

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, April 23, 2012

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), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-021:** The request of Taylor Collins, William D. Sutherland, VI, and Patrick Kennedy, Jr. to appeal the Development Services Department Director's decision to issue Certificates of Occupancy, which permits Trinity University to use the properties on 115, 130, 139 and 146 Oakmont Court as offices. (Council District 1)
5. **A-12-033:** The request of Roque Salas, for a special exception to erect a 6-foot Ornamental-Iron Front Yard fence in the "R-4" Residential Single-Family District, 1059 Sutton Drive. (Council District 7)
6. **A-12-039:** The request of Thomas W. Troll, for a 2-foot variance from the 6-foot maximum fence height standard in the rear yard, in order to allow an 8-foot tall fence in the rear yard in the "R-6 ERZD MLOD" Residential Single-Family Edwards Recharge Zone Military Lighting Overlay District, 1901 Encino Rio. (Council District 9)
7. **A-12-040:** The request of Cesar Kela, for a special exception to relocate a residential structure from 12939 SW Loop 410 to 210 Yuma Street in the "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District, 210 Yuma Street. (Council District 4)
8. **A-12-041:** The request of Michele Pauli, for **1)** A 16-foot, 6-inch variance from the 20-foot minimum rear yard setback requirement for a sport court fence, in order to allow a 3-foot, 6-inch rear setback for a sport court fence and **2)** a 17-foot variance from the 20-foot minimum side yard setback requirement for a sport court fence, in order to allow a 3-foot side setback for a sport court fence in the "R-5" Residential Single-Family District, 151 Algerita Drive. (Council District 8)
9. **A-12-042:** The request of Keller Signs, for **1)** A request for a 144-square foot variance from the 300-square foot maximum sign area requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to allow a 444-square foot multiple-tenant sign and **2)** a 10-foot variance from the 40-foot maximum sign height requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to allow a 50-foot tall multiple tenant sign, 23535 West IH-10. (Council District 8).

Board of Adjustment Membership

Michael Gallagher, Chair

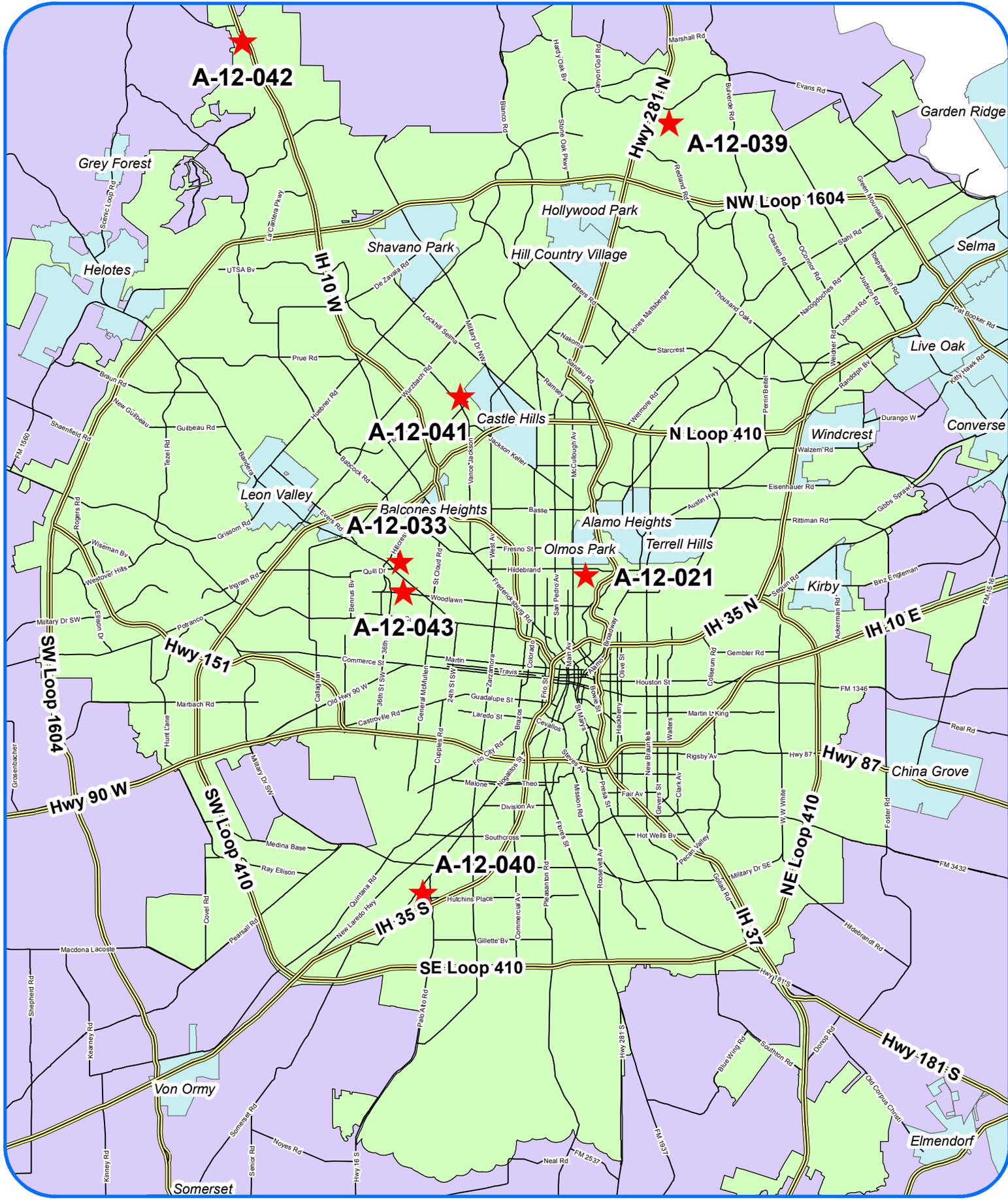
Andrew M. Ozuna, Vice Chair

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



Board of Adjustment
Subject Property Locations
Cases for April 23, 2012





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment

Case No.: A-12-021

Date: April 23, 2012

Applicants: Taylor Collins, William D. Sutherland, VI, Patrick Kennedy, Jr.

Owner: Trinity University

Location: 115, 130, 139, 146 Oakmont Court

Legal Description: Lot 2 and Lot 5 and the West 50 feet of Lot 6, Block 2, NCB 6581 and Lots 11 and 13, Block 1, NCB 6580

Zoning: "R-5 H AHOD" Residential Single-Family Monte Vista Historic Airport Hazard Overlay District

Prepared By: Matthew Taylor, Senior Planner

Request

An appeal of the Development Services Department Director's decision to issue Certificates of Occupancy, which permits Trinity University to use the properties on 115, 130, 139 and 146 Oakmont Court as offices.

Procedural Requirements

The Appeal was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject properties on April 5, 2012. The Appeal was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject properties consist of four individual properties along the north and south sides of Oakmont Court. The properties are located within the city limits as they were recognized in 1938, and were originally zoned "A" Single-Family Residence District. The "A" Single-Family Residence District zoning permitted residential as well as "college" uses. The properties were purchased by Trinity University between 1952 and 1963. Trinity has used the property for "college" purposes since that time.

In 1975, Ordinance 45504 established the Monte Vista Historic District. The Historic District includes the subject properties. The subject properties are located within the Monte Vista Neighborhood Plan that was adopted in 1988. However, this plan is not used to determine

consistency for zoning cases because it has not been reviewed or updated since its original adoption.

In 2001, the City adopted the “2001 Unified Development Code” as an amendment to Chapter 35 of the San Antonio City Code. The 2001 UDC contained a new zoning matrix that became effective in 2002. The new zoning matrix converted the previous “A” Single-Family Residence District to the current “R-5” Residential Single-Family District. The zoning matrix for the “R-5” district permits single-family residences along with Public Universities and Public or Private Schools, grades, K-12. Private “colleges” were permitted in the “A” zoning district. Private “colleges” are not permitted in the new “R-5” zoning district. Prior to the adoption of the new zoning matrix, Trinity had continuously used the subject properties for private “college” purposes. The 2002 matrix conversion was not a rezoning by the City.

The subject properties carry both Nonconforming Use Rights and Development Preservation Rights (DPRs) that allow private “college” uses, which may include, but are not limited to, faculty or student housing, administrative offices, classrooms, parking structures, athletic facilities and meeting/reception halls. Nonconforming Use Rights allow the continuation of existing uses and DPRs allow expansion of those existing non-conforming structures and uses, as well as rebuilding should the structures be removed, damaged or destroyed. There is no requirement to register DPRs. Nonconforming uses only have to be registered if the use becomes nonconforming as a result on an annexation or rezoning. The 2002 matrix conversion that adopted the “R-5” zoning was not an “annexation” or “rezoning.”

The City has recognized that the subject properties may be used for private “college” use. City Public Services has classified the properties under a commercial contract with Trinity. San Antonio Water System provides the subject properties recycled or reclaimed water services that are only permitted on commercial property. The City acknowledged Trinity University’s DPRs generally in a registration filed in 2002. The City specifically acknowledged DPRs on the subject properties in 2010 when Trinity recertified its rights.

In 2011, Trinity applied for a Specific Use Authorization for three of the subject properties and one additional adjacent lot. Under the Specific Use Authorization sought, the properties were to be used as offices. Upon submission of the proposed rezoning application, the city staff for the Zoning Commission recognized that three properties have DPRs. The fourth property was not part of the zoning application. Accordingly, staff did not evaluate the fourth property’s status. In connection with the rezoning application, staff included in its zoning report to the Zoning Commission that under DPRs the properties could be used for “University uses, which may include, but are not limited to, faculty or student housing, administrative offices, classrooms, parking structures, athletic facilities, and meeting/reception halls. DPR’s allow the expansion of existing structures and uses, as well as rebuilding should the structures be removed damaged, or destroyed.” Trinity withdrew its proposed rezoning shortly thereafter since rezoning would not be required for an office use.

The Development Services Department issued Certificates of Occupancy for the subject properties based upon DPRs and Nonconforming Use Rights.

The first Certificate of Occupancy was issued on December 16, 2011 for 130 Oakmont; the next two were issued on December 19, 2011 for 115 and 146 Oakmont; and the last was issued on December 21, 2011 for 139 Oakmont. Pursuant to the Certificates, Trinity University is now using the properties as offices.

On January 13, 2012, the Monte Vista Historical Association (“MVHA”), Taylor Collins, William D. Sutherland, VI, Patrick J. Kennedy, Jr. and Dana McGinnis filed an appeal to the Board of Adjustment regarding the issuance of these Certificates.

The appellants complain of a “failure to insure compliance with Unified Development Code, Building Code, and Local Government Code in connection with applications filed by Trinity University for certificates of occupancy for properties [...] and issuance of such certificates by City of San Antonio, including, but not limited to, reliance on prior DPR determinations (including recertifications)....”

On March 27, 2012, Trinity, the City, and the MVHA, reached an agreement in which these entities acknowledged Trinity’s right to use the subject properties for “college” uses. As a result, MVHA withdrew its appeal to the Board of Adjustment.

Section 35-702(b)(1) of the UDC recognized that if a use was legal and in existence at the time of the adoption of the UDC, then that use could continue as a legal nonconforming use. The subject properties’ nonconforming use was for private “college” purposes. Trinity can use the properties for private “college” purposes which include use as offices. There was no need to register Trinity’s nonconforming use because it was not the result of annexation or rezoning. It was the result of a change in the zoning matrix.

Subsection 35-D101(c) of the UDC states that DPRs also protect uses and activities permitted under a previous zoning classification that became nonconforming due to the adoption of the UDC. DPRs exist in addition to Nonconforming Use Rights. After the adoption of the UDC, the use of the subject properties for private “college” purposes became nonconforming. As a result, Trinity obtained DPRs for private “college” use to allow for expansion of existing structures and uses, as well as rebuilding should the structures be removed, damaged or destroyed. There is no requirement to register DPRs.

Trinity may use the properties for private “college” use, including offices. This is consistent with its prior “A” Single-Family Residence District zoning, statutory law, and common law regarding Nonconforming Use Rights and DPRs.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-5 H AHOD (Residential, Historic)	Office

Surrounding Zoning/Land Use

Orientation	Existing Base Zoning District(s)	Existing Use
North	R-5 (Single Family)	Single-family residences
South	R-5 (Single Family)	Single-family residences
West	R-5 (Single Family), “R-5 CD” with a	Single-family residences, public

West (cont.)	Conditional Use for a Library Office and “MF-33”	library and apartments
East	R-5 (Single Family)	Single-family residences and Trinity University

Comprehensive Plan Consistency/Neighborhood Association

Overlay and Special District Information: All surrounding properties carry the “AHOD” Airport Hazard Overlay District, due to their proximity to an airport or approach path. The “AHOD” does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

All surrounding properties are located within the Monte Vista Historic district, signifying the historic architectural character or cultural significance of the area. Historic Districts do not affect the possible uses of the property, but only regulate the exterior aesthetic of the structure. Work requiring building or demolition permits for properties within a Historic District are subject to review and approval by the Office of Historic Preservation and, possibly, the Historic and Design Review Commission.

Criteria for Review

Pursuant to Section 35-481 of the UDC a decision made by an administrative official may be appealed to the Board of Adjustment by any person aggrieved by such decision within thirty days of such decision. Such appeal shall be taken by filing a notice of appeal specifying the particular grounds upon which the appeal is taken.

The concurring vote of seventy-five percent of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision or determination of an administrative official.

Staff Position

Staff’s position is that the Director’s decision to issue the Certificates of Occupancy for office use, as included in a “college” use, is correct and requests that the Board of Adjustment affirm the Director’s decision to issue the Certificates of Occupancy.

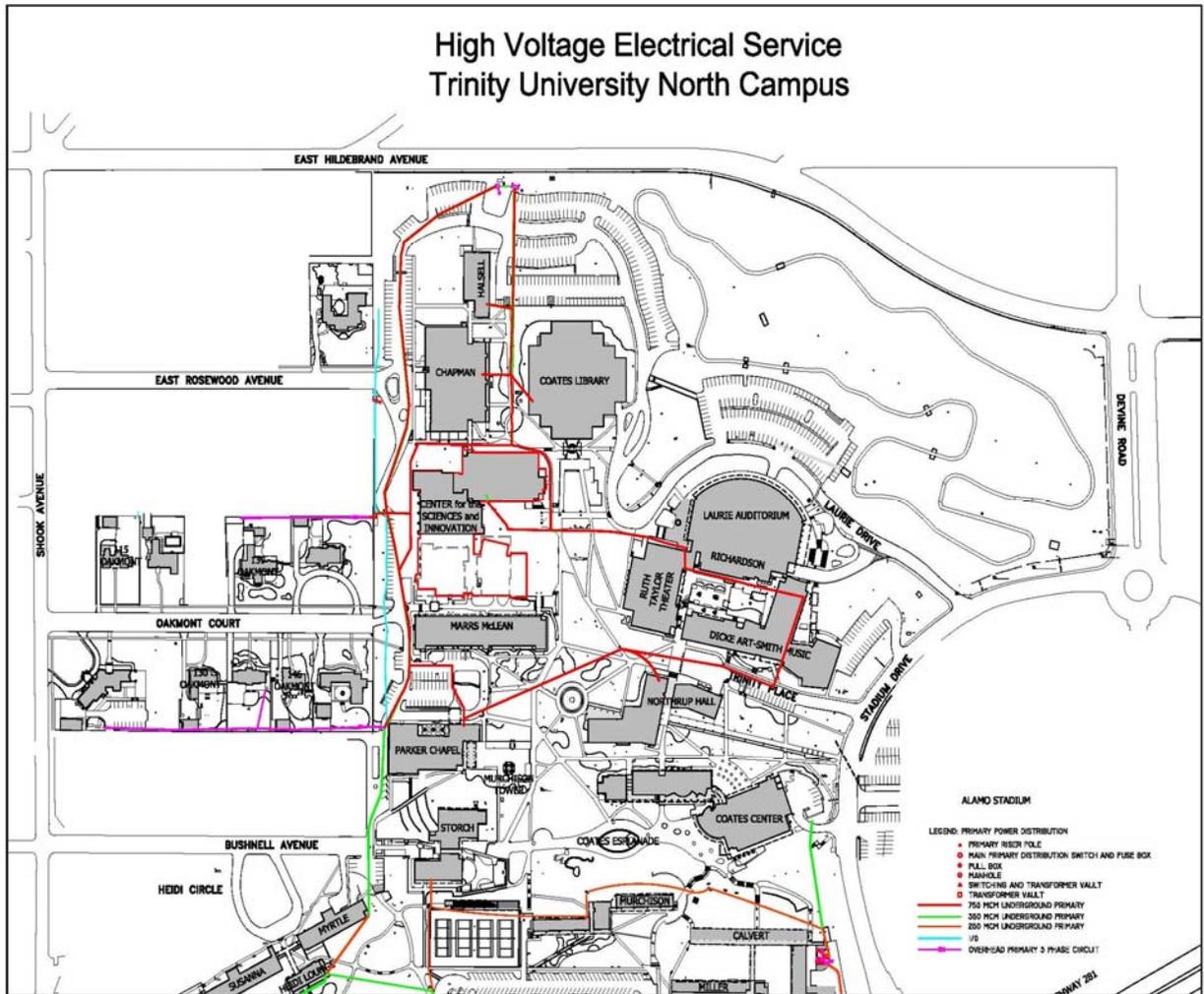
Attachments

- Attachment 1 Notification Plan (Location Map)
- Attachment 2 City Public Services Map
- Attachment 3 San Antonio Water Services Map
- Attachment 4 2002 Registration of DPRs
- Attachment 5 2010 Registration of DPRs
- Attachment 6 City Zoning Commission Staff Report
- Attachment 7 Occupancy Application and Certificate #1762341 (130 Oakmont)
- Attachment 8 Occupancy Application and Certificate #1762420 (146 Oakmont)
- Attachment 9 Occupancy Application and Certificate #1762425 (115 Oakmont)
- Attachment 10 Occupancy Application and Certificate #1762426 (139 Oakmont)

