

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

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

**Monday, April 6, 2009**  
**1:00 PM**

**BOARD OF ADJUSTMENT MEMBERS**

Liz Victor – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
George Alejos – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10 Chairman	
Maria Cruz	Mimi Moffat
Henry Rodriguez	Pete Vallone
Rollette Schreckenghost	Narciso Cano

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-09-028 cont.:** The request of David Isham, for a 40-foot variance from the requirement that a minimum 50-foot platted rear setback be maintained (recorded in Volume 9540, Page 210 of the Bexar County Deed and Plat Records), in order to erect an accessory structure 10 feet from the rear property line, 21715 Rio Colorado.
5. **A-09-025:** The request of Benjamin Leal, for a four (4) space parking adjustment from the standard that a food service establishment with a gross floor area of 1,600 square feet maintain a minimum of 16 parking spaces, in order to allow 12 parking spaces, 1701 Guadalupe Avenue.
6. **A-09-027** The request of George A. and Tommie P. Blakey, Jr., for a 2-foot variance from the requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to keep an existing structure 3 feet from the east side property line, 306 East Myrtle Street.

7. **A-09-029:** The request of Robert Van Diest, for **1)** a 7-foot, 6-inch variance from the requirement that a minimum 20-foot rear setback be maintained in “R-6” zoning districts, in order to keep the existing principal structure 12 feet, 6 inches from the rear property line and **2)** a 3-foot, 9-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing accessory structure 1 foot, 3 inches from the property line, 5807 Mission Mill Drive.
8. **A-09-032:** The request of Annette Koenig, for a Special Exception to relocate a structure from 730 Delgado Street to 4506 Monterey Street.
9. **A-09-037:** The request of Westover RTF 2, L.P., for a complete variance from the requirement that all property zoned for non-residential uses erect and maintain solid fencing along the property boundaries adjacent to an existing single-family residential use or single-family residential zoning district, 5200 Rogers Road.
10. **A-09-039:** The request of Ernest Leal, for a 7-foot variance from the requirement that a minimum 20-foot rear setback be maintained in “R-5” zoning districts, in order to erect a patio cover 13 feet from the rear property line, 13242 Woodlawn Way.
11. Consideration of **Sign Master Plan No. 09-002**, Hill Country Plaza, located at Loop 1604 and N.W. Military.
12. Approval of the minutes from the regular meeting on March 16, 2009.
13. Staff Report
  - Discussion regarding Quarterly Report of denied cases.
14. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
15. **Adjournment**

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

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

**ACCESSIBILITY STATEMENT**

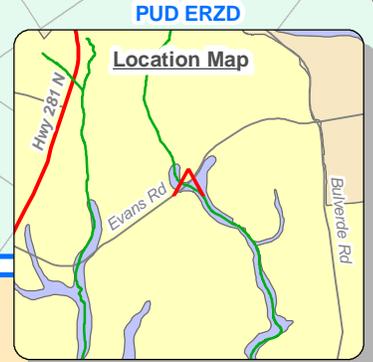
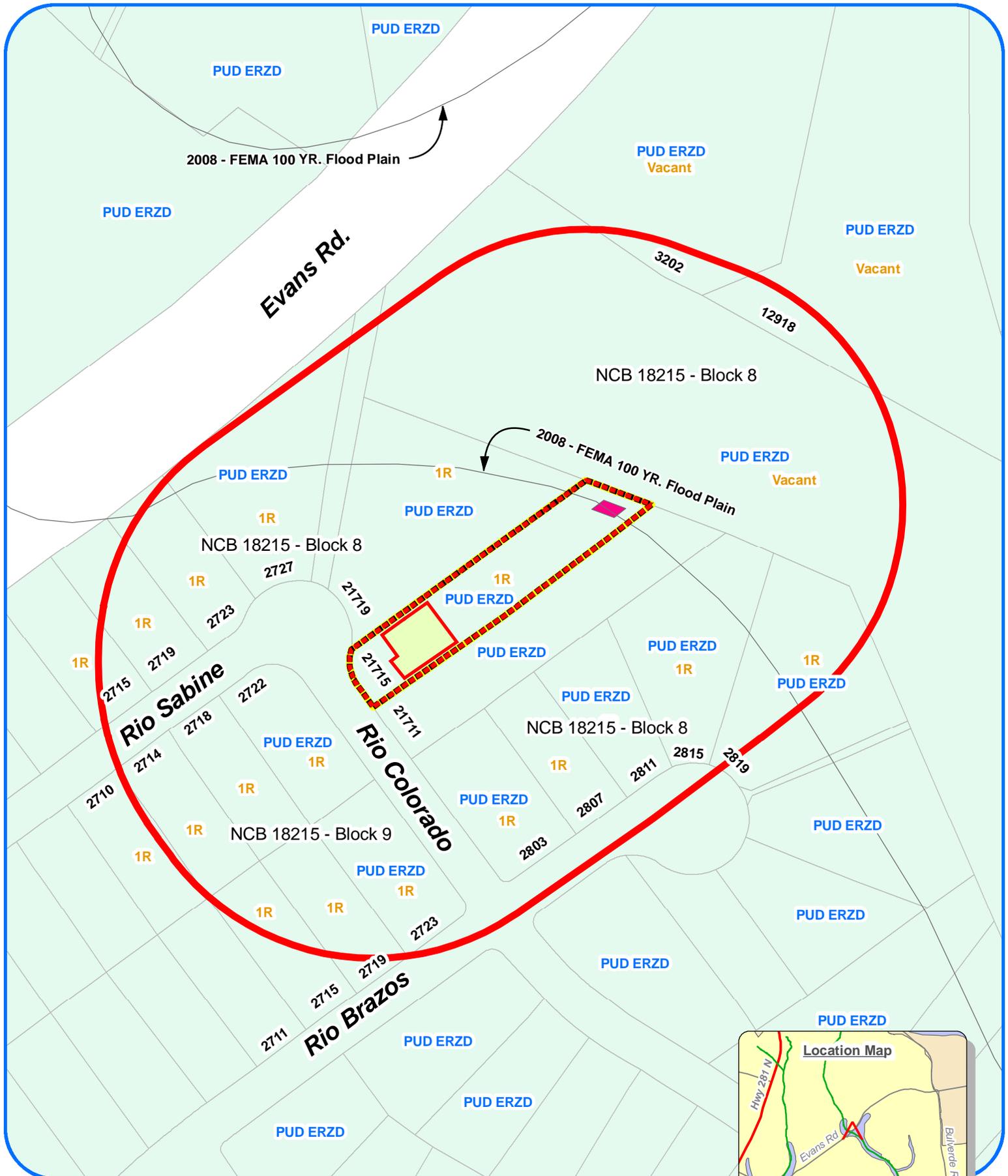
This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



# Board of Adjustment

**Subject Property Locations  
Cases for April 6, 2009**





**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-028**



**Legend**  
 Subject Property   
 200' Notification Buffer   
 Scale: 1" approx. = 100'  
 Council District 9

# CASE NO: A-09-028 cont.

Board of Adjustment – April 6, 2009

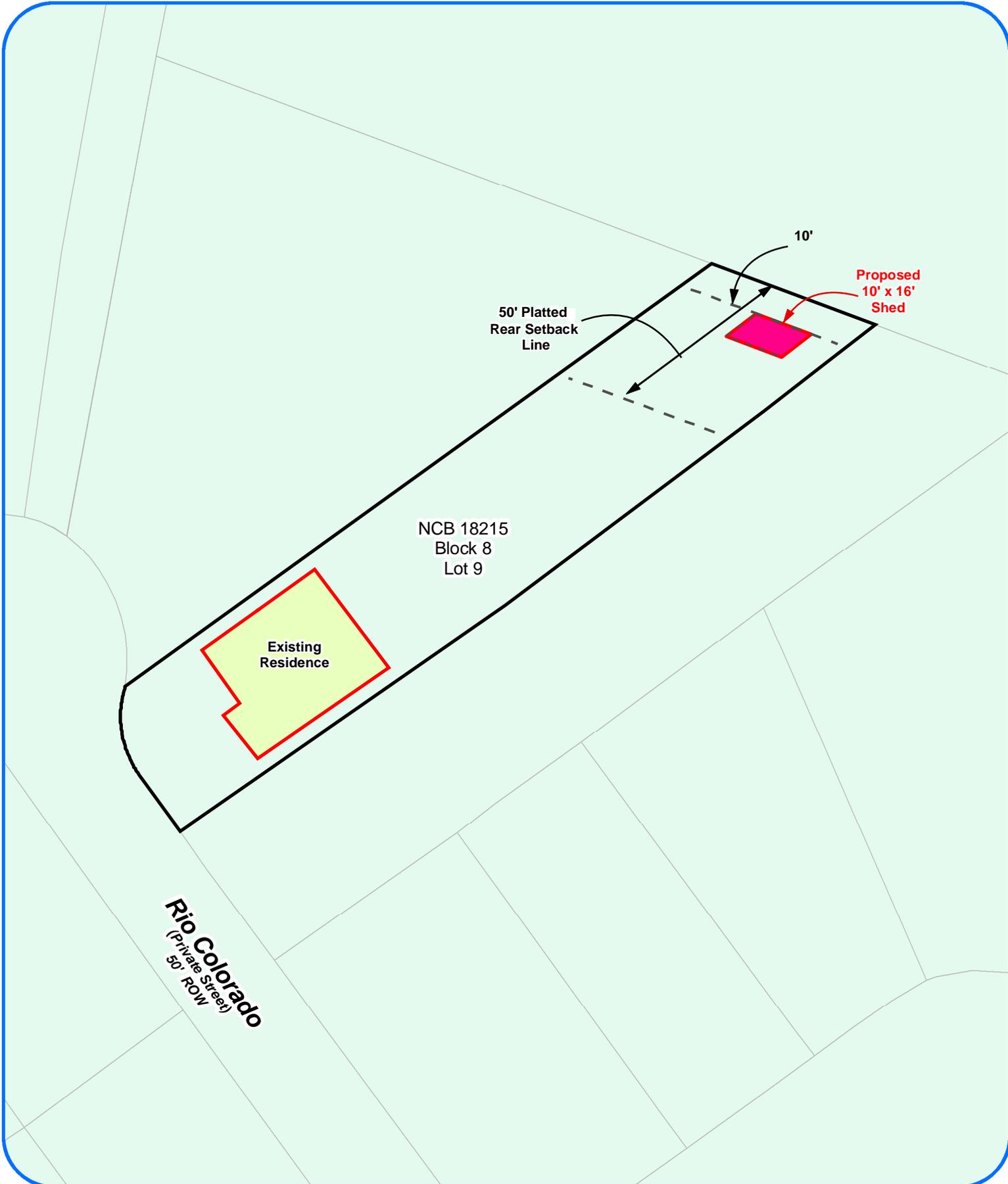
- Applicant:** David J. Isham
- Owner:** David J. Isham
- Request(s):** A 40-foot variance from the requirement that a minimum 50-foot platted rear setback be maintained (recorded in Volume 9540, Page 210 of the Bexar County Deed and Plat Records), in order to erect an accessory structure 10 feet from the rear property line.
- Legal Description:** Lot 9, Block 8, NCB 18215
- Address:** 21715 Rio Colorado
- Zoning:** “PUD R-6 ERZD” Residential Single-Family Planned Unit Development Edwards Recharge Zone District
- Existing Use:** Single-Family Residence
- Neigh. Assoc:** Encino Rio Home Owners Association
- Neigh. Plan:** None

**Section of the City Code from which this variance is requested:**  
**35-516 (o) Setback and Frontage Regulations, Previous Plats:** The setback line, as shown on plats initiated 2 (two) years prior to December 2, 2004 shall be recognized as the official setback line.

**Background:** The subject property is located on the city’s north side in the Encino Rio Subdivision, outside of Loop 1604 near Evans Road. Surrounding land uses are generally single-family residential, though Tejada Middle School is located just across Evans Road to the north. PUD R-6 zoning surrounds the subject property on all sides. The 50-foot platted setback was established by the subdivision plat of Unit 1 of the Encino Rio Subdivision, recorded July 21, 1998. The applicant is requesting this variance in order to erect a 160 square foot accessory structure 10 feet from the rear property line.

**Recommendation:** The intent of the requirements for rear setbacks is to maintain separation between residences, to prevent the overcrowding of lots, and insure privacy and neighborhood uniformity. The platted setback experienced by the subject property is common to the lots in this subdivision that back up to the drainage easement to the north. The subject property itself is fairly deep, measuring 272.15 feet on one side and 226.83 feet on the other. Staff believes that this depth, combined with the greenspace abutting the subject property to the north, creates a unique situation in that the platted setback essentially restricts the property owner from utilizing a quarter of the property. Furthermore, staff believes that the granting of this variance will not negatively affect the neighboring properties, or the greenspace. It does not appear that the granting of this variance will authorize a use other than specifically authorized for the zoning district in which it is located, as accessory structures are a permitted use in residential zoning districts. Staff recommends **approval** of the requested variance.

**Case Manager:** Jacob Floyd, Planner (210) 207-8318



**Board of Adjustment**  
 Plot Plan for  
**Case A-09-028**



Scale: 1" approx. = 40'  
 Council District 9

**21715 Rio Colorado**

City of San Antonio  
 Planning and Development Services Department  
 (03/11/2009)  
 R.R.M.

