaches into the required side setback. The applicant states that the addition (a closet) is necessary due to spatial constraints in the original structure.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a neighborhood association. The subject property is located within the boundaries of the City South Community Plan.

## Criteria for Review

According to Section 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 applicant did not obtain permits prior to constructing the addition in question and, upon visiting the site; it did not appear that there were any similarly constructed additions in the immediate vicinity. Because it appears that there are no topographic hardships posed by the property, and being that the addition is out of character with the immediate neighborhood, staff believes that the structure is contrary to the public interest.*

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

*It does not appear that literal enforcement of the ordinance would result in unnecessary hardship. There does not appear to be a physical or topographic condition existing on the property that would warrant the existing addition as it is currently situated on the property.*

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

*The lack of this addition would not cause a cessation of use for the property owner. It appears that alternatives exist that would allow the applicant to make reasonable use of*

*the property while still meeting setback requirements, such as expansion of the structure to the rear, which would likely not result in the encroachment of the required setbacks.*

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 granting of this variance would not authorize a use other than those specifically permitted in "R-6" zoning districts.*

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.

*It appears that the granting of this variance would alter the character of the neighborhood, in that, there appear to be no other additions of similar construction near the subject property.*

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 entirely self-created. Additionally, there do not appear to be any unique circumstances existing on the property. The applicant cites spatial constraints within the original structure as a primary hardship. This justification is not sufficient grounds on which to request a variance and does not provide ample justification for the construction of the addition.*

### **Staff Recommendation**

Staff recommends that **A-10-029. 11411 Gaylord Drive, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not appear to have any unique characteristics that would create an undue hardship due to literal enforcement of the side setback requirement. The applicant has not provided sufficient evidence to warrant a variance based on the criterion stated above.

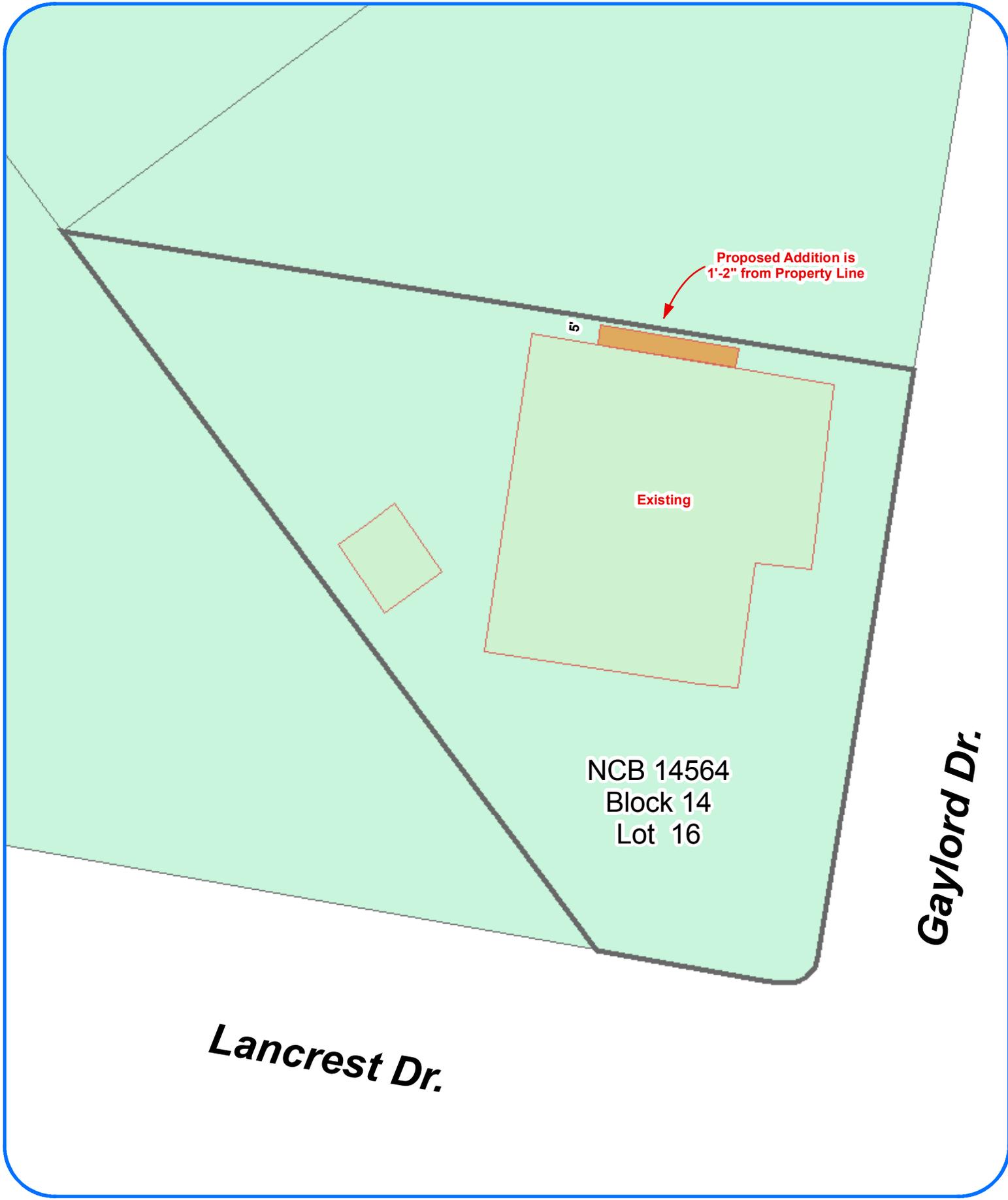
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – Plat