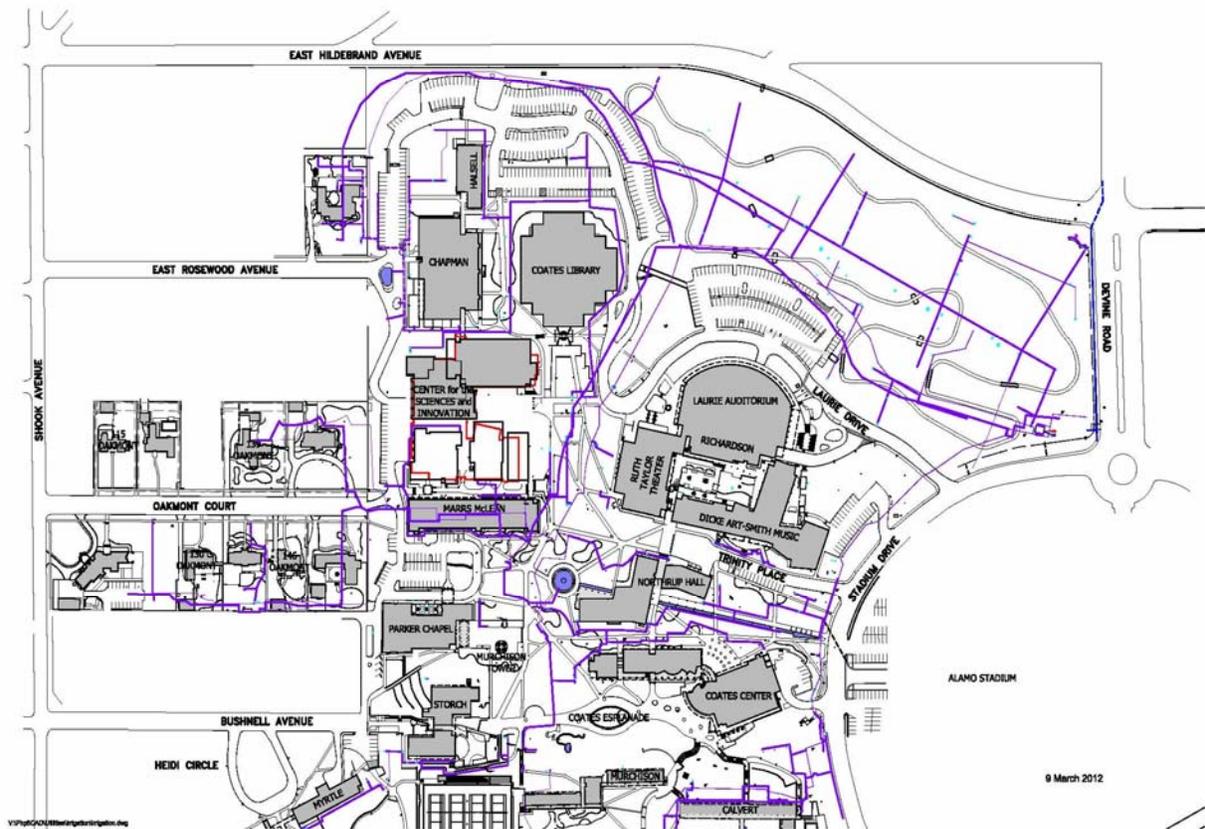
ATTACHMENT 1 – NOTIFICATION PLAN (LOCATION MAP)



ATTACHMENT 2 – CITY PUBLIC SERVICES MAP



Recycled Water Service Trinity University North Campus



ATTACHMENT 4 – 2002 REGISTRATION OF DPR

Office Use Only			
Signature	<i>[Signature]</i>	Date Verified	4/19/02 C of O needed <i>Yes</i>
Land Use	University Classroom & Administrative Building		
Zoning Equivalent	<i>R-6</i>	Type of Documentation submitted	City Zoning Documentation
<i>NC use/rights for 'A' 1938 zone</i>			

DEPARTMENT OF BUILDING INSPECTIONS
 P.O. BOX 839966
 SAN ANTONIO, TEXAS 78283-3966

REGISTRATION OF NON-CONFORMING USE

DUE TO ANNEXATION: DATE ANNEXED _____
 OR

DUE TO ZONING DISTRICT AMENDMENT: DATE OF ORDINANCE February 17, 2002

ADDRESS OF PROPERTY 715 Stadium Drive, San Antonio, TX

LOT 47 BLOCK 1 NCB A-52

(If unplatted attach metes and bounds description or field notes from licensed surveyor or engineer)

HOW LONG IN BUSINESS AT THIS ADDRESS 52 ± years
 (Please attach all supporting documentation)

PRESENT ZONING R-6 PREVIOUS ZONING (IF APPLICABLE) _____

HISTORIC DESIGNATION: YES OR (NO) DESCRIBE TYPE: _____

NAME OF FIRM OR CORPORATION Trinity University

OWNER OR PRESIDENT OF FIRM OR CORPORATION John Brazil, President

OTHER OWNERS OR OFFICERS _____
 (Attach written and signed statement if necessary)

DESCRIBE BUSINESS AND LAND USE IN DETAIL higher education
 (Attach written and signed statement if necessary)

OWNER OF LAND AND/OR BUILDING Trinity University Contact: John Greene

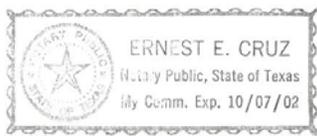
ADDRESS 715 Stadium Dr., SA TELEPHONE NUMBER 210-999-7011

- REQUIREMENTS:
1. SUBMIT A SCALED PLOT PLAN AND/OR SKETCH SHOWING THE LOCATION AND USE OF ALL STRUCTURES. (ATTACH OR DRAW ON REVERSE SIDE)
 2. APPLY FOR CERTIFICATE OF OCCUPANCY.

SIGNED *[Signature]*
 TITLE Physical Plant Director

Sworn to before me this 19 day of April 20 02

[Signature]
 Notary Public in and for the State of Texas



BOA Form 12/99

ATTACHMENT 5 – 2010 REGISTRATION OF DPR

City of San Antonio
 P.O. Box 839966
 San Antonio, TX 78283-3966

DPRNCU Case

Report Date 09/10/2010 02:35 PM

Submitted By

Page 1

Case # 96699

Case Information

Stages

Stages	Date / Time	By
Processed	09/10/2010 13:37	RN12185
Resolved		
Expires	09/10/2011 00:00	

Associated Information

Case Group	DPR	DEVELOPMENT PRESERV RIGHTS	
Priority			<input checked="" type="checkbox"/> Auto Reviews
Resolution Code	CPL	COMPLETE	Bill Group
Source			
Name	NC-10-123		

Applications Affected

Building Application Project Application Use Application License Application Case

Description of Case

Development Preservation Rights recertified for a University (College was allowed in the previous "A" zoning District). CPS letter confirms continuous use since 1985. Use was previously registered in April of 2002. DPR allows expansion of non-conforming use.

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service #	Problem	Resolution Code	Resolved Date

No Customer Service Log Entries

Property Information

Address 715 STADIUM DR
 SAN ANTONIO TX 78212-0000

Location

City of San Antonio
 Development Services Department
 1901 S. Alamo
 San Antonio, TX 78204-1605
 Phone: (210) 207-0000

Owner/Tenant

09/10/2010 14:37 Trn 276007
 Cashier 0A09714

There are no contacts for this site

CASE Permit # 96699 \$75.00

A/P Linked Addresses

No Addresses are linked to this Application

Subtotal \$75.00

Linked Addresses

No Addresses are linked to this Application

Tax \$0.00

Total \$75.00

A/P Addresses

No Other Addresses are associated to this Application

Payer: NINO, RUDY

VISA

Account Number *****

Change \$0.00

Linked Parcels

507954

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

9/10/10 w/ Rudy. Whenever we apply for a building permit for any Trinity-owned property in the list of parcels included in the application, then attach a copy of this case document to the application to indicate that 'Development Preservation Rights' apply.



Zoning Case Notification Plan
Case Z-2012-017
 Council District 1
 Scale: 1" approx. = 200 ft.
 Subject Property Legal Description(s): NCB 06580 - Block 001 - Lot 13 and NCB 06581 - Block 002 - Lots 2, 3, 5 and W 50 ft of Lot 6

Legend

- Subject Properties (Red outline) (2.136 Acres)
- 200' Notification Area (Dashed red line)
- Current Zoning (Blue text)
- Requested Zoning Change (Red text)
- 100-Year DFIRM Floodplain (Orange outline)
- Single Family Residential (1R)

Development Services Dept
 City of San Antonio
 (11/17/2011 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).



**City of San Antonio
Development Services Department
Staff Report**

To: Zoning Commission
Zoning Case #: Z2012017 S
Hearing Date: December 06, 2011
Property Owner: Trinity University
Applicant: Kaufman & Killen, Inc.
Representative: Kaufman & Killen, Inc.
Location: 115, 119, 139, 146 Oakmont Court
Legal Description: Lots 2, 3, 5 and the west 50 feet of Lot 6, Block 2, NCB 6581 and Lot 13, Block 1, NCB 6580
Total Acreage: 2.1361
City Council District: 1
Case Manager: Micah Diaz, Interim Senior Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "H R-5 AHOD" Monte Vista Historic Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "H R-5 S AHOD" Monte Vista Historic Residential Single-Family Airport Hazard Overlay District with Specific Use Authorization for a School - University or College (Private)

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 17, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 27

Neighborhood Associations: Monte Vista Historical Association

Planning Team Members: Monte Vista Neighborhood Plan

Applicable Agencies: Office of Historic Preservation

Property Details

Property History: The subject property consists of four individual properties along the north and south sides of Oakmont Court. The properties are located within the city limits as they were recognized in 1938, and were originally zoned "A" Single-Family Residence District. In 1975, the Monte Vista Historic District was established by

Case # Z2012017 S

Hearing Date: December 6, 2011

ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION (CONT.)

Ordinance 45504. Upon adoption of the 2001 Unified Development Code, the previous “A” base zoning district converted to the current “R-5” Residential Single-Family District. The subject property lot and block numbers were recorded with the Bexar County Clerk in 1923, as part of the Oakmont Addition. According to the Sanborn Maps, historic City Directory records, and recorded deed records, the houses located at 115, 119, 139 and 146 Oakmont Court were constructed in 1925, 1947, 1950, and 1930 and acquired by Trinity University in 1963, 2010, 1952, and 1958, respectively. The previous “A” zoning district allowed both public and private schools, including colleges and universities. Prior to the adoption of the 2001 Unified Development Code, the subject properties owned by the University could have been legally used for school-related purposes.

Topography: The subject property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North and South
Current Base Zoning: “R-5”
Current Land Uses: Single-family residences

Direction: West
Current Base Zoning: “R-5”, “R-5 CD” with a Conditional Use for a Library Office and “MF-33”
Current Land Uses: Single-family residences, public library and apartments

Direction: East
Current Base Zoning: “R-5”
Current Land Uses: Single-family residences and Trinity University

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

All surrounding properties are located within the Monte Vista Historic District, signifying the historic architectural character or cultural significance of the area. Historic Districts do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. Work requiring building or demolition permits for properties within a Historic District are subject to review and approval by the Office of Historic Preservation and, possibly, the Historic and Design Review Commission.

Transportation

Thoroughfare: Oakmont Court, Shook Avenue, East Rosewood Avenue and Bushnell
Existing Character: Local streets, one lane in each direction with sidewalks
Proposed Changes: None known

Public Transit: The nearest VIA bus lines operate along Hildebrand Avenue, approximately two blocks north of the subject properties.

Traffic Impact: A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Off-street vehicle parking requirements for university uses are determined by the number of students enrolled in the school. Staff cannot calculate the parking requirements for Trinity University. The requisite site plans for the requested Specific Use Authorization do not include any additional parking on the subject properties; however, each property has some existing parking space available. The site plans indicate parking for the properties will be made available on the university’s main campus. A cooperative parking agreement may be required.

Staff Analysis and Recommendation: Approval, with conditions

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject properties are located within the Monte Vista Neighborhood Plan, which was adopted in 1988. However, this plan is not used to determine consistency for zoning cases because it has not been reviewed or updated since its original adoption. However, the plan document does raise concerns regarding loss of housing due to institutional expansion into the residential neighborhood.

2. Adverse Impacts on Neighboring Lands:

Three of the four subject properties carry Development Preservation Rights (DPR) that allow University uses, which may include, but are not limited to, faculty or student housing, administrative offices, classrooms, parking structures, athletic facilities and meeting/reception halls. DPR may allow expansion of existing structures and uses, as well as rebuilding should the structures be removed, damaged or destroyed.

Approval of the requested rezoning will terminate the previous registration of Development Preservation Rights. Additionally, approval of a Specific Use Authorization restricts future expansion of the specified use to what is identified on the approved site plan. Conditions may also be placed on the Specific Use Authorization to further mitigate the effects of the additional use on surrounding properties.

The location of the properties within a historic district provides an extra level of review for any demolition request or construction plan, regardless of zoning or Development Preservation Rights. Design review in the City's historic districts is an important tool to protect the character of neighborhoods such as Monte Vista; however, historic designation does not directly impact or regulated use.

3. Suitability as Presently Zoned:

The subject properties are well suited for the existing zoning.

4. Health, Safety and Welfare:

Staff has found no evidence that approval of the zoning change request will adversely affect the health, safety or welfare of the general public.

5. Public Policy:

The request does not appear to conflict with any public policy objective.

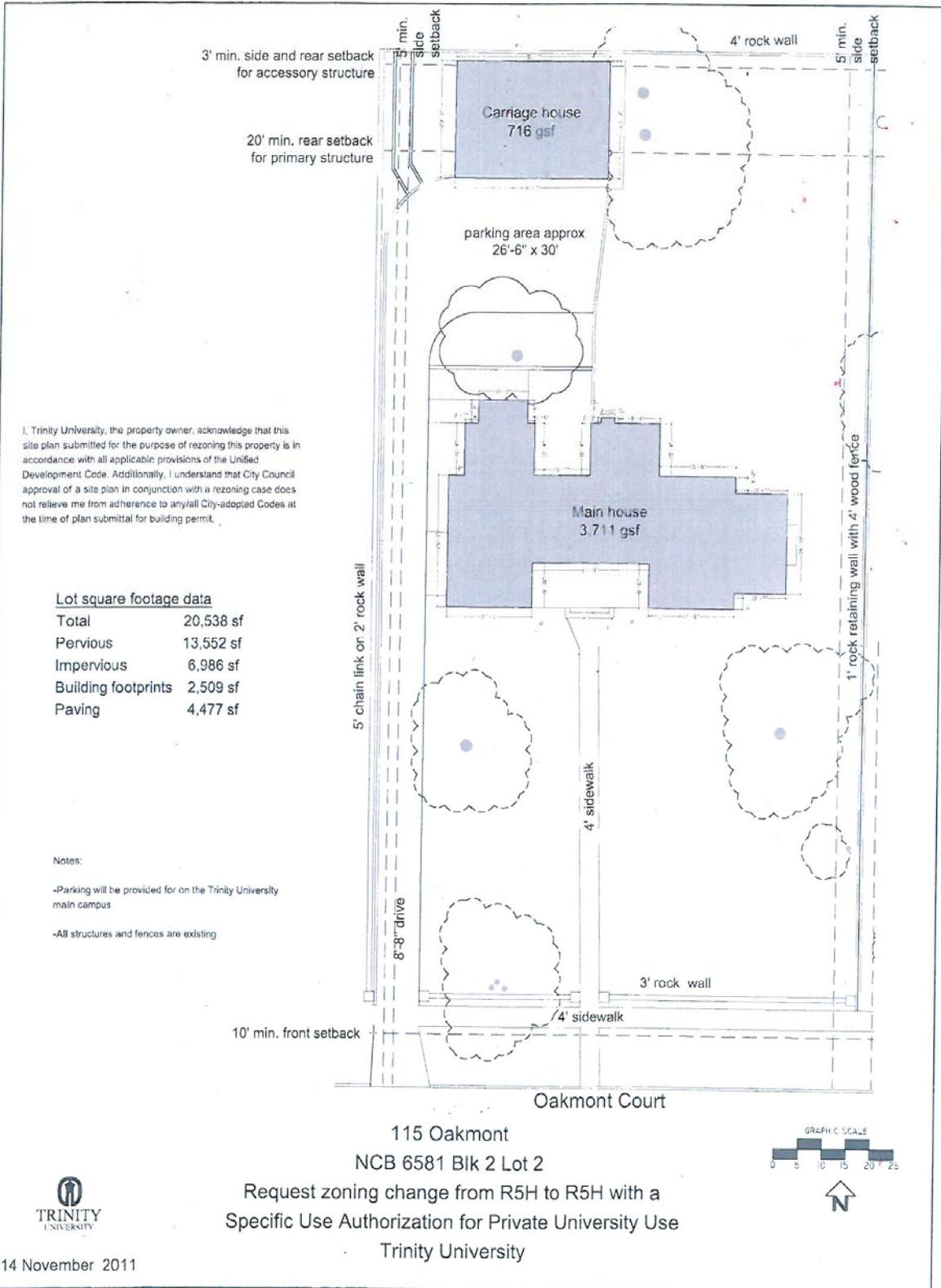
6. Size of Tract:

The site plans submitted for this zoning change request do not include any proposed new construction. The subject properties are of sufficient size to accommodate the existing development and proposed uses.

7. Other Factors:

Approval of a Specific Use Authorization and site plan for the subject properties offers a higher level of protection for the existing structures and residential character of the neighborhood than is otherwise provided by the historic district and registered Development Preservation Rights.

ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION (CONT.)



ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION (CONT.)



ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION (CONT.)

I, Trinity University, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permit.

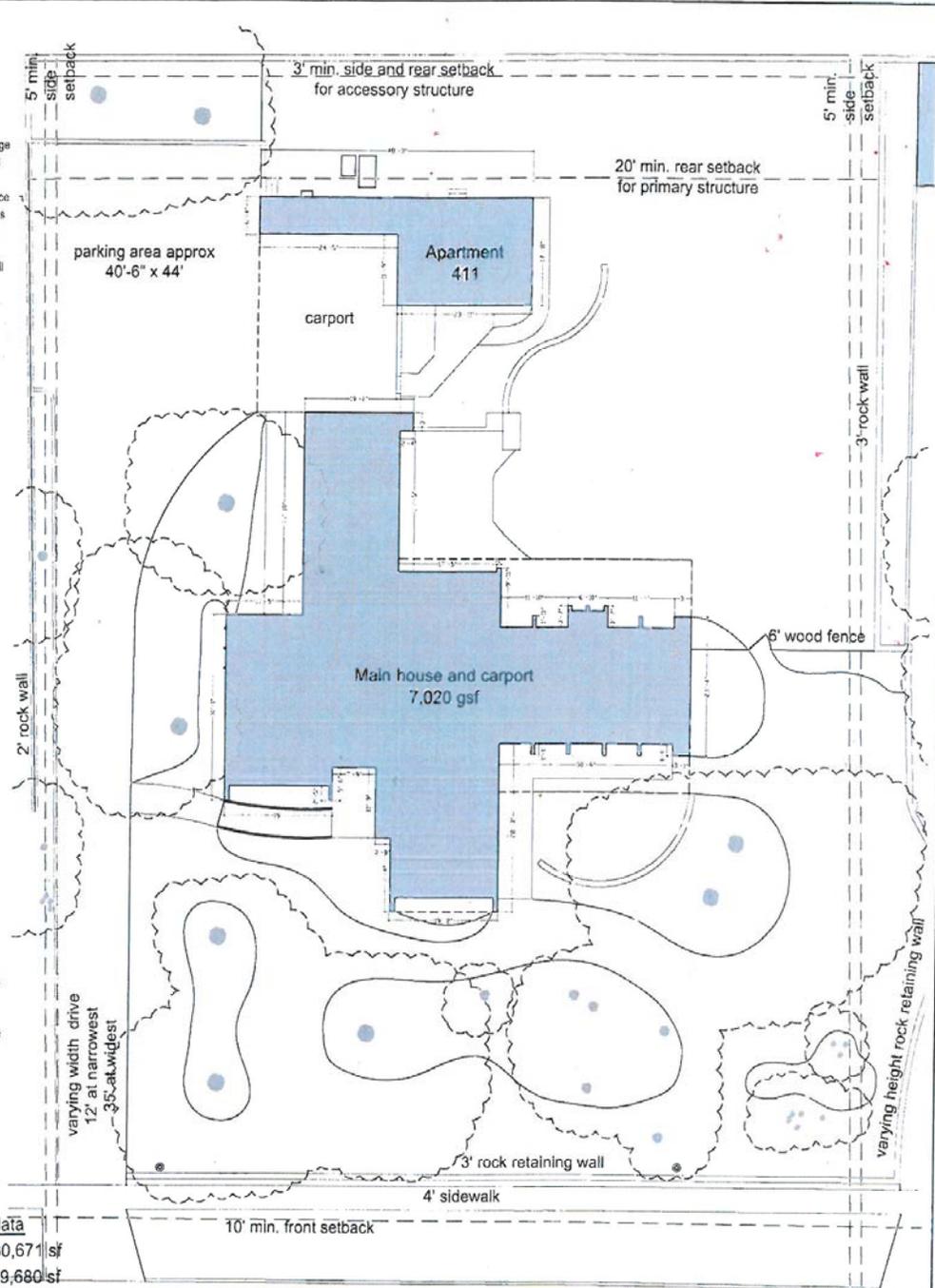
Notes:

- Parking will be provided for on the Trinity University main campus
- All structures and fences are existing

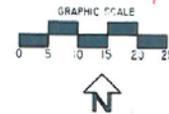
Lot square footage data	
Total	30,671 sf
Pervious	19,680 sf
Impervious	10,991 sf
Building footprints	4,674 sf
Paving	6,317 sf



14 November 2011



139 Oakmont
 NCB 6581 Blk 2 Lot 5
 and w. 50' of Blk 6
 Request zoning change from R5H to R5H with a
 Specific Use Authorization for Private University Use
 Trinity University



ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION (CONT.)

