

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, August 6, 2012

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

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

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-059:** The request of Joseph M. Gonzales, Jr., for **1)** an 8-foot 7-inch variance from the maximum 12-foot wide driveway to allow a 20-foot 7-inch wide driveway and **2)** a variance from the requirement to maintain a front walk to allow its elimination, 311 Carnahan Street. (Council District 9)
5. **A-12-060:** The request of Aetna Sign Group for a 5-foot variance from the 8-foot maximum sign height in a residential zoning district, to allow a 13-foot tall sign on a local street., 114 E. Gerald Avenue. (Council District 3)
6. **A-12-061:** The request of Aetna Sign Group for a 114-square foot variance from the 50-square foot maximum sign sq.ft.area to allow 3 wall signs consisting of 164-square feet, 103 W. Ninth Street. (Council District 1)
7. **A-12-073:** The request of Hector & Yolanda Martinez for a 2-foot variance from the 4-foot maximum height to maintain an existing 6-foot predominantly open fence in the front yard, 102 Mayfield Drive. (Council District 3)
8. **A-12-074:** The request of Yolanda I. Nemer for a 3-foot variance from the 4-foot maximum height to maintain an existing 7-foot predominantly open fence in a front yard, 1527 Estancia Street. (Council District 3)
9. **A-12-075:** The request of Las Palmas Church of the Nazarene, for a special exception to authorize the relocation of a single-family house from 4126 San Luis Street to 4202 San Luis Street. (Council District 5)

Board of Adjustment Membership

Michael Gallagher Distict 10, Chair *Andrew Ozuna* District 8, Vice Chair
Frank Quijano, District 1 • *Edward Hardemon*, District 2 • *Helen Dutmer* District 3 • *George Britton*, District 4
Vacancy, District 5 • *Jesse Zuniga*, District 6 • *Mary Rogers*, District 7 • *David Villyard*, District 9 • *Gene Camargo*, Mayor

Alternate Members

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

10. **A-12-076:** The request of Joe B. Alvarez IV, for a special exception to erect a 6 foot ornamental iron fence in the front yard, 1718 Desert Willow. (Council District 6)
11. **A-12-077:** The request of Aetna Sign Group for **1)** a 23-foot variance from the 50-foot maximum height allowed for a freestanding sign along an expressway in a nonresidential district in order to allow a 73-foot sign; **2)** a 415 square-foot variance from the 375 square-foot maximum size allowed for a freestanding sign along an expressway in a nonresidential district in order to allow a sign of 795 square feet in area; and **3)** a 10-foot variance from the 40-foot maximum height allowed for a freestanding sign along a “Secondary Arterial Type A” street in an nonresidential district in order to allow a sign at 50 feet in height, 7140 Blanco Road and 707 NW Loop 410. (Council District 9)
12. **A-12-078:** The request of Edward Lee Martinez for a Special Exception to authorize relocation of a residential structure from 12939 SW Loop 410 to 2539 Quintana Road. (Council District 4)
13. **A-12-079:** The request of Executive Signs, Ltd., for an 8-foot variance from the 10-foot minimum side yard setback requirement for freestanding signs along side property lines abutting residentially zoned properties in order to allow a 2-foot setback for a new freestanding sign, 11087 Bandera Road. (Council District 7)
14. **A-12-080:** The request of City of San Antonio for a 4-foot variance from the maximum 6-foot fence height to allow a 10-foot chain link fence for a linear distance of 70 feet along Hunt Lane, located within Rainbow Hills Park, 568 Rasa. (Council District 4)
15. Approval of the minutes – July 16, 2012
16. Approval of corrected minutes for the September 11, 2006 Board of Adjustment meeting
17. Adjournment.

ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7245 or 711 (Texas Relay Service for the Deaf).

DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7245 o al 711 (servicio de transmitir para sordos).

Board of Adjustment Membership

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Alternate Members

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



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-059
Date: June 25, 2012
Applicant: Joseph M. Gonzales, Jr.
Owner: Joseph M. Gonzales, Jr.
Location: 311 Carnahan Street
Legal Description: Lot 17, NCB 6561
Zoning: "R-4 NCD-6" Residential Single-Family Neighborhood Conservation District
Prepared By: Tony Felts, Planner

Request

The applicant requests 1) a variance to allow a driveway 8 feet, 7 inches wider than the allowed 12-foot maximum and 2) a waiver of the required front walk.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 7, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 8, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on June 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 7000 square-foot property is located on the north side of Carnahan Street, approximately 118 feet east of Avenel Avenue. The lot is 50 feet wide by 140 feet deep, and is developed with a single-family residence, constructed in 1925.

The site is within the Mahncke Park Neighborhood, which was the subject of a Neighborhood Plan in 2001. Objective 2.1 of the Mahncke Park Neighborhood Plan was the implementation of a Neighborhood Conservation District to "establish appropriate design standards for both commercial and residential development." Additionally, Goal 4.2 of the Plan concerning Streetscapes (the appearance or view of a street) was to "maintain and promote Mahncke Park's traditional neighborhood development style." In response to these and other objectives of the

Plan, the Mahncke Park Neighborhood Conservation District was established by Ordinance 2008-01-17-0050 on January 17, 2008.

Per Section 35-335 of the UDC, the purpose of Neighborhood Conservation Districts is to protect neighborhoods worthy of preservation and protection. Some of the stated goals include “protecting and strengthening desirable and unique physical features, design characteristics, and recognized identity and charm” and “reducing conflict and preventing blighting caused by incompatible and insensitive development.”

Accordingly, the District’s guiding document recognizes these principals in the Executive Summary. Of note, the document states “...the design standards found in this plan are not designed to enforce architectural style, but are crafted to perpetuate historical arrangements of buildings, scale, massing of building volumes, celebrate the original character of buildings, de-emphasize and conceal spaces designed for the automobile, increase the number and quality of spaces designed for interaction between neighbors and improve the visual appeal of the entire area.”

The applicant is requesting an 8 feet, 7-inch driveway width variance to allow a 20-foot, 7-inch driveway as well as a variance to eliminate the requirement for a front walk.

Section 2.5.2. of the Mahncke Park Neighborhood Conservation District Design Standards limits driveways to a maximum of twelve (12) feet in width. Section 2.6.3. requires a front walkway to connect the front entry of the primary structure and the back of the curb; additionally, the front walkway must be separated from the driveway by a minimum of four (4) feet. In this case the applicant has constructed a 20 feet, 7-inch wide driveway and removed an existing front walkway. Code Enforcement was notified, and has cited the applicant for the violations.

The applicant states that these standards limit the use of the driveway and do not allow him to park all of his vehicles in the driveway.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-4 NCD-6 (Residential Single-Family)	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 NCD-6 (Residential Single-Family)	Single-Family Residence
South	R-4 NCD-6 (Residential Single-Family)	Single-Family Residence
East	R-4 NCD-6 (Residential Single-Family)	Single-Family Residence
West	R-4 NCD-6 (Residential Single-Family)	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Mahncke Park Neighborhood Plan area. The subject property is also located within the boundaries of the Mahncke Park Neighborhood Association.

Criteria for Review

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

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

The Mahncke Park Neighborhood Design Standards are intended to maintain the character of the neighborhood in order to preserve the existing development pattern. The Design Standards provide a common framework of regulations in order to maintain the unique and defining features of the district. These standards were based on maintaining the continuity and character of the district. Limited driveway size and required front walkways have been identified as defining features in Mahncke Park. By allowing a 71.6% increase in the allowable driveway size and eliminating the required front walk, the public interest of the preserving the neighborhood will not be served, and therefore, the variance is contrary to the public interest.

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

The subject property is similar to the majority of other residential properties in the Mahncke Park neighborhood. The district is defined by small, narrow lots, craftsman-style homes, and a pedestrian-friendly atmosphere. There is no special condition inherent to this particular property that would make a literal enforcement of the ordinance result in an unnecessary hardship.

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

One of the goals of the Mahncke Park Neighborhood Conservation District is to “de-emphasize and conceal spaces designed for the automobile.” Additionally, building arrangements and scale of development are also goals of the Plan. By allowing an automobile space to cover more than 40% of the frontage, heavy emphasis is placed on the automobile parking spaces. This causes disruption of the unique layout of the buildings and the character of the neighborhood is negatively impacted. As such, this variance request does not comply with the spirit and intent of the ordinance.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the R-4 NCD-6 (Residential Single-Family) zoning district.

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

This variance will substantially alter the essential character of the district. It is important to note that this 20 feet, 7 inch driveway is a change to the original condition of the lot. The previous driveway was an approximately 7-foot wide ribbon driveway, which is in character with other properties in the Mahncke Park district. Staff observation of the neighborhood reveals that ribbon driveways and narrow solid driveways are commonplace. The property also had an existing front walkway that the applicant has removed and does not wish to replace. The new driveway and lack of the front walkway substantially shifts the focus at this property from a pedestrian-oriented traditional neighborhood to a focus on the automobile. The Mahncke Park District was created with one of the specific goals of de-emphasizing and concealing the automobile. Allowing this shift will substantially injure the integrity of the district, and therefore other properties.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

There are no circumstances unique to the property that would necessitate the allowance of the larger driveway and the absence of a front walk. The Mahncke Park district is uniform in character, which contributes to its uniqueness. All properties in the district are small, narrow lots; and staff observation of the surrounding area indicates that the residents of the district have taken great care to preserve its feel and character. Allowing this variance is detrimental to the integrity of the neighborhood fabric.

Alternatives to Applicant's Request

The alternative to the applicant's request is to construct a conforming driveway and front walk, and utilize ample on-street parking, or to improve the rear alley for a driveway located in the rear yard.

Staff Recommendation

Staff recommends **denial of A-12-059** based on the following findings:

1. The requested variance is not due to a circumstance unique to the property.
2. The request is contrary to the public interest and to the spirit of the ordinance because it creates an exception in a district that is noted as worthy of preservation and undermines the fundamental goals of the Mahncke Park Neighborhood Conservation District.
3. A literal enforcement of the ordinance does not create an unnecessary hardship as there are viable alternatives to the request.

Attachments

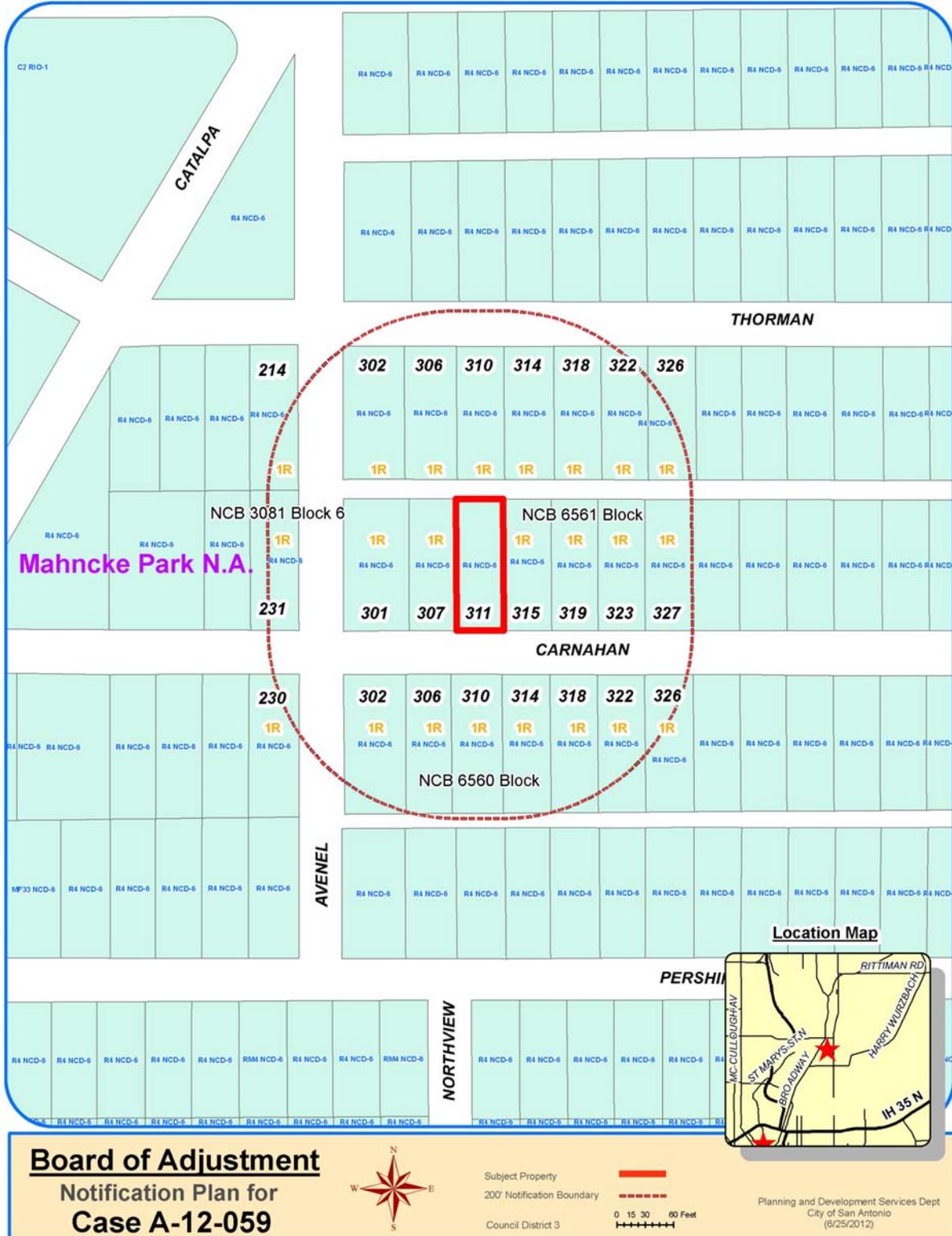
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

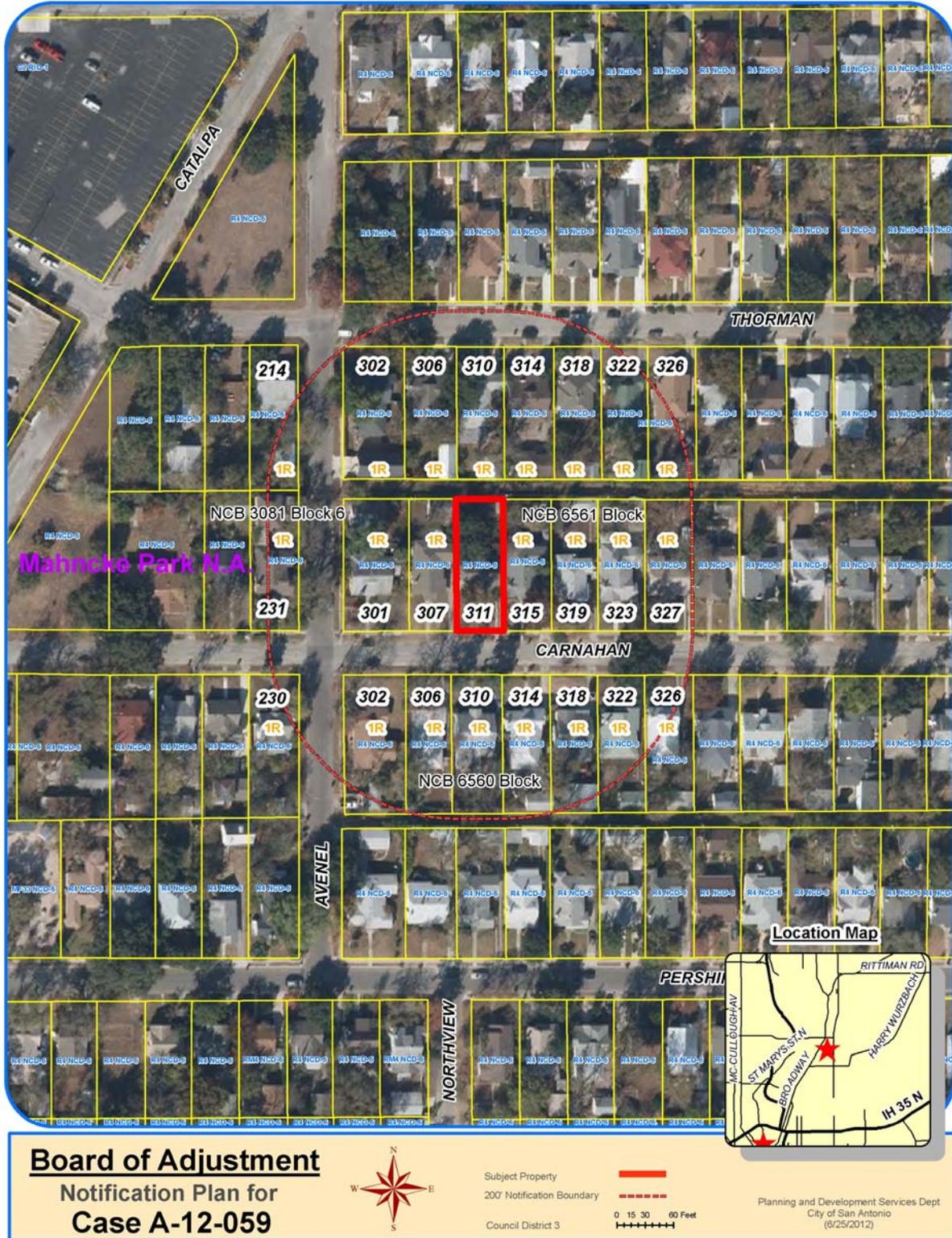
Attachment 3 – Site Plan

Attachment 4 – Survey Site Plan

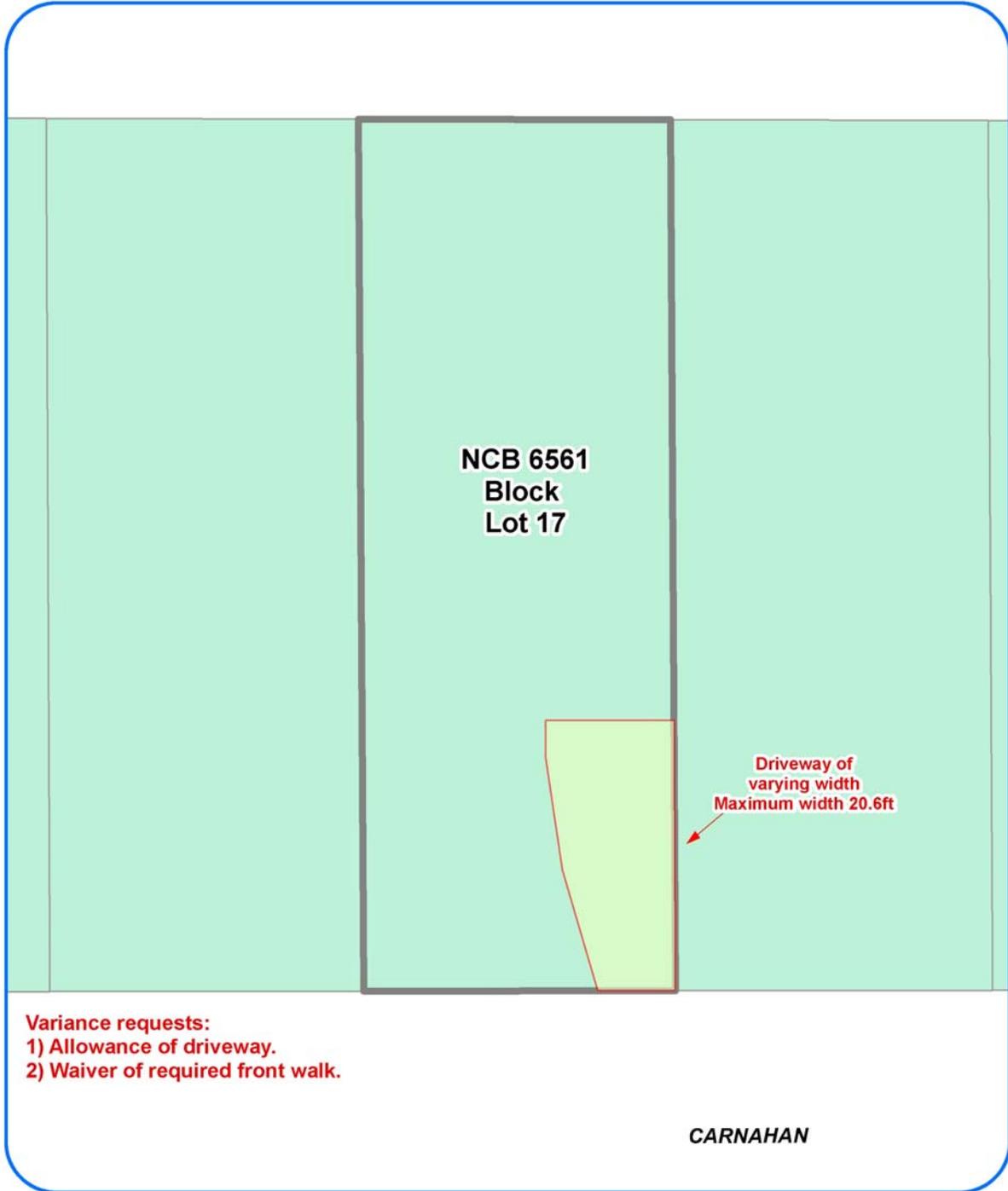
Attachment 1 Notification Plan



Attachment 1 (Continued) Notification Plan



**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-059



Proposed Driveway 
0 10 20 30 40 Feet
Council District 9

311 CARNAHAN

Development Services Dept
City of San Antonio
(8/25/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-059



Proposed
Driveway 
0 10 20 30 40 Feet
Council District 9

311 CARNAHAN

Development Services Dept
City of San Antonio
(8/25/2012)

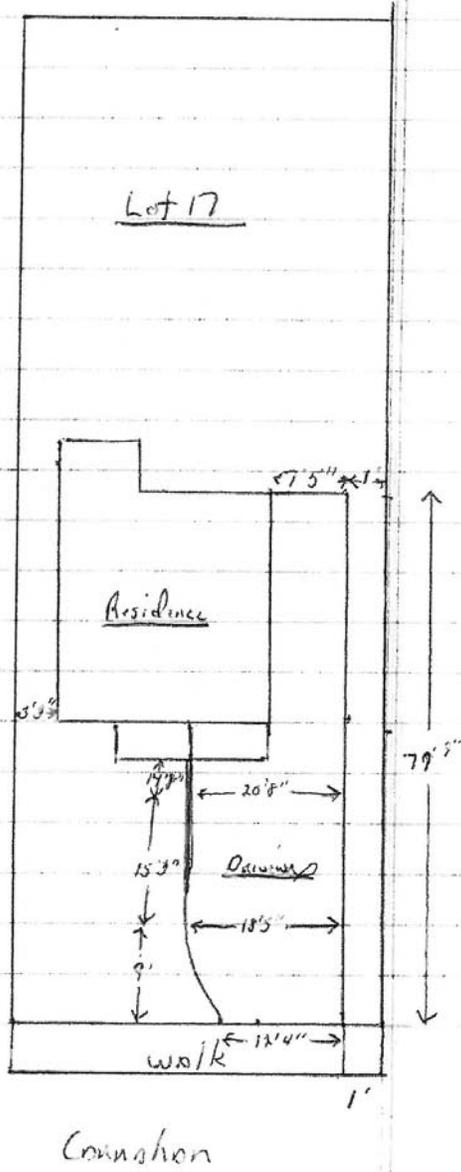
Attachment 3
Site Plan

311 Connon
City 78109

Lot 17 Blk 6561

11-4

Scale 1" = 40'





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-060
Date: August 6, 2012
Applicant: Aetna Sign Group
Owner: Harlandale Independent School District
Location: 114 E. Gerald
Legal Description: Lot 4, NCB 8611
Zoning: "R-6 AHOD" Residential Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP, Senior Planner

Request

The applicant requests a 5 foot variance from the 8 foot maximum sign height in a residential zoning district to allow a 13 foot tall sign on a local street.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on July 19, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's Internet website on August 2, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is the current site of the Harlandale High School. The campus was established in this location in 1953, during the same time period the surrounding neighborhood was under development. The site is approximately 23 acres in size and has frontage on three separate streets. The owner wishes to install a new free-standing sign. The main entrance faces Gerald Street and is the preferred location for the proposed sign. The new sign will be approximately 13 feet tall and contain almost 35 square feet in sign area. The proposed sign includes a 15 square foot digital message board, included within the overall sign area. The Sign Code, section 28-240, requires a 15-foot setback for a free-standing sign, which is shown on the proposed site plan.