**Lancrest Dr.**

**Gaylord Dr.**

NCB 14564  
Block 14  
Lot 16

**Board of Adjustment**  
Plot Plan for  
**Case A-10-029**



Scale: 1" approx. = 20'  
Council District 4

**11411 Gaylord Dr.**

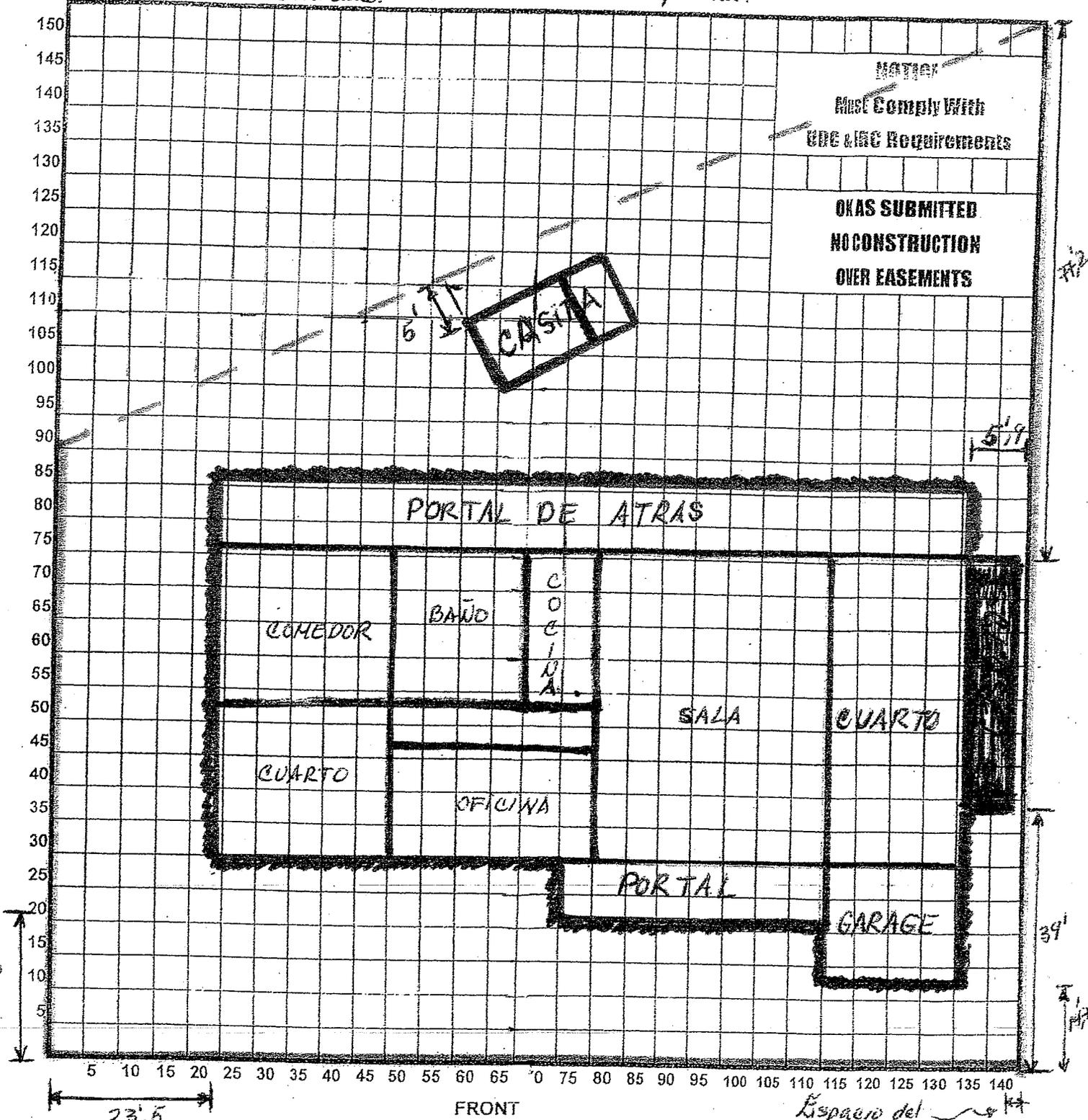
Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)

# PLOT PLAN

FOR  
BLDG PERMITS

Address 11411 Gaylord Drive Lot 16 Block 14 NCB 14564

Legenda: Límite real utilizado. REAR Límite de la Propiedad.



