

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, August 1, 2011

11:30 A.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. **11:30 AM** - Work Session - discussion of policies and administrative procedures, ethics and parliamentary procedures and any items for consideration on the agenda.
2. **1:00 PM** - Public Hearing – Call to Order
3. Roll Call
4. Pledges of Allegiance
5. **A-11-053:** The request of Lowe’s Home Centers, Inc., for a 2-foot variance from the maximum 4-foot front yard predominantly open fence height standard, in order to allow a 6-foot predominantly open fence in the front yard, 10045 Rogers Run. (Council District 6)
6. **A-11-054:** The request of AJJ Properties LLC, for an 11-parking space adjustment to the minimum 23-parking space requirement, in order to allow twelve (12) parking spaces for an approximate 6,100-square foot commercial building with a 1,200-square foot massage salon, 3,300-square foot to-go food service establishment and 1,500-square foot convenience store, 9907 Fredericksburg Road. (Council District 8)
7. **A-11-055:** The request of Proportional Prosperity LLC, for **1**) a variance from the solid screen (opaque) fencing requirement for properties zoned nonresidential when adjacent to single-family residential uses, in order to allow a predominantly open fence along the north and west property lines; **2**) a 3-foot variance from the maximum 3-foot front yard fence height standard, in order to allow a 6-foot tall fence in the front yard along the north property line; and **3**) a 2-foot variance from the maximum 4-foot front yard fence height standard, in order to allow a 6-foot tall fence in the front yard, 3411 Horal Street. (Council District 4)
8. Approval of the minutes – July 11, 2011.
9. Adjournment.

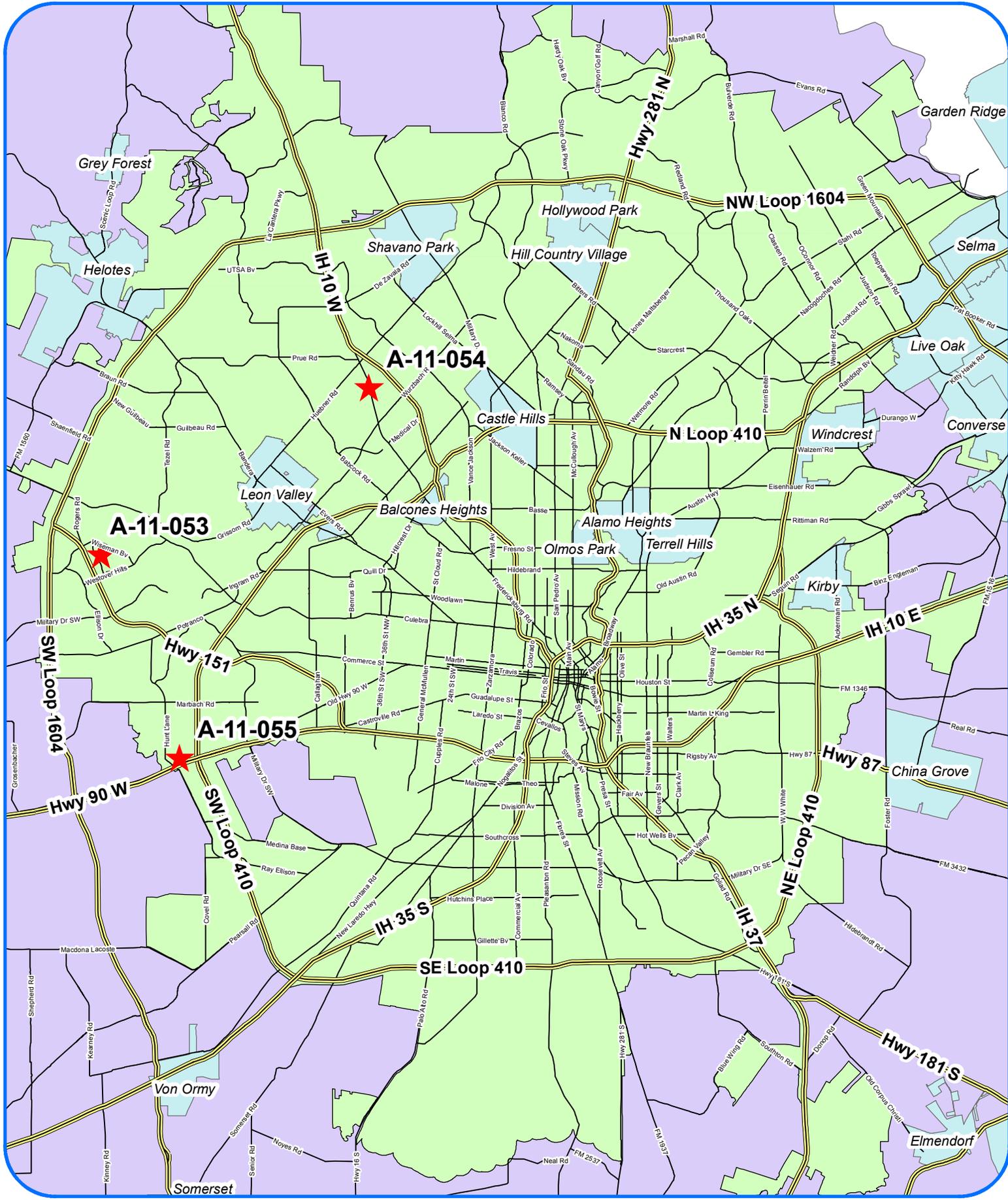
***ACCESSIBILITY STATEMENT** - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.*

Board of Adjustment Membership

Michael Gallagher, Chair Andrew M. Ozuna, Vice Chair
Geroge L. Britton • Gene Camargo • Helen K. Dutmer • Edward H. Hardemon • Mary Rogers
Liz M. Victor • David M. Villyard • Jesse Zuniga • Vacancy

Alternate Members

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



Board of Adjustment
Subject Property Locations
Cases for August 1, 2011





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-053
Date: August 1, 2011
Applicant: Lowe's Home Centers, Inc.
Owner: Lowe's Home Centers, Inc.
Location: 10045 Rogers Run
Legal Description: Lot 3, Block 15, NCB 17642
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests a 2-foot variance from the maximum 4-foot front yard predominantly open fence height standard, in order to allow a 6-foot predominantly open fence in the front yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on July 14, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 15, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 29, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 10-acre property consists of the Lowe's Home Centers computer data center. There is an existing 6-foot predominantly open fence surrounding the property that was installed for security purposes. The current property owner wishes to replace a portion of the existing fence in the front yard with a new 6-foot tall fence closer to the front south property line to accommodate new transformers to be installed on site. The new fence will be a wrought iron fence consistent with the existing fence on site.

Pursuant to Section 35-514(d) of the UDC, predominantly open fences within the front yard of a commercial use property shall have a maximum height of four (4) feet. Consequently, the applicant is requesting a two (2) foot variance from this standard. According to the submitted application, the proposed fence height is necessary to provide security to the existing facility that stores a large amount of customer information.

City records do not show that a variance was granted for the existing 6-foot fence in the front yard. The requested variance applies to both the existing and proposed fence.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial)	Office (Data Center)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 AHOD (Commercial)	Office
South	C-2 AHOD (Commercial)	Office (Data Center)
East	C-2 AHOD (Commercial)	Vacant
West	C-2 AHOD (Commercial)	Office

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan. The subject property is not located within a registered neighborhood association.

Criteria for Review

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

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

The requested variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The subject property is an interior lot on a cul-de-sac street with approximately four hundred (400) feet of frontage. The fence, where proposed, will be approximately fifteen (15) feet to twenty-five (25) feet away from the curb, thus maintaining visibility along the right-of-way.

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

The subject property consists of the Lowe’s Home Center Facility that contains the computer data center and personal information of costumers. Due to the unique nature of the use, the property requires a 6-foot tall security fence to protect the important information stored at this facility. A literal enforcement of the regulations would result in the property having a 4-foot tall fence in the front yard, which does not provide the security required for the facility.