The Board of Adjustment previously considered a similar request from the Harlandale Independent School District in January of this year. Since that time, the applicant has reduced the size of the sign to conform to the sign area allowed by Code. In addition, a sign code text amendment was adopted by the City Council in March 2012 which added digital display provisions for churches, schools and community recreation centers in neighborhoods. The proposed sign will comply with these digital design limitations described in this new section of the sign code, 28-241 (e) (7).

The requested variance is from the maximum 8 foot height limitation for signs on local streets in residential zoning districts. The applicant is asking for an additional 5 feet to allow the sign to be 13 feet tall. The applicant asserts that the additional height is needed to protect the sign from vandalism and mischief. In addition, the applicant states that the visibility will be severely reduced at the lower height. Without the requested variance, the lowest portion of the sign, the digital portion, would only be slightly above 3 feet from ground level.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Airport Hazard Overlay	High School

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-1” Commercial & “R-6” Residential	Day Care, Single-family
South	“C-3 R” Commercial & “R-6 AHOD”	Auto Repair, Single-family
East	“RM-4 AHOD” & “R-6 AHOD”	Single family
West	“MF-33 AHOD” Multi-family Residential “C-3NA & C-2NA” Commercial with no alcohol sales	Apartments, Retail, Auto Repair

Comprehensive Plan Consistency/Neighborhood Association

The property is within the South Central Community Plan, adopted in 1999 and updated in 2005. The subject property is not located within a neighborhood association registered with the City.

Criteria for Review

Pursuant to Section 28-247 of *Chapter 28: Signs and Billboards* of the City Code, in order for a variance to be granted, the applicant must demonstrate:

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, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

According to the submitted application and discussions with the applicant, the variance is necessary because strict enforcement prohibits the school district from safely and confidently

constructing the sign within the height limitations of the Code. The school population of teenagers, associated with the specific location, increases the chances that the sign will be harmed, perhaps even unintended harm by a prank. In addition, the increase in height is necessary to improve the visibility of the sign.

Harlandale High has twenty on-street parking stalls in front of the school's entrance, perpendicular to the street. The area creates a 20-foot deep visibility blockage. With the sign installed at the maximum allowed height and the 15-foot setback, the parked cars would substantially impact the visibility of the sign to the passing traffic.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*

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

The applicant asserts that a similar variance was approved for another school in Case A-12-014. In addition, throughout the summer, staff has received several inquiries about school signage, each wanting higher than the 8-foot limitation and each with the same concern about vandalism.

B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

Granting the variance will not adversely impact the neighboring properties. The homes within the neighborhood have co-existed with the school since its inception. Property owners living around a school have a series of unique impacts created by a neighborhood school, such as the daily traffic congestion during the morning hour and the afternoon dismissal. Many of those owners contacted for the public hearing have responded in favor of the requested variance.

C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

The decided legislative purpose of the adopted sign regulations is to limit signs in residential neighborhoods to 8-feet in height. The legislative body also limits the list of non-residential uses permitted in residential zones to day care centers, schools, churches, recreation centers, and some types of care facilities. Digital displays are permitted for these uses with design limitations to protect the neighborhood from excessive light. In specific cases, relief from the height provision may be warranted.

Alternative to Applicant's Request

The applicant could relocate the sign to the Pleasanton Road frontage, where it qualifies for a 16-foot height allowance. Section 28-240, *Provisions applicable to residential zoning districts*, allows greater sign height for a use with primary frontage on a commercial collector road.

Staff Recommendation

Staff recommends **approval of A-12-060** based on the following findings of fact:

1. The on-street parking blocks the view of a compliant sign;
2. The potential for vandalism of the sign constitutes an unnecessary hardship;

3. The neighboring property owners have expressed support for the variance;
4. The digital display will be designed to mitigate potential negative impacts to surrounding residential uses.

Attachments

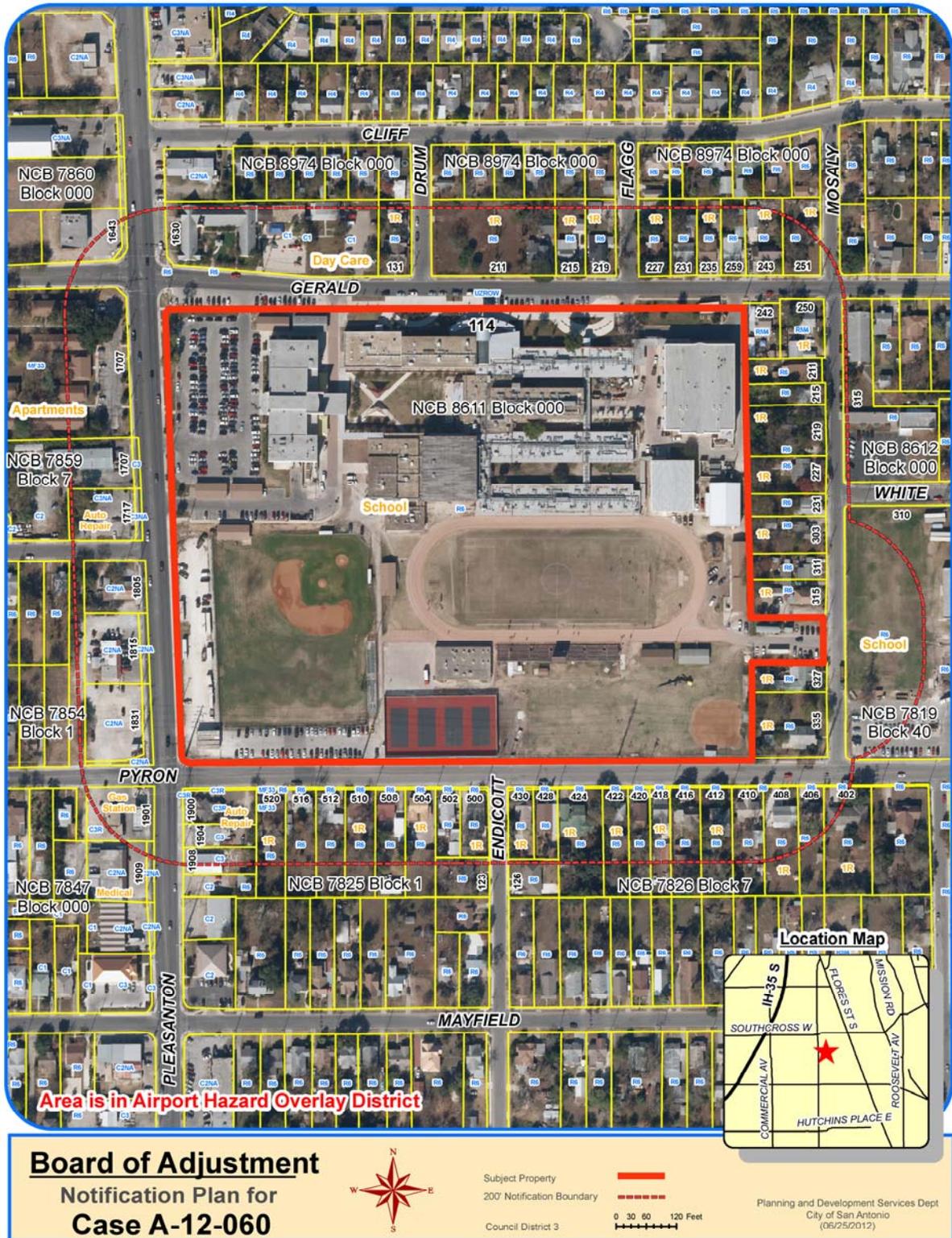
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Applicant Site Plan

Attachment 4 – Elevation of Proposed Sign

Attachment 1 Notification Plan (Aerial Map)

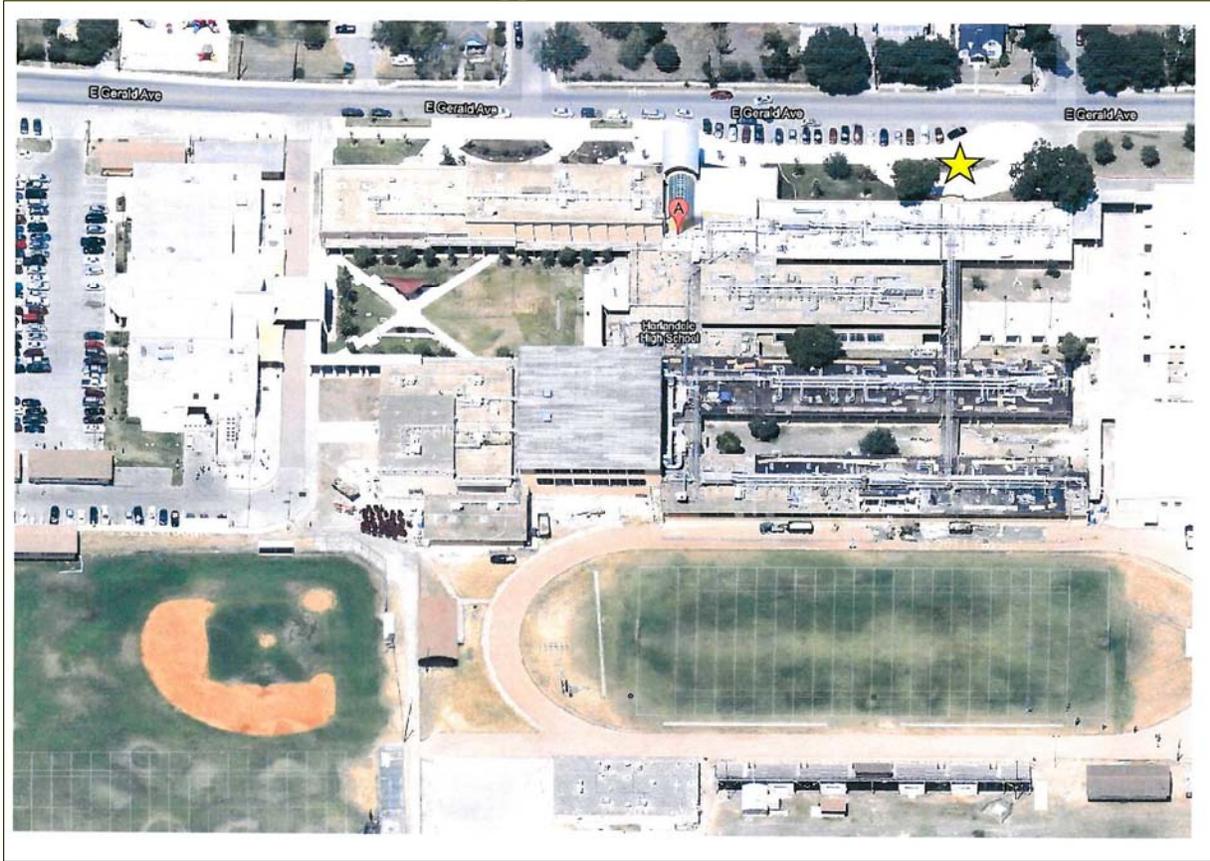


Attachment 2
Plot Plan (Aerial Map)



Board of Adjustment Plot Plan for Case A-12-060		Sign Location ● 0 25 50 100 200 feet Council District 3	114 E GERALD <small>Development Services Dept City of San Antonio 66252012</small>
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**Attachment 3
Applicant Site Plan**



Attachment 4
Elevation of Proposed Sign



GOLDEN RULE
SIGN

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Louisville, KY
TF 1-800-73
Fax 1-502-41

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City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-061
Date: August 6, 2012
Applicant: Aetna Sign Group
Owner: Paradigm Hotel SA Riverwalk
Location: 103 W. Ninth Street
Legal Description: Lot 13 Block 27 NCB 449
Zoning: "FBZ T6-2 S RIO 2" District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant requests a 114 square foot variance from the 50 square foot maximum sign area specified in Section 35-678 regarding signage in the River Improvement Overlay (RIO) District to allow three wall signs consisting of an aggregate area of 164 square feet.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code. Notices were sent to property owners within two hundred (200) feet of the subject property on July 19, 2012. The registered neighborhood association, Downtown Residents Association, was also notified and invited to provide comment. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 2, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

Signage in the RIO district is very limited, focusing on the pedestrian experience along the river. Strict adherence to the standards would allow fifty square feet in total signage, on a maximum of three signs. In addition, a sign facing the river is restricted to eight square feet. The sign standards are described in Section 35-678, the Article of the Code addressing Historic Preservation and Urban Design. The Historic Preservation Officer (HPO) and the Historic &

Design Review Commission (HDRC) are empowered to review and approve signage in the RIO District. They are given authority to increase the maximum signage allowable but, due to the size requested, chose to forward the request to the Board of Adjustment for review. The applicant was however approved for other signage at the site, including a separate sign package for a restaurant within the building, a monument sign and a directional sign.

The applicant is requesting a variance to allow installation of three wall signs, one on the riverside and the other two on the elevations facing surrounding streets. Each of these signs is shown on the wall above the fourth floor windows. One of these wall signs would face Ninth Street; another would face N. St. Mary's Street and finally the sign facing the river on the San Antonio River elevation.

The building has active building permits and is currently under construction. The design of the building and its placement on the lot were already approved as consistent with the goals of the Form-Based Zoning District requirements. For this reason, the building hugs the property line along two streets.

River Improvement Overlay District (RIO)

The Historic and Design Review Commission (HDRC) and the Historic Preservation Officer are authorized to review and approve signage within the RIO district, as described in Section 35-678 of the Code. The standards are design-oriented as follows:

- Signs should respect & respond to the environment and district character;
- All graphic elements shall reinforce the architectural integrity of any building;
- Size, scale, height, color and location of signs shall be harmonious with and properly related to the overall character of the district and the structure.
- For all signage, sign width and height must be in proportion to the façade, respecting the size, scale and mass of the façade.

In addition, while the Code does limit the applicant to 50 square feet, it also includes provisions for increasing this amount. *“Additional square footage may be approved provided that the additional signage is in conformity with and does not interfere with the pedestrian experience on the Riverwalk. The additional square footage shall be based upon the size and scope of the site.”* Section 35-681 of the Code further restricts signage abutting the river and visible from the Riverwalk to 8 square feet, with a similar caveat allowing discretionary additional signage based on the size and design of the site and its setback from the river.

The requested signage package was presented to the HDRC in April. The staff did not recommend approval of the wall sign facing the river but acknowledged that the scale of the project and its setback from the river warranted additional signage. Staff recommended a series of modifications and the applicant made the requested changes on the restaurant signage and the monument sign. The HDRC approved those signs and suggested that the applicant seek a variance from the Board of Adjustment for the wall signs.

Signage in the RIO-2 district is regulated in two distinct sections of the UDC; one related to buildings in the zoning district and another related to signage facing the river itself. This is appropriate and recognizes the different “customers” of each building elevation. Customers arriving at the building by vehicle need advance signage and require larger text visible from a greater distance. Pedestrians enjoying the Riverwalk do not need this same signage and

therefore, the legislative intent determined that signs facing the river should be subject to different standards oriented to the pedestrian. These standards are outlined in Section 35-681 Signs on the Riverside of Properties Abutting the River. Therefore, the signage on the riverside of a building should not be the same design and placement as signage on the other elevations, as it is in this application. These regulations recognize the historical and economic significance of the Riverwalk to the community and indicate a commitment to its protection and the experience of the visitor while enjoying it. The approved architecture shows attention to the details desired for this special location with wide stairs leading up to a large patio with outdoor dining, a second-story veranda and individual balconies. The selected sign should also relate to the pedestrian walking on the Riverwalk, with an externally-lit wooden monument sign near the Riverwalk or a sign hung from chains on the archway above the entrance. The sign as requested more than four stories up and internally lit is not consistent with the purpose of the regulations, and instead should respond to the historical context with a unique design.

Internal illumination is discouraged for signs in the RIO-2 district and prohibited for all signs facing the river. Industry-wide, most signs are internally illuminated, where light shines through an opaque “channel” letter from the inside. The typical alternative to this method of illumination is to have a separate light nearby that shines on the lettering for visibility. In the case of the restaurant sign facing the river, the applicant has agreed to accommodate this modification. For the wall signs above the hotel’s fourth story facing the street elevations, this is more difficult. The architecture and sign height limit the ability to select a compatible fixture and effectively light the sign for adequate off-site visibility. For these two signs, internal illumination may be warranted.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“FBZ-T6-2 S RIO-2” Form-based Zone River North Center with a Specific Use for Hotel and in the River Improvement Overlay District	Vacant, but under construction with building permits issued in March and June 2012.

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	““FBZ-T6-2 S RIO-2” Form-based Zone River North Center w River Improvement Overlay District	Vacant
South	“FBZ-T6-2 S RIO-2” Form-based Zone River North Center w River Improvement Overlay District	Vacant
East	“FBZ-T6-2 S RIO-2” Form-based Zone River North Center w River Improvement Overlay District	Office Building

West	“FBZ-T6-2 S RIO-2” Form-based Zone River North Center w River Improvement Overlay District	High School
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Downtown Neighborhood Plan, adopted in 1999. The construction of a four-story hotel/conference center is consistent with several goals described in the Plan. More recently, the City and other public entities have focused regulatory changes and investment in this area, known as River North. A Master Plan for detailing these goals was adopted in 2009, with implementation well underway. The San Antonio River Authority, in partnership with the City and a host of others, has improved the river banks and pedestrian walks in this area of town, calling this extension the “Museum Reach.” In addition, the City has undertaken infrastructure improvements in the vicinity to improve property values and increase private investment. This project was offered incentives to locate here, based on its ability to activate the area.

Criteria for Review

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

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

Public interest is a central theme used to justify government regulations; it refers to general welfare and common well-being of the population as a whole. In this case, the public’s interest is two-fold. The traveling public has an interest in locating their hotel and will need signage to assist them. Other segments of the population embrace the goals of the Form-Based Code and the River Improvement Overlay district to create a pedestrian friendly atmosphere with signage focused on the walking public. Pedestrians enjoying the atmosphere along the Riverwalk will not be able to see the wall sign in its proposed location above the fourth floor. Admittedly, this section of the Riverwalk is newly improved and different from the atmosphere in the crowded portion of the walk in the center of town. Aside from the water taxi, this hotel will be one of the few attractions along the river on the north end. However, this will not always be the case and in the years to come, more private investment will bring other businesses to the area. Therefore, protecting the future Riverwalk pedestrian experience is critical on each property as it improves.

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

Literal enforcement of the ordinance would allow a total of fifty square feet for signage, a small amount of sign area for a development of this scale, given what is allowed for businesses located elsewhere in the City. Outside of the River Improvement Overlay, a business can have a wall sign of 64 square feet in area on each local street elevation, similar to the requested size. The street-facing wall signs will not interfere with the goals and objectives of the RIO and therefore a literal enforcement of the code for these two signs would be an unnecessary hardship.

This argument cannot be supported on the elevation facing the river. The applicant will enjoy consistent business and tourism based on the location with frontage on the San Antonio Riverwalk. This benefit comes with responsibility to assist in protecting this resource and contributing to its character. A smaller sign, more historical in character and consistent with the adopted goals and regulatory design tools, should be required here. Other hotels along the river have substantially complied and proven that the signage restriction does not limit success.

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

The UDC anticipates the need for increased signage in the RIO-2 district, depending on a variety of factors. As discussed earlier, the Code allows the Historic Preservation Officer to approve more signage for larger buildings with greater distance from the Riverwalk, both factors in this project. The wall signs on the street elevations are sized with the mass and scale of the large hotel in mind. The river elevation is different. The ground elevation of this hotel is anticipated to be approximately 10 feet above the pedestrian path. Locating the sign nearly 60 feet above the pedestrian is inconsistent with the spirit of the Code.

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.*

There is no use variation proposed from the FBZ T-6 RIO-2 district regulations.

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.*

For the proposed signage on the street elevations of the hotel, the requested size is appropriate given their customer base, the size of the building and the proposed height of the signs. However, the signage requested for the Riverwalk elevation is not designed with the goals of the overlay district and sign limitations in mind. No unique design was submitted for this elevation either to the staff of the HDRC or the staff for the Board. If a consistent design atmosphere is the underlying goal and justification for the regulation, then a specific sign should be proposed to satisfy this purpose.