# Board of Adjustment - Case No. A-09-028

**March 16, 2009**

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, March 16, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – David Isham

Lot 9, Block 8, NCB 18215

21715 Rio Colorado

Zoned: “PUD R-6 ERZD” Residential Single-Family Planned Unit Development Edwards Recharge Zone District

The applicant is requesting a 40-foot variance from the requirement that a minimum 50-foot platted rear setback be maintained (recorded in Volume 9540, Page 210 of the Bexar County Deed and Plat Records), in order to erect an accessory structure 10 feet from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

*The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.*

**Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.**

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If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

Address/Direccion: \_\_\_\_\_

Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor                      ( ) In Opposition/En Oposicion

Comments/Comentarios: \_\_\_\_\_

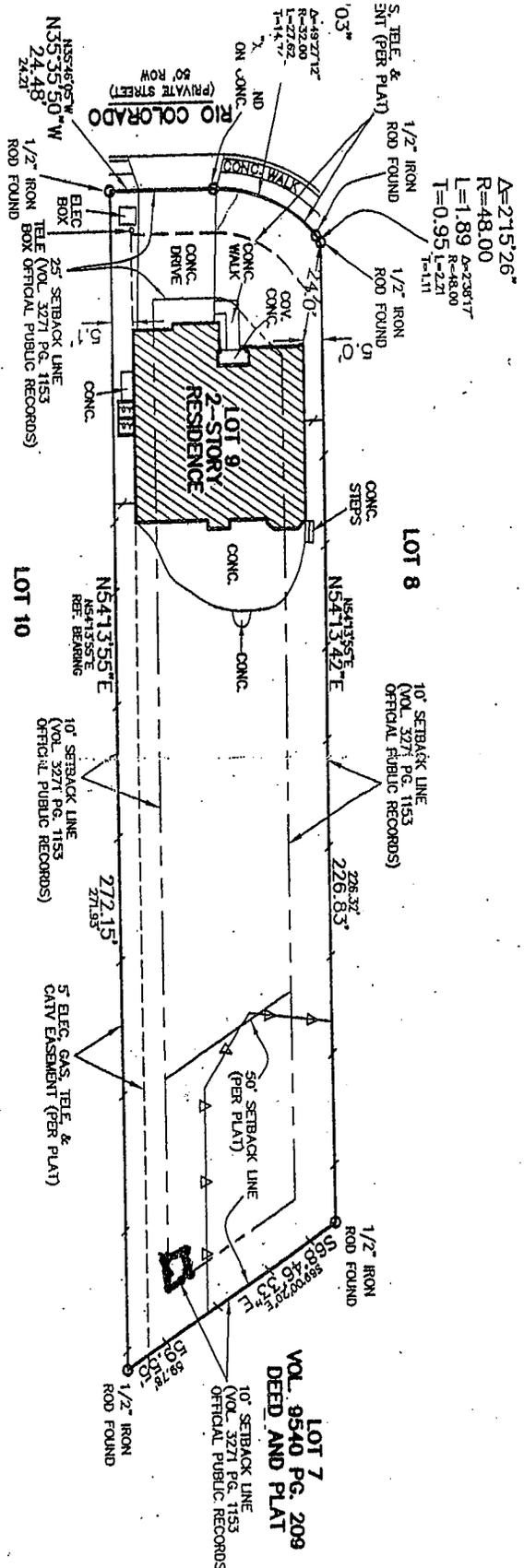
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**A-09-028**





$A=215.26'$   
 $R=48.00$   
 $L=1.89$   
 $T=0.95$

**\*ENCINO RIO SUBDIVISION, UNIT 1, A PLANNED UNIT DEVELOPMENT**

I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT ENCROACHMENTS, EASEMENTS AND RIGHT-OF-WAYS VISIBLE ON SITE ARE SHOWN HEREON. SETBACKS AND EASEMENTS SHOWN ARE FROM RECORDED COUNTY DOCUMENT RECORDS. MINOR RESTRICTIONS ARE NOT SHOWN. COPYRIGHT © 2002 STEPHEN G. COOK ENGINEERING, INC. ALL RIGHTS RESERVED

STEPHEN G. COOK, P.L.S.

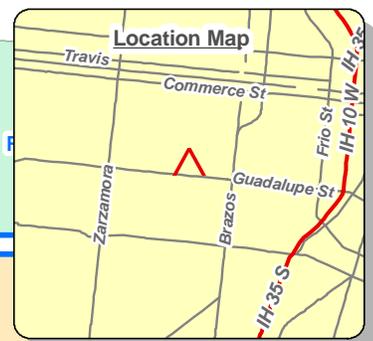
THE COVENANTS AND/OR EASEMENTS AS FOLLOWS: 13 REAL PROPERTY RECORDS VOL. 6777 PAGE 467 REAL PROPERTY RECORDS 14 REAL PROPERTY RECORDS VOL. 7682 PAGE 468 REAL PROPERTY RECORDS	X BARBED WIRE ◊ IRON FENCE △ SANDOZ WIRE ◊ CHAIN LINK FENCE   / WOOD FENCE
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REGISTERED LAND SURVEYORS  
 STEPHEN G. COOK ENGINEERING, INC. SAN ANTONIO, TEXAS 78247-4117  
 12000 STARCREST, SUITE 107  
 210/481-2533 \* FAX: 210/481-2150  
 WWW.SGCENET

LOT(S) 9 Block 8 N.C.B. 18215  
 \* DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.  
 OF THE MY HAND AND SEAL THIS 23 DAY OF OCTOBER 20 02  
 BUYER NATHAN P. JANYSEK  
 ADDRESS 21715 RIO COLORADO OF NO. 00913755-011-SGM  
 STEPHEN G. COOK, INC. JOB NO. 133-459-000 DRAWN BY: PV DISK CAD/S SURV. BY: JV





**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-025**



**Legend**  
 Subject Property   
 200' Notification Buffer   
 Scale: 1" approx. = 80'  
 Council District(s) = 5

# CASE NO: A-09-025

Board of Adjustment – April 6, 2009

- Applicant:** Benjamin Leal
- Owner:** Benjamin Leal
- Request(s):** A four (4) space parking adjustment from the parking standard that food service establishments of approximately 1,600 square feet of gross floor area have 16 spaces, in order to allow 12 parking spaces.
- Legal Description:** Lots 11 and 12, Block G, NCB 6023
- Address:** 1701 Guadalupe Street
- Zoning:** "C-3 NA" General Commercial Non-Alcoholic Sales District
- Existing Use:** Restaurant
- Neigh. Assoc:** Avenida Guadalupe Association, Inc.
- Neigh. Plan:** None

**Section of the City Code from which this adjustment is requested:**

**35-526 Parking and Loading Standards, Table 35-526 (b) Parking in Nonresidential**

**Use Districts:** The minimum vehicle spaces for a food service establishment shall be no less than 1 space per 100 square feet of gross square footage.

**Background:** The subject property is located on Guadalupe Street, at its intersection with South Trinity. The subject property is zoned C-3 NA and is occupied by a restaurant. Commercial uses and zoning exist to the south, east and west of the subject property. The parcel to the north, 306 Elvira Street, is zoned R-4 and is currently vacant. The applicant is seeking an adjustment in order to maintain the current parking situation on the subject property which, per section 35-526 of the Unified Development Code, is four spaces short of the minimum sixteen spaces that would be required for the existing restaurant; the gross floor area of which is approximately 1,600 square feet. The applicant cites physical constraints on the property, such as existing utility poles and cables, as rationale for requesting this adjustment.

**Recommendation:** As per section 35-526 of the UDC, food service establishments are required to provide no less than 1 parking space per every 100 square feet of gross floor area. Given the approximate gross floor area of the principal structure (1,600 square feet), the current minimum parking standard is sixteen (16) spaces. Currently, there are three areas on the subject property that are unusable for parking spaces, two because of physical constraints (a utility cable blocks one and a high curb blocks the other), and one because of its location off a residential street. However, were those parking spaces deemed viable, the lot would still remain deficient by one space.

The applicant has not demonstrated a hardship that would warrant the granting of the adjustment, and it appears that there is an ideal option available that would provide the necessary parking. The applicant owns the property directly to the north, which is currently residentially zoned, on

which he currently allows customers to park their vehicles. Were the applicant to pursue a rezoning of that property or a special exception from the Board of Adjustment with the intent of utilizing said property for parking at the restaurant, the requested parking adjustment would not be necessary. Furthermore, it appears that 12 parking spaces would not adequately provide for both patrons and employees, as the applicant cites at least seven (7) employees employed at the restaurant. A parking adjustment may place a hardship on neighboring properties as their parking lots may be used for this business or the surplus vehicles may create unnecessary congestion on a busy arterial street. Therefore, staff recommends **denial** of the parking space adjustment request.

**Case Manager:** Mike Farber, Planner (210) 207-3074



**Board of Adjustment**  
 Plot Plan for  
**Case A-09-025**



Scale: 1" approx. = 20'  
 Council District 5

**1701 Guadalupe Ave**

Planning and Development Services Dept  
 City of San Antonio  
 (03/17/2009 - E Hart)

# Board of Adjustment - Case No. A-09-025

April 6, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 6, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Benjamin Leal

Lots 11 and 12, Block G, NCB 6023

1701 Guadalupe Avenue

Zoned: “C-3 NA” General Commercial Nonalcoholic Sales District

The applicant is requesting a four (4) space parking adjustment from the standard that restaurants with a gross floor area of 1,600 square feet maintain a minimum of 16 parking spaces, in order to allow 12 parking spaces.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

Address/Direccion: \_\_\_\_\_

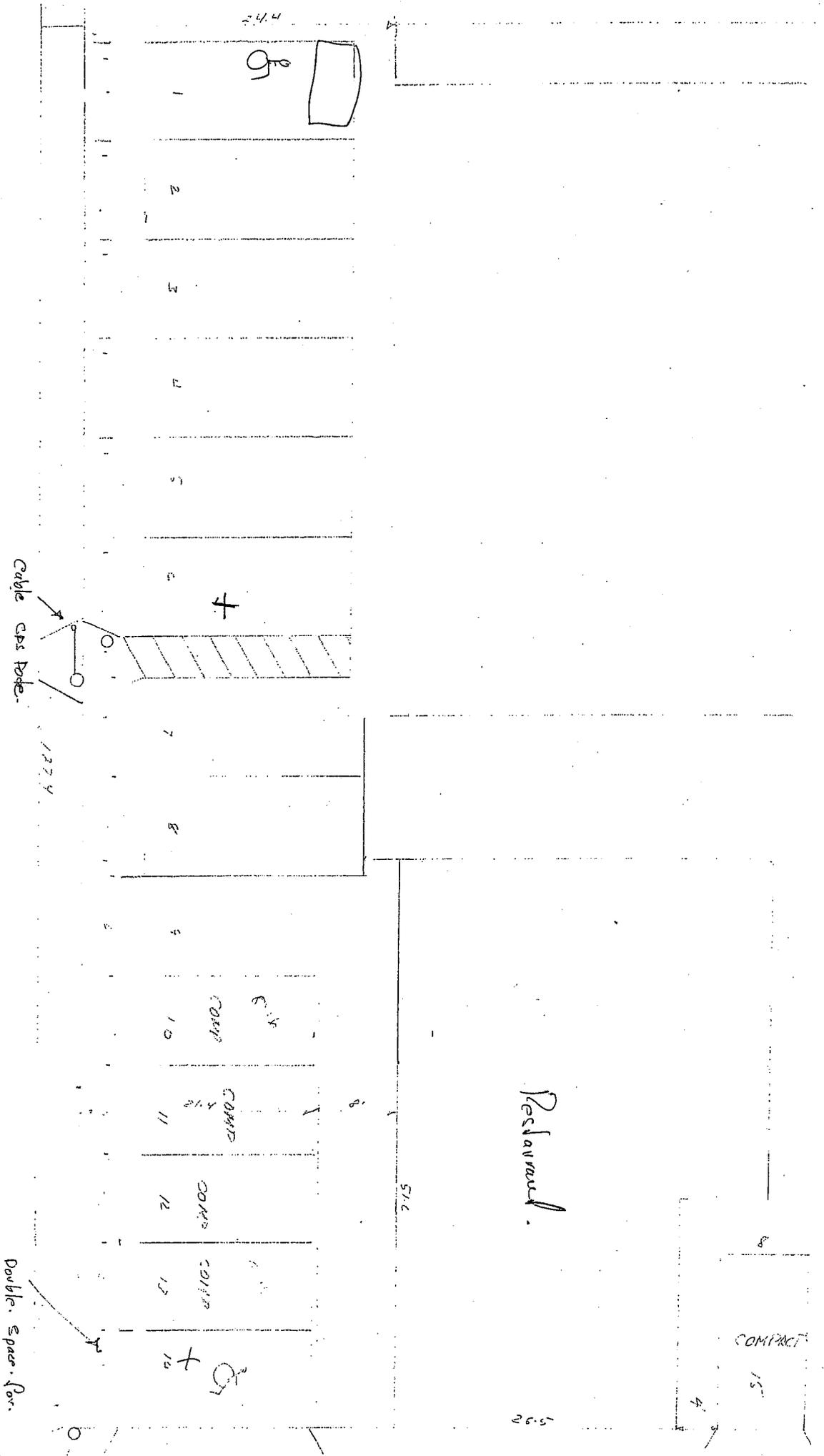
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Comments/Comentarios: \_\_\_\_\_  
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**A-09-025**



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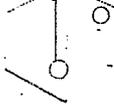
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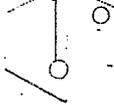
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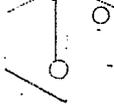
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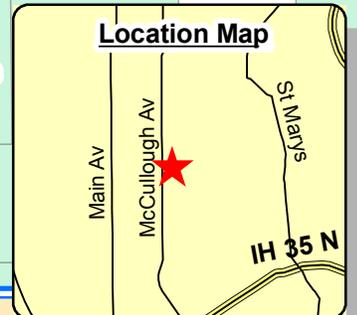
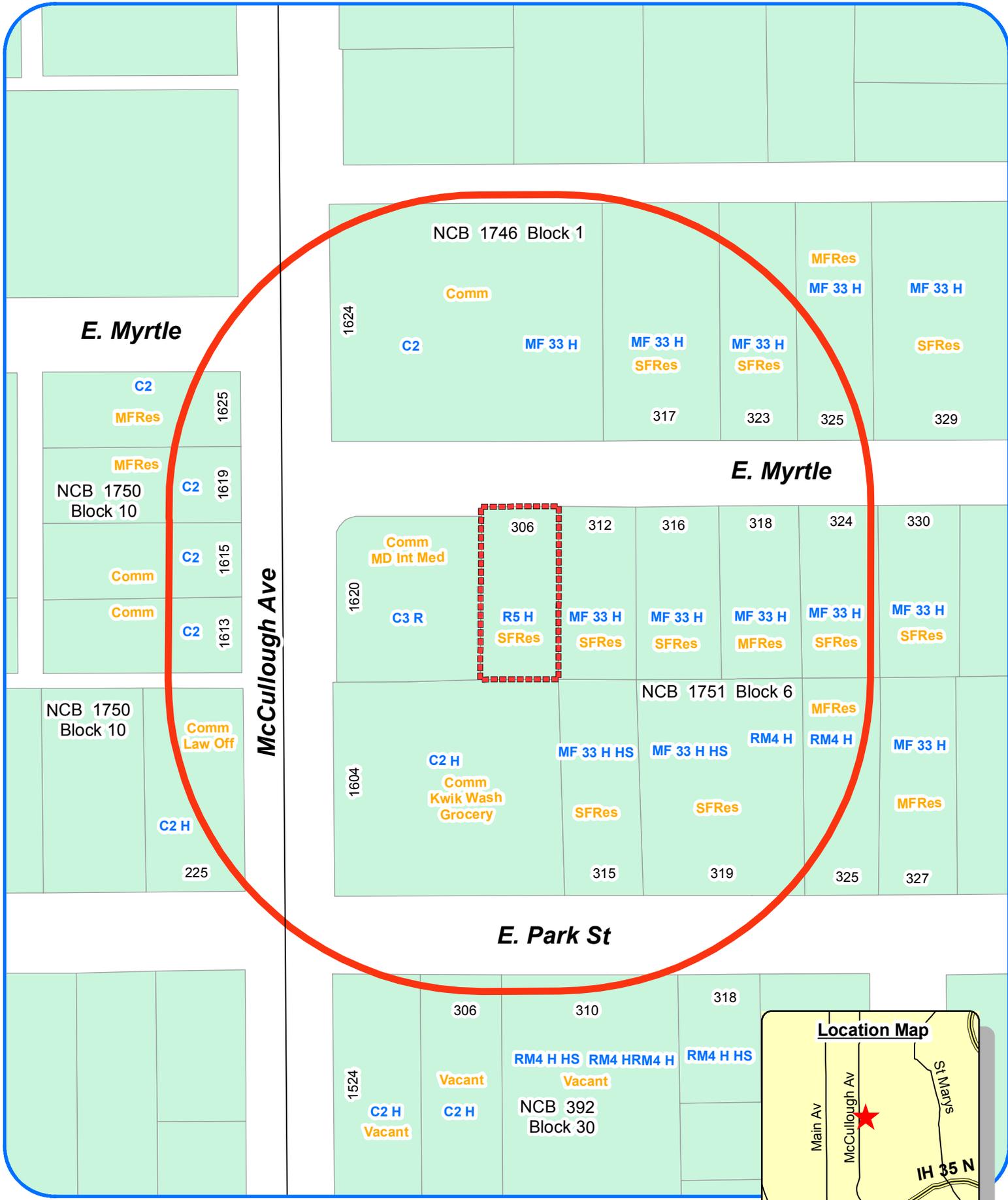
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**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-027**