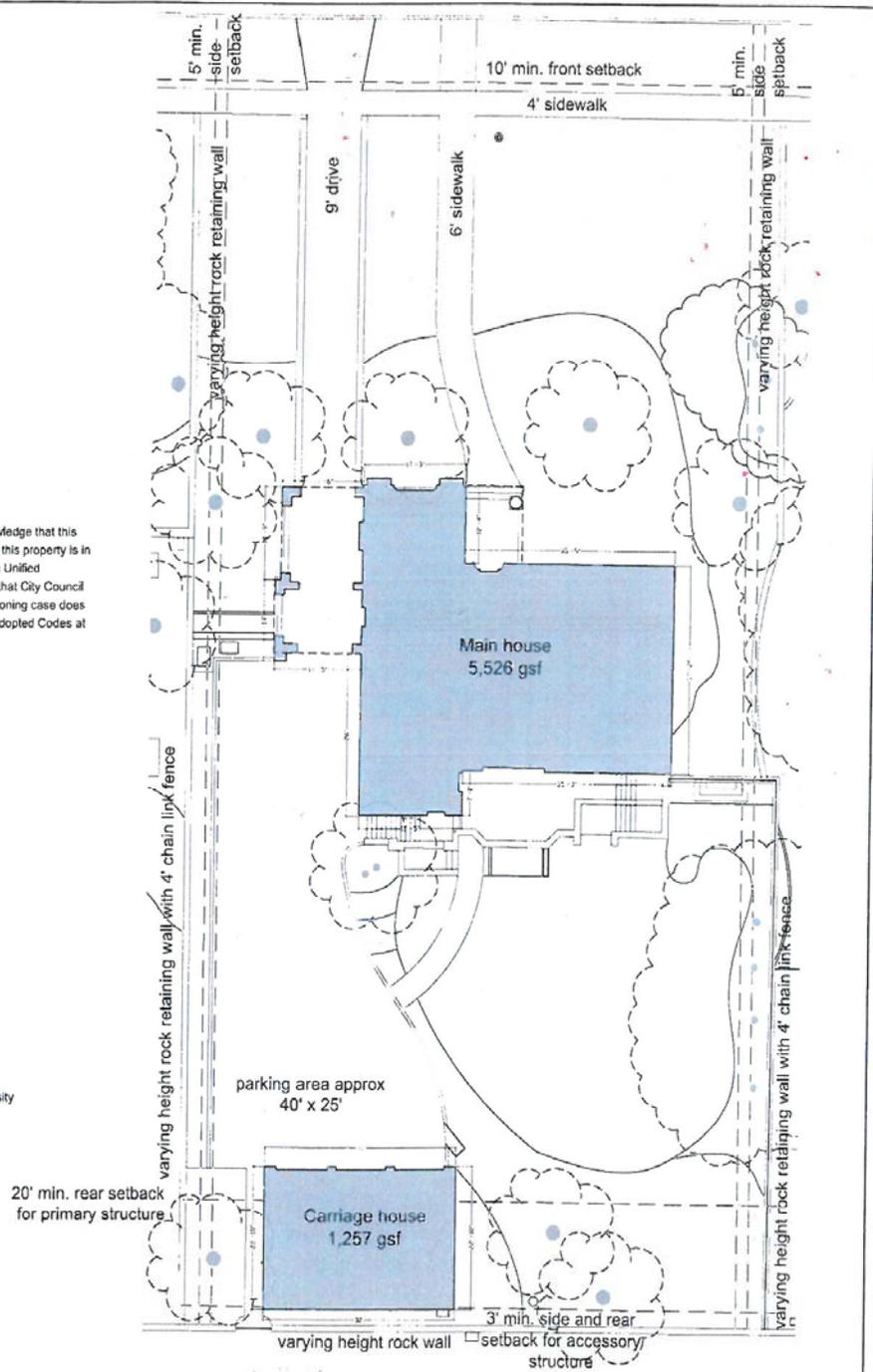
I, Trinity University, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permit.

Lot square footage data

Total	20,857 sf
Pervious	12,182 sf
Impervious	8,675 sf
Building footprints	2,801 sf
Paving	5,874 sf

Notes:

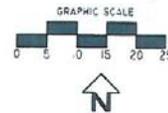
- Parking will be provided for on the Trinity University main campus
- All structures and fences are existing



14 November 2011

146 Oakmont
NCB 6580 Blk 1 Lot 13

Request zoning change from R5H to R5H with a
Specific Use Authorization for Private University Use
Trinity University



1762341

		City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd	
Certificate of Occupancy Application **Must be processed in person**					
Name of Business		Trinity University			
Address of Business		130 Oakmont Court 78212		Bldg No.:	Suite No.:
Owner of Business		Trinity University			
Contact Name (Primary Contact)		John Greene		Telephone Number	210-999-8452
Applicant Name		Trinity University			
Description of Business (be specific)		higher education			
Function of Space (be specific)		office			
Is the business currently in operation?		<input checked="" type="radio"/> Y <input type="radio"/> N		Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	
				<input checked="" type="radio"/> Y <input type="radio"/> N	
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)					<input checked="" type="radio"/> Y <input type="radio"/> N
Related Building Permits					
<input checked="" type="radio"/> Y <input type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.				
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.				
<input checked="" type="radio"/> Y <input type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?				
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.					
Type of Business					
	TYPE OF BUSINESS	REQUIRED ITEMS		REQUIRED ITEMS	
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be food or drink?	Health Inspection		Parking Site Plan if a change of use	
<input checked="" type="radio"/> Y <input type="radio"/> N	Childcare, school or nursing home?	Health Inspection		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey		Parking Site Plan	

ATTACHMENT 7 – CO APPLICATION FOR 130 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer "yes" to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 4526 sq. ft

	Type of Live Entertainment	O-1-R	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	P	*	P
Y <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P – business use is permitted

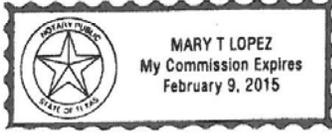
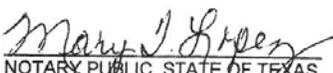
Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec 6, 2011 Owner/Authorized Agent Signature: 

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204 (210) 207-1111 www.sanantonio.gov/dsd
<p style="text-align: center;">Authorization by Property Owner (Required if Applicant is not the owner of the subject property)</p>	
Property Owner	Trinity University
Address of Business	130 Oakmont Court
Proposed Use of Property	offices
<p>By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give <u>John Greene</u> permission to submit all necessary documentation in support of a Certificate of Occupancy Application for the above-listed proposed use of the property and to serve as my representative for this request. I further affirm that any violation may result in suspension and or revocation of the Certificate of Occupancy.</p>	
<p><u>12-06-2011</u> (Date)</p>	<p> Property Owner Signature (and title, if Signing for a Partnership, Corporation or Trust)</p>
STATE OF TEXAS	§
COUNTY OF BEXAR	§
<p>Before me, the undersign authority, on this day personally appeared <u>MARK DETTERICK</u>, the affiant who, after being duly sworn on oath, deposed and states the facts herein set forth are true and correct.</p>	
<p>Sworn to and subscribed before me on this the <u>06</u> day of <u>DECEMBER</u>, 201<u>1</u>.</p>	
	<p> NOTARY PUBLIC, STATE OF TEXAS</p>

NO. 1762341

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

DATE: 12/16/2011

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 130 OAKMONT COURT

Lot: 11

Block: 1

NCB: 6580

has been inspected and the following occupancy thereof is hereby authorized:

Occupant Group: B

Occupant Load: 20

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES

ATTACHMENT 8 – CO APPLICATION FOR 146 OAKMONT

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd 1762420
	Certificate of Occupancy Application **Must be processed in person**		
Name of Business	Trinity University		
Address of Business	146 Oakmont Court, 78212	Bldg No.:	Suite No.:
Owner of Business	Trinity University		
Contact Name (Primary Contact)	John Greene	Telephone Number	210-999-8452
Applicant Name	Trinity University		
Description of Business (be specific)	higher education		
Function of Space (be specific)	office		
Is the business currently in operation?	<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	<input checked="" type="radio"/> Y <input type="radio"/> N
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)			<input checked="" type="radio"/> Y <input type="radio"/> N
Related Building Permits			
<input checked="" type="radio"/> Y <input type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.		
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.		
<input checked="" type="radio"/> Y <input type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?		
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.			
Type of Business			
	TYPE OF BUSINESS	REQUIRED ITEMS	REQUIRED ITEMS
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be food or drink?	Health Inspection	Parking Site Plan if a change of use
<input checked="" type="radio"/> Y <input type="radio"/> N	Childcare, school or nursing home?	Health Inspection	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey	Parking Site Plan

ATTACHMENT 8 – CO APPLICATION FOR 146 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer “yes” to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 5526 sq. ft.

	Type of Live Entertainment	O-1 & O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

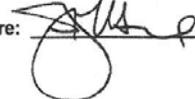
* - Zoning does not allow the business use S- Specific use authorization is required P - business use is permitted

Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec 6, 2011 Owner/Authorized Agent Signature: 

ATTACHMENT 8 – CO APPLICATION FOR 146 OAKMONT (CONT.)

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204 (210) 207-1111 www.sanantonio.gov/dsd
<p style="text-align: center;">Authorization by Property Owner (Required if Applicant is not the owner of the subject property)</p>	
Property Owner	Trinity University
Address of Business	146 Oakmont Court
Proposed Use of Property	offices
By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give <u>John Greene</u> permission to submit all necessary documentation in support of a Certificate of Occupancy Application for the above-listed proposed use of the property and to serve as my representative for this request. I further affirm that any violation may result in suspension and or revocation of the Certificate of Occupancy.	
<u>12-06-2011</u> (Date)	 Property Owner Signature (and title, if Signing for a Partnership, Corporation or Trust)
STATE OF TEXAS COUNTY OF BEXAR	§ § §
Before me, the undersign authority, on this day personally appeared <u>MARK DETTERICK</u> , the affiant who, after being duly sworn on oath, deposed and states the facts herein set forth are true and correct.	
Sworn to and subscribed before me on this the <u>06</u> day of <u>DECEMBER</u> , 201 <u>1</u> .	
	 NOTARY PUBLIC, STATE OF TEXAS

NO. 1762420

DATE: 12/19/2011

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 146 OAKMONT COURT

Lot: 13

Block: 1

NCB: 6580

has been inspected and the following occupancy thereof is hereby authorized:

Occupant Group: B

Occupant Load: 26

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES

ATTACHMENT 9 – CO APPLICATION FOR 115 OAKMONT

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd
	1702425		
Certificate of Occupancy Application **Must be processed in person**			
Name of Business	Trinity University		
Address of Business	115 Oakmont Court 78212	Bldg No.:	Suite No.:
Owner of Business	Trinity University		
Contact Name (Primary Contact)	John Greene	Telephone Number	210.999-8452
Applicant Name	Trinity University		
Description of Business (be specific)	office higher education		
Function of Space (be specific)	office		
Is the business currently in operation?	<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	<input checked="" type="radio"/> Y <input type="radio"/> N
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)			<input checked="" type="radio"/> Y <input type="radio"/> N
Related Building Permits			
<input checked="" type="radio"/> Y <input type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.		
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.		
<input checked="" type="radio"/> Y <input type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?		
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.			
Type of Business			
	TYPE OF BUSINESS	REQUIRED ITEMS	REQUIRED ITEMS
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be food or drink?	Health Inspection	Parking Site Plan if a change of use
<input checked="" type="radio"/> Y <input type="radio"/> N	Childcare, school or nursing home?	Health Inspection	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey	Parking Site Plan

ATTACHMENT 9 – CO APPLICATION FOR 115 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate Issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer “yes” to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 3772
sq. ft

	Type of Live Entertainment	O1 & 2	O2	NC	C1	C2	C3	D	L	H1	H2	ER2D
Y <input type="radio"/> N <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input type="radio"/> N <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input type="radio"/> N <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input type="radio"/> N <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input type="radio"/> N <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input type="radio"/> N <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input type="radio"/> N <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	P	*	P
Y <input type="radio"/> N <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P – business use is permitted

Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y N **Will this proposed business have any of the following uses?**
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec 6, 2011 Owner/Authorized Agent Signature: 

NO. 1762425

DATE: 12/19/2011

CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT
CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 115 OAKMONT COURT

Lot: 2

Block: 2

NCB: 6581

has been inspected and the following occupancy thereof is hereby authorized:

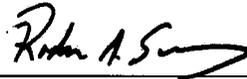
Occupant Group: B

Occupant Load: 19

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd
	<i>1762426</i>		
Certificate of Occupancy Application **Must be processed in person**			
Name of Business	Trinity University		
Address of Business	139 Oakmont Court 78212	Bldg No.:	Suite No.:
Owner of Business	Trinity University		
Contact Name (Primary Contact)	John Greene	Telephone Number	210.999.8452
Applicant Name	Trinity University		
Description of Business (be specific)	higher education		
Function of Space (be specific)	office		
Is the business currently in operation?	<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	<input type="radio"/> Y <input checked="" type="radio"/> N
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)			<input type="radio"/> Y <input checked="" type="radio"/> N
Related Building Permits			
<input type="radio"/> Y <input checked="" type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.		
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.		
<input type="radio"/> Y <input checked="" type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?		
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.			
Type of Business			
	TYPE OF BUSINESS	REQUIRED ITEMS	REQUIRED ITEMS
<input type="radio"/> Y <input checked="" type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Will there be food or drink?	Health Inspection	Parking Site Plan if a change of use
<input type="radio"/> Y <input checked="" type="radio"/> N	Childcare, school or nursing home?	Health Inspection	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey	Parking Site Plan

ATTACHMENT 10 – CO APPLICATION FOR 139 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer “yes” to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 7020 sq. ft

	Type of Live Entertainment	O-1-B	O-2	NC	C-1	C-2	C-3	D	F	H	I-2	ERZD
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	P	*	P
Y <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P – business use is permitted

Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec. 6, 2011 Owner/Authorized Agent Signature: 

NO. 1762426

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

DATE: 12/21/2011

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 139 OAKMONT COURT

Lot: 5

Block: 2

NCB: 6581

has been inspected and the following occupancy thereof is hereby authorized:

Occupant Group: B

Occupant Load: 25

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-033
Date: April 2, 2012
Applicant: Roque Salas
Owner: Roque Salas
Location: 1059 Sutton Drive
Legal Description: Lot 49B, Block G, NCB 8393
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Ernest Brown, Planner

Request

The applicant requests a Special Exception to erect a 6-foot Ornamental-Iron Front Yard Fence in the "R-4" Residential Single Family District.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 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 March 15, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 16, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 30, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

This is a continuation of a request from the April 2, 2012 meeting and was not heard on the aforementioned date. The approximately 0.63-acre subject property is located on the west side of Sutton Drive. The property is currently zoned "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, and is surrounded by single-family residential to the east, west, south and north. The current property owner wishes to erect a 6-foot high fence in the front yard. The proposed fence will be a wrought iron fence with stone columns. The applicant is requesting a special exception for the proposed ornamental iron fence in the front yard in accordance with Section 35-399.04 of the UDC.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-4 AHOD (Residential)	Single-Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential)	Single-Family
South	R-4 AHOD (Residential)	Single-Family
East	R-4 AHOD (Residential)	Single-Family
West	R-4 AHOD (Residential)	Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Near Northwest Community Plan. The subject property is located within the Donaldson Terrace Neighborhood Association.

Criteria for Review

According to Section 35-482(h) of the UDC, 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 35-399.01 of the UDC):

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

The special exception will be in harmony with the spirit and purpose of Chapter 35, UDC. The proposed fence will meet the height, width, design and all other requirements established in Section 35-399.04(a) of the UDC.

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

The public welfare and convenience will be substantially granted by allowing the applicant to securely protect their property.

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

The neighboring properties will not be substantially injured by granting the special exception. The design of the fence will not encroach on the neighboring properties or cause any undo hardship.

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:

There are various properties with front yard fences throughout the neighborhood. By granting the applicant's request for a special exception, the proposed fence and the encompassing property will maintain the harmony and character of the surrounding neighborhood.

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

The requested special exception will not weaken the general purpose of the “R-4” Residential Single Family zoning district. The fence, as proposed, will comply with the additional standards set forth in Section 35-399.04(a) of the UDC.

Staff Recommendation

Staff recommends **approval of A-12-033**. The request complies with all required criteria for a special exception as established in Section 35-482(h) of the UDC. The design of the fence submitted by the applicant is in accordance with the design criteria specified in Section 35-399.04(a) of the UDC.