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 subject property is very similar to the many hotels located along the Riverwalk. The RIO-2 signage regulations were adopted in 2002 and several hotels have respected the goals and created unique signage geared toward the pedestrian experience.

The street network surrounding the hotel however is somewhat unique. There are several one-way streets, and no clear primary thoroughfare nearby. Vehicular traffic will need extra visibility to navigate several turns as they exit nearby freeways.

Alternatives to Applicant's Request

The applicant should redesign a unique pedestrian-oriented sign for the riverfront elevation and submit the revised sign to HDRC and the HPO for consideration.

Staff Recommendation

Staff recommends **approval of 62 square foot variance from the 50 foot maximum square footage to allow a 52 square foot wall sign and a 60 square foot wall sign on the street elevations of the Wyndham Garden Hotel as proposed in application A-12-61** based on the following findings:

1. The variance would allow the applicant to have wall signage visible to the visiting public searching for their hotel;
2. A literal enforcement of the ordinance may create an unnecessary hardship by preventing the owner from identifying the hotel to tourists unfamiliar with the surroundings;
3. The spirit of the ordinance is observed by permitting wall signage in scale with the mass and size of the four-story building;
4. The location is surrounded by narrow local streets, some of which are restricted to one-way traffic, making it less direct vehicular access from nearby freeways. Additional elevated signage is warranted given this unique location.

Staff also recommends **denial of the requested 50 square foot variance from the maximum signage allowed on the Riverside elevation of the Wyndham Garden Hotel as requested in A-12-061** based on the following findings:

1. The variance does not provide the pedestrian tourist with visible signage guiding them back to their destination as necessary;
2. While a literal enforcement of the 8 square feet may create a unnecessary hardship, a unique contextual sign as contemplated in the UDC is appropriate for this location;
3. The spirit of the ordinance is not observed by proposing a typical suburban internally lit wall sign oriented toward the Riverwalk, a unique cultural resource deserving special consideration;
4. The special location with frontage on the river is coveted by businesses and hotels across the country and each property should respect this benefit.

Attachments

Attachment 1: Notification Map

Attachment 2: Plot Plan

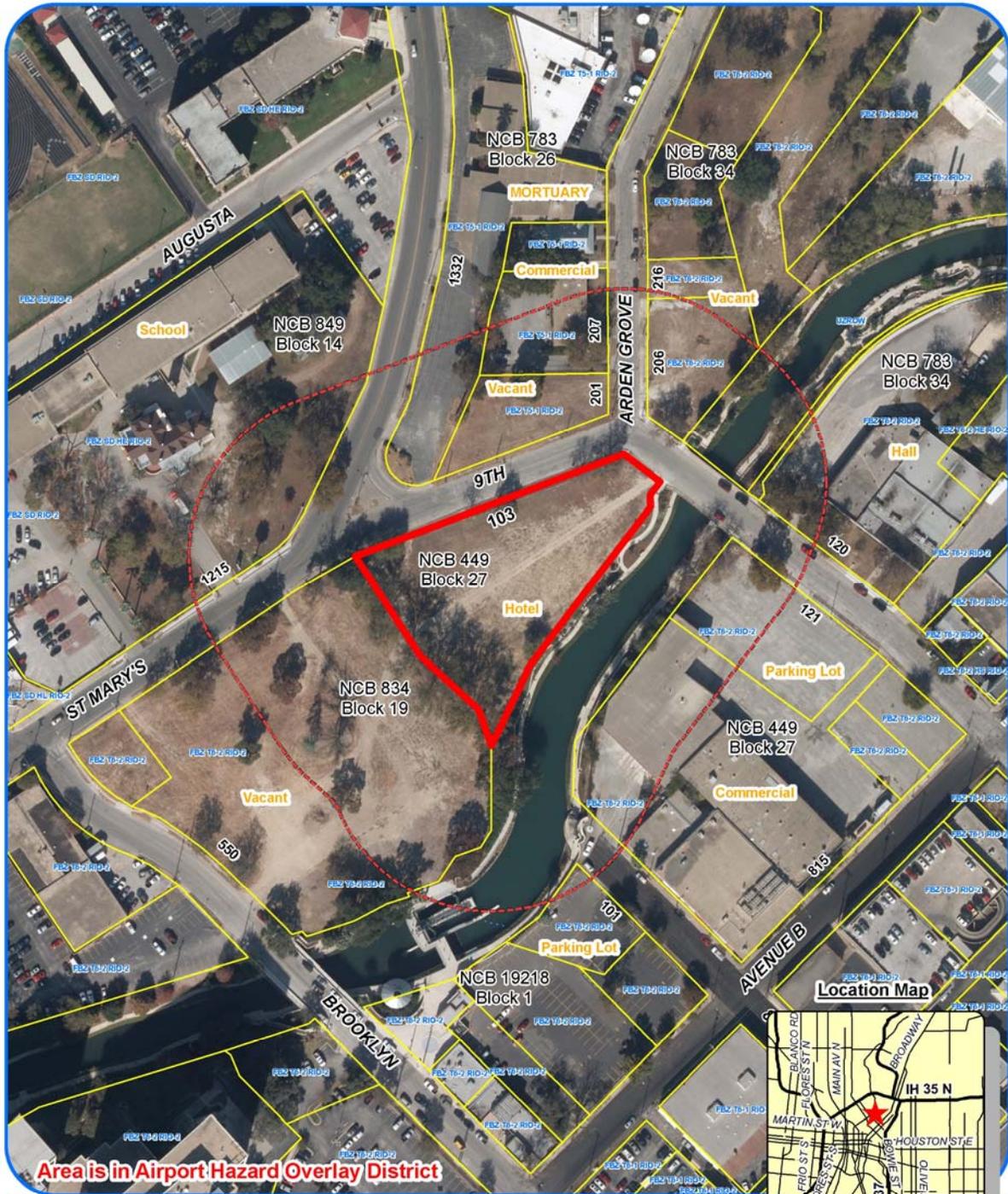
Attachment 3: Applicant Site Plan

Attachment 4: Proposed Sign Elevation

Attachment 5: Building Elevations

Attachment 6: Site Photographs

Attachment #1 Notification Plan



Area is in Airport Hazard Overlay District



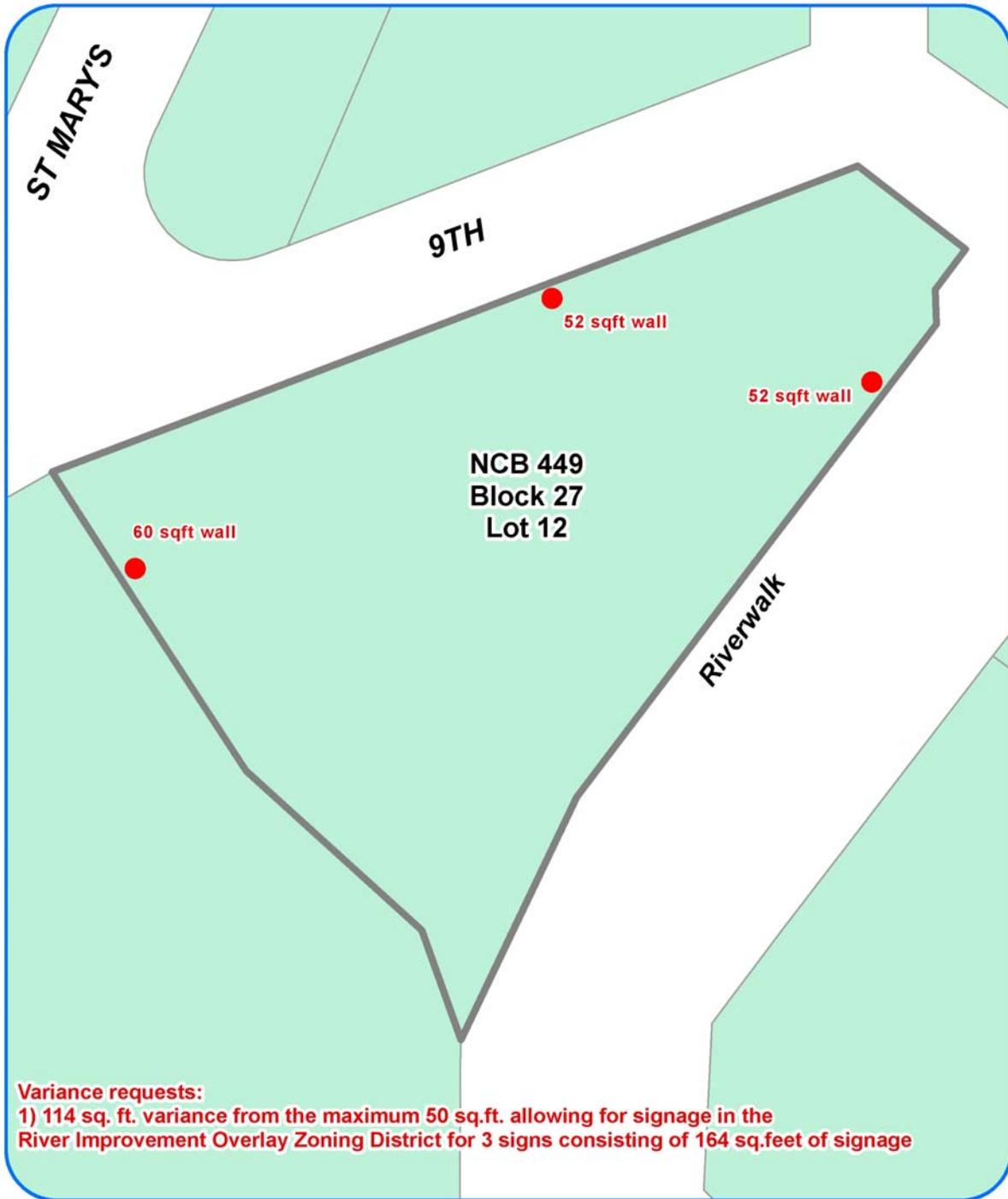
Board of Adjustment
Notification Plan for
Case A-12-061



Subject Property ————
200' Notification Boundary - - - - -
Council District 1 ————
0 25 50 100 Feet

Planning and Development Services Dept
City of San Antonio
(6/25/2012)

Attachment #2
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-061

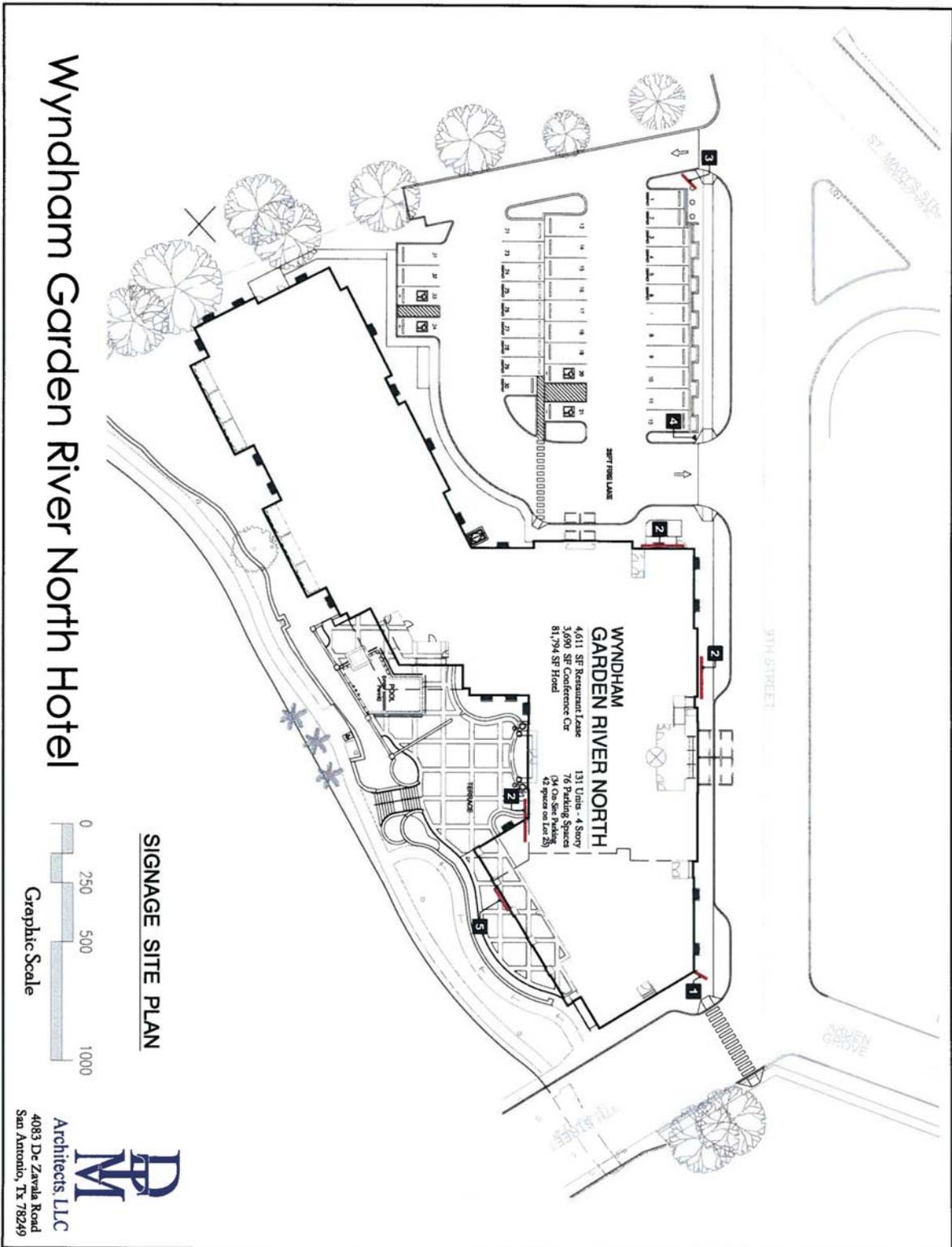


Sign Locations ●
0 10 20 30 40 Feet
Council District 1

103 W 9TH ST

Development Services Dept
City of San Antonio
(8/25/2012)

**Attachment #3
Applicant Site Plan**



**Attachment #4
Proposed Sign Elevation**



**Attachment #5
Building Elevations**



Rendering - W. 9th Street View
1" = 20'-0"

Signage Submittal

◆ Wyndham Garden River North ◆

A Project By
Paradigm Hotel Group

Attachment #5 (continued)



Rendering - River Walk View

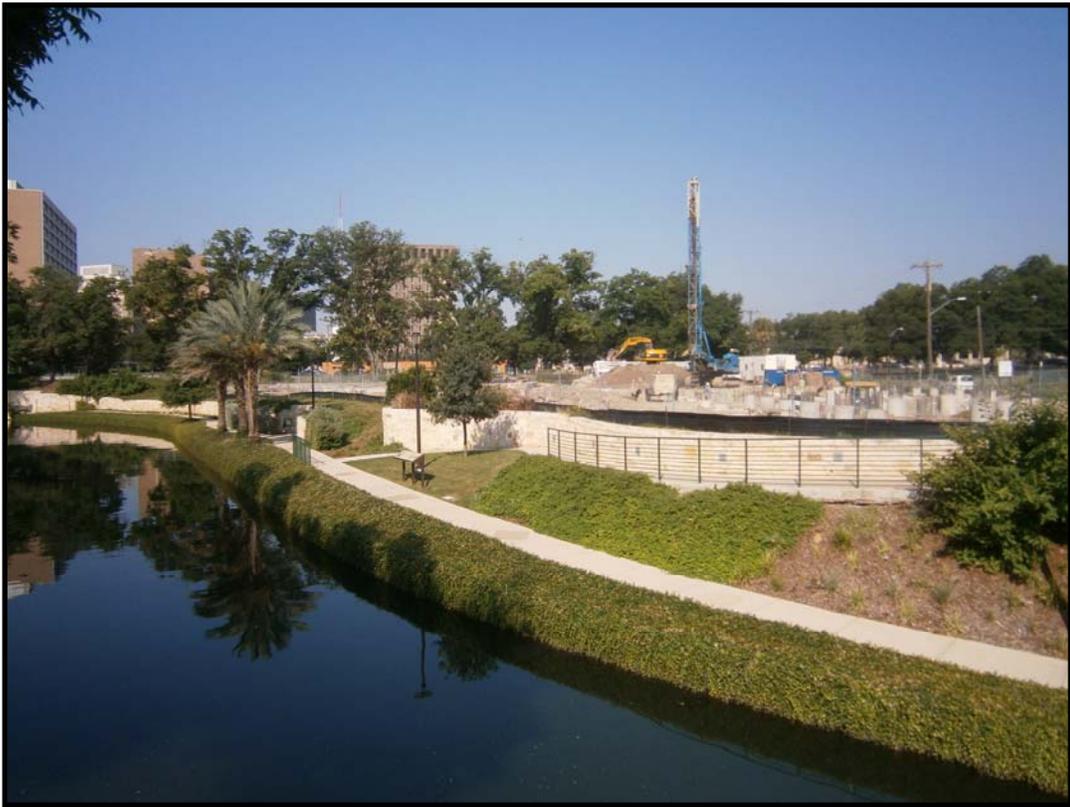
1" = 20'-0"

Signage Submittal

◆ Wyndham Garden River North ◆

A Project By
Paradigm Hotel Group

**Attachment #6
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-073
Date: August 6, 2012
Applicant: Hector and Yolanda Martinez
Owner: Hector and Yolanda Martinez
Location: 102 W. Mayfield Drive
Legal Description: N 123 ft. of E 61 ft. of Block 248 NCB 7846
Zoning: "R-6 AHOD" Single-family Residential Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant requests a variance from the front yard fencing height limitations as set forth in Section 35-514 of the Unified Development Code (UDC), in order to authorize an existing 6 foot, ornamental iron fence in the front yard. The special exception process could not be used because the contractor installed the vertical slats closer than the 5 ½ inches required to qualify.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code. Notices were sent to property owners within two hundred (200) feet of the subject property on July 19, 2012. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 2, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The home is located 102 W. Mayfield, in the southern part of San Antonio near SW Military Drive. The applicant was recently cited by Code Enforcement for a front yard fence installed without a permit. In an effort to correct the infraction, the applicant submitted a request for a variance to the Board of Adjustment. The applicant did not qualify for a special exception since the contractor placed the vertical bars with only 4 ½ inches clearance, instead of the 5 ½ inch spacing requirement. Therefore, the request must be considered as a variance.

The applicant states that the fence was installed to improve security. According to the applicant, the family has been robbed and the area has experienced an increase in crime. A review of crime statistics within the last year in the surrounding neighborhood shows a series of home invasions occurring during the daytime hours.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Airport Hazard	Residential structure

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-1” Commercial	Residential structure
South	“R-6 AHOD” Residential Airport Hazard	Residential structure
East	“C-2 NA” Commercial No Alcohol	Retail Tire Shop
West	“R-6 AHOD” Residential Airport Hazard	Residential structure

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central San Antonio Community Plan, adopted on August 19, 1999 and updated on October 26, 2005. One of the four basic elements of the plan was entitled “Neighborhood Development & Environment.” This section’s primary goal is to *Maintain and build on the old-fashioned neighborhood character of South Central San Antonio.*

Criteria for Review

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

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

Public interest is a central theme used to justify government regulations; it refers to general welfare and common well-being of the population as a whole. Securing the home from intruders is in the public interest. Home invasion crimes cost the public revenues that could otherwise be used to enhance the quality of life or improve outdated infrastructure.

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

Literal enforcement of the ordinance would allow an open four-foot fence around the front yard, or permit the Board to grant a special exception to a fence with one additional inch of spacing

between the vertical bars. Staff recently learned that the applicable fire regulations are silent on residential fencing, indicating that the fence is not a danger to health and safety. The applicant expressed concern for his wife who is in the home alone throughout the day and believes that the fence is necessary for safety reasons.

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

The Code includes a provision for the Board of Adjustment to grant a special exception for ornamental iron fencing when it meets specific design requirements and is found to be consistent with the character of the neighborhood. A staff survey of homes in the surrounding neighborhood found several with ornamental iron fencing, making the request consistent with the surrounding neighborhood.

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.*

There is no use variation proposed from the R-6 AHOD district.

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

Many other homes in the area have ornamental iron fencing, being installed as a deterrent to crimes. Reducing crime in the neighborhood improves the essential character of the area and maintains a sense of community.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The owner asserts that the fence was installed for safety, security and peace of mind due to concerns of safety for his family. His home is near the corner of Pleasanton, a busy commercial corridor, and shares a property line with a tire store. While this locational issue is one shared by several homes in a larger city, it does increase challenges to typical enjoyment and usually requires mitigation. City ordinances recognize these impacts by requiring additional setbacks and landscaping where the two conflicting uses meet. Retrofitting the existing non-conforming condition warrant the requested fencing.

Alternatives to Applicant's Request

The applicant could remove the non-compliant portion of the wrought iron fence and install a fence that could comply with the vertical bar separation requirements for a special exception.

Staff Recommendation

Staff recommends **approval of the variance as proposed in application A-12-73** based on the following findings:

1. The variance may deter home invasion crimes and increase security for the home adjacent to a commercial use.

2. A literal enforcement of the ordinance would create an unnecessary hardship by depriving the applicant a meaningful buffer between his home and the commercial use next door.
3. The spirit of the ordinance is observed by addressing the non-conforming interface between an existing commercial use and the abutting residential home.