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

The requested variance will be in keeping with the spirit of the ordinance as the proposed fence complies with the intent of the maximum fence height standards by continuing to allow openness, air flow, light penetration and neighborhood uniformity. Furthermore, the proposed fence will be located approximately fifteen (15) to twenty-five (25) feet away from the curb, and thus complies with the intent of the fence standards of not obstructing traffic's visibility and maintaining openness along the street frontages.

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 "C-2" Commercial 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 requested variance will not adversely impact the adjacent conforming properties. The subject property is surrounded by large lots of similar character that are undeveloped, or consist of corporate offices or data center buildings with large parking areas. Due to the size of the lot, the proposed fence will also maintain openness, air flow, light penetration and neighborhood uniformity on the surrounding properties. The Board of Adjustment approved an 8-foot tall security fence on the property to the south on November 3, 2008 (BOA Case No. A-08-113).

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 of the property is due to the unique nature of the facility and its high security requirements. These conditions are not a result of the general conditions of the zoning district or an action done by the property owner, or due to financial hardship.

Staff Recommendation

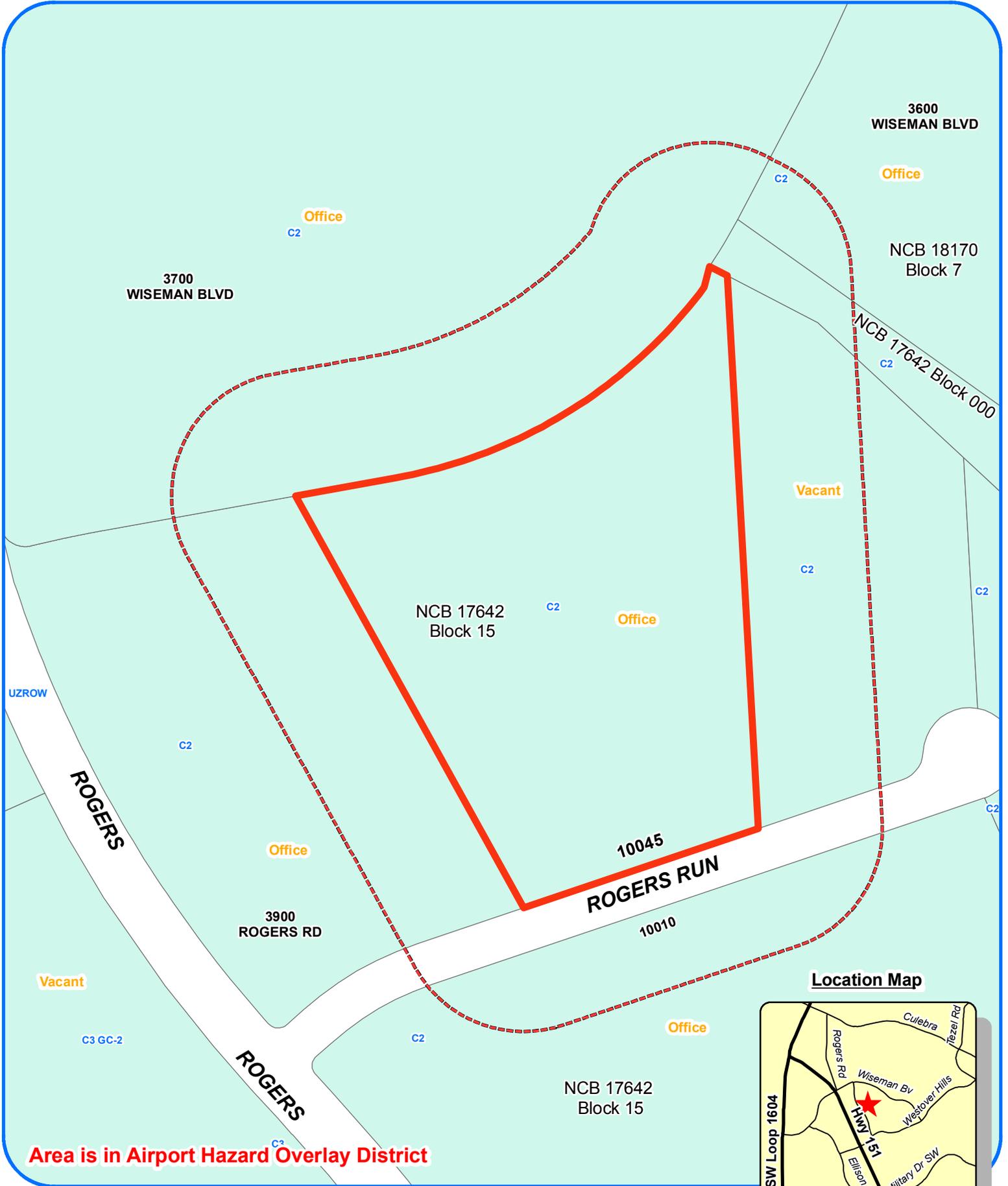
Staff recommends **approval of A-11-053**. The proposed variance complies with all required review criteria for granting a variance as presented above. The variance is needed due to the unique nature of the use in order to protect the information and equipment stored at the facility. The proposed fence is essential to the use of the property as the security fence is required in order to ensure its operation.

Attachments

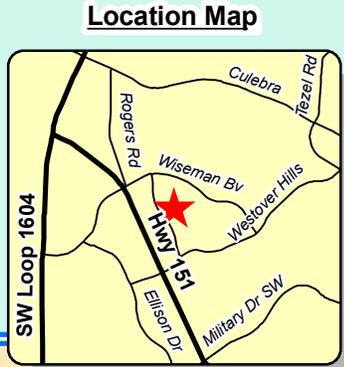
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