Attachments

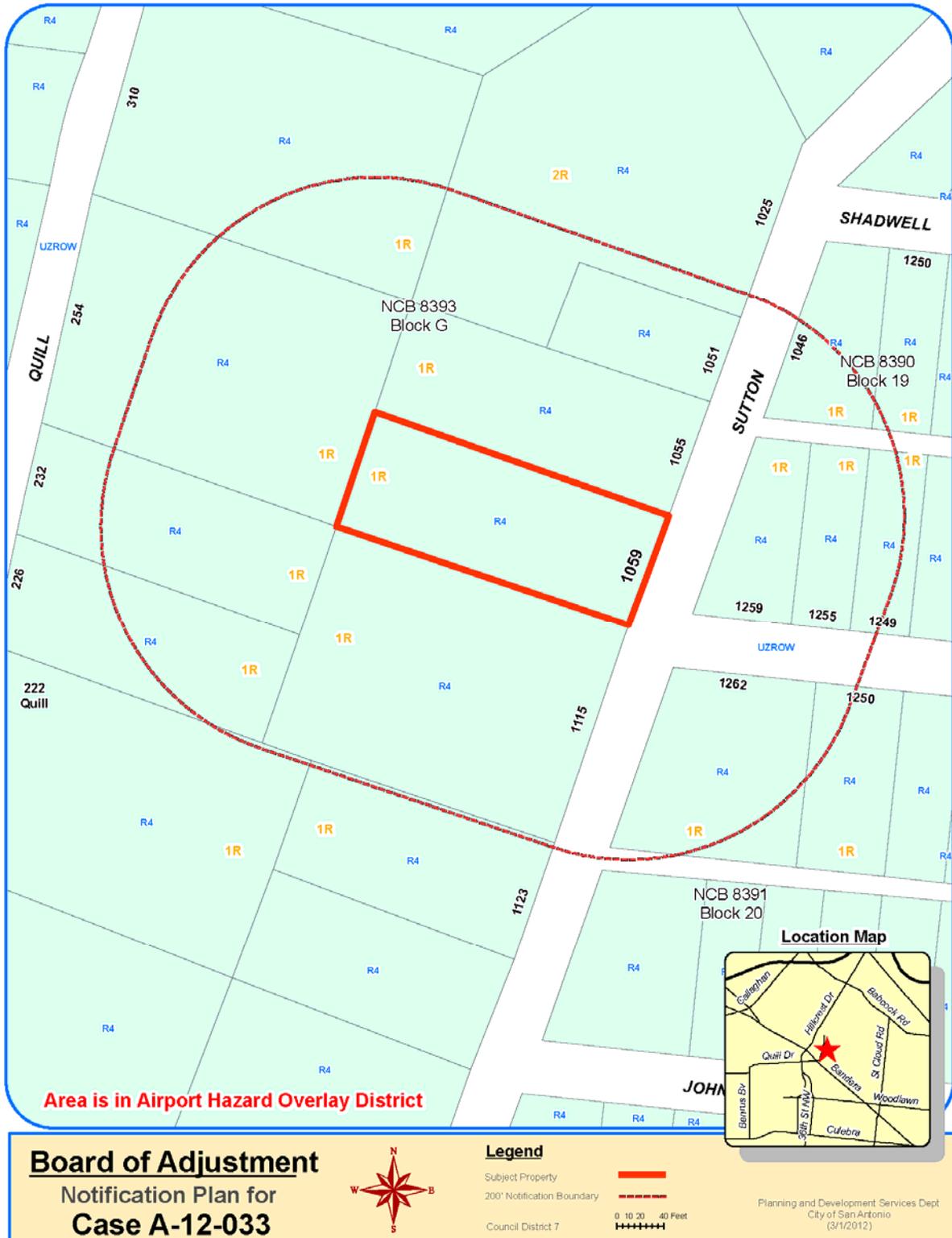
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Fence Elevation

Attachment 4 – Site Plan

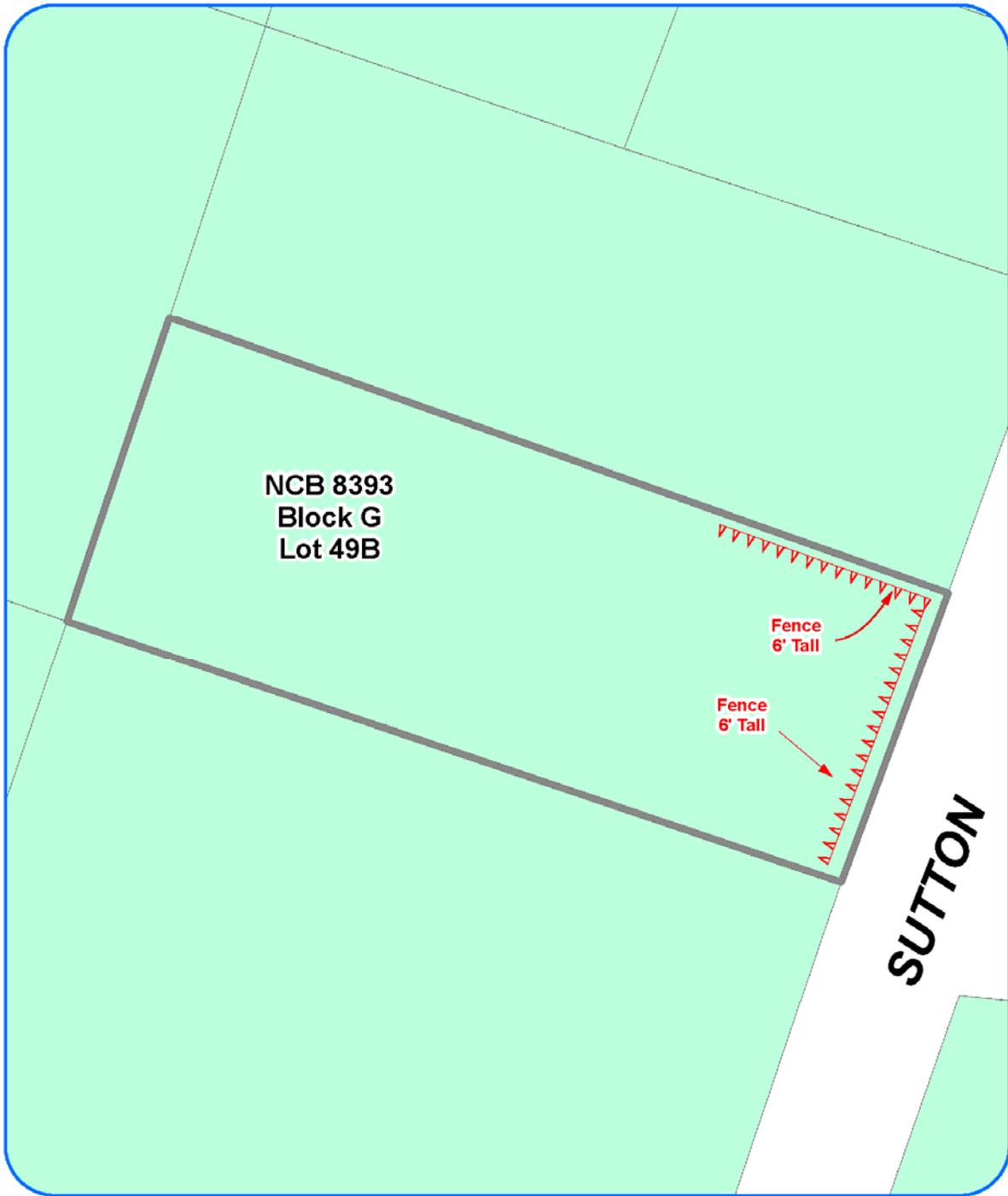
Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



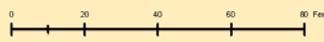
**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-033



Fence ▲▲▲▲



0 20 40 60 80 Feet

1059 SUTTON

Development Services Dept
City of San Antonio
(3/1/2012)

Council District 7

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-033



Fence A A A A

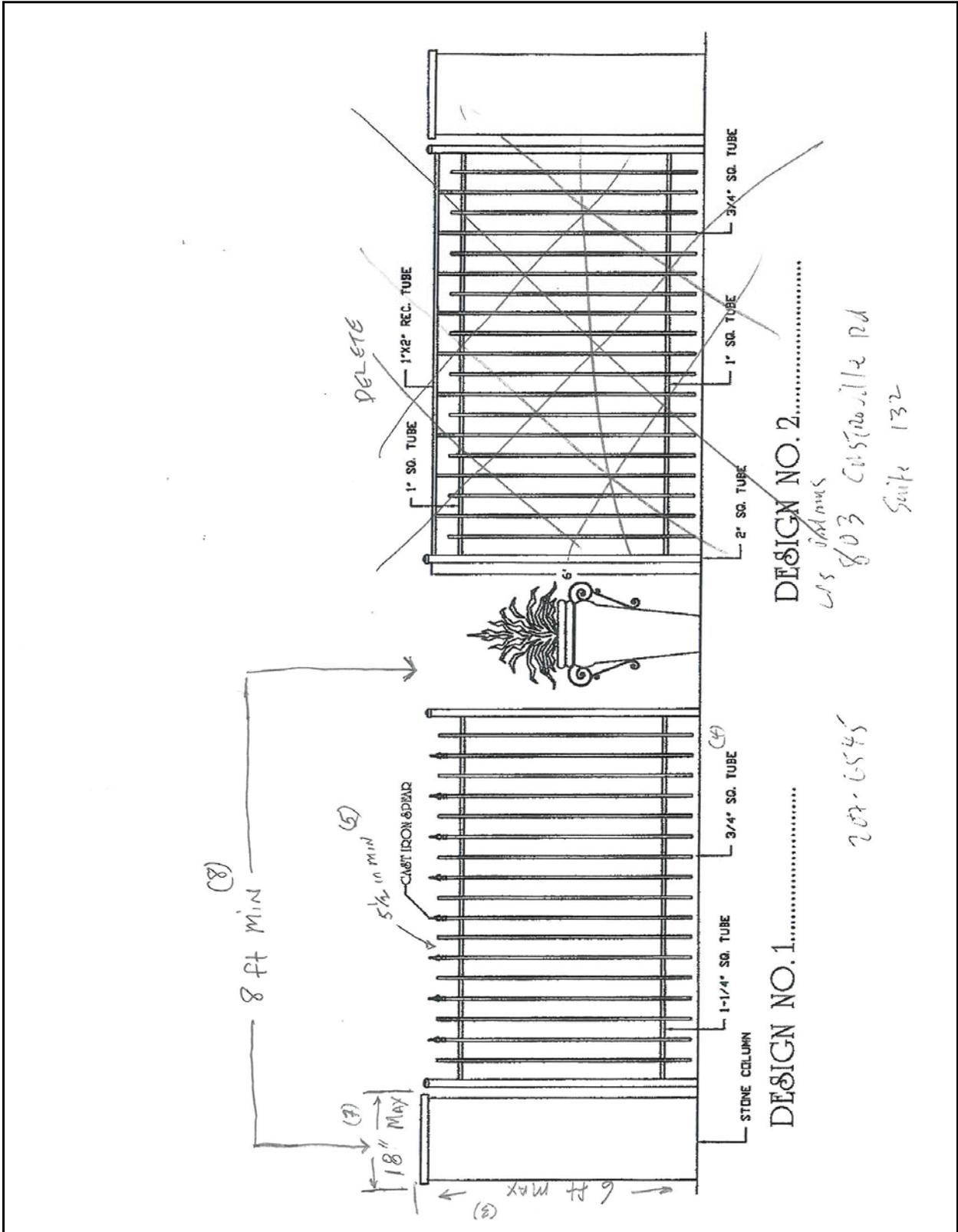
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Council District 7

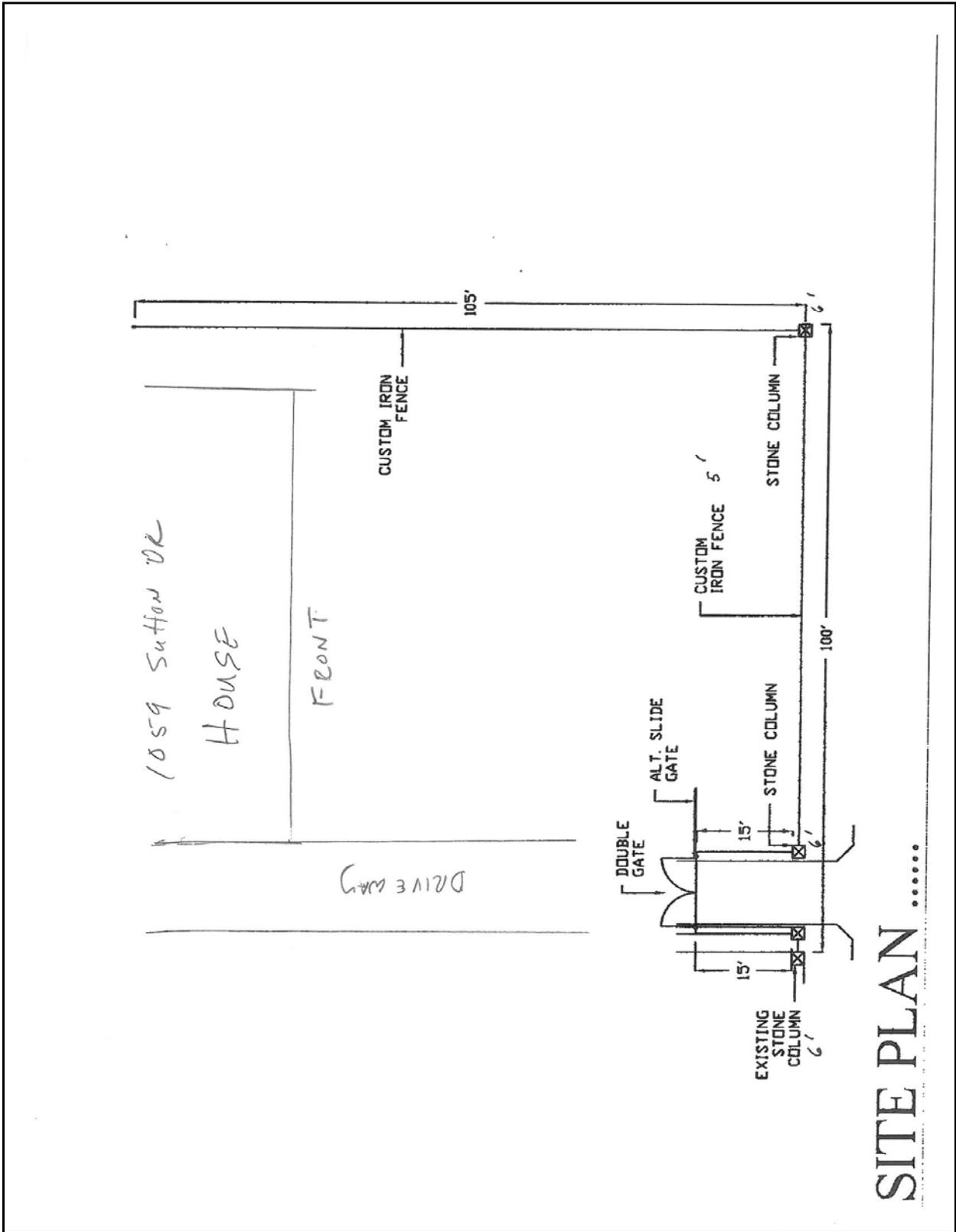
1059 SUTTON

Development Services Dept
City of San Antonio
(3/1/2012)

Attachment 3
Fence Elevation



Attachment 4
Site Plan





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-039
Date: April 23, 2012
Applicant: Thomas W. Troll
Owner: Encino Park HOA
Location: 1901 Encino Rio
Legal Description: Lot P-1A, Block, NCB 17600
Zoning: "R-6 ERZD MLOD" Residential Single-Family Edwards Recharge Zone
Military Lighting Overlay District
Prepared By: Trenton Robertson, Planner

Request

A 2-foot variance from the 6-foot maximum fence height standard in the rear yard, in order to allow an 8-foot tall fence in the rear yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 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, 2012. The application was published in The San Antonio Express-News, an official newspaper of general circulation on April 5, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 5.13-acre property is located on the north side of Encino Rio, west of Creek Country. Currently, the property is a community recreation area for the Encino Park neighborhood consisting of a swimming pool, park, playground, tennis and basketball courts. The property is surrounded by single-family residential to the north, south east and west.

There is an existing 6-foot tall wood fence along the rear boundary extending seven hundred thirty six (736) feet across the north side of the subject property. Pursuant to Section 35-514 of the Unified Development code (UDC), rear yard fences are permissible up to six (6) feet in height on properties zoned single-family residential. The applicant is requesting an additional two (2) foot height variance for the fence adjacent to the pool for a distance of two hundred

ninety (290) feet. This section of the fence is located on the northwest portion of the property (**Attachment 2**). The applicant stated on the application the variance is needed for extra protection, keep trespassers out, reduce vandalism and increase privacy for homeowners whose properties are abutting the back of the pool area.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 ERZD MLOD (Single-family)	Community Recreation Area

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 ERZD MLOD (Single-family)	Single-Family Residence
South	R-6 ERZD MLOD (Single-family)	Single-Family Residence
East	R-6 ERZD MLOD (Single-family)	Single-Family Residence
West	R-6 ERZD MLOD (Single-family)	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Neighborhood Plan. The subject property is located within the Encino Park Neighborhood Association.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. The variance is not contrary to the public interest:

The requested fence height variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic.

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

A literal enforcement of the maximum fence height standard will require the applicant to maintain the height of six (6) feet for the northwest two hundred ninety (290) feet of fence line. The subject property is not uniquely influenced by special conditions of the pool. Although, the fence variance for an additional two (2) feet of height would act as an added protection needed to safeguard the applicant from trespass and vandalism, a six (6) foot fence would provide the same protection. These conditions would not result in the need of an 8-foot tall fence within this portion of the property. By granting the variance and not adhering to Section 35-514 of the UDC, it would give the subject property privileges not enjoyed by other properties with swimming pools who have adhered to the required conditions set forth in the UDC.

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

The requested fence height variance will not be in keeping with the spirit of the ordinance as the proposed fence height doesn't comply with the intent of the maximum fence height standards. Swimming pools are permitted to have a fence height up to six (6) feet on all sides of the property in accordance to Section 35-514 of the UDC.

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 requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6" Single-Family Residence.

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 requested fence height variance will not adversely impact the adjacent conforming properties. The subject property is surrounded by single-family residences. The recreation area is designated for the benefit of those properties within the Encino Park HOA. The properties in the surrounding area will be able to continue to use their property for single-family residential. The requested variance will not substantially injure the appropriate use of the adjacent conforming properties.

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 requested variance is due to trespassing, vandalism and privacy issues. These conditions are not a result of the general conditions of the zoning district or due to financial hardship. However, the unique circumstances were created by the owners. The pool was built with the intent to further the enjoyment of those members in the Encino Park HOA. The pool does not qualify as a unique circumstance on the property. In order to be a unique circumstance there needs to be exceptional physical characteristics of the property that are unique to the subject property and distinct from those of nearby properties and the district in general. There was no physical feature of the subject property which would fall under these criteria.

Staff Recommendation

Staff recommends **Denial of A-12-039**. The requested variance complies with only two of the six approval criteria needed for granting a variance. The applicant did not provide sufficient evidence proving an unnecessary hardship to authorize a variance in accordance to Section 35-482(h). A pool is permitted to have a fence on all sides of the property not exceeding six (6) feet in height pursuant to Section 35-514 of the UDC. The conditions of the subject property does not warrant granting a variance due to the subject property lacking exceptional physical characteristics of the property that are unique to the subject property and distinct from those of nearby properties and the district in general.

