

**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, August 17, 2009**  
**1:00 PM**

**BOARD OF ADJUSTMENT MEMBERS**

Liz Victor – District 1	Rolando Briones – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
Vacant – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10	
Chairman	
Maria Cruz	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. **CASE NO. A-09-072 cont:** The request of Jim Poteet, for a 2-foot variance from the requirement that front yard solid fences not exceed 3 feet in height, in order to build a 5-foot tall solid fence in the front yards, 410 and 414 Madison Street.
5. **CASE NO. A-09-083:** The request of Madison Street Townhomes, L.P. for a complete variance from the requirement that a minimum 5-foot rear setback be maintained in “IDZ” zoning districts, in order to build structures on the rear property line, 410, 414, 418, 422, 426, and 430 Madison Street.
6. **CASE NO. A-09-074:** The request of Mark R. Johnson, for a 16 parking space adjustment from the maximum allowed 155 parking spaces, to allow 171 parking spaces, 20080 Stone Oak Parkway.
7. **CASE NO. A-09-081:** The request of Jim Nguyen, for a 5-foot variance from the requirement that solid fences in front yards not exceed 3 feet in height, in order to keep an existing 8-foot tall solid fence in the front yard, 21260 West Tejas Trail.

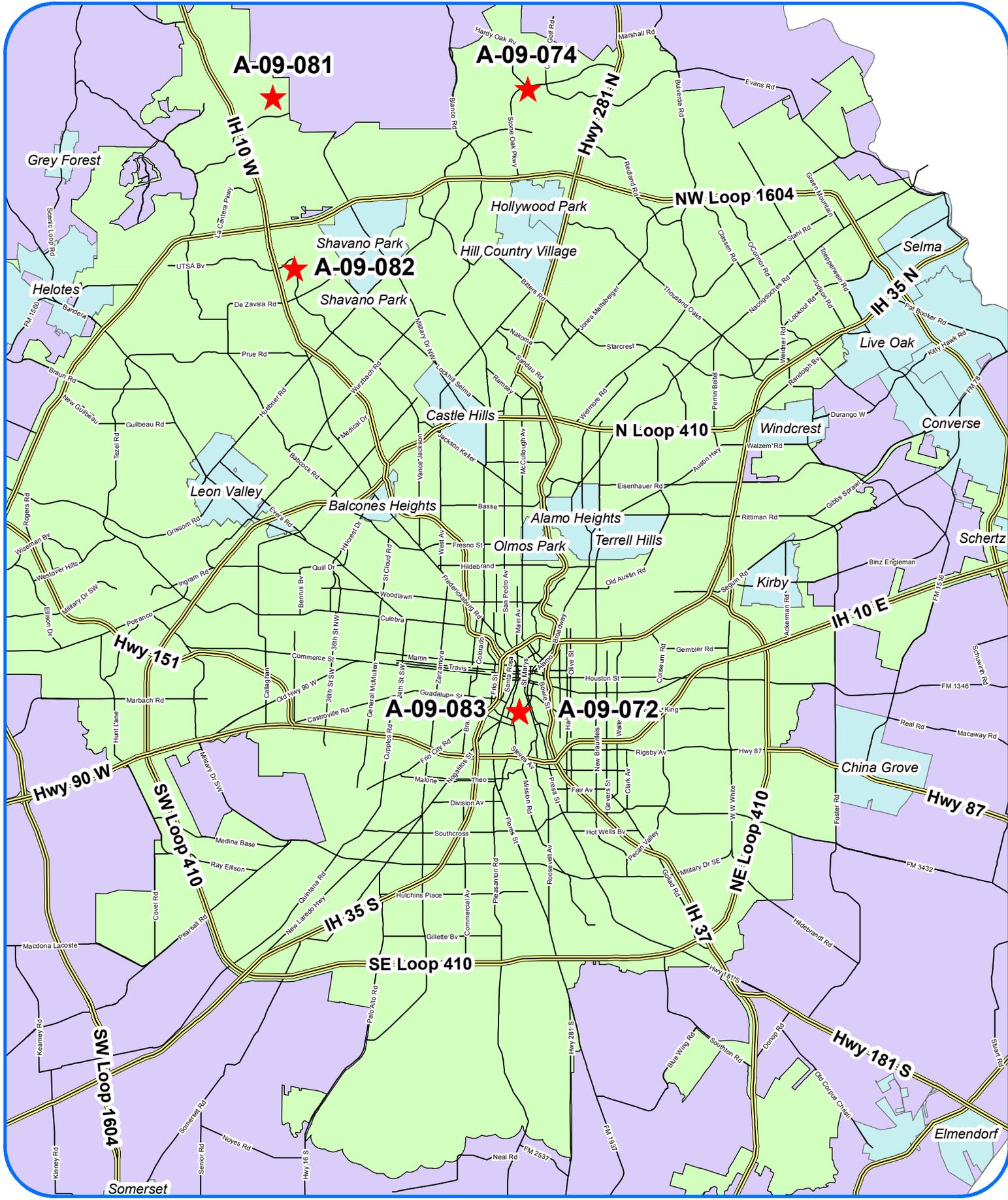
8. **CASE NO. A-09-082:** The request of Koontz McCombs, for a 100-foot variance from the requirement that on-premise signs along streets classified as Secondary Arterial “Type A” be at least 150 feet apart, in order to erect two on-premise monument signs that would sit 50 feet apart, 14111 Vance Jackson.
9. Briefing on the proposed Roosevelt Avenue Metropolitan Corridor Overlay District (MC-1).
10. Approval of the minutes from the regular meeting on August 3, 2009.
11. 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.
12. **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.

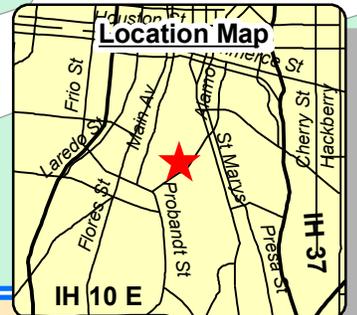
**ACCESSIBILITY STATEMENT**

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 August 17, 2009**





**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-072**



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



## City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-09-072  
Date: August 17, 2009; Continued from August 3, 2009  
Applicant: Jim Poteet  
Owner: Madison Street Townhomes, L.P.  
Location: 410 and 414 Madison Street  
Legal Description: Lots 23 and 24, Block 6, NCB 747  
Zoning: "H HS IDZ" Infill Development Zone King William Historic District  
Historic Significant with uses permitted in the "RM-4" Mixed Residential District  
Subject: Front Yard Fence Height Variances  
Prepared By: Jacob Floyd, Planner

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### **Summary**

The applicant requests a variance from the front-yard fence height standards (Section 514) to allow a 5-foot tall, solid fence in the front yard of the subject properties.

If these variances were not granted, the applicant must comply with the requirement that solid fences in front yards not exceed 3 feet in height.

### **Public Notice**

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 July 30. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Project Description**

The applicant is requesting this variance in order to build a 5-foot tall masonry fence in the front yard of each subject property. The proposed design of the residences intended for these properties do not provide a rear yard, instead incorporating a screened courtyard in

the front and side yards. The applicant indicates that the proposed fences would provide a sense of privacy and enclosure.

A complete variance from the requirement that a minimum 5-foot rear setback be maintained in "IDZ" zoning districts was granted by the Board of Adjustment on July 16, 2007, to build structures on the rear property lines. Pursuant to Section 35-482(g) of the UDC, the variance is null and void, as no building has begun. The property owner has re-submitted this request to be considered at the August 17 Board of Adjustment meeting.

### **Surrounding Zoning/Land Use**

North	H HE MF-33, H HS RM-4, H HE RM-4	Single-Family Residences
South	H HS IDZ	Commercial, Vacant
East	H HS IDZ, H HS C-2	Commercial
West	H HS RM-4, H HE RM-4	Single-Family Residences

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Downtown Neighborhood Plan. The Neighborhood Planning and Urban Design Section review (Attachment 6) states that while front yard fences are not specifically addressed in the plan, several goals and recommendations were made by the neighbors in order to preserve and protect the character of this historic area. Staff analysis indicates that "a pattern of walled courtyards along residential streets may significantly influence the character of the streetscape.

Additionally, the property is located within the King William Historic District. A Certificate of Appropriateness was issued for conceptual approval of this project on December 19, 2007 but has since expired pursuant to Section 25-450(h) of the UDC. A Certificate of Appropriateness was also issued June 4, 2008 for the new construction, but has also expired.

The property is located within the boundaries of the King William Association. The association is supportive of the variance request; reply received on August 3rd.

### **Criteria for Review**

According to Section 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:

*It does not appear that the granting of these variances would be contrary to the public interest, as the proposed location of the fences, set back approximately 12 feet, will not create an obstruction to the air flow or visual clearance.*

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

*It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. The size of the lots was created through the re-platting of a larger parcel.*

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

*A denial of the request would not eliminate the reasonable development possibilities for the subject properties.*

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

*The granting of these variances will not authorize a use other than those permitted by right in "RM-4" zoning districts, as specified by the Ordinance 99561 of the City of San Antonio.*

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

*The granting of these variances will not injure the appropriate use of adjacent conforming properties, however, it may alter the essential character of the district in which the properties are located, in that solid screen fences of a height exceeding 3 feet are not a characteristic 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 the circumstances existing on the property are unique, it appears that they are self-created. The lack of a rear yard, indicated by the applicant as a condition justifying the granting of these variances, is a result of the design of the structures proposed to be built on the lots and the failure to allocate sufficient land to these properties when they were platted.*

### **Staff Recommendation**

Staff recommends **denial** of the requested variance for the subject properties. The conditions necessitating the variances are self-created and would not result in unnecessary hardship through the literal enforcement of the ordinance. Reasonable use of the subject properties will not be denied should the requested variances not be granted.

## **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

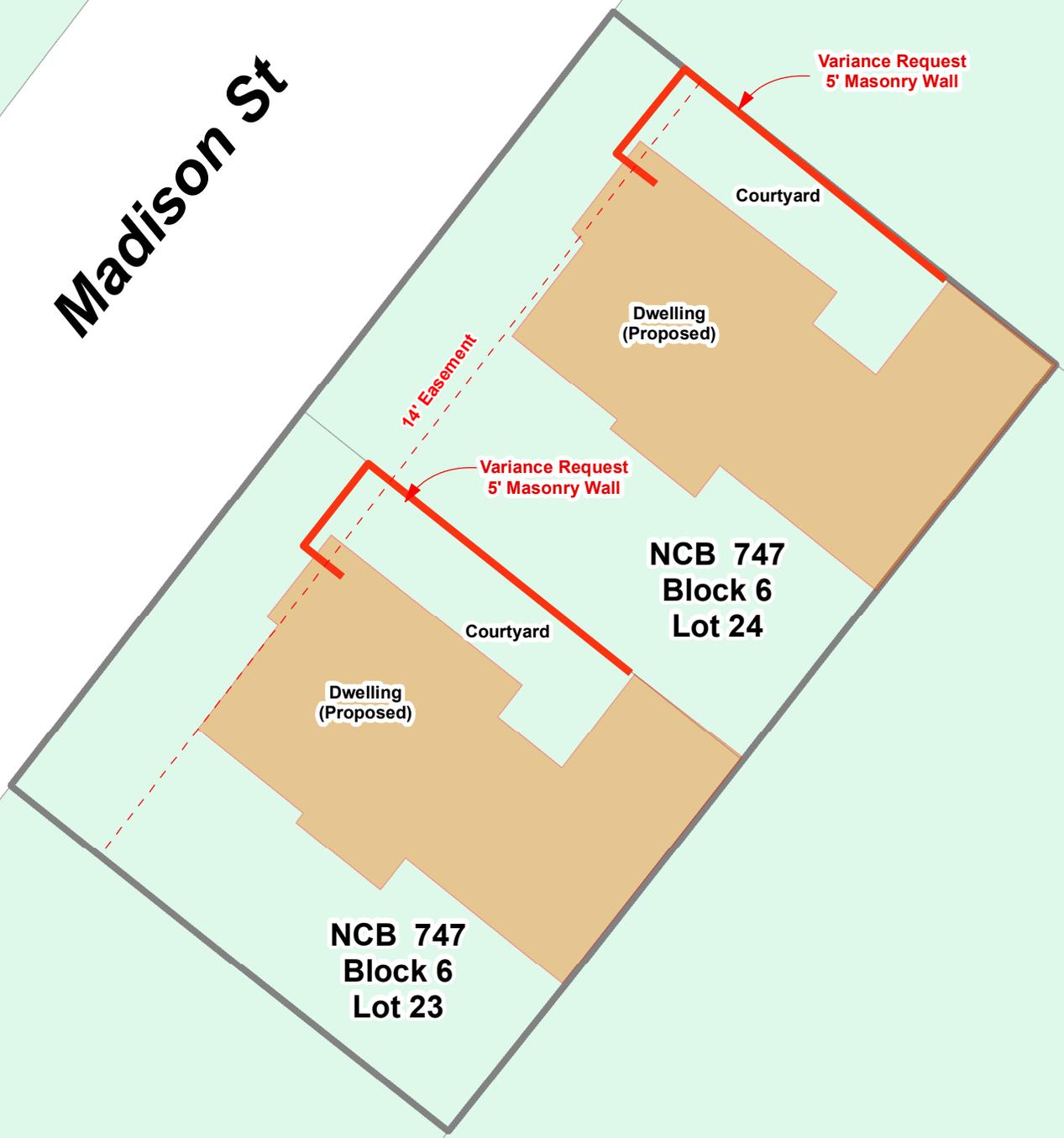
Attachment 4 – Applicant's Conceptual Drawings

