

CITY OF SAN ANTONIO
Board of Adjustment
Regular Public Hearing Agenda

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

Monday, October 6, 2008
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

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

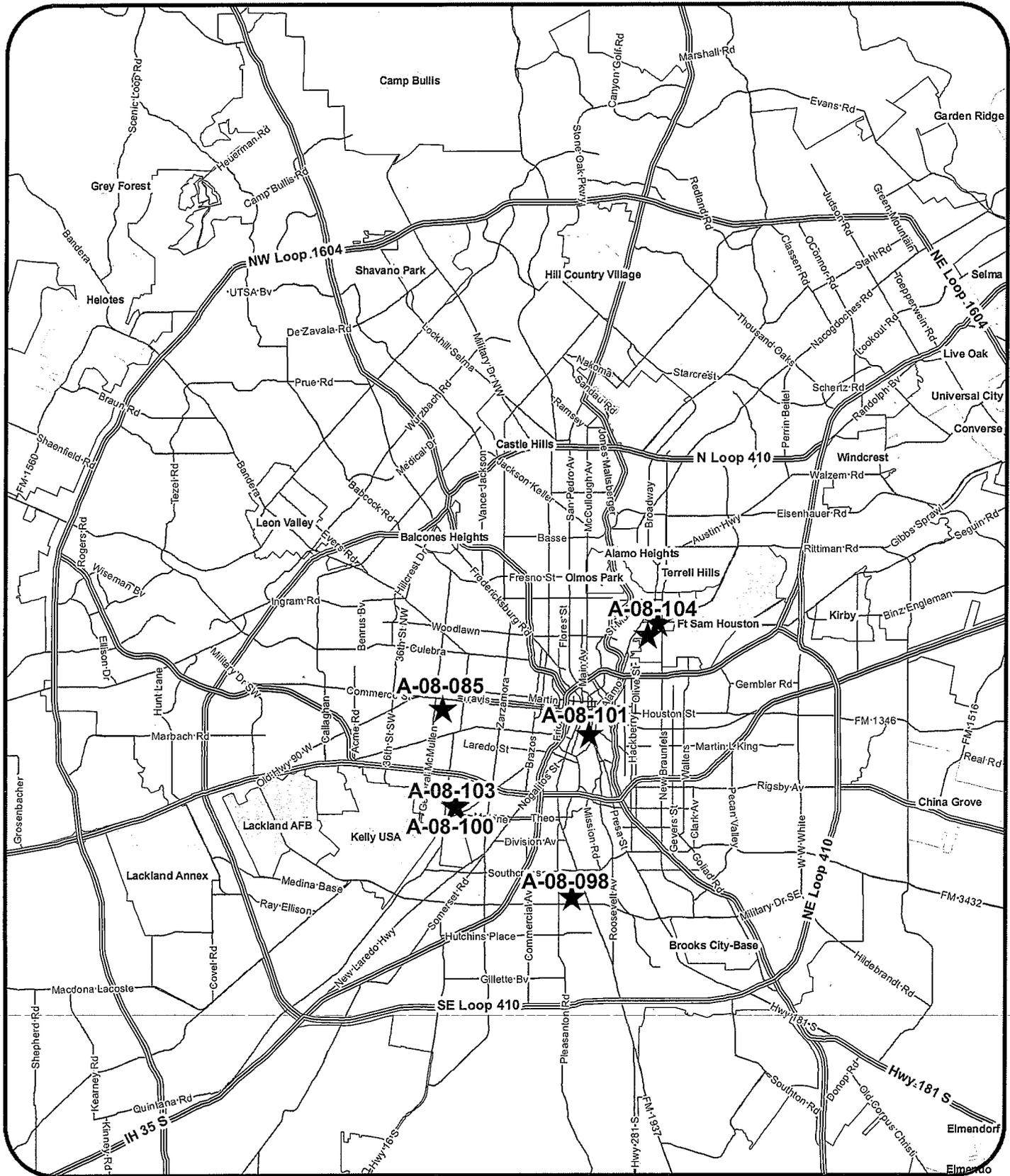
1. 1:00 PM Board Room – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-08-085:** The request of Norma Alvarez, for a 2-foot, 2-inch variance from the requirement that predominantly open front-yard fences shall not exceed 4 feet in height, in order to keep an existing 6-foot, 2-inch tall front-yard ornamental iron fence, 313 Southwest 29th Street.
5. **A-08-098:** The request of Grace Tan, for a 1-foot variance from the requirement that predominantly open front-yard fences shall not exceed 4 feet in height, in order to keep an existing 5-foot tall chain link front-yard fence, 255 West Dickson Avenue.
6. **A-08-100:** The request of Paul R. Munoz, for 1) a 4-foot, 6-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep a carport 6 inches from the side property line and 2) a 5-foot variance from the requirement that minimum 10-foot front setback be maintained in “R-6” zoning districts, in order to keep the same carport 5 feet from the front property line, 119 West Emerson.

7. **A-08-101:** The request of The San Antonio Conservation Society, for **1)** an 8-foot variance from the requirement that a minimum 20-foot side setback be maintained in "O-2" zoning districts when abutting residential uses or zoning districts, in order to erect a structure 12 feet from the side property line and **2)** a 4 parking space adjustment from the parking standard that an 8,675 square foot office requires a minimum of 29 parking spaces in order to allow 25 parking spaces, 107 King William Street.
8. **A-08-103:** The request of Frances Hernandez, for **1)** a 4-foot, 3-inch variance from the requirement that a minimum 10-foot front setback be maintained in "R-6" zoning districts, in order to keep an existing carport 5 feet, 9 inches from the front property line, and **2)** a 4-foot, 7-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts, in order to keep an existing carport 5 inches from the west side property line, 122 West Emerson Avenue.
9. **A-08-104:** The request of Janice Westrich, for a variance from the Mahncke Park Neighborhood Conservation District Plan requirement that exterior building materials for additions and/or renovations shall match those of the existing structure in scale, proportion, placement and profile, in order to replace the existing horizontal wood siding with a vinyl siding material, 412 Funston Place.
10. Consideration of **Sign Master Plan No. 08-018**, Cielo Vista, located at Cielo Vista and IH 10 West.
11. **Consideration of proposed amendments to Chapter 28: Signs and Billboards, Sections 28-6 Definitions and 28-245 Nonconforming Sign Abatement.**
12. Approval of the minutes from the regular meeting on June 16, 2008.
13. Staff Report.
14. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
15. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd
At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

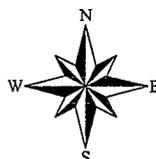
Accessibility Statement

This meeting is wheelchair accessible. The accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located in front and rear of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling (210) 207-7245.

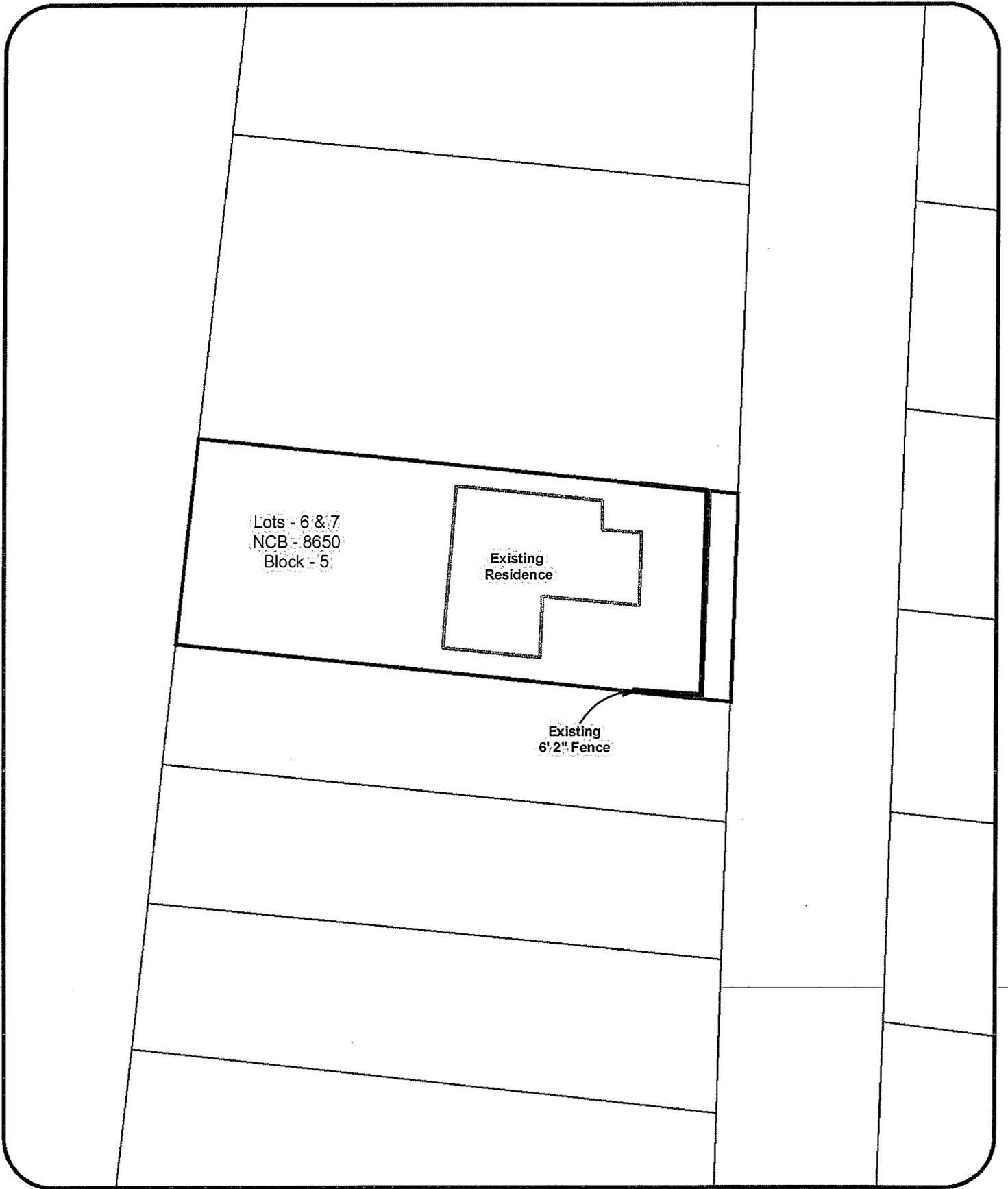


Board of Adjustment

Subject Property Locations
Cases for October 6, 2008

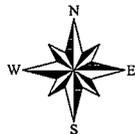


Planning and Development Services Dept
City of San Antonio
(09/17/2008 - E Hart)