- Legend**
- Subject Property
  - 200' Notification Boundary
  - Scale: 1" approx. = 80'
  - Council District 1

# CASE NO: A-09-027

Board of Adjustment – April 6, 2009

- Applicant:** George A. and Tommie P. Blakey
- Owner:** George A. and Tommie P. Blakey
- Request(s):** A 2-foot variance from the requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to keep an existing structure 3 feet from the east side property line.
- Legal Description:** Lot C, Block 6, NCB 1751
- Address:** 306 East Myrtle Street
- Zoning:** “H R-5” Historic Residential Single-Family District
- Existing Use:** Single-Family Residence
- Neigh. Assoc:** Tobin Hill Neighborhood Association
- Neigh. Plan:** Tobin Hill Neighborhood Plan

**Section of the City Code from which this variance is requested:**

**35-310 Zoning District Purpose Statements and Design Regulations:** A minimum 5-foot side setback shall be maintained in “R-5” zoning districts.

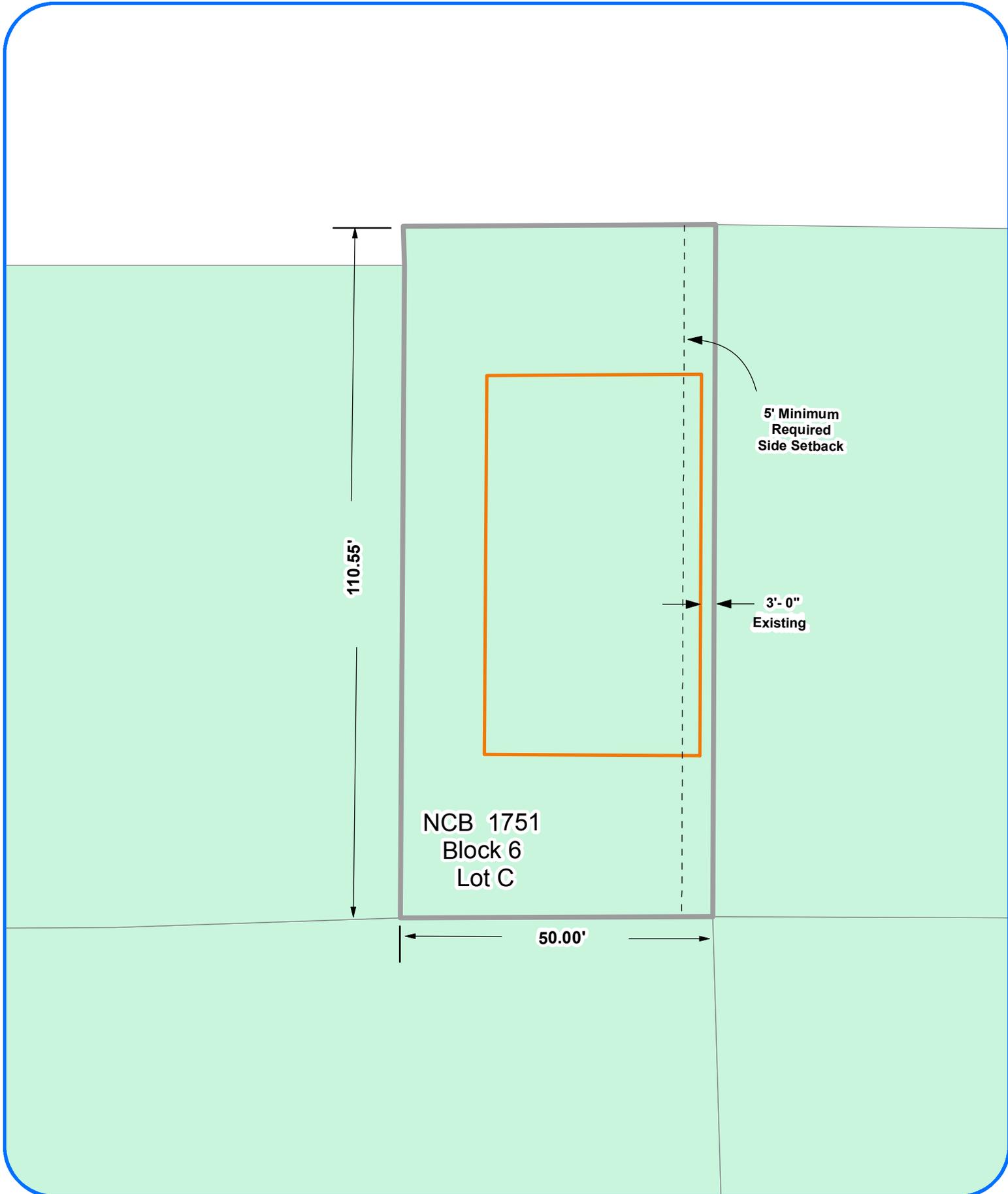
**Background:** The subject property is located north of downtown on East Myrtle Street, just east of McCullough Avenue. The zoning in the surrounding area includes “H MF-33” to the north and east, “C-2” and “C-3 R” to the west, and “H C-2” and “H RM-4” to the south. The surrounding land use is a mix of commercial, multi-family and single-family residential uses. The subject property was previously zoned “H C-3 R”, but was recently re-zoned to the current “H R-5” by the current owner. The 1952 Sanborn Fire Insurance map shows a two-storied dwelling occupying the subject property. According to a 2006 survey provided by the applicant, the structure previously was situated 1 foot 6 inches from the east side property line. Since then, the structure has been moved to its current location, increasing the distance to the east side property line to approximately 3 feet. The distance between the structure and the west side property line was previously 11 feet 6 inches, but was increased to approximately 13 feet when the structure was repositioned. The property abutting to the west is occupied by a medical office which is situated along the property line shared with the subject property.

**Recommendation:** The intent of the side setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. The applicant repositioned the structure within the lot to achieve the current placement, increasing the distance to the east side property line by approximately 1 foot 6 inches (from 1 foot 6 inches to approximately 3 feet). The property does not appear to be characterized by any unique feature that could be considered a hardship. However, in view of the previous positioning of the structure and the distance to the abutting medical office, staff believes that the literal enforcement of the side setback requirement may impose undue hardship on the applicant in that effort has been made to

lessen the encroachment into the side setback on the east side of the property, while still maintaining a reasonable buffer between the residence and medical office to the west. The Historic Preservation Office granted the applicant a Certificate of Appropriateness for repairs and an addition to the structure, though no permit for new construction was obtained. Staff recommends **approval** of the requested variance.

Should the Board grant the applicant's request for a variance to the required setback, the applicant has been made aware of the necessity of the construction of a firewall along the length of the structure. This is a requirement as per International Residential Code for One- and Two-Family Dwellings – Section R302.1: Exterior Walls (Table R302.1).

**Case Manager:** Jacob Floyd, Planner (210) 207-8318.



**Board of Adjustment**  
**Plot Plan for**  
**Case A-09-027**



**Legend**

Building Move and Addition Location  
 Scale: 1" approx. = 20'  
 Council District 1



**306 E. Myrtle**

Planning and Development Services Dept  
 City of San Antonio  
 (03/18/2009 - P. Trinkle)

# Board of Adjustment - Case No. A-09-027

April 6, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 6, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – George A. and Tommie P. Blakey, Jr.  
Lot C, Block 6, NCB 1751  
306 East Myrtle Street  
Zoned: “H R-5” Historic Residential Single-Family District

The applicant is requesting a 2-foot variance from the requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to keep an existing structure 3 feet from the east side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

Address/Direccion: \_\_\_\_\_

Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor ( ) In Opposition/En Oposicion

Comments/Comentarios: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**A-09-027**

**NEIGHBORHOOD AND URBAN DESIGN SECTION  
BOARD OF ADJUSTMENT CASE REVIEW FORM**

**CASE INFORMATION**

Case #: **A-09-027**

Property Address: 306 E Myrtle

Zoning: H R-5

Hearing Date: 04/06/2009

**Type / Scope of BOA Request:**

Applicant is requesting 2-foot variance on the east property from the required 5-foot minimum side setback in order to keep an existing residential structure 3-foot and 2-inches from the east property line.

**PLANNING PROGRAM / PROJECT OVERLAP**

Neighborhood Association(s): Tobin Hill Neighborhood Association

Neighborhood or Community Plan: Tobin Hill Neighborhood Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

**ANALYSIS STATEMENT**

The future land use for the subject property is designated low density residential in the Tobin Hill Neighborhood Plan. Low density residential includes single family houses on individual lots. Objective 2.1 of the neighborhood plan states, "Encourage investment in the rehabilitation and maintenance of the existing housing stock in the neighborhood." (Tobin Hill Neighborhood Plan, p. 43). The applicant's investment and efforts have been toward rehabilitation of housing in the Tobin Hill Historic District which meets the goals of the Tobin Hill Neighborhood Plan. Repairs and additions to the structure have been reviewed and approved by the Historic Design Review Committee.

Although the variance is for a self imposed hardship, it is viewed by staff that to move the structure another 2-feet may cause harm to the historic structure. A more suitable solution to meet the public health, safety, and welfare which the required setback enforces is for the applicant to install a firewall in accordance with the International Residential Code 302.