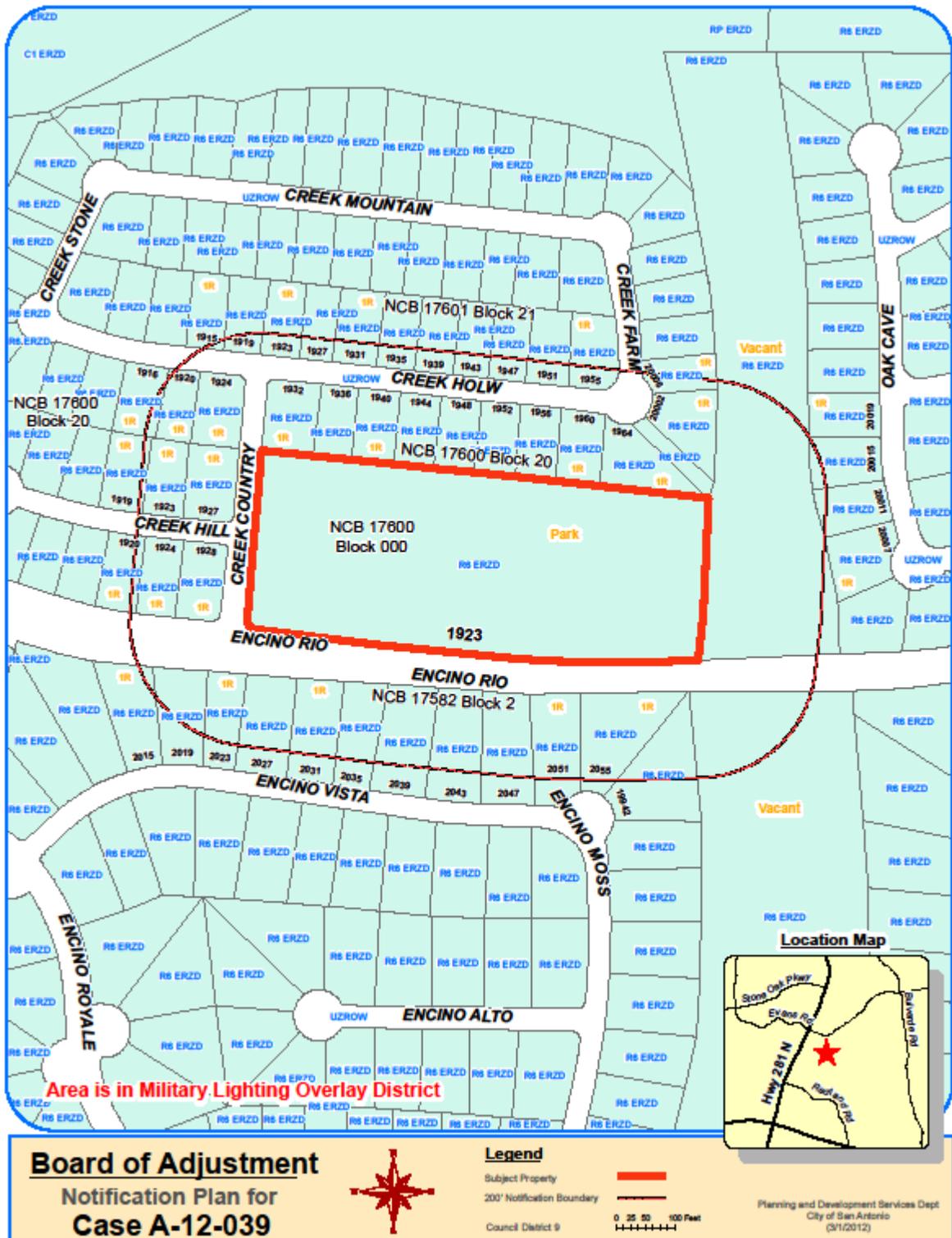
Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

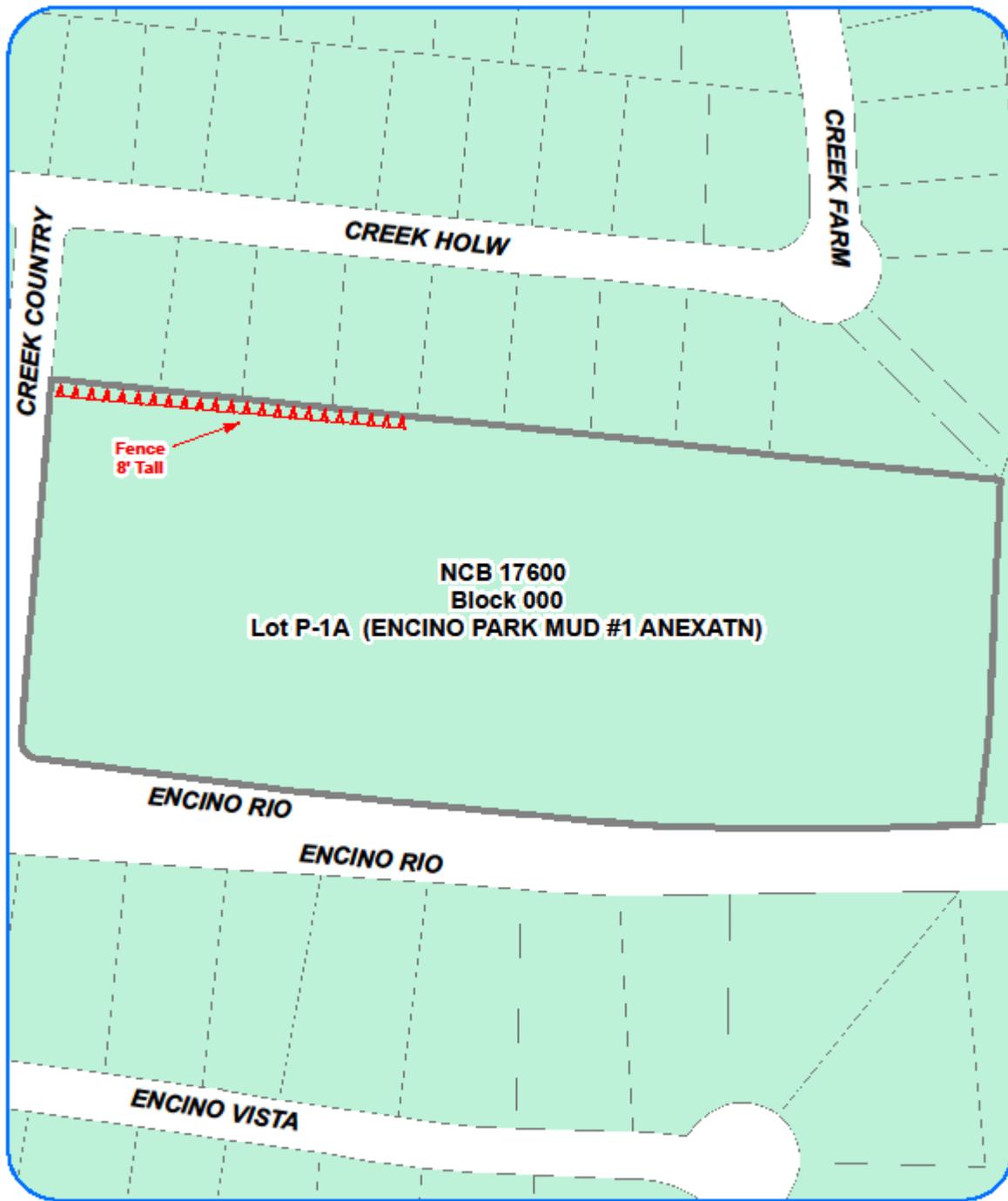
Attachment 1 Notification Plan

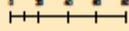


**Attachment 1 (Continued)
Notification Plan**



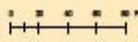
Attachment 2
Plot Plan



Board of Adjustment Plot Plan for Case A-12-039		Fence ▲▲▲▲  Council District 9	1923 ENCINO RIO <small>Development Services Dept City of San Antonio (3/19/2012)</small>
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Attachment 2 (Continued)
Plot Plan



Board of Adjustment Plot Plan for Case A-12-039		Fence AAAAA  Council District 9	1923 ENCINO RIO <small>Development Services Dept City of San Antonio (3/19/2012)</small>
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Attachment 3 Site Plan





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-040
Date: April 23, 2012
Applicant: Cesar Kela
Owner: Cesar Kela
Location: 210 Yuma Street
Legal Description: Lot 15, Block 6, NCB 11192
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Prepared By: James A. Cramer, Planning Technician

Request

The applicant is requesting a special exception to relocate a structure from 12939 SW Loop 410 to 210 Yuma Street.

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 5, 2012. The application was published in San Antonio Express News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The property is approximately 0.1722 acres. The current property owner wishes to relocate a single-family residential structure located 12939 SW Loop 410 (**Attachment 3**) to the subject property identified above (**Attachment 4**). The single-family residential structure is approximately one thousand two hundred and sixty-two (1262) square feet, and will be upgraded and modified to comply with current code requirements (**Attachment 5**). The applicant has expressed intentions to enclose the existing carport to establish livable quarters while providing an access way that will serve as the residence main entrance facing Yuma Street (**Attachment 5**).

The subject property is located on a residential street, and is surrounded by other single-family residential homes, as well as undeveloped land. The single-family residential structures range in size and location on the lot. On the same block-face, the square footage of the single-family residential structures varies from approximately 400 hundred (400) square feet to one thousand seven hundred fifty (1,750) square feet. The single-family residential structure to be relocated is in harmony with the other existing residential structures on the same block and in the vicinity.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
RM-4 AHOD (Residential Mixed)	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	RM-4 AHOD (Residential Mixed)	Single-Family
South	RM-4 AHOD (Residential Mixed)	Single-Family
East	RM-4 AHOD (Residential Mixed)	Single-Family
West	RM-4 AHOD (Residential Mixed)	Single-Family

Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 7800 sf	7500 sf
Structure Age	Min: 1948	Unknown
	Max: 1996	
	Mean Age: 1949	
Structure Size	Min: 396 sf	1262 sf
	Max: 1736 sf	
	Mean Size: 896 sf	
Structure Height	1 Story – 2 Story	1 Story
Front Entry, Porch, Walkway	Front of House	Front Door will be moved to face Yuma Street

Building Materials	Exterior siding: Various	Vinyl
	Roofing: Various	Composite Shingles
	Window: Various	Wood
Foundation Type	Various	Concrete Piers
Roof Line/Pitch	Hipped & Gabled, Singles	Shingles
Fencing	4ft Chain Link	None Proposed

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan, and as of February 28, 2011 has the zoning classification of Mixed Residential. The subject property is not located within a Neighborhood Association.

Criteria for Review

According to Section 35-482(h) of the Unified Development Code, in order for a special exception to be granted the Board of Adjustment just find that the request meets each of the five (5) following conditions:

- A. The special exception will be in harmony with the spirit and purpose of the chapter.

The granting of the special exception will be in harmony with the spirit and purpose of the chapter. The applicant is proposing to relocate a structure to a vacant lot and intends to repair the structure to meet city codes.

- B. The public welfare and convenience will be substantially served.

The public welfare and convenience will be substantially served. The structure proposed to be relocated will be used as single family dwelling and make use of an undeveloped parcel within an area of residential land use through continuing neighborhood revitalization.

- C. The neighboring property will not be substantially injured by such proposed use.

The neighboring property will not be substantially injured by the proposed use as the neighborhood in general will be better served by the proposed use of the property as a single-family dwelling than by its continued vacancy.

- D. 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.

The special exception will not alter the essential character of the district in which it is sought as the structure is of a similar character as other structures within the district.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The special exception will not weaken the general purpose of “RM-4” zoning district to accommodate residential land uses.

Staff Recommendation

Staff recommends **approval of A-12-040**. The requested special exception complies with all of the review criteria for granting a special exception as presented above. The relocation of the structure in question will allow the reasonable use of a property that has been vacant for a significant time, and will fit with the character of the existing area.

Attachments

Attachment 1 – Location Map

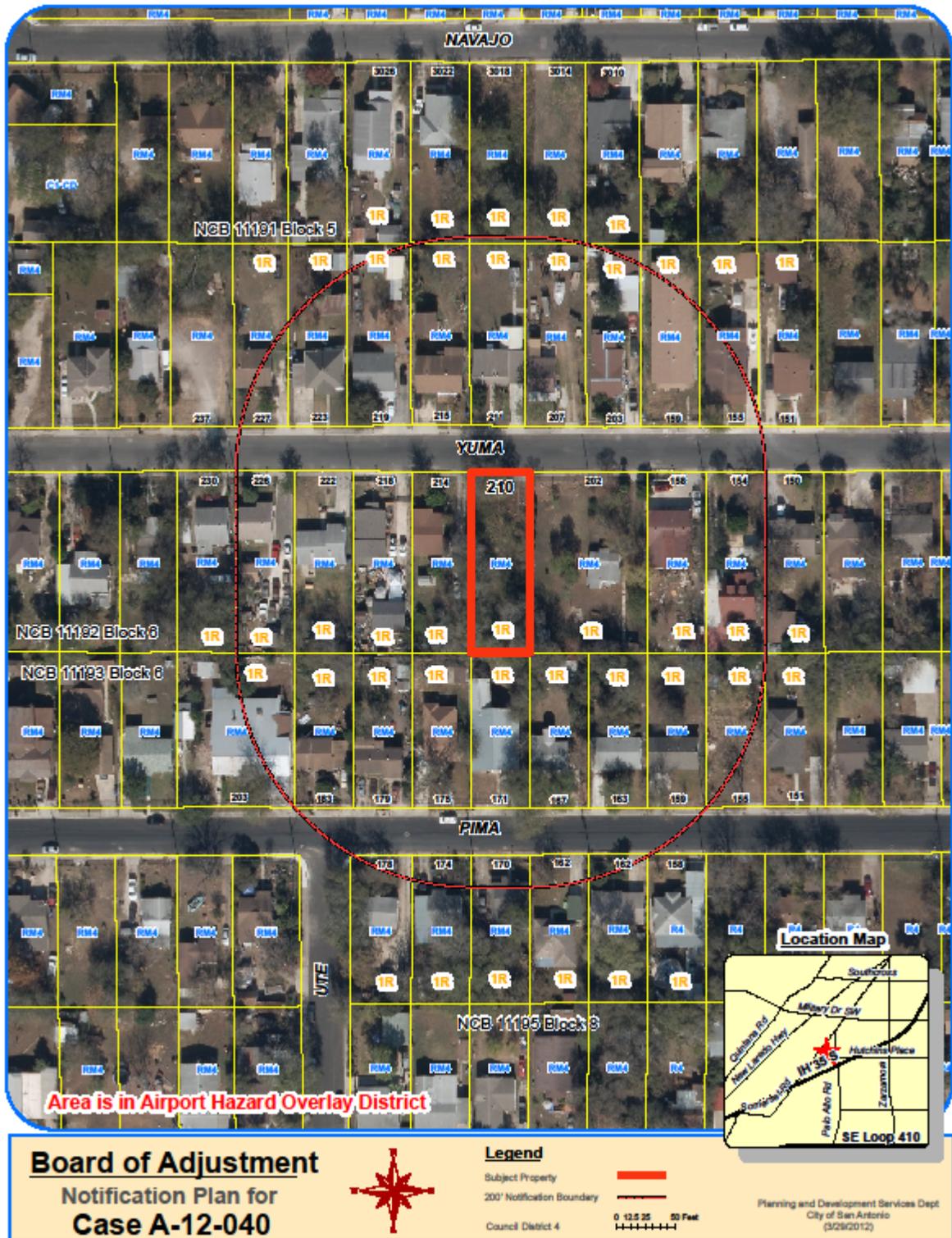
Attachment 2 – Plot Plan

Attachment 3 – Existing Single-Family Residential Structure (12939 SW Loop 410)

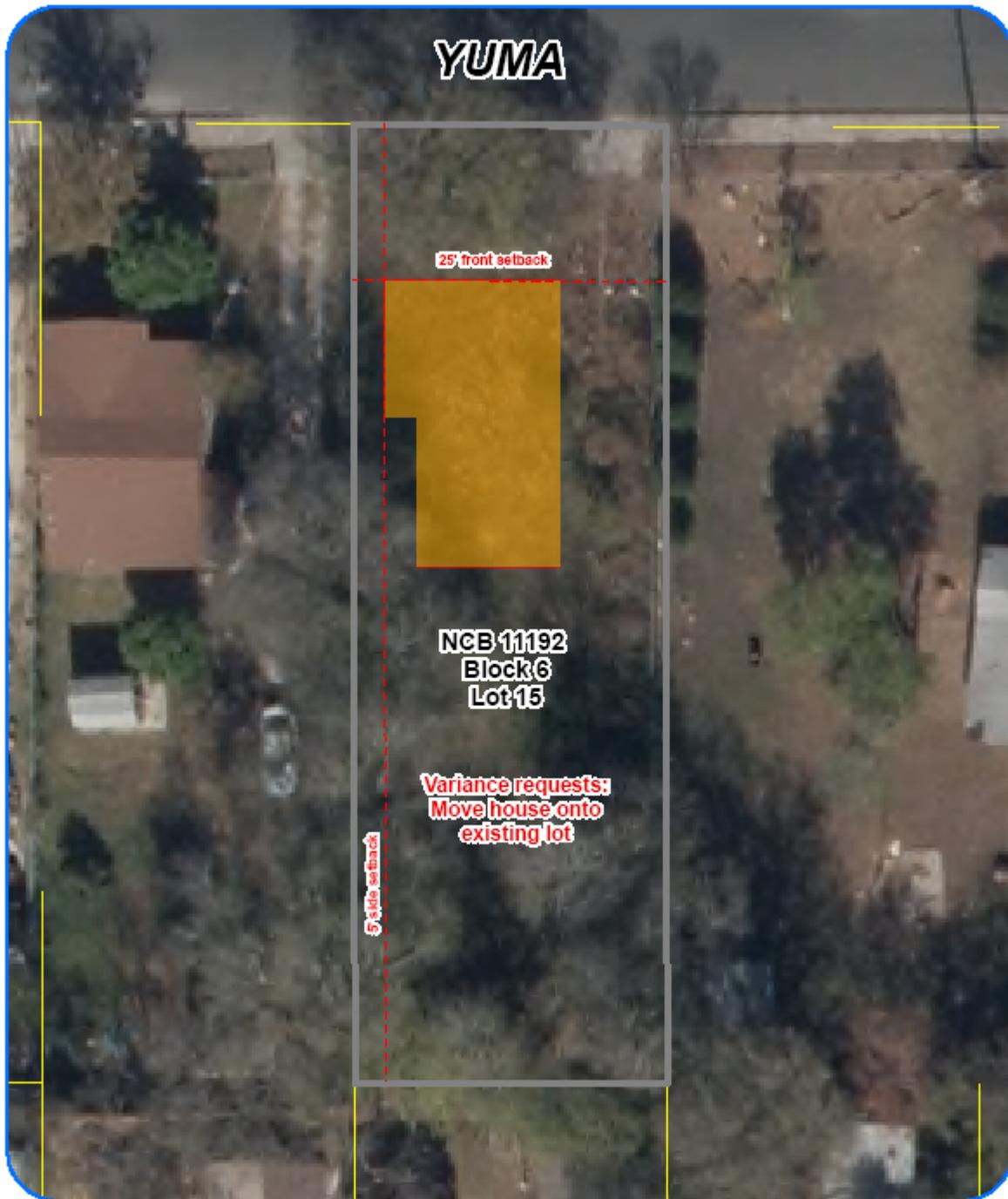
Attachment 4 – Site Plan (submitted by applicant)