Attachment 5 – St. Benedict's Subdivision Plat

Attachment 6 – Neighborhood and Urban Design Division Case Review

Attachment 7 – Historic and Design Review Commission Certificate of Appropriateness

**Madison St**



**Board of Adjustment**  
Plot Plan for  
**Case A-09-072**



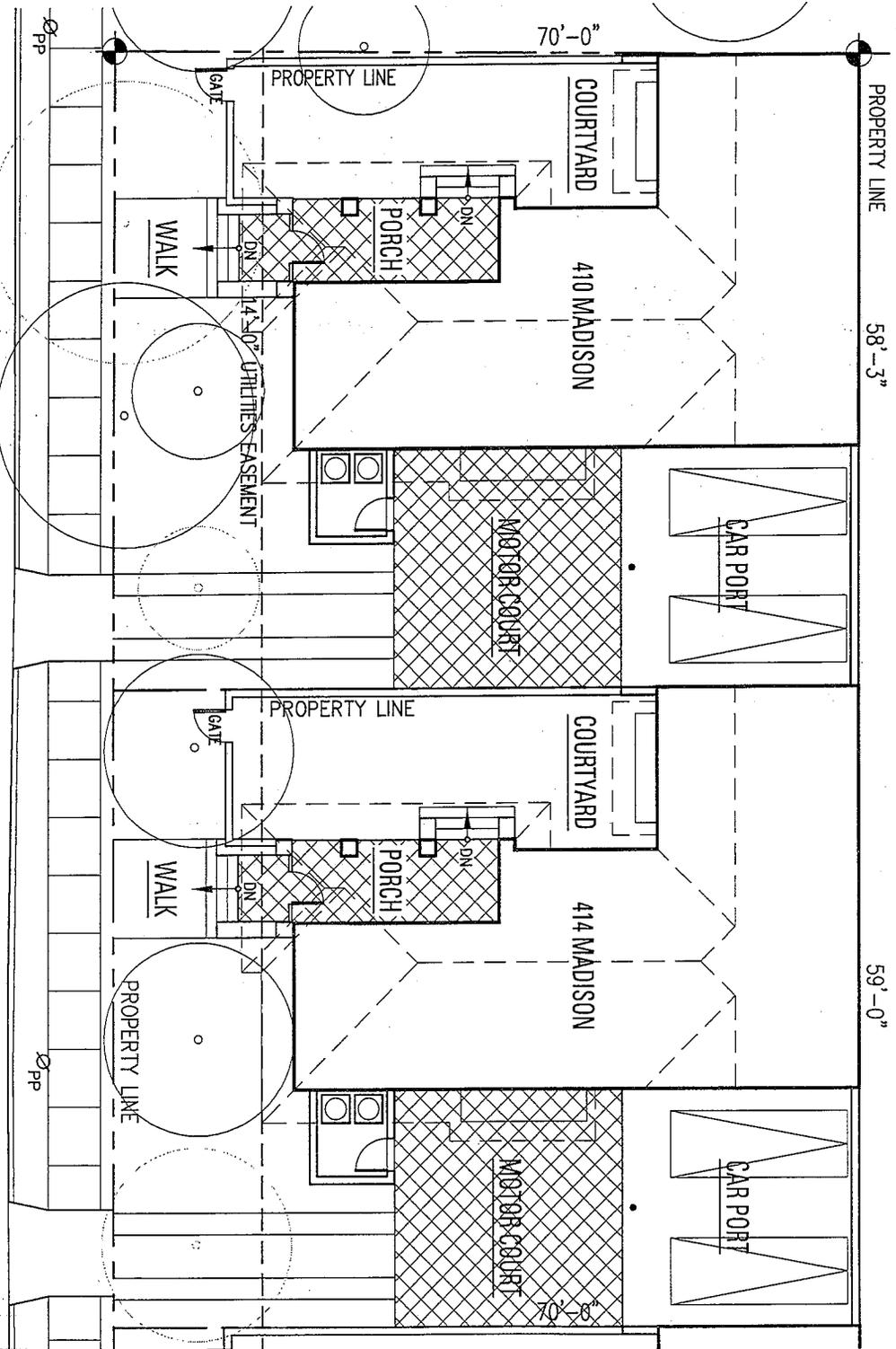
**Legend**

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

**410 Madison St**  
**414 Madison St**

Planning and Development Services Dept  
City of San Antonio  
(07/16/2009 - P. Trinkle)

ST BENEDICT'S PROPERTY  
PARKING LOT



MADISON STREET

55.6' RIGHT-OF-WAY

SITE PLAN

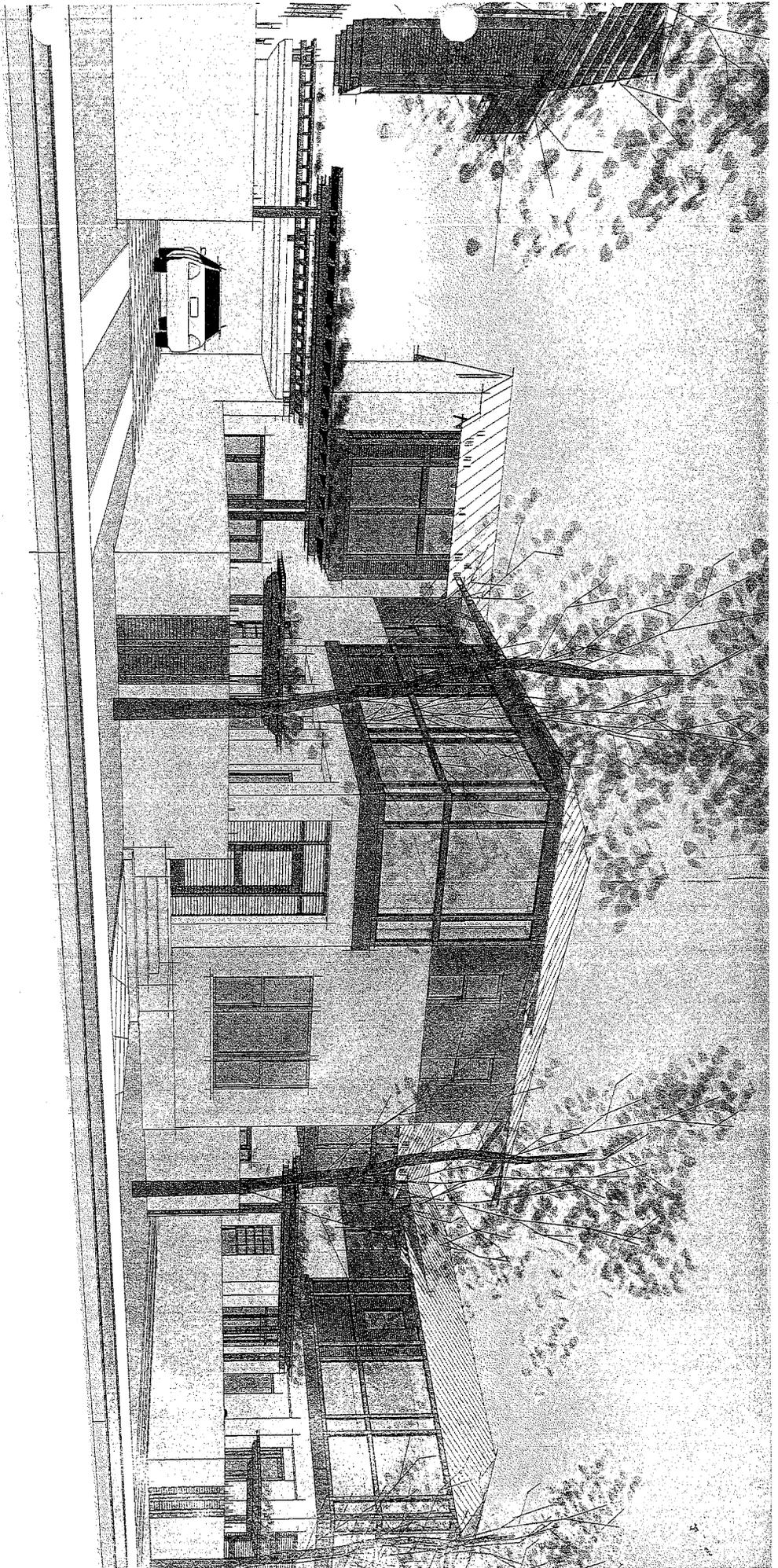
SCALE: 1/16" = 1'-0"



NORTH

410 & 414 MADISON STREET	
DATE: JUNE 19, 2009	
POTEET ARCHITECTS, LP	
	PAGE 1 OF 2





**Madison Street Residences**  
Perspective View

**Poteet Architects**  
June 19, 2009



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

**CASE INFORMATION**

Case #: **A-09-072**

Property Address: 410 & 414 Madison

Zoning: IDZ H H4

Hearing Date: 08/03/09

**Type / Scope of BOA Request:**

The applicant is requesting a variance to allow a 5' solid masonry fence in the front (side) yard of the two proposed residences for the above address.

**PLANNING PROGRAM / PROJECT OVERLAP**

Neighborhood Association(s): King William

Neighborhood or Community Plan: Downtown Neighborhood Plan

Neighborhood Conservation District: n/a

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

**ANALYSIS STATEMENT**

The subject parcel is designated Residential in District "K" of the adopted Downtown Neighborhood Plan. The Plan provides several preliminary design guidelines for the area, including mixed-use and residential portions of the plan. Page 20 of the plan encourages "landscape buffering next to single family uses." Additionally, open space between buildings is recommended. (page 18)

Standards and recommendations for front yard fences are not specifically addressed in the Downtown Neighborhood Plan, however; several goals and recommendations were made in order to preserve and protect the character of this historic area. Establishing a pattern of walled courtyards along a residential street may significantly influence the character of the streetscape.

There does not appear to be any extenuating topographical constraints or similar issues related to the applicant's parcel which would warrant a variance from current UDC regulations.

**RECOMMENDATION**

Recommendation Pending Additional Analysis / Information \_\_\_\_\_

Support Request \_\_\_\_\_

Deny Request  X

**REVIEWER INFORMATION**

Neighborhood Planner Reviewing: Gary Edenburn, Senior Planner

Date Review Completed: July 23, 2009



HISTORIC AND DESIGN REVIEW COMMISSION  
CERTIFICATE OF APPROPRIATENESS

June 04, 2008

# CITY OF SAN ANTONIO

**HDRC CASE NO:** 2007-329  
**ADDRESS:** 410 Madison  
**LEGAL DESCRIPTION:** ST. BENEDICT'S LOT 10, BLOCK 5 AND LOT 26  
BLOCK 6  
**PUBLIC PROPERTY:**  
**HISTORIC DISTRICT:** King William Historic District  
**LANDMARK DISTRICT:**  
**APPLICANT:** James Poteet, 1114 S. St. Mary's St.  
**OWNER:** Madison Street Townhomes  
**TYPE OF WORK:** New Construction

**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for approval to construct 6 semi-detached, 2,700 sq ft 3-bedroom houses on 4,000 sq ft lots. The major materials are to be a natural finish galvalume standing seam metal roof, stucco over walls created of insulated concrete forms, wood window bays with wood siding infill, wood windows (double hung and fixed), stile and rail doors of wood and wood/glass. The 2nd story screen porch off the master bedrooms will be screened with a bronze screen.

**RECOMMENDATION:**

The staff recommends approval of this request as submitted. Conceptual approval was granted by the HDRC on December 19th, 2007. The new houses are sited at the rear property line, their rear facades forming a wall that abuts against the main parking lot of St. Benedicts. The homes are set back 20' from the curb face on Madison St. in order to preserve the existing tree canopy along Madison. The proposal has been granted a variance in order to build on the rear lot line. The proposed changes are architecturally and esthetically appropriate for their setting and will have no adverse effects on the property or the King William historic district.

**COMMISSION ACTION:**

Approval with the stipulation that the applicant be allowed to change to wood clad windows.

Ann Benson McGlone  
Historic Preservation Officer



HISTORIC AND DESIGN REVIEW COMMISSION  
CERTIFICATE OF APPROPRIATENESS

December 19, 2007

# CITY OF SAN ANTONIO

**HDCR CASE NO:** 2007-329  
**ADDRESS:** 410 414, 418, 422, 430 Madison Street  
**LEGAL DESCRIPTION:** NCB 747 Block 6 Lot 19 thru 24  
**PUBLIC PROPERTY:**  
**HISTORIC DISTRICT:** King William Historic District  
**LANDMARK DISTRICT:**  
**APPLICANT:** James E. Poteet, Poteet Architects 1114 S. St. Mary's St  
**OWNER:** Madison Street Townhomes  
**TYPE OF WORK:** New Construction

**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for conceptual approval to construct six (6) semidetached houses. The proposed houses will be sited at the rear property line (the project has been granted a variance to allow this) their rear facades forming a wall against the main parking lot of the St. Benedict's development. The proposed structures will be set back twenty feet from the curb on Madison Street to preserve the tree canopy along Madison Street.

**Materials:**

- natural finish galvalume standing seam metal roofing
  - stucco over walls created of insulated concrete forms
  - wood window bays with wood siding infill
  - wood windows — double hung and fixed
  - stile and rail doors of wood and wood/glass
  - 2nd story screen porch off the master bedroom will be screened with bronze screen
- The accompanying exhibits provide additional information.

**RECOMMENDATION:**

The staff recommends approval of this request as submitted. The proposed project is set back from the street and is preserving the tree canopy along Madison. This project went to the Board of Adjustments and was granted a variance to allow them to build on the rear property line. The proposed structures are architecturally and esthetically appropriate for their setting and will have no adverse effects on the property or the district.

**COMMISSION ACTION:**

Conceptual approval with the following stipulations: 1) meet with the Architectural Committee before final approval and 2) no approval for anything requiring a variance.

Ann Benson McGlone  
Historic Preservation Officer





## City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-09-083  
Date: August 17, 2009  
Applicant: Madison Street Townhomes, L.P.  
Owner: Madison Street Townhomes, L.P.  
Location: 410, 414, 418, 422, 426 and 430 Madison Street  
Legal Description: Lots 19 through 24, Block 6, NCB 747  
Zoning: "H HS IDZ" Infill Development Zone King William Historic District  
Historic Significant with uses permitted in the "RM-4" Mixed Residential District  
Subject: Complete variance from the requirement that no new building shall be erected within 5 feet of the rear lot line in "IDZ" zoning districts.  
Prepared By: Jacob Floyd, Planner

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### **Summary**

The applicant requests a complete variance from the requirement that no new building shall be erected within 5 feet of the rear lot line in "IDZ" zoning districts, in order to build structures on the rear property lines of the above lots.

If this variance is not granted, any new structures built on the properties would be required to be located a minimum of 5 feet from the rear lot lines.

### **Public Notice**

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 July 30. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Project Description**

The applicant is proposing to build 6 townhouses and accessory carports on the subject lots which, as planned, would encroach into the entire 5 foot rear setback required in the

“IDZ” zoning district. This request was previously considered and approved by the Board of Adjustment on July 16, 2007, but has since become null and void in accordance with Section 35-482(g) of the UDC.

The subject lots were originally part of a hospital and nursing home complex, now being redeveloped as condominiums. The entire property was re-platted in March 2007 to create the current configuration, with the subject lots being approximately 70 feet deep. A 14-foot electrical easement at the front of the subject lots was also created. A later re-plat established a 5-foot “no-build” easement on the lot abutting to the rear.

### **Surrounding Zoning/Land Use**

North	H HE MF-33, H HS RM-4, H HE RM-4	Single-Family Residences
South	H HS IDZ	Commercial, Vacant
East	H HS IDZ, H HS C-2	Commercial
West	H HS RM-4, H HE RM-4	Single-Family Residences

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Downtown Neighborhood Plan. The Neighborhood Planning and Urban Design Section review (Attachment 6) states that “the granting of this request potentially compromises” the safety goals intended by the setback requirements. It also states that despite the “no-build yard” easement recorded on the adjacent property, “future consideration and restraints may indirectly and negatively impact the future use of the adjacent property if the easement is to be used to justify this request.

Additionally, the property is located within the King William Historic District. A Certificate of Appropriateness was issued for conceptual approval of this project on December 19, 2007 but has since expired pursuant to Section 25-450(h) of the UDC. A Certificate of Appropriateness was also issued June 4, 2008 for the new construction, but has also expired.

The property is located within the boundaries of the King William Association. The association is supportive of the variance request; reply received on August 3<sup>rd</sup>.

### **Criteria for Review**

According to Section 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:

*It does not appear that the granting of these variances would be contrary to the public interest, as the intent of the “IDZ” zoning district is to encourage infill development and redevelopment.*

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

*It does appear that the literal enforcement of the ordinance would result in unnecessary hardship. The shallowness of these lots and the presence of a 14-foot wide utility easement in the front yard of the lots create a unique situation limiting options for structure placement.*

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

*The granting of the variance would be in harmony with the purpose and intent of the "IDZ" zoning district and would allow the reasonable development of the subject lots.*

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

*The granting of this variance will not authorize a use other than those permitted by right in "RM-4" zoning districts, as specified by the Ordinance 99561 of the City of San Antonio.*

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

*The granting of this variance will not injure the appropriate use of adjacent conforming properties nor would the essential character of the district be altered. The proposed development of these lots will give a single-family residential face to the redevelopment of the adjacent larger property, helping to maintain the integrity and scale of the Madison Street frontage.*

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 circumstances existing on the property are unique to the subject lots and are not due to or the result of general conditions in the district in which the property is located. The depths of these lots are unique to the district and the utility easement in the front yard precludes the building of these proposed structures nearer to the front property line.*

### **Staff Recommendation**

Staff recommends that **A-09-083, 410, 414, 418, 422 and 430 Madison Street, be approved** because the criteria have been satisfied as presented above. The intent of the "IDZ" zoning district is to encourage and facilitate the development and reuse of underutilized or vacant parcels. The unique character of these lots presents a unique physical hardship in terms of the buildable area. Additionally, a 5-foot wide "no-build" easement was re-platted subsequent to the previously approved, and now expired, variance request. This will provide for the desired spacing between structures and allow access to the rear of the townhouses.

**Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

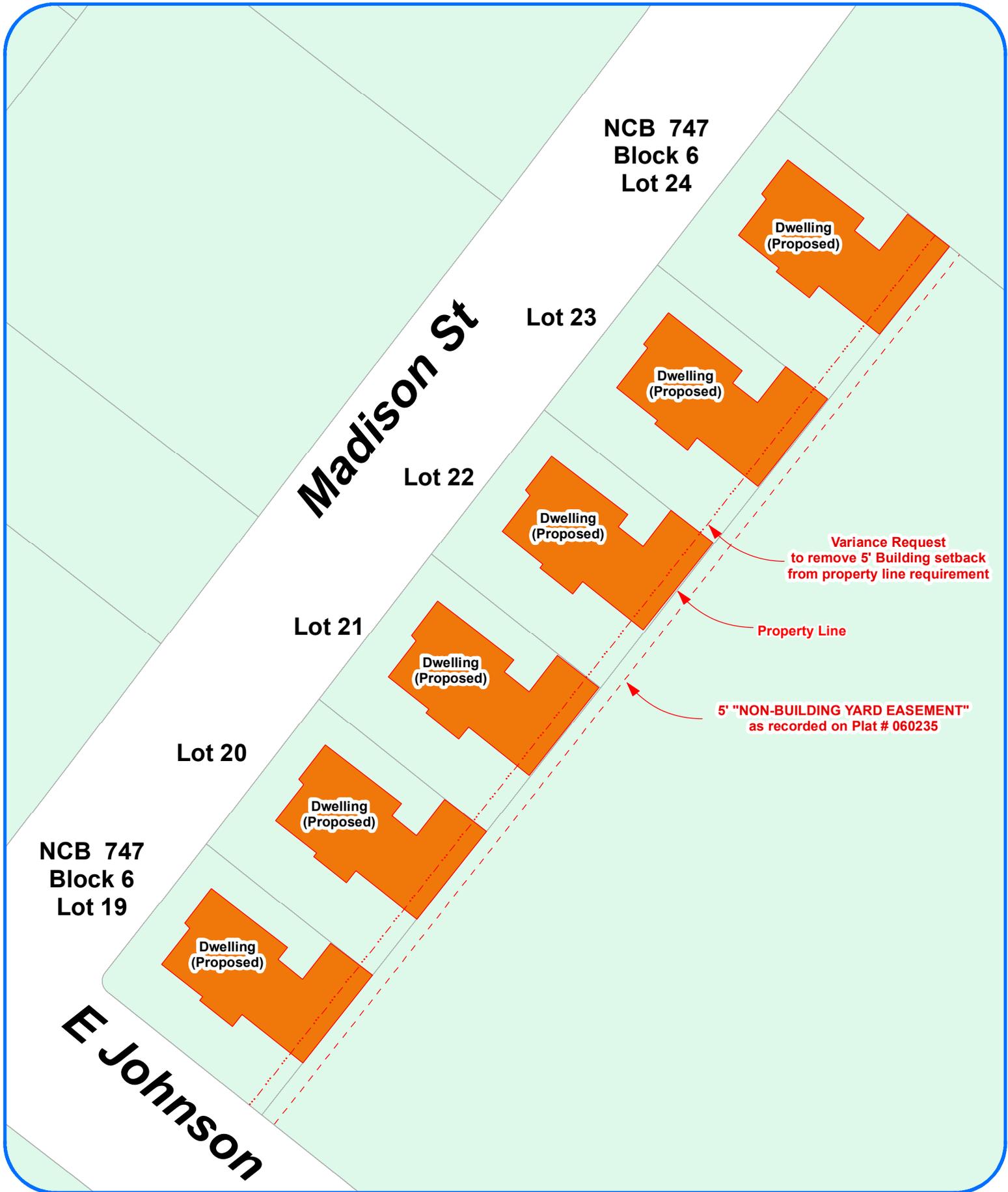
Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – St. Benedict's Site Plan

Attachment 5 – St. Benedict's Subdivision Plat

Attachment 6 – Neighborhood and Urban Design Division Case Review

Attachment 7 – Historic and Design Review Commission Certificate of Appropriateness



**Board of Adjustment**  
Plot Plan for  
**Case A-09-083**



**Legend**

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

**410, 414, 418, 422, 426 & 430  
Madison St**

Planning and Development Services Dept  
City of San Antonio  
(07/29/2009 - P. Trinkle)

NEIGHBORHOOD AND URBAN DESIGN DIVISION  
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-09-083

Property Address: 410, 414, 418, 422, 426, 430 Madison

Zoning: IDZ

Hearing Date: 8/17/09

**Type / Scope of BOA Request:**

Applicant is requesting a 0-foot rear setback variance from the requirement that a minimum of 5-foot rear setback be maintained in "IDZ" zoning districts. The variance is being requested to allow a more suitable placement of the proposed structures.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): King William

Neighborhood or Community Plan: Downtown Neighborhood Plan

Neighborhood Conservation District: n/a

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

ANALYSIS STATEMENT

The future land use of the subject parcels is designated Residential, and is located in the Downtown Neighborhood Plan. The plan for the King William area calls for continued preservation within the historic district with maximum densities of 40 units per gross acre.

The request is for a variance to build within the rear building setback. Code building setback requirements are intended to provide buffering and safety distances between properties. The granting of this request potentially compromises these safety requirements.

Additionally, the applicant cites a proposed easement on the adjacent property plat as justification for the variance request. Although a "no-build" yard easement may be recorded on an adjacent property plat, future consideration and restraints may indirectly and negatively impact future use of the adjacent property if the easement is to be used to justify this request.

The literal enforcement of the rear setback requirements of the UDC does not impose an unnecessary burden or hardship related to any physical feature or topographic characteristic of these properties.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information \_\_\_\_\_

Support Request \_\_\_\_\_

Deny Request  X

REVIEWER INFORMATION

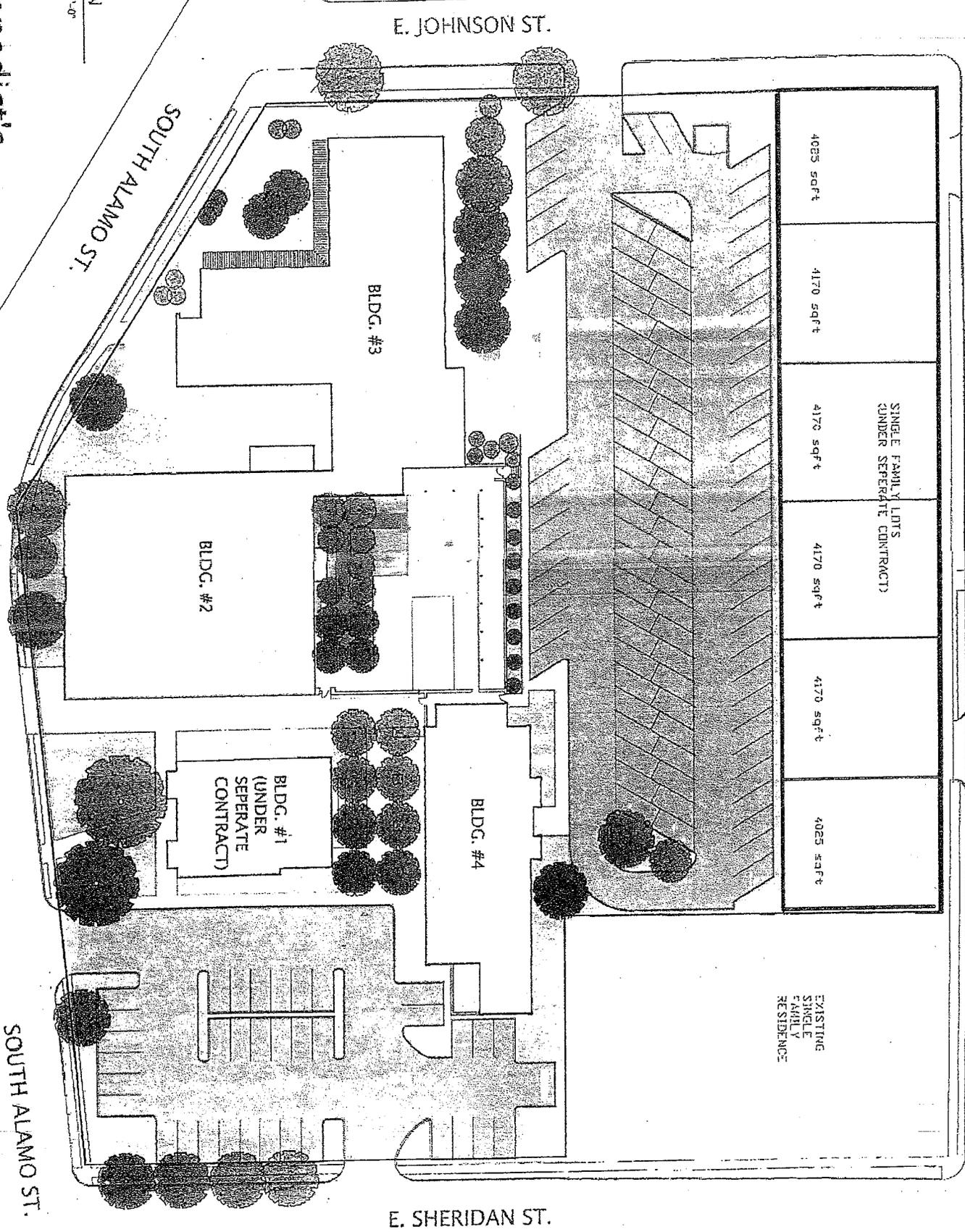
Neighborhood Planner Reviewing: Gary Edenburn, Sr. Planner

Date Review Completed: August 3, 2009

St. Benedict's  
November 15, 2005

San Antonio, Texas  
Sprinkle Robey Architects

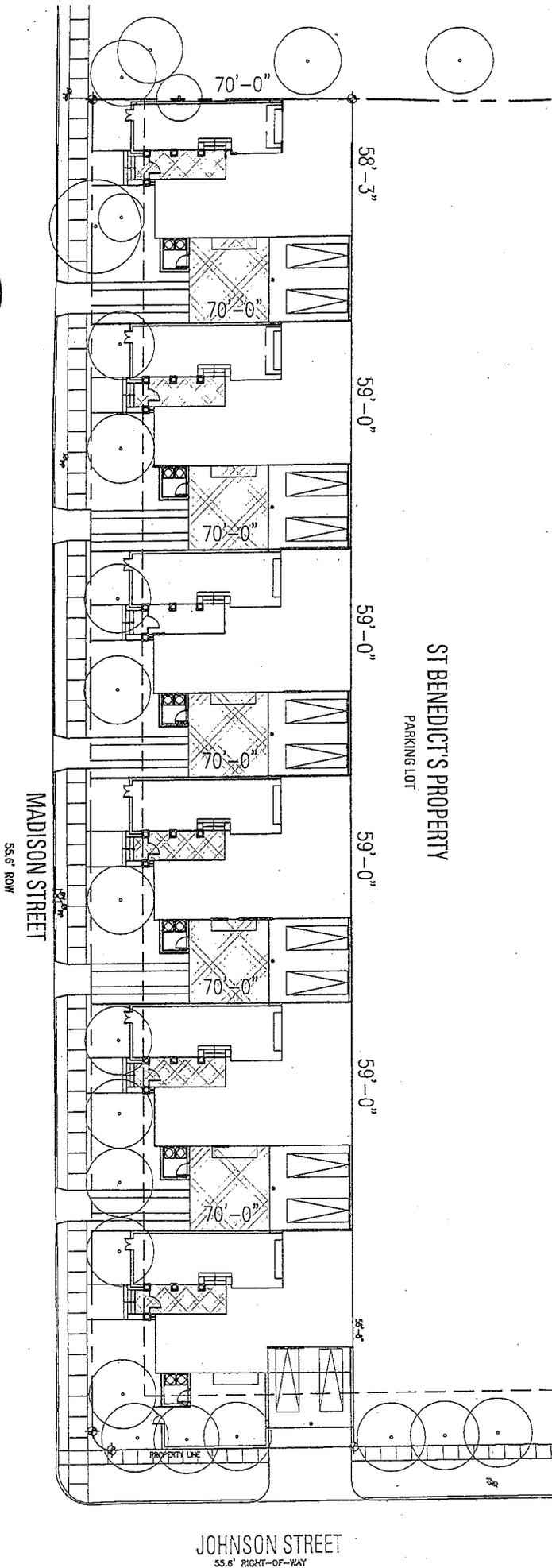
SITE PLAN  
SCALE: 1/32" = 1'-0"



SOUTH ALAMO ST.

E. JOHNSON ST.

E. SHERIDAN ST.



# SITE PLAN

SCALE: 1" = 40'-0"



ST BENEDICT'S PROPERTY  
PARKING LOT

MADISON STREET  
55.6' ROW

JOHNSON STREET  
55.6' RIGHT-OF-WAY

MADISON STREET TOWNHOUSES	PAGE 1 OF 1
DATE: JULY 29, 2009	
POTEET ARCHITECTS, LLP	

SLOPE @ 1:12

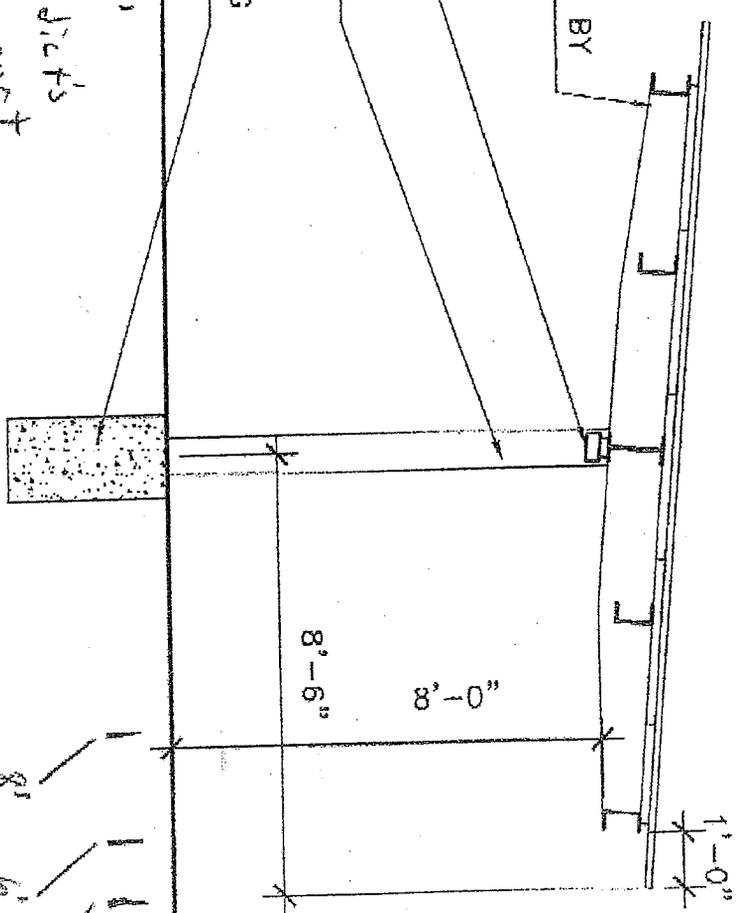
GALVANIZED STEEL CHANNEL STRUCTURE BY CARPORT MANUF.

LIGHT FIXTURE AS SCHED.

8" Ø H.D. GALV. STEEL COLUMN

CONC. POST FOOTING AS SCHED.

1/4" = 1'  
St. Benedict's  
West Carport



No build  
casement

Property Line  
Subject









HISTORIC AND DESIGN REVIEW COMMISSION  
CERTIFICATE OF APPROPRIATENESS

June 04, 2008

# CITY OF SAN ANTONIO

HDRC CASE NO: 2007-329  
ADDRESS: 410 Madison  
LEGAL DESCRIPTION: ST. BENEDICT'S LOT 10, BLOCK 5 AND LOT 26  
BLOCK 6  
PUBLIC PROPERTY:  
HISTORIC DISTRICT: King William Historic District  
LANDMARK DISTRICT:  
APPLICANT: James Poteet, 1114 S. St. Mary's St.  
OWNER: Madison Street Townhomes  
TYPE OF WORK: New Construction

**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for approval to construct 6 semi-detached, 2,700 sq ft 3-bedroom houses on 4,000 sq ft lots. The major materials are to be a natural finish galvalume standing seam metal roof, stucco over walls created of insulated concrete forms, wood window bays with wood siding infill, wood windows (double hung and fixed), stile and rail doors of wood and wood/glass. The 2ns story screen porch off the master bedrooms will be screened with a bronze screen.

**RECOMMENDATION:**

The staff recommends approval of this request as submitted. Conceptual approval was granted by the HDRC on December 19th, 2007. The new houses are sited at the rear property line, their rear facades forming a wall that abuts against the main parking lot of St. Benedicts. The homes are set back 20' from the curb face on Madison St. in order to preserve the existing tree canopy along Madison. The proposal has been granted a variance in order to build on the rear lot line. The proposed changes are architecturally and esthetically appropriate for their setting and will have no adverse effects on the property or the King William historic district.

**COMMISSION ACTION:**

Approval with the stipulation that the applicant be allowed to change to wood clad windows.

  
Ann Benson McGlone  
Historic Preservation Officer



HISTORIC AND DESIGN REVIEW COMMISSION  
CERTIFICATE OF APPROPRIATENESS

December 19, 2007

# CITY OF SAN ANTONIO

**HDRC CASE NO:** 2007-329  
**ADDRESS:** 410 414, 418, 422, 430 Madison Street  
**LEGAL DESCRIPTION:** NCB 747 Block 6 Lot 19 thru 24  
**PUBLIC PROPERTY:**  
**HISTORIC DISTRICT:** King William Historic District  
**LANDMARK DISTRICT:**  
**APPLICANT:** James E. Poteet, Poteet Architects 1114 S. St. Mary's St  
**OWNER:** Madison Street Townhomes  
**TYPE OF WORK:** New Construction

**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for conceptual approval to construct six (6) semidetached houses. The proposed houses will be sited at the rear property line (the project has been granted a variance to allow this) their rear facades forming a wall against the main parking lot of the St. Benedict's development. The proposed structures will be set back twenty feet from the curb on Madison Street to preserve the tree canopy along Madison Street.

**Materials:**

- natural finish galvalume standing seam metal roofing
- stucco over walls created of insulated concrete forms
- wood window bays with wood siding infill
- wood windows --- double hung and fixed
- stile and rail doors of wood and wood/glass
- 2nd story screen porch off the master bedroom will be screened with bronze screen

The accompanying exhibits provide additional information.

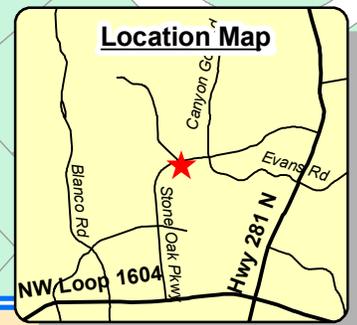
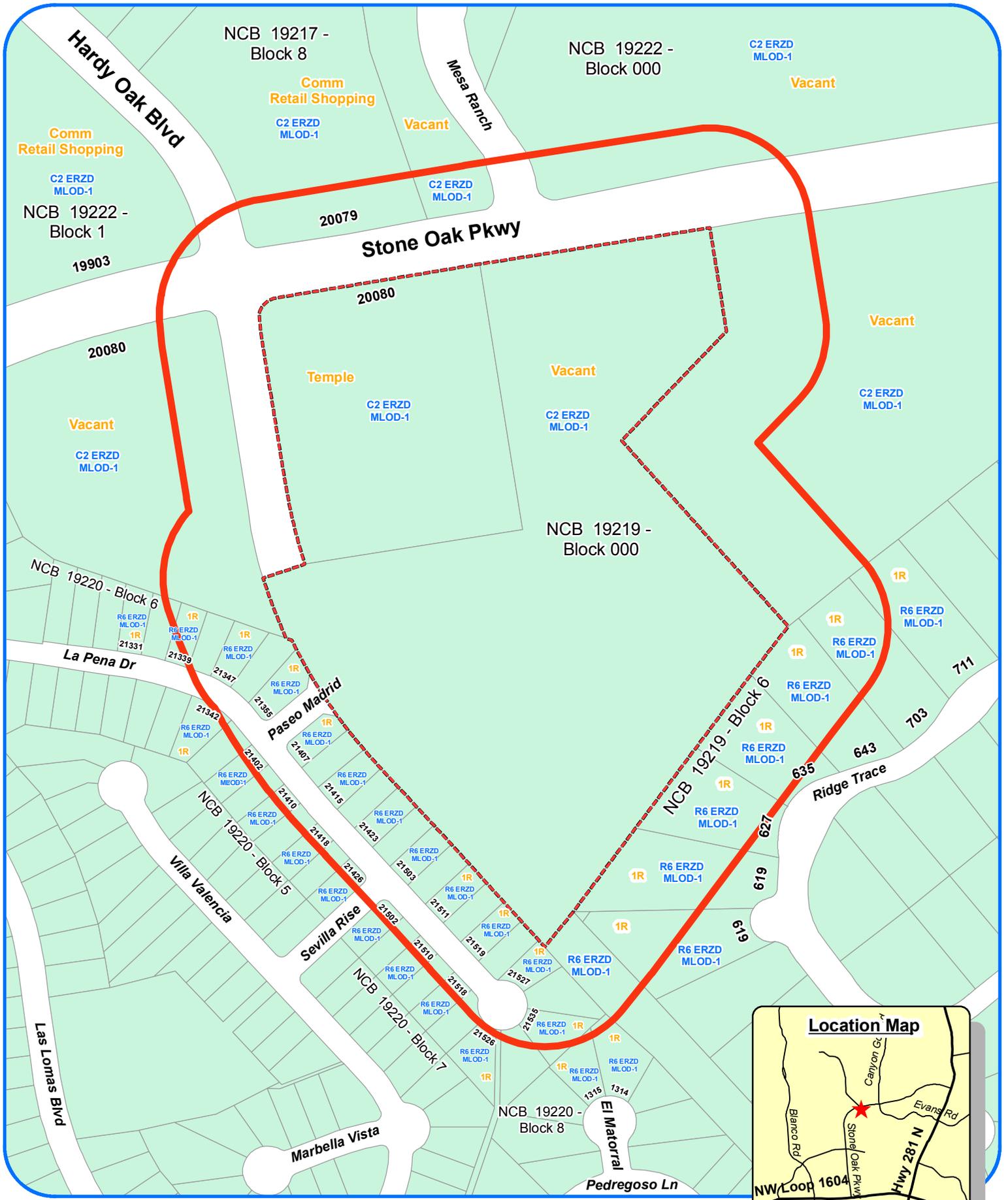
**RECOMMENDATION:**

The staff recommends approval of this request as submitted. The proposed project is set back from the street and is preserving the tree canopy along Madison. This project went to the Board of Adjustments and was granted a variance to allow them to build on the rear property line. The proposed structures are architecturally and esthetically appropriate for their setting and will have no adverse effects on the property or the district.

**COMMISSION ACTION:**

Conceptual approval with the following stipulations: 1) meet with the Architectural Committee before final approval and 2) no approval for anything requiring a variance.

Ann Benson McGlone  
Historic Preservation Officer



**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-074**



**Legend**

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 250'
- Council District 9



## City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-09-074  
Date: August 17, 2009  
Applicant: Mark R. Johnson  
Owner: The Church of Jesus Christ of Latter Day Saints  
Location: 20080 Stone Oak Parkway  
Legal Description: Lot 77, Block 6, NCB 19219 and Lot P-3E & P-13B, NCB 19219  
Zoning: "C-2 ERZD MLOD-1" Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District-1  
Subject: Maximum Parking Adjustment  
Prepared By: Jacob Floyd, Planner

---

### **Summary**

The applicant requests an adjustment from the maximum parking limitation imposed due to the Edwards Recharge Zone District to allow for a total of 171 spaces. The subject property is zoned C-2 ERZD MLOD-1.

If this adjustment were not granted the applicant must comply with the 7 spaces per 1,000 square feet parking requirement and could expand the parking lot up to 155 parking spaces.

### **Public Notice**

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 July 30. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Project Description**

The applicant is requesting this parking adjustment in order to expand the current parking lot by 73 spaces (from 98 spaces to 171 spaces). The requested adjustment would allow the expansion of the lot beyond the maximum allowable 155 parking spaces (number

based on the 7 spaces per 1,000 square feet) imposed by the ERZD. The applicant indicates that the existing 98 parking spaces have proven to be insufficient for the regular use of the church, as the total occupancy load of the buildings is 368 people. As a result, patrons park along the public street.

### **Surrounding Zoning/Land Use**

North	C-2 ERZD MLOD-1	Commercial Retail
South	R-6 ERZD MLOD-1	Single-Family Residential
East	C-2 ERZD MLOD-1, R-6 ERZD MLOD-1	Vacant, Single-Family Residential
West	C-2 ERZD MLOD-1, R-6 ERZD MLOD-1	Vacant, Single-Family Residential

### **Comprehensive Plan Consistency/Neighborhood Association**

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

The property is located within the boundaries of the Stone Oak Property Owners Association. Staff received a reply in favor from the Stone Oak Property Owners Association on July 31<sup>st</sup>.

### **Criteria for Review**

According to Section 35-526(b) of the Unified Development Code, the Board of Adjustment may adjust the minimum or maximum parking requirements based on a showing, by the applicant, that a hardship is created by a strict interpretation of the parking regulations.

*The applicant indicates that the existing 98 parking spaces have proven to be insufficient for the regular use of the property, causing patrons to park along adjacent public right-of-way. The applicant has shown that the maximum parking space limit imposed by the "ERZD" overlay district creates a hardship by forcing patrons to use a public street for parking. Were the subject property not located in the "ERZD" district, the proposed increase would be within the permitted range of parking spaces. Furthermore, staff believes the request to be a reasonable attempt to balance the parking needs of the property with the intent of the maximum parking limit in the "ERZD" district.*

### **Staff Recommendation**

Staff recommends that **A-09-074, 20080 Stone Oak Parkway, be approved** because the applicant has shown that a hardship is created by a strict interpretation of the parking regulations as presented above.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – SAWS Letter of Support

Stone Oak Parkway

Variance Request  
for a 16 Parking  
Space Adjustment

Existing  
Parking

Temple  
Church  
LDS

Hardy Oak

NCB 19219  
Block 6  
Lot 77

NCB 11757  
Block 000  
Lot P-3E & P-13B

**Board of Adjustment**  
Plot Plan for  
**Case A-09-074**

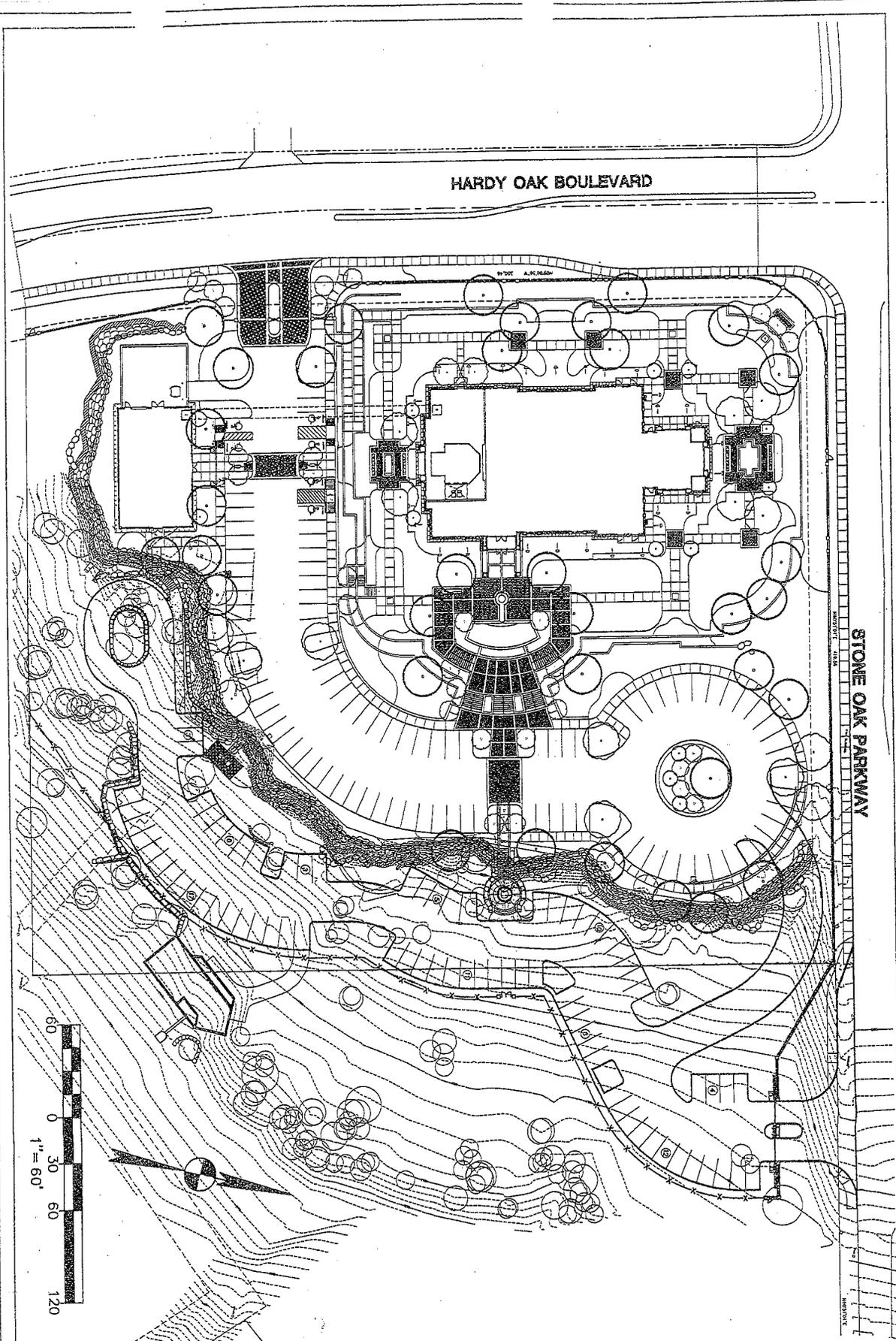


Legend

Scale: 1" approx. = 150'  
Council District 9

**20080 Stone Oak Pkwy**

Planning and Development Services Dept  
City of San Antonio  
(07/16/2009 - P. Trinkle)



HARDY OAK BOULEVARD

STONE OAK PARKWAY



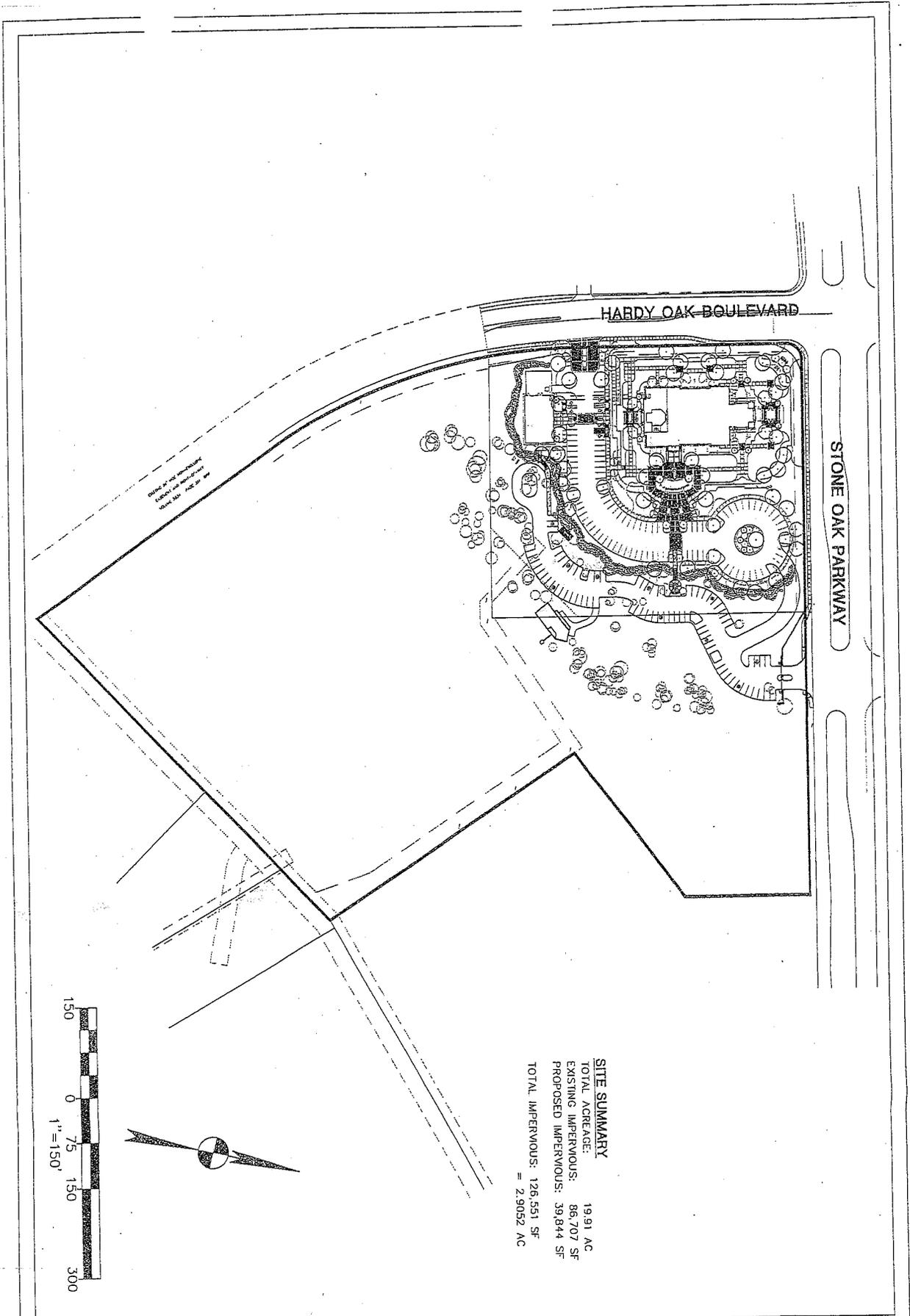
SHEET  
EXH02

SAN ANTONIO TEMPLE

STONE OAK AND HARDY OAK  
SAN ANTONIO, TEXAS

LDS PARKING EXPANSION  
SITE PLAN AND EXISTING GRADING EXHIBIT

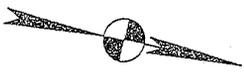
**Bury+Partners**  
ENGINEERING SOLUTIONS  
512 South Loop, Suite 100  
San Antonio, TX 78244  
Tel: (214) 582-0000 Fax: (214) 582-0000  
Bury+Partners-LLC, Inc. ©Copyright 2009



Check for All Dimensions  
 Indicated on this Drawing  
 unless otherwise noted.

HARDY OAK BOULEVARD

STONE OAK PARKWAY



**SITE SUMMARY**

TOTAL ACRES:	19.91 AC
EXISTING IMPERVIOUS:	86,707 SF
PROPOSED IMPERVIOUS:	39,844 SF
TOTAL IMPERVIOUS:	126,551 SF
	= 2.9052 AC

SHEET EXH03	SAN ANTONIO TEMPLE	LDS PARKING EXPANSION OVERALL SITE PLAN EXHIBIT	 <small>ENGINEERING SOLUTIONS          902 Iron Road, Suite 100          San Antonio, TX 78211          Tel: (210)255-7999 Fax: (210)255-2529          bury@burypartners.com</small>
	STONE OAK AND HARDY OAK SAN ANTONIO, TEXAS		
DATE: Jun-19-2009	SCALE: 1"=200'	DRAWN BY: MW	FILE: G:\703\02\EXHIBITS\SAVS\70302EXH03.dwg PROJECT No.: 50703.02



July 29, 2009

Mr. Steven D. Eklund, P.E.  
Principal, Bury+Partners-SA, INC.  
922 Isom Road, Suite 100  
San Antonio, Texas 78216

Re: Latter Day Saints Parking Expansion 19.91 Acre Tract  
Southeast Corner of Hardy Oak Boulevard and Stone Oak Parkway

Dear Mr. Eklund:

A Preliminary planning meeting for the referenced project was held at the San Antonio Water System (SAWS) on January 7, 2009, to discuss an expansion of existing parking spaces from 98 existing spaces to 171 total spaces. The Latter Day Saints Church has existing facilities consisting of two building with a total area of 22,157 square feet, located on 19.91 acres. The City of San Antonio's Uniform Development Code provides for a limit of 7 parking spaces per 1,000 square feet of building area for structures constructed over the Edwards Aquifer Recharge Zone. The above referenced project is therefore limited to a maximum of 155 total parking spaces. Your client has requested that SAWS Resource Protection and Compliance Department support a variance which will authorize an increase in the number of parking spaces at this facility from the current 98 to a proposed 171 spaces. This represents an overage of approximately 10% from existing City of San Antonio parking limits.

The proposed expansion would include the upgrade of Water Quality Best Management Practice Stormwater Treatment from Vegetated Filter Strips to a single Aqualogic basin. This upgrade represents a significant increase in treatment efficiency. In addition, it is proposed that 100% of both existing and proposed impervious cover be directed to the Water Quality Basin.

This project is Category 1 with respect to the Aquifer Quality Ordinance No. 81491. Total impervious cover for the project would increase to approximately 15% for both the existing and proposed improvements.

As described above, SAWS supports the recommended variance in parking space limits from 155 spaces to 171 spaces for the above referenced project.

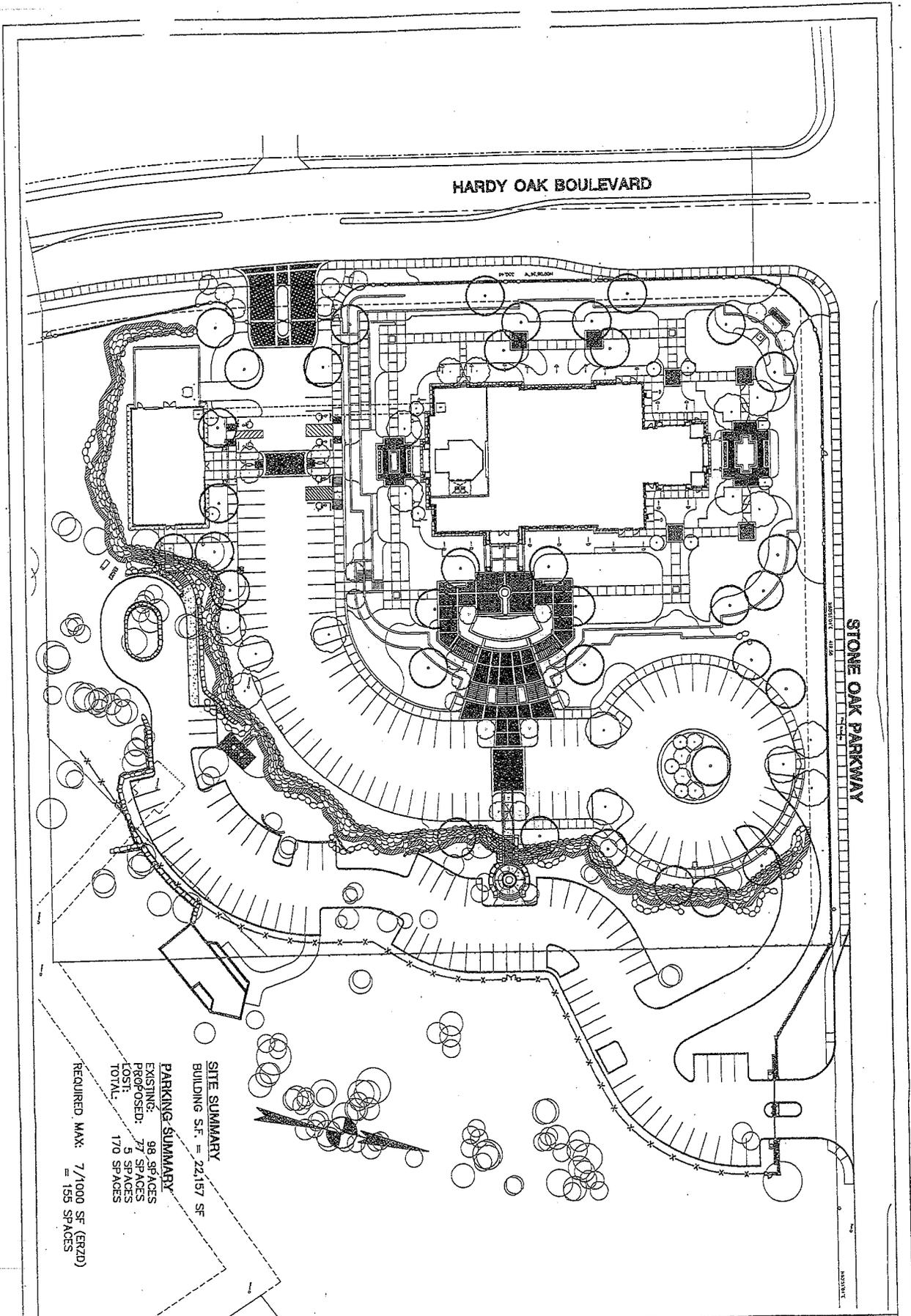
Sincerely,

SAN ANTONIO WATER SYSTEM

A handwritten signature in black ink, appearing to read 'Scott R. Halty', is written over a horizontal line.

Scott R. Halty  
Director, Resource Protection and  
Compliance Department

gdj: SH



HARDY OAK BOULEVARD

STONE OAK PARKWAY

**SITE SUMMARY**  
 BUILDING SF. = 22,157 SF

**PARKING SUMMARY**  
 EXISTING: 98 SPACES  
 PROPOSED: 77 SPACES  
 LOST: 5 SPACES  
 TOTAL: 170 SPACES

REQUIRED MAX: 7/1000 SF (ERZD)  
 = 155 SPACES

SAN ANTONIO TEMPLE

LDS PARKING EXPANSION  
 SITE PLAN EXHIBIT

**Bury+Partners**  
 ENGINEERING SOLUTIONS  
 802 West Road, Suite 100  
 San Antonio, TX 78211  
 Tel. (817)235-9028 Fax (817)235-9028  
 bury@buri.com www.buri.com

SHEET  
 EXH01

STONE OAK AND HARDY OAK  
 SAN ANTONIO, TEXAS

PUD S

MLOD-1

Farm/Ranch

PUD S

PUD S

NCB 34758 - Block 000

PUD S

PUD S

PUD S

Tejas Trail West

21260

21314

21185

21190

R20  
MLOD-1

R20  
MLOD-1

R20

R20

R20

21214

R20  
MLOD-1

1R

MLOD-1  
R20

R20  
MLOD-1

R20  
MLOD-1

1R

MLOD-1  
R20

MLOD-1  
R20

1R

1R

1R

MLOD-1  
R20

R20

21013

R20

NCB 35936 - Block A

1R

MLOD-1

20955

MLOD-1

R20

MLOD-1

R20

MLOD-1

R20

MLOD-1

MLOD-1

R20

20945

Great Navajo

R20

MLOD-1

R20

20935

R20



**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-081**



**Legend**

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



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-09-081  
Date: August 17, 2009  
Applicant: Jim Nguyen  
Owner: Zarha Lall  
Location: 21260 West Tejas Trail  
Legal Description: Lots 13, 14, and 15, Block A, NCB 35936  
Zoning: "R-20 MLOD-1" Residential Single-Family Camp Bullis Military Lighting Overlay District  
Subject: Front-Yard Fence Height Variance  
Prepared By: Mike Farber, Planner

---

#### **Summary**

The applicant requests a 5-foot variance from the requirement that solid fences in front yards not exceed 3 feet in height, in order to keep an existing 8-foot tall solid fence in the front yard.

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 30. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 14, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Surrounding Zoning/Land Use**

North	PUD S MLOD-1	Residential Single-Family District
South	R-20 MLOD-1	Residential Single-Family District
East	R-20 MLOD-1	Residential Single-Family District
West	R-20 MLOD-1	Residential Single-Family District

## **Project Description**

The applicant is requesting a variance from the front yard fence height standards to keep an existing solid fence at a height of 8 feet in the front yard of the above referenced property. The applicant indicates that a fence of this height is necessary to afford his family a level of security believed to be lacking in the rural surroundings. The applicant argues that the residence is located at a significantly higher elevation than the street; the additional fence height is needed to screen the property from passers-by at street level.

## **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a neighborhood or community plan. The property is located within the boundaries of the Forest Crest Neighborhood Association. As of August 12<sup>th</sup>, staff has not received a reply from the neighborhood association.

## **Criteria for Review**

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

*While the existence of the fence does not appear to create a safety concern, its presence does affect the aesthetic character of the area, as there are no fences of similar design in the immediate vicinity. Had the applicant attempted to obtain permits, they would have been made aware of the fence height standards and the intent of the code.*

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

*It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. While there is a significant elevation difference between the location of the fence and the existing residential structure, the fence does not appear to provide the screening the applicant desires.*

*While the loss of area that can be fenced with a 6-foot tall fence is inconvenient, an inconvenience does not equate a practical hardship. The property can still be used for residential use and still can be fenced in some capacity.*

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

*The intent of the ordinance regarding fence heights is to allow for air flow, light penetration and to provide a reasonable amount of screening and security. A 6-foot tall privacy fence is still an allowable feature on this property; however, it may not be located in the front yard and is not encouraged by the code in this type of case.*

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

*The granting of this variance would not authorize a use other than those specifically permitted in "R-20" zoning districts.*

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

*It appears that granting this variance would alter the overall character of the district in that there appear to be no other similarly constructed fences in the vicinity.*

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.

*Although there is a significant elevation difference between the location of the fence and the existing residential structure, the fence does not appear to provide the screening the applicant desires. The applicant cites security concerns as a primary hardship; a rationale that is not sufficient grounds on which to request a variance.*

### **Staff Recommendation**

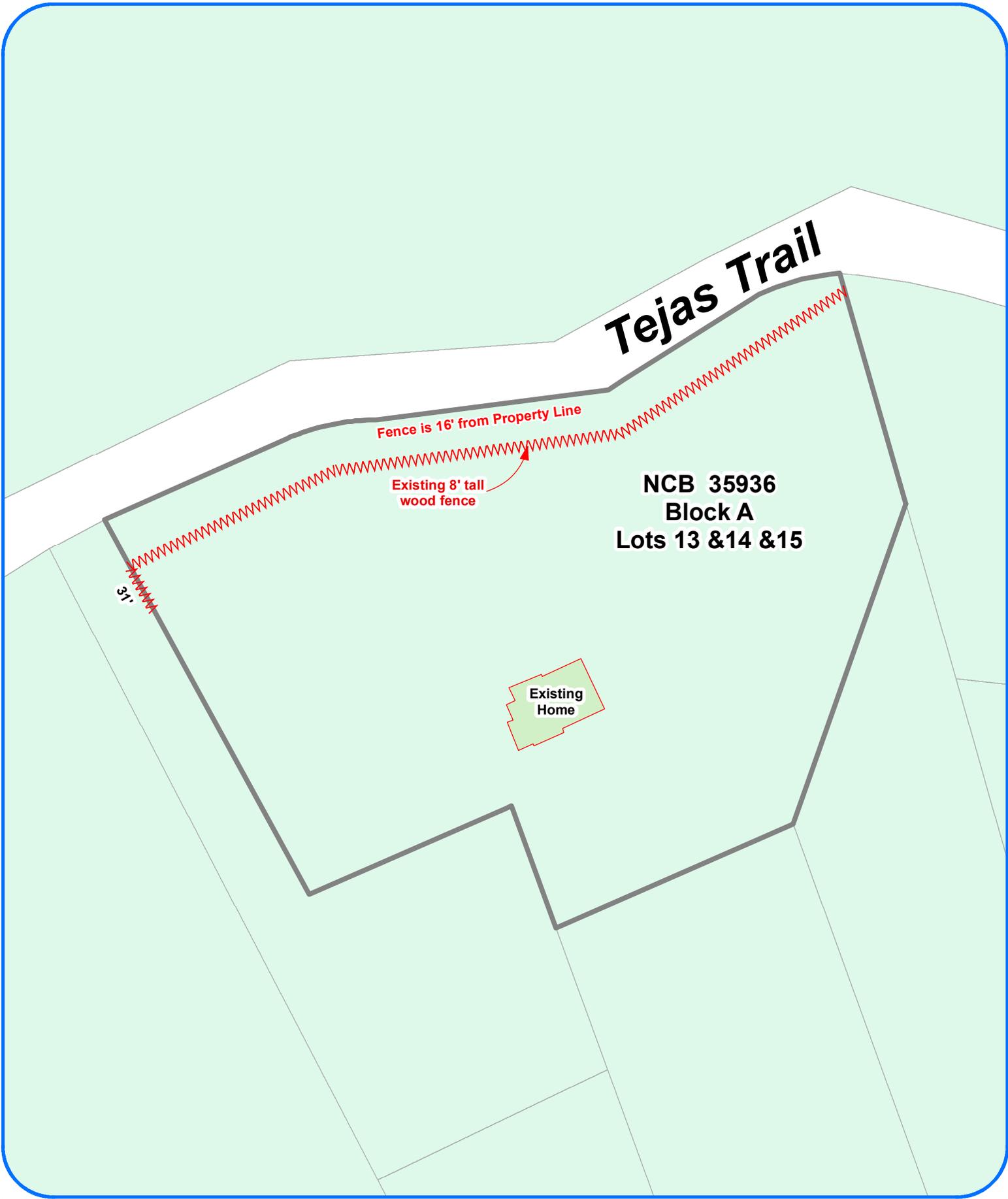
Staff recommends that **A-09-081, 21260 West Tejas Trail, be denied** because the criteria have not been satisfied as presented above. The subject property does not appear to have any unique characteristics that would create an undue hardship due to literal enforcement of the front-yard fence height standards. Additionally, it appears that the screening effect that the applicant is seeking to achieve could be accomplished by planting foliage or through the use of another type of natural buffer instead of a solid fence. The applicant has not provided sufficient evidence to warrant a variance.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan



**Board of Adjustment**  
 Plot Plan for  
**Case A-09-081**



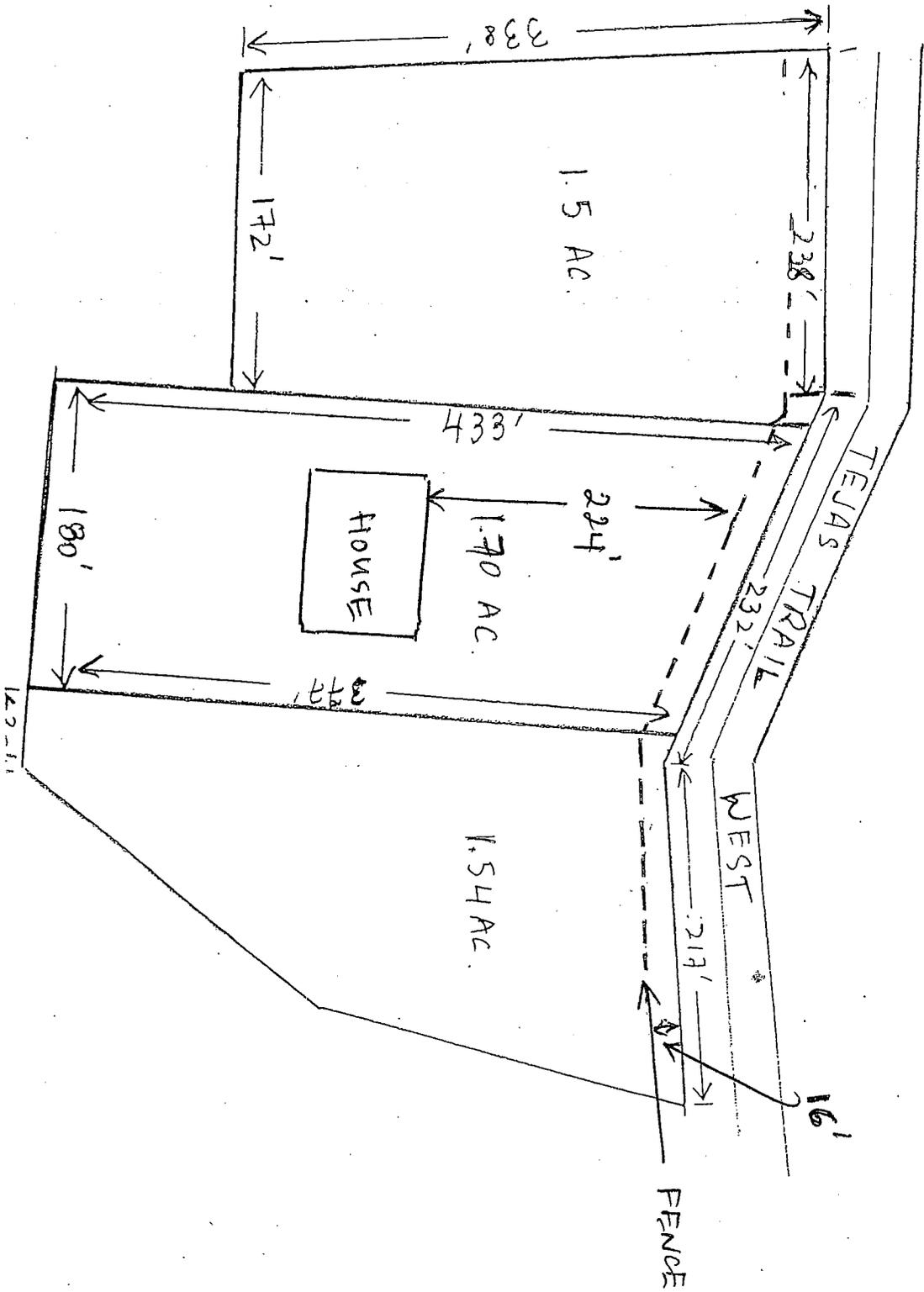
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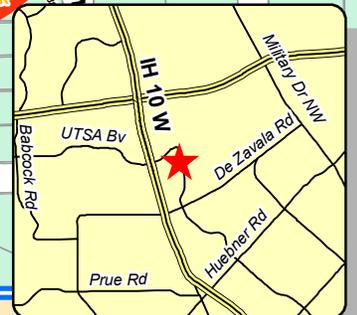
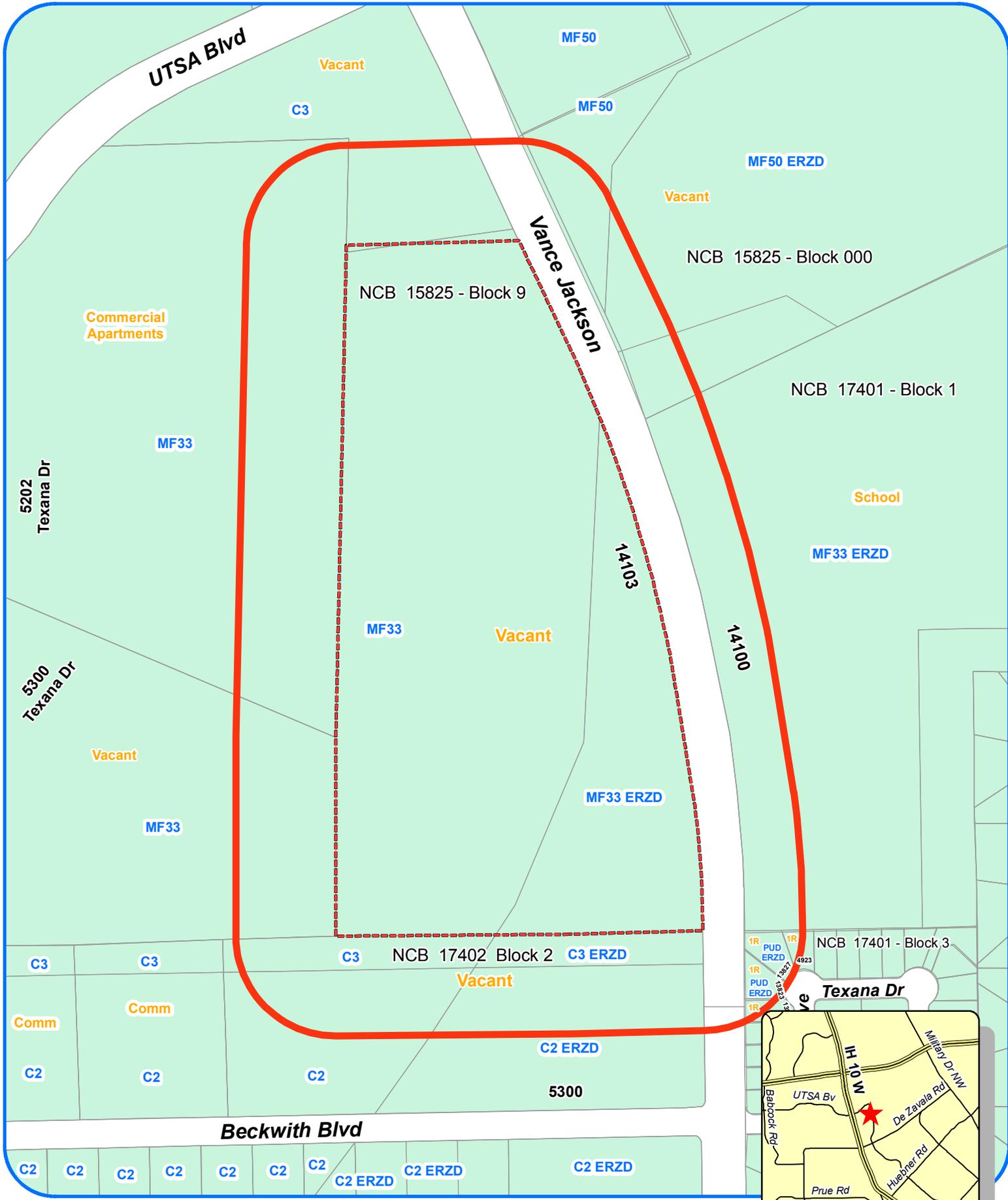
Scale: 1" approx. = 100'  
 Council District 8

**21260 Tejas Trail**

Planning and Development Services Dept  
 City of San Antonio  
 (07/20/2009 - P. Trinkle)

21260 TEXAS TRAIL WEST





**Board of Adjustment**  
**Notification Plan for**  
**Case A-09-082**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 250'
- Council District 8



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## City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-09-082  
Date: August 17, 2009  
Applicant: Koontz McCombs  
Owner: The Palomino, Ltd  
Location: 14111 Vance Jackson  
Legal Description: Lot 28, Block 9, NCB 15825  
Zoning: "MF-33" Multi-Family District and "MF-33" Multi-Family Edwards Recharge Zone District  
Subject: Sign Variance  
Prepared By: Mike Farber, Planner

---

### **Summary**

The applicant is requesting a 100-foot variance from the requirement that on-premise signs along Secondary Arterial "Type A" streets be at least 150 feet apart, in order to erect two on-premise monument signs that will sit 50 feet apart.

### **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 July 30. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 31. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 14, in accordance with Section 551.043(a) of the Texas Government Code.

### **Surrounding Zoning/Land Use**

North	C-3	General Commercial District
South	C-3 and C-3 ERZD	General Commercial District and General Commercial Edwards Recharge Zone District
East	MF-33	Multi-Family District
West	MF-25 and MF-33	Multi-Family Districts

## **Project Description**

The purpose of the proposed variance is to allow two new monument signs to be erected at the entrance to the apartment complex on the subject property that will sit 50-feet apart, rather than the required 150 feet. According to the applicant, the reason for the proposed placement of the signs for the apartment complex is threefold: 1) the applicant cites the unique curvature of the road as a reason for the proposed placement of the signs; believing that the visibility of the signs will be greater at the proposed angle and closer together; 2) the applicant cites that the proposed signs are the only two signs being placed on the property, though they could erect up to nine; and, 3) the applicant states that placing a monument sign in the center median of the main entrance to the apartment complex would hamper driver visibility.

## **Comprehensive Plan Consistency/Neighborhood Association**

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

## **Criteria for Review**

According to Section 247 of the Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

A (1). The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, and/or topography.