Area is in Airport Hazard Overlay District

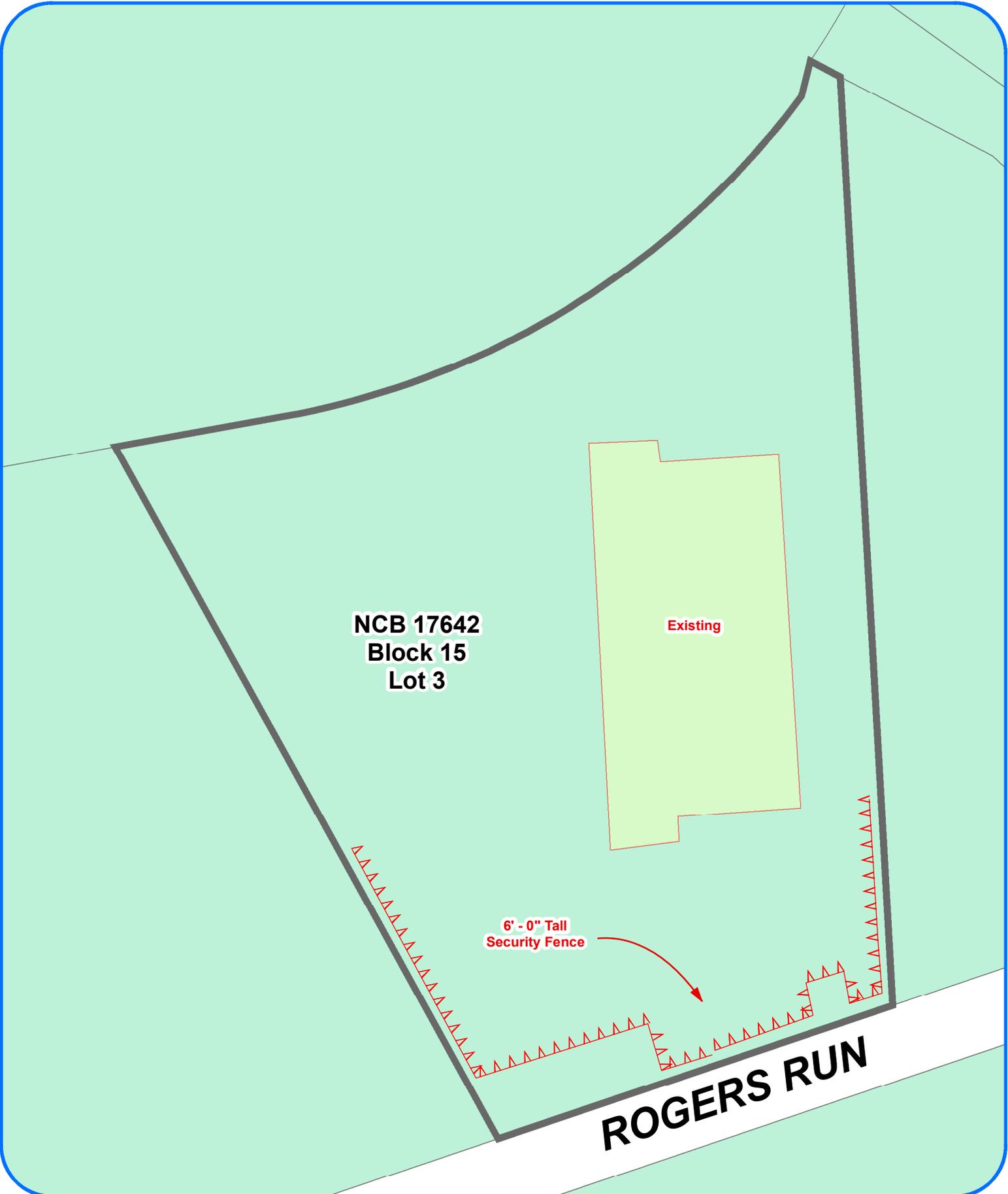


Board of Adjustment
Notification Plan for
Case A-11-053



Legend

- Subject Property ———
- 200' Notification Boundary - - - - -
- Scale: 1" approx. = 200'
- Council District 6



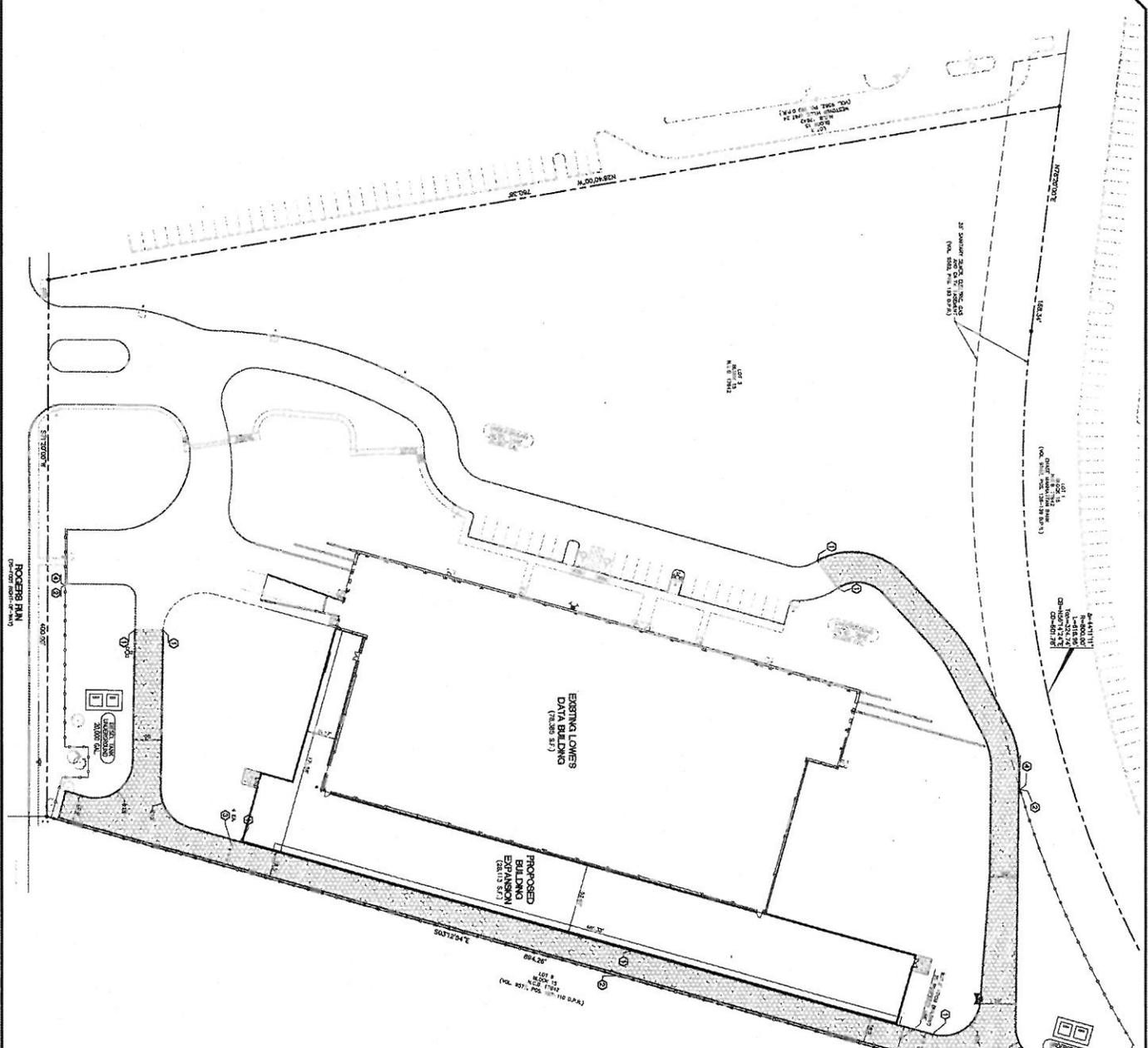
Board of Adjustment
 Plot Plan for
Case A-11-053



Fence ▲▲▲▲
 Scale: 1" approx. = 120'
 Council District 6

10045 ROGERS RUN

Development Services Dept
 City of San Antonio
 (7/7/2011)



PERMIT SET

PAPERDAWSON
ENGINEERS

1001 EAST FINGER | SAN ANTONIO, TEXAS 78218 | PHONE: 210.225.0000
 800.368.8888 | FAX: 210.225.0000
 200 SOUTH MAIN STREET, SUITE 1000, SAN ANTONIO, TEXAS 78205

OPTIMA ENGINEERING
P.A.

LEGEND

- EXISTING FIRE DEPARTMENT CONNECTION (FDC)
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- PROPERTY LINE
- EXISTING LIGHT POLE
- PROPOSED LIGHT POLE
- EXISTING LIGHT POLE
- PROPOSED LIGHT POLE

KEYNOTES

- EXISTING FDC
- PROPOSED FDC
- EXISTING LIGHT POLE
- PROPOSED LIGHT POLE

SUMMARY TABLE

LINE NO.	DESCRIPTION	DATE	BY	CHKD.
1	PROPOSED BUILDING EXPANSION	11/10/10	P. J. WILSON	J. WILSON
2	PROPOSED PAVING	11/10/10	P. J. WILSON	J. WILSON
3	PROPOSED LIGHT POLES	11/10/10	P. J. WILSON	J. WILSON
4	PROPOSED FIRE HYDRANT	11/10/10	P. J. WILSON	J. WILSON
5	PROPOSED FDC	11/10/10	P. J. WILSON	J. WILSON

SCALE: 1" = 20'

LOCATION MAP

LOWE'S DATA CENTER
INFRASTRUCTURE UPGRADE

ROGERS RUN
SAN ANTONIO, TEXAS

DATE: 01/20/2011
PROJECT #: 11-01-200
DESIGNED BY: J.W.
CHECKED BY: J.W.
DATE: 01/20/11

SHEET TITLE:
SITE AND PAVING PLAN

SCALE: 1" = 20'

SHEET NO.: 1 OF 1

MECHANICAL • ELECTRICAL • PLUMBING
FIRE PROTECTION • LIGHTING DESIGN

optima
engineering p.a.