Board of Adjustment

**Plot Plan for
Case A-08-085**



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

313 SW 29th St.

Planning & Development Services Dept.
City of San Antonio
(09/12/2008)

Board of Adjustment - Case No. A-08-085

October 6, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, October 6, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant - Norma Alvarez
Lots 6 and 7, Block 5, NCB 8650
313 Southwest 29th Street
Zoned: "R-4" Residential Single-Family District

The applicant is requesting a 2-foot, 2-inch variance from the requirement that predominantly open front-yard fences shall not exceed 4 feet in height, in order to keep an existing 6-foot, 2-inch tall front-yard ornamental iron fence.

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

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

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

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

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

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

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

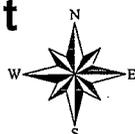
() In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-085



Board of Adjustment
Notification Plan for
Case A-08-085



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 100'
 Council District 5

Produced by the City of San Antonio
 Development Services Department
 (09/15/2008)

CASE NO: A-08-085

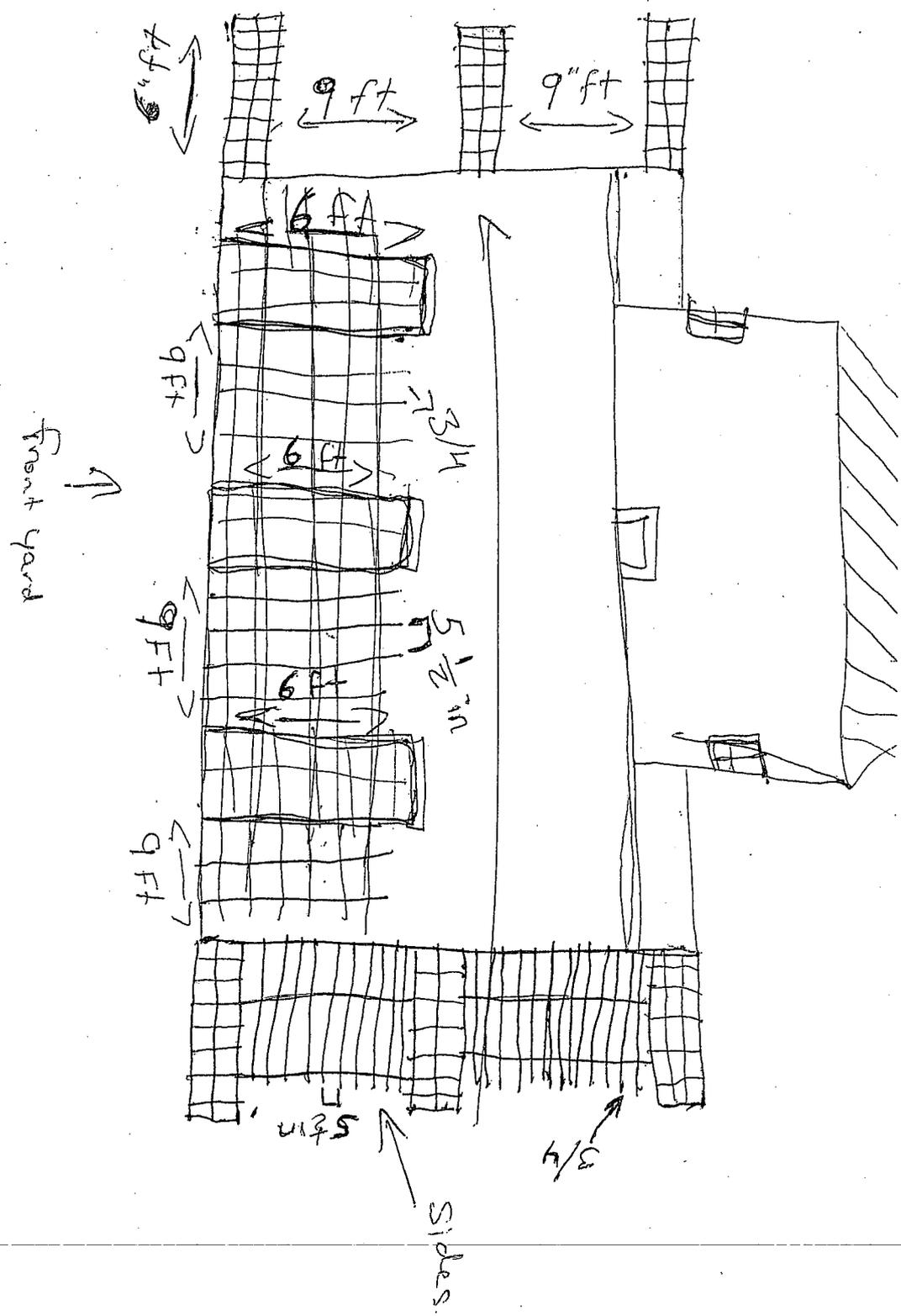
Board of Adjustment – October 6, 2008

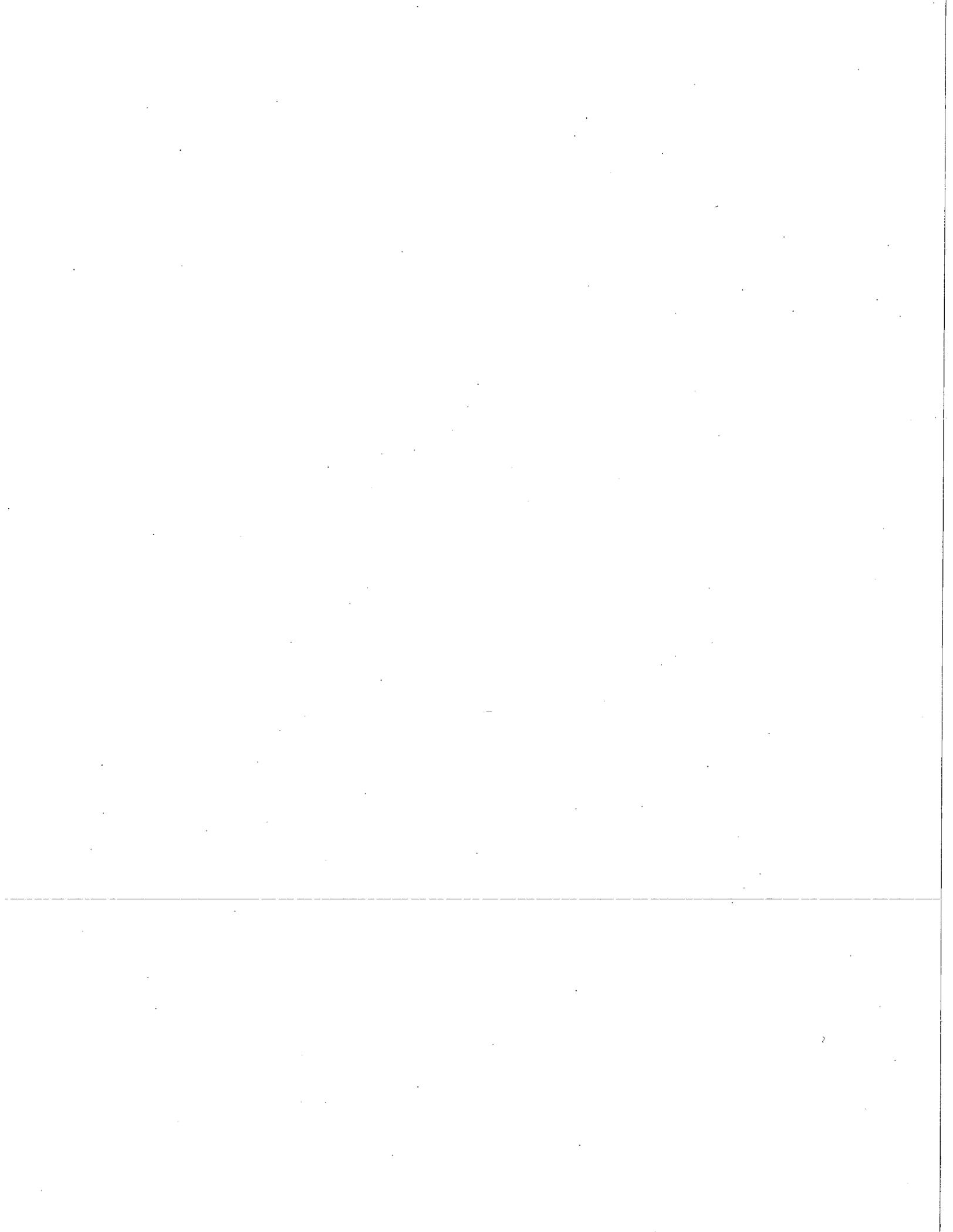
Applicant: Norma Alvarez**Owner:** Norma Alvarez**Request(s):** The applicant is requesting a 2-foot, 2-inch variance from the requirement that predominantly open front yard fences shall not exceed 4 feet in height, in order to keep an existing 6-foot, 2-inch tall front-yard ornamental iron fence.**Legal Description:** Lots 6 and 7, Block 5, NCB 8650**Address:** 313 Southwest 29th Street**Zoning:** "R-4" Residential Single-Family District**Existing Use:** Single-Family Residence**Neigh. Assoc:** None**Neigh. Plan:** None**Section of the City Code from which this variance is requested:****35-514 Fences:** The maximum height for predominantly open front-yard fences shall not exceed 4 feet.