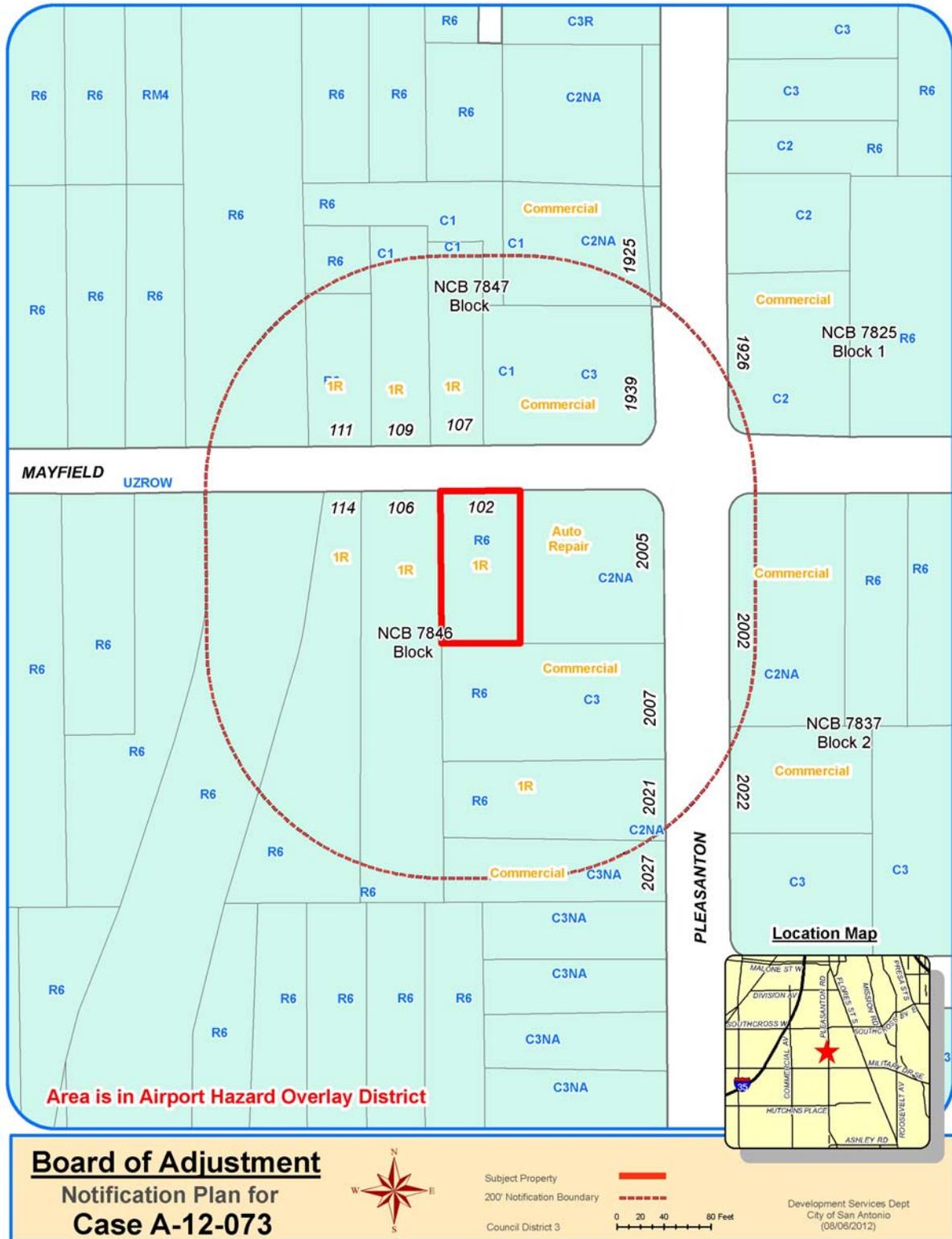
Attachments

Attachment #1: Notification Map

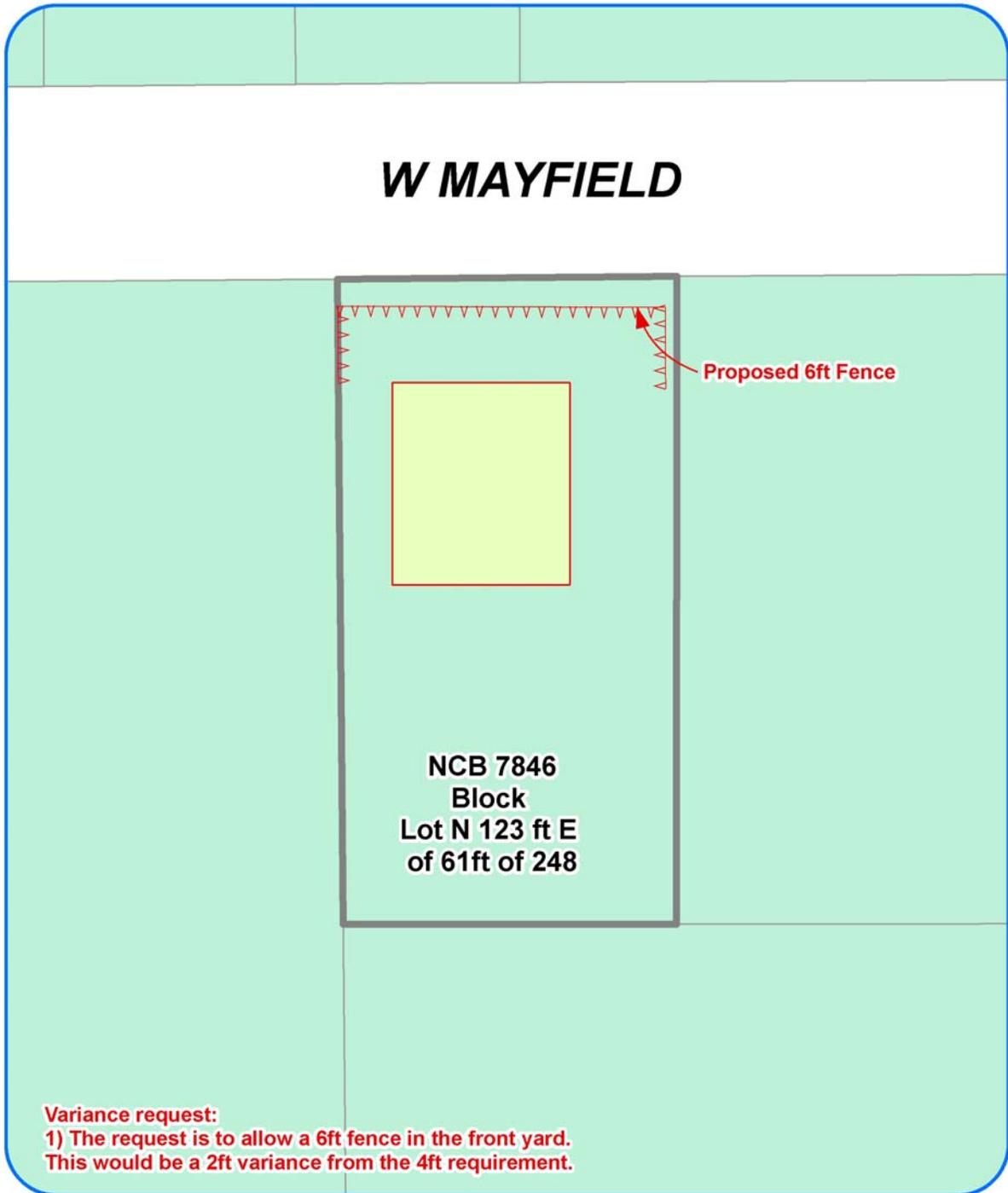
Attachment #2: Plot Plans

Attachment #3: Photographs

Attachment #1



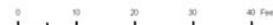
Attachment #2



Board of Adjustment
Plot Plan for
Case A-12-073



△△△△ Proposed Fence



Council District 3

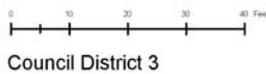
102 W MAYFIELD

Development Services Dept
City of San Antonio
(08/08/2012)

Attachment #2 (continued)



Board of Adjustment
Plot Plan for
Case A-12-073



102 W MAYFIELD

Development Services Dept
City of San Antonio
(08/06/2012)

Attachment #3





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-074
Date: August 6, 2012
Applicant: Yolanda Nemer
Owner: Yolanda Nemer
Location: 1527 Estancia Street
Legal Description: Lots 37 & 38, Block 16, NCB 15645
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

The applicant requests a 3-foot variance from the 4-foot maximum height to maintain an existing 7-foot predominantly open fence in a front yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 19, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 3, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property consists of two lots, each 50 feet wide by 125 feet deep. The entire property is 12,500 square feet and is currently developed with two single-family residences, one on each lot.

The applicant is requesting a variance to maintain a 7-foot tall iron fence in the front yard. The fence is constructed of iron with vertical bar 5¼ inches apart. The fence does not qualify for a special exception under Section 35-399.05 of the UDC because of the height of the fence and the width of the spacing between the vertical bars. The fence is considered "predominantly open" because at least 70% of the area of the fence is open space voids. Section 35-514(d) of the UDC limits primarily open front yard fences to four feet in height.

The applicant states that the fence has been in place for approximately 15 years. Code compliance has cited the fence as being out of compliance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 AHOD (Residential Single-Family)	Single-Family Residence

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Heritage South Sector Plan. The subject property is also located within the boundaries of the Villa Coronado Neighborhood Association.

Criteria for Review

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

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

Fence height regulations are designed to promote orderly development, reduce visual distraction, and create a sense of community, especially in neighborhoods. As stated above, the maximum height for a predominantly open front yard fence is four feet. The applicant has stated that there is a high crime rate in the neighborhood. The city has recognized the need for higher front yard fences to provide protections from crime and other undesirable issues; however, there is no residential district or provision in the UDC to allow a 7-foot high fence of any type in a residential district, in any yard, without some sort of extenuating circumstances. As such, the variance will be contrary to the public interest.

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

There are no special conditions readily apparent to warrant a 7-foot tall fence in the front yard. Staff observations show that the neighborhood is a level plain with virtually no elevation changes, and all of the surrounding land uses are single-family residential. Staff

observation also shows that this fence is, by far, the tallest in the neighborhood, and does not fit with the existing development pattern.

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

As there are no special conditions to warrant the excessive height, the spirit of the ordinance will not be observed.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the R-6 AHOD (Residential Single-Family) zoning district.

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

The character of the district is significantly altered by the placement of this fence. As stated above, this fence is the tallest fence in the neighborhood, and is a visual distraction.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The plight of the owner is not based on any unique circumstance existing on the property. The owner has stated that the fence has been in place for at least 15 years, and it is unclear whether or not the fence ever received a permit; however, even under the provisions of the previous UDC, a front yard fence of 7-feet in height would not have been allowed. Lack of a permit or knowledge of the regulations governing fence height is not a legitimate basis for granting a variance nor is the age of the fence.

Alternatives to Applicant's Request

The alternative to the applicant's request is to reduce the height of the to conform with the regulations, or to alter the fence in such a way that it would qualify for a special exception and re-apply to the Board.

Staff Recommendation

Staff recommends **denial of A-12-074**, due to the following reasons:

1. There are no special conditions associated with the property to warrant the variance.
2. The fence is not in character with the rest of the district.

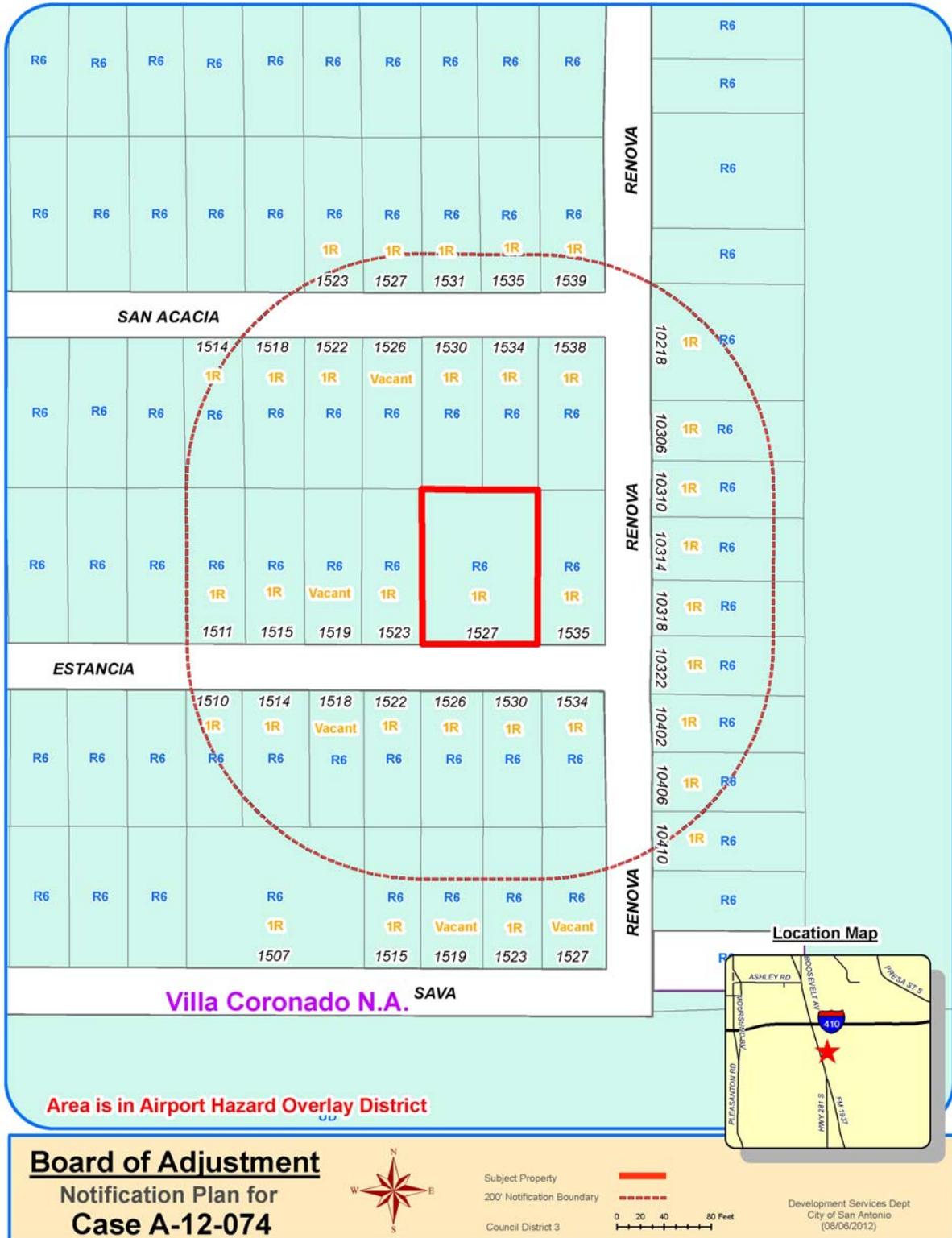
Attachments

Attachment 1 – Notification Plan (Location Map)

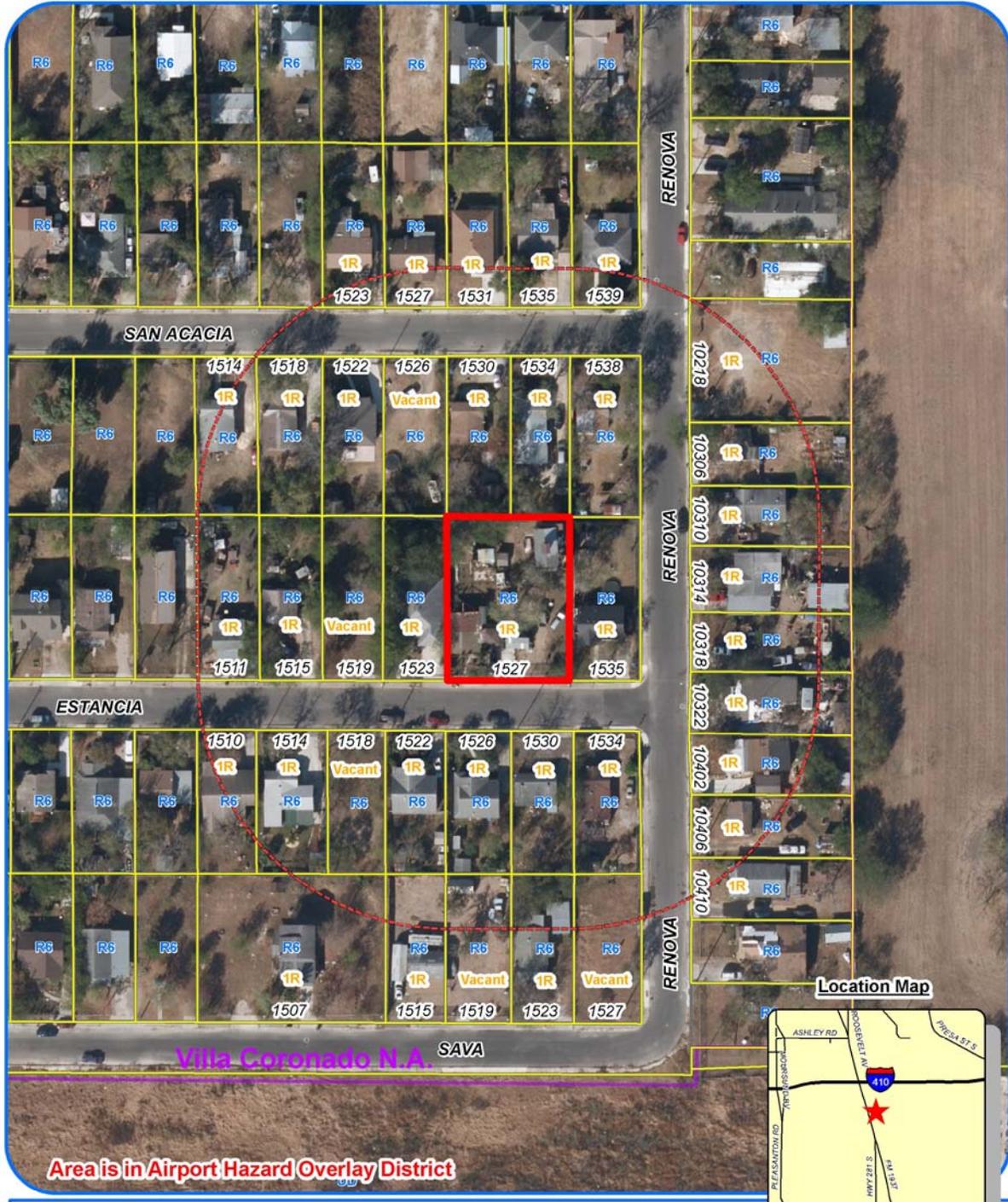
Attachment 2 – Plot Plan

Attachment 3 – Fence Plan

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case A-12-074**



Subject Property
200' Notification Boundary
Council District 3

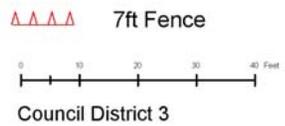
0 20 40 80 Feet

Development Services Dept
City of San Antonio
(08/08/2012)

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-074



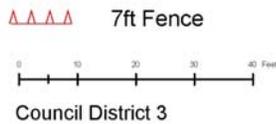
1527 ESTANCIA

Development Services Dept
City of San Antonio
(08/08/2012)

Attachment 2 (Continued)
Plot Plan



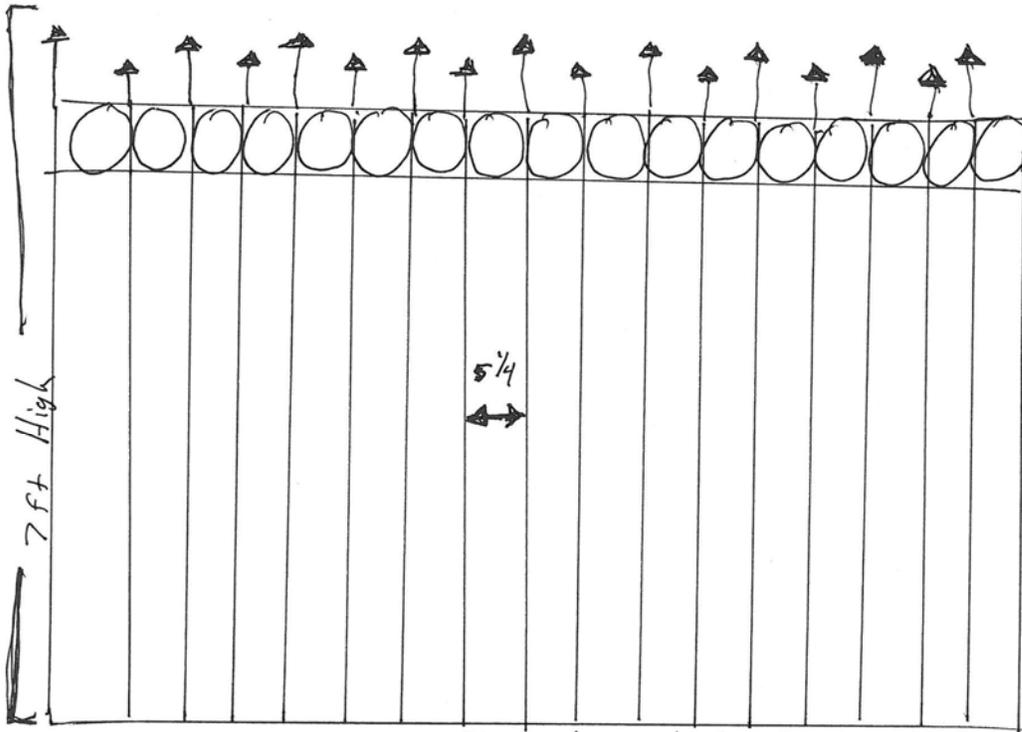
Board of Adjustment
Plot Plan for
Case A-12-074



1527 ESTANCIA

Development Services Dept
City of San Antonio
(08/06/2012)

Attachment 3
Fence Plan



100ft wide All Across
FRONT GATE - 4 Gates of 8ft wide
LOCATION - 1527 Estencia
78214



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-075
Date: August 6, 2012
Applicant: Las Palmas Church of the Nazarene
Owner: Las Palmas Church of the Nazarene
Location: 4202 San Luis Street
Legal Description: W IRR 45 ft. of Lot 11, Block 17, NCB 8163
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant is requesting a special exception to authorize relocation of Building #2 from 402 SW 29th Street to a vacant parcel located at 4202 San Luis Street.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 19, 2012. The application was published in San Antonio Express News, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 2, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The property is approximately 0.139 acres or 6,075 square-feet and measures roughly 45-feet by 135-feet. The current property owner wishes to relocate a single-family residential structure located at 402 SW 29th Street to the subject property identified above. The building is currently an accessory structure on the same parcel as the Church. The single-family residential structure is approximately one thousand two hundred and fifty-four (1254) square feet, and will be upgraded and modified to comply with current code requirements, as specified in Section 35-399.03 of the UDC.