Attachment 5 – Plan of Development

Attachment 1 Notification Plan



Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-040



0 5 10 15 20 Feet
Council District 4

210 YUMA

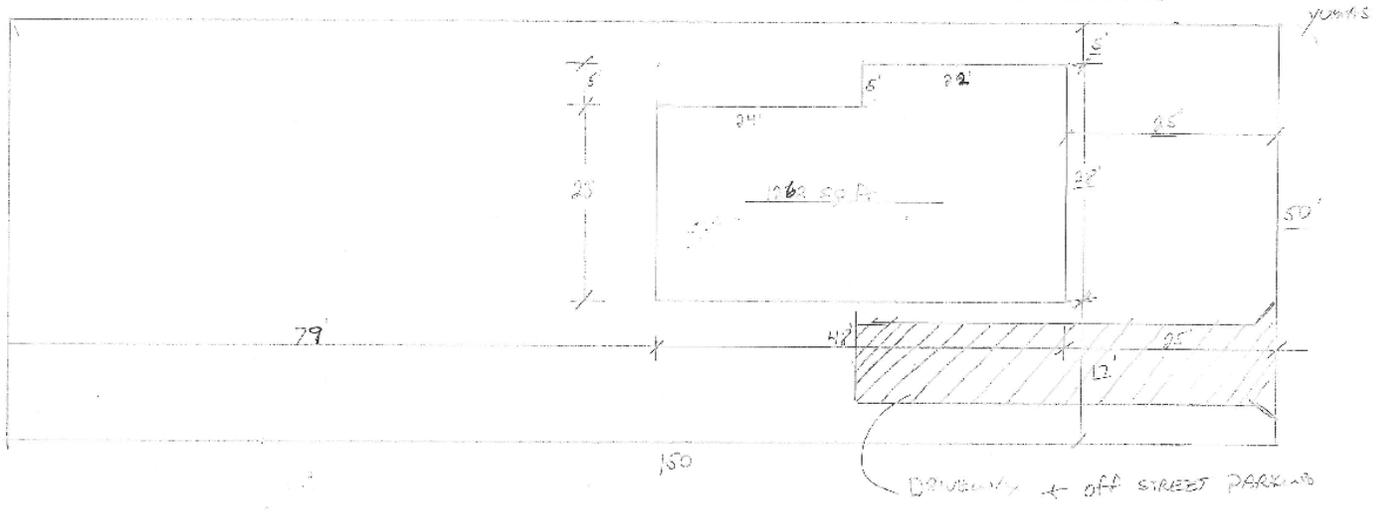
Development Services Dept
City of San Antonio
(5/19/2012)

Attachment 3
Existing Single-Family Residential Structure
12939 SW Loop 410



Attachment 4
Site Plan
(Submitted by applicant)

210 YUMA ST
Lot 15 Parcel 1 2108 11192
Plat Review Volume 2222 page 216
Lanna Alta Subdivision
Lot 50 x 150'



**Attachment 5
Plan of Development**

**BOARD OF ADJUSTMENT
CITY OF SAN ANTONIO, TEXAS
PLAN OF DEVELOPMENT**

NAME: Cesar Kela
STREET ADDRESS AND ZIP CODE (PROPOSED): 210 Yuma
STREET ADDRESS AND ZIP CODE (CURRENT): 12939 SW Loop 410
SIZE OF STRUCTURE (Square Footage): 1282

CURRENT TYPE OF CONSTRUCTION:

INTERIOR WALLS: Sheetrock Panel Other _____
SIDING: Wood Vinyl Other _____
CEILING: Sheetrock Other _____
ROOF: Shingles Other _____
WINDOWS: Wood Aluminum Other _____
INSULATION: Walls Ceiling Floor
HEATING & COOLING: Window Units Hearers Central
FLOOR JOIST: 2" X 8" SILLS: 2" X 6" STUDS: 2" X 4"

PROPOSED CHANGES:

WINDOWS: N/A ROOF: N/A
SIDING: N/A SKIRTING TYPE: N/A
INSULATION: N/A PORCH: N/A
DOORS: N/A HEATING & COOLING: N/A
ELECTRICAL: Upgrade to city code PLUMBING: Upgrade to city code
CONSTRUCTION OF DRIVEWAY: Gravel
FOUNDATION: Concrete piers
COMMENTS: Carport will be converted to living area. Front door will be placed facing street.



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-041
Date: April 23, 2012
Applicant: Michele R. Pauli
Owner: Michele R. Pauli
Location: 151 Algerita Drive
Legal Description: Lot 5, Block 1, NCB 11649
Zoning: "R-5" Single-Family Residential District
Prepared By: Matthew Taylor, Senior Planner

Request

The applicant requests 1) A 16-foot, 6-inch variance from the 20-foot minimum rear yard setback requirement for a sport court fence, in order to allow a 3-foot, 6-inch rear setback for a sport court fence; and 2) a 17-foot variance from the 20-foot minimum side yard setback requirement for a sport court fence, in order to allow a 3-foot side setback for a sport court fence.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 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 5, 2012. The application was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's Internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property totals just under one (1) acre and is located within the Algerita Park subdivision. According to Bexar County records, this residential development was platted in 1949 and the single-family dwelling on the lot was constructed around 1977. Numerous improvements have been made to the property, including a swimming pool with deck, a carport and, most recently, a tennis court with retaining wall, sport court fence and lighting. An additional improvement, a two-story addition, is in progress as of the date of this report and the applicant does not currently reside on the property.

The property is surrounded by similar single-family residential uses to the north, south, east and west. Wooden fencing runs along the rear property line and portions of the side property lines but this fencing physically rests on the adjacent properties. Per the recorded plat, there are no utility easements along the rear or side property lines.

The applicant's request only pertains to the setback distance of the sport court fence and none of the other improvements on the property. Section 35-514(b)(1) of the Unified Development Code states:

“Fencing, screening and/or back stops for sport courts such as basketball, tennis, batters cages, etc. shall be constructed only in the rear yard and shall be located no closer than twenty (20) feet to a side or rear property line of an adjacent single-family use or residential zoning district and/or a public or private street. The maximum height for sport court fencing shall be in accordance with section 6-2 of the building code.”

The tennis court itself measures 70 feet wide by 126 feet long. The sport fence measures the full width of the court along the easterly side property line and about 77-feet, 9-inches along the court, adjacent to and 3½ feet from the rear property line. A small portion of the fence runs along that part of the court closest to the residence on the subject property but this section of the fence is also located within the required 20-foot setback. At its highest point above the court, the sport court fence elevates to a height of about 10-feet along the easterly side property line, less than the 12-feet but greater than the six (6) feet identified in Section 6-2 of the City's Code of Ordinances. Section 6-2(a) of the City's Code of Ordinances (Building Code) allows sport court fencing to exceed six (6) feet and extend up to a height of 12 (12) feet provided the minimum setback requirement of 20-feet is met. A granting of the setback variance allows the applicant's fence to remain in its current location and at its current height.

According to the applicant/property owner, the applicant first approached the City in May 2011, prior to purchasing the property with intentions to perform the above referenced improvements. Based on the information provided by the property owner, city permitting staff informed the applicant that a tennis court would not require a building permit; however, staff was not advised that the court would elevate to a height in excess of 30 inches at which point a permit, even for a concrete slab i.e., tennis court, is required. The property owner visited with City staff three (3) other times throughout the summer of 2011 regarding the tennis court and fencing. The information provided to the applicant was generally given within the context of what information the applicant provided to staff; however, the applicant was not notified of the setback requirement identified in Section 35-514(b)(1) of the UDC.

The applicant submitted a fence permit application on November 9, 2011 (Attachment 6), proposing a 6-foot tall chain link fence. On the site plan accompanying the application (Attachment 5), the applicant identified the location of the tennis court and the approximate location of the sport court fence, along with the proposed setbacks. A permit for the fence (A/P #1756843) was issued that same day. On February 8, 2012, City inspectors visited the property, finding the tennis court (foundation) exceeded 30 inches in height and that a portion of the fence exceeded the 6-foot height claimed on the permit application. The Stop Work order issued that day (Case #109367) was withdrawn on March 13, 2012. The applicant filed the variance application on March 23, 2012.

To summarize, the applicant is requesting a variance from the 20-foot setback requirement identified in Section 35-514(b)(1) of the UDC. A separate request for the height of the sport court fence, which ranges from 6-feet to about 10-feet, is not necessary if the setback variance is granted by the Board. Staff’s position is that sport court fencing constitutes more of a structure than traditional perimeter fencing. Section 35-A101 of the UDC defines a fence as:

A tangible enclosure or barrier, constructed of any material allowable by this chapter, but not including hedges, shrubs, trees, or other natural growth, erected for the purpose of providing a boundary, separation of areas, means of protection, to prevent uncontrolled access, decorative purposes, or concealment. Retaining walls shall not be considered fences.

In this case, the court fence does not completely encircle a defined boundary or cordon off an area. Nor is it intended to protect the occupants of the property, provide decoration or conceal any feature or activity on the property. The purpose of this fencing is to prevent equipment such as tennis balls, volleyballs, basketballs and the like from creating a nuisance by being projected onto adjacent properties. The applicant’s court fence does not restrict access to the property but surrounds about 50% of the tennis court which is located within the property. To add context, the applicants may build an accessory structure within the side or rear yard and within three (3) feet of the side and rear property lines. For example, the construction of a detached garage in the location of the tennis court is permissible by the UDC. Absent of any projecting architectural features, an accessory structure may be built within three (3) feet of the side or rear property line [Section 35-370(b)(1)] and may cover up to 50% of the rear yard area [Section 35-370(b)(3)]. Additionally, detached accessory dwelling units may be located to within five (5) feet of rear and side property lines. Lastly, the height restriction in the “R-5” zoning district is 35½-feet.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-5 (Single-family)	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 PUD (Single-family)	Single-Family Residence
South	R-5 (Single-family)	Single-Family Residence
East	R-5 (Single-family)	Single-Family Residence
West	R-5 (Single-family)	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Neighborhood Plan. The subject property is not located within the boundary of or within 200 feet of a neighborhood association registered with the City.

Criteria for Review

Pursuant to Section 35-482(e) of the UDC, in order for a variance to be granted, the application must demonstrate all of the following:

1. The variance is not contrary to the public interest.

Since the location of the sport court fence is in the rear and side yard areas and does not itself prevent access to the property, the fence does not pose as an obstruction for emergency services personnel or a distraction for passing pedestrian or vehicular traffic. Because of this, staff generally believes that an approval of the requested setback variance is not contrary to the public interest. However, staff does recognize the potential visual impact of the fence, as well as other improvements on the property, to adjacent property owners. Nonetheless, staff believes the applicant's request to substantially reduce the required setbacks for the sport court fence is not necessarily contrary to this particular criterion and the interests of the public at large.

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

The subject property does have unique features topographically. First, the rear of the westerly property line had a 12-15 foot wall of solid, projecting rock and the rear of the property slopes substantially, about 12-feet from a westerly to easterly direction. The property owner constructed a retaining wall, which per the UDC is not considered a fence nor subject to setback requirements, along the side westerly property line that also extends along the rear property line in an easterly direction about 54-feet. Along with fill material, a French drain was installed to assist with drainage. Because of this slope, the applicant elected to both recess and elevate the court to compensate for the change grade instead of just removing the natural and uneven rock formations common on the property, particularly in the rear yard.

Natural features aside, staff does not consider improvements to a property, whether performed by an applicant or a previous property owner, unnecessary hardships. As stated earlier in this report, the existing dwelling unit was constructed in the 1970's. The dwelling sits on the most elevated portion of the property and well in excess of the required 10-foot front yard setback. The existing pool is located behind the dwelling reducing the available area for which to install the tennis court and accessory elements. Although the location of the court and fencing are restricted by the presence of existing improvements, the court could have been reconfigured on the property, albeit with potential structural modifications to the pool area. Even if the applicant had chosen this approach, it is highly likely the court fence would still encroach into the required 20-foot rear setback. The applicant was limited in the placement of the tennis court and fencing; however, as much as a hardship pre-existing improvements may pose in adding additional improvements, pre-existing improvements do not themselves pose special or unique conditions resulting in unnecessary hardships.

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

Section 35-102 of the UDC clearly identifies the purpose of the ordinance: To promote the health, safety, morals and general welfare of the community. Within this context, zoning itself restricts the use of property and may often pose a hardship, albeit a necessary one. In this case, denial of the requested variance will not prevent the applicant from using the tennis court. In fact, the present location of the tennis court does not constitute a violation of the ordinance and the applicant may use the court with or without the fencing in question. However, staff believes the spirit of the ordinance will be observed for the applicant should the variance be granted.

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 requested variance will not authorize the establishment or continuation of a use otherwise not permitted within the “R-5” residential zoning district. A tennis court, for which the sport court fence has been constructed, is not a principal or accessory use but is instead an ancillary recreational use not prohibited on properties in residential zoning districts provided the applicable provision(s) are met or, as in this case, the Board of Adjustment provides relief by granting a variance from such provision(s).

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 approval of the variance to reduce the setback requirements for the sport fence will not restrict the conforming uses of adjacent properties. Staff recognizes the visual element in granting a variance but even with the required 20-foot setback the court fence would remain visible to the occupants of adjacent properties. It is the proximity of the fence to the property line that accentuates the visibility of the fence to what might be considered an unacceptable level by adjacent property owners. However, given the fence is chain-link, it does not restrict natural air flow or natural light.

The lighting structures on the property do potentially create the most significant impact to adjacent property owners. Exterior lighting is allowed in residential districts but Section 35-392(a) of the UDC requires the “source of light” must be “concealed from adjacent properties.” Since these lights have not been used, they are not in violation of the code. However, in order to be used, additional shielding will likely be required. Of course, the applicant may also apply for a variance from this provision of the UDC. Staff does believe the cumulative effect of the tennis court, the sport fence and the exterior lighting has the potential to both affect the ability of adjacent property owners to use and enjoy their respective properties and alter the character of the immediate vicinity 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.

While unique circumstances of the property have not precluded the applicant from constructing the tennis court or court fence, the applicant’s fact-finding efforts and outreach to the City to establish the viability of said improvements cannot be overlooked. The applicant was provided with incomplete information and, because of this, substantial costs were incurred by the applicant to use the property in a manner otherwise permissible within the zoning district.

It appears that preliminary conversations between the applicant and City staff did not result in full disclosure of the conceptual plans or the applicable regulations, which would over time become actual physical improvements and a series of investigations, stop work orders and determinations both favorable and unfavorable to the applicant. For example, stop work orders were issued for a failure to obtain the appropriate permits. Later, a determination was made that the court did not require a permit and a variance was required for the court fence. It must be noted, however, that the fence permit application submitted by the applicant on November 9, 2011, for the court fence identified a height of 6 feet and the actual

elevation of the tennis court itself was not disclosed nor discussed with City permitting staff. Additionally, stop work orders were issued for other improvements on the property as well that directly involved the building contractor hired by the applicant. In short, incomplete or incorrect information, whether unintentional or otherwise, does not present a hardship for the purposes of considering a variance but cannot be ignored in an overall discussion of a variance application.

Staff Recommendation

Based on the six (6) approval criteria identified in Section 35-482(e) of the Unified Development Code, staff recommends **denial of A-12-041**. The requested variance for the sport court fence setbacks does not comply with all six (6) of the required criteria necessary to grant the variance. Staff is aware of the extenuating circumstances the applicant has experienced, specifically, the lack of a complete and accurate exchange with City staff before and during the construction of the existing tennis court and sport court fence. However, the fence itself is not in compliance with the UDC and this condition must be addressed either with the removal of the fence or by the granting of a variance.

If the variance is granted by the Board, the chain-link sport court fence may remain in its current location and configuration. If the variance is not granted, said fence must be removed in its entirety.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Notification Plan (Aerial Map)

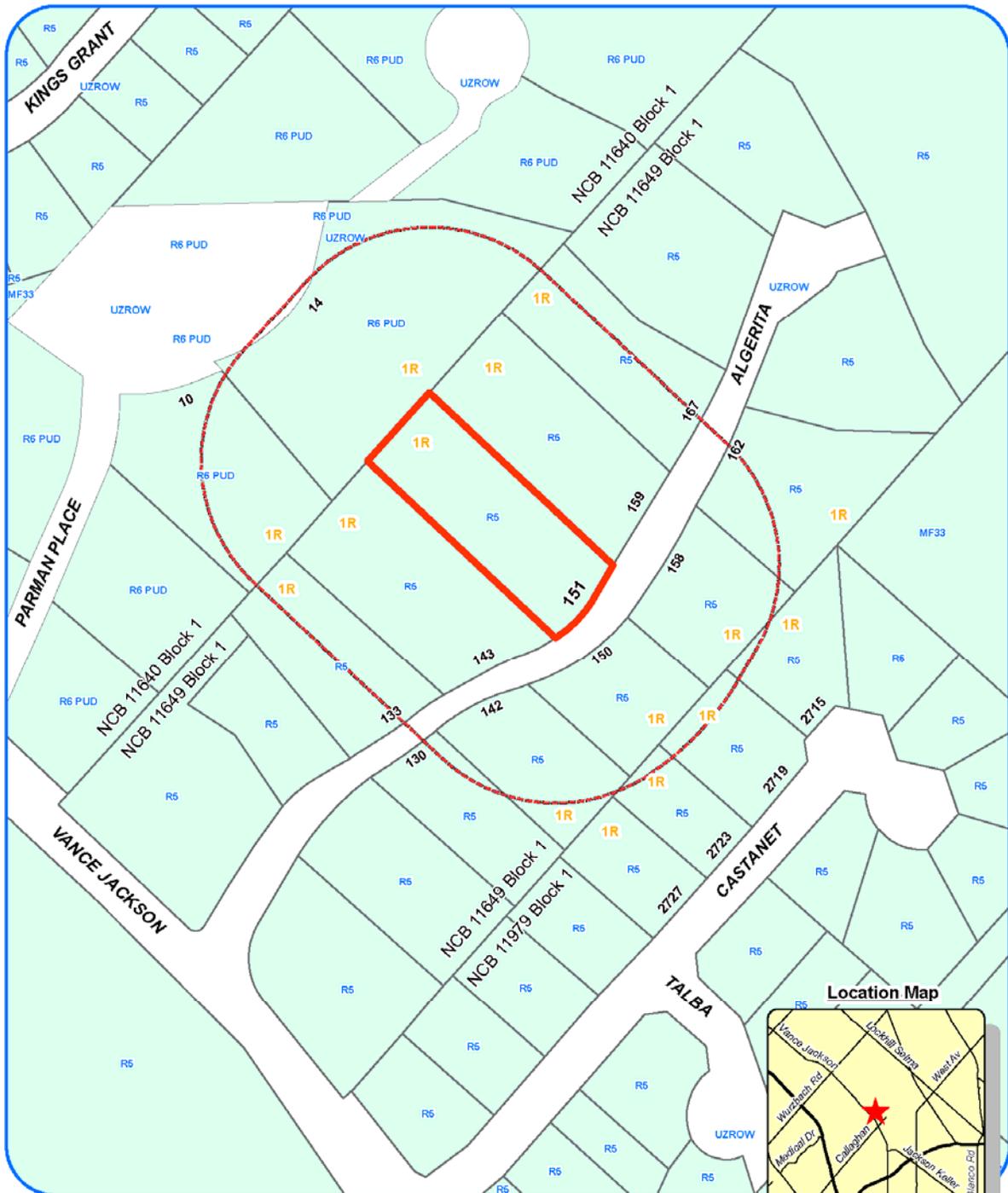
Attachment 3 – Plot Plan (Location)

Attachment 4 – Plot Plan (Aerial)