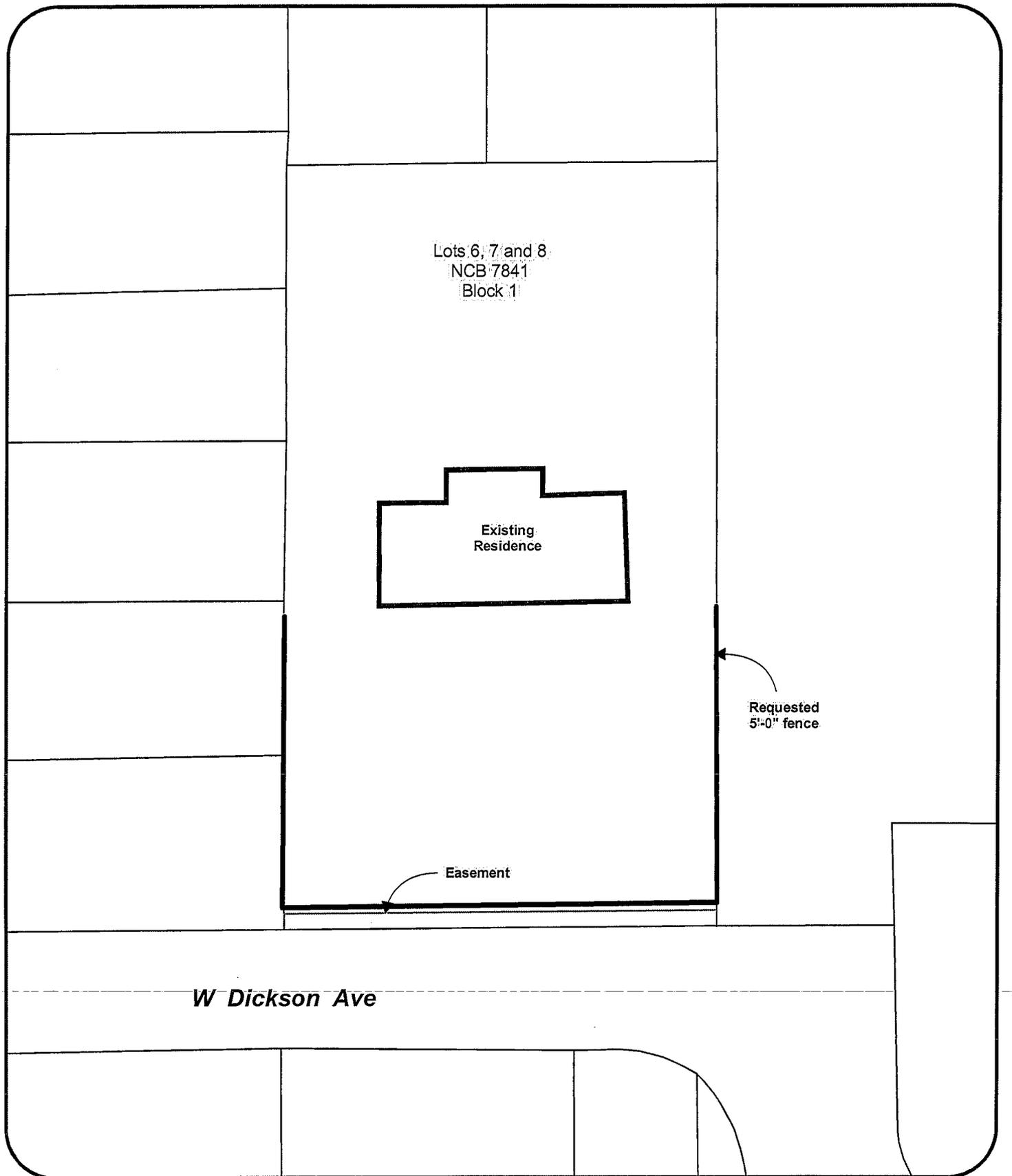
Background: The subject property is located mid-block on Southwest 29th Street, bound by Monterey Street to the north and San Luis Street to the south. The subject property is zoned R-4 and is occupied by a single-family residence. R-4 zoning completely surrounds the subject property, with the primary uses being single-family residences with an elementary school also in the area. The applicant is seeking a variance from the front yard fence height requirement in order to keep an existing 6-foot, 2-inch front yard fence on the subject property. The fence was built by the homeowner, who obtained a permit on July 3, 2008 for a 4-foot front yard fence. This case was initiated by the City's Code Compliance Department.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. There appear to be no special features or physical or topographic conditions where literal enforcement of the fence height standards would result in an unnecessary hardship. While it is not the only fence of its type on this particular blockface, the applicant has not indicated any type of hardship which would necessitate the requested variance. Upon site inspection, staff noted two fences that may be out of compliance. Those properties have been reported to the Building Inspection Division of the Planning and Development Services Department. Staff recommends **denial** of the fence height variance request.

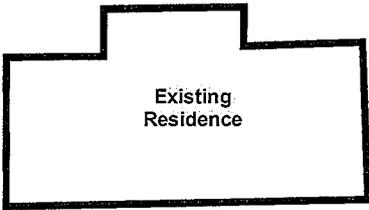
Case Manager: Mike Farber, Planner (210) 207-3074







Lots 6, 7 and 8
NCB 7841
Block 1

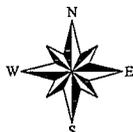


Requested
5'-0" fence

Easement

W Dickson Ave

Board of Adjustment
Plot Plan for
Case A-08-098



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

255 W. Dickson

City of San Antonio
Planning and Development Services Department
(09/15/2008)

Board of Adjustment - Case No. A-08-098

October 6, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, October 6, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant - Grace Tan
Lots 6, 7 and 8, Block 1, NCB 7841
255 West Dickson Avenue
Zoned: "R-6" Residential Single-Family District

The applicant is requesting a 1-foot variance from the requirement that predominantly open front-yard fences shall not exceed 4 feet in height, in order to keep an existing 5-foot tall chain link front-yard fence.

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

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Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

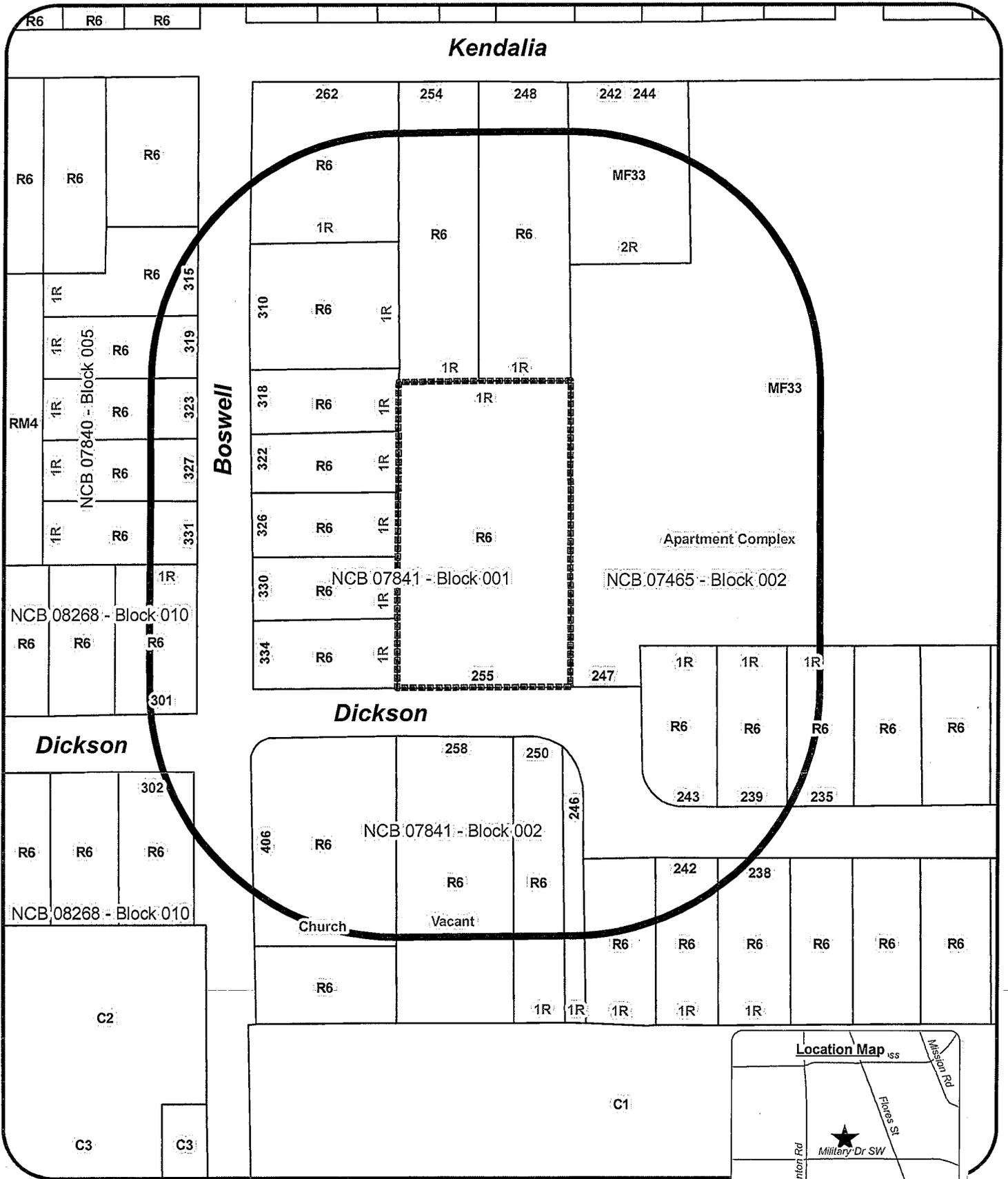
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