The subject property is located on a residential street, and is surrounded by other single-family residential homes. The vacant lot is on the west side of 29th Street, directly across from Las Palmas Church of the Nazarene and has been used as overflow parking for the Church. The lot however is addressed off of San Luis, and the relocated house will also be oriented and addressed on San Luis Street. The applicant is proposing to relocate the home's entrance so that it will face San Luis Street. The improvement plans also include installation of a gravel driveway. Gravel driveways are allowed in residential districts, but a concrete curb cut and drive-approach are required in the public right-of-way.

The other single-family residential structures on the block face range in size as well as their location on the lots. On this block-face, the square footage of the single-family residential structures varies from approximately 616 square-feet to 1,312 square-feet. With this large range in size, the proposed single-family residential structure to be relocated is similar in scale to the other existing residential structures on the same block face and in the surrounding vicinity.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-4 AHOD (Residential–Airport Hazard)	Vacant

Surrounding Zoning/Land Use

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

Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 8543 sf	6075 sf
Structure Age	Min: 19 years	67 years
	Max: 75 years	
	Mean Age: 47 years	
Structure Size	Min: 616 sf	1254 sf
	Max: 1312 sf	
	Mean Size: 929 sf	

Structure Height	1 Story	1 Story
Front Entry, Porch, Walkway	Front of House	Front Door will be moved to face San Luis Street
Building Materials	Exterior siding: Various	Cementitious siding
	Roofing: Shingles & Tin	Composite Shingles
	Window: Aluminum, vinyl & wood	Aluminum
Foundation Type	Various	Concrete Piers
Roof Line/Pitch	Hipped & Gabled	Gabled
Fencing	4ft Chain Link & ornamental iron	None Proposed

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan, adopted on April 21, 2011. A goal of re-investing in existing residential neighborhoods was highlighted in the plan and would be furthered by the proposed relocation.

The subject property is not located within a registered Neighborhood Association.

Criteria for Review

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

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

The applicant is proposing to relocate a structure to a vacant lot and intends to repair the structure to meet city codes. A residential use on this vacant lot, instead of its current use as overflow parking, is preferred, especially within a block that currently has two other vacant lots. Therefore, granting the special exception will be in harmony with the spirit and purpose of the chapter.

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

The structure will be used as a single family dwelling, making use of an undeveloped parcel within a neighborhood that could benefit from incremental revitalization. Adding another family to the blockface will also increase natural surveillance, and potentially reduce crime. The public welfare and convenience will be substantially served by the relocation.

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

The neighboring property owner contacted staff after receiving the public hearing notice to express support for the application. It is their opinion that the relocation will benefit them and that their property values will not be substantially injured by the proposed relocation.

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

The houses in this area have developed over time, and are each unique in design. Therefore, the character is eclectic, showing a broad diversity of residential styles. In addition, the house is being relocated from a lot on the next block of San Luis Street. The special exception authorizing the relocation will not alter the essential character of the district.

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

The special exception will not weaken the general purpose of “R-4 AHOD” zoning district, a district designed to support residential land uses. The site plan submitted by the applicant shows the proposed placement of the home will conform not only to the required front, side and rear yard setbacks of the district, but all other district regulations as well.

Staff Recommendation

Staff recommends **approval of A-12-075**. The requested special exception complies with all of the review criteria for granting a special exception as presented above. The relocation of the structure in question will allow the reasonable use of a property that has been vacant for a significant time, and will fit with the character of the existing area.

Attachments

Attachment 1 – Location Map

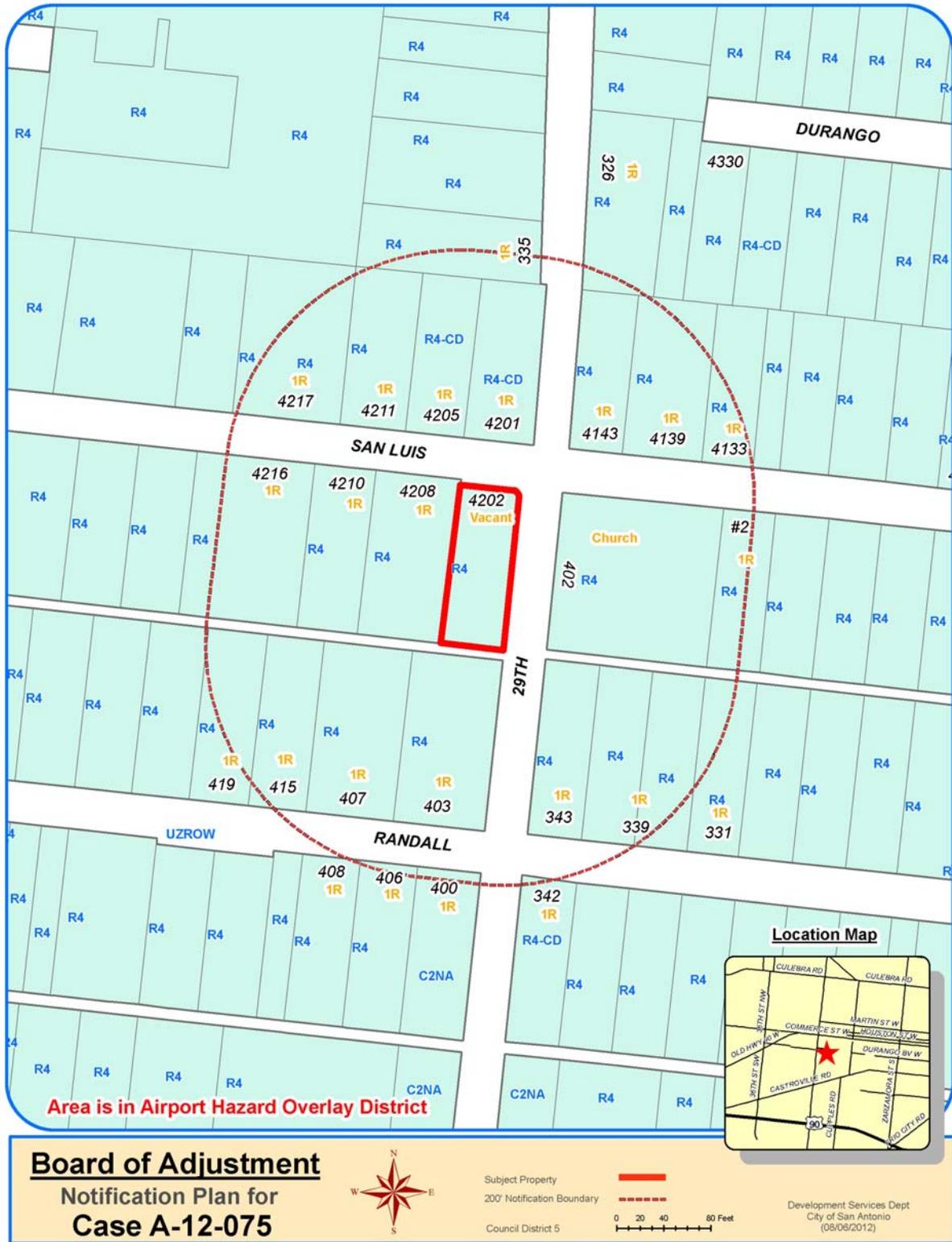
Attachment 2 – Plot Plan

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

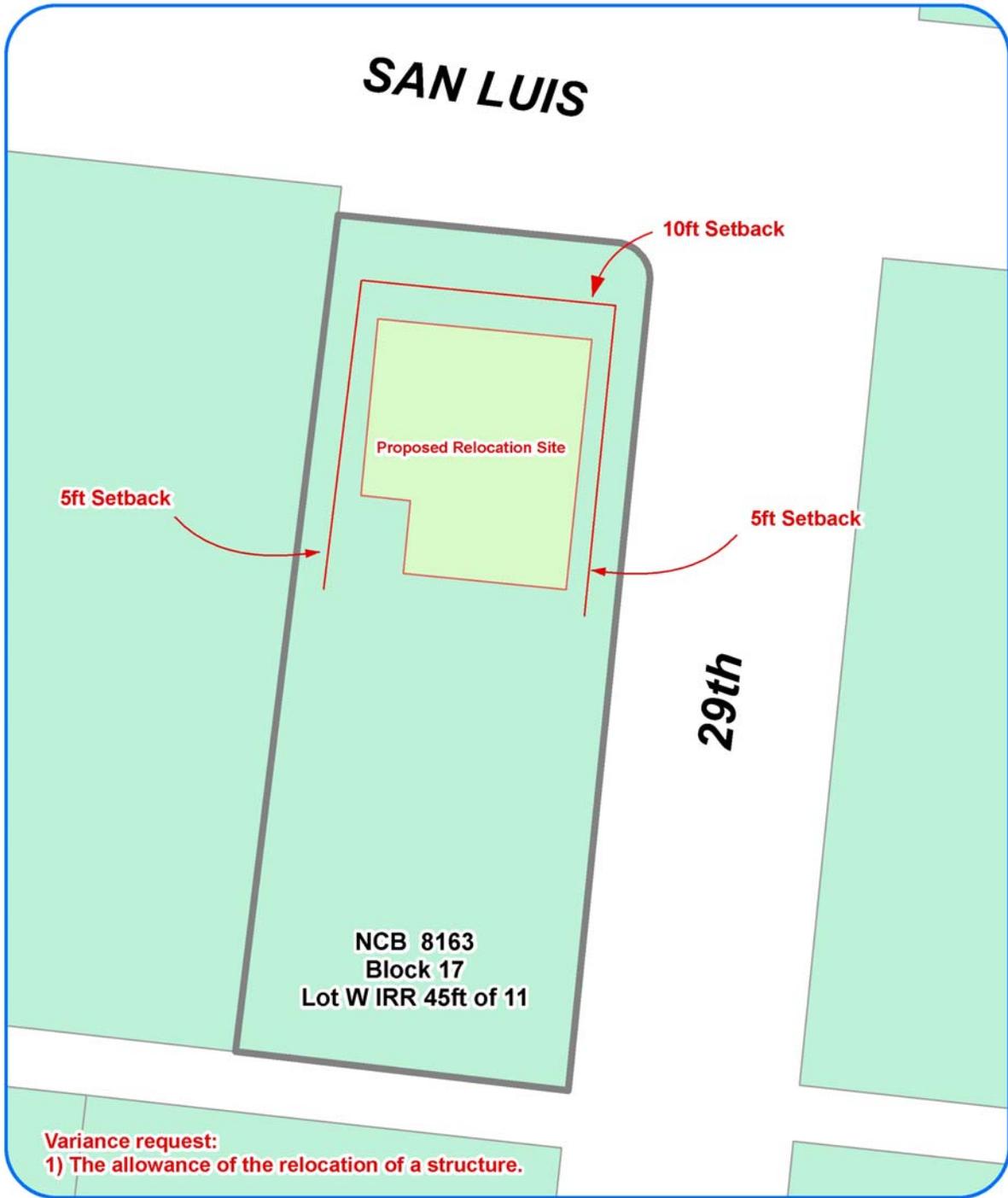
Attachment 4 – Site Plan (submitted by applicant)

Attachment 5 – Plan of Development

Attachment 1 Notification Plan



Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-075



0 10 20 30 40 Feet
Council District 5

4202 SAN LUIS

Development Services Dept
City of San Antonio
(08/08/2012)

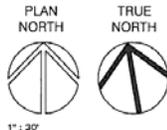
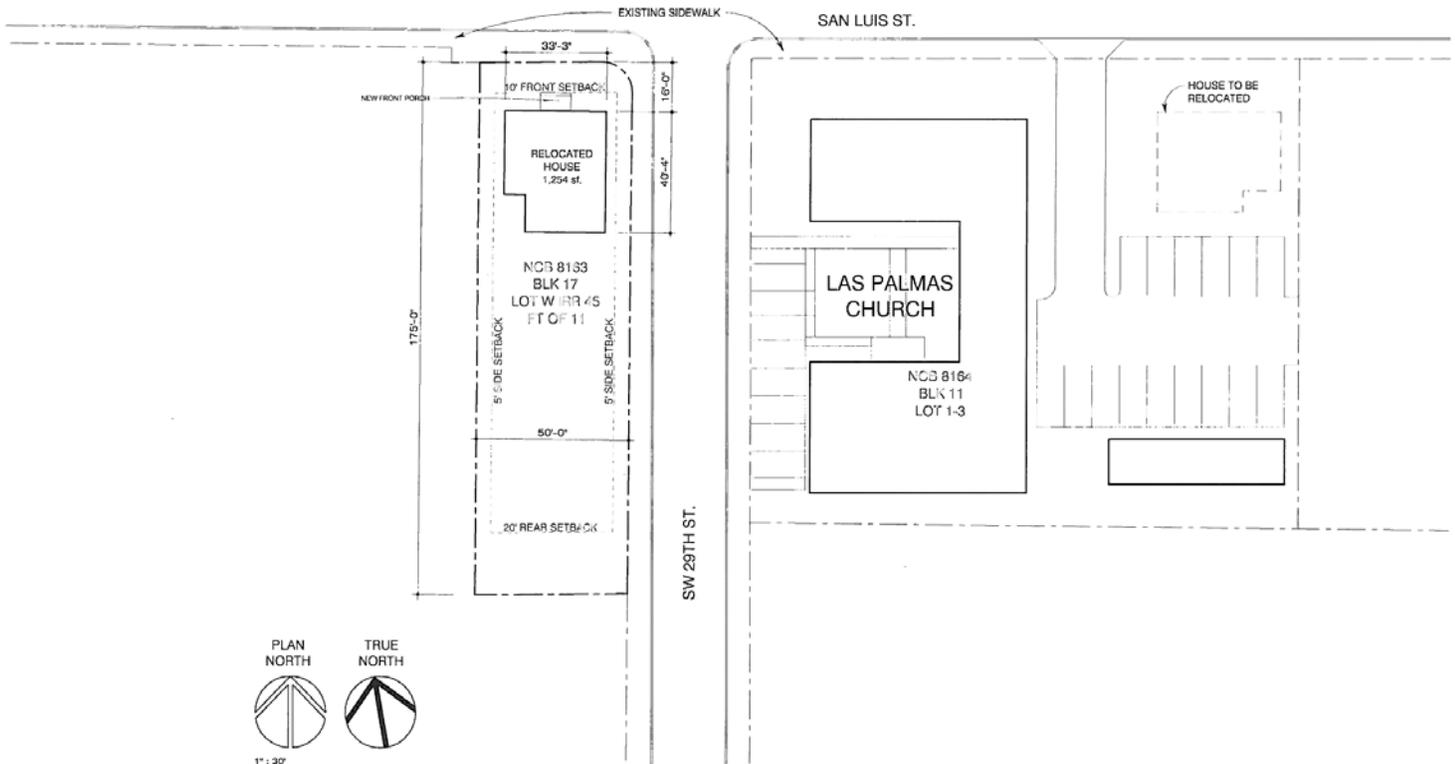
Attachment 3
Existing Single-Family Residential Structure
4126 San Luis Street



New Entrance

Attachment 4 Site Plan (Submitted by applicant)

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architecture interior design landscape architecture

schematic design

Las Palmas Church of the Nazarene

san luis st. and sw. 29th st.
san antonio, tx

project no.: 12104
06/25/2012

745 4 mulberry ave suite 601
san antonio texas 78212
telephone: 210.733.3535
web: www.rvk-architects.com

Registered Architect
Name
Number

PRELIMINARY
This document is incomplete and is not to be used for regulatory approval, permitting, or construction.

**Attachment 5
Plan of Development**

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

NAME: Las Palmas Church of the Nazarene

STREET ADDRESS AND ZIP CODE (PROPOSED): 4024 San Luis, San Antonio, TX 78237

STREET ADDRESS AND ZIP CODE (CURRENT): 4126 San Luis St., San Antonio, TX 78237

SIZE OF STRUCTURE (Square Footage): 1,254 s.f.

CURRENT TYPE OF CONSTRUCTION:

INTERIOR WALLS: Sheetrock Panel Other _____

SIDING: Wood Vinyl Other Cementitious siding

CEILING: Sheetrock Other _____

ROOF: Shingles Other _____

WINDOWS: Wood Aluminum Other _____

INSULATION: Walls Ceiling Floor

HEATING & COOLING: Window Units Heaters Central

FLOOR JOIST: 2" X 8" SILLS: 2" X 6" STUDS: 2" X 4"

PROPOSED CHANGES:

WINDOWS: Same as above for all the below

ROOF: _____

SIDING: _____

SKIRTING TYPE: _____

INSULATION: _____

PORCH: _____

DOORS: _____

HEATING & COOLING: _____

ELECTRICAL: _____

PLUMBING: _____

CONSTRUCTION OF DRIVEWAY: Gravel

FOUNDATION: Pier

COMMENTS: _____



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-076
Date: August 6, 2012
Applicant: Joe B. Alvarez IV
Owner: Joe B. Alvarez IV
Location: 1718 Desert Willow Street
Legal Description: Lot 12, Block 5, NCB 15494
Zoning: "R-6 AHOD" Residential Single Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP, Senior Planner

Request

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

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 19, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 2, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.14-acre subject property is located within the Marbach Gardens Subdivision, recorded in 1998. The property is currently zoned "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District. The property is surrounded by single-family homes all built around 2000. The applicant is requesting a special exception for an ornamental iron front yard fence not to exceed six (6) feet in height in accordance to Section 35-399.04 of the UDC. The fence has not been constructed. The applicant came to the City seeking a fence permit and was referred to the Board for consideration.

The design of the fence as submitted by the applicant adheres to the conditions required by Section 35-399.04(a) of the UDC in terms of height, spacing between vertical bars, width of

vertical bars, the width of the posts and spacing between the posts across the front façade. The fence along the side lot lines however is proposed to have bars only 3 ½ inches apart.

Staff conducted a site visit to evaluate the character of the surrounding neighborhood and found only one other front yard fence within several blocks. That fence was a four foot chain link fence, which was out of character. All of the homes have attractive front yards with ample landscaping and mature trees. The requested fence would be very unique. Staff researched the County Clerk’s records in search of restrictive covenants for the neighborhood to determine if there was a restriction preventing fencing in the front yard, but located none.

In Section 35-399.04 regarding the Board’s authority to grant approval for a front yard fence in excess of those allowed by right, the UDC describes the powers and states:

- The Board may require the fence conform to such other conditions as it may deem necessary to protect the character of the district and neighborhood;
- The Board shall take into account the size and scale of the fence as it would relate to the scale of the neighborhood

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 AHOD (Residential Single Family)	Single Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential Airport Hazard)	Single Family Residence
South	R-6 AHOD (Residential Airport Hazard)	Single Family Residence
East	R-6 AHOD (Residential Airport Hazard)	Single Family Residence
West	R-6 AHOD (Residential Airport Hazard)	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Meadow Village Neighborhood Plan, adopted in 1993. The subject property is also located within the Lackland Terrace Neighborhood Association, and as such, they received notification of the application. The Neighborhood Association discussed the application and with one exception, decided to support the request. They did decide to limit their support however, to only a 5-foot fence.

Criteria for Review

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

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

The special exception would not be in harmony with the spirit or purpose of the chapter. The UDC allows fences taller than four feet in the front yard as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. Several of these factors are focused on the character of the neighborhood. Sometimes neighborhood character is vague and eclectic with a variety of lot sizes, setbacks, and architectural styles. In these cases and when fencing is found on other lots nearby, diversity becomes character. This uniformly developed area is different from that scenario.

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

The public welfare and convenience can be served by the added protection of front yard fencing, however no other homes in the area have identified a need for this type of deterrence. Staff contacted the San Antonio Police Department (SAPD) for crime statistics and was referred to a website “Raids on Line” as a reliable source with information directly from SAPD. A survey of crimes committed in the area over the last year as shown by the site www.raidsonline.com shows very few in the area when compared to other parts of the City.

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

The neighboring properties may be injured by granting the special exception. The fence could provide a visceral message of concern and the need for protection. In this type of neighborhood with homes close to the street, crime prevention can be better accomplished by people watching out for each other, paying attention to daily activity on the streets. The street design is not well connected so the daily traffic should be routine, with no cut-through traffic during the day. In addition, during the site visit staff noted several vehicles parked in the neighborhood during normal working hours, which is another crime deterrent.

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

There are no other properties with ornamental wrought iron front yard fences throughout the neighborhood. The applicant’s request for a special exception to authorize the installation of the proposed fence will contrast with the open character of the surrounding neighborhood. There is a distinct difference in a neighborhood with no front yard fencing and a neighborhood with several front yard fences. This particular area has homes located approximately 20 feet from the property line and consistent sidewalks. This proximity and subdivision design makes front fencing, especially tall ones, even more obtrusive into the essential character.

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

The requested special exception may not weaken the general purpose of the district, since the UDC allows for a 6-foot ornamental iron fence in the front yard through the special exception process. However, the review process also includes an evaluation of neighborhood character and the fence is inconsistent with the entire neighborhood. In addition, if the fencing application is approved, it is possible other owners in the area may also want to install similar 6-foot front yard fencing.

Alternatives to Applicant's Request

The applicant has several alternative methods to address home security concerns other than front-yard fencing in excess of four feet. A security system is a reliable deterrent.

Staff Recommendation

Staff recommends **denial of A-12-076** based on the following findings:

1. The request for front yard fencing represents the first 6-foot iron fence in the neighborhood;
2. The subdivision has a cohesive style of architecture, with all houses built during the same time period with similar placement on the lots establishing a consistent neighborhood character not found in "in-fill" areas and there are no other tall front yard fences.

Attachments

Attachment 1: Notification Plan (Location Map)

Attachment 2: Plot Plan

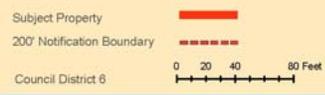
Attachment 3: Site Plan

Attachment 4: Photographs

Attachment 1 Notification Plan



Board of Adjustment Notification Plan for Case A-12-076

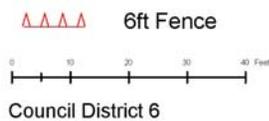


Development Services Dept
City of San Antonio
(08/09/2012)

Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-076



4204 SAN LUIS

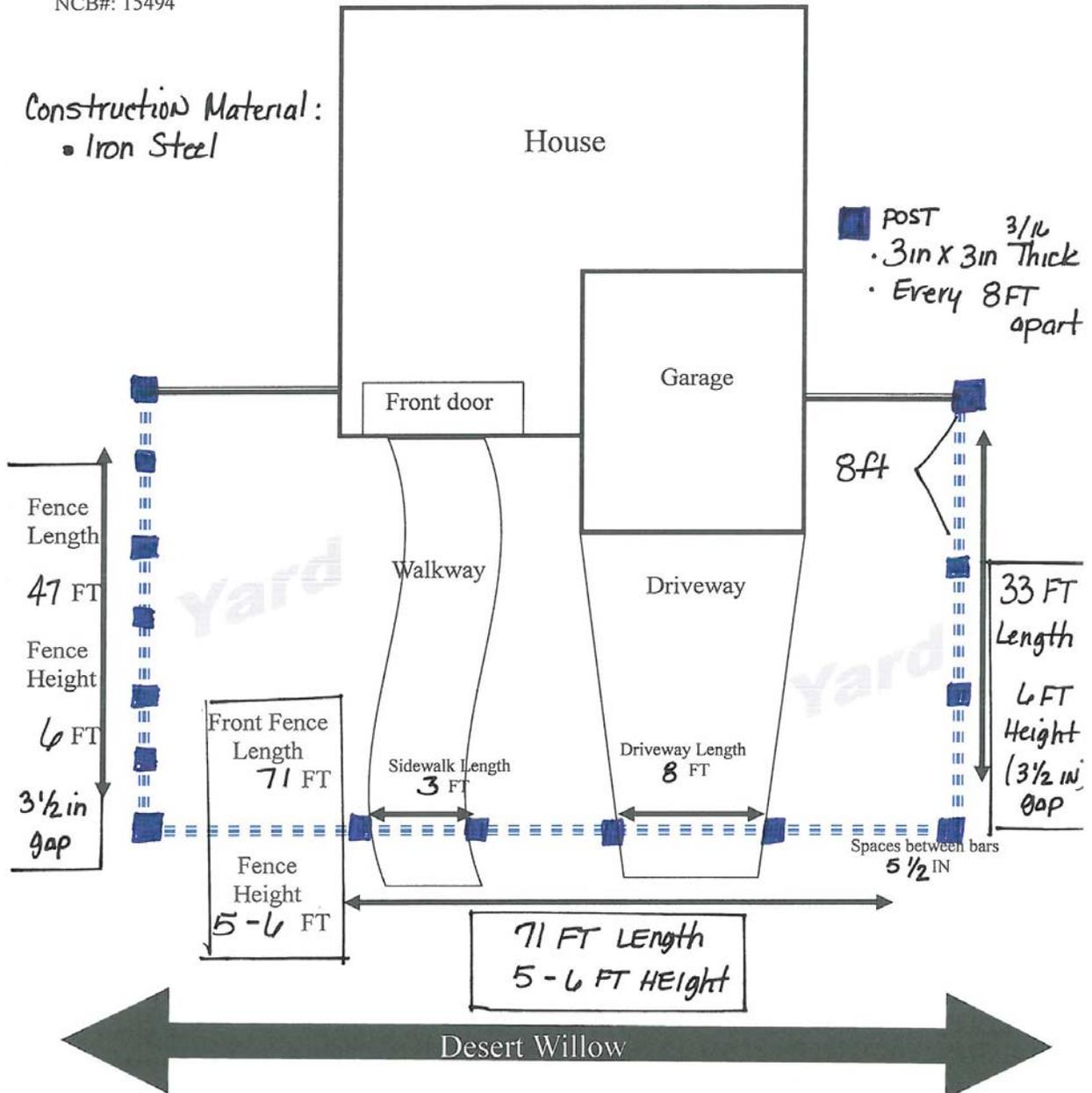
Development Services Dept
City of San Antonio
(08/06/2012)

**Attachment 3
Site Plan**

Joe B. Alvarez
1718 Desert Willow
San Antonio, TX
Bexar County
Lot #: 12 / Block #: 5
NCB#: 15494

Backyard

Construction Material:
• Iron Steel



**Attachment 4
Photographs**





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-077
Date: August 6, 2012
Applicant: Aetna Sign Group
Owner: L A Fitness International LLC & Lois San Antonio LLC
Location: 7140 Blanco Road & 707 NW Loop 410
Legal Description: Lots 60 & 61, Block 3, NCB 11714
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

The applicant requests 1) a 23-foot variance from the 50-foot maximum height allowed for a freestanding sign along an expressway in a nonresidential district in order to allow a 73-foot sign; 2) a 415 square-foot variance from the 375 square-foot maximum size allowed for a freestanding sign along an expressway in a nonresidential district in order to allow a sign of 795 square feet in area; and 3) a 10-foot variance from the 40-foot maximum height allowed for a freestanding sign along a "Secondary Arterial Type A" street in a nonresidential district in order to allow a sign at 50 feet in height.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 19, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 3, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property consists of two lots: a 3.98 acre lot (Lot 60) with frontage on Blanco Road and a 2.94 acre lot (Lot 61) with frontage on NW Loop 410. Lot 60 is located on the east side of Blanco Road, 125 feet south of Lockhill-Selma Road, and Lot 61 is located on the north side of NW Loop 410, 650 feet east of Blanco Road. The two lots function as a single shopping center with cross access between the two lots. Lot 61 is currently developed as a retail furniture store (Rooms to Go) and Lot 60 is under redevelopment as a fitness center (L A Fitness). Lot 60 is the former location of a retail toy store (Toys R Us).

There is existing freestanding signage on the site, one located on Lot 60 along Blanco Road and another on Lot 61 along NW Loop 410. Each sign contains two sign spaces, one for the occupant of each lot. Because of the separation of lots, a portion of each sign is considered an off-premise sign. Additionally, each sign predates the adoption of sign regulations in the City, and neither conforms to the current height and size regulations or the prohibition on off-premise signs.

Blanco Road is classified as a “Secondary Arterial – Type A” and, as such, allows freestanding signs (not classified as multi-tenant) up to a maximum height of 40 feet and a maximum size of 240 square feet per face. The existing Blanco Road sign is 50 feet in height and 193 square feet in area, which is 10 feet in height greater than permitted by current codes. NW Loop 410 is classified as an “Expressway” and allows freestanding signs (not classified as multi-tenant) up to a maximum height of 50 feet and a maximum size of 375 square feet per face. Multiple tenant signs are limited to those with three or more certificates of occupancy, as such, these signs are considered single tenant. The existing NW Loop 410 sign is 73 feet in height and 790 square feet in area, which is 23 feet in height and 415 square feet in area greater than permitted by current codes.

The sign ordinance only allows registered non-conforming off-premise signs to be refaced. These off-premise signs are not registered, and are no longer eligible for registration. As such, a permit for refacing cannot be issued. Further, the sign code does not allow variances which eliminate the distinctions between on-premise and off-premise signs. The only option to allow the off-premise signs to remain is via the Sign Master Plan Development Agreement process. Section 28-244(b)(3) of the Sign Regulations states that all existing signs within a Master Sign Development Agreement must be in conformance. Due to this provision, the subject signs are not eligible for inclusion. The applicant is requesting variances for each sign to allow them to be included in a Master Sign Plan Development Agreement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial)	Retail and Fitness Center (Under Construction)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 AHOD (Commercial)	Title Loans and Restaurant
South	Loop 410	Expressway
East	C-3 AHOD (Commercial)	Offices
West	C-3NA AHOD (Commercial) & Outside City Limits	Services and Restaurant & City of Castle Hills

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan and the San Antonio International Airport Land Use Plan. The subject property is not located within a registered neighborhood association, however, it is adjacent to the Greater Harmony Hills Neighborhood Association, and notice was provided to that organization.

Criteria for Review

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

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, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

There are no unique features readily apparent that would prohibit any reasonable opportunity to provide adequate signage. There are no dimensional, landscaping, or topographical issues associated with either property that would prevent a sign of conforming height and size from being viewed from either Blanco Road or NW Loop 410. Topographically, the property is predominantly level, and there is virtually no landscaping. The dimensions of the lot are generally quadrilateral, and oriented so that the primary facades of buildings face the street frontage.

Denial of the variance also would likely not cause a cessation of legitimate, longstanding active commercial use of either property. In the case of Lot 60, the site is currently undergoing redevelopment with active building construction at the site; therefore, there is no commercial activity to cease. Further, the use of the building will be a fitness center; fitness centers generally serve a local clientele, and do not attract “drive-by” shoppers from the freeway. Regarding Lot 61, the existing use is a retail furniture store which has excellent visibility from Loop 410 due to its elevation above the freeway and proximity to the frontage road. In either case, the necessity for a Master Sign Plan Development Agreement is clearly evident, but the need for the type of excessive signage, as proposed by the applicant, is not.

The requested sign on the NW Loop 410 frontage exceeds the allowance for multiple tenant signs both in height and area. Section 28-246(b)(4) of the Sign Ordinance prohibits the Board of Adjustment from granting variances that eliminate the distinction by sign type:

The Board of Adjustment shall not grant a variance if that variance would eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, sign sizes by zoning district, street classification or like areas of legislative prerogative.

The request removes the distinction between single and multiple tenant, as well as the distinction between on and off-premises sign types. By virtue of the plain language in 28-246(b)(4), staff believes that the two requested variances for the NW Loop 410 signs to be

ultra vires to the Board's authority as defined in *The Board of Adjustment of San Antonio, Texas v. Willie*, 511 SW 2d 591 – Tex: Court of Civil Appeals, 4th Dist. 1974. In this case, the Court held that “[the board] may not materially alter the specific intent and extent of the zoning ordinance as this power is within the province of the city council.” The Court further held that “a variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning ordinance does not permit any reasonable use of such lot.” It is the opinion of staff that granting the variances requested severely usurps the Ordinance in such a way as to materially alter the intent and extent of the Ordinance, and is therefore outside the realm of the Board's power because a denial of the variance will not prevent the reasonable use of the lot. Only the City Council can take such action on a variance such as the one requested.

Staff believes the Board does have authority on the requested Blanco Road variance; however staff does not find that it satisfies the criteria for items (1) and (2) for the reasons identified above.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:*

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

By granting the variance, special privilege would be conveyed the both Lot 60 and Lot 61. Non-conforming sign standards are designed in such a manner to eventually cause the “grandfathered” sign to eventually be replaced with conforming signage. The fact that a sign is non-conforming and already in place does not reasonably present a hardship that warrants consideration of a variance. New land developments must comply with the existing sign code. By granting a variance, an advantage that cannot be enjoyed by new land developments is conveyed to the subject properties simply by virtue of their age.

B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

The variance will have a substantially adverse impact on neighboring properties in that it would allow non-conforming signage to remain in place indefinitely, thus weakening the sign regulations. Given the number of hotels along Loop 410, this is an area of high visibility, and large nonconforming signs create unfavorable impressions for visitors. Also, as stated above, the larger, higher signs provide an unfair advantage not afforded to other properties in the area.

C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

Master Sign Plan Development Agreements are, by code, designed to allow flexibility in the placement of signage in exchange for a cumulative reduction in both total sign area and sign height. The intent of the provision was that the site be allowed to function as a single site, with sign size calculations based on a single site; the intent was not to allow size and height requirements to be exceeded.

Further, the intent of the Sign Regulations is for non-conforming signs to eventually be abated. Section 28-245 of the Sign Code provides the following commentary: “[i]t is the intent of this section for non-conforming signs to continue in existence for the usable life span of the sign and not have its years of noncompliance increased through reconstruction.”

Granting the variance directly conflicts with the stated purposes of the Sign Regulations, as the variance would allow for non-conforming signage to remain indefinitely, without any legal remedy for cessation of the sign. The sign regulations are intended to “preserve, protect and enhance the image and attractiveness of the city.” It is a legislative prerogative to decide what regulations further this goal and allowing a sign to remain in place simply because it was there before the regulations went into effect is not a basis for a variance, and it weakens the overall effectiveness of the regulations.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to erect signage which complies with the letter and spirit of the ordinance, and to pursue a Sign Master Plan Development Agreement that complies with the regulations. A business that is new to the community has many avenues to make its presence known, especially given the rise of social media, digital billboards and other improvements in advertising technology. These platforms supplement traditional communication techniques such as radio, television, newspapers and direct mailers.

Staff Recommendation

Staff recommends **denial of A-12-077**, due to the following reasons:

1. There are no unique features associated with the site that would prohibit any reasonable opportunity to provide signage.
2. The denial of the variance would likely not cause a cessation of any existing, legitimate, or longtime commercial use of the property.
3. Granting of the variance would provide an unfair advantage to the subject property not enjoyed by the surrounding properties.
4. Granting of the variance would significantly weaken the goals and effect of the Sign Regulations.
5. The two requests associated with the sign on the NW Loop 410 frontage are *ultra vires* to the authority of the Board.

Should the Board deny the request, the applicant is afforded the opportunity to seek the variance from the City Council, which does have the authority to approve the exceptionally generous requests of the applicant.

Attachments

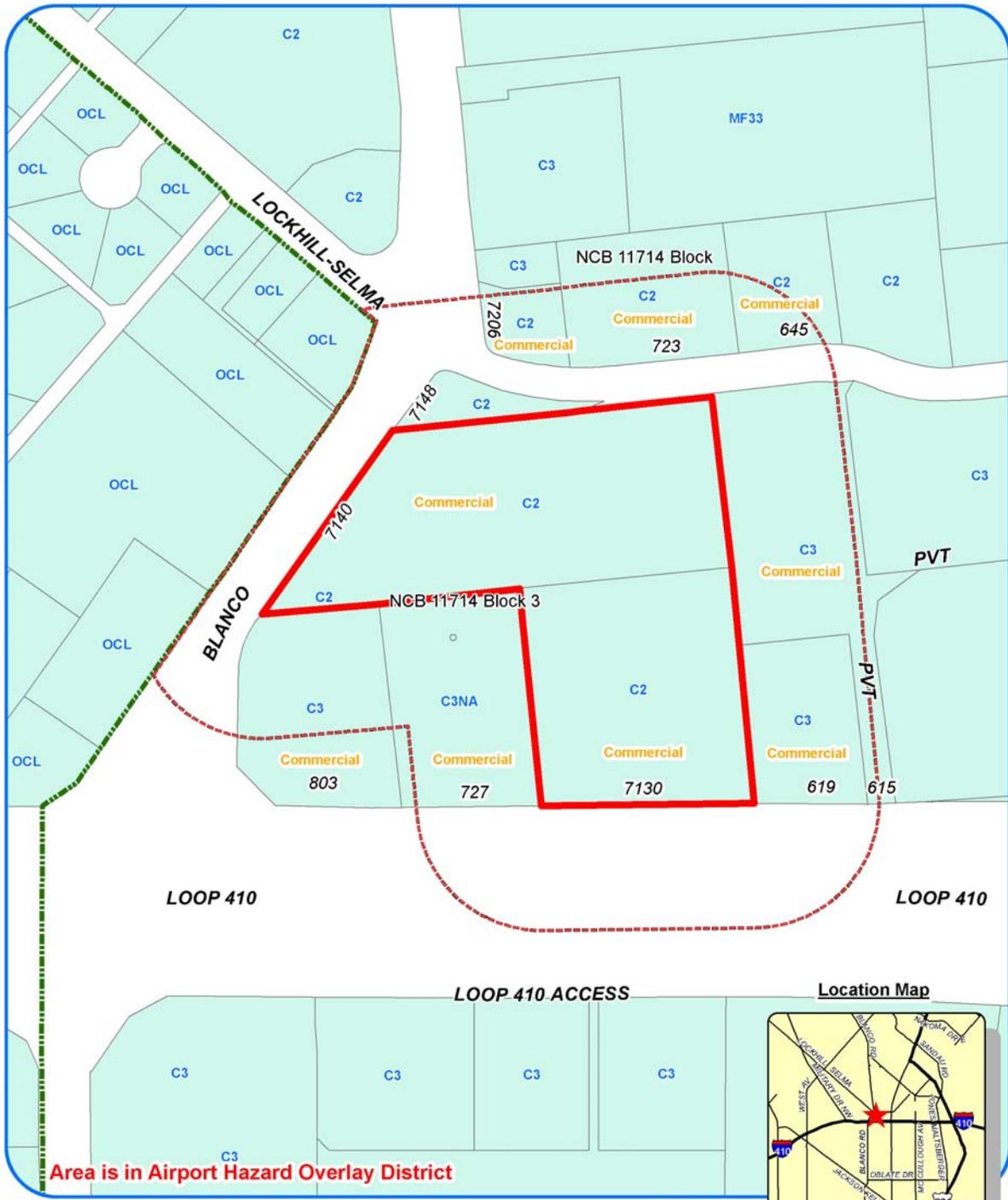
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Proposed sign elevation on Blanco Road

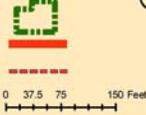
Attachment 4 – Proposed sign elevation on NW Loop 410

Attachment 1 Notification Plan



Board of Adjustment
Notification Plan for
Case A-12-077


San Antonio City Limits
Subject Property
200' Notification Boundary
Council District 9


 Development Services Dept
 City of San Antonio
 (08/06/2012)

**Attachment 1 (Continued)
Notification Plan**

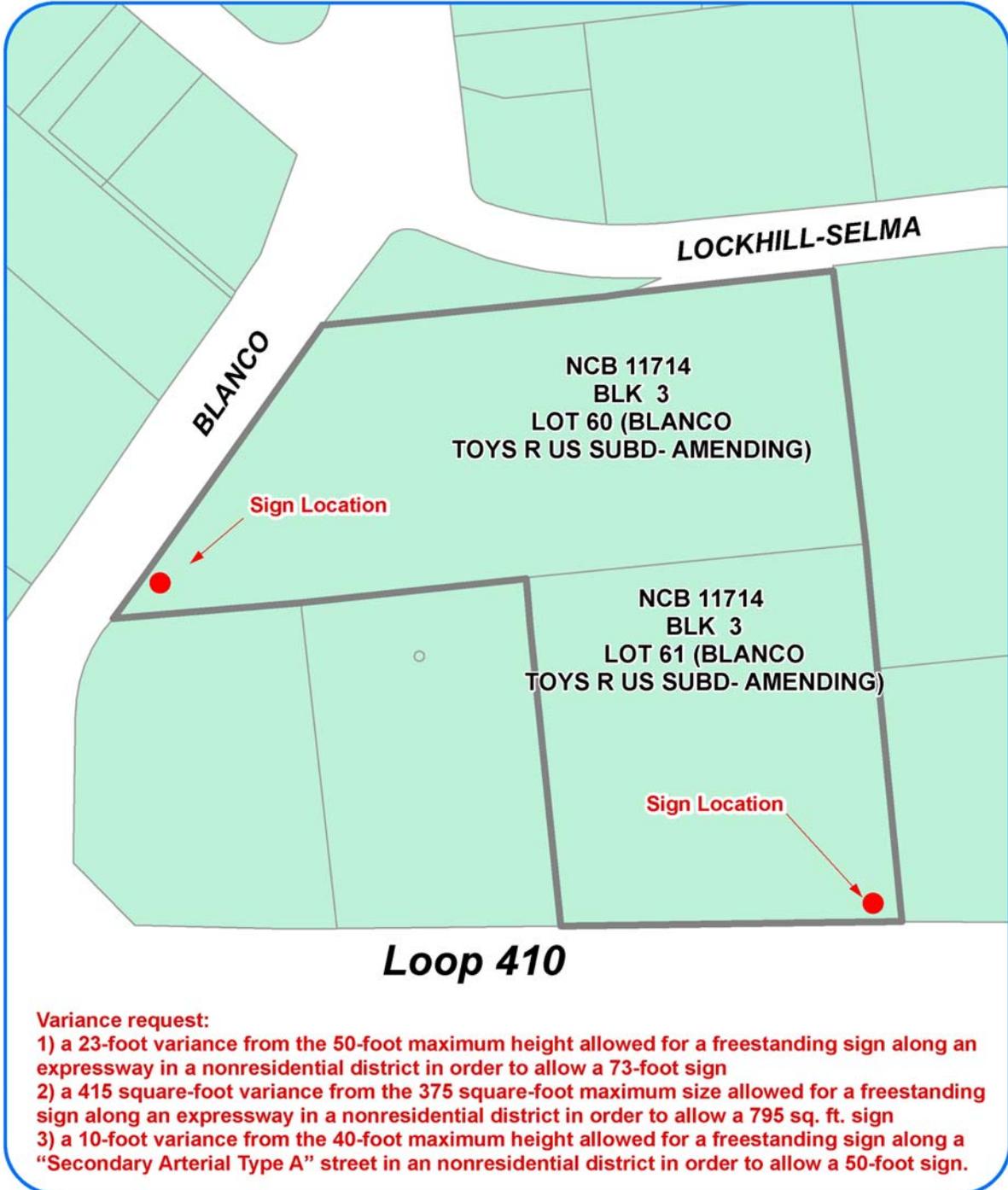


Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case A-12-077</p>		<p>San Antonio City Limits</p>	
		<p>Subject Property</p>	
		<p>200' Notification Boundary</p>	
		<p>Council District 9</p>	

Development Services Dept
City of San Antonio
(08/08/2012)

Attachment 2
Plot Plan



Variance request:
1) a 23-foot variance from the 50-foot maximum height allowed for a freestanding sign along an expressway in a nonresidential district in order to allow a 73-foot sign
2) a 415 square-foot variance from the 375 square-foot maximum size allowed for a freestanding sign along an expressway in a nonresidential district in order to allow a 795 sq. ft. sign
3) a 10-foot variance from the 40-foot maximum height allowed for a freestanding sign along a "Secondary Arterial Type A" street in a nonresidential district in order to allow a 50-foot sign.