Attachment 5 – Applicant Site Plan Submitted for Fence Permit

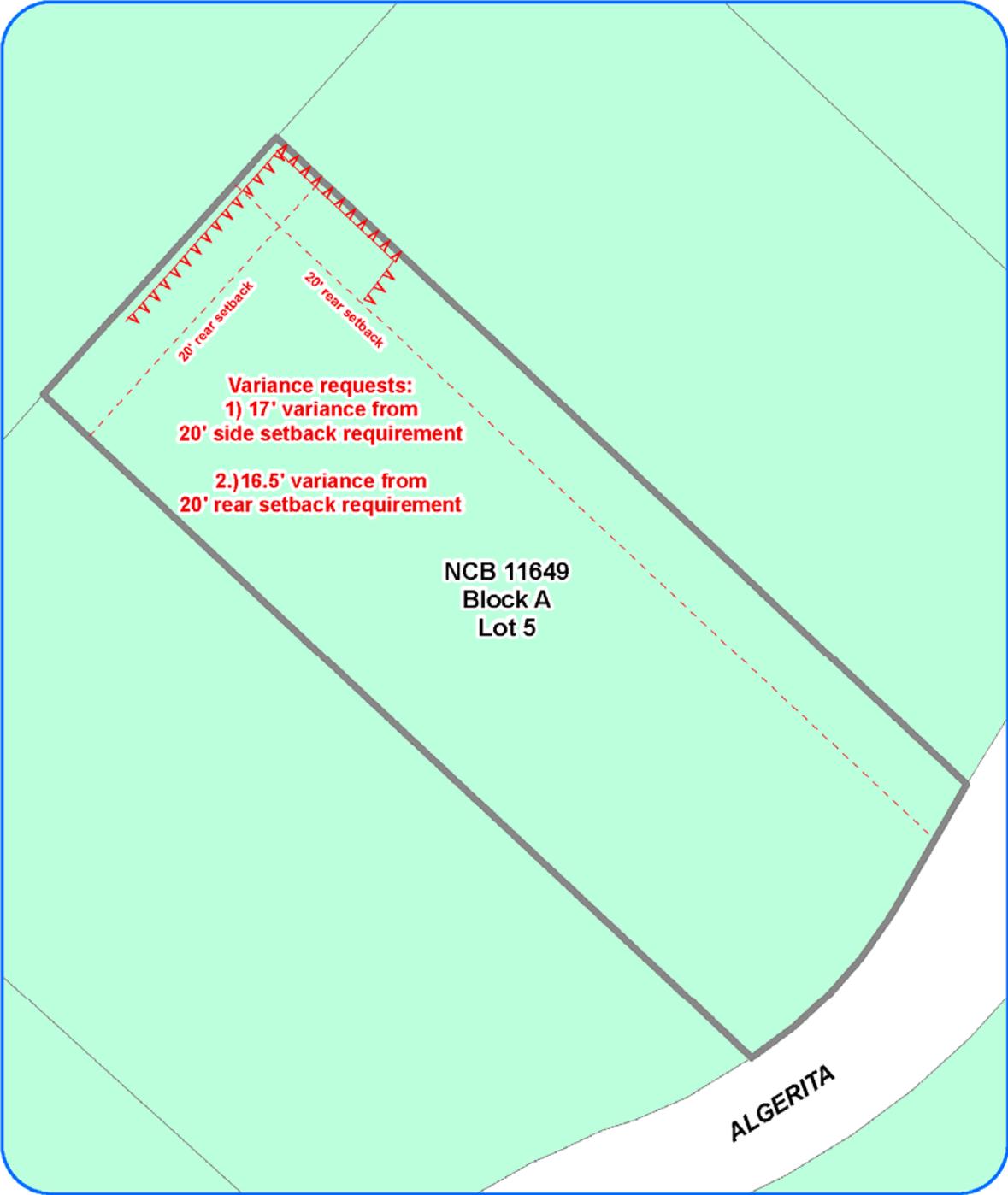
Attachment 6 – Fence Permit Application (Submitted November 9, 2011)

Attachment 1 Notification Plan (Location Map)



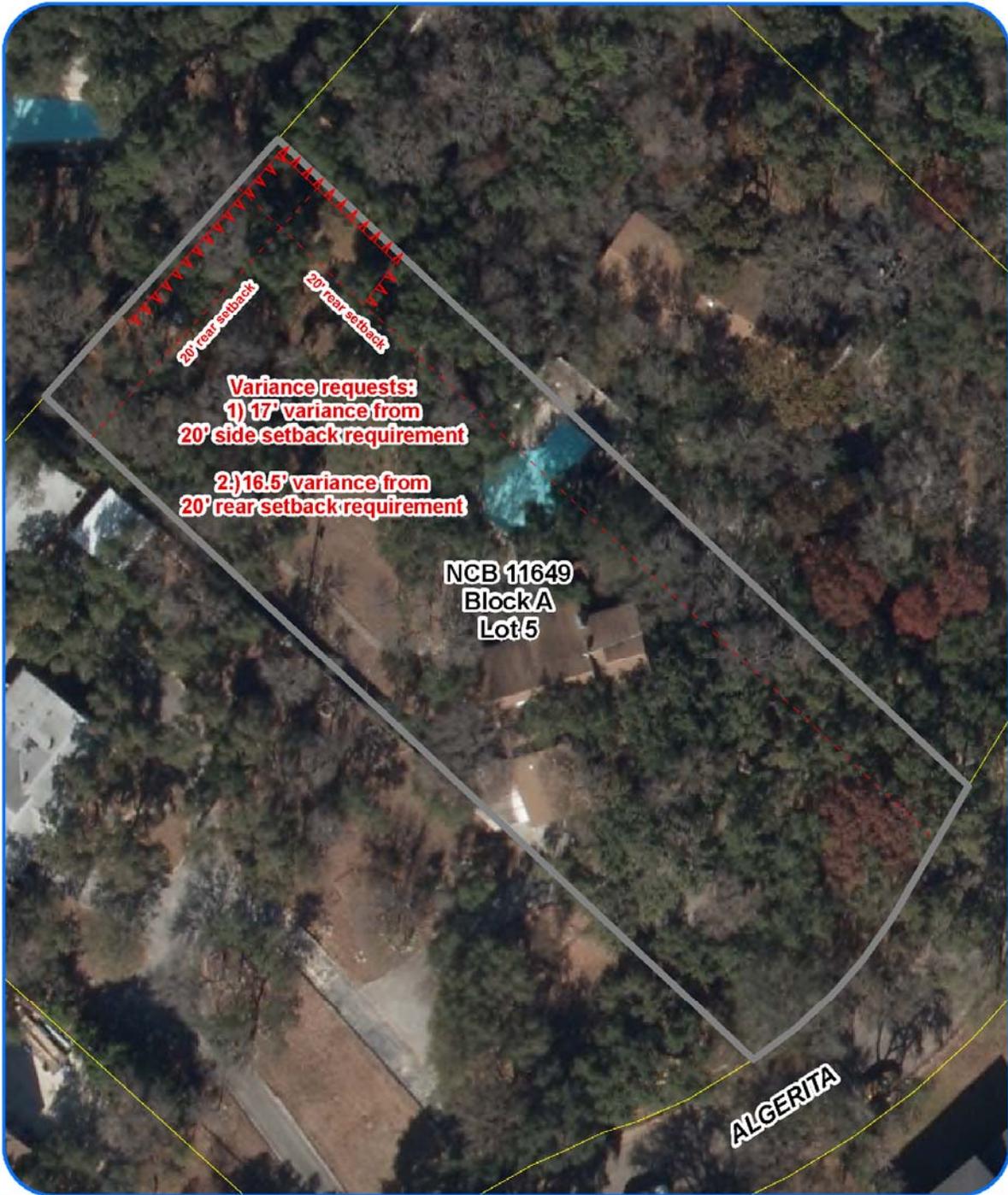
<p>Board of Adjustment Notification Plan for Case A-12-041</p>		<p>Legend</p> <p>Subject Property</p> <p>200' Notification Boundary</p> <p>Council District 8</p>	<p>0 20 40 80 Feet</p>
<p>Planning and Development Services Dept City of San Antonio (3/1/2012)</p>			

**Attachment 3
Plot Plan (Location)**



Board of Adjustment Plot Plan for Case A-12-041		Fence ▲▲▲▲ 0 10 20 30 40 Feet Council District 8	151 ALGERITA <small>Development Services Dept City of San Antonio (4/1/2012)</small>
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Attachment 4 (Continued)
Plot Plan (Aerial)



Board of Adjustment
Plot Plan for
Case A-12-041



Fence ▲▲▲▲
0 10 20 30 40 Feet
Council District 8

151 ALGERITA

Development Services Dept
City of San Antonio
(4/1/2012)

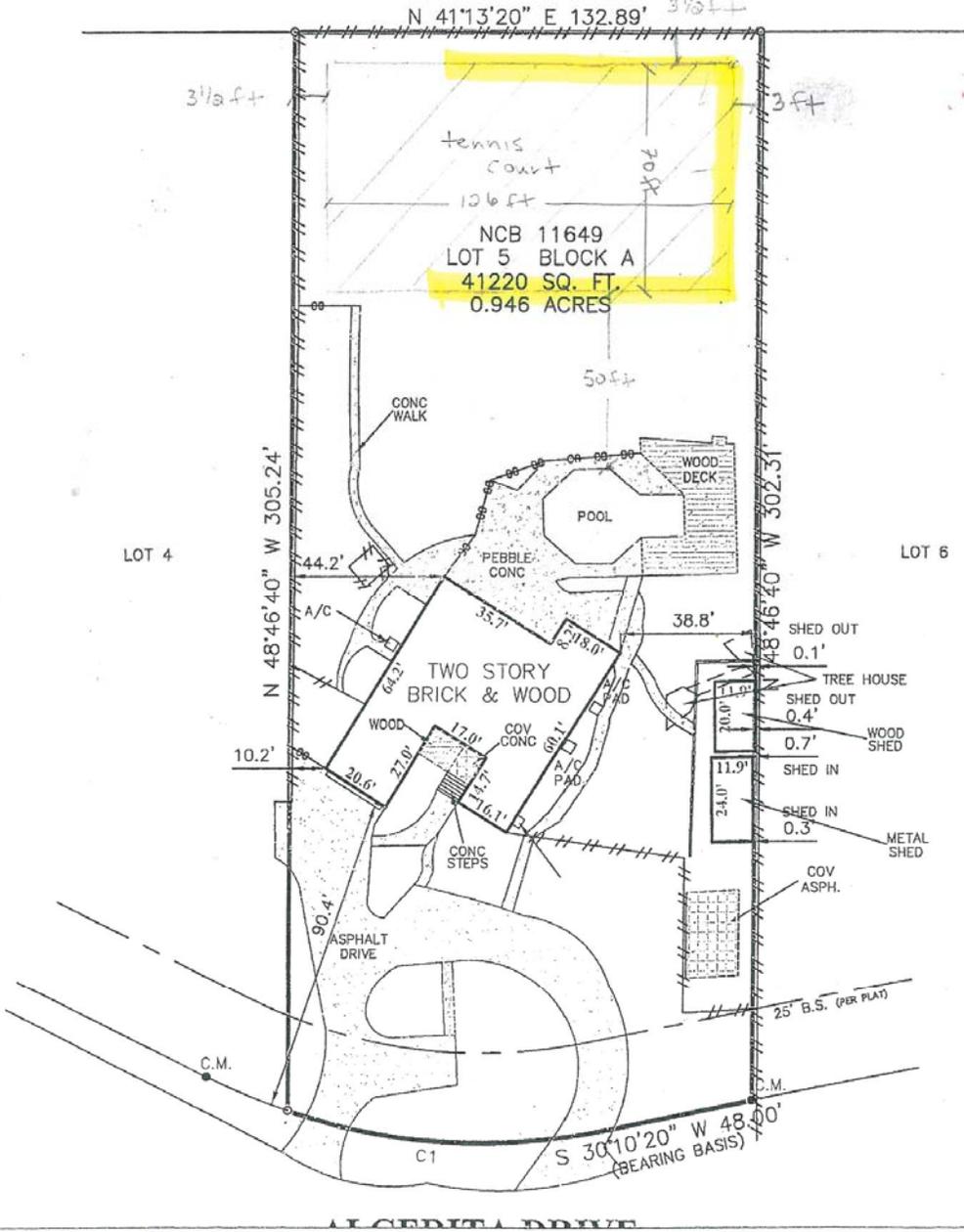
Attachment 5 Applicant Site Plan (Submitted for Fence Permit and Variance)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
1	175.00'	86.90'	86.01'	N 45°24'10" E	28°27'04"

NOTE:
THE REPORT INDICATES THERE ARE NO RESTRICTIONS
OR COVENANTS OF RECORD.

NOTE:
EASINGS SHOWN HEREON ARE BASED ON RECORD
PLAT INDICATED BELOW.

TRACT No. 2
OWNER- M. S. CARNELRO



Submitted for fence Permit

Attachment 6
Fence Permit Application (Submitted November 9, 2011)

1756843



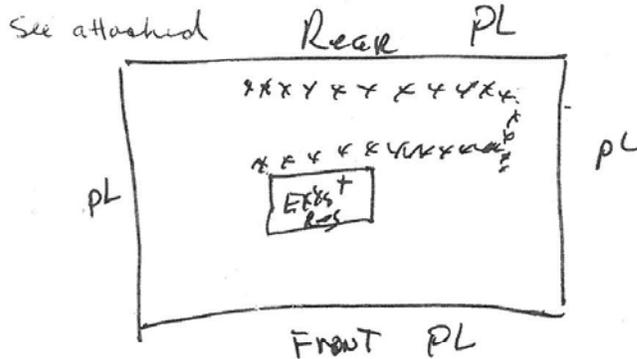
CITY of SAN ANTONIO
 Development Services Department
 1901 S. Alamo
 San Antonio, Texas 78204

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

Date: 9 Nov 11	Address: 151 Algerita
Owner Name: Michele Paoli	RESIDENTIAL <input checked="" type="checkbox"/> or COMMERCIAL <input type="checkbox"/>
Fence Height: 6 ft	Fence Type: chain link

FENCE PERMIT APPLICATION

Diagram of lot where fence will be installed:



Corner Lot: Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>	Does the adjacent or cross street have on-coming traffic approaching around a curve: Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>
--	---

Note: If you answered "Yes" to the above questions, you are responsible for ensuring the fence is installed in accordance with the Unified Development Code requirements for clear vision (see page 2).

Residential Fence Fee: \$ 25.00 +3% Technological Fee
 +3% Development Services Fee

Commercial Fence Estimated Cost: \$ _____
 (permit fee + 6% surcharges)

I certify that the fence installed with this permit will be installed according to the requirements of the City of San Antonio Unified Development Code.

Signature of applicant: _____ Date: 9 Nov 11

Contractor Name/ Homeowner Name:	License #: _____	Escrow: YES <input type="checkbox"/> or NO <input checked="" type="checkbox"/>
Authorized Agent Name:		Contact ID#: AC 237709
Telephone: 210 375 4445	Fax: _____	Email: hfs.paoli@gmail.com

THIS APPLICATION MUST BE COMPLETED WHEN REQUESTING A PERMIT.
 A DOUBLE FEE WILL APPLY FOR FAILURE TO OBTAIN A PERMIT BEFORE STARTING WORK
 FAILURE TO SUBMIT ACCURATE INFORMATION MAY RESULT IN A PROCESSING DELAY.
 PLEASE BE ADVISED THAT IF WORK SITE IS LOCATED IN THE FLOOD OR HISTORIC DISTRICT ADDITIONAL APPROVAL MAY BE REQUIRED.

REVISED 05/2011
 COSA/DSD



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-042
Date: April 23, 2012
Applicant: Keller Signs
Owner: LS Boardwalk, LLC/ The San Antonio Boardwalk LLC
Location: 23535 W. IH 10
Legal Description: Lots 6, Block 1, NCB 16391
Zoning: "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway
Corridor Military Lighting Overlay District
Prepared By: Trenton Robertson, Planner

Request

1) A request for a 144-square foot variance from the 300-square foot maximum sign area requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to allow a 444-square feet multiple-tenant sign; and 2) a 10-foot variance from the 40-foot maximum sign height requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to maintain a 50-foot tall multiple tenant sign.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 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, 2012. The application was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 3.83-acre property is located on the west side of Interstate Highway 10 (IH-10). It consists of a small shopping center with variety of different businesses. There is an existing on-premise multiple tenant free standing sign on the subject property. The applicant wishes to add another sign cabinet, increasing the total area of the sign. The proposed sign will maintain fifty (50) feet in height, and will have a sign area of approximately four hundred forty four (444) square feet.

In accordance to the Hill Country Gateway Corridor District Plan, the on-premise multiple tenant free standing sign on this property is adjacent to an Expressway. Pursuant to Ordinance 97656 of the Hill Country Gateway Corridor District Plan, the maximum height and area allowed for multiple-tenant signs on properties adjacent to an Expressway is forty (40) feet for maximum height and three hundred (300) square feet for total area. Consequently, the applicant is requesting two (2) variances from these standards.

According to the submitted application, the variances are needed to 1) maintain the existing fifty (50) feet height requirement, 2) maintain the current area of the sign being three hundred ninety five (395) square feet and add an additional forty nine (49) square feet to the existing area of the sign to allow another cabinet to be added to the bottom of the sign. Enlarging an already non-conforming sign is not allowed.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 GC-1 MLOD-1 (Commercial)	Retail, Services

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 GC-1 MLOD-1 (Commercial)	Medical Facility
South	R-6 GC-1 MLOD-1 (Single-Family Residential)	Vacant
East	UZROW	Interstate Highway 10 (IH-10)
West	O-2 GC-1 MLOD-1 (Office)	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Hill Country Gateway Corridor District Plan. The subject property is located within two hundred (200) feet of the Cielo Vista neighborhood association and is registered with the city.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. The variance is not contrary to the public interest:

Granting the variance is contrary to the public interests. The Hill Country Gateway Corridor serves as a gateway to the city and is considered an asset of great value to the city, its inhabitants and its economy. The City Council aims to preserve, enhance, and perpetuate the value of these roadway corridors and hereby authorizes the establishment of corridor overlay zoning districts in accordance with Section 35-339.01 of the UDC. In implementing these goals, ordinance number 97656 allows free standing multiple-tenant signs adjacent to

an expressway to have a maximum sign area of three hundred (300) square feet and be at a height of no greater than forty (40) feet tall. The existing sign exceeds the maximum height and square footage allowed in this district and should not be enlarged as requested by the applicant. The increase of sign area would erode goals and objectives of the Hill Country Gateway Corridor Plan.

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

The subject property sits on the west side of IH-10. In accordance to Ordinance 97656, free standing multiple tenant signs located within the Hill Country Gateway Corridor adjacent to an expressway are offered an additional ten feet in height when the freeway is elevated above the site. In this case however, the property and the sign sit above the grade of both IH-10 and its frontage road. Therefore the topography of the subject property does not qualify for this additional height. By denying the variance and not allowing for the area of the sign to increase by forty nine (49) square feet, it would not cause an unnecessary hardship. The owner of the property can find other methods to allow the applicant to have signage on the property by re-facing the non-conforming sign.

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

The City's Sign Regulations establish specific requirements for different sign types depending on the property's zoning district, number of tenants, location and street classification. The applicant is proposing to maintain and add to a sign that is approximately twenty five percent (25%) taller and forty eight percent (48%) bigger than what is permitted in the Hill Country Gateway Corridor. Due to the increase in area that is being proposed the request would conflict with the stated purposes of Section 35-482(e) of the Unified Development code as well as Ordinance 97656 which adopted site development standards for the Hill Country Gateway Corridor District Plan. Therefore the spirit of the ordinance would not be upheld through granting the applicant's request for a 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.

Granting this variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located. The variance is requesting approval to enlarge the sign by increasing the area and height of the sign. This request will not alter any use on the subject property for which it is currently zoned for.

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.

Granting the variance will significantly alter the character of the district. The goal of the Hill Country Corridor District plan regarding signage is to enhance San Antonio's image as a progressive, scenic, and livable community in accordance with Section 35-339.01 of the UDC. The standards adopted to further this goal include limiting height to forty (40) feet and area to three hundred (300) square feet. The goal of the District is to have all signs come into conformance over time, reinforcing the character of the District.

Granting the variance would also injure adjacent conforming properties with businesses whose signs are limited to forty (40) feet in height and three hundred (300) square feet and potentially give an unfair advantage to competition within the surrounding area.

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 are no existing unique circumstances on the property that would cause an unnecessary hardship. The subject property is located on the frontage road for IH-10 and sits at a higher grade than the Interstate Highway which increases visibility of the sign. Additionally, the hardship the applicant is presenting is self inflicted. The owner of the sign can request other tenants to decrease their sign cabinets in order to allow additional tenants to have space on the sign to advertise their business.

Staff Recommendation

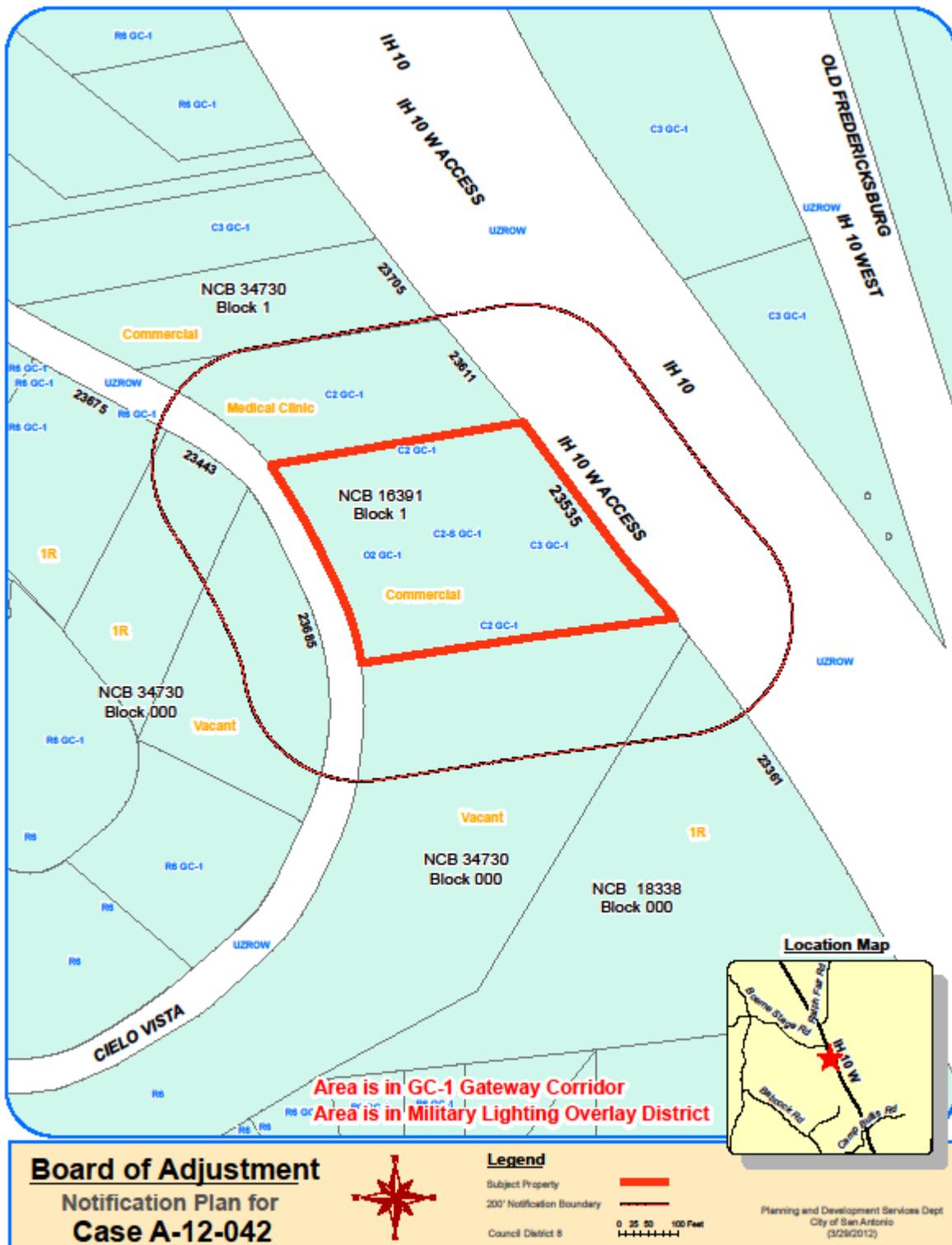
Staff recommends **denial of A-12-042 of increasing the area of the sign by one hundred forty four (144) square feet with an alternative recommendation for sign height and sign area variances.** The requested variances do not comply with the six required approval criteria for granting a variance as presented above. The applicant did not present evidence that the requested variances would provide relief from a hardship caused by a literal enforcement of the sign standards for properties located on an Expressway in the Hill Country Gateway Corridor District Plan. The hardship imposed has been self imposed and does not fall under the requirements of being granted a sign variance in accordance with Section 28-246(b) of the UDC.

The alternative recommendation from staff would be to **approve the sign as it stands now.** The current sign is fifty (50) feet tall, ten (10) feet taller than the maximum standard allotted in the Hill Country Gateway Corridor District Plan (Ordinance 97656). In addition, the current area of the sign is three hundred ninety five (395) square feet, ninety five (95) square feet larger than what is allotted in the Hill Country Gateway Corridor District Plan (Ordinance 97656).

Attachments

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Proposed Sign

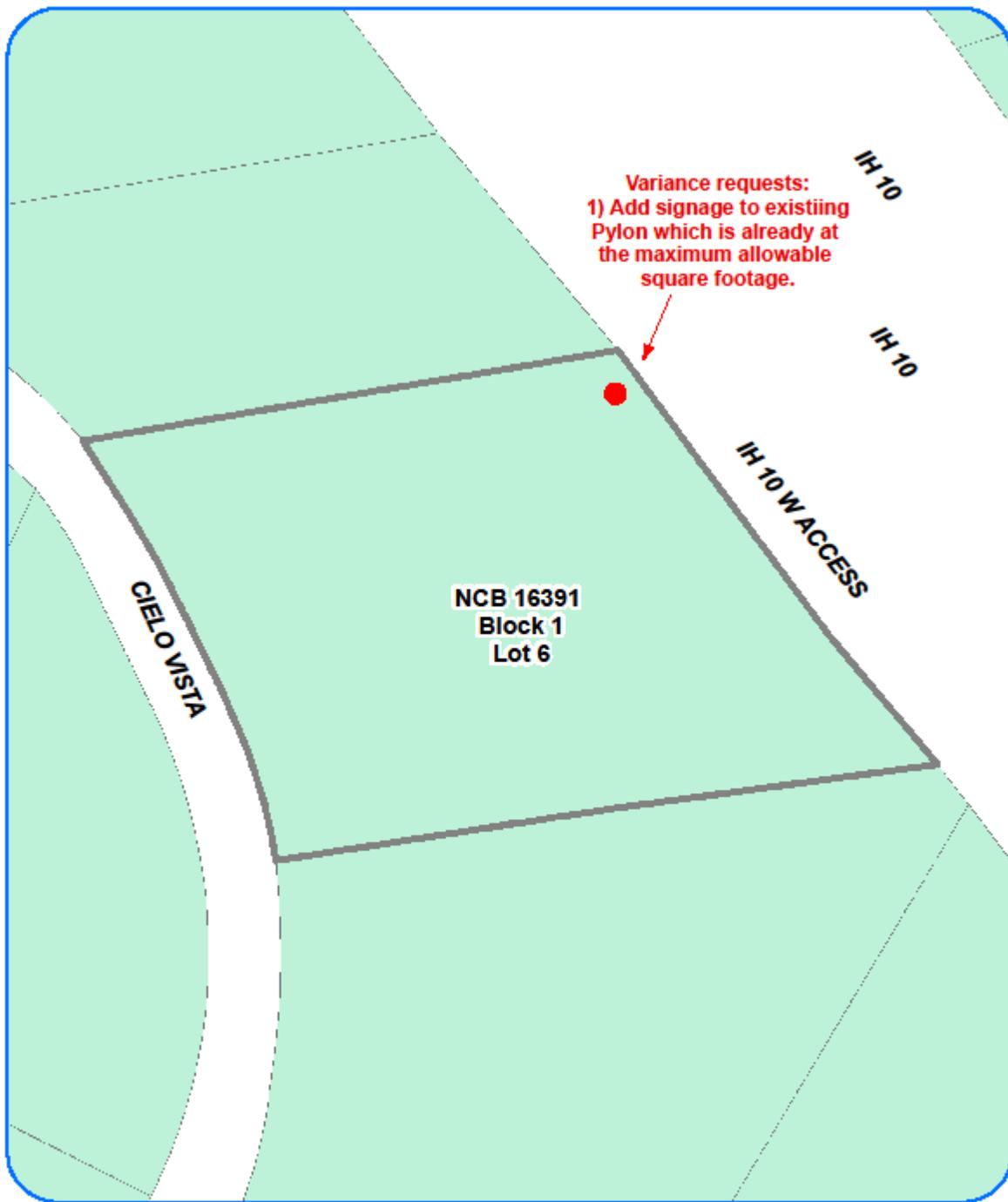
Attachment 1 Notification Plan

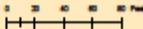


**Attachment 1 (Continued)
Notification Plan**



Attachment 2
Plot Plan



Board of Adjustment Plot Plan for Case A-12-042		 Council District 8	23535 W IH 10 <small>Development Services Dept City of San Antonio (3/19/2012)</small>
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Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-042



0 20 40 60 80 Feet
Council District 8

23535 W IH 10

Development Services Dept
City of San Antonio
(3/19/2012)



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-043
Date: April 23, 2012
Applicant: Sharon Quezada
Owner: Maria M. Morales
Location: 3359 West Woodlawn
Legal Description: Lot 45, Block B, NCB 11508
Zoning: "R-5 AHOD" Residential Single Family Airport Hazard Overlay District
Prepared By: Trenton Robertson, Planner

Request

A request for a special exception to erect a 6-foot Ornamental-Iron Front Yard fence in the "R-5" Residential Single-Family District.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 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, 2012. The application was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 1-acre subject property is located on the North side of Woodlawn. The parcel is currently zoned "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District. The property is surrounded by single-family residential to the north, south, east and west. The applicant has already installed an ornamental iron fence in the front yard that exceeds the height limitations of four (4) feet stated in Section 35-514 of the UDC. Due to the proposed height of the fence, the applicant is requesting a special exception for an ornamental iron front yard fence not to exceed six (6) feet in height in accordance to Section 35-399.04 of the UDC. Currently, the fence has been constructed with the height of seven (7) feet. The applicant has been made aware that they need to lower the height of the fence from (7) feet to six (6) feet in order to qualify for a special exception from the Board of Adjustment in conjunction with Section 35-399.04 of the UDC.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan. The subject property is not located within two (200) hundred feet of a registered Neighborhood Association.

Criteria for Review

According to Section 35-482(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 five (5) following conditions:

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

The special exception is not in harmony with the spirit and purpose of Chapter 35, UDC. The proposed fence doesn't meet the height requirements established in Section 35-399.04(a) of the UDC. The plans submitted by the applicant shows the fence to be seven (7) feet tall. Pursuant to Section 35-399.04, ornamental-iron front yard fences shall not exceed six (6) feet in height, in order for a special exception to be granted. The applicant would need to lower the height of the fence down to six (6) feet in order for a special exception to be granted.

B. The public welfare and convenience will be substantially served.

The public welfare and convenience will be substantially granted by allowing the applicant to securely protect their property if the fence met the height requirement of six (6) feet as mandated by Section 35-399.04 of the UDC.

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

The neighboring properties will not be substantially injured by granting the special exception for a six (6) foot tall ornamental- iron front yard fence pursuant to Section 35-399.04 of the

UDC. The design of the fence will not encroach on the neighboring properties or cause any undo hardship.

- D. 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.

There are no other properties within the neighborhood which have an ornamental-iron front yard fence. Additionally, there are few properties within two hundred (200) feet of the subject property that have a front yard fence. By granting the applicant's request for a special exception, the proposed fence and the encompassing property will not maintain the harmony and character of the surrounding neighborhood.

- E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The requested special exception would not weaken the general purpose of the "R-6" Residential Single Family zoning district. The fence, as proposed in the plans submitted with the application would comply with the additional standards set forth in Section 35-399.04(a) of the UDC. As the fence stands now with a height of seven (7) feet, the fence does not comply with all the criteria of Section 35-399.04(a).

Staff Recommendation

Staff recommends **denial of A-12-043**. The request complies with zero of the five required criteria for a special exception as established in Section 35-482(h) of the UDC, due to the current height of the fence being seven (7) feet. If the fence height were to be brought into compliance of six (6) feet pursuant to Section 35-399.04 of the UDC, staff would still recommend **denial of A-12-043**. The request would comply with four of the five required criteria for a special exception as established in Section 35-482(h) of the UDC. The six (6) foot ornamental-iron front yard fence will not maintain the harmony and character of the surrounding neighborhood. The design of the fence submitted by the applicant is not in accordance with the design criteria specified in Section 35-399.04(a) of the UDC.

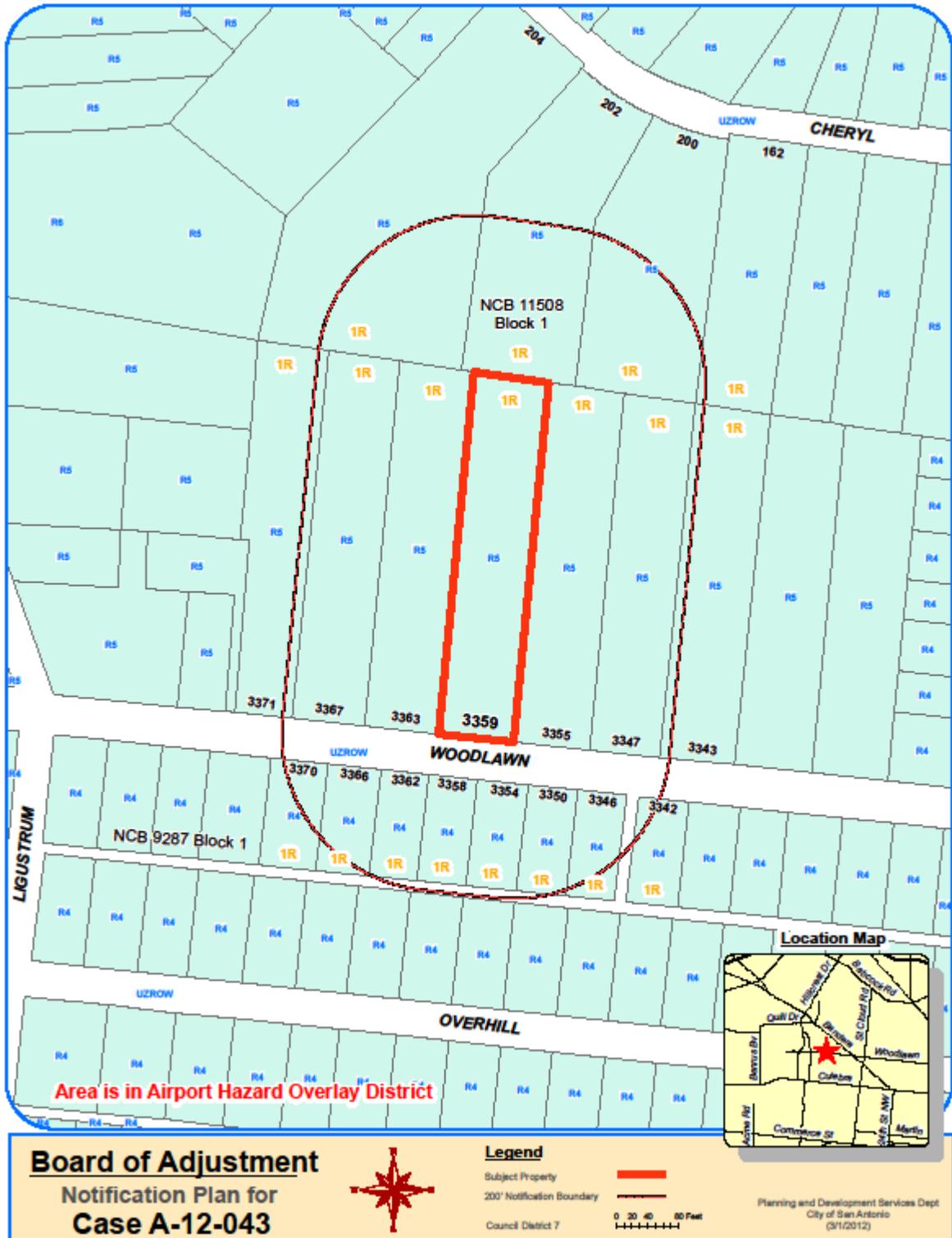
Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Fence Elevation

Notification Plan Attachment 1



**Attachment 1 (Continued)
Notification Plan**



**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-043



Fence  3359 W WOODLAWN AVE

0 20 40 60 80 Feet
Council District 7

Development Services Dept
City of San Antonio
(3/19/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-043



Fence **AAAA** 3359 W WOODLAWN AVE

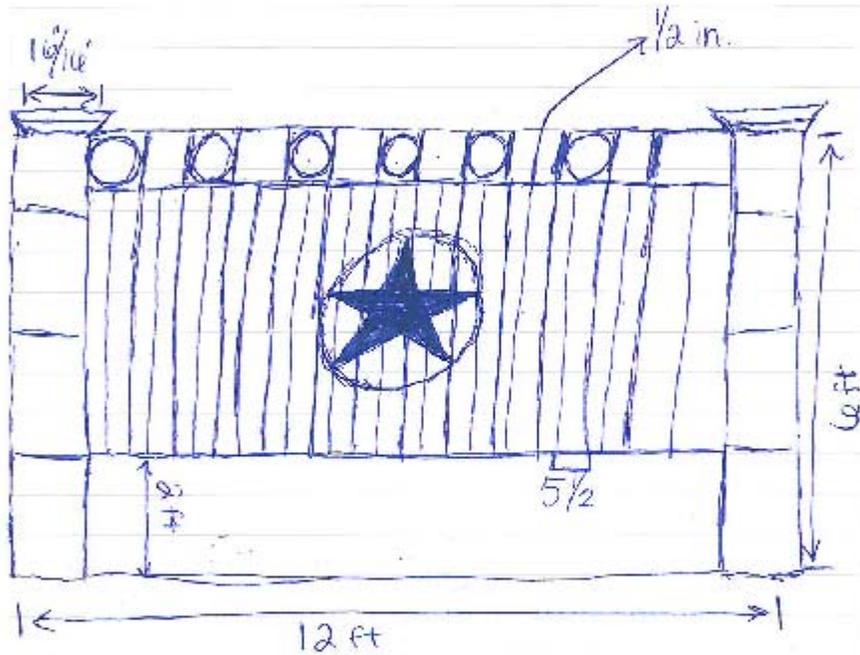


Council District 7

Development Services Dept
City of San Antonio
(3/19/2012)

**Attachment 3
Fence Elevation**

3359. W Woodlawn
San Antonio TX, 78278



from fence to street : 7 ft.

I, Sharon Querada understand that the
fence bars will be changed from 5 inches
to 5 1/2 inches.