**RECOMMENDATION**

Recommendation Pending Additional Analysis / Information    

Support Request   X  

Deny Request       

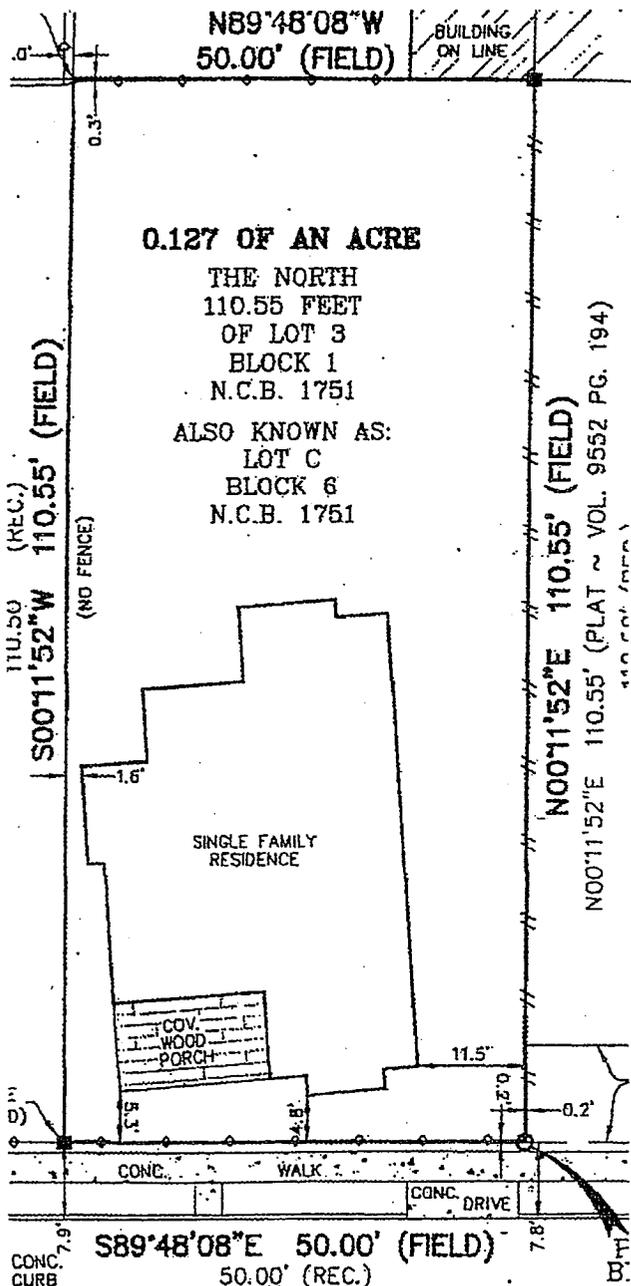
**REVIEWER INFORMATION**

Neighborhood Planner Reviewing: Rebecca Paskos, Sr. Planner

Date Review Completed: March 25, 2009

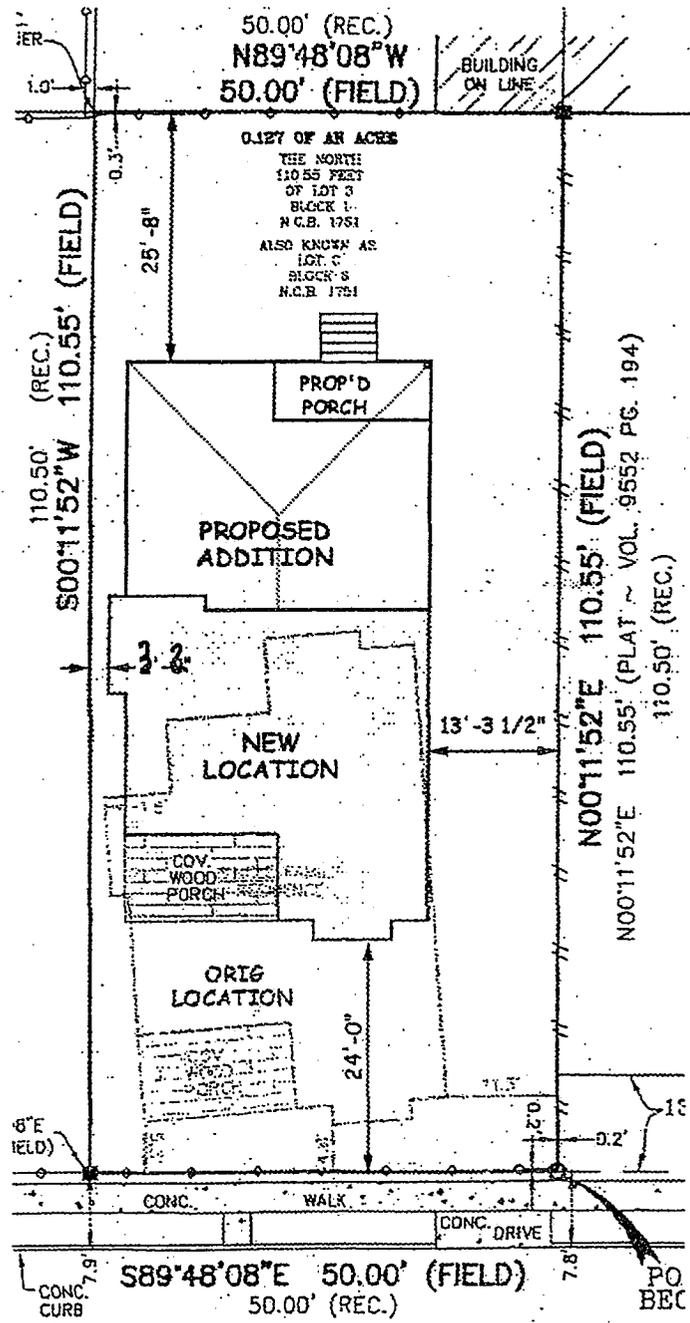


July 15, 2008



**E. MYRTLE**  
 (50.0' R.O.W. ASPHALT PAVEMENT)  
 (PLATTED AS: MYRTLE ST.)

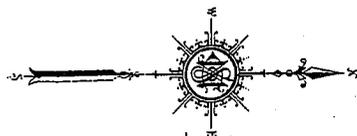
**306 E. MYRTLE  
 ORIGINAL SITE PLAN**



**E. MYRTLE**  
 (50.0' R.O.W. ASPHALT PAVEMENT)  
 (PLATTED AS: MYRTLE ST.)

**306 E. MYRTLE  
 REVISED SITE PLAN**

SCALE: 1" = 20'



Mrs CULLOUGH AV. MARCHIMIZED

W.W. PIPE (L.S.)

207

216

E. MYRTLE

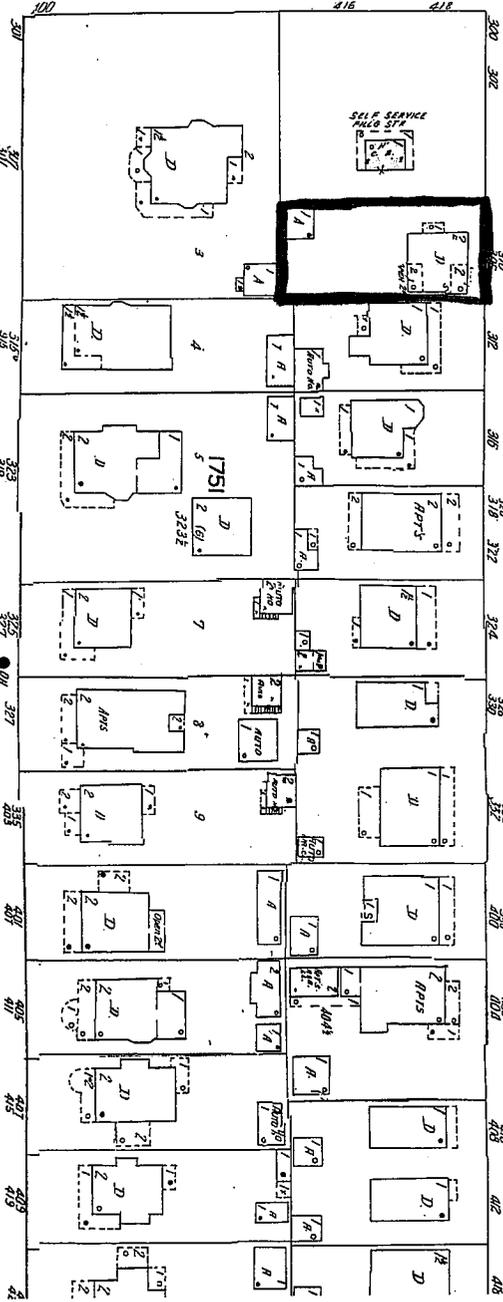
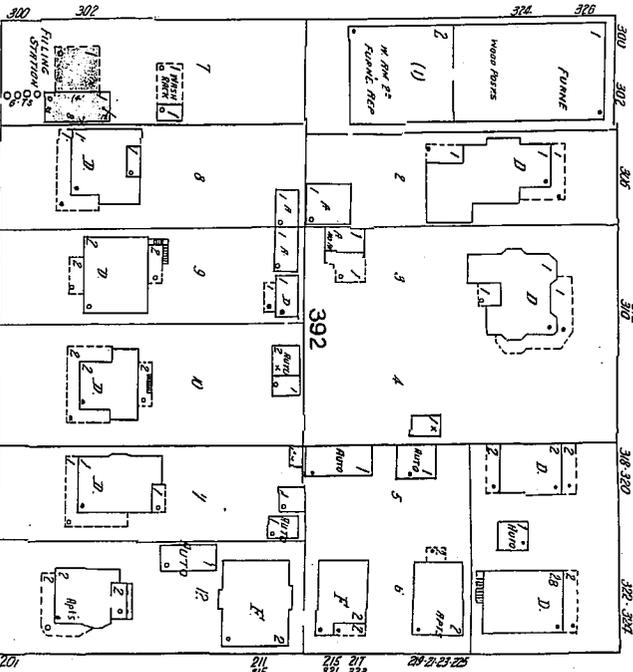
PASCHAL ST.

MARCHIMIZED

E. PARK

AV.

E. EVERGREEN

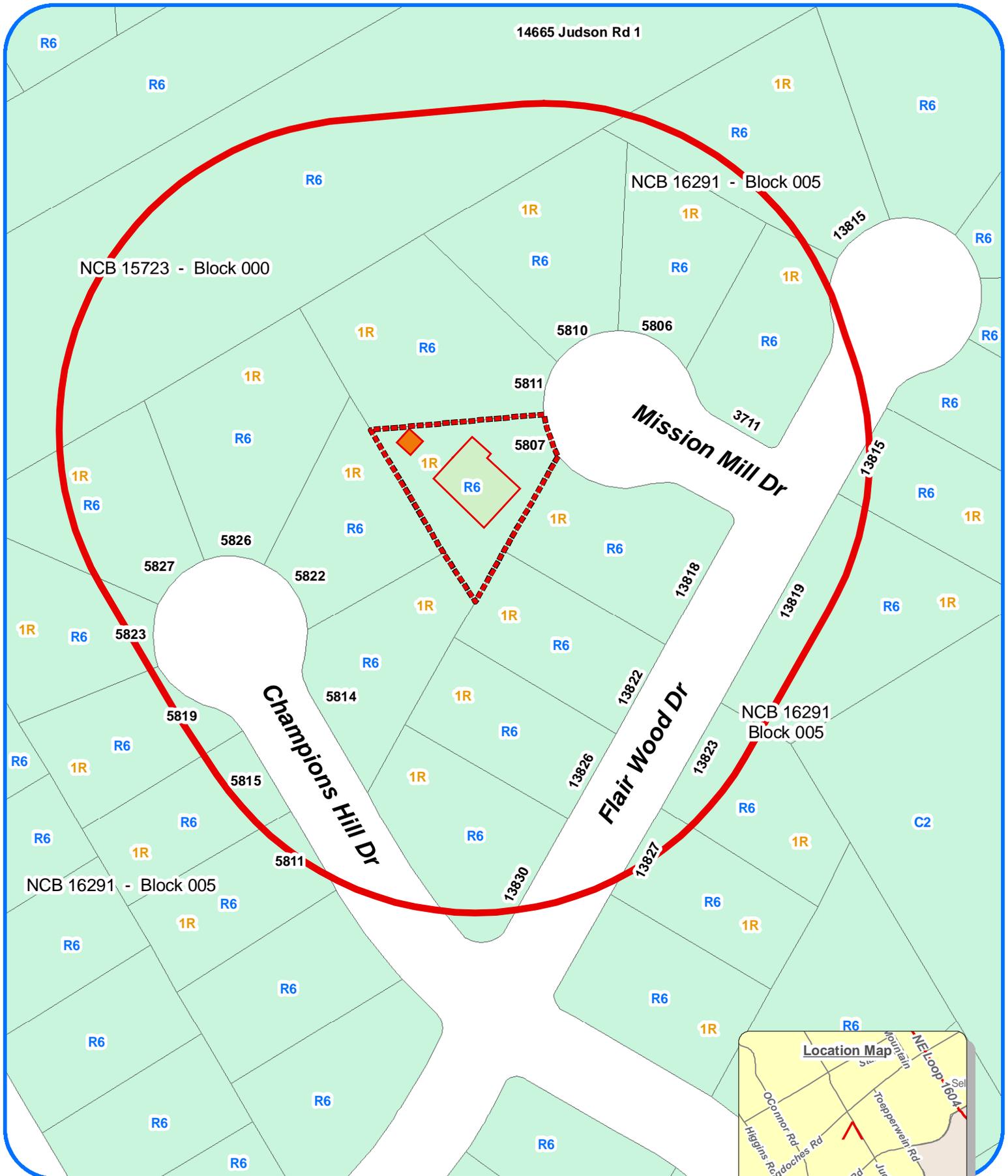


PASCHAL MARCHIMIZED

396

MARCHIMIZED

E.W.



**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-029**



**Legend**  
 Subject Property   
 200' Notification Buffer   
 Scale: 1" approx. = 80'  
 Council District(s) = 10



# CASE NO: A-09-029

Board of Adjustment – April 6, 2009

**Applicant:** Robert Van Diest

**Owner:** Robert Van Diest

**Request(s):** **1)** A 7-foot, 6-inch variance from the requirement that a minimum 20-foot rear setback be maintained in “R-6” zoning districts, in order to keep the existing principal structure 12 feet, 6 inches from the rear property line and **2)** a 3-foot, 9-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing accessory structure 1 foot, 3 inches from the side property line.

**Legal Description:** Lot 58, Block 5, NCB 16291

**Address:** 5807 Mission Mill

**Zoning:** “R-6” Residential Single-Family District

**Existing Use:** Single-Family Residence

**Neigh. Assoc:** Woodstone Homeowner’s Association

**Neigh. Plan:** None

**Section of the City Code from which these variances are requested:**

**35-310 Zoning District Purpose Statements and Design Regulations:** A minimum 20-foot rear setback shall be maintained in “R-6” zoning districts.

**35-370 Accessory Use Regulations:** Accessory structures exceeding thirty (30) inches in height shall be located a minimum of five (5) feet from any side or rear property line.

**Background:** The subject property is located in an established single-family residential neighborhood on the city’s northeast side, near the intersection of Nacogdoches Road and Judson Road. Single-family residential uses and zoning surround the subject property. The applicant is requesting two variances in this case; one for relief from the rear setback for the purposes of keeping the principal structure in its current location, and the other in order to keep an existing accessory structure that encroaches into the side setback along the north property line. This case was initiated by the Investigations Division of the Planning and Development Services Department.

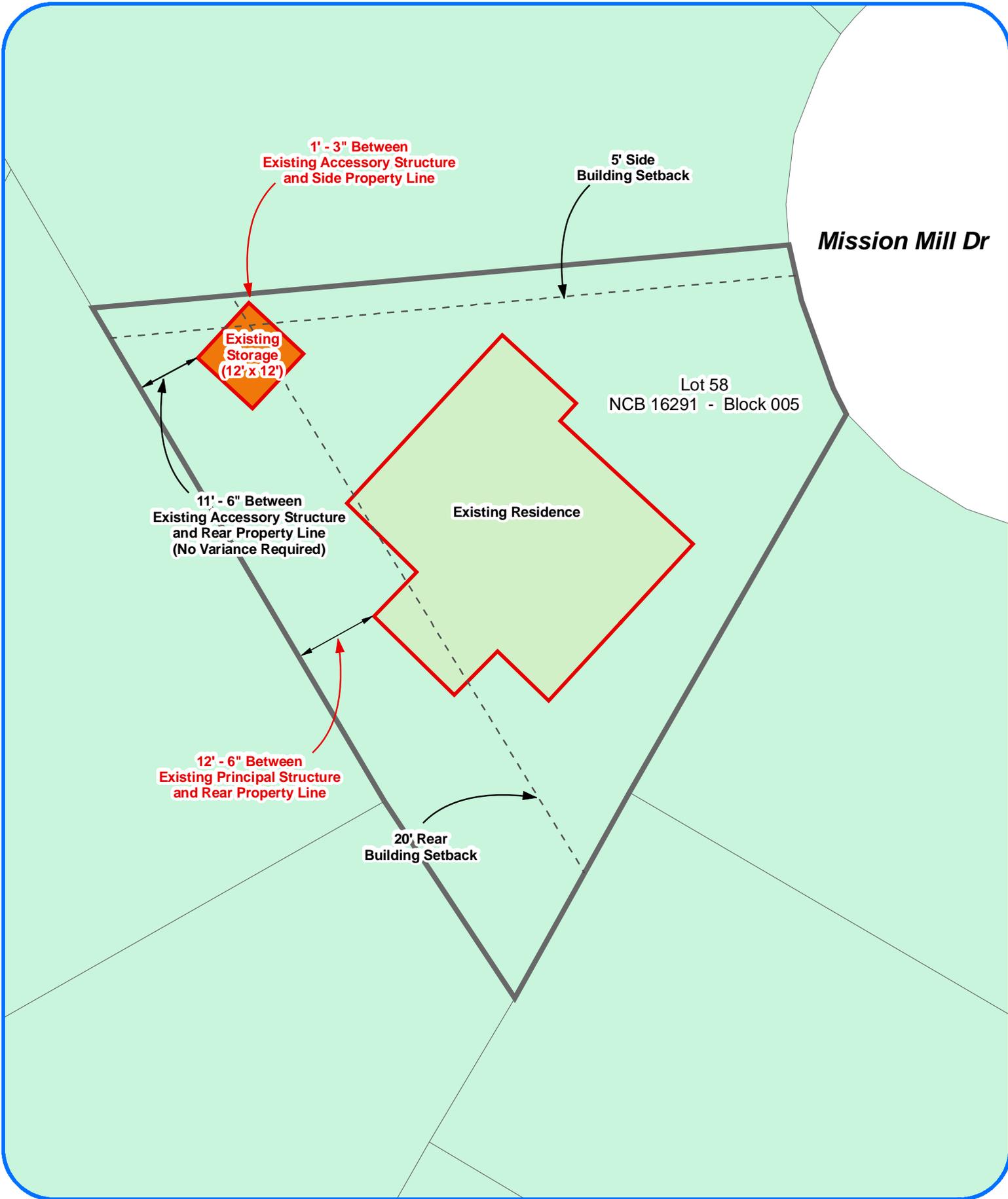
**Recommendation:** The intent of the minimum side and rear setback requirements are to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. With regard to the first request, it appears that the strict enforcement of the rear setback may impose an unnecessary hardship in that the lot itself is an irregular triangular shape. The portion of the principal structure that sits closest to the rear property line is actually a covered patio structure, for which no permits were obtained. Even if the patio structure were to be removed, a portion of the house itself (the northeast corner) still would be in violation of the rear setback. The applicant has been made aware that if this request were to be approved, permits would need to be obtained for the patio cover. It does not appear that a reasonably sized

residential structure could be situated in a way that would not violate one of the setbacks. Staff therefore recommends **approval** of the first variance request.

In terms of the second request, the applicant points out irregularities in terms of lot shape and slope of the yard as being the primary hardship. Also, the applicant makes note of an existing tree in the rear yard that would have to be removed should the accessory structure need to be moved closer to the principal structure. It also appears that there is at least one accessory structure in the immediate vicinity of the subject property that violates the rear setback. Therefore, staff believes that the existence of the accessory structure on the subject property would be in-character with the immediate neighborhood and recommends **approval** of the second variance request. No permits were obtained for the accessory structure, and the applicant has been made aware that should this variance request be approved, permits would need to be obtained.

Should the Board grant the applicant's request for a variance, the applicant has also been made aware of the necessity of the construction of a firewall along the length of the accessory structure that encroaches into the side setback. This is a requirement as per International Residential Code for One- and Two-Family Dwellings – Section R302.1: Exterior Walls (Table R302.1).

**Case Manager:** Mike Farber, Planner (210) 207-3074



**Board of Adjustment**  
 Plot Plan for  
**Case A-09-029**



Scale: 1" approx. = 20'  
 Council District 10

**5807 Mission Mill**

Planning and Development Services Dept  
 City of San Antonio  
 (03/18/2009 - E Hart)

# Board of Adjustment - Case No. A-09-029

April 6, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 6, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Robert Van Diest  
Lot 58, Block 5, NCB 16291  
5807 Mission Mill  
Zoned: “R-6” Residential Single-Family District

The applicant is requesting **1)** a 7-foot, 6-inch variance from the requirement that a minimum 20-foot rear setback be maintained in “R-6” zoning districts, in order to keep the existing principal structure 12 feet, 6 inches from the rear property line and **2)** a 3-foot, 9-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing accessory structure 1 foot, 3 inches from the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

*The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.*

**Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.**

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If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

Address/Direccion: \_\_\_\_\_

Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor

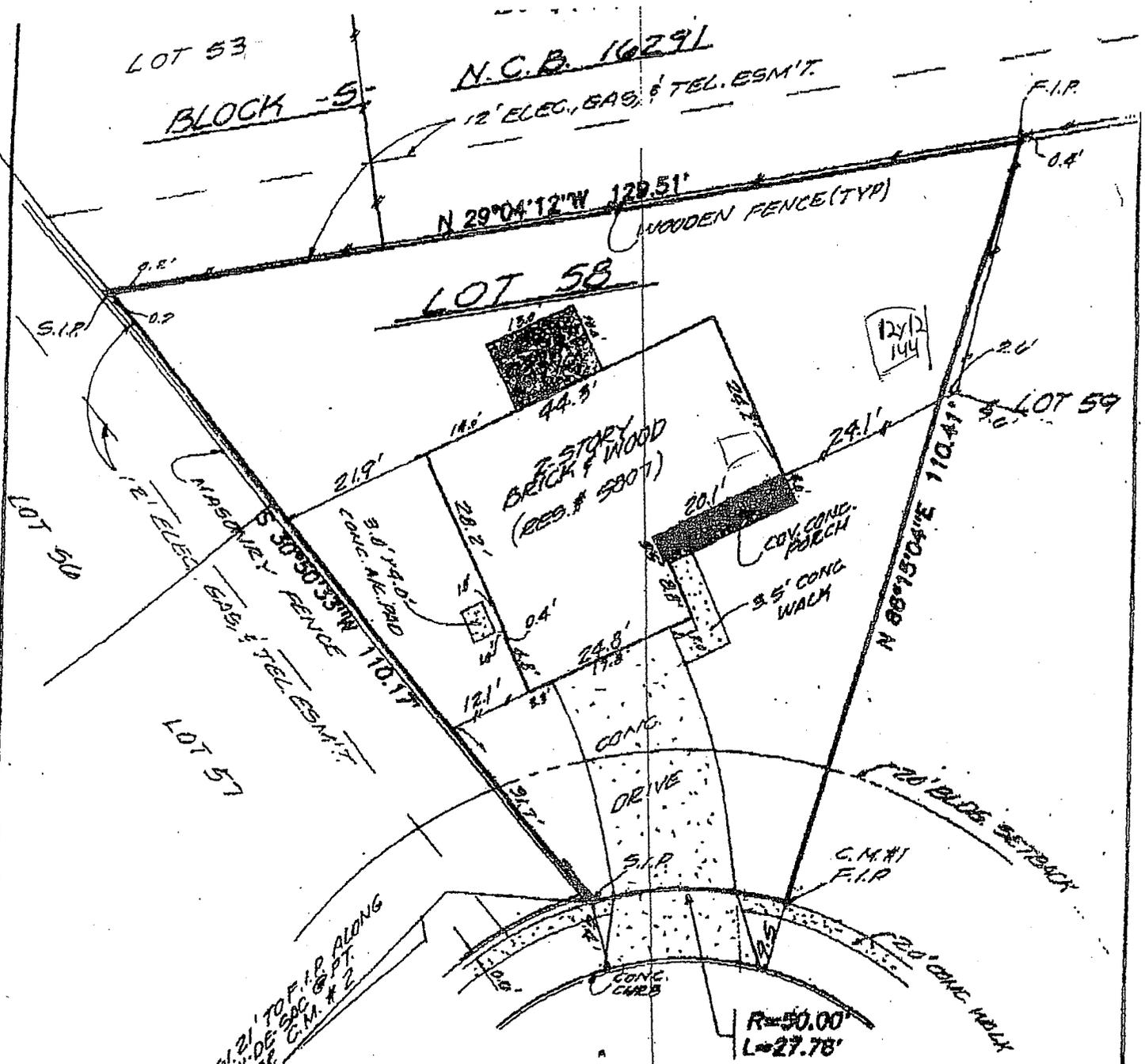
( ) In Opposition/En Oposicion

Comments/Comentarios: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**A-09-029**



**MISSION MILL DR.**  
R.O.W. VARIES - P.V.M.T. VARIES

We hereby acknowledge that a survey has been provided and reviewed by us.

*M. N. Vandiest*  
Marny N. Vandiest

LOT NO. 58 BLOCK NO. 5 N.C.B. NO. 16291  
 SUBDIVISION WOODSTONE NORTH  
 UNIT 3 VOL. 8900 PAGE(S) 67  
 STREET ADDRESS 5807 MISSION MILL DR.  
 CITY SAN ANTONIO BEXAR COUNTY, TEXAS  
 SURVEYED FOR OWNERS TITLE & ABSTRACT O.G.F. NO. 97 319462  
 BUYER(S) ISMAEL RIVERA AND MARISOL RIVERA

**LEGEND**  
 F.I.P.: FOUND 1/2" IRON PIN  
 S.I.P.: SET 1/2" IRON PIN  
 P.I.: POINT OF INTERSECTION  
 P.C.: POINT OF CURVE  
 P.T.: POINT OF TANGENT  
 C.M.: CONTROLLING MONUMENT

STATE OF TEXAS  
 COUNTY OF BEXAR

**NOTES:**  
 1. THE SUBJECT PROPERTY WAS NOT SITUATED WITHIN ZONE "A" ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 48029C-0303-E EFFECTIVE FEB 10 1996. DEFINED

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE, CORRECT AND AN ACCURATE REPRESENTATION OF THE PROPERTY ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND EXCEPT AS SHOWN ABOVE THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OR PREVIOUS DEEDS

# DEPARTMENT OF DEVELOPMENT SERVICES CITY OF SAN ANTONIO

Address of Violation: 8807 Mission Mill

Name: Yvonne Gay Raddford

Address: Same as above (410) 538-5803

Your attention is called to a violation of Code No. 1105.1

Permit for detached structure @ rear of property & requiring  
inspections structure to close to boundary require str set back  
contact & board of adjustment to obtain variance.  
Double fence permit

on above premises. Obtain

Date: 11-09

Date of Birth: 9-15-81

Driver's License No. 17237605

Section of Code violated: Sec 1105.1 2006 I.D.C. Bldg. code permit

You are hereby notified to remedy the conditions as stated above within 48 (days) (hours) from the date of service of this notice or show cause why you should not be required to do so. If, at the expiration of this time, the same conditions exists and no cause aforesaid be shown, such further action will be taken as the law requires.

By Order of the Director

Inspector: [Signature]

- 06 Mechanical Code
- 06 Building Code
- 10 Electrical Code

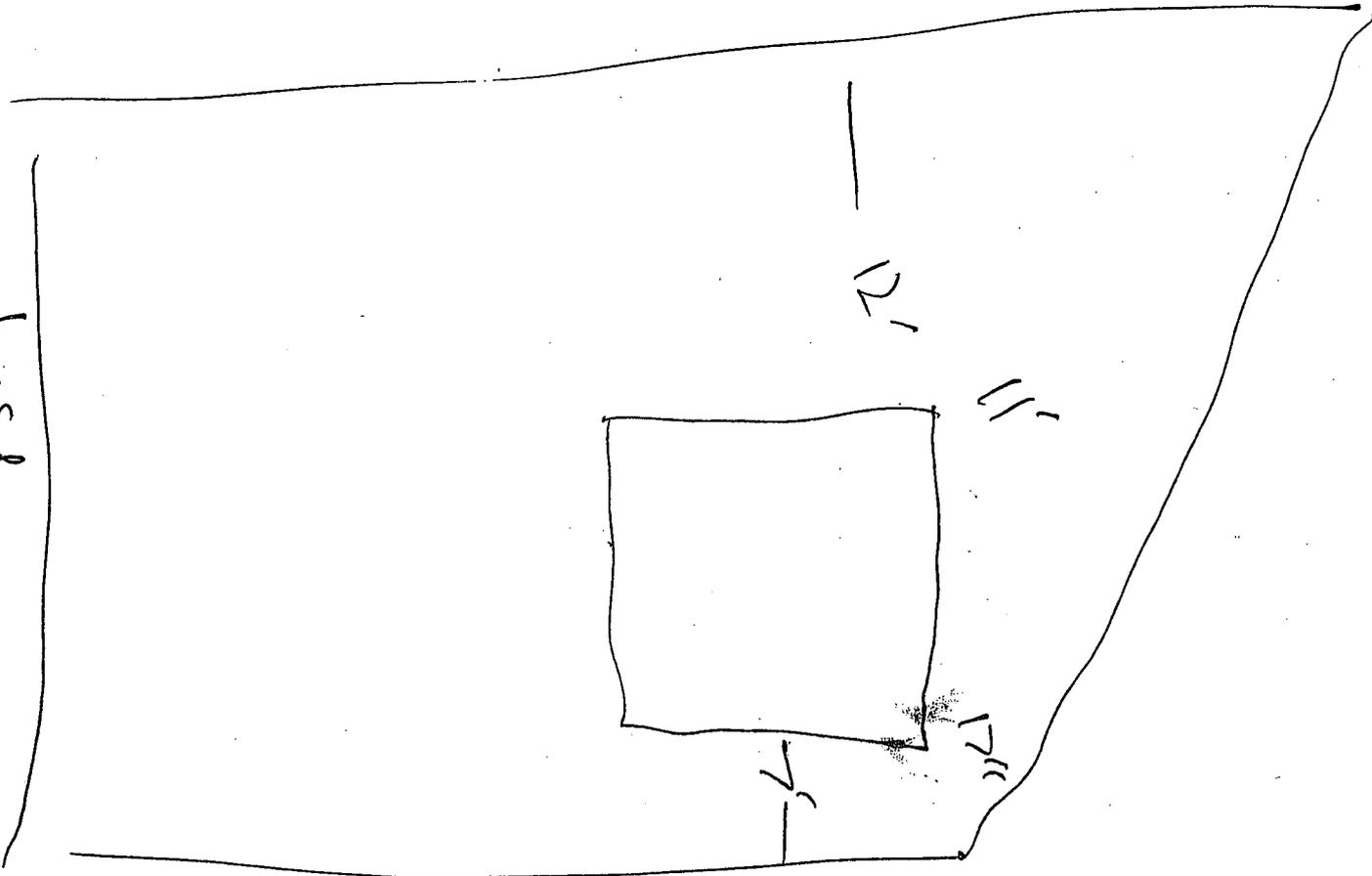
- 24 Plumbing Code
- 28 Signs & Billboards (Posting, Carrying, Etc.)
- 35 Zoning Regulations (City Code)
- 35 Landscaping
- 35 Tree Preservation

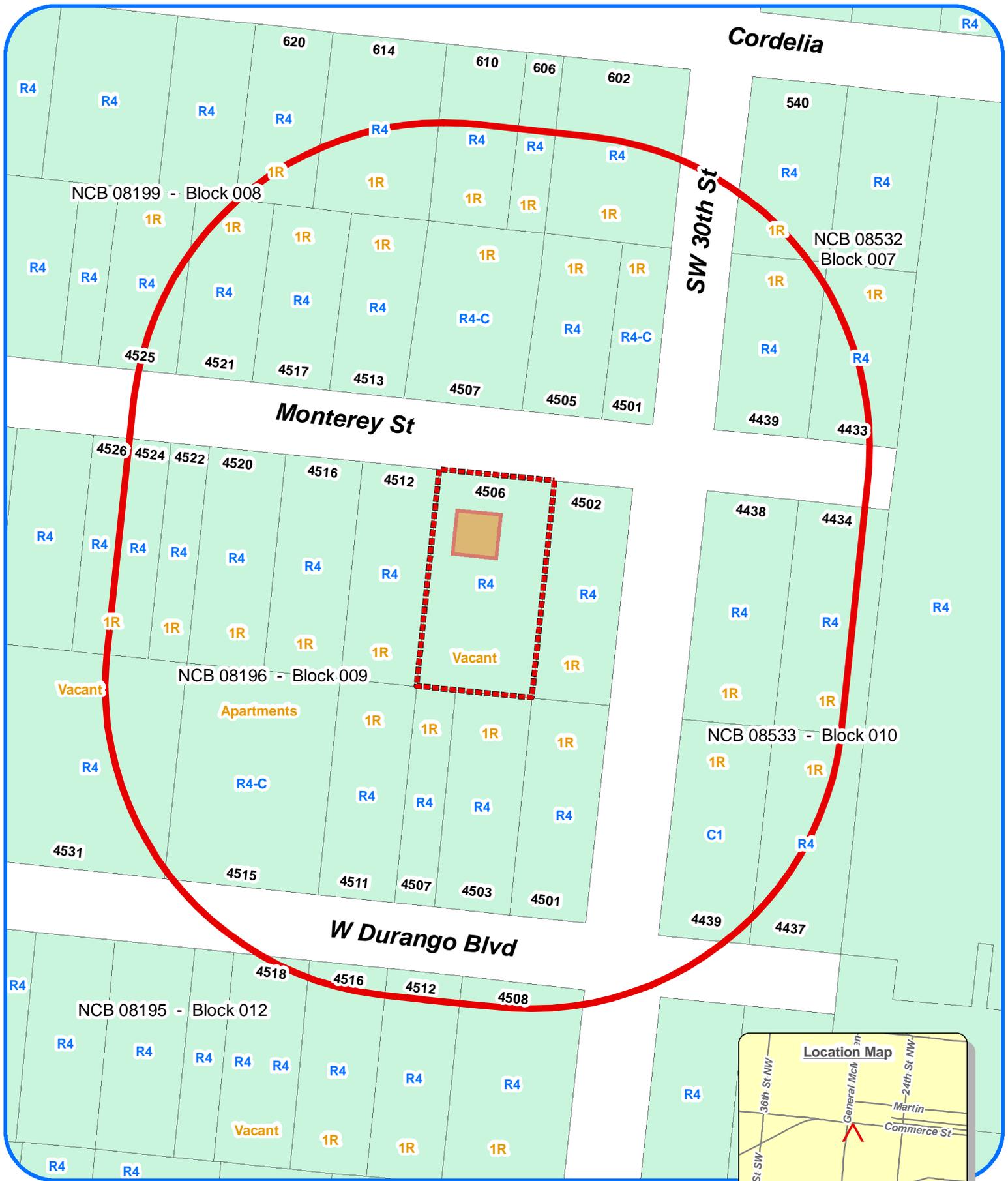
FORM 28-103 (REV 6-03)  
WHITE-ORIGINAL

PINK-VIOLATOR

HARD COPY-OFFICE

Floor





**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-032**



**Legend**  
 Subject Property   
 200' Notification Buffer   
 Scale: 1" approx. = 80'  
 Council District(s) = 5



# CASE NO: A-09-032

Board of Adjustment – April 6, 2009

**Applicant:** Annette Koenig

**Owner:** Annette Koenig

**Request(s):** A special exception to relocate a structure from 730 Delgado Street to 4506 Monterey Street.

**Legal Description:** Lots 17, 18, and 19, Block 9, NCB 8198

**Address:** 4506 Monterey Street

**Zoning:** “R-4” Residential Single-Family District

**Existing Use:** Vacant

**Neigh. Assoc:** None

**Neigh. Plan:** None

**Section of the City Code from which this special exception is requested:**

**35-399.03 Relocation of Buildings and Structures:** The relocation of any residential building or structure shall not be undertaken unless and until a special exception is approved by the Board of Adjustment.

**Background:** The property to which the house in question is proposed to be moved is located on Monterey Street, bound by Southwest 30<sup>th</sup> Street to the east and General McMullen to the west. Single-Family residences surround the subject property and the surrounding zoning is primarily R-4. The Sanborn Fire Insurance maps show that the subject property was at one time occupied by a single-family residence, of which the remains of the foundation are still visible. The structure proposed to be relocated is proposed to be used as a single-family residence, and it appears to conform to the character of the houses on this portion of Monterey Street.

**Recommendation:** The following attributes characterize the majority of existing single-family homes in the surrounding area (Proposed Relocation spreadsheet attached):

- Horizontal Siding (Wood or Synthetic Material)
- Gable Roofs
- Covered Front Porches or Entryways with Doors that Face the Street

Staff finds the structure proposed to be moved to be similar in style and scale to the other single-family homes in the immediate area. As a condition of this Special Exception request, the applicant has agreed to make all repairs necessary to bring the structure into compliance with all applicable City Codes within 90 days, as per Section 6-137 of the City Code. The structure appears to be in harmony with the houses in the surrounding neighborhood in terms of size, age, and quality of construction. Therefore, Staff recommends **approval** of the Special Exception request.

**Case Manager:** Mike Farber, Planner (210) 207-3074

Monterey St

14' - 0" Between  
Proposed Residence  
and Side Property Line

25' - 0" Between  
Proposed Residence  
and Front Property Line

Proposed  
Residential  
Site Location

20' Front  
Building Setback

5' Side  
Building Setback

Lots 17, 18 & 19  
NCB 08196 - Block 009

**Board of Adjustment**  
Plot Plan for  
**Case A-09-032**



Scale: 1" approx. = 20'  
Council District 5

**4506 Monterey St**

Planning and Development Services Dept  
City of San Antonio  
(03/09/2009 - E Hart)

# Board of Adjustment - Case No. A-09-032

April 6, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 6, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Annette Koenig  
Lots 17, 18 and 19, Block 9, NCB 8196  
4506 Monterey Street  
Zoned: “R-4” Single-Family District

The applicant is requesting a Special Exception to relocate a residential structure from 730 Delgado Street to 4506 Monterey Street.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

*The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.*

**Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.**

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If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

Address/Direccion: \_\_\_\_\_

Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor

( ) In Opposition/En Oposicion

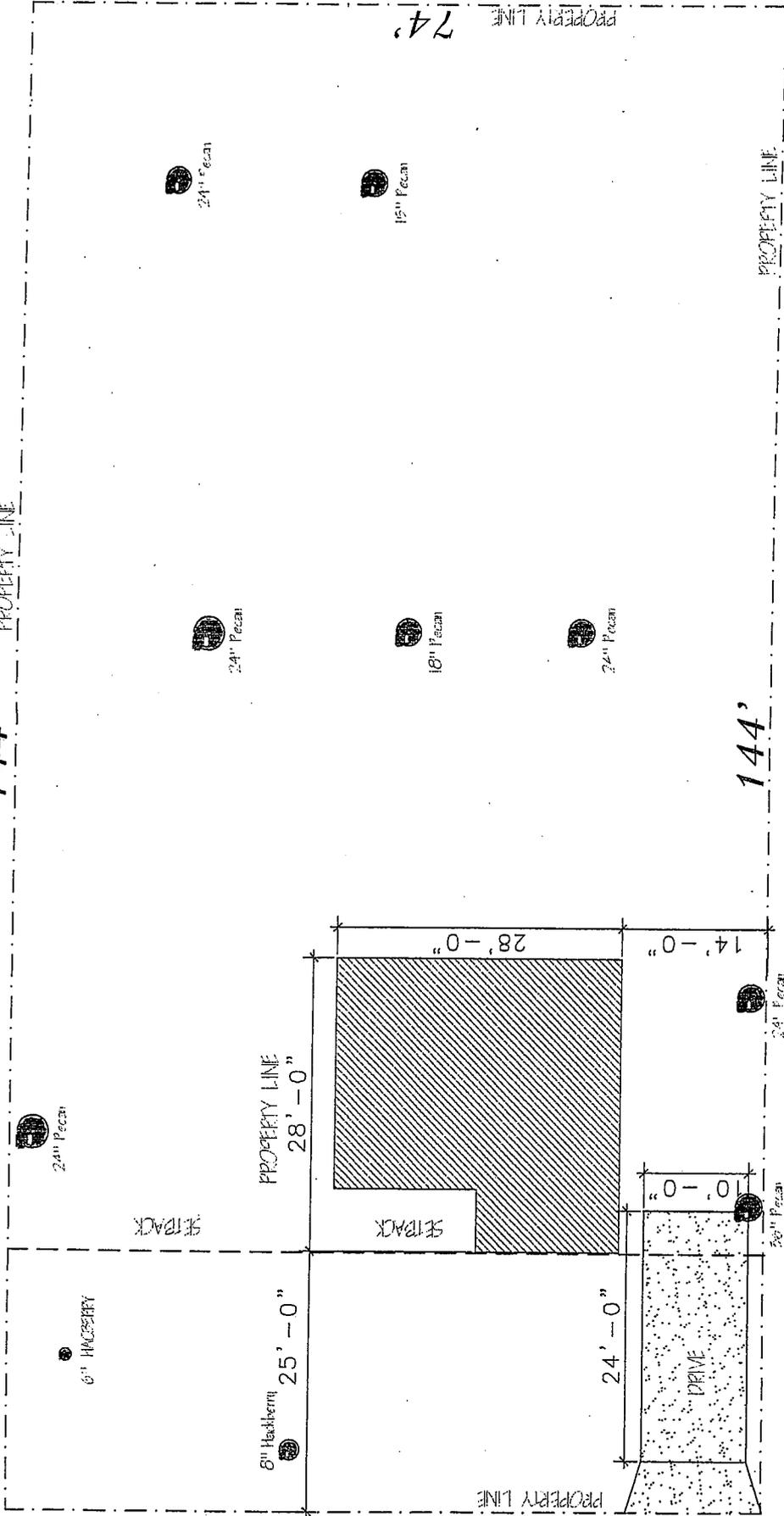
Comments/Comentarios: \_\_\_\_\_

\_\_\_\_\_

**A-09-032**

144' PROPERTY LINE

144'



CONTRACTOR SHALL BE RESPONSIBLE TO FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS, AS TO COMPLY WITH ALL CODE REQUIREMENTS & THE CITY OF SAN ANTONIO. COORDINATE ANY DIMENSIONS WITH SITE COORDINATOR FOR APPROVAL.

NOTES AND REVISIONS

SCALE: AS NOTED  
 DRAWN BY: DG  
 DESIGNED BY: DG  
 CHECKED BY:  
 DATE: 02-27-09  
 JOB NUMBER:

LOT: BLOCK: NCB:  
 HOUSE RELOCATION

SITE PLAN

SCALE: 1"=10'-0"

1. FROM 730 DELGADO 2. TO 4506 MONTEREY
3. PRESENT USE: RES. PROPOSED USE: RES.
4. BUILDING WIDTH: 27' LENGTH: 24' HEIGHT: 16' STORIES: 1
5. ROOF TYPE: SHED \_\_\_\_\_ GABLE  HIP \_\_\_\_\_ OTHER \_\_\_\_\_ CONDITION FAIR
6. BUILDING CONDITION: GOOD  FAIR \_\_\_\_\_ BAD \_\_\_\_\_ OUT OF PLUMB \_\_\_\_\_
7. SILLS: \_\_\_\_\_ UNDER SIZE: \_\_\_\_\_ OVERSPANNED \_\_\_\_\_ SUBSTANDARD \_\_\_\_\_ CONDITION \_\_\_\_\_
8. 1<sup>ST</sup> FLOOR JOISTS: ① Size & span UNDERSIZE: \_\_\_\_\_ PROPERLY SUPPORTED \_\_\_\_\_ SUBSTANDARD \_\_\_\_\_  
Size & Span OVERSPANNED \_\_\_\_\_ NO BLOCKING \_\_\_\_\_ NO BRIDGING \_\_\_\_\_ CONDITION \_\_\_\_\_
9. 2<sup>ND</sup> FLOOR JOISTS: N/A Size & Span UNDERSIZE: \_\_\_\_\_ PROPERLY SUPPORTED \_\_\_\_\_ SUBSTANDARD \_\_\_\_\_  
Size & Span OVERSPANNED \_\_\_\_\_ NO BLOCKING \_\_\_\_\_ NO BRIDGING \_\_\_\_\_ CONDITION \_\_\_\_\_
10. STUDS: ① Size & Length UNDERSIZE \_\_\_\_\_ OVERSPACED \_\_\_\_\_ SUBSTANDARD \_\_\_\_\_ BLOCKING \_\_\_\_\_ CONDITION \_\_\_\_\_
11. HEADERS: \_\_\_\_\_ Size & Length PROPERLY SUPPORTED \_\_\_\_\_ UNDERSIZE \_\_\_\_\_ CONDITION \_\_\_\_\_
12. PLATES: SINGLE ① DOUBLE \_\_\_\_\_ PROPER LAP \_\_\_\_\_ SUBSTANDARD \_\_\_\_\_ CONDITION \_\_\_\_\_
13. CEILING JOISTS: ① SUBSTANDARD \_\_\_\_\_ OVERPANNED \_\_\_\_\_ SPLICED \_\_\_\_\_ CONDITION \_\_\_\_\_
14. RAFTERS: ① Size & Span SUBSTANDARD \_\_\_\_\_ OVERPANNED \_\_\_\_\_ BRACES \_\_\_\_\_ CONDITION \_\_\_\_\_  
Size & span
15. EXTERIOR WALL COVERING: MATERIAL WOOD NEED PAINT \_\_\_\_\_ NEEDS REPAIR \_\_\_\_\_ CONDITION G
16. INTERIOR WALLS: MATERIAL ① NEED REPAIR \_\_\_\_\_ NEED RECOVERING \_\_\_\_\_ CONDITION \_\_\_\_\_
17. ROOF SHEATHING: CONDITION FAIR NEED REPAIR \_\_\_\_\_ NEED REPLACING \_\_\_\_\_
18. ROOF COVERING: MATERIAL METAL CONDITION GOOD NEED REPAIR NO NEED REPLACING \_\_\_\_\_
19. PORCHES: NO. 1 NEED REPLACING \_\_\_\_\_ 20. DOORS AND/OR WINDOWS: CONDITION GOOD
21. FLOOR CONDITION: ① 22. SANITARY FACILITIES: ① 23. KITCHEN FACILITIES ①
24. CEILING HEIGHT: ① 25. FIRE DAMAGE: NO 26. NO. OF ACCESSORY BUILDINGS: ①
- TYPE \_\_\_\_\_ CONDITION \_\_\_\_\_

27. IN YOUR OPINION WHAT IS THE AGE OF STRUCTURE: 50+ years

REMARKS: STRUCTURE OK TO RELOCATE

① UNABLE TO ACCESS TO MAKE INTERIOR INSPECTION

APPROVED:  DISAPPROVED \_\_\_\_\_ RECOMMENDATION: \_\_\_\_\_

DATE INSPECTED: 03/12/09 INSPECTOR: P. ALIZZI 105

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

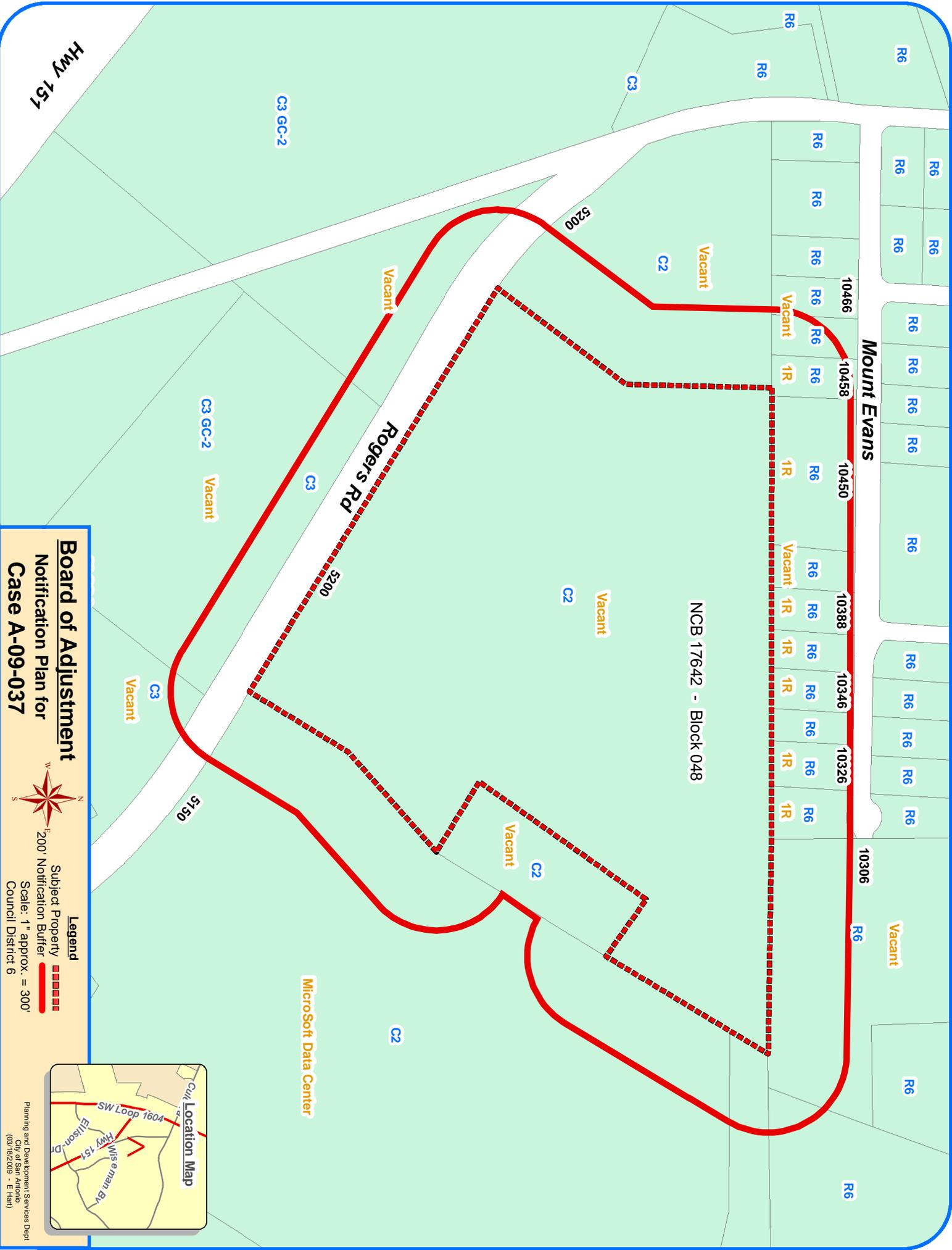
NAME: Annette Koenig  
STREET ADDRESS AND ZIP CODE (PROPOSED): 4506 Monterey Street, 78237  
STREET ADDRESS AND ZIP CODE (CURRENT): 730 Delgado Street, 78207  
SIZE OF STRUCTURE (Square Footage): approximately 784 sq. ft.

**CURRENT TYPE OF CONSTRUCTION:**

INTERIOR WALLS:  Sheetrock     Panel     Other \_\_\_\_\_  
SIDING:  Wood     Vinyl     Other \_\_\_\_\_  
CEILING:  Sheetrock     Other \_\_\_\_\_  
ROOF:  Shingles     Other Metal \_\_\_\_\_  
WINDOWS:  Wood     Aluminum     Other \_\_\_\_\_  
INSULATION:  Walls     Ceiling     Floor  
HEATING & COOLING:  Window Units     Heaters electric     Central  
FLOOR JOIST: 2x6    SILLS: 4x6    STUDS: 2x4

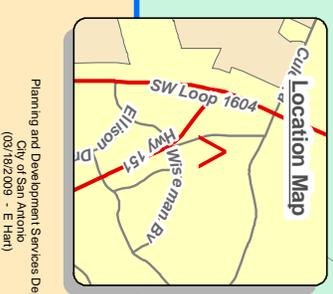
**PROPOSED CHANGES:** None

WINDOWS: \_\_\_\_\_ ROOF: \_\_\_\_\_  
SIDING: \_\_\_\_\_ SKIRTING TYPE: \_\_\_\_\_  
INSULATION: \_\_\_\_\_ PORCH: \_\_\_\_\_  
DOORS: \_\_\_\_\_ HEATING & COOLING: \_\_\_\_\_  
ELECTRICAL: \_\_\_\_\_ PLUMBING: \_\_\_\_\_  
CONSTRUCTION OF DRIVEWAY: \_\_\_\_\_  
FOUNDATION: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_



**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-037**

**Legend**  
 Subject Property: [Red Dashed Line]  
 200' Notification Buffer: [Red Solid Line]  
 Scale: 1" approx. = 300'  
 Council District 6



# CASE NO: A-09-037

Board of Adjustment – April 6, 2009

- Applicant:** Westover RTF 2, L.P.
- Owner:** Westover RTF 2, L.P.
- Request(s):** A complete variance from the requirement that all property zoned for non-residential uses erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use or single-family residential zoning district.
- Legal Description:** Lot 3, Block 48, NCB 17642
- Address:** 5200 Rogers Road
- Zoning:** “C-2” Commercial District
- Existing Use:** Data Center – Under Construction
- Neigh. Assoc:** None
- Neigh. Plan:** None

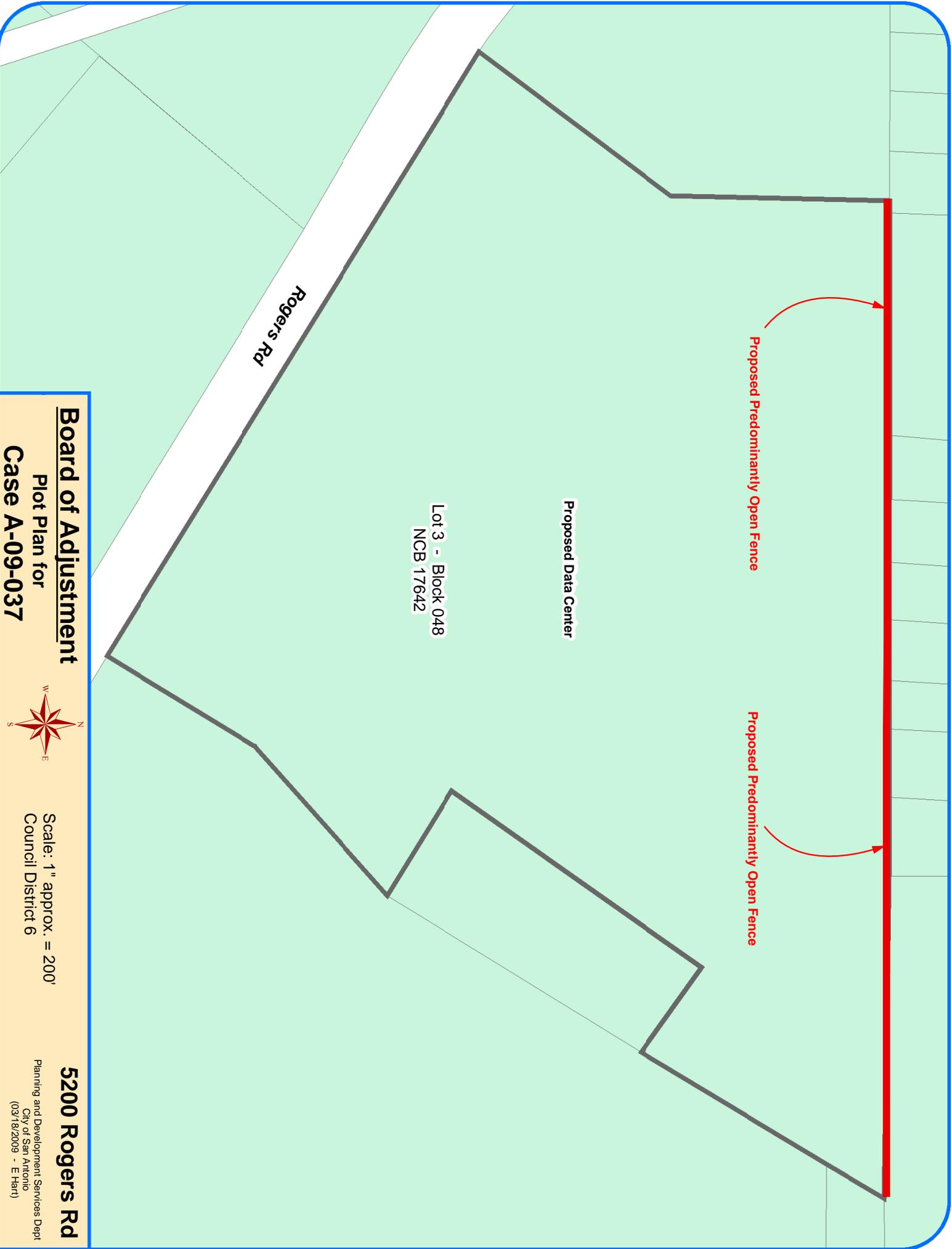
**Section of the City Code from which this variance is requested:**

**35-514(e) Uses Adjoining Certain Residential Zoning Districts:** All property zoned for nonresidential or multi-family residential uses, excluding property located within the mixed-use district “MXD” or infill development zone “IDZ”, shall erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use or a more restrictive single-family residential zoning district.

**Background:** The subject property is located on the city’s northwest side just east of State Highway 151. The surrounding properties are zoned “C-2” to the east and west, “C-3 GC-2” and “C-3” to the south, and “R-6” to the north. These lots are mostly vacant, save the Microsoft Data Center immediately to the east and the single-family residences occupying the lots zoned “R-6” to the north. The property is being developed as a data center and was previously granted a variance from the fence height limitations, in order to erect an 8-foot tall security fence along the perimeter of the property. The applicant is requesting this variance so that a solid screen fence will not be required along the rear of the property, abutting the properties zoned “R-6”.

**Recommendation:** The intent of the solid screen fencing requirement for nonresidential properties abutting existing single-family residential uses is to provide a reasonable buffer and screening between the single-family residences and potentially noxious uses. The requirement that the subject property maintain solid screen fencing along the boundary adjacent to the single-family residences appears to be unnecessary in this case, especially in light of the fact that the applicant is planning to erect an 8-foot tall, predominantly open security fence along this boundary. Staff believes the planned security fence, coupled with existing vegetation on both the subject property and the adjacent residential properties, would provide an adequate buffer and screening. Staff recommends **approval** of the requested variance.

**Case Manager:** Jacob Floyd, Planner (210) 207-8318



**Board of Adjustment**  
Plot Plan for  
**Case A-09-037**



Scale: 1" approx. = 200'  
Council District 6

**5200 Rogers Rd**

Planning and Development Services Dept  
City of San Antonio  
(03/18/2009 - E Hart)

Rogers Rd

Lot 3 - Block 048  
NCB 17642

Proposed Data Center

Proposed Predominantly Open Fence

Proposed Predominantly Open Fence

# Board of Adjustment - Case No. A-09-037

**April 6, 2009**

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 6, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Westover RTF 2, L.P.  
Lots 3, Block 48, NCB 17642  
5200 Rogers Road  
Zoned: “C-2” Commercial District

The applicant is requesting a complete variance from the requirement that all property zoned for non-residential uses erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use or single-family residential zoning district.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

*The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.*

**Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.**

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If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

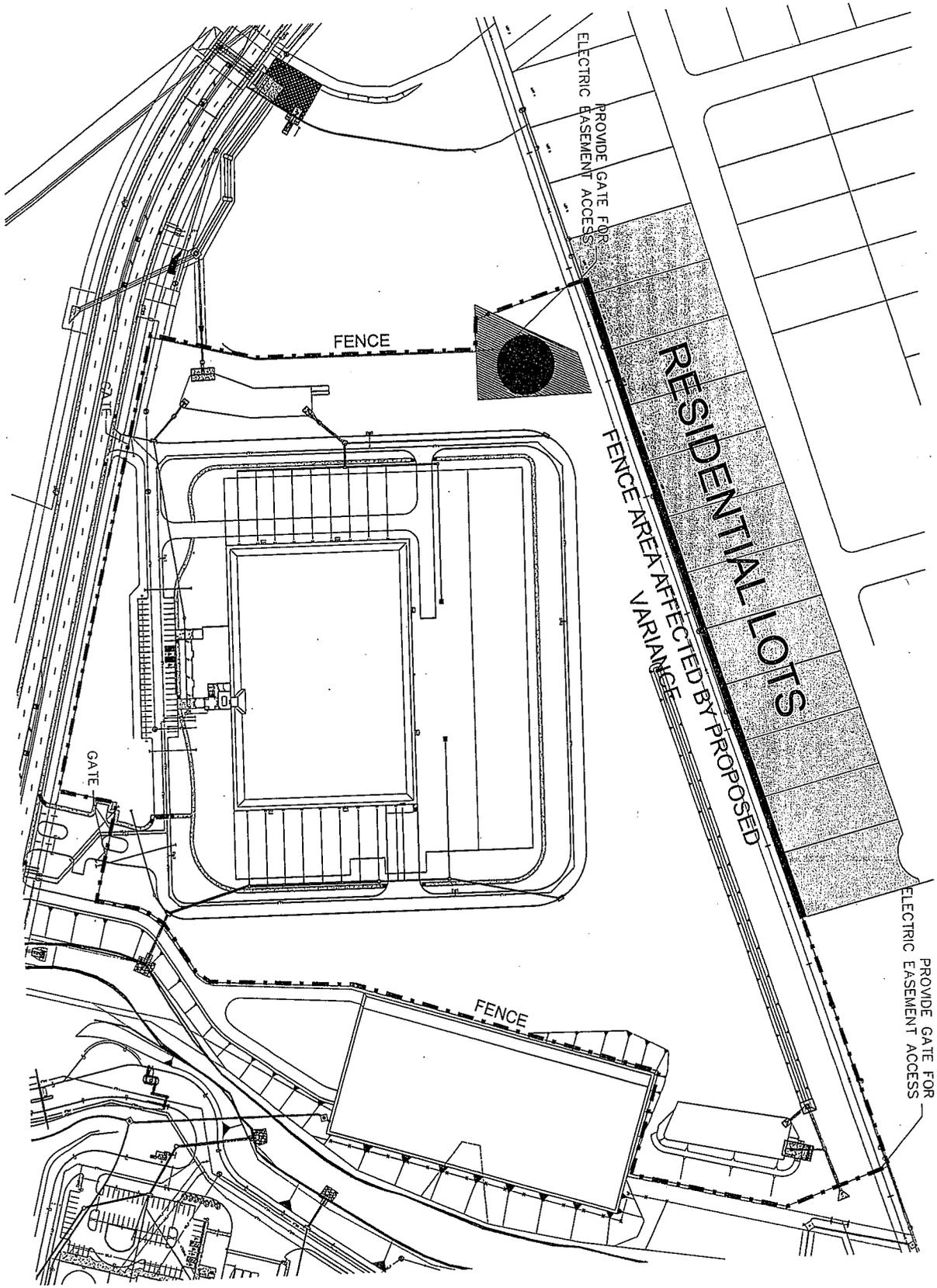
Address/Direccion: \_\_\_\_\_

Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor ( ) In Opposition/En Oposicion

Comments/Comentarios: \_\_\_\_\_

**A-09-037**



PROVIDE GATE FOR  
ELECTRIC BASEMENT ACCESS

FENCE

RESIDENTIAL LOTS  
FENCE AREA AFFECTED BY PROPOSED  
VARIANCE

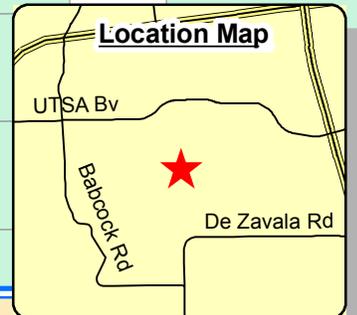
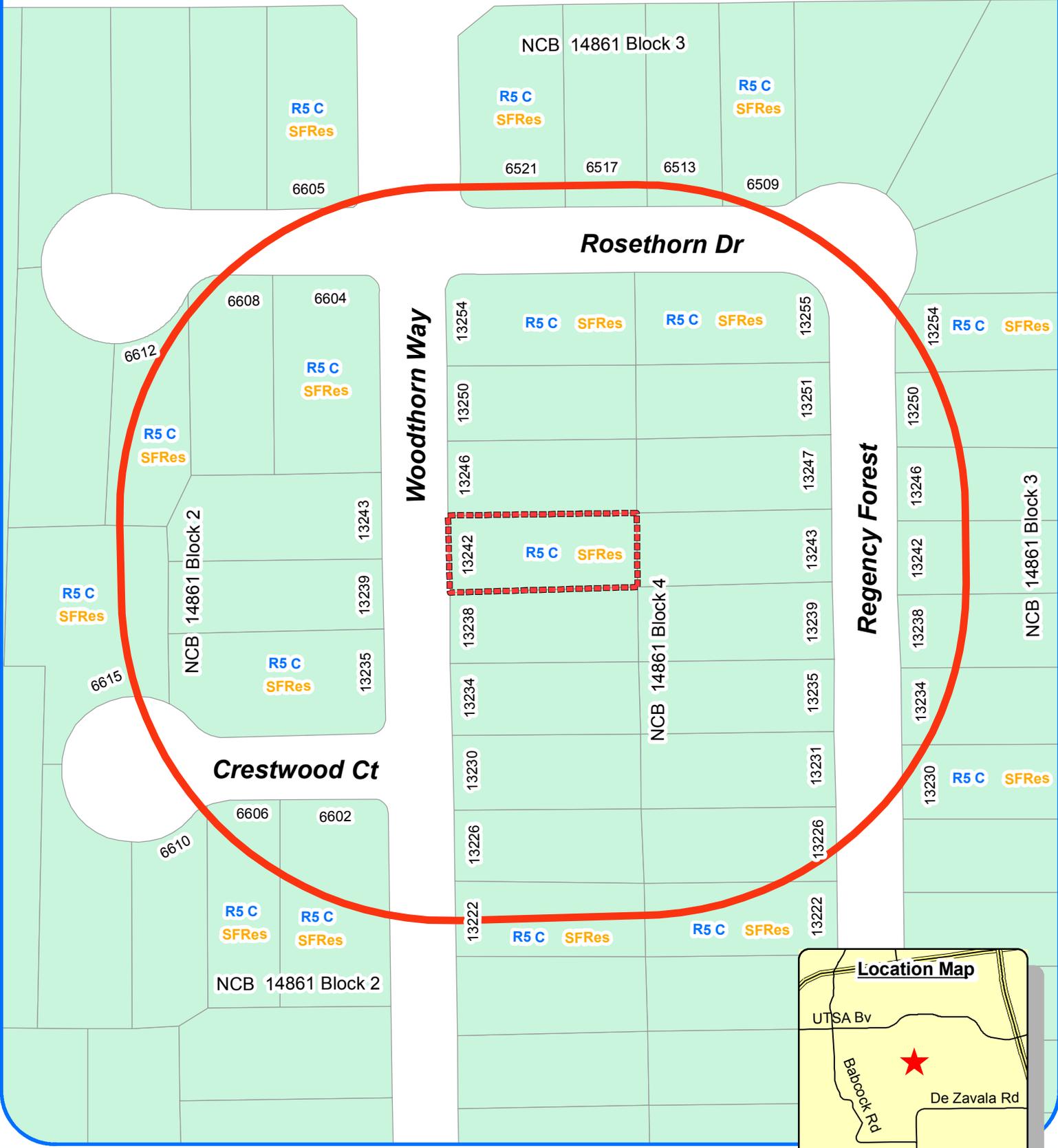
GATE

GATE

FENCE

PROVIDE GATE FOR  
ELECTRIC EASEMENT ACCESS

W Hausman Rd



**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-039**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 80'
- Council District 1

Planning and Development Services Dept  
 City of San Antonio  
 (03/16/2009 - P. Trinkle)

# CASE NO: A-09-039

Board of Adjustment – April 6, 2009

- Applicant:** Ernest Leal
- Owner:** Ernest Leal
- Request(s):** A 7-foot variance from the requirement that a minimum 20-foot rear setback be maintained in “R-5” zoning districts, in order to erect a patio cover 13 feet from the rear property line.
- Legal Description:** Lot 4, Block 4, NCB 14861
- Address:** 13242 Woodthorn Way
- Zoning:** “R-5” Residential Single-Family District
- Existing Use:** Single-Family Residence
- Neigh. Assoc:** Woodthorn Neighborhood Association
- Neigh. Plan:** None

**Section of the City Code from which this variance is requested:**

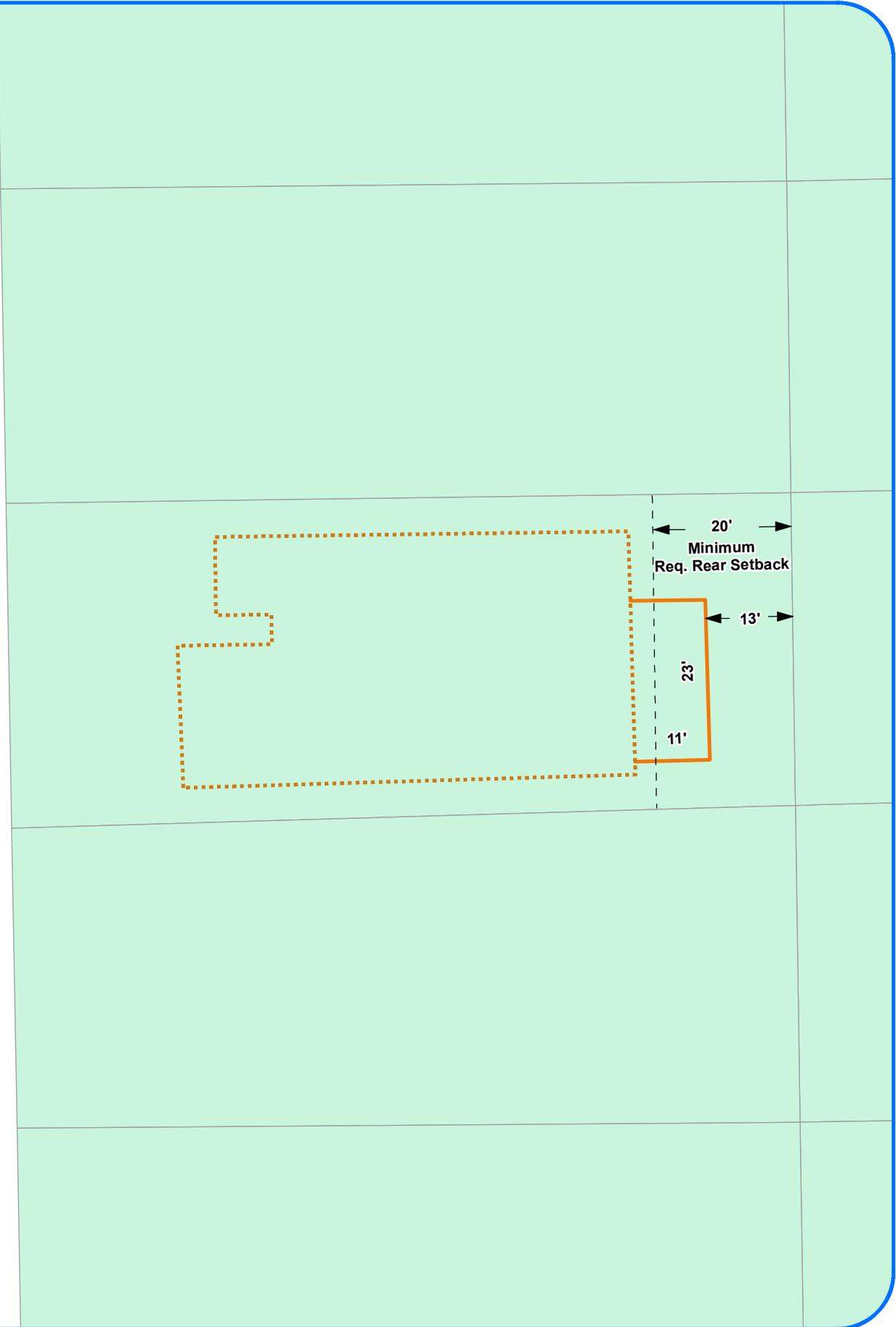
**35-310 Zoning District Purpose Statements and Design Regulations:** A minimum 20-foot rear setback shall be maintained in “R-5” zoning districts.

**Background:** The subject property is located in an established single-family neighborhood off of West Hausmann Road, west of Interstate 10, in the Woodthorn Subdivision. The surrounding zoning is “R-5” with single-family residential uses adjacent to the subject property in all directions. A single-family residence occupies the property, which is situated approximately 24 feet from the rear property line. A concrete patio slab exists in the rear yard, extending from the rear of the structure, approximately 11 feet into the rear yard. The applicant is requesting this variance in order to erect a cover over this patio and encroaching into the rear setback.

**Recommendation:** The intent of the rear setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. The subject property in this case does not appear to be characterized by any unique features that would result in a hardship through the literal enforcement of the zoning ordinance. The applicant does not indicate any physical hardship experience on the property, citing instead the temporary nature of the proposed patio cover and the lack of shade in the yard without it. Staff recommends **denial** of the requested variance.

**Case Manager:** Jacob Floyd, Planner (210) 207-8318

**Woodthorn Way**



**Board of Adjustment**  
Plot Plan for  
**Case A-09-039**



**Legend**

Existing Structure  
Proposed Addition

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



**13242 Woodthorn Way**

Planning and Development Services Dept  
City of San Antonio  
(03/18/2009 - P. Trinkle)

# Board of Adjustment - Case No. A-09-039

April 6, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 6, 2009** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Ernest Leal  
Lot 4, Block 4, NCB 14861  
13242 Woodthorn Way  
Zoned: “R-5” Residential Single-Family District

The applicant is requesting a 7-foot variance from the requirement that a minimum 20-foot rear setback be maintained in “R-5” zoning districts, in order to erect a patio cover 13 feet from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

**Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.**

Name/Nombre: \_\_\_\_\_ Telephone/Telefono: \_\_\_\_\_

Address/Direccion: \_\_\_\_\_

Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor

( ) In Opposition/En Oposicion

Comments/Comentarios: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**A-09-039**