Board of Adjustment
Plot Plan for
Case A-12-077



● Sign Location 7140 BLANCO/707 NW LOOP 410

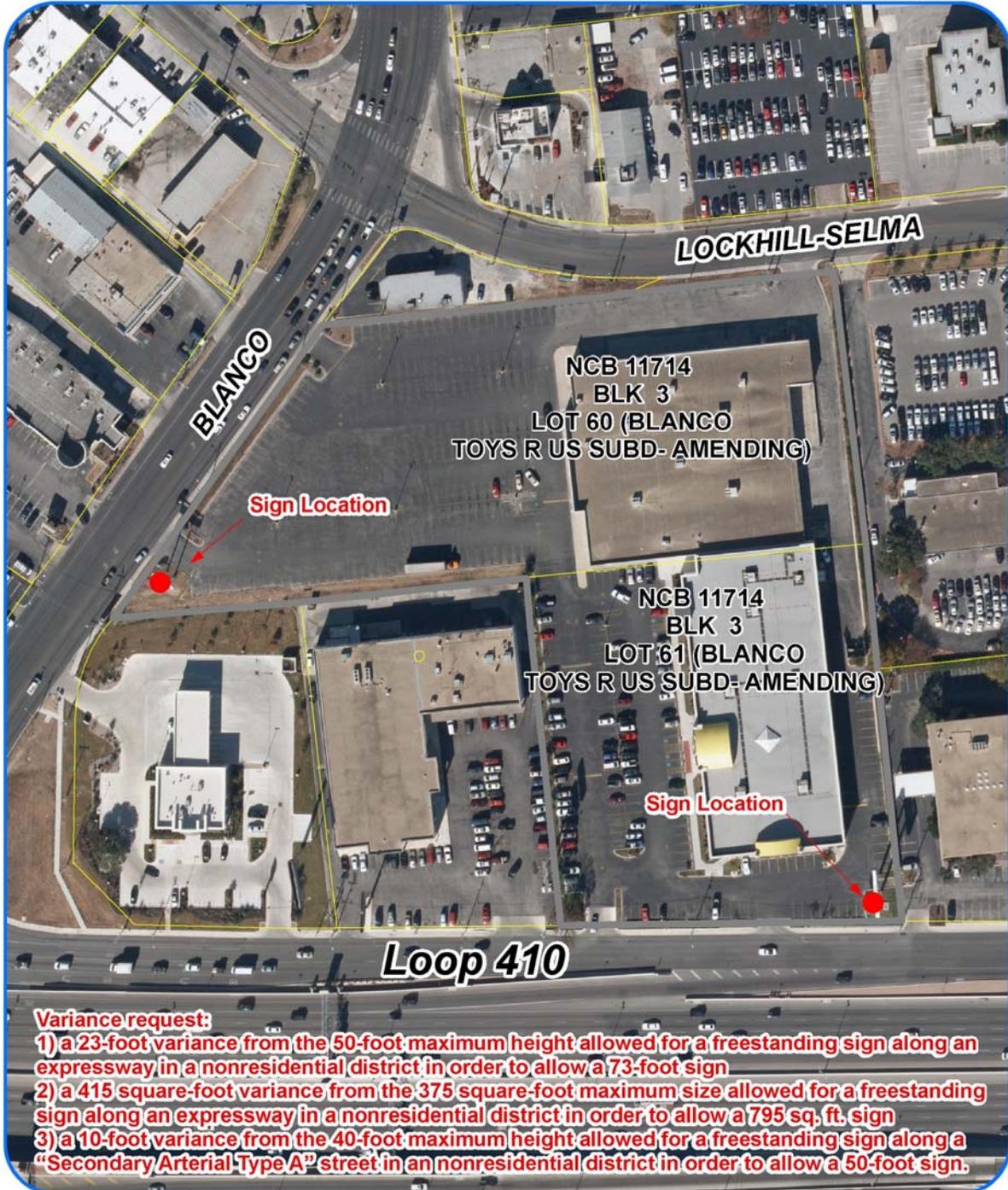
0 10 20 30 40 Feet

H+H

Council District 9

Development Services Dept
City of San Antonio
(08/06/2012)

**Attachment 2 (Continued)
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-077



● Sign Location 7140 BLANCO/707 NW LOOP 410

0 10 20 30 40 Feet

H++H

Council District 9

Development Services Dept
City of San Antonio
(08/06/2012)

**Attachment 3
Existing Sign – NW Loop 410**

EXISTING 410 PYLON SIGN
73'-0" O.A.H. 790. SQ. FT.

50'-11 3/4"

73'-0"

7'-9"

7'-9"

FRONT VIEW - SCALE: 3/32" = 1'-0"

PHOTO SURVEY OF EXISTING SIGN - N.T.S.

aetna
SIGN GROUP

2438 Freedom Drive
San Antonio, Tx 78217
Ph. (210) 826-2800 Fax (210) 477-2323
OVER 15 YEARS OF SIGNING THE BEST IN THE BUSINESS
WWW.AETNASIGN.COM

CLIENT	LA FITNESS
ADDRESS	7140 BLANCO RD
CITY	SAN ANTONIO, TX
SALESPERSON	SYLVIA BAILIFF
DATE	5-29-12
DESIGNER	ARNIE VILLELA
DRWG #	9210.9

File: DRWG/MISC/9210_LA FITNESS
Revision History: 6-1-12

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Unpublished Work. Aetna Sign Group, LTD. All rights reserved. This is an original drawing created by Aetna Sign Group, LTD. It is submitted for your personal use; however, it shall at all times remain the property of Aetna Sign Group, LTD. It may be used in connection with the project being planned for you by Aetna Sign Group, LTD., but not otherwise.

You are not authorized to show this drawing to anyone outside your organization, nor is it to be reproduced, used, copied, or exhibited in any fashion.

Violation of any of the above shall subject the violator(s) to all statutory and common law damages available to Aetna Sign Group, LTD., including, but not limited to, the value of the sign, the cost of materials, and any and all other costs incurred by Aetna Sign Group, LTD. in the enforcement of its copyrights.

All signs will be manufactured to accommodate 120 volt current unless otherwise instructed by customer.

Note: Aetna will supply transformers, boxes, disconnects, switches & letters. Installers are to provide all other necessary hardware to accomplish installation.

National Building Codes now states all signs that utilize neon transformers, sized at 7,500 volts and up, must utilize U12161 (GFI) transformers. This type of transformer must have a dedicated electrical (GFI) circuit with ground for the transformer to work. You are responsible to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

(Initial) _____

Attachment 4 Blanco Road

EXISTING BLANCO PYLON SIGN
50'-0" O.A.H. 193.50 FT.

FRONT VIEW - SCALE: 3/32"=1'-0"

PHOTO SURVEY OF EXISTING SIGN - N.T.S.

aetna
SIGN GROUP

2438 Freedom Drive
San Antonio, Tx 78217
Ph. (210) 826-2800 Fax (210) 477-2323
www.aetna-sign.com

CLIENT	LA FITNESS
ADDRESS	7140 BLANCO RD
CITY	SAN ANTONIO, TX
SALESPERSON	SYLVIA BAILIFF
DATE	5-29-12
DESIGNER	ARNIE VILLELA
DRWG #	9210.10

File: DRWG/MISC/9210 LA FITNESS
Revision History: 6-1-12, 7-2-12

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All signs will be manufactured to accommodate 120 volt current unless otherwise instructed by customer.

Note: Aetna will supply transformers, boxes, disconnects, switches & letters. Installers are to provide all other necessary hardware to accomplish installation.

National Building Codes now states all signs that utilize neon transformers, sized at 7,500 volts and up, must utilize UL2161 (6ft) transformers. This type of transformer must have a dedicated electrical (GFI) circuit with ground for the transformer to work. You are responsible to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

(Initial) _____



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-078
Date: August 6, 2012
Applicant: Edward Lee Martinez
Owner: Edward Lee Martinez
Location: 2539 Quintana Road
Legal Description: Lot 16, Block 33, NCB 11301
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

The applicant is requesting a special exception to relocate a structure from 12939 SW Loop 410 to 2539 Quintana Road.

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 19, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 3, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The 6,000 square-foot property is located on the north side of Quintana Road, approximately 50 feet northeast of King Avenue. The lot size is 50 feet wide by 120 feet deep, and is currently undeveloped. It should be noted that the property owner, like most other property owners on this block face, also owns the lot to the north of the subject lot. These lots were created by plat in 1947 and do not have any street frontage. As these are separate lots, their square footage has not been included in property square footage for the block face.

The applicant wishes to relocate an existing structure from a holding lot to the subject property, and upgrade the structure to current residential building code.

The structure is approximately 1,324 square feet in area with a shingled roof and asbestos siding. Modifications of the structure include upgrades to electrical and plumbing, as well as relocating the front door to the side of the structure proposed to face Quintana Road.

The subject property is located on a residential street, and is surrounded by other single-family residential homes. With the exception of one two-family residential property, all of the dwellings on this block are single family. The other structures on the block face vary in size and location on the lot. The square footage of the dwellings varies from approximately 650 square feet to 3,120 square feet, with a mean of 1,566 square feet. The single-family residential structure to be relocated is in harmony with the other existing residential structures on the same block and in the vicinity.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 AHOD (Residential Single-Family)	Vacant

Surrounding Zoning/Land Use

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

Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 6,699 sf	6000 sf
Structure Age	Min: 29 years	Unknown
	Max: 67 years	
	Mean Age: 55 years	
Structure Size	Min: 650 sf	1,324 sf
	Max: 3,120 sf	
	Mean Size: 1,566 sf	
Structure Height	1 Story – 2 Story	1 Story

Front Entry, Porch, Walkway	Front of House	Front Door will be moved to face Quintana Road
Building Materials	Exterior siding: Various	Asbestos boards
	Roofing: Shingles	Shingles
	Window: Various	Aluminum
Foundation Type	Various	Concrete Piers
Roof Line/Pitch	Hipped & Gabled, Shingles	Gabled, Shingles
Fencing	Various, none over 4 feet	None Proposed

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan and within the Kelly/South San PUEBLO Neighborhood Plan. The subject property is also located within the Quintana Community Neighborhood Association.

Criteria for Review

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

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

The granting of the special exception will be in harmony with the spirit and purpose of the chapter. The applicant is proposing to relocate a residential structure to a vacant lot and intends to repair the structure to meet city codes. The structure is similar to other dwellings on the block face in size and construction.

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

The public welfare and convenience will be substantially served by allowing this type of infill development to occur on an existing vacant lot in an area substantially developed with single-family residences.

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

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

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

The special exception will not alter the essential character of the district as the structure is of a similar character as other structures within the district. Additionally, the proposed use as a single-family dwelling is consistent with existing development patterns.

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

The special exception will not weaken the general purpose of “R-6” zoning district to accommodate single-family residential land uses.

Staff Recommendation

Staff recommends **approval of A-12-078**. The requested special exception complies with all of the review criteria for granting a special exception as presented above. The relocation of the structure will allow the reasonable use of a vacant property and is compatible with the character of the area.

Attachments

Attachment 1 – Location Map

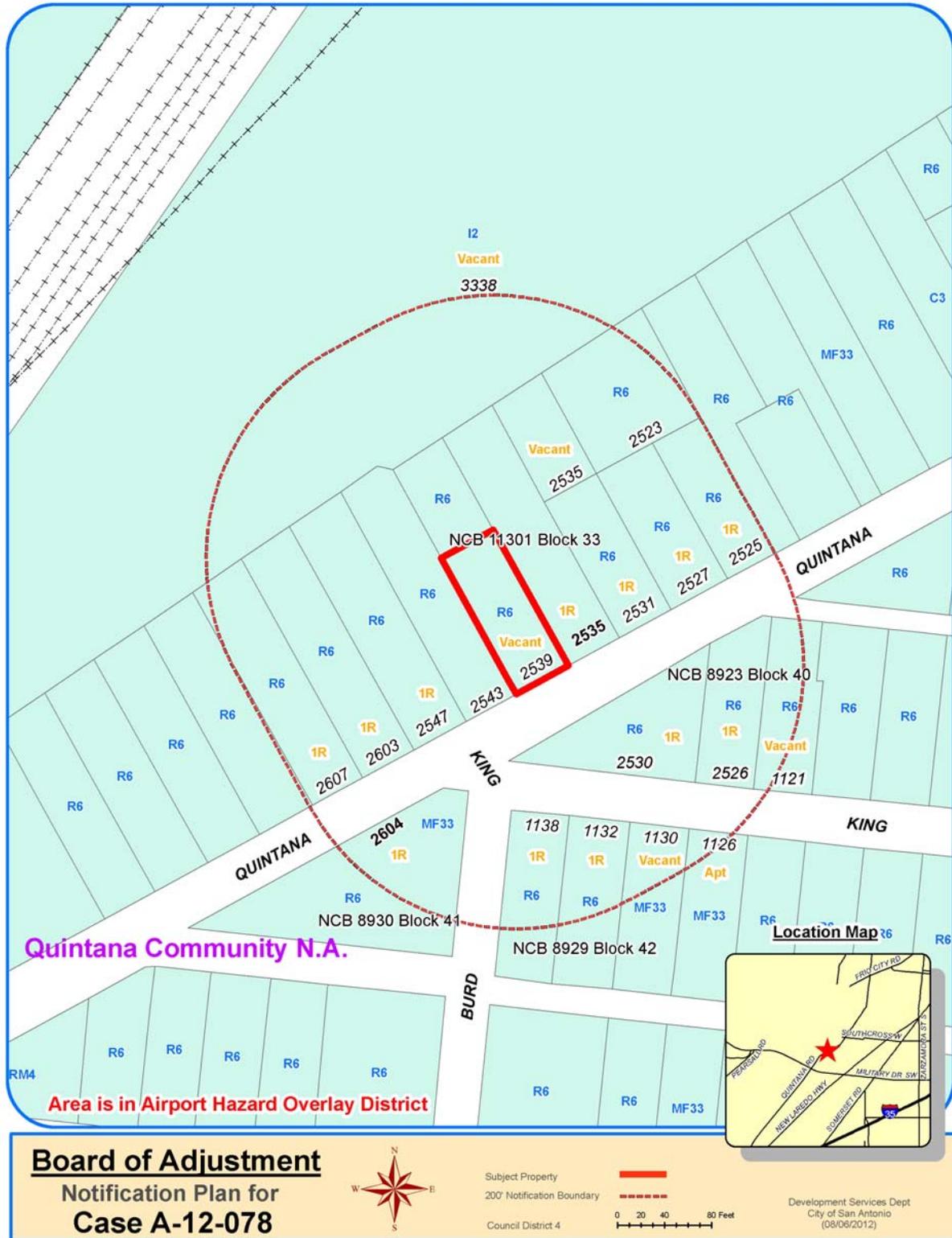
Attachment 2 – Plot Plan

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

Attachment 4 – Site Plan

Attachment 5 – Plan of Development

Attachment 1 Notification Plan



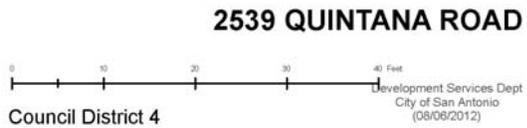
**Attachment 1 (continued)
Notification Plan**



**Attachment 2
Plot Plan**



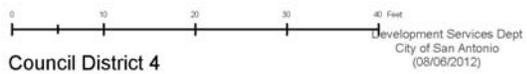
Board of Adjustment
Plot Plan for
Case A-12-078



Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-078

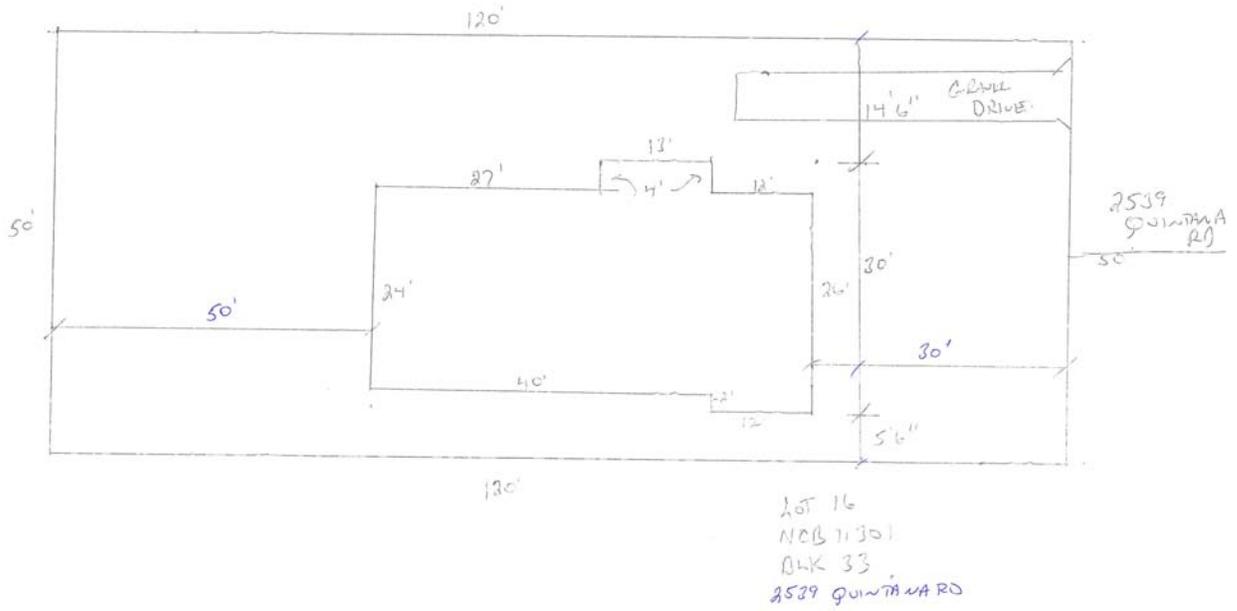


2539 QUINTANA ROAD

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



Attachment 4
Site Plan
(Submitted by applicant)



**Attachment 5
Plan of Development**

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

NAME: Edward Lee Martinez

STREET ADDRESS AND ZIP CODE (PROPOSED): 2539 Quintana Road

STREET ADDRESS AND ZIP CODE (CURRENT): 12939 SW Loop 410

SIZE OF STRUCTURE (Square Footage): ~~1288~~ 1324

CURRENT TYPE OF CONSTRUCTION:

INTERIOR WALLS: Sheetrock Panel Other _____

SIDING: Wood Vinyl Other Asbestos

CEILING: Sheetrock Other _____

ROOF: Shingles Other _____

WINDOWS: Wood Aluminum Other _____

INSULATION: Walls Ceiling Floor

HEATING & COOLING: Window Units Heaters Central

FLOOR JOIST: 2" X 8" SILLS: 2" X 6" STUDS: 2" X 4"

PROPOSED CHANGES:

WINDOWS: N/A

ROOF: N/A

SIDING: N/A

SKIRTING TYPE: Stucco

INSULATION: N/A

PORCH: Wood

DOORS: Move front door to end

HEATING & COOLING: N/A

ELECTRICAL: Upgrade to code

PLUMBING: Upgrade to code

CONSTRUCTION OF DRIVEWAY: Gravel

FOUNDATION: Concrete piers

COMMENTS: FRONT DOOR WILL BE MOVED TO SOUTH FRONT
QUINTANA RD.



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-079
Date: August 6, 2012
Applicant: Executive Signs, Ltd.
Owner: Stapleton Farms, LLC
Location: 11087 Bandera Road
Legal Description: Lot 3, Block 3, NCB 15664
Zoning: "C-2NA AHOD" Commercial Non-Alcoholic Beverage Sales Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

The applicant requests an 8-foot variance from the 10-foot minimum side yard setback requirement for freestanding signs along side property lines abutting residentially zoned properties in order to allow a 2-foot setback for a new freestanding sign.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 19, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 3, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is a 0.91 acre flag-shaped lot located on the southwestern side of Bandera Road, approximately 1,385 feet northwest of Tezel Road. A day care facility is under development on the lot. The lot has 20-feet of right-of-way frontage; however, the lot is accessed through Lot 2 of the same plat, via an access easement. The 20-foot strip of the subject lot serves to allow utility connections and signage.

The lot abuts an undeveloped, residentially zoned parcel to the south on two sides. The residentially zoned parcel consists of an approximately 60-foot by 365-foot "pole" which opens

up to a much larger area to the rear. This 60-foot wide “pole” is the parcel’s only access to Bandera Road.

Section 28-241(c)(1)c of the Sign Regulations requires freestanding signs to be set back a minimum of ten feet from side property lines if the adjacent property is zoned residential. According to the applicant, and based on staff observations, utility infrastructure is in place in the area where the sign would need to be placed to comply.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2NA AHOD (Commercial)	Day Care

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2NA AHOD (Commercial)	Medical Office
South	R-6 AHOD (Residential)	Vacant
East	R-6 AHOD (Residential)	Vacant
West	C-2 AHOD (Commercial)	Church Use

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan and the Northwest Community Plan. The subject property is not located within a registered neighborhood association.

Criteria for Review

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

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, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

The street frontage for the subject property is 20 feet in width, and the “pole” portion of this flag-shaped lot extends from the bulk of the lot approximately 200 feet to the right-of-way line. Due to the adjacent “R-6” zoned property, a 10-foot side yard setback is required for the proposed sign. As stated above, utility connections for the lot are already in place, and are located behind the 10-foot side yard sign setback line. Staff observation noted the presence of main water shutoff and natural gas appurtenances in this area. Because of the presence of utility connections, the only viable placement area for the sign is within 10 feet of the side property line. Given these facts, strict enforcement of the Article would prohibit

any reasonable opportunity for adequate freestanding signage that could be viewed from the roadway.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:*

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

The subject property is a flag-shaped lot, with a 20-foot wide strip to Bandera Road, giving the lot frontage. The frontage provides the lot with utility connections and room for placement of a sign. Based on staff observation, access to the site is via an adjacent lot. As the bulk of the lot is 200 feet from the right-of-way line, signage along roadway is important for visibility for any business locating there. The area in which a freestanding sign would be allowed to be placed is 10 feet wide, and, as stated above, is occupied by necessary utility connections. The presence of the utilities does not allow placement of the sign over the utilities, as adequate footings to secure the sign would not be able to be constructed. This situation results in a hardship which cannot be overcome with a strict interpretation of the ordinance. As such, allowing a sign of conforming height and area to be constructed within the setback area will not provide a special privilege to the property, it will merely allow the property to have necessary signage.

B. *Granting the variance will not have a substantially adverse impact on neighboring properties.*

The purpose of 10-foot setback from residentially zoned properties is to protect residential land uses from visual encroachment of signs which may detract from residential character. In this case, the adjacent residential parcel is uniquely situated in that the property is a 60-foot wide strip which provides access to the bulk of the parcel further back from the road.

“R-6” zoning regulations require a minimum street frontage of 30 feet. Were the subject lot to be platted for single-family use, the parcel only has enough frontage for two lots. This seems unlikely due to the current 8-acre area of the parcel. It is more likely that the affected part of the parcel will be developed as an accessway, whether a public street or private drive, for some future development on the eight acre parcel to the south. It is very unlikely that a single residence would be developed on this portion of the parcel.

Given this unique circumstance, granting the variance will not have a substantial adverse impact on the neighboring property.