I certify that the above plot plan shows all improvements on this property

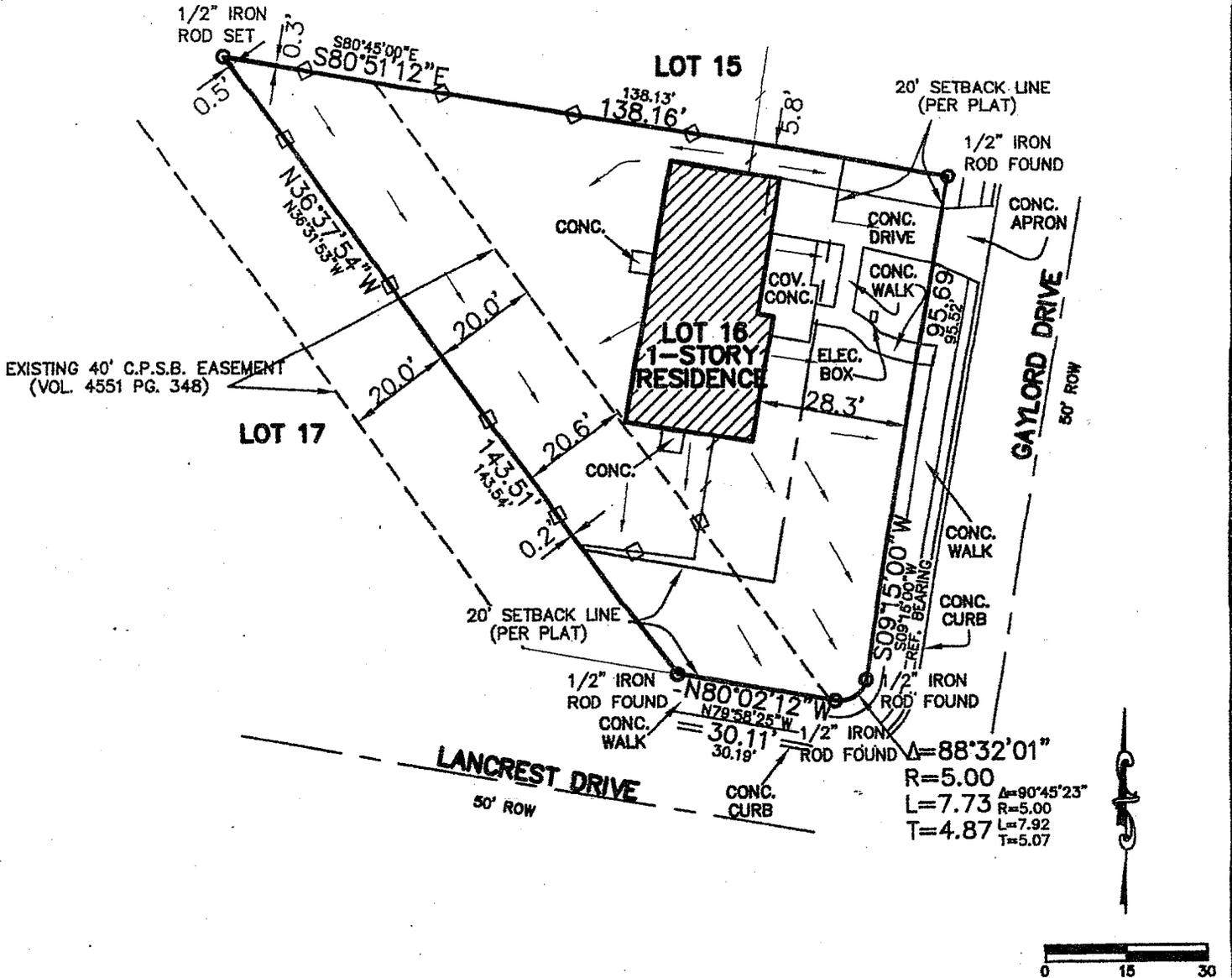
3-19-2010

Martha Coronado

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

VOL. — PAGE — RECORDS VOL. — PAGE — RECORDS  
VOL. — PAGE — RECORDS VOL. — PAGE — RECORDS

N45°00'00"E 100.00'	RECORD INFORMATION	S45°00'00"W AS MEASURED IN FIELD 100.00'	X BARBED WIRE	△ SMOOTH WIRE	/ WOOD FENCE
			o IRON FENCE	◇ CHAIN LINK FENCE	— WATER FLOW

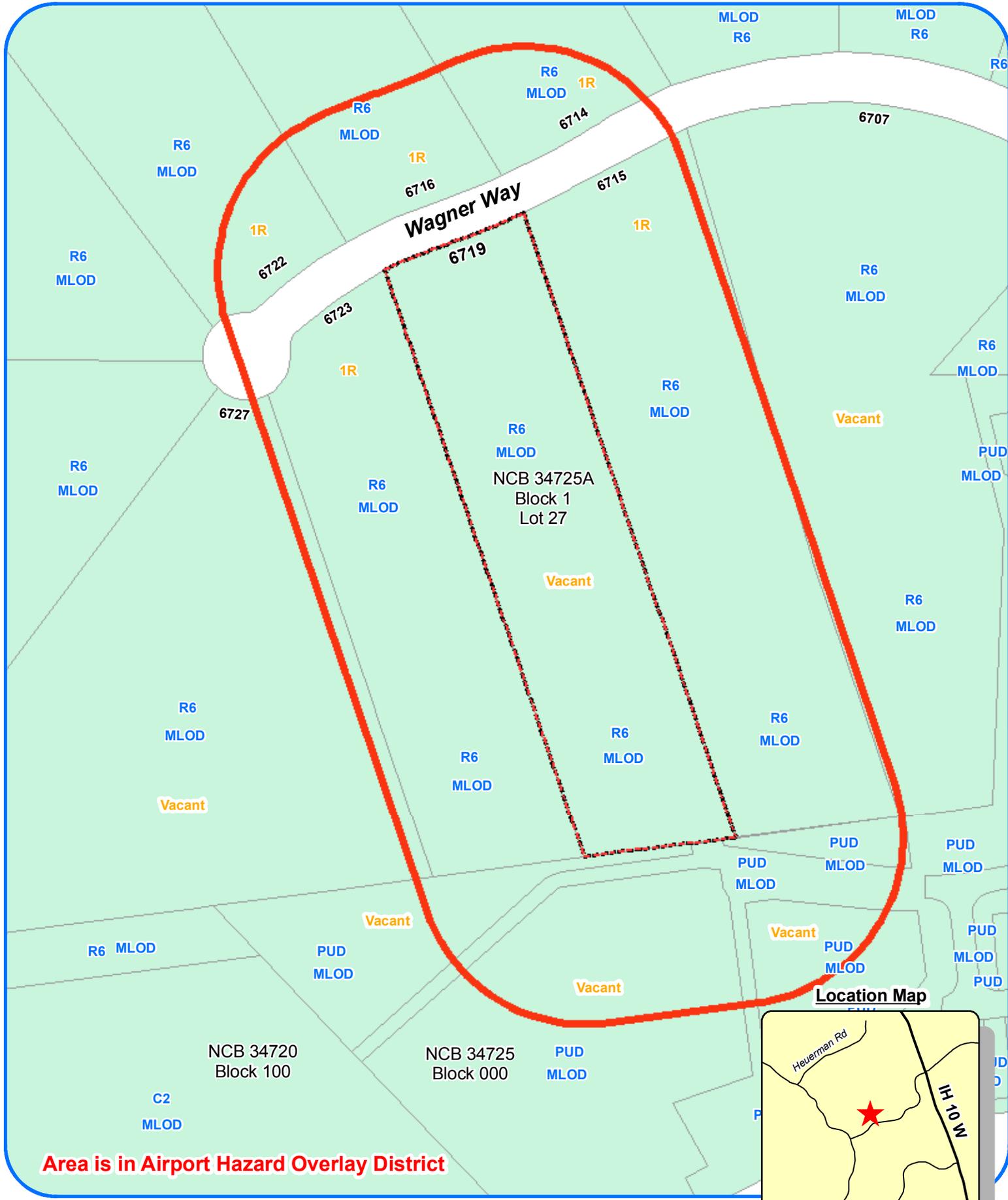


I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT ENCROACHMENTS, EASEMENTS AND RIGHT-OF-WAYS VISIBLE ON SITE ARE SHOWN HEREON. SETBACKS AND EASEMENTS SHOWN ARE FROM RECORDED COUNTY DOCUMENT RECORDS. MUNICIPAL RESTRICTIONS ARE NOT SHOWN. COPYRIGHT © 2008 STEPHEN G. COOK ENGINEERING, INC. ALL RIGHTS RESERVED

*Stephen G. Cook*  
STEPHEN G. COOK, R.P.L.S.



LOT(S) 16 BLOCK 14 N.C.B. 14564  
PALO ALTO VILLAGE SUBDIVISION, UNIT 2 VOLUME 9560 PAGE 43  
 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.  
 WITNESS MY HAND AND SEAL THIS 19 DAY OF APRIL 20 06  
 BUYER MARTHA CORONADO  
 ADDRESS 11411 GAYLORD DRIVE OF NO. 707754-SA40



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-030**



**Legend**

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 150'
- Council District 8

Planning and Development Services Dept  
 City of San Antonio  
 (3/21/2010)



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-030  
Date: April 19, 2010  
Applicant: Ned Stagg  
Owner: Ned Stagg  
Location: 6719 Wagner Way  
Legal Description: Lot 27, Block 1, NCB 34725A  
Zoning: "R-6 MLOD" Residential Single-Family Military Lighting Overlay District  
Subject: Maximum lot width variance  
Prepared By: Mike Farber, Planner

#### **Summary**

The applicant requests a 30-foot variance from the requirement that lots in "R-6" zoning districts maintain a maximum lot width of 150 feet, in order to keep an existing lot at a width of 180 feet.

#### **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 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 16, in accordance with Section 551.043(a) of the Texas Government Code.

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

Existing Zoning	Existing Use
R-6 MLOD-1, Single-Family District	Vacant

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 MLOD-1 Residential Single Family Districts	Single-Family Residences
South	PUD MLOD-1 Residential Single Family Districts	Vacant
East	R-6 MLOD-1 Residential Single Family Districts	Single-Family Residences
West	R-6 MLOD-1 Residential Single Family Districts	Single-Family Residences

## Project Description

The applicant is requesting a variance from the maximum lot width standards in "R-6" zoning districts in order to develop an existing lot that is approximately 180 feet in width. The applicant states that the lot was platted in 1997. At that time the property was outside the city limits, therefore the lot width restrictions did not apply to the lot at that time. The applicant believes that the strict enforcement of the maximum lot width standards results in an undue hardship in that the lot was platted along with several other lots nearby, all of which share similar features with regard to lot dimensions.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Crownridge of Texas Owner's Association. The subject property is not located within the boundaries of a Neighborhood or Community Plan.

## Criteria for Review

According to Section 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:

*It does not appear that the granting of the variance will be contrary to the public interest. The property's dimensions are consistent with the dimensions of the properties of the adjacent lots.*

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

*It appears that the literal enforcement of the ordinance would result in unnecessary hardship. As is true of the adjacent lots, the lot in question was platted before being annexed by the city. The subject property was not developed before annexation, thus creating a situation in which a legally platted lot fell under the city's lot width regulations.*

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

*It appears that the granting of the variance would observe the spirit of the ordinance. The applicant would be denied the reasonable use of the property without the granting of the requested variance.*

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 granting of these variances would not authorize a use other than those specifically permitted in the "R-6" 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.

*It does not appear that the granting of this variance would injure the appropriate use of adjacent conforming property. Lots of similar or greater width are common features of the properties in this neighborhood. Therefore, the granting of the requested variance would appear to be in keeping with the character of the neighborhood.*

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.

*There do appear to be unique circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. This property is unique in that it is one of the only properties in this neighborhood that is still currently vacant. Because it was vacant at the time of annexation, any subsequent development is required to follow city code. In this case, the lot would need to maintain 150 feet of maximum width. The unique circumstances do not appear to be self-created, in that the property was legally platted in conformity with other lots around it. The granting of the requested variance would simply result in the perpetuation of the existing lot conditions of the neighborhood.*

### **Staff Recommendation**

Staff recommends that **A-10-030, be approved** because the findings of fact have been satisfied as presented above. The subject property possesses unique characteristics that would create an undue hardship due to literal enforcement of the maximum lot width standards.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

**Wagner Way**

180'

**Proposed Residential  
Lot Exceeds Max width  
allowed by UDC of 150'  
Requesting 30' Variance**

NCB 34725A  
Block 1  
Lot 27

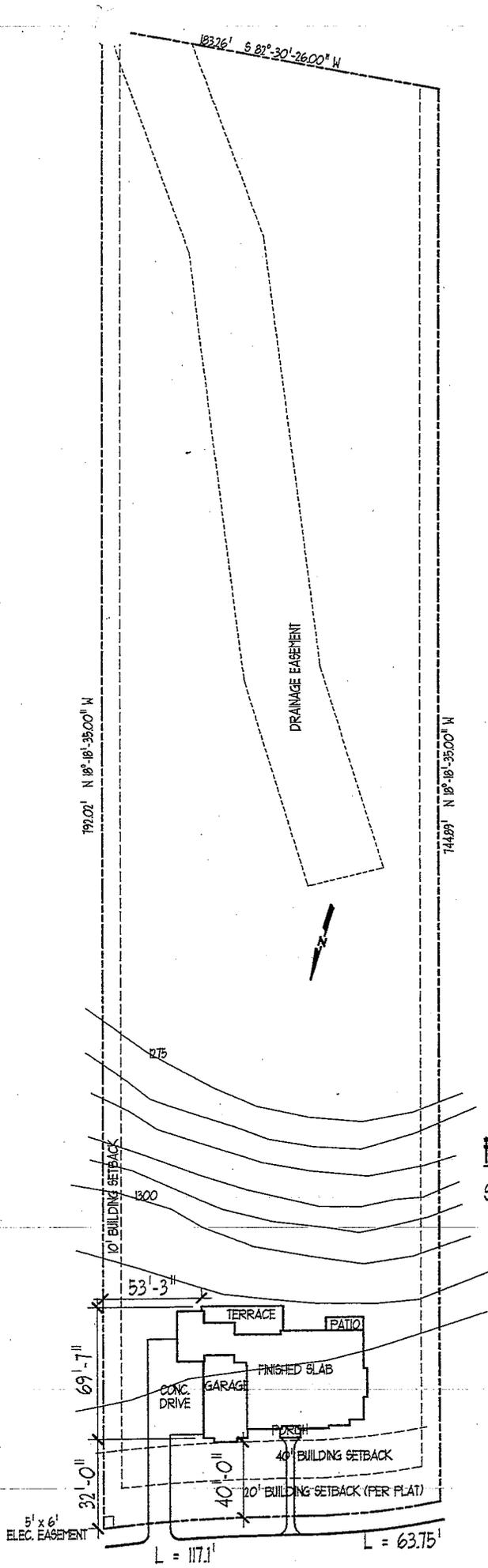
**Board of Adjustment**  
Plot Plan for  
**Case A-10-030**



Scale: 1" approx. = 100'  
Council District 8

**6719 Wagner Way**

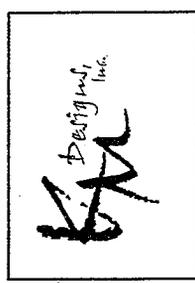
Planning and Development Services Dept  
City of San Antonio  
(3/24/2010 - P Trinkle)



# PLOT PLAN

SCALE: 1" = 80'-0"

**CONTRACTOR NOTES:**  
 THIS PLAN INCLUDING ALL DESIGN CONCEPT DRAWINGS, AND DETAILS CONTAINED HEREIN SHALL REMAIN THE SOLE PROPERTY OF MONTICELLO HOMES AND CAN NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE PRIOR WRITTEN PERMISSION OF MONTICELLO HOMES.  
 WORKING DRAWINGS SHALL NOT BE SCALED BEFORE PROCEEDING WITH ANY WORK OR ORDERING OF MATERIALS. THE BUILDER AND/OR SUB-CONTRACTORS SHALL VERIFY ALL NOTES AND DIMENSIONS. ANY DISCREPANCIES IN OR OMISSIONS FROM THE WORKING DRAWINGS SHALL BE REPORTED TO THE BUILDER AND DESIGNER.



**KM DESIGNS, INC.**  
 20734 STONE OAK PARKWAY  
 SUITE 101  
 SAN ANTONIO, TX 78258  
 PHONE: 210-483-9833

A Custom Home designed for  
**Mr. & Mrs. Stagg**  
 La Sierra Subdivision, Unit 6  
 6719 Wagner Way Lot 27

**MONTICELLO HOMES**  
 20734 STONE OAK PARKWAY  
 SUITE 103  
 SAN ANTONIO, TX 78258  
 OFFICE: 210-479-8716  
 FAX: 210-479-2134