1927 SOUTH TRYON STREET • SUITE 300
 CHARLOTTE, NC 28203
 V: 704-338-1293 • F: 704-338-9974
 WWW.OPTIMAPA.COM



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-054
Date: August 1, 2011
Applicant: AJJ Properties, LLC
Owner: AJJ Properties, LLC
Location: 9907 Fredericksburg Road
Legal Description: Lot 1, Block 1, NCB 16477
Zoning: "C-3" General Commercial District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests an 11-parking space adjustment to the minimum twenty-three (23) parking space requirement, in order to allow twelve (12) parking spaces for an approximate 6,100-square foot commercial building with a 1,200-square foot massage salon, 3,300-square foot to-go food service establishment and 1,500-square foot convenience store.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on July 14, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 15, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 29, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.32-acre property consists of an approximate 6,100-square foot commercial building, which was built in 1982 according to the Bexar County Property Appraisal District. The building consists of three (3) suites (9903, 9907 and 9911 Fredericksburg), two (2) of which are currently occupied with a massage salon (9903) and a convenience store (9911). The current property owner wishes to lease the remaining vacant suite (9907) to a to-go food service establishment. As stated in the submitted application, the majority of the business of the proposed to-go food service establishment will be take-out or delivery with no dine-in patrons.

Pursuant to Table 526-3b of the UDC, the subject property requires a minimum of twenty-three (23) parking spaces (see table below).

<i>Suite No.</i>	<i>Use</i>	<i>Aprox. Sq.Ft.</i>	<i>Parking Required</i>	<i>Parking Provided</i>
9903	Massage Salon	1,300	1 per 400 – 3.25	
9907	To-Go Food Service Establishment	3,300	1 per 300 – 11	
9911	Convenience Store	1,500	6 per 1,000 – 9	
TOTAL			23	12

As shown in the submitted drawings, the subject property has twelve (12) parking spaces. Consequently, the applicant is requesting a parking adjustment of eleven (11) parking spaces. According to the applicant, additional parking spaces may not be provided on site due to lack of space. The applicant also states that a cooperative parking agreement is not possible due to the location of the strip center.

The subject property is located at the northwest corner of Fredericksburg Road (formerly U.S. Highway 87) and Gus Eckert Road. The attached S/J and R Subdivision Unit I Plat shows a 1-foot vehicular non-access easement on the east boundary line along Fredericksburg Road. Additionally, the existing building is located at the north and west property lines, and is set back approximately thirty (30) feet from the east property line. The existing parking lot is located to the south and southeast corner of the property. Based on the minimum size and location requirements of Section 35-526(e) of the UDC, a minimum of forty-three (43) feet is required for 90-degree parking spaces with ample turnaround space (for one-way and two-way operation).

Pursuant to Section 35-526(g)(1) of the UDC, cooperative parking shall be obtained within six hundred (600) feet of the property requiring the additional parking for all permitted uses. Only apartment complexes and the United Services Automobile Association (“USAA”) facility exist within six hundred (600) feet of the subject property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 (Commercial)	Commercial

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	MF-33 (Residential)	Apartments
South	C-2 (Commercial)	Apartments
East	C-3 (Commercial)	Office (USAA)
West	MF-33 (Residential)	Apartments

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

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

The current regulations of the UDC require that the subject property provide a minimum of twenty-three (23) parking spaces due to the size, and existing and proposed uses of the building. However, due to the lot size, the existing non-access easement along Fredericksburg Road, and the size and location of the building that was built in the 1980s, the property presents very limited space to accommodate parking spaces in compliance with the current parking requirements. Under the current zoning regulations, the two (2) existing uses on the property require the total number of existing parking spaces on site [twelve (12) parking spaces]. The UDC provides the option of a Cooperative Parking Plan (sharing of off-street parking facilities with other properties); however, the parking facilities must be located within six hundred (600) feet of the subject property. There are no viable options for a cooperative parking agreement within the required distance as the subject property is surrounded by apartment complexes and the USAA facility. A parking adjustment is necessary to occupy the third suite in the building regardless of the use.

Staff Recommendation

Staff recommends **approval of A-11-054**. The applicant has submitted sufficient evidence that additional parking spaces may not be provided on site to comply with the minimum parking requirements for the proposed use. Furthermore, failure to grant the exception would result in the third suite remaining vacant. The entire building may be occupied by other uses that require fewer parking spaces [an average ratio of one (1) parking space for every five hundred (500) square feet of floor area]; however, this parking ratio greatly limits the number of businesses that may operate at this establishment.

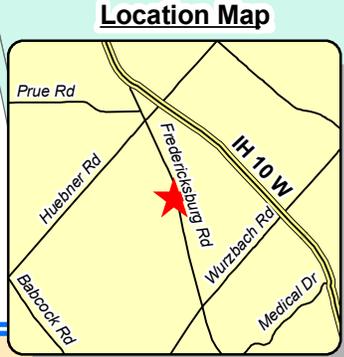
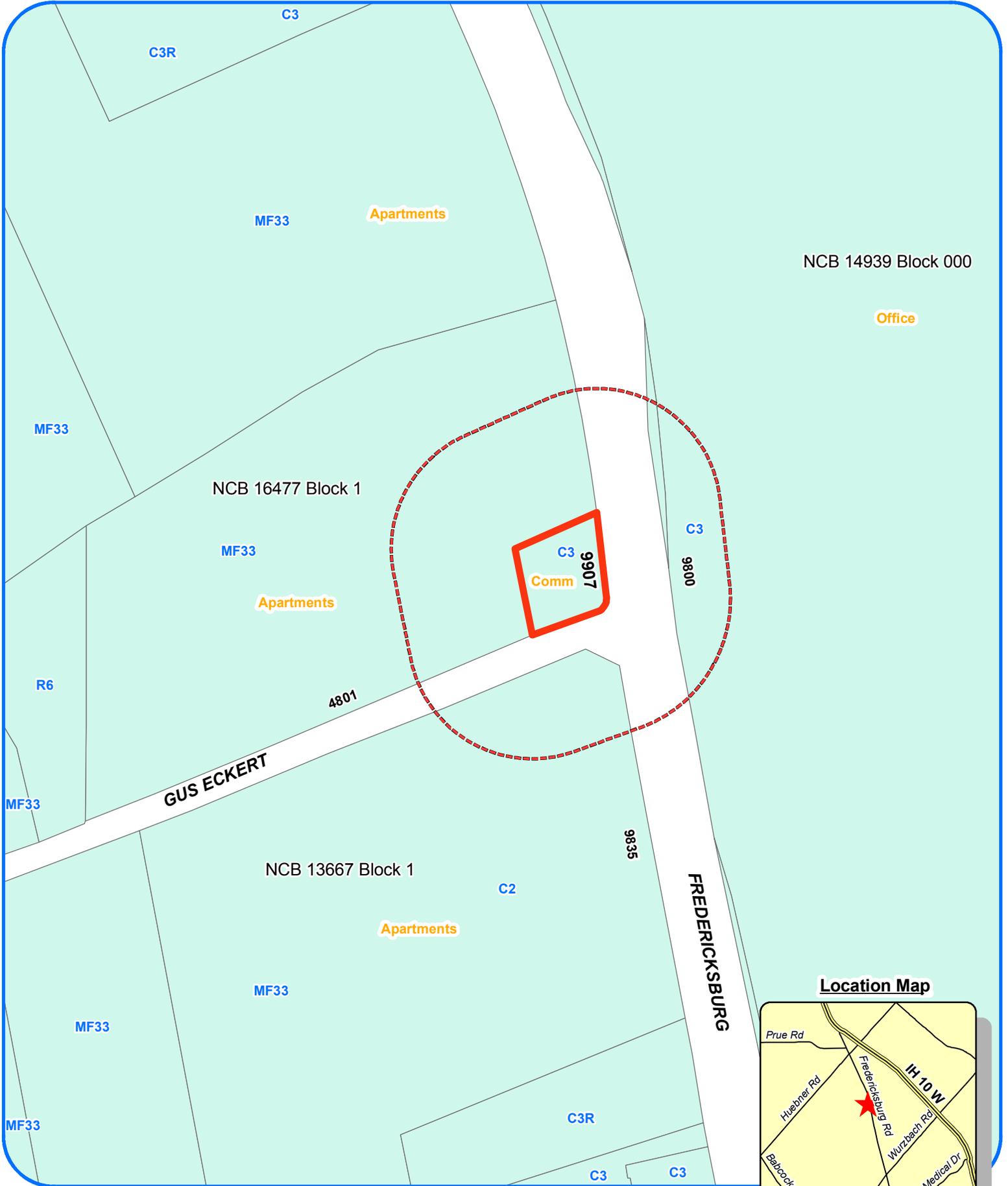
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawings

Attachment 4 – S/J & R Subdivision Unit I Resubdivision Plat

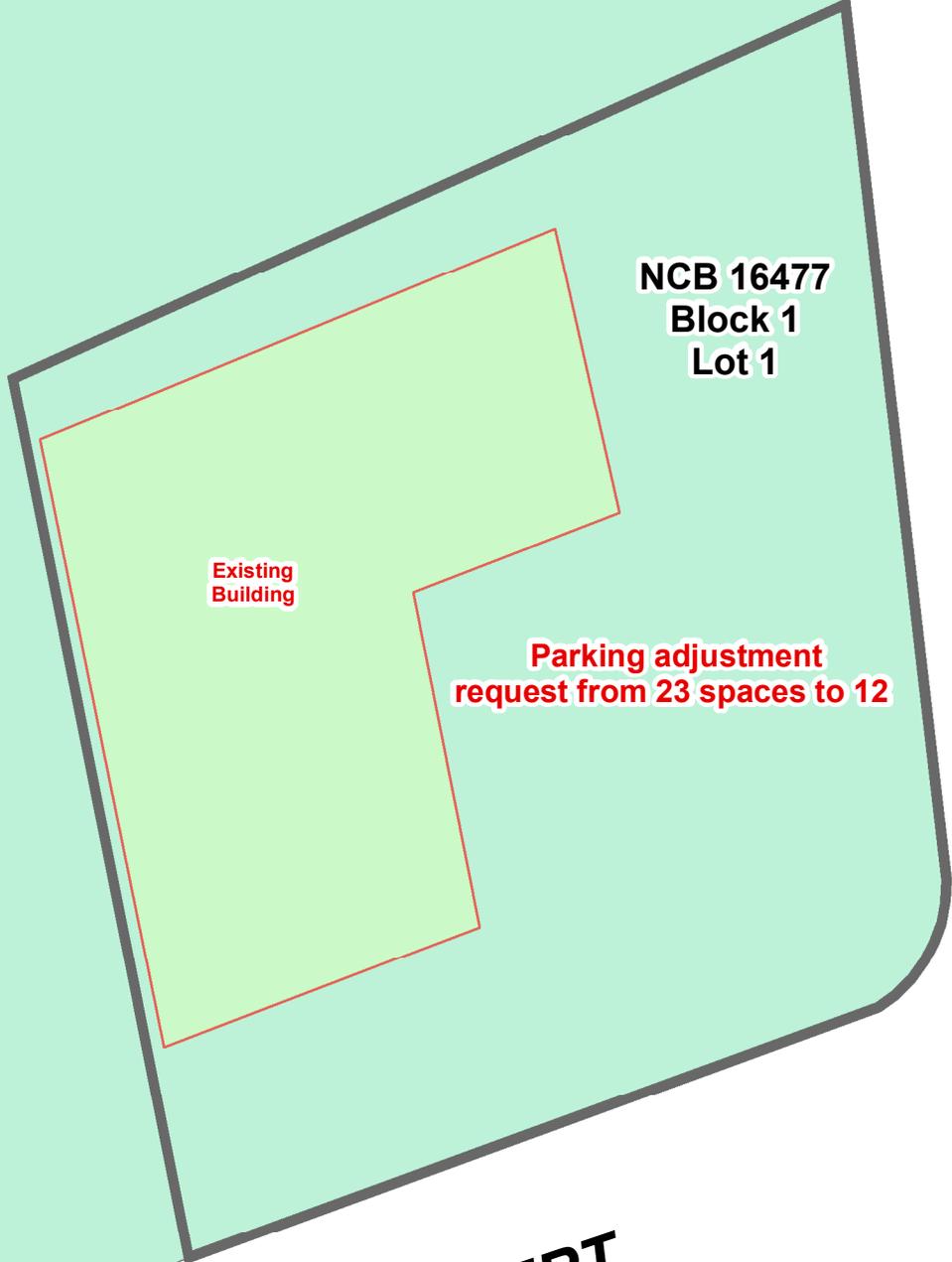


Board of Adjustment
Notification Plan for
Case A-11-054



- Legend**
- Subject Property
 - 200' Notification Boundary
 - Scale: 1" approx. = 150'
 - Council District 8

FREDERICKSBURG RD



**NCB 16477
Block 1
Lot 1**

**Existing
Building**

**Parking adjustment
request from 23 spaces to 12**

GUS ECKERT

Board of Adjustment
Plot Plan for
Case A-11-054



Scale: 1" approx. = 30'
Council District 8

9907 FREDERICKSBURG

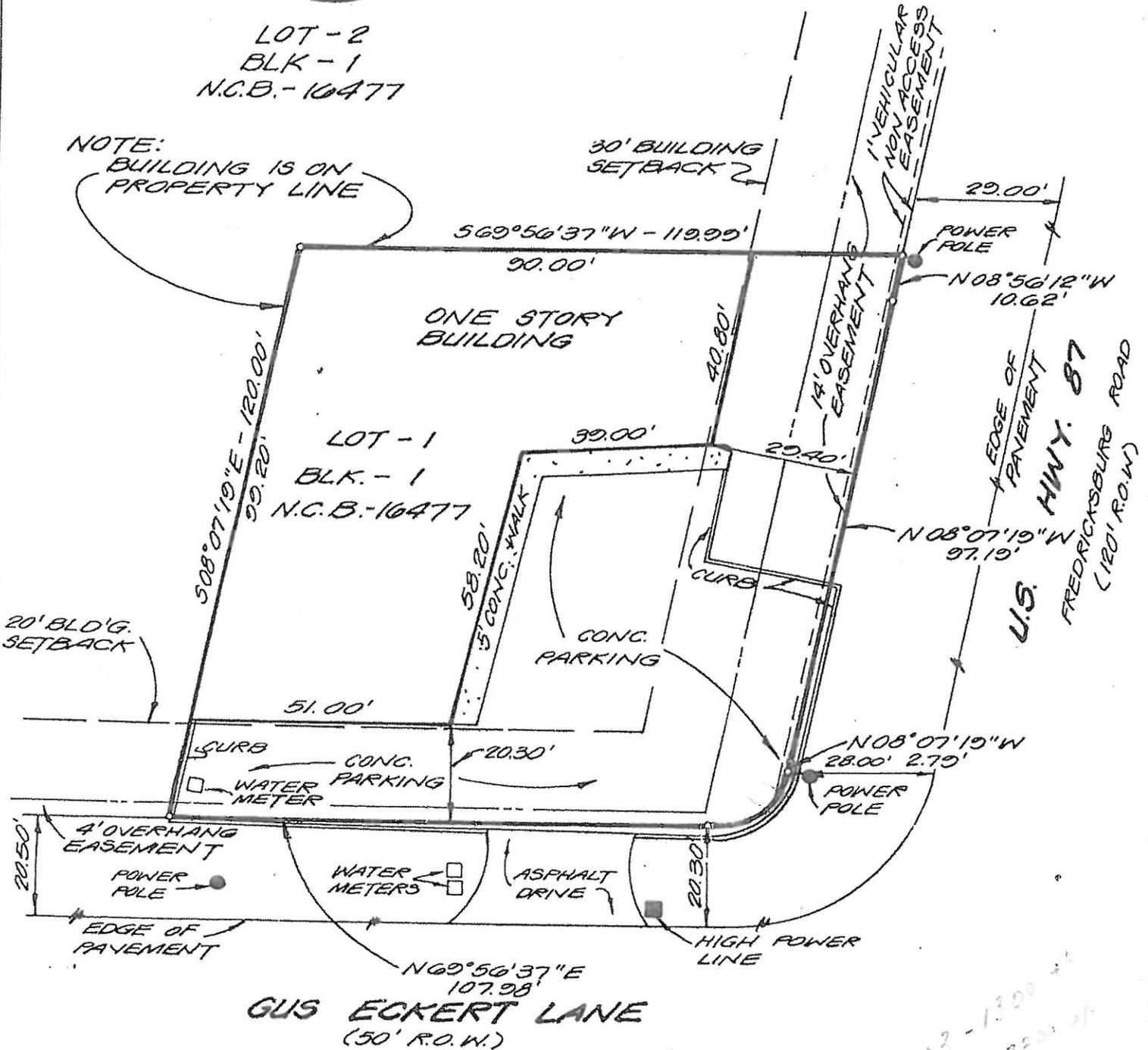
Development Services Dept
City of San Antonio
(7/20/2011)