*Although the specific location proposed for the monument signs is along a road curvature (Vance Jackson), there are alternate locations where signage may be placed that would not potentially obstruct vehicular and pedestrian visibility. The property at 14200 Vance Jackson is a neighboring property that has an ideal placement for signs along curved roads that serves to provide appropriate signage for their business.*

B. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

*There are multiple properties nearby that are situated in a similar manner and that have similar topography. There are no signs observed on any of the nearby properties that have difficulty complying with the sign code or appear to have a significant difficulty displaying their intended message. Therefore, it would appear that a special privilege not enjoyed by others similarly situated, or potentially similarly situated, would occur were this variance request to be approved.*

C. Granting the variances will not have a substantially adverse impact on neighboring properties.

*It does not appear that the granting of this variance would result in a negative impact on the surrounding properties.*

D. Granting these variances will not substantially conflict with the stated purpose of this article.

*It appears that the granting of the requested variance will detract from the intent of the spacing regulations in that there appear to be reasonable alternatives in terms of the placement, configuration and the location of the proposed signs.*

### **Staff Recommendation**

Staff recommends that **A-09-082, 14111 Vance Jackson, be denied** because the criteria have not been satisfied as presented above. The intent of the sign spacing requirements is to prevent the obstruction of access and view, including the view of other signs, preserve and enhance the attractiveness of the city for the citizens and visitors, to reduce motorist distraction, and to enhance motorists' ability to see pedestrians or other vehicles. It appears that alternatives exist that would provide adequate signage for the property while still maintaining the sign spacing requirements and also allow reasonable usage of the property. Similar developments near the subject property were able to provide the necessary signage within the confines of the sign code, so the granting of the variance request would serve to provide a special privilege not enjoyed by neighboring properties.

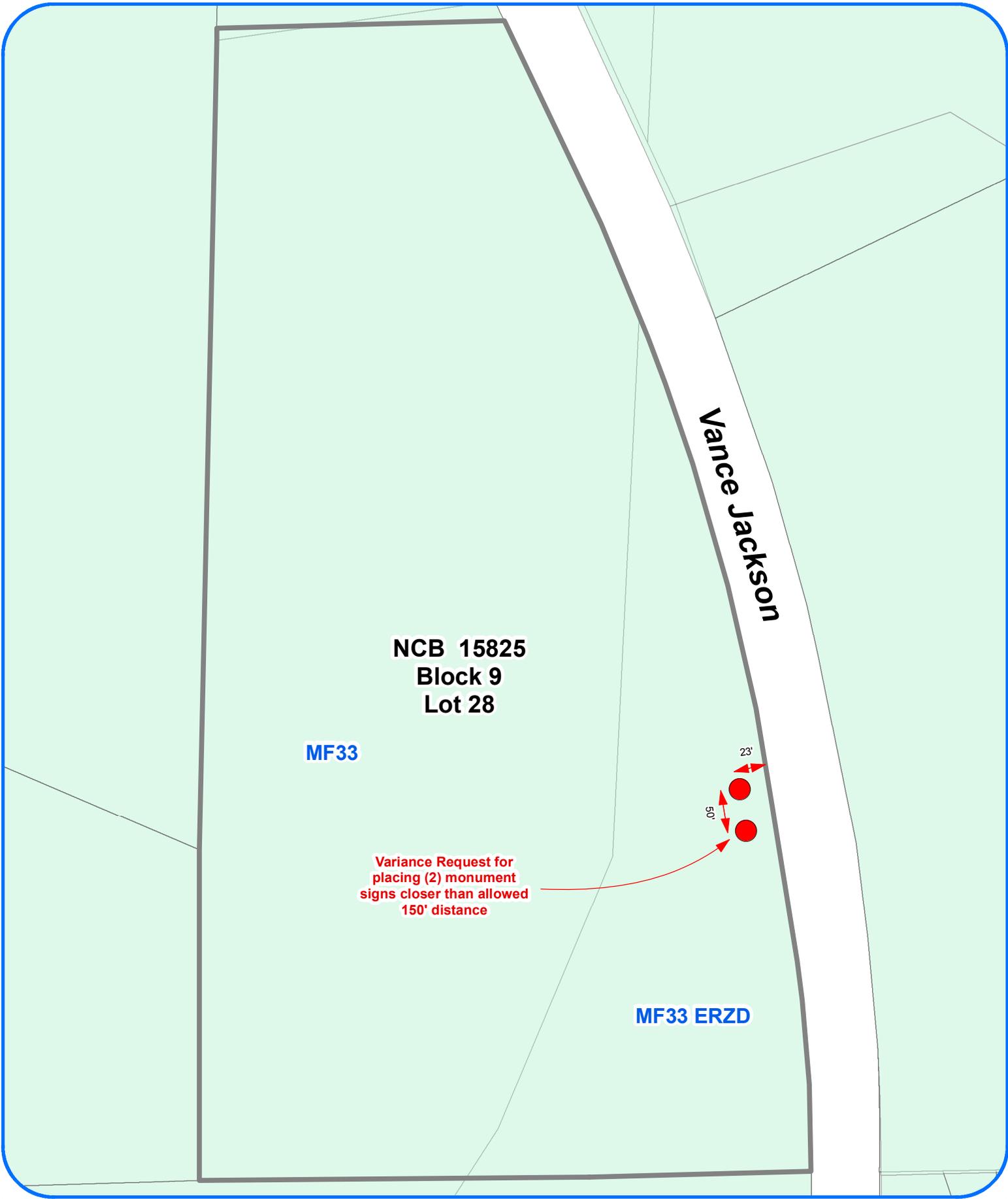
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – Applicant's Proposed Sign Detail Plan



**NCB 15825  
Block 9  
Lot 28**

**MF33**

**Vance Jackson**

**Variance Request for  
placing (2) monument  
signs closer than allowed  
150' distance**

**MF33 ERZD**

**Board of Adjustment**  
Plot Plan for  
**Case A-09-082**



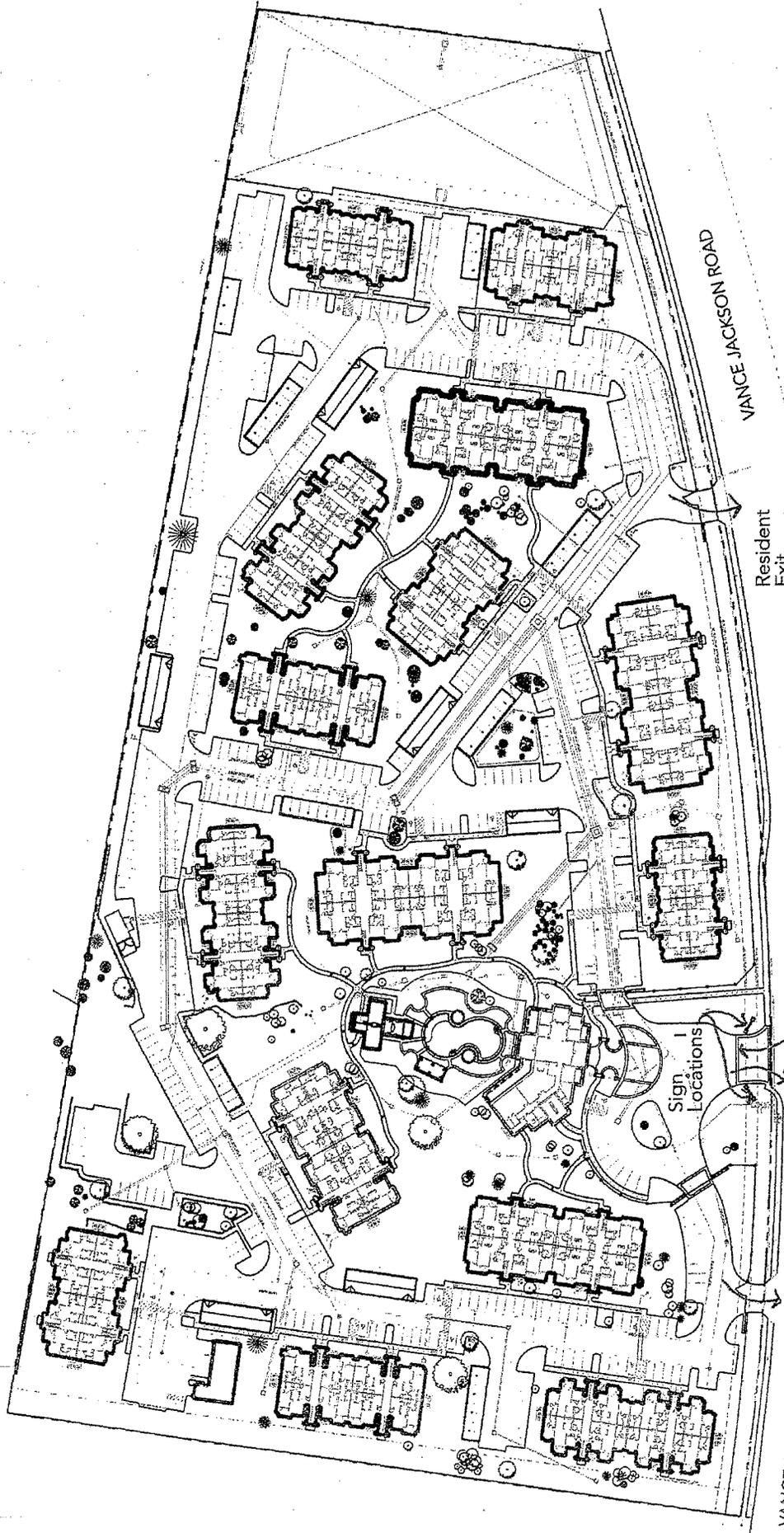
**Legend**

 **Sign Locations**

Scale: 1" approx. = 150'  
Council District 8

**14111 Vance Jackson**

Planning and Development Services Dept  
City of San Antonio  
(07/20/2009 - P. Trinkle)



# Palomino Apartments



Scale: N.T.S.

Koontz McCombs

Attachment 'C' - Overall Base Plan

Resident Exit

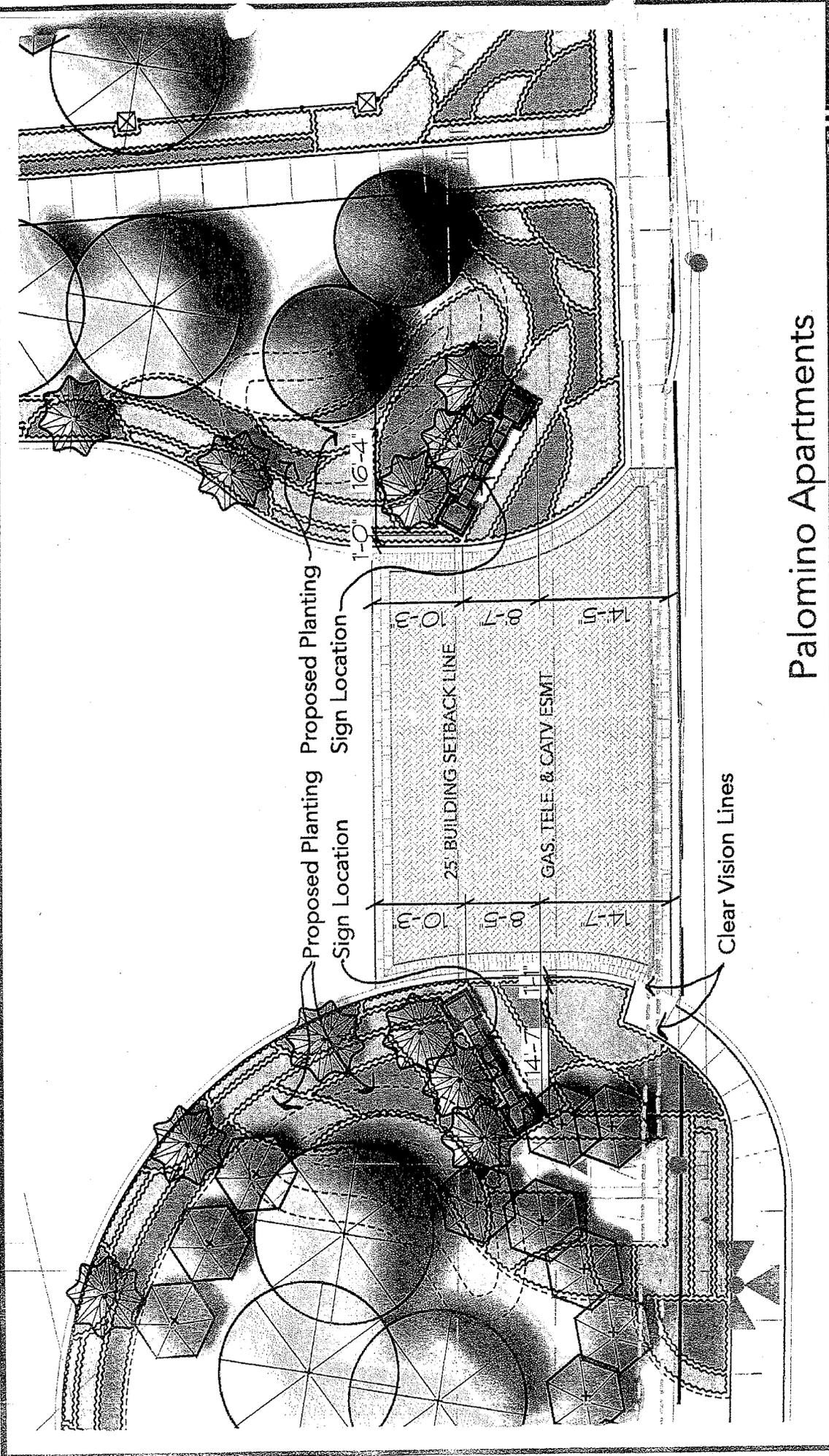
Guest/Resident Entry/Exit

Resident Exit

Sign Locations

VANCE JACKSON ROAD

VANCE JACKSON ROAD



# Palomino Apartments

Koontz McCombs

Scale: N.T.S.



Attachment 'B' - Sign Detail Plan