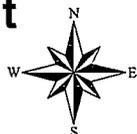
() In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-098

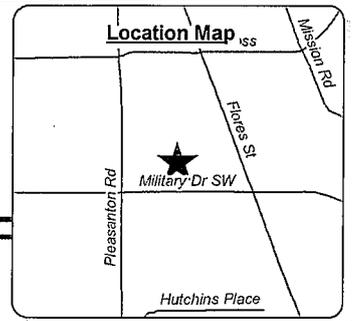


Board of Adjustment
Notification Plan for
Case A-08-098



Legend

- Subject Property [dashed line]
- 200' Notification Buffer [thick solid line]
- Scale: 1" approx. = 100'
- Council District 3



City of San Antonio
 Planning & Development Services Department
 (09/15/2008)
 R.R.M.

CASE NO: A-08-098

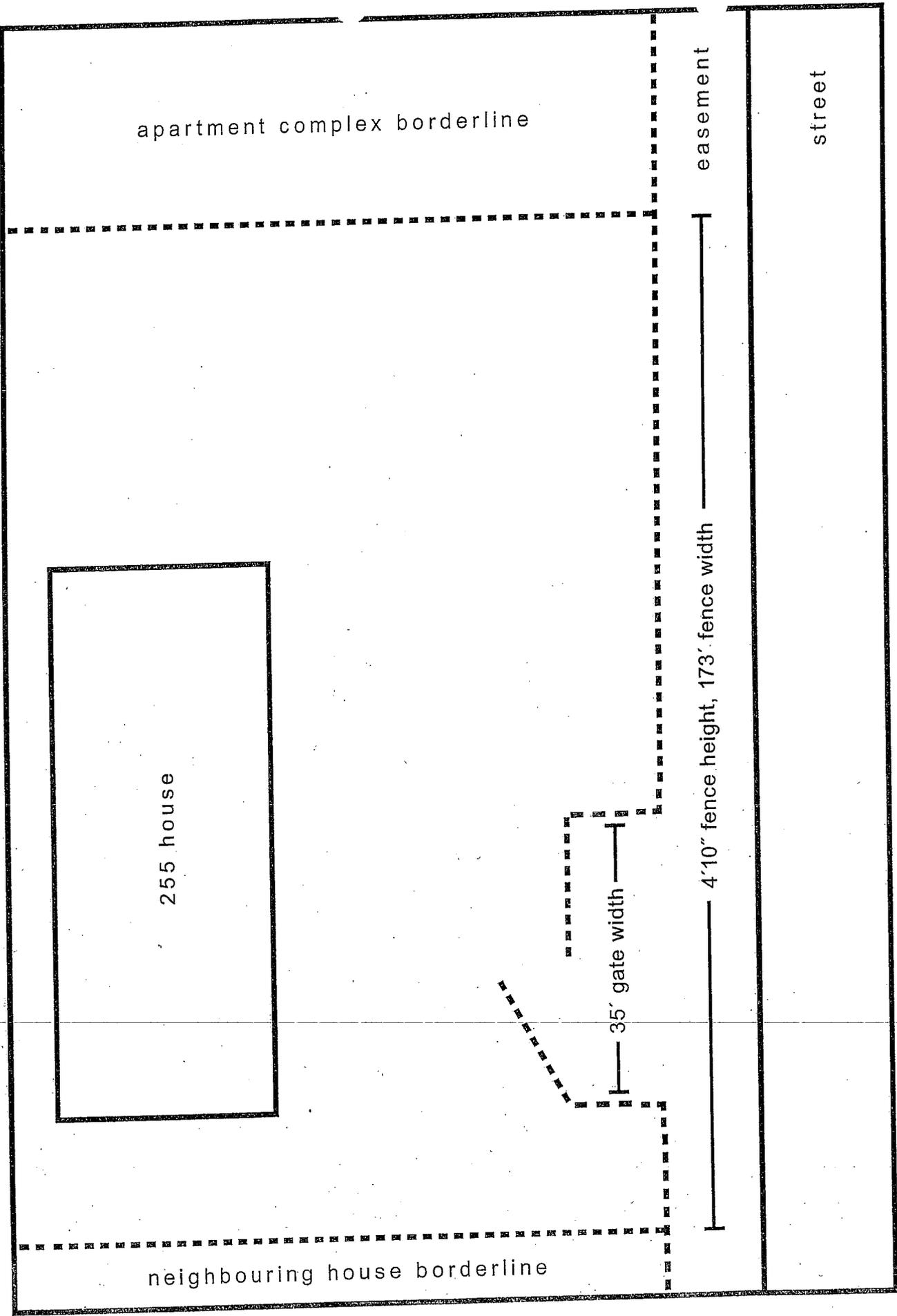
Board of Adjustment – October 6, 2008

Applicant: Grace Tan**Owner:** Grace Tan**Request(s):** The applicant is requesting a 1-foot variance from the requirement that predominantly open front yard fences shall not exceed 4 feet in height, in order to keep an existing 5-foot tall chain link front-yard fence.**Legal Description:** Lots 6, 7 and 8, Block 1, NCB 7841**Address:** 255 West Dickson Avenue**Zoning:** "R-6" Residential Single-Family District**Existing Use:** Single-Family Residence**Neigh. Assoc:** None**Neigh. Plan:** South Central Neighborhood Plan**Section of the City Code from which this variance is requested:****35-514 Fences:** The maximum height for a predominantly open front-yard fence shall not exceed 4 feet.

Background: The subject property is located on West Dickson Avenue, bound by Boswell Street to the west and Harald Court to the east. The subject property is zoned R-6 and is occupied by a single-family residence. The surrounding properties are predominantly zoned R-6, with the primary uses being single-family residences. An apartment complex, zoned MF-33 abuts the subject property to the immediate east. The applicant is seeking a variance from the front yard fence height requirement in order to keep an existing 5-foot front yard fence. The fence was erected by a private contractor. The applicant is citing break-ins onto the property as rationale for the request. This case was initiated by the City's Code Compliance Department.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. There appear to be no special features or physical or topographic conditions where literal enforcement of the fence height standards would result in an unnecessary hardship. The applicant has not indicated that any substantial hardships exist, and the fence itself was erected without permits. Staff therefore recommends **denial** of the fence height variance request.

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



W. Dickson Avenue

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

CASE INFORMATION

Case #: **A-08-098**

Property Address: 255 West Dickson

Zoning: R-6

Hearing Date: 10/06/08

Type / Scope of BOA Request:

Request to allow a 10" variance in the height of an existing fence.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): n/a

Neighborhood or Community Plan: South Central San Antonio Community Plan

Neighborhood Conservation District: n/a

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

ANALYSIS STATEMENT

The applicant is requesting a one foot variance for an existing wire fence in the front yard. The South Central San Antonio Community Plan identifies compliance with City regulations as an arena for improvement. Objective 3 (p. 43) of the Community Facilities/Quality of Life section of the plan states that the objective is to enhance the overall appearance of the community. Though there are no action steps in Objective 3 that deal specifically with fencing, it is clear from objective three and associated action steps, as well as other plan objectives, that the community desires their community comply with City regulations and standards. The application did not indicate topographical or other physical conditions on the property which would require a variance.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request _____

Deny Request X

Alternate _____ Explain:

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Tyler Sorrells, AICP Planner

Date Review Completed: September 25, 2008

Alley

The S. 132 ft. of Lot - 21
NCB - 7397
Block - 10

Existing
Residence

Required Side
5' Setback

Existing Side
6" Setback

Existing
Carpport

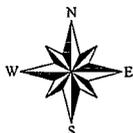
Required Front
10' Setback

Proposed Front
5' Setback

W EMERSON

Board of Adjustment

Plot Plan for
Case A-08-100



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

119 W Emerson

Planning & Development Services Dept
City of San Antonio
(09/12/2008)

Board of Adjustment - Case No. A-08-100

October 6, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, October 6, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant - Paul R. Munoz

The south 132 feet of Lot 21, Block 10, NCB 7397

119 West Emerson

Zoned: "R-6" Residential Single-Family District

The applicant is requesting **1)** a 4-foot, 6-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts, in order to keep a carport 6 inches from the side property line and **2)** a 5-foot variance from the requirement that a minimum 10-foot front setback be maintained in "R-6" zoning districts, in order to keep the same carport 5 feet from the front property line.

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

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

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-100



Board of Adjustment
Notification Plan for
Case A-08-100



Legend

Subject Property 
 200' Notification Buffer 



Scale: 1" approx. = 100'
 Council District 5

Planning & Development Services Dept.
 City of San Antonio
 (09/15/2008)

CASE NO: A-08-100

Board of Adjustment – October 6, 2008

Applicant: Paul R. Munoz**Owner:** Paul R. Munoz**Request(s):** The applicant is requesting 1) a 4-foot, 6-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts, in order to keep a carport 6 inches from the side property line and 2) a 5-foot variance from the requirement that a minimum 10-foot front setback be maintained in "R-6" zoning districts, in order to keep the same carport 5 feet from the front property line.**Legal Description:** The South 132 feet of Lot 21, Block 10, NCB 7397**Address:** 119 West Emerson**Zoning:** "R-6" Residential Single-Family District**Existing Use:** Single-Family Residence**Neigh. Assoc:** Thompson Community Neighborhood Association**Neigh. Plan:** Kelly/South San P.U.E.B.L.O. Community Plan**Section of the City Code from which this variance is requested:****35-310 Zoning District Purpose Statements and Design Regulations:** A minimum 10-foot front setback is required in "R-6" zoning districts. A minimum 5-foot side setback is required in "R-6" zoning districts.