C. *Granting the variance will not substantially conflict with the stated purposes of this article.*

Given the unique land layouts for both the subject property and the adjacent residential property as discussed above, granting of the variance will not conflict with any of the stated purposes as outlined in Section 28-3 of the Sign Regulations.

Alternatives to Applicant's Request

The alternative to the applicant's request is to erect a freestanding sign further back on the lot where there is room to meet the setback; however this would be approximately 200 feet from the right-of-way line and would make the sign difficult to see from the road. If the adjacent property owner were amenable, the applicant could also enter into a master sign plan agreement if size concessions on other signs were to be approved.

Staff Recommendation

Staff recommends **approval of A-12-079**, due to the following reasons:

1. The configuration of the subject lot;
2. The presence of utilities within the allowable sign area;
3. The configuration of the adjacent residential parcel.

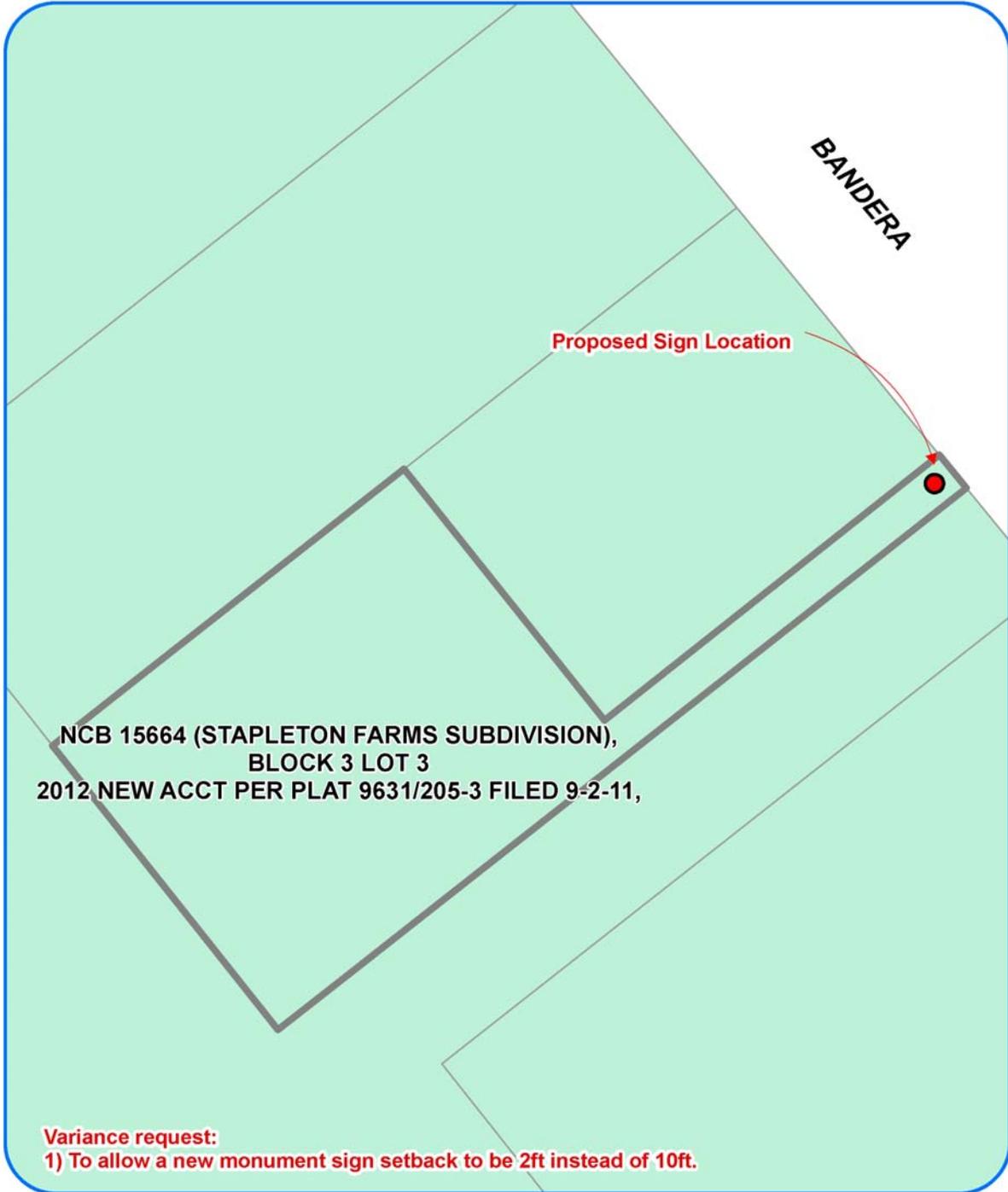
Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Proposed sign elevation

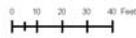
**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-079



● Sign Location



Council District 7

11087 BANDERA RD

Development Services Dept
City of San Antonio
(08/06/2012)

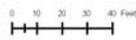
**Attachment 2 (Continued)
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-079



● Sign Location



Council District 7

11087 BANDERA RD

Development Services Dept
City of San Antonio
(08/06/2012)

Attachment 4 Proposed Sign Elevation



EXECUTIVE SIGNS, LTD

16147 College Oak ST. 100
San Antonio, TX 78249
Office: 210-492-9435
Fax: 210-492-9483
Toll Free: 888-492-9436
www.executivesigns.com

Client: PILLARS MONUMENT VISUALIZATION

Address: _____
Location: SAN ANTONIO TX _____

Sales: JT Designer: MR

Date: 5/2/2012

File: P230MONTN.PLS

the PILLARS MONUMENT VISUALIZATION

This is an original drawing created by Executive Signs. It is intended for your personal use. However, it shall at all times remain the property of Executive Signs. It may be used in connection with the project being prepared for you by Executive, but not otherwise. You are not authorized to show these drawings to anyone outside your organization, nor is it to be reproduced, used, copied or exhibited in any fashion.

Notes:

Signs will be manufactured with 120 volts A.C. All primary electrical service to the sign shall be provided by the sign manufacturer. It is the responsibility of the buyer to ensure that all work is done in accordance with the purchase agreement attached here to. In case of variance between the specifications of the purchase agreement and this drawing, the drawing shall prevail.

Buyer: _____ Date: _____

Sales: _____ Date: _____

Production: _____ Date: _____



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-080
Date: August 6, 2012
Applicant: City of San Antonio
Owner: City of San Antonio
Location: 568 Rasa
Legal Description: Lots 9-14, 26-28, W.65.5 ft. of 8, S. 51 ft. of 22-24 & W IRR 22 ft. of 25
Block 28 NCB 15436
Zoning: "R-6 AHOD" Single-family Residential Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant requests a 4-foot variance from the side yard fencing height limitations as set forth in Section 35-514 of the Unified Development Code (UDC), in order to authorize a 10-foot chain link fence for a linear distance of 70-feet in Rainbow Hills Park.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code. Notices were sent to property owners within two hundred (200) feet of the subject property on July 19, 2012. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on July 20, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on August 2, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The City of San Antonio Parks and Recreation Department is replacing an existing 6-foot tall chain link fence along the Rainbow Hills Park's frontage on Hunt Lane. The department is requesting authorization to increase the height of the fence to 10-feet for the section directly behind an existing soccer goal. On previous occasions, errant soccer balls have flown over the fence and into the street. Hunt Lane is classified as a secondary arterial, and at last traffic count in 2010 carried

approximately 11,000 vehicle trips each day. The applicant states that these balls create a traffic hazard to motorists, and to soccer players retrieving the balls.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Airport Hazard	Community Park

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Airport Hazard	Residential structure
South	“R-6 AHOD” Residential Airport Hazard	Residential structure
East		Residential structure
West	“R-6 AHOD” Residential Airport Hazard	Public facility

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan, adopted on April 21, 2011. It is also within the Adams Hill registered Neighborhood Association, which was notified of this application. No concerns were submitted.

Criteria for Review

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

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

Public interest refers to general welfare and common well-being of the population as a whole. In this case, the Parks and Recreation staff-members are trying to resolve a point of conflict within a public facility. Soccer balls have missed the goal and gone into the street, creating a dangerous traffic hazard. Players have also run into the street after the balls. The applicant asserts that the fence will improve the safety of both the field and the street, serving the public interest.

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

Literal enforcement of the ordinance would result in an unnecessary hardship with an unprotected soccer field and occasional road hazards. Recognition of the need for higher fencing around sport courts can be found in the Section 35-514, where a 10-foot fence is allowed in a rear yard with a

20 foot setback from the property line. In this application however, the Park is oriented toward Rasa, making this property line a side yard so the added height allowance did not apply.

This section of Hunt Lane is unique in several ways; it is a busy thoroughfare that provides convenient access to US Hwy 90 and Marbach Road. There are no businesses or homes facing this section of roadway. The City owns land on both sides of the street in the vicinity of the Park. The 362-acre wooded parcel on the west is a sewer treatment facility. Given the physical surroundings, the potential visual impact of the tall fencing is mitigated.

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

The spirit of the ordinance is represented in its ability to protect the public health, safety and welfare of the citizens. In this case, the specific use of the site, the location of the soccer goal and the classification of the abutting street combine to warrant special consideration. Therefore, the variance to allow the extra height will observe the goals of the ordinance.

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.*

There is no use variation proposed from the R-6 AHOD district.

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

Rainbow Hills Park is a community park benefitting the residents from a broad radius. Ball fields, a walking trail, a community center and playground equipment make this a popular gathering spot. Providing a fence tall enough to keep the balls and the children away from a busy road like Hunt Lane is an important public investment for the families who play here. The fence will not alter the essential character of the district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The programming of the park is complex and includes baseball, basketball, soccer, playground equipment, walking trails and picnic facilities. The park itself has sloping ground, a condition not favorable to play fields, walking trails or parking lots. As a result, the site planning was constrained. The junior soccer field was placed in the southwest corner, with the baseball field selected for the more remote location in the northeast. An important component of the site development is adequate fencing along this property line.

Alternatives to Applicant's Request

The City Council could consider a text amendment to allow sport court fencing in the side yard with a 20-foot setback.

Staff Recommendation

Staff recommends **approval of the variance as proposed in application A-12-080** based on the following findings:

1. The variance is necessary to protect the public interest as the 10-foot tall fence will improve the safety of both the field and the street.
2. A literal enforcement of the ordinance creates an unnecessary hardship by preventing the City from addressing an identified traffic hazard to motorists.
3. The spirit of the ordinance is observed by allowing “sport court” type fencing along a major thoroughfare with public uses on both sides of the street.

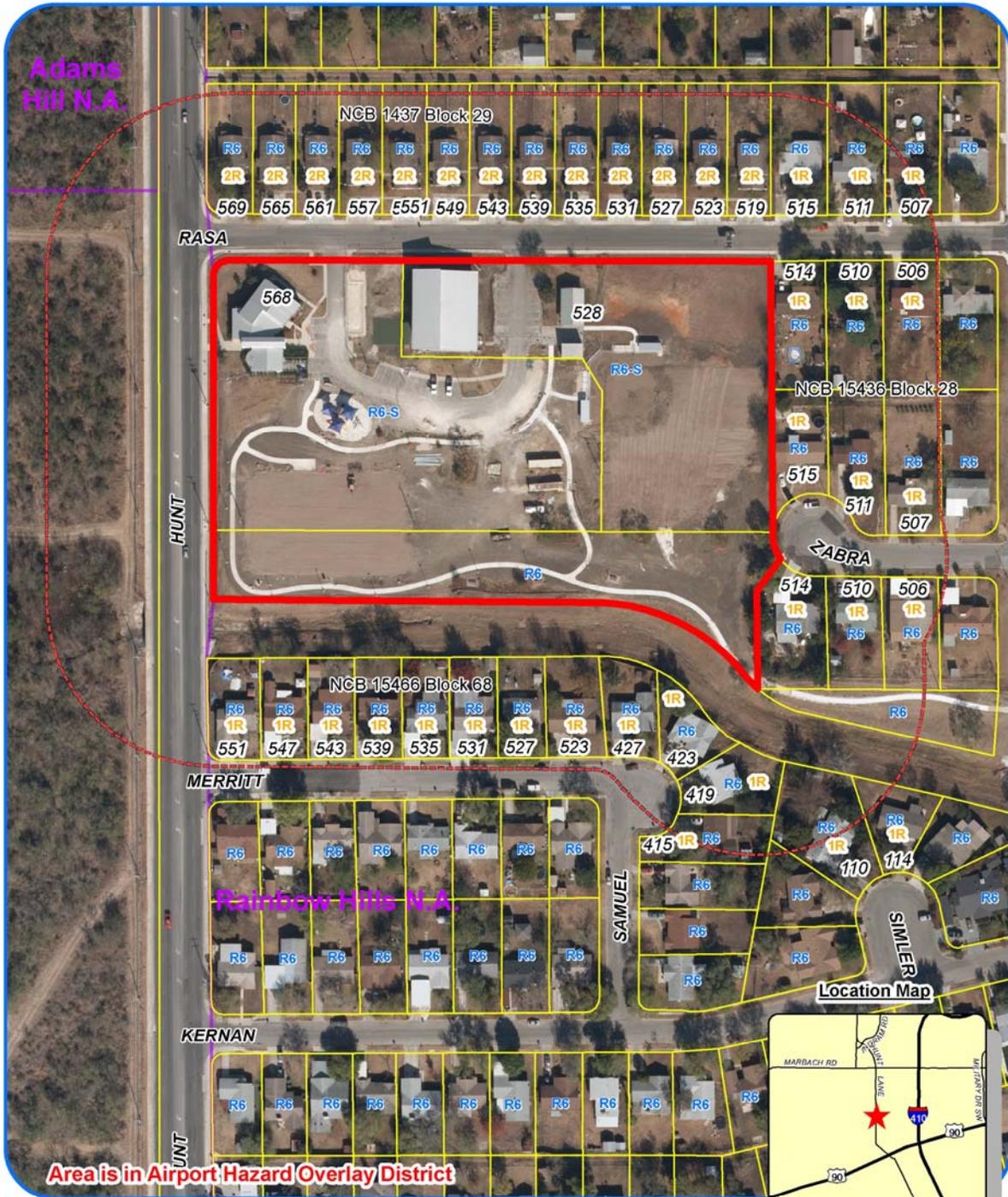
Attachments

Attachment #1: Notification Map

Attachment #2: Plot Plans

Attachment #3: Photographs

Attachment #1



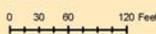
Board of Adjustment Notification Plan for Case A-12-080



Subject Property

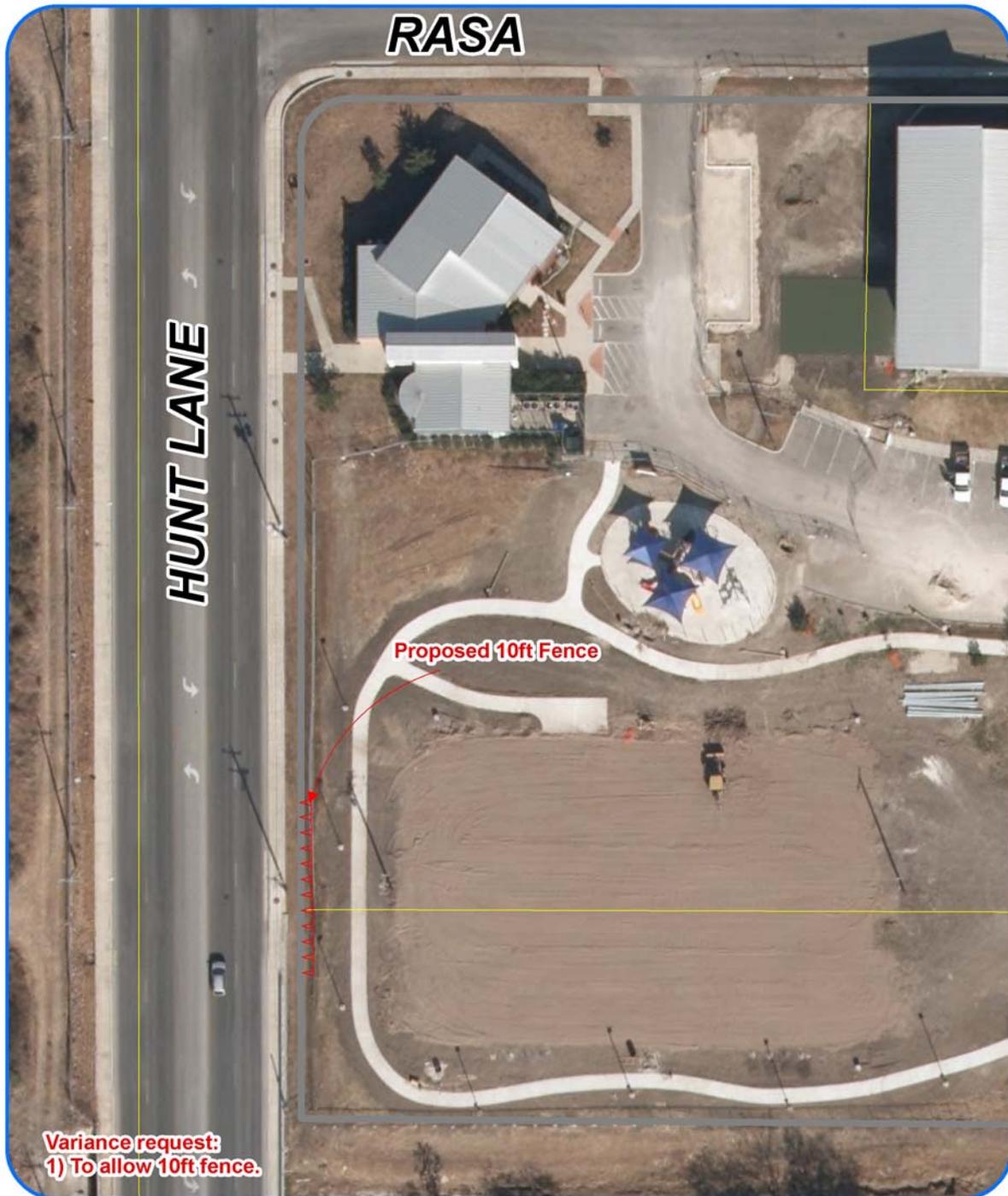
200' Notification Boundary

Council District 4

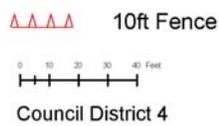


Development Services Dept
City of San Antonio
(08/06/2012)

Attachment #2



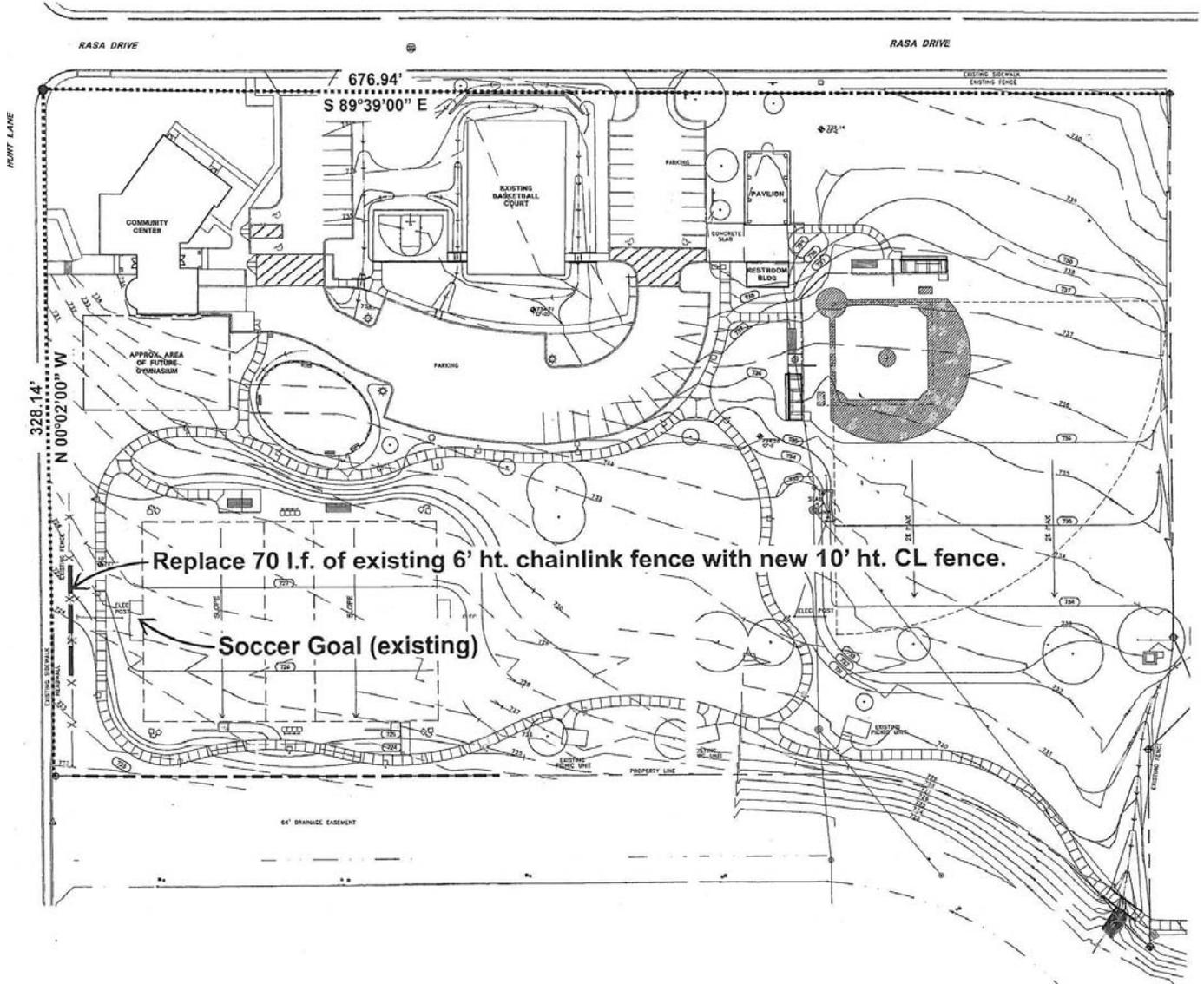
Board of Adjustment
Plot Plan for
Case A-12-080



568 RASA

Development Services Dept
City of San Antonio
(08/08/2012)

Attachment #2 (continued)



Attachment #3