Scale: 1" = 30'



LOT - 2
BLK - 1
N.C.B. - 10477

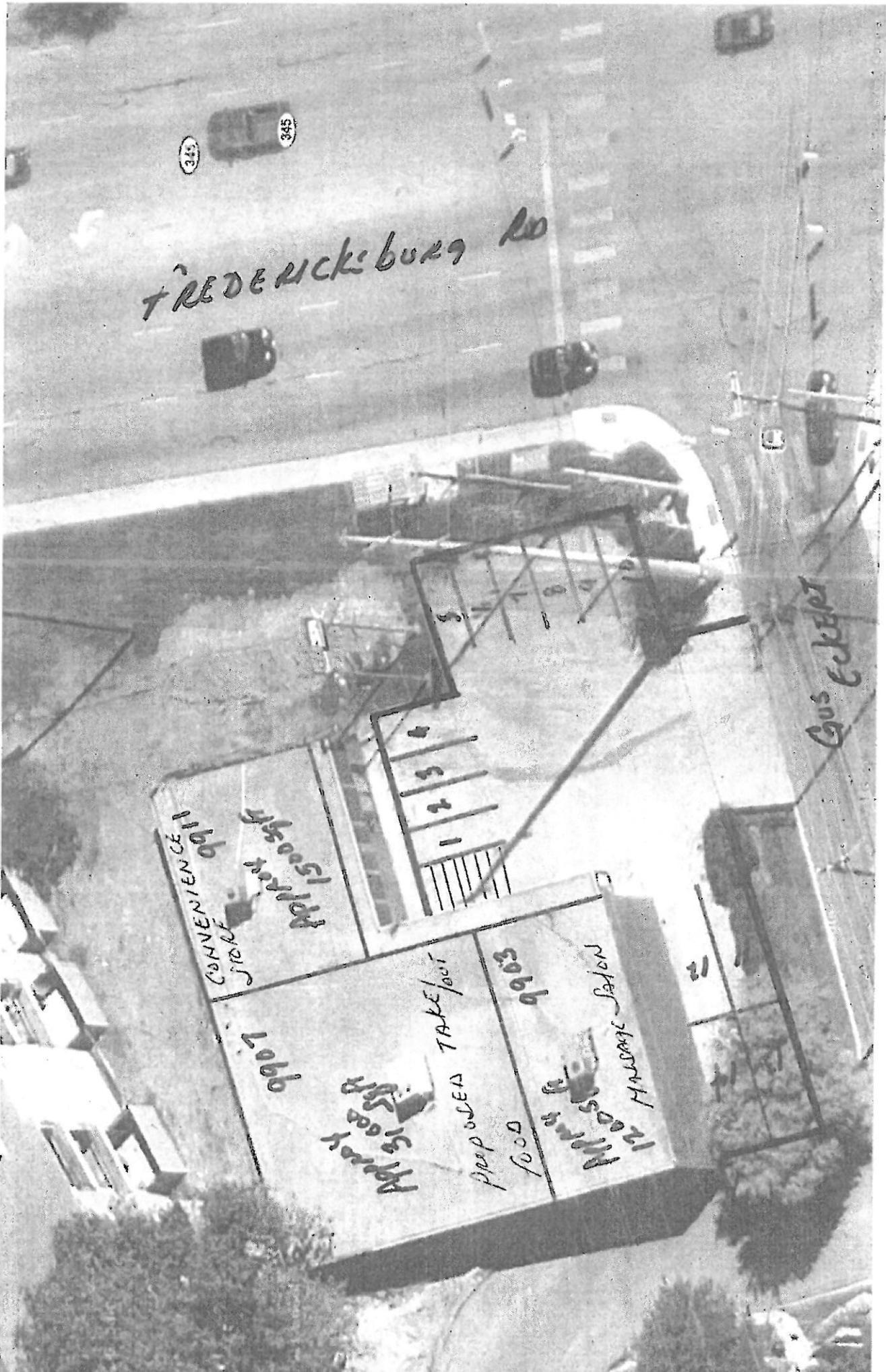
NOTE:
BUILDING IS ON
PROPERTY LINE



9903-1200
9957-3300
12/13/04
E1004

Harry Jewett
Associates





FREDERICKSBURG RD

345

345

CONVENIENCE STORE

APPLIANCE

1 2 3 4

5 6 7 8 9

1000

APPLIANCE

PROPOSED TAKEOUT

FOOD 9903

APPLIANCE

HANDICAPPED STATION

21

Gus Eckert



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-055
Date: August 1, 2011
Applicant: Proportional Prosperity, LLC
Owner: Proportional Prosperity, LLC
Location: 3411 Horal Street
Legal Description: Lot 2, Block 40, NCB 15404
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3R AHOD" Restrictive Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a variance from the solid screen (opaque) fencing requirement for properties zoned nonresidential when adjacent to single-family residential uses, in order to allow a predominantly open fence along the north and west property lines; 2) a 3-foot variance from the maximum 3-foot front yard fence height standard, in order to allow a 6-foot tall fence in the front yard along the north property line; and 3) a 2-foot variance from the maximum 4-foot front yard fence height standard, in order to allow a 6-foot tall fence in the front yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 14, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 15, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 29, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 5.22-acre property is currently being developed with an approximate 21,000-square foot office building for the State of Texas Health and Human Services Commission. The applicant wishes to install a security fence along the north, east and west property lines, and along the south boundary of the new parking lot. According to the submitted application, the proposed fence will be a 6-foot tall wrought iron fence.

The north, west and southwest portion of the subject property is zoned “C-2.” The “C-2” zoning district was established to accommodate commercial and retail uses that are more intensive than neighborhood commercial uses, and which generate more vehicular and/or truck traffic. The properties to the north and west of the subject property are single-family residential homes. The UDC includes additional standards and requirements to protect single-family residential uses from the commercial uses, such as setbacks, buffers and screening fence requirements.