Background: The property is located mid-block on West Emerson, bound by General Hudnell Drive to the east and Brentwood Place to the west. The subject property is zoned R-6 and is occupied by a single-family residence. R-6 zoning and uses surround the subject property, which is located in an established single-family residential neighborhood. The applicant is seeking a variance in order to keep an existing carport that encroaches into both the front and side setbacks. The carport was built in the summer of 2008 by a contractor. No permits have been issued for the construction of the carport. The investigation was initiated by the City's Code Compliance Department. Similar carports exist in the neighborhood, including a carport at 122 West Emerson, which is the subject of another case before the Board. Upon the initial site visit, staff noted two other carports on the same block of West Emerson that appear to be out of compliance. Said carports have been referred to the Building Inspections Division of the Planning and Development Services Department.

Recommendation: The intent of the front and side setback requirements are to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. The carport on the subject property was constructed without permits. While there are several similar carports in the vicinity of the subject property, staff believes that in this case, the existing carport is not warranted; this lot does not appear to be characterized by any unique terrain features where literal enforcement of the side setback requirement would result in an unnecessary hardship. Also, while the Kelly/South San P.U.E.B.L.O. Community Plan does not specifically address carports,

one of the overall goals of the plan is "ensuring neighborhood compliance with basic city codes". Should the Board grant the applicant's request for a variance, the applicant has been made aware of the necessity of the construction of a firewall along the length of the carport. This is a requirement as per International Residential Code for One- and Two-Family Dwellings – Section R302.1: Exterior Walls (Table R302.1). For these reasons staff recommends **denial** of the requested variance.

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

PLOT PLAN
FOR
BLDG PERMITS

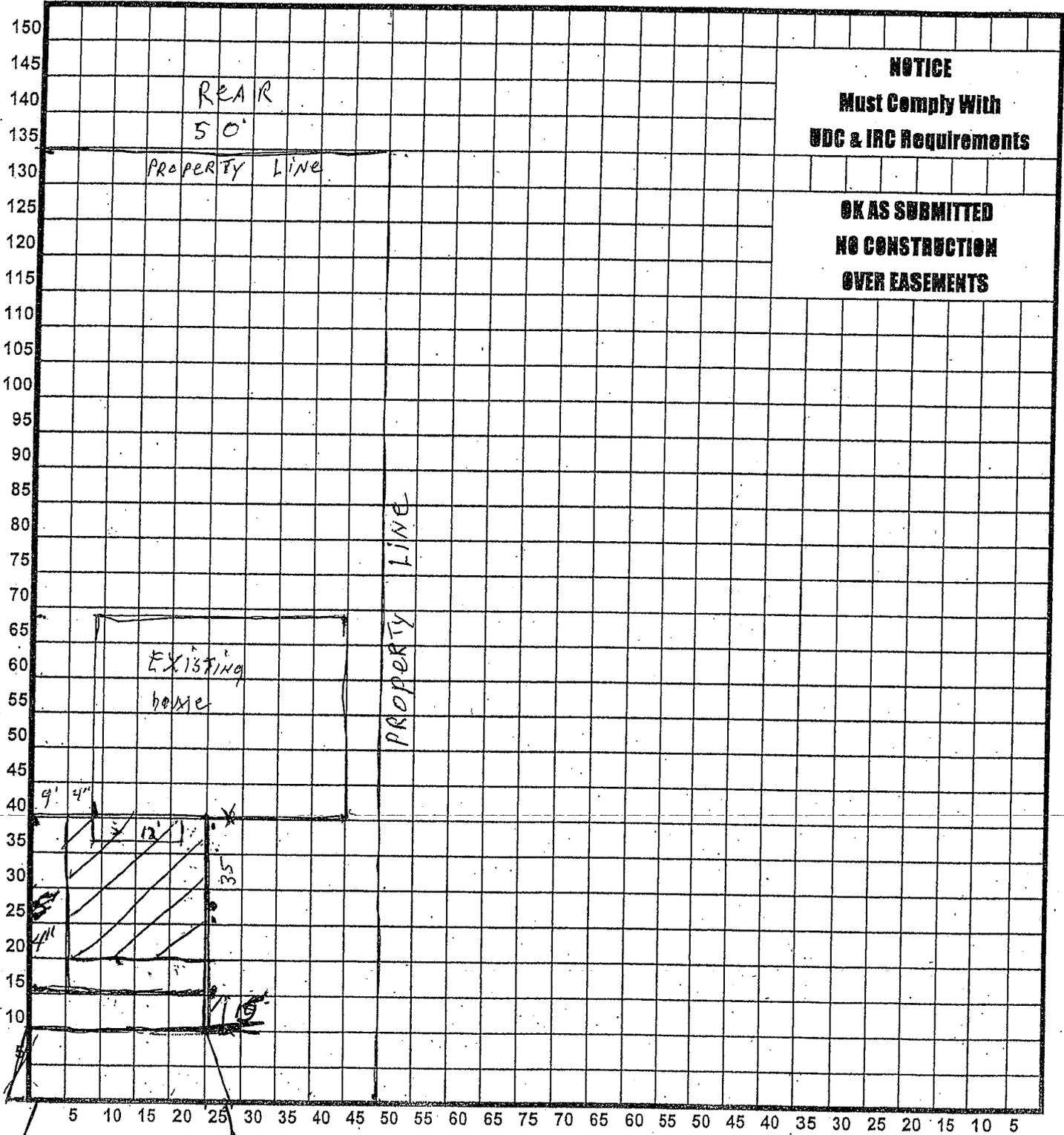
Address 119 W. EMERSON AV

Lot 21

Block 10

NCB 07397

REAR



FRONT

28' 4" X

24' 8" =

1099 SQ. FT.

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

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

CASE INFORMATION

Case #: A-08-100

Property Address: 119 W. Emerson

Zoning: R-6

Hearing Date: 10/06/08

Type / Scope of BOA Request:

1) a 4-foot 6-inch variance from the UDC required 5-foot side setback, in order to keep the existing carport 6 inches from the side property line. and a 2) a 5-foot variance from the UDC required minimum 10-foot front setback, in order to keep the same carport 5 feet from the front property line.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): Thompson Community Association

Neighborhood or Community Plan: Kelly/South San P.U.E.B.L.O. Community Plan

Neighborhood Conservation District: n/a

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

ANALYSIS STATEMENT

The subject parcel is located in the Kelly/South San P.U.E.B.L.O. Community Plan. It is designated as Low Density Residential in the Land Use Plan. The Plan doesn't address setbacks and carports, however, Goal 2.2.3, stresses the importance of "Ensuring neighborhood compliance with basic City codes" and "Educate residents on the importance of and complying with code regulations"(pg. 8) The requested variances do not uphold those Plan objectives. Given the quantity of existing carports in the neighborhood, the structure does not appear to be out of character with the neighborhood. However, the applicant does not point to any extenuating topographical constraints or similar issues related to the subject parcel for which the literal enforcements of the ordinance would result in unnecessary hardship.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request _____

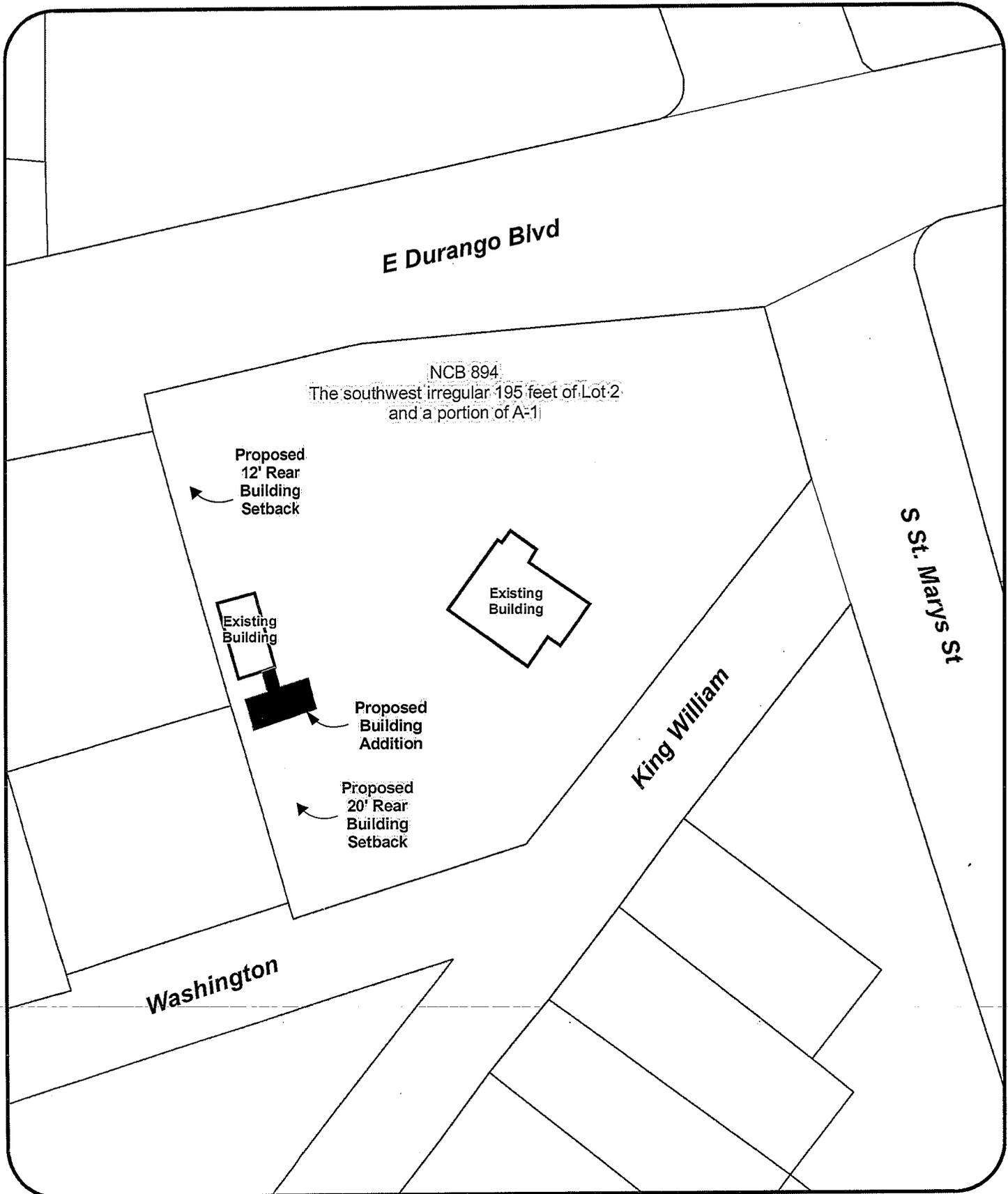
Deny Request X

REVIEWER INFORMATION

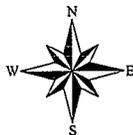
Neighborhood Planner Reviewing: Loretta N. Olison, Senior Planner

Date Review Completed: September 22, 2008





Board of Adjustment
 Plot Plan for
Case A-08-101



Scale: 1" approx. = 60'
 Council District 1

107 King William St.

City of San Antonio
 Planning & Development Services Department
 (09/18/2008)
 R.R.M.

Board of Adjustment - Case No. A-08-101

October 6, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, October 6, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant - San Antonio Conservation Society

The southwest irregular 195 feet of Lot 2 and Pt of A-1, NCB 894

107 King William Street

Zoned: "H HE O-2 S RIO-4" Historic Exceptional Office Historic River Improvement Overlay District-4 with a Specific Use Authorization for a Museum.

The applicant is requesting **1)** an 8-foot variance from the requirement that a minimum 20-foot side setback be maintained in "O-2" zoning districts when abutting residential uses or zoning districts, in order to erect a structure 12 feet from the side property line and **2)** a 4 parking space adjustment from the parking standard that an 8675 square foot office requires a minimum of 29 parking spaces in order to allow 25 parking spaces.

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

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

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

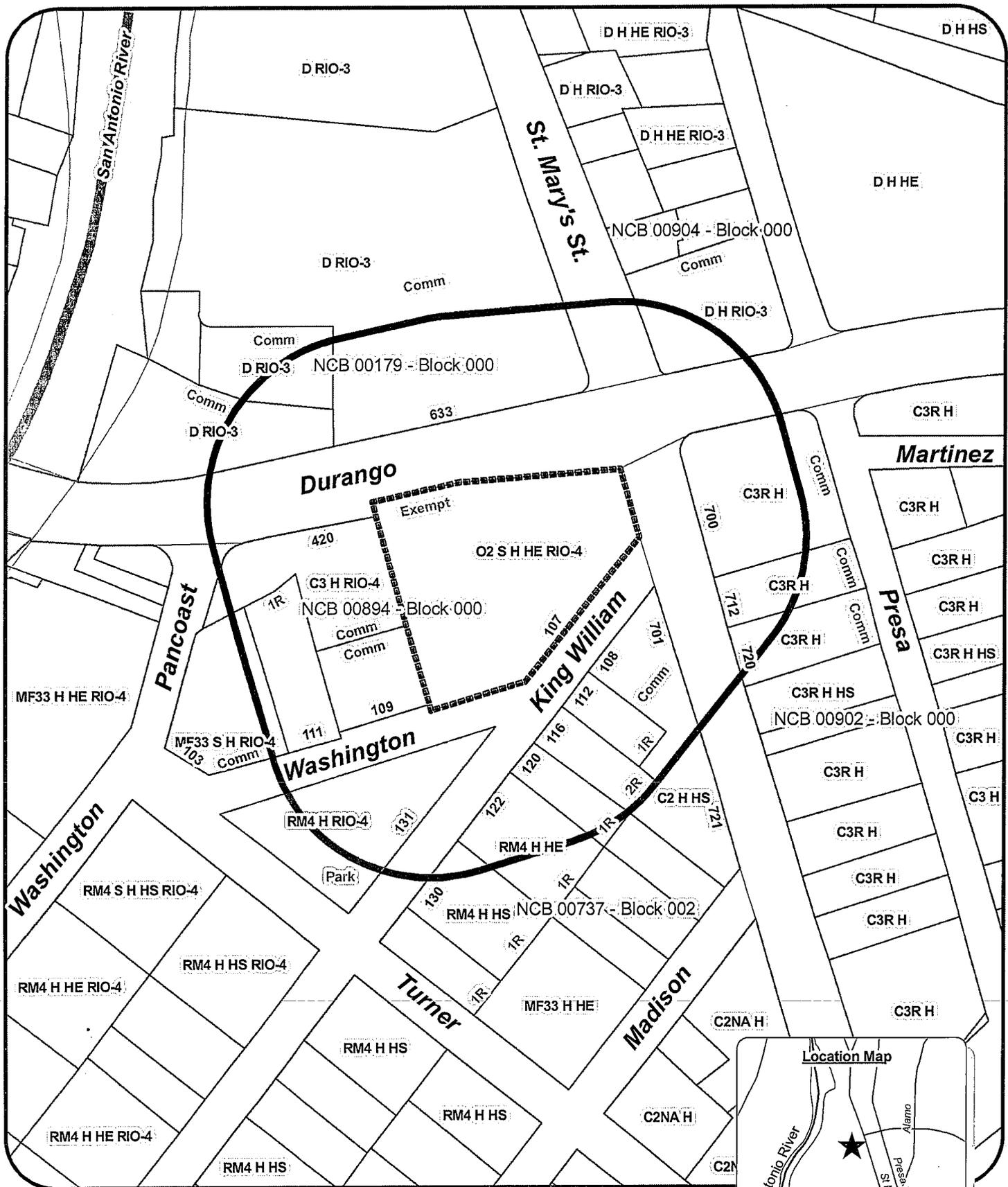
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

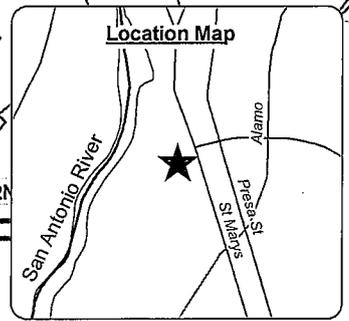
A-08-101



Board of Adjustment
Notification Plan for
Case A-08-101



Legend
 Subject Property 
 200' Notification Buffer 
 Scale: 1" approx. = 150'
 Council District 1



City of San Antonio
 Planning & Development Services Department
 (09/15/2008)
 R.R.M.

CASE NO: A-08-101

Board of Adjustment – October 6, 2008

Applicant: San Antonio Conservation Society

Owner: San Antonio Conservation Society

Request(s): The applicant is requesting **1)** an 8-foot variance from the requirement that a minimum 20-foot side setback be maintained in "O-2" zoning districts when abutting residential uses or zoning districts, in order to erect a structure 12 feet from the side property line and **2)** a 4 space parking adjustment from the parking standard that office uses of 8,675 square feet of gross floor area have 29 spaces, in order to allow 25 parking spaces.

Legal Description: The Southwest Irregular 195 feet of Lot 2 and Pt of A-1, NCB 894

Address: 107 King William Street

Zoning: "H HE O-2 S RIO-4" Historic Exceptional Office Historic River Improvement Overlay District-4 with a Specific Use Permit for a Museum

Existing Use: Office

Neigh. Assoc: King William Neighborhood Association

Neigh. Plan: Downtown Neighborhood Plan

Sections of the City Code from which these variances are requested:

35-310 Zoning District Purpose Statements and Design Regulations: A minimum 20-foot side setback is required in "O-2" zoning districts when abutting residential zoning or uses.

Section 35-526 Parking and Loading Standards, Table 35-526 (b) Parking in Nonresidential Use Districts: The minimum vehicle spaces for an office shall be no less than 1 space per 300 square feet of gross square footage.

Background: The subject property is located on King William Street, bound by East Durango Boulevard to the north, South St. Mary's Street to the east, and Washington Street to the south. The property is zoned O-2 and is occupied by a structure that serves as the main office for the San Antonio Conservation Society. A mixture of zoning and uses surrounds the subject property, including C-3, D, RM-4 and MF-33. The subject property itself abuts two lots to the west, zoned MF-33 and C-3, respectively. The applicant is seeking a variance from the side yard setback requirement in order to erect a 2470 square foot addition to the historic structure on the west side of the subject property, also known as the Stuemke Barn, that will serve as a storage area for historic materials. A portion of the proposed addition would encroach into the required setback between the subject property and the MF-33 zoned property to the west, hence this particular request. The applicant is also seeking an adjustment from the requirement that office uses require 1 parking space per every 300 square feet of gross floor area. The applicant cites fairly low volumes of vehicles in the parking lot at any given time and a desire to preserve the existing grounds as rationale for this request.

Recommendation: The intent of the front and side setback requirements are to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. The proposed addition to the "Stuemke Barn" on the subject property would encroach into the required side setback between O-2 and MF-33 zoning. Staff believes that, in this case, the encroachment of the addition would not create a situation where the overcrowding of the lot would occur. Although the zoning of the lot in question to the west of the subject property is indeed zoned MF-33, it is being utilized strictly as a parking lot for the commercial use to the north. The lot itself is irregularly shaped which creates a hardship similar to that of a topographical hardship in that development on the lot is already limited by the layout. Staff also believes being that the lot to the west is not currently being utilized for residential uses, that the first variance request is reasonable.

As per section 35-526 of the UDC, offices are required to provide no less than 1 parking space per every 300 square feet of gross floor area. The aggregate gross floor area for the offices on the subject property totals 8,675 square feet, which would require that the total parking spaces be no fewer than 29. The request to reduce the total number of parking spaces to 25 also appears to be a reasonable request. The applicant stated in the application that one reason for the request for the reduction of the required parking spaces is due to the desire to maintain the existing open space and existing vegetation on the subject property. Also, they cite a relatively low volume of traffic (10 employees and an average of 1.3 visitors per day) as rationale for the request. The 25 spaces requested would seem to satisfy this parking demand, and eliminate any undesirable on-street parking situations. Therefore, staff recommends **approval** of the side setback variance request and **approval** of the parking space adjustment request.

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

NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-08-101

Hearing Date: October 6, 2008

Property Address: 107 King William Street

Zoning: O-2 S H HE RIO-4

Type / Scope of BOA Request:

1) an 8-foot variance from the requirement that a minimum 20-foot side setback be maintained in "O-2" zoning districts when abutting residential uses or zoning districts, in order to erect a structure 12 feet from the side property line; and 2) a 4 parking space adjustment from the parking standard that an 8,675 square foot office requires a minimum of 29 parking spaces in order to allow 25 parking spaces.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association: King William Association
Neighborhood or Community Plan: Downtown Neighborhood Plan
Neighborhood Conservation District: n/a
Historical District: King William

ANALYSIS STATEMENT

The subject parcel is designated Residential land use in District K of the Downtown Neighborhood Land Use Plan. It is also located within the King William Historic District. District K calls for single family and duplex housing at a maximum density of 12 units per gross acre; continued preservation within the historic district; and maximum density of 40 units per gross acre along low-rise mixed use corridors along S. Alamo and S. St. Mary's Streets.

The property to the west at 109 Washington Street is zoned MF-33, however the existing use on that parcel is a parking lot which serves the C-3 zoned property immediately to the north of the parking lot and adjacent to the west of the subject parcel. Although the subject parcel abuts a residentially zoned lot, the existing use is not residential. In addition, the applicant points to the irregular shape of the subject parcel and adds that by complying with the literal enforcement of the code, the historic nature of the site may be negatively impacted.

The second variance request for 1 parking space per 344 sq. ft. GFA as opposed to the required 1 space per 300 sq. ft. would not necessarily be contrary to public interest given the applicant's description of the low demand for on-site parking. In addition, an expanded number of parking spaces would require the removal of vegetation and added impervious cover.

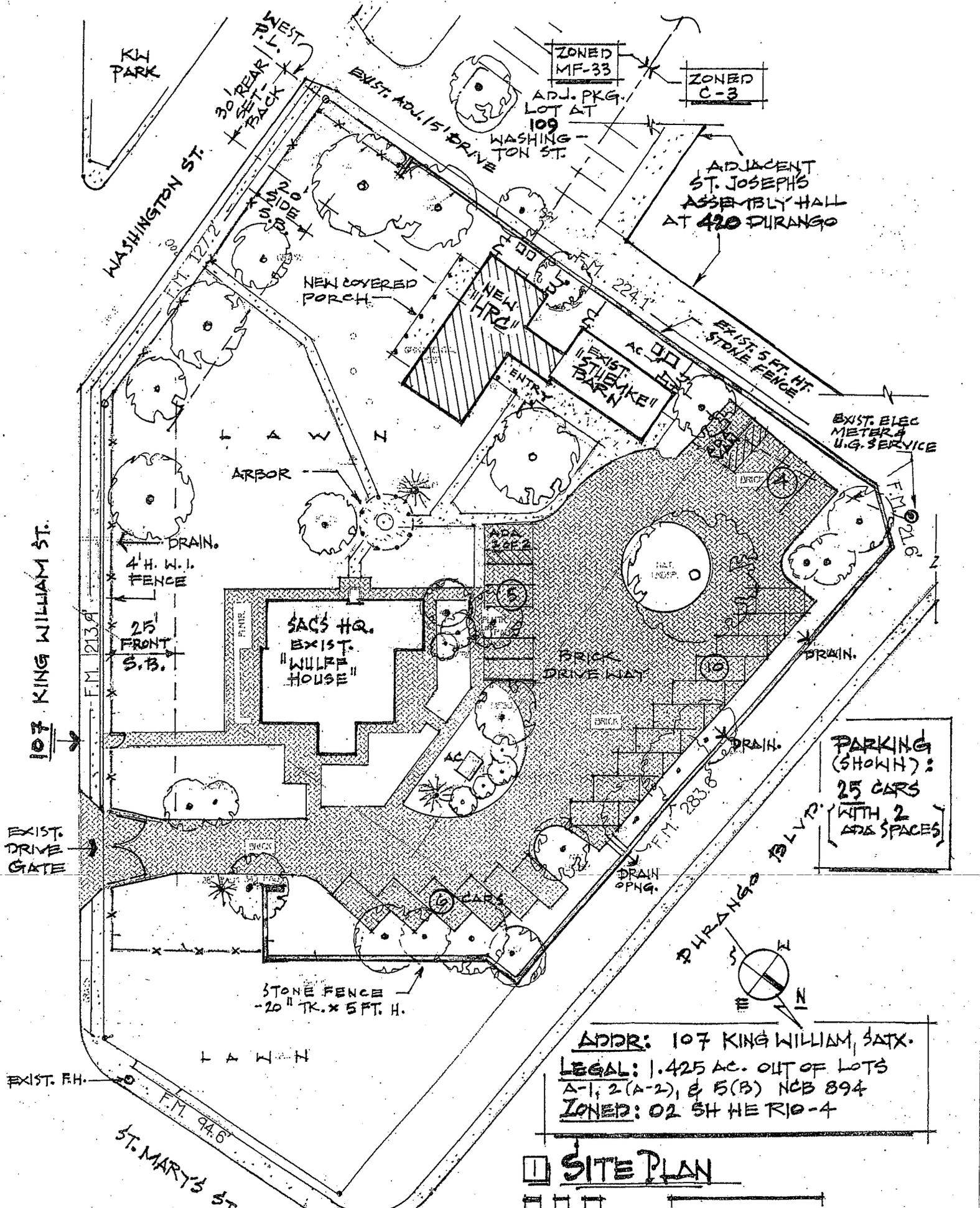
Furthermore, the Historic Division staff of the Planning & Community Development department recommended approval of the applicant's request, as did the Historic & Design Review Commission (HDRC).

RECOMMENDATION

Support Request X Deny Request: _____ Alternate _____
Recommendation Pending Additional Analysis / Information _____

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Andrea Gilles, Sr. Management Analyst
Date Review Completed: September 24, 2008

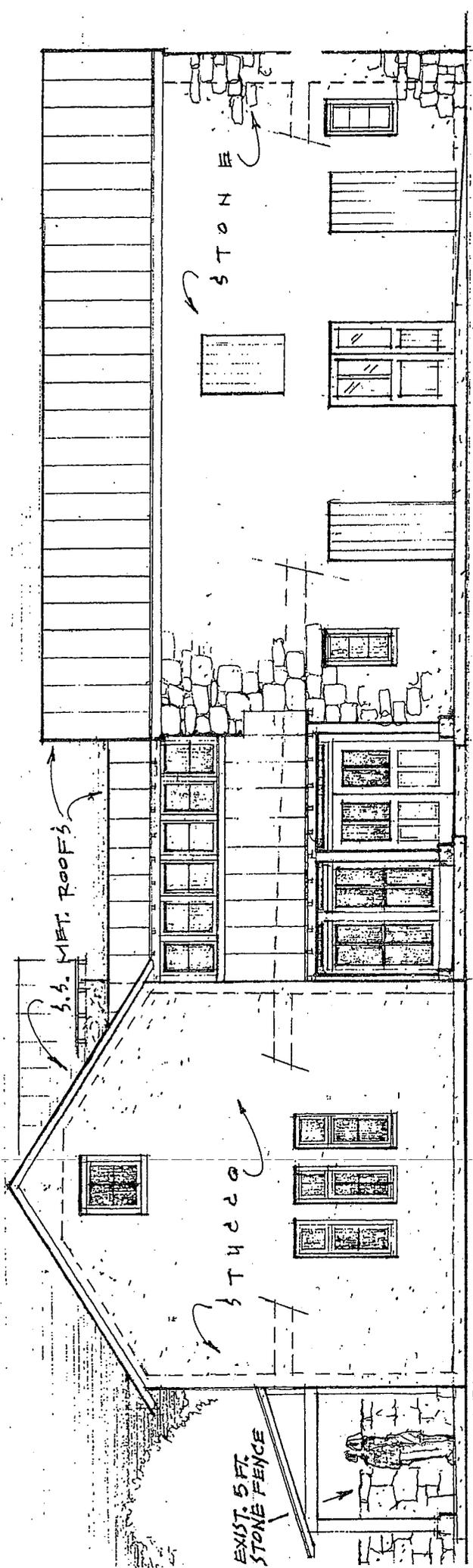


ADDR: 107 KING WILLIAM, SATX.
LEGAL: 1.425 AC. OUT OF LOTS A-1, 2(A-2), & 5(B) NCB 894
ZONED: 02 SH HE RIO-4

□ SITE PLAN



SACS "HRC"	13 AUG 08 SHT. 2 OF 4
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PORCH
 PROPOSED "H.R.C." ADDITION
 NEW ENTRY CONNECTION
 EXISTING "BARN"

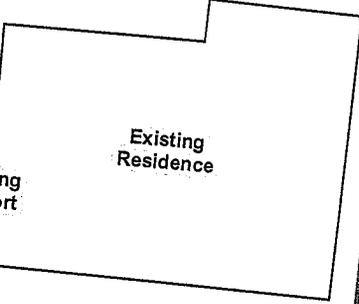
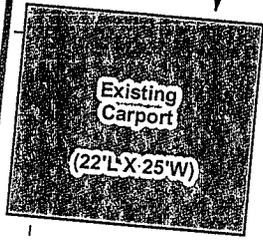
ELEVATION / E
 MAIN ENTRY [VIEWED FROM WULFF HOUSE]



W. Emerson

5' 9" between
Front property line & carport

10' Required
Front Setback



5' between
carport & property line

5' Required
Side Setback

NCB 7545
Block 13
Lot 9

Alley

Board of Adjustment

Plot Plan for
Case A-08-103



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

122 W. Emerson

Produced by the City of San Antonio
Development Services Department
(09/10/2008)

Board of Adjustment - Case No. A-08-103

October 6, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, October 6, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Frances Hernandez
The north 132 feet of Lot 9, Block 13, NCB 7545
122 West Emerson Avenue
Zoned: “R-6” Residential Single-Family District

The applicant is requesting **1)** a 4-foot, 3-inch variance from the requirement that a minimum 10-foot front setback be maintained in “R-6” zoning districts, in order to keep an existing carport 5 feet, 9 inches from the front property line, and **2)** a 4-foot, 7-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing carport 5 inches from the west side property line.

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

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

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

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

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.
Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____
Address/Direccion: _____
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

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

Comments/Comentarios: _____



Board of Adjustment
Notification Plan for
Case A-08-103



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 1

Produced by the City of San Antonio
 Development Services Department
 (09/10/2008)

CASE NO: A-08-103

Board of Adjustment – October 6, 2008

Applicant: Frances Hernandez

Owner: Frances Hernandez

Request(s): The applicant is requesting 1) a 4-foot, 3-inch variance from the requirement that a minimum 10-foot front setback be maintained in "R-6" zoning districts, in order to keep an existing carport 5 feet, 9 inches from the front property line, and 2) a 4-foot, 7-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts, in order to keep the same carport 5 inches from the west side property line.

Legal Description: The North 132 Feet of Lot 9, Block 14, NCB 7545

Address: 122 West Emerson Avenue

Zoning: "R-6" Residential Single-Family District

Existing Use: Single-Family Residential

Neigh. Assoc: Thompson Community Association

Neigh. Plan: Kelly/South San P.U.E.B.L.O. Community Plan

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

35-310 Zoning District Purpose Statements and Design Regulations: A minimum 10-foot front setback is required in "R-6" zoning districts. A minimum 5-foot side setback is required in "R-6" zoning districts.

Background: The subject property is located mid-block on West Emerson Avenue, just west of General Hudnell Drive and east of Cupples Road. The property is zoned R-6 and is occupied by a single-family residence. It is located in an established single-family residential neighborhood and is surrounded by single-family residential zoning and uses on all sides. The applicant is seeking a variance from the front and side yard setback requirements in order to keep an existing detached carport that encroaches into the required setbacks. No permits have been issued for the construction of a carport. The carport was built in the summer of 2008 by a contractor. Similar carports exist in the neighborhood, including a carport at 119 West Emerson, which is the subject of another case before the Board. Upon the initial site visit, staff noted two other carports on the same block of West Emerson that appear to be not in compliance. Said carports have been referred to the Building Inspections Division of the Planning and Development Services Department. The investigation is the result of a citizen complaint.

Recommendation: The intent of the front and side setback requirements are to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. There does not appear to be any unique terrain feature inherent to the property where the literal enforcement of the front and side setback requirements would result in an unnecessary hardship. The carport on the subject property was constructed without permits. While there are several similar carports in the vicinity of the subject property, staff believes that in this case, the existing carport is not warranted. The Kelly/South San P.U.E.B.L.O. Community Plan does not specifically

address carports, though one of the stated goals of the plan is "ensuring neighborhood compliance with basic city codes". For these reasons staff recommends **denial** of the requested variance.

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

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

NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-08-103

Property Address: 122 W. Emerson

Zoning: R-6

Hearing Date: October 6, 2008

Type / Scope of BOA Request:

A.) 4-foot, 3-inch variance from the UDC requirement that a carport be setback a minimum of 10-feet from the front property line. B.) 5-foot 7-inch variance from the UDC requirement that a carport be setback a minimum of 5-feet front the side property line.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association: Thompson Community

Neighborhood or Community Plan: Kelly/South San PUEBLO

Neighborhood Conservation District: n/a

Corridor Overlay District : n/a

ANALYSIS STATEMENT

The subject parcel is designated low density residential land use in the Future Land Use Plan. The Community Plan does not specifically address setbacks and carports; however, it does stress the importance of maintaining neighborhood character and consistency with existing development patterns. The requested variance does not uphold those Plan objectives. In addition, it does not seem that there are any extenuating topographical constraints or similar issues related to the subject parcel for which the literal enforcement of the ordinance would result in unnecessary hardship.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request _____

Deny Request X

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Brad Smilgin, Planner

Date Review Completed: 9/19/2008

PLOT PLAN

FOR
BLDG PERMITS

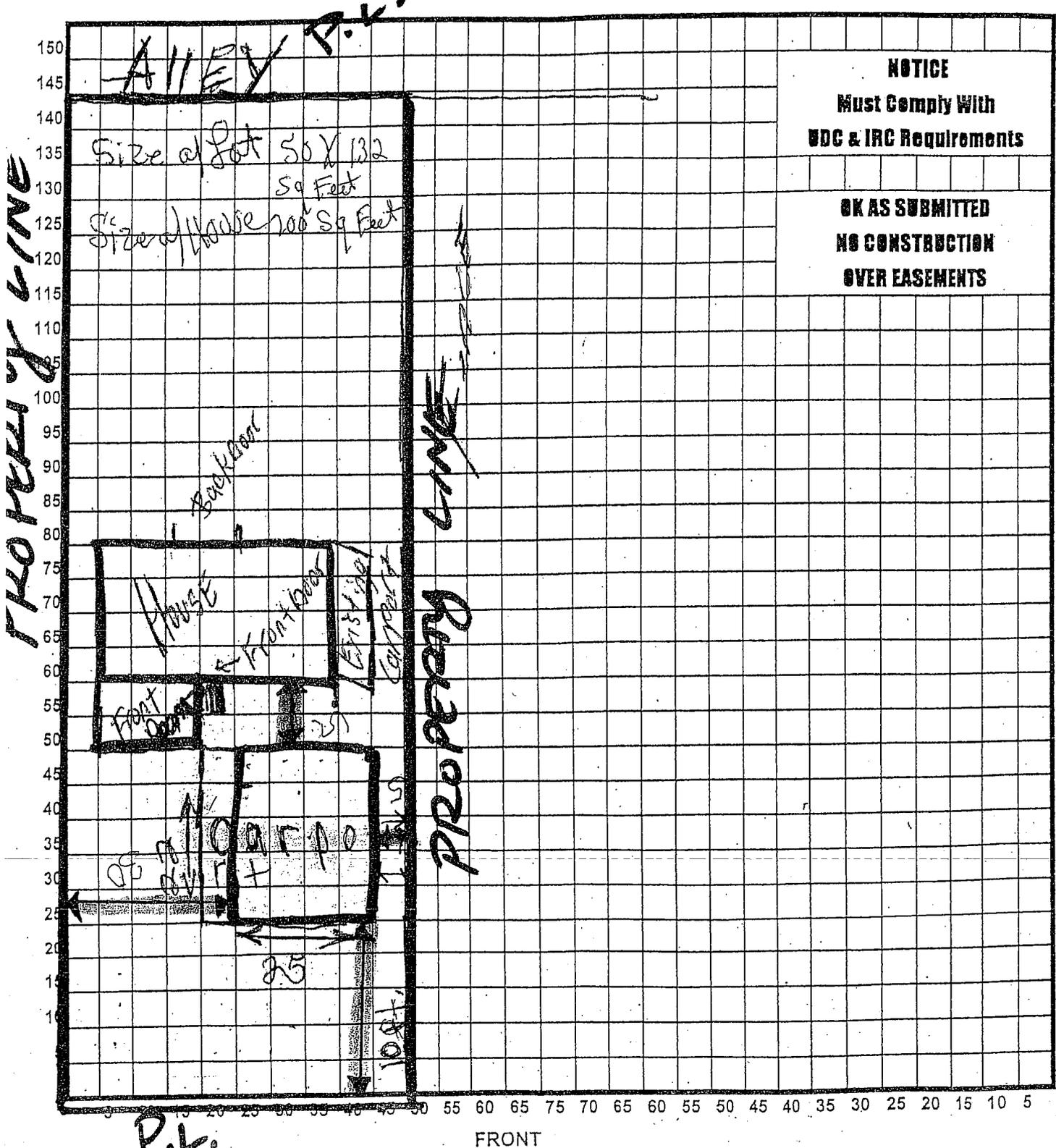
Address 122 Welleson

Lot _____

Block 100

NCB _____

REAR



P.L.
FRONT

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