Pursuant to Section 35-514(e)(1) of the UDC, all property zoned for nonresidential shall erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use. Consequently, the applicant is requesting a variance from this standard to allow the proposed wrought-iron (predominantly open) fence on the north and west property lines. According to the submitted application, a solid fence will become a target for graffiti and/or vandalism that are a very common occurrence in this area.

The applicant is also proposing to extend the 6-foot tall fence to the front yard of the property. Per Section 35-514(d)(1) of the UDC, solid fences shall have a maximum height of three (3) feet and predominantly open fences shall have a maximum height of four (4) feet when located within the front yard of a commercial use property. Due to the solid screen fence requirement, the subject property has a fence height restriction of three (3) feet on the north property line in the front yard, and four (4) feet in height in the remaining front yard. Consequently, the applicant is requesting two (2) variances to these standards: (1) a 3-foot variance to the 3-foot maximum fence height standard, and (2) a 2-foot variance to the 4-foot maximum fence height standard. As stated in the application, the proposed fence height is necessary to provide security to the new office building.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial), C-3R AHOD (Commercial)	Office (under construction)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential)	Single-Family
South	C-3R AHOD (Commercial)	Vacant
East	R-6 AHOD (Residential), RM-4 (Residential)	Single-Family
West	R-6 AHOD (Residential), C-2 AHOD (Commercial)	Single-Family, Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan. The subject property is located within the Rainbow Hills Neighborhood Association.

Criteria for Review

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

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

The requested variance from the solid screen (opaque) fencing standard is contrary to the public interest as it deviates from the intent of the solid fence requirement, which is to screen commercial uses from abutting single-family residential uses. The proposed wrought iron fence is a predominantly open fence that will allow visibility of the office building and large parking area from the single-family residential homes. Allowing a predominantly open fence on the north and west property lines will also lessen the protective barrier required between commercial and single-family uses.

The requested fence height variances will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The subject property is an interior lot with approximately four hundred three (403) feet of frontage. The proposed fence will extend approximately two hundred eighty (280) feet of the property's front property line, and will be located within the northern half of the property. Furthermore, the 6-foot tall fence on the north property line will provide better screening of the commercial use from the single-family properties to the north.

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

A literal enforcement of the solid screen (opaque) fence requirement will not result in undue hardship. The subject property is not uniquely influenced by oppressive conditions that would prevent a solid fence from being erected along the north and west property lines. The applicant states that installing a solid perimeter fence will present a target or canvas for graffiti, as well as become an ongoing maintenance issue. However, the possibility of vandalism and ongoing maintenance are not special conditions particular to the land. All properties within this area, and the city, are susceptible to the possibility of being vandalized whether it is a fence, building or other structure.

A literal enforcement of the maximum fence height standard in the front yard will not result in unnecessary hardship. The subject property is not uniquely influenced by oppressive conditions that would justify a 6-foot tall fence in the front yard. Nevertheless, the additional 3-foot height on the north property line will provide additional screening to the single-family residential homes, and thus meet the intent of the solid screen (opaque) fence standard.

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

The variance from the solid screen (opaque) fence requirement is neither keeping with the spirit of the ordinance nor would it do substantial justice. The intent of this standard is to protect single-family residential uses from commercial uses, and screen the commercial use and activities from single-family uses. The requested variance goes against this intent by eliminating the protective barrier and screening required between the two (2) different uses.

The requested fence height variances will be in keeping with the spirit of the ordinance as the proposed fence height complies with the intent of the maximum fence height standards by

continuing to allow openness, air flow, light penetration and neighborhood uniformity. Furthermore, the fence height variance on the north property line also complies with the intent of the solid (opaque) fence standards by providing more screening of the commercial uses than a 3-foot tall fence would provide.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2" Commercial or "C-3R" Restrictive Commercial zoning districts.

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

The properties to the north and west of the site are single-family residences in a single-family residential zoning district. The requested variance from the solid screen (opaque) fence standard is to allow a predominantly open fence to be erected on the north and west property lines that are also the zoning district boundary lines. Granting of this variance will eliminate the barrier required between residential and commercial uses, and injures the appropriate use of the adjacent conforming properties by allowing the commercial use to have a greater impact on the single-family residential homes.

The requested fence height variances will not adversely impact the adjacent conforming properties. The subject property is a 5.22-acre property with approximately four hundred three (403) feet of frontage. The proposed fence will only extend along a portion of the street frontage. Due to the size of the property and location of the fence, the proposed fence will still allow openness, air flow and light penetration on the adjacent properties. Moreover, a taller fence on the north property line within the front yard of the property will allow for better screening of the commercial property from the adjacent single-family residential homes.

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

The requested variances are due to vandalism and graffiti activities that tend to occur in the vicinity of the subject property, and for security purposes. These conditions are not a result of the general conditions of the zoning district or due to financial hardship. However, these conditions are not unique circumstances of the property. The required solid screen (opaque) fence will not create a public nuisance, as stated in the application, but protect and lessen the impact of the commercial use on the adjacent single-family residential properties. With the exception of the fence on the north property line, the circumstance for needing a taller fence in the front yard than what is permitted per Code is created by the applicant through the desire of securing the proposed office building. A taller fence along the north property line will provide more screening from the single-family residential properties than the permitted 3-foot tall fence.

Staff Recommendation

Staff recommends approval of only one (1) of the three (3) requested variances.

Staff recommends **approval** of the following variance:

- 1) **3-foot variance from the 3-foot maximum fence height standard.** The requested variance complies with all required review criteria for granting a variance as presented above. The variance is needed due to the subject property being adjacent to single-family residential uses. The additional height will provide better screening of the proposed office and parking area from the single-family residential homes, and lessen the impact of the commercial use on the residential properties.

Staff recommends **denial** of the following variances:

- 1) **Variance from the solid screen (opaque) fencing requirement.** The requested variance does not comply with five (5) of the six (6) required review criteria for granting a variance as presented above.
- 2) **2-foot variance from the 4-foot maximum fence height standard.** The requested variance does not comply with two (2) of the six (6) required review criteria for granting a variance as presented above.

The applicant has not presented evidence that the requested variances would provide relief from hardship caused by a literal enforcement of the solid screen fence requirement or 4-foot maximum fence height standard.

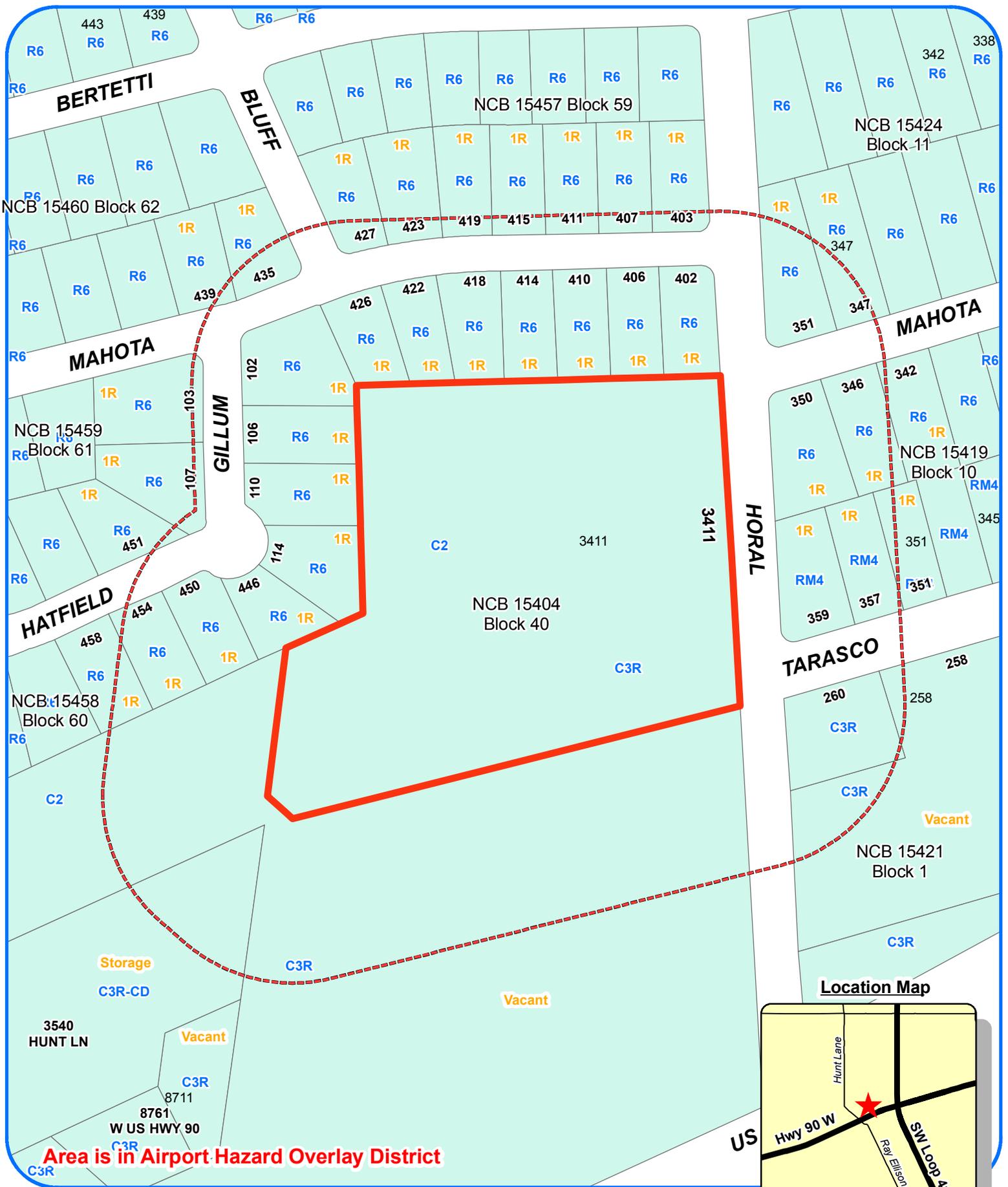
The purpose of a variance is to restore equity when, due to special circumstances or conditions, the Ordinance restricts one (1) property more severely than other properties in the same zoning district. The subject property has no special circumstances or conditions that would result in the need of the variances requested. While staff recognizes that vandalism may tend to occur more in this area than in other parts of the city, this reason alone is not sufficient cause for granting a variance. Susceptibility to vandalism is a general condition to the area that does not affect the subject property more than other properties within the area.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawings



Board of Adjustment
Notification Plan for
Case A-11-055



- Legend**
- Subject Property ———
 - 200' Notification Boundary - - - - -
 - Scale: 1" approx. = 150'
 - Council District 4



HORAL

**NCB 15404
Block 40
Lot 2**

**Open Fence
6'-0" Tall**

Board of Adjustment
Plot Plan for
Case A-11-055

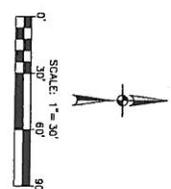
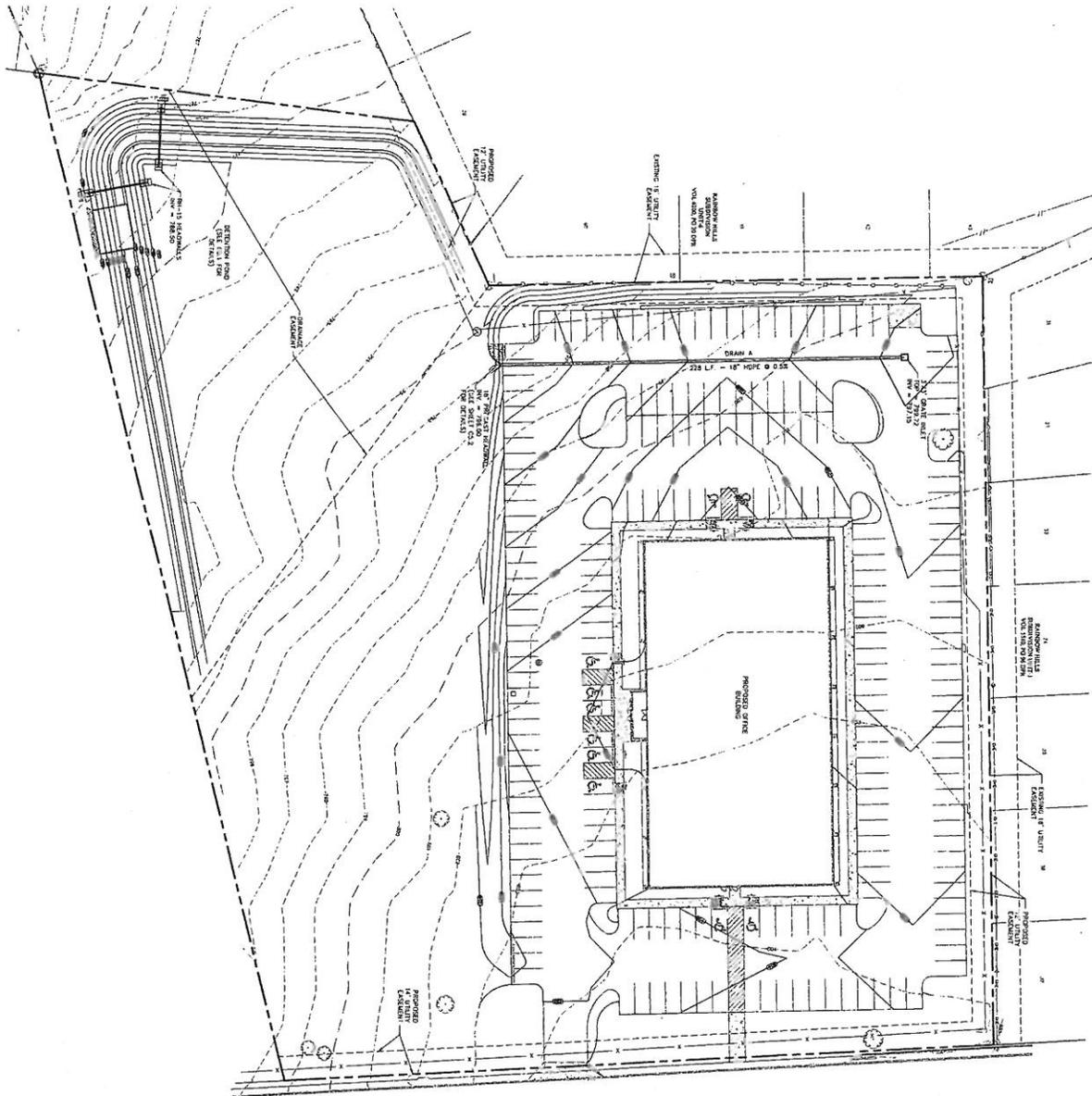


Fence ▲▲▲▲

Scale: 1" approx. = 80'
Council District 4

3411 HORAL

Development Services Dept
City of San Antonio
(7/11/2011)



- LEGEND**
- EXISTING CONTAINERS
 - PROPOSED CONTAINERS
 - PROPOSED DRAIN
 - PROPOSED HEADS
 - EXISTING OVERHEAD ELECTRIC

PERMIT SET

JOB NO. 2585-C1
 DATE: JANUARY 2011
 DESIGNER: J.D.
 CHECKED: J.D. DAWSON, INC.
 SHEET: C50

HEALTH & HUMAN SERVICES COMMISSION OFFICES
 HORAL DRIVE AT U.S. HIGHWAY 90
DRAINAGE PLAN

PAPE-DAWSON ENGINEERS
 555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000
 FAX: 210.375.9010
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 478



REVISIONS:

