

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

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

**Monday, April 21, 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	Michael Gallagher – District 10
George Alejos – District 5	Gene Camargo – District Mayor
Mike Villyard – District 9	
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-08-024:** The request of Drury Southwest, Inc., to appeal the decision of the Director of Development Services Department to follow the Board of Adjustment's recommendation in Case A-08-024 to uphold the Chief Sign Inspector's decision to issue a stop work order for the reconstruction of an on-premise free-standing pole sign, and the interpretation of Chapter 28-Section 245 by the Chief Sign Inspector that the reconstruction of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign, 8818 Jones Maltsberger.
5. **A-08-054:** The request of Margaret Lowry, for a Special Exception to operate a one-operator beauty shop in a residential area, 7322 Lyia Branch.
6. **A-08-055:** The request of Newleaf Homes LLC, for a 5-foot 7-inch variance from the Unified Development Code standard that a minimum 20-foot rear setback be maintained in R-5 zoning districts in order to keep an existing structure 14-feet 5-inches from the rear property line, 14418 Pious.

7. **A-08-056:** The request of Ramon A. Edmiston, for a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot side and rear setback be maintained in order to construct an in-ground pool that will sit 2-feet from the side and rear property lines, and will be excavated to a depth of greater than three (3) feet, 3514 Pavillion Circle.
8. **A-08-057:** The request of Tommy Bordelon, for a 24-foot, 4-inch variance from the Unified Development Code requirement that a minimum 30-foot side setback be maintained in C-3 zoning districts when abutting a residential zoning district, in order to keep an existing structure 5-feet, 8-inches from the side property line, 5044 North Loop 1604 West.
9. **Consideration and possible postponement or cancellation of the May 5, 2008 regularly scheduled meeting.**
10. Discussion of potential Unified Development Code (UDC) amendments.
11. Approval of the minutes from the regular meeting on April 7, 2008.
12. Staff Report.
13. 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.
14. **Adjournment**

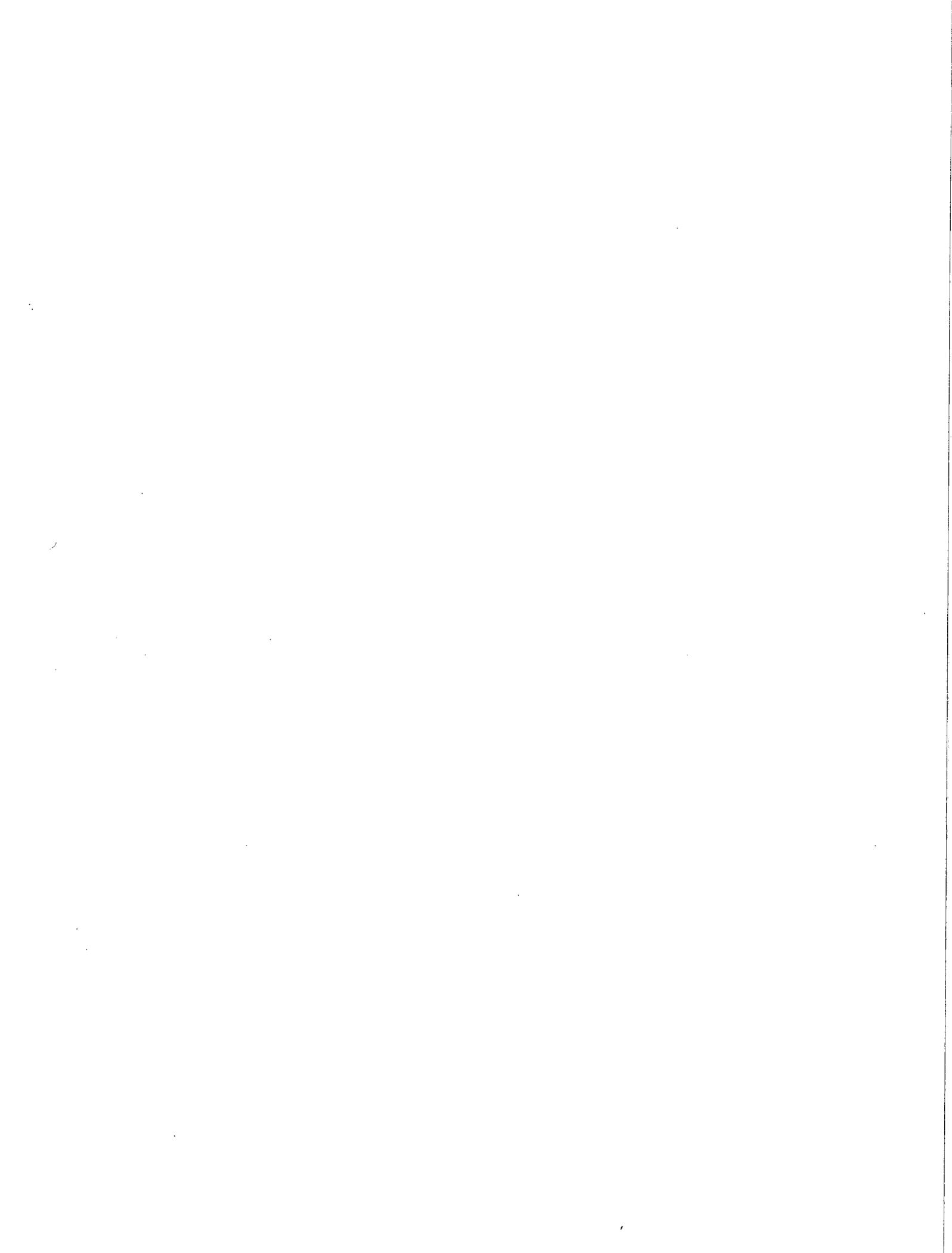
**Note:** The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: [www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)

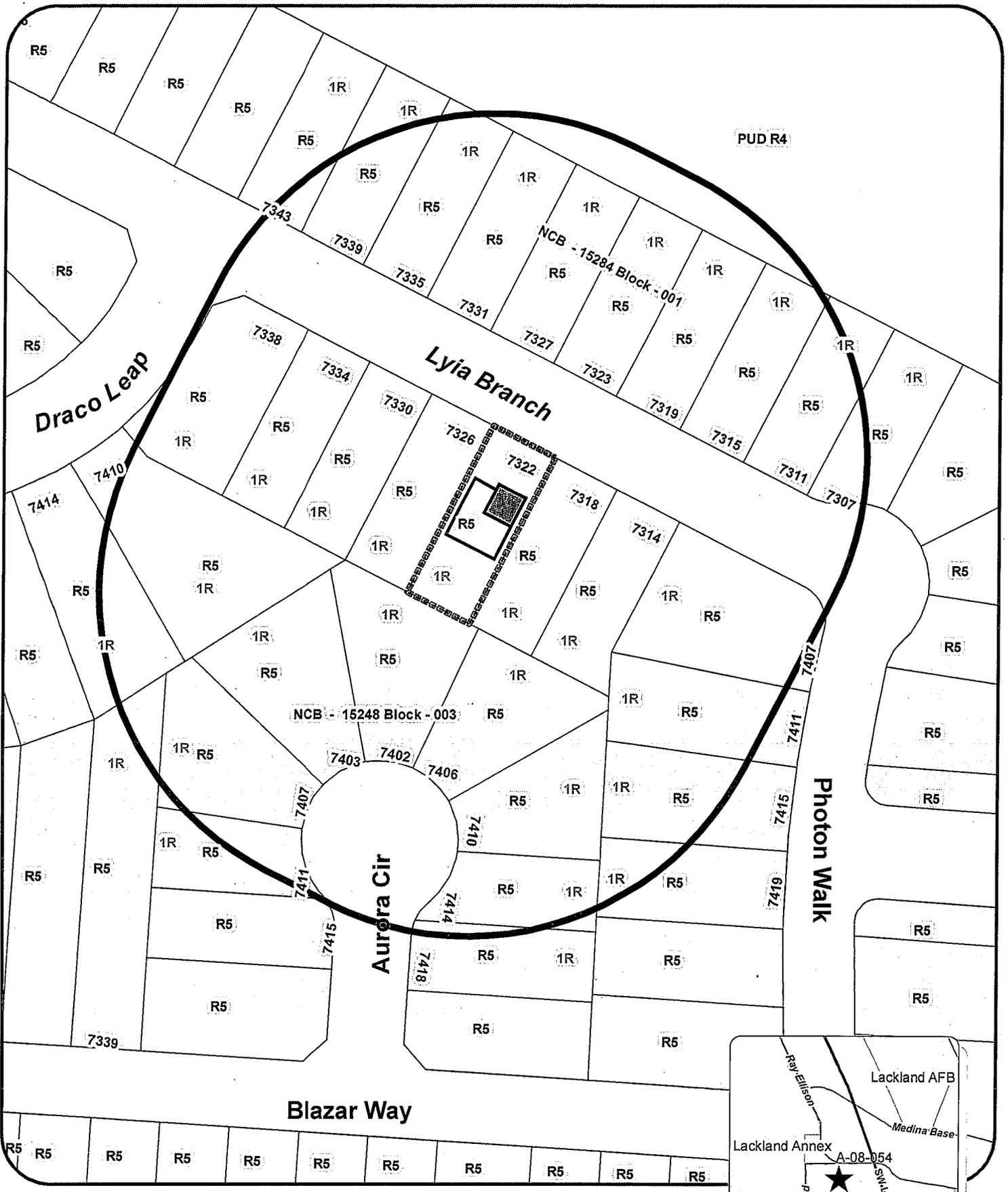
At any time prior to the meeting, you may contact a case manager at 207-6944 to check the status of a case.

**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.

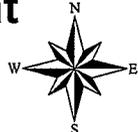






**Board of Adjustment**

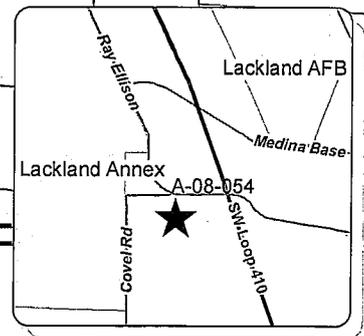
**Notification Plan for  
Case A-08-054**



**Legend**

Subject Property   
 200' Notification Buffer 

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



Produced by the City of San Antonio  
 Development Services Department  
 (04/07/2008)

# Board of Adjustment - Case No. A-08-054

April 21, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM **Monday, April 21, 2008** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Margaret Lowry  
Lot 18, Block 3, NCB 15248  
7322 Lyia Branch Zoned: “R-5” Residential Single-Family District

The applicant is requesting a Special Exception to operate a one-operator beauty shop in a residential area.

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.**

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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-08-054**

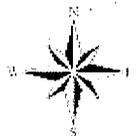
Lyia Branch

Garage  
399.75 sq. ft.

Living Area  
2503.5 sq. ft.  
(excluding garage)

Lot - 18  
NCB - 15248  
Block - 003

**Board of Adjustment**  
**Plot Plan for**  
**Case A-08-054**



Scale: 1" approx. = 20'  
Council District 4

**7322 Lyia Branch**

Produced by the City of San Antonio  
Development Services Department  
01/07/2008

# CASE NO: A-08-054

Board of Adjustment – April 21, 2008

**Applicant:** Margaret Lowry  
**Owner:** Margaret Lowry  
**Request(s):** A Special Exception to operate a one-operator beauty shop in a residential area  
**Legal Description:** Lot 18, Block 3, NCB 15248  
**Address:** 7322 Lyia Branch  
**Zoning:** "R-5" Residential Single-Family District  
**Existing Use:** Single-Family Residence  
**Neigh. Assoc:** None  
**Neigh. Plan:** United Southwest Community Plan

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

**35-399.01 One-Operator Beauty Shops and Barber Shops:** Granting of the permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed four (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment.

**Background:** The subject property is located in an established single-family residential neighborhood and contains a single-family residence. The subject property is located mid-block on the south side of Lyia Branch, bound by Photon Walk to the east and Draco Leap to the west. "R-5" zoning and uses surround the subject property. This is the applicant's first application for a Special Exception to operate a beauty shop.

The proposed days and hours of operation are as follows: by appointment only from 6:00 am to 6:00 pm Tuesday thru Saturday. The shop will remain closed on Sunday and Monday.

**Recommendation:** The applicant has indicated she will meet all of the conditions set forth in Section 35-399.01 of the Unified Development Code (A copy of the application has been included with the Board of Adjustment packet). It appears that granting this Special Exception will allow the use of a portion of this property as a beauty shop (specifically, the garage) without altering the residential character of the neighborhood. Staff recommends **approval** of this Special Exception request for a **2-year period of operation**. A 4-year period is not allowable at this time due to the provisions set forth in UDC 35-399.01(i).

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

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

**CASE INFORMATION**

Case #: **A-08-054**

Property Address: 7322 Lyia Branch

Zoning: R-5

Hearing Date: 04/21/08

**Type / Scope of BOA Request:**

Special Exception to allow a beauty shop in a residential area.

**PLANNING PROGRAM / PROJECT OVERLAP**

Neighborhood Association(s): People Active in Neighborhood Effort Neighborhood Association, Solana Ridge Homeowners Association

Neighborhood or Community Plan: United Southwest Community Plan

Neighborhood Conservation District: n/a

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

**ANALYSIS STATEMENT**

The subject parcel is designated High Density Residential land use in the United Southwest Community Land Use Plan, which includes apartments with more than four dwelling units on an individual lot, however, low and medium density residential uses can also be found within this classification.

There are no goals and objectives that specifically address the applicant's request. If the applicant meets all requirements for a special exception and the request is granted, any negative impact on the adjacent residential neighborhood including but not limited to; extended hours of operation, increased traffic, and increased noise, should be considered upon any future special exemption request.

**RECOMMENDATION**

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

Support Request  X

Deny Request \_\_\_\_\_

**REVIEWER INFORMATION**

Neighborhood Planner Reviewing: Andrea Gilles, Sr. Planner

Date Review Completed: April 2, 2008

**BOARD OF ADJUSTMENT  
SPECIAL EXCEPTION  
FOR A BARBER/BEAUTY SHOP IN A  
RESIDENTIAL AREA**

CASE NO: _____
Case Manager: _____
Hearing Date: _____

Lot 18 Blk 3  
NCB 15248  
Zoning \_\_\_\_\_

Name of Applicant Margaret Lowry

Address 7322 Lyia Branch Phone 281-413-4361 cell  
210-595-7878 Home

**ORDINANCE CONTAINS THE FOLLOWING REQUIREMENTS**

Section 35-399.01 Authorized Exceptions. A special exception may be granted for the following uses subject to the conditions specified. The granting of the special exceptions may be revoked if the conditions specified for each special exception are not maintained at all times.

Barber Shops and Beauty Shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions, and restriction:

1. M.L. site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the barbershop or beauty shop is to be located shall be submitted.
2. M.L. The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the barber shop or beauty shop shall be permitted.
3. M.L. Signs advertising the barbershop and beauty shop are not permitted, but a name plate not to exceed one (1) square foot is permitted, when attached flat to the main structure.
4. M.L. The barber shop or beauty shop shall be located within the main structure of the lot and not utilize more than 25% of the gross floor area of the first floor. In case of a barber shop or beauty shop in a duplex, the 25% gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a barber shop or beauty shop in an apartment unit, the Board of Adjustment shall determine the area to be used for said operations.
5. M.L. The barbershop or beauty shop shall be limited to one (1) operator shop.
6. M.L. No person not residing in the premises may be employed in the operation of the barber shop or beauty shop.
7. M.L. Hours of operation shall be regulated by the Board and shall be specified in the minutes of the case.
8. M.L. that such shall not be contrary to the public interest.
9. M.L. Granting of the permit for a barber shop or beauty shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Proposed hours of operation:

Tues-Sat 6:00a.m to 6:00p.m. Appointment only.

Comments:

I am asking permission to operate a one chair Salon out of my garage, so I can be at home to take care of my family and daughter who was born with a Chronic illness.

I, applicant, hereby authorize \_\_\_\_\_ of \_\_\_\_\_ to represent me in the matters to this case.

Signed: Margaret Lowry  
(Applicant)

DATE: 3-18-08

Respectfully submitted:

Applicants Name: Margaret Lowry  
Mailing Address: 7322 Lyia Branch  
San Antonio TX 78250

Telephone: 281-413-4361 cell  
210-595-7878 Home

**Please submit:**

Filing Fee - \$400.00

Check made payable to: City of San Antonio

Plot Plan,

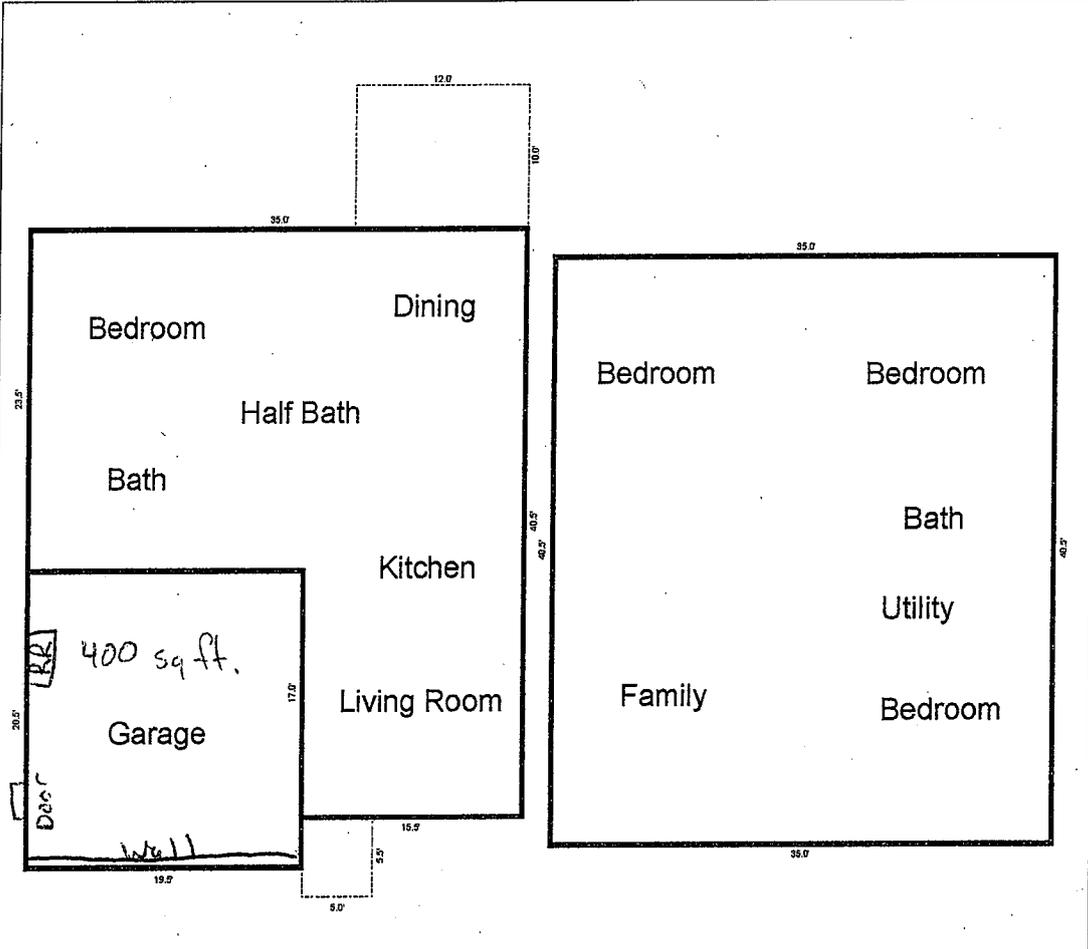
Photographs of the structure to be used,

Proposed hours of operation,

Floor plan of proposed beauty shop or barber shop operation.

FLOORPLAN

Borrower: Curry, Byron File No.: 8629131  
 Property Address: 7322 Lyia Br Case No.:  
 City: San Antonio State: TX Zip: 78252-2749  
 Lender: LandSafe/Countrywide-FSLD



Sketch by Apex IV™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1086.00	1086.00
GLA2	Second Floor	1417.50	1417.50
P/P	Porch	27.50	
	Patio	120.00	147.50
GAR	Garage	399.75	399.75
TOTAL LIVABLE (rounded)			2504

LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		
	23.5 x 35.0	822.50
	15.5 x 17.0	263.50
Second Floor		
	35.0 x 40.5	1417.50
3 Calculations Total (rounded)		2504

Margaret Lowmy

# ACC Improvement Request Form

Neighborhood:	Solanohidge
Date:	3-16-08

### Attach the Items Listed Below:

Per the governing documents of your neighborhood the following items must be submitted in order for us to process your request.

- 1. Detailed building plans must be submitted including the height, length, and width of the proposed improvements.
- 2. A property site/plot map showing the location of the proposed improvement must be submitted.
- 3. Submit a picture of each existing unapproved improvement.

### Please Print the Following Information:

Name: Bryan Curry / Margaret Lowry		
Address: 7322 Lyia Branch San Antonio TX 78257		
Email: Margaret Lowry@hotmail.com	Home Phone #: 210-595-7878	Work Phone #: 281-413-4361

### Briefly Describe the Improvement:

I need to add a door to the side of my garage, it would be located behind my fence and the appearance of my front yard would not change. I also, need to add a shed 6x8 in my backyard, we will paint it the same color as our home, and we will not put it in the path of the wire at the back of the fence.

### Materials to be Used: (Check all applicable items)

Brick	Color	Stain	Color	Shingles	Color
Stucco	Color	Wood	Color	Cement	Color
Siding	Color	Paint	Color home	Other	

### Location of the Improvement: (Check all areas that apply)

Front Yard	Back Yard	Side Yard	Roof of home	Garage
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Other (Please Describe):

### Improvement Form Agreement

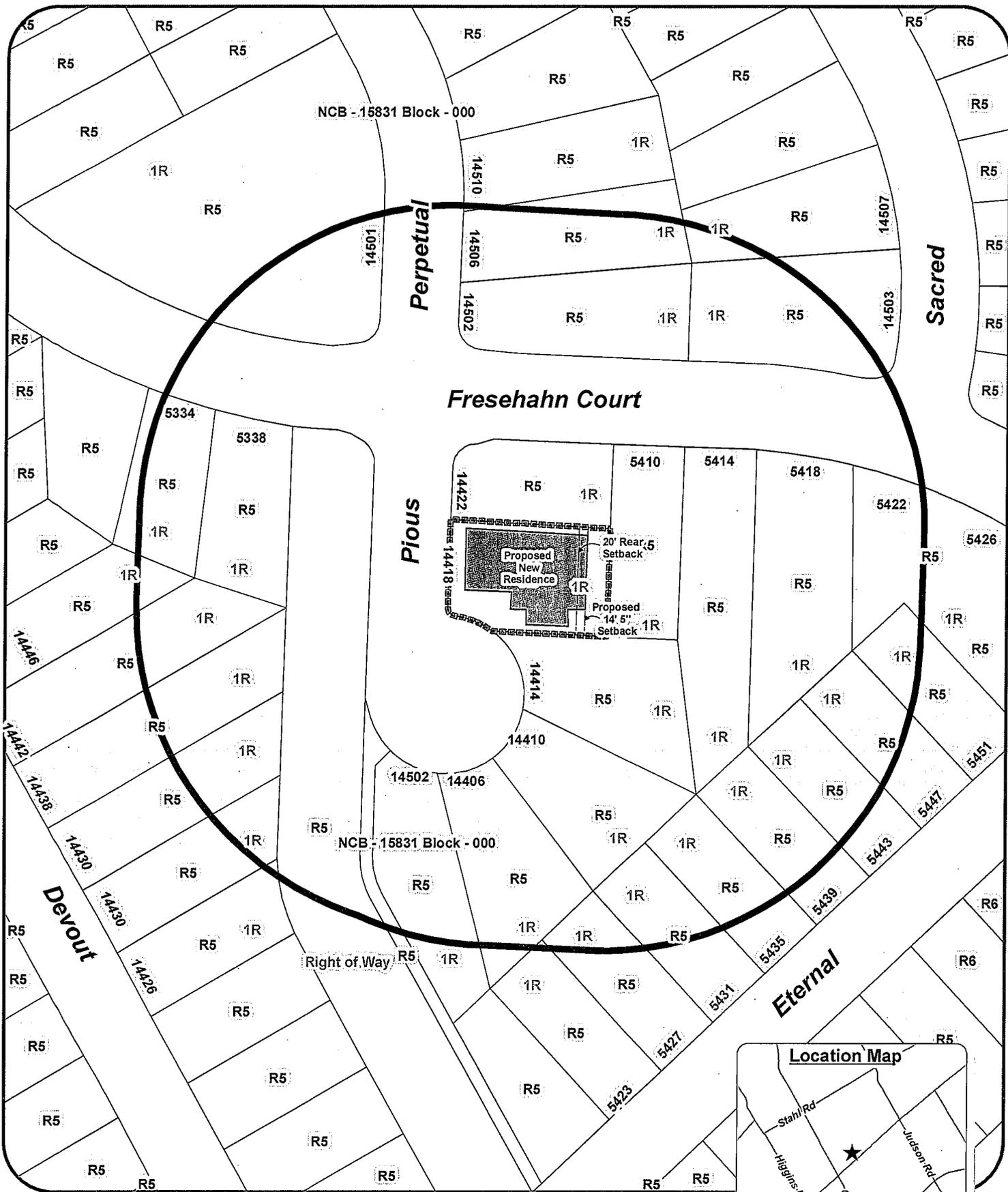
I understand that the Architectural Control Committee (ACC) will act on this request and contact me in writing regarding their decision. I agree not to begin work on this improvement without written approval from the Architectural Control Committee. I understand if any change is made without approval, I may be required to remove the improvement from my property. I also understand that all construction must comply with the Association governing documents and city/county codes. The Architectural Control Committee does not override the city/county codes and the approval from the ACC is not an approval by the city/county. I agree to obtain necessary municipal/county permits prior to commencement of any work. I understand that failure to start or complete the improvement within the time specified on the application shall result in withdrawal of approval unless an extension is requested and approved in writing. I agree not to alter existing drainage patterns on my lot without express approval of the board or committee. I understand that approval is not a guarantee of structural safety or engineering soundness. I understand that failure to comply with all items explained in this agreement will result in withdrawal of approval. I understand by signing below that I agree to all terms within this agreement.

Bryan Curry / Margaret Lowry	Margaret Lowry	3-16-08
Homeowner's printed name	Signature	Date
Now 3-16-08	3-31-08	
Construction start date	Estimated completion date	

Return this form and all attachments to:

Spectrum Association Management, LP  
 1000 Central Parkway North, Suite 270  
 San Antonio, TX 78232

Phone: (210) 494-0659 Fax: (210) 494-0887  
 Email: Contact@spectrumam.com



**Board of Adjustment**  
**Notification Plan for**  
**Case A-08-055**



**Legend**  
 Subject Property [dashed line symbol]  
 200' Notification Buffer [thick black line symbol]

Scale: 1" approx. = 80'  
 Council District 10

Produced by the City of San Antonio  
 Development Services Department  
 (04/07/2008)

# Board of Adjustment - Case No. A-08-055

April 21, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM **Monday, April 21, 2008** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant- Newleaf Homes LLC  
Lot 64, Block 3, NCB 16412  
14418 Pious  
Zoned: "R-5" Residential Single-Family District

The applicant is requesting a 5-foot 7-inch variance from the Unified Development Code standard that a minimum 20-foot rear setback be maintained in R-5 zoning districts in order to keep an existing structure 14-feet 5-inches from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager 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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*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.*

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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

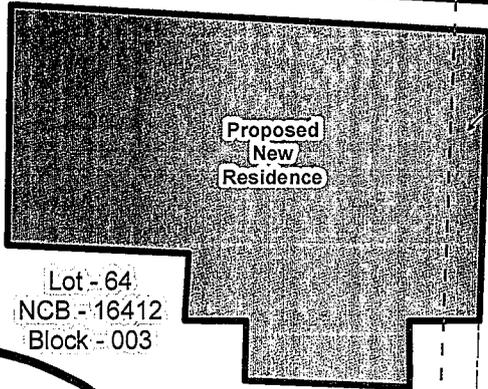
( ) In Opposition/En Oposicion

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

A-08-055

Fresehahn Court

Pious



Proposed  
New  
Residence

Lot - 64  
NCB - 16412  
Block - 003

20' Rear  
Setback

Proposed  
14' 5"  
Setback

**Board of Adjustment**  
Plot Plan for  
**Case A-08-055**



Scale: 1" approx. = 30'  
Council District 10

**14418 Pious**

Produced by the City of San Antonio  
Development Services Department  
(04/07/2008)

# CASE NO: A-08-055

Board of Adjustment – April 21, 2008

**Applicant:** Newleaf Homes, LLC.  
**Owner:** Newleaf Homes, LLC.  
**Request(s):** A 5-foot 7-inch variance from the Unified Development Code requirement that a minimum 20-foot rear setback be maintained in R-5 zoning districts in order to keep an existing structure 14-feet 5-inches from the rear property line.  
**Legal Description:** Lot 64, Block 3, NCB 16412  
**Address:** 14418 Pious  
**Zoning:** "R-5" Residential Single-Family District  
**Existing Use:** Single-Family Residence  
**Neigh. Assoc:** None  
**Neigh. Plan:** None

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

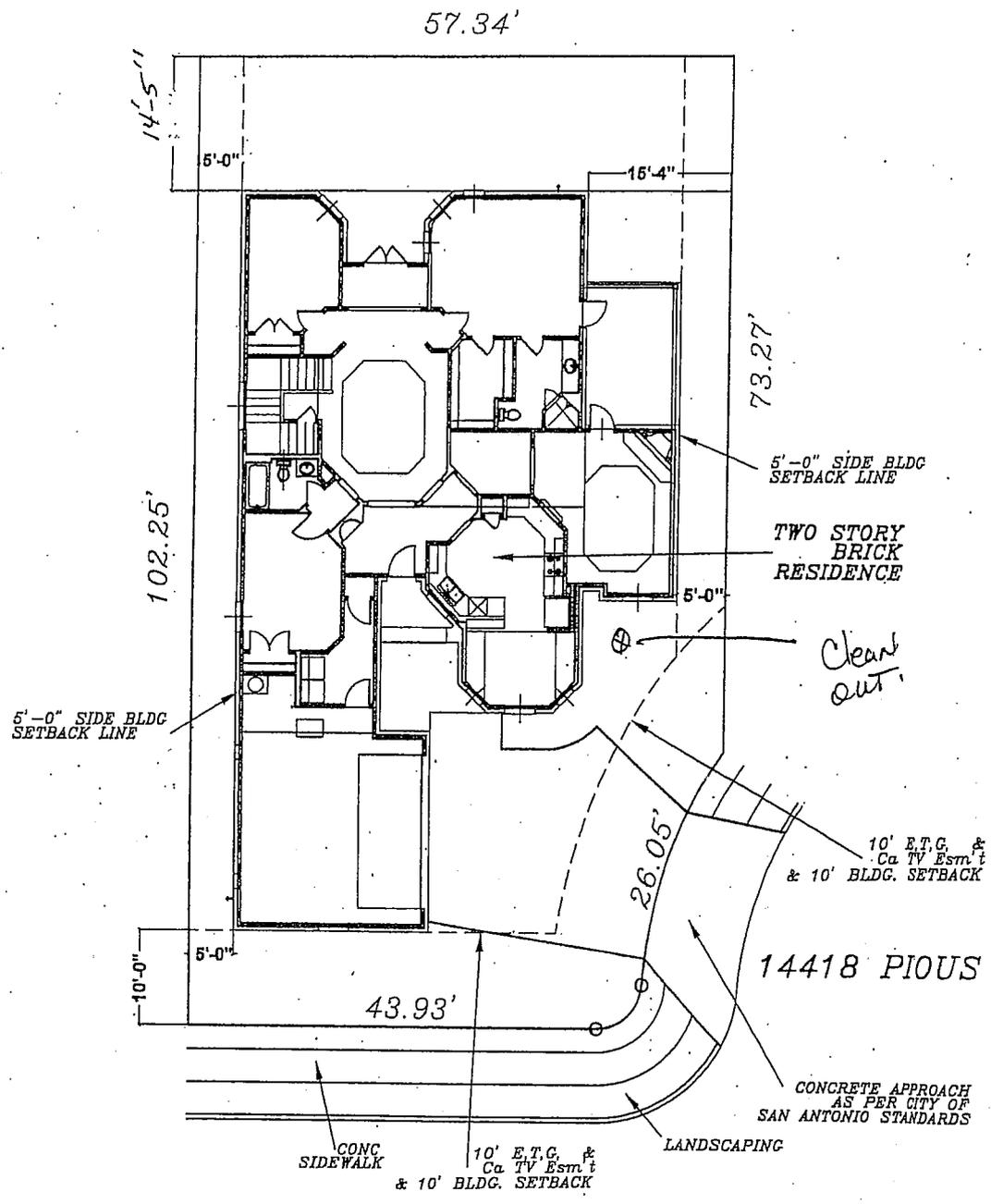
**35-310 Zoning District Purpose Statements and Design Regulations:** A minimum 20 foot rear setback is required in "R-5" zoning districts.

**Background:** The subject property is located in a single-family residential subdivision on the City's northeast side, just north of Nacogdoches Road and south of North Loop 1604 East. The subject property is situated on the east side of Pious and will be utilized as a single-family residence. Proposed single-family residences and uses surround the subject property on all sides (most currently under construction). The purpose of the requested variance is to keep an existing single-family structure that is currently under construction and currently encroaches into the rear setback.

**Recommendation:** The intent of the rear setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the front and side setback requirements would result in unnecessary hardship. The applicant applied for, and was subsequently denied a building permit on February 26, 2008 because the submitted building plan showed that the proposed single-story, single-family residence would encroach into the rear setback by approximately five (5) and a half feet. Upon platting for the subdivision in which the property is located, it would appear that the applicant did not provide an ample amount of land for the type of house planned for this parcel; thus, the hardship would be deemed as self-created.

Additionally, the applicant has continued working on the subject property well after the building plans were denied and after having been advised to stop work by city plan review, permitting and zoning Staff. On April 16, 2008, the applicant was issued a Stop Work Order due to the continued work on the site without approved building permits. For these reasons, Staff recommends **denial** of the requested variance.

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



**14418 PIOUS**  
 LOT 64, BLOCK 3, NCB 16412  
 FRIESENHAHN COURT SUBDIVISION  
 CITY OF SAN ANTONIO  
 BEXAR COUNTY, TEXAS

New Leaf Homes, LLC SAN ANTONIO, TEXAS PHONE: 210-559-1888 FAX: 210-941-0011 EMAIL: NEWLEAF_HOMES@MSN.COM	NAME:	<b>PALM 2 B (LEFT) J GAR</b>	SCALE: 1/16" = 1'-0"
	ALL DIMENSIONS ARE IN FEET & INCHES UNLESS OTHERWISE NOTED		DATE: JAN. 24, 2008 SHEET NO: <b>1</b>
ALL RIGHTS RESERVED. THIS PLAN MAY NOT BE REPRODUCED OR TRANSMITTED BY ANY MEANS W/O THE PRIOR PERMISSION OF NEWLEAF HOMES, LLC			

050647



SCALE: 1"=100'  
BEARINGS ARE BASED ON THE WEST BOUNDARY OF THE TRACT AS BEING S48°47'00"W.

**LEGEND:**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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**SUBDIVISION PLAT ESTABLISHING FRIESENHAIN COURT SUBDIVISION**

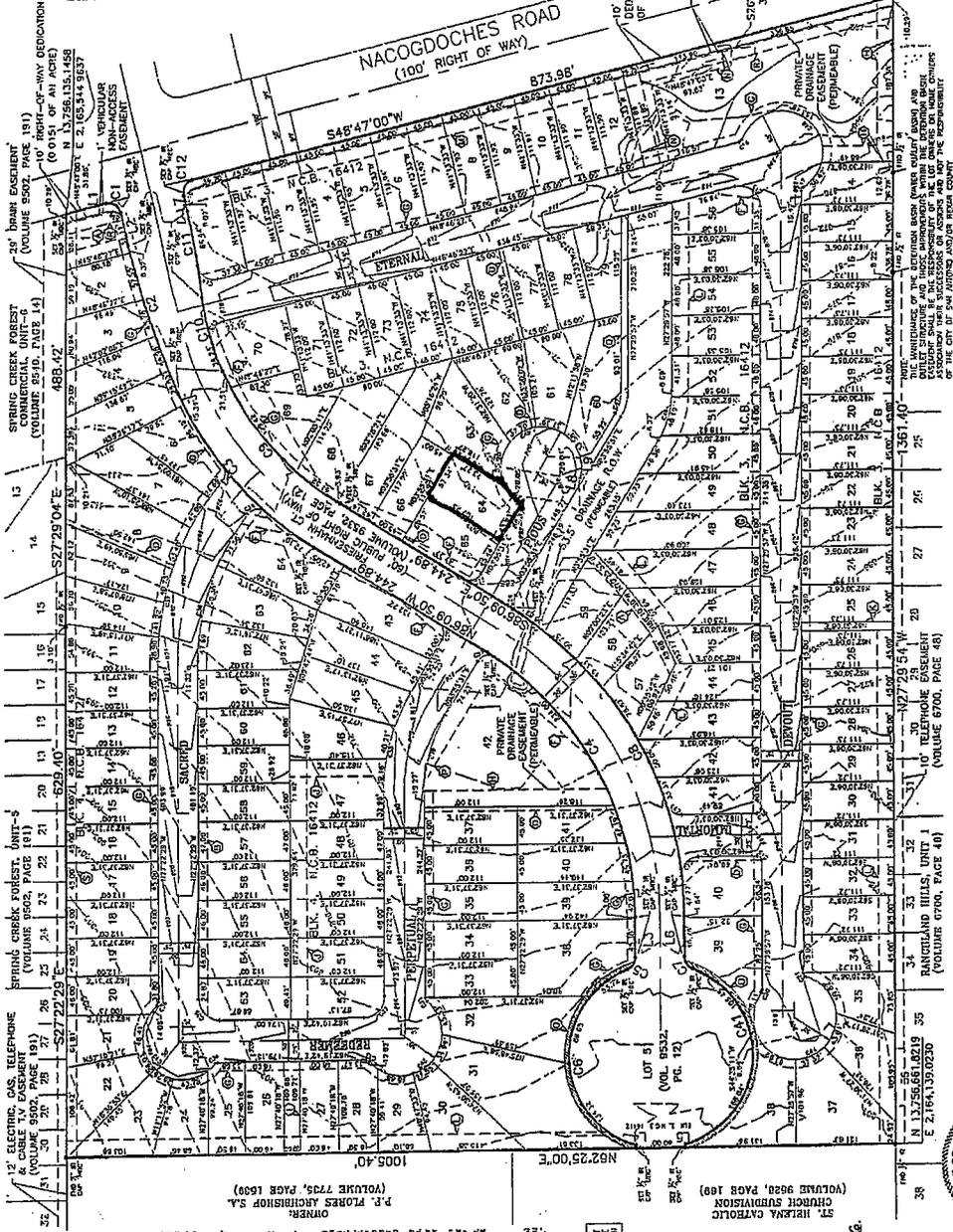
BEING AN 11.255 ACRES (490,960 SQUARE FEET) TRACT OF LAND AND A 4.760 ACRES (642,046 SQUARE FEET) TRACT OF LAND, BOTH TRACTS OUT OF THAT CALLED 100 ACRES (6,468,800 SQUARE FEET) TRACT OF LAND, PAGE 481, OF THE 1997 SUBDIVISION PLAT ESTABLISHING THE JAMES WILCOX SURVEY, BLOCK 15833, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

**NOTE:** NO STRUCTURES, FENCES WALLS OR OTHER OBSTRUCTIONS THAT IMPED EGRESS SHALL BE PLACED WITHIN THE ADJACENT CHASE OR DRIVEWAYS, WHICH ALTER THE CROSS-SECTIONS OF THE DRIVEWAYS OR DRIVEWAYS OR PUBLIC WORKS OF THE CITY OF SAN ANTONIO AND BEXAR COUNTY SHALL HAVE THE RIGHT OF EGRESS AND EGRESS OVER GRANTORS' ADJACENT PROPERTY WITHIN THE LIMITS OF SAID DRIVEWAYS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRIVEWAYS.

ALL FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF EIGHT (8) INCHES ABOVE FINAL ADJACENT CHASE.

**T-DO NOTES:**

- FOR RECORDING, THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE ACCURACY OF THE SURVEY.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE ACCURACY OF THE SURVEY.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE ACCURACY OF THE SURVEY.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE ACCURACY OF THE SURVEY.



**NOTES:**

- ALL LOTS IN THIS PLAT SHALL BE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERENCED HEREIN.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE ACCURACY OF THE SURVEY.
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- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE ACCURACY OF THE SURVEY.

**OWNER:**

P. FLORES ARCHONOSP S.A.  
(VOLUME 775, PAGE 1639)

**NOTICE:**

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**FRIESENHAIN COURT SUBDIVISION**

OWNER/DEVELOPER:  
1850 TACOMA BLVD.  
SUITE #100  
SAN ANTONIO, TEXAS 78213  
TEL: (210) 582-1800

**MACINA \* BOSE \* COPELAND & ASSOC., INC.**  
CONSULTING ENGINEERS AND LAND SURVEYORS

1033 Central Parkway North, San Antonio, Texas 78213  
(210) 543-1122 Fax (210) 545-3307  
www.mbc-engineers.com  
28941-1-1575

LOT	AREA	PERCENTAGE	AREA	PERCENTAGE
1	1.00	0.01	1.00	0.01
2	1.00	0.01	1.00	0.01
3	1.00	0.01	1.00	0.01
4	1.00	0.01	1.00	0.01
5	1.00	0.01	1.00	0.01
6	1.00	0.01	1.00	0.01
7	1.00	0.01	1.00	0.01
8	1.00	0.01	1.00	0.01
9	1.00	0.01	1.00	0.01
10	1.00	0.01	1.00	0.01
11	1.00	0.01	1.00	0.01
12	1.00	0.01	1.00	0.01
13	1.00	0.01	1.00	0.01
14	1.00	0.01	1.00	0.01
15	1.00	0.01	1.00	0.01
16	1.00	0.01	1.00	0.01
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20	1.00	0.01	1.00	0.01
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95	1.00	0.01	1.00	0.01
96	1.00	0.01	1.00	0.01
97	1.00	0.01	1.00	0.01
98	1.00	0.01	1.00	0.01
99	1.00	0.01	1.00	0.01
100	1.00	0.01	1.00	0.01

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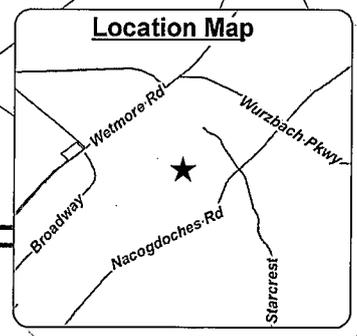
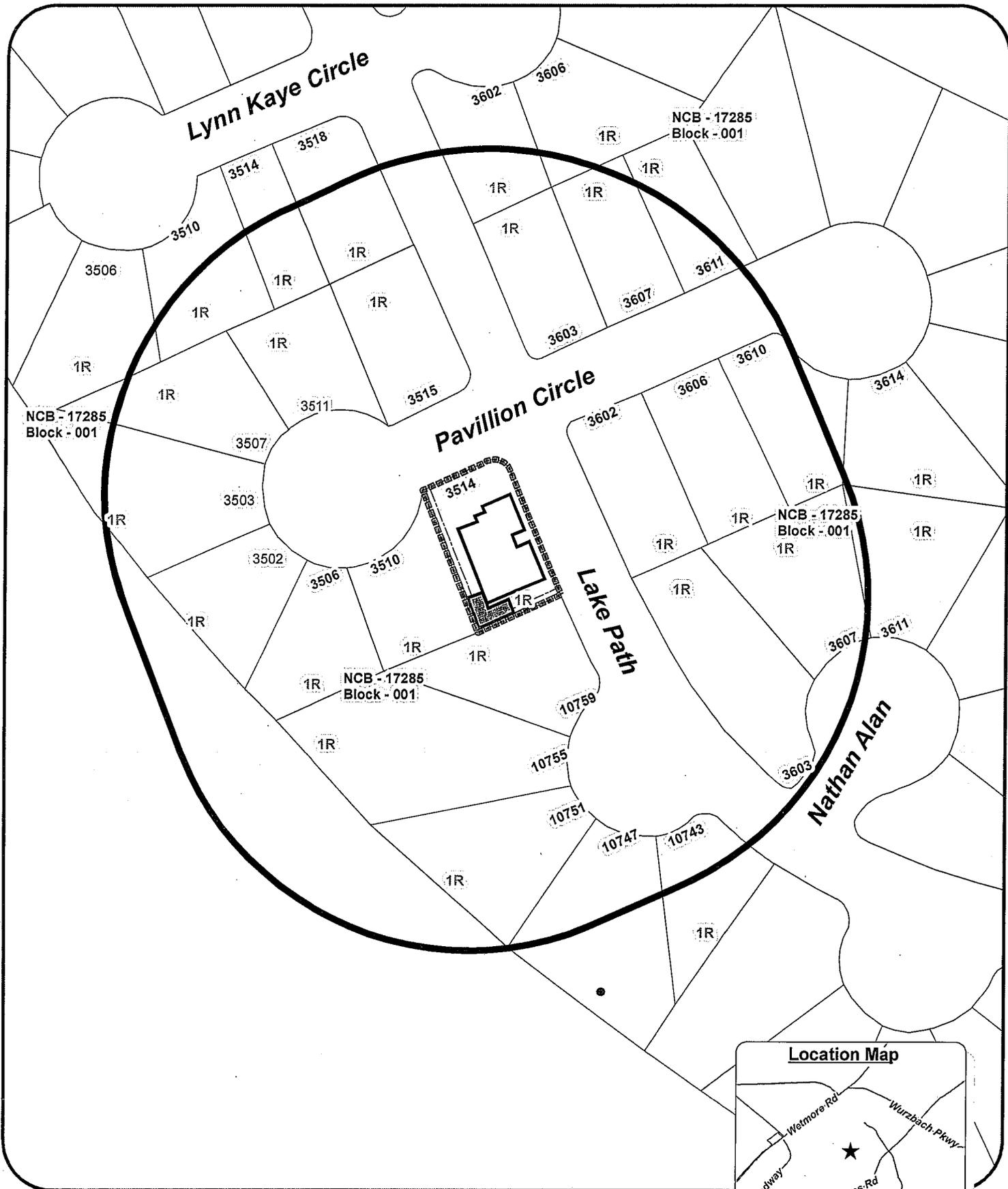
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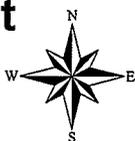
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FILED 05/01/2006  
COUNTY CLERK  
BEXAR COUNTY, TEXAS



**Board of Adjustment**  
**Notification Plan for**  
**Case A-08-056**



**Legend**  
 Subject Property [dashed line symbol]  
 200' Notification Buffer [thick solid line symbol]

Scale: 1" approx. = 80'  
 Council District 10

Produced by the City of San Antonio  
 Development Services Department  
 (04/07/2008)

# Board of Adjustment - Case No. A-08-056

April 21, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM **Monday, April 21, 2008** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant- Ramon A. Edmiston

Lot 148, Block 1, NCB 17285

3514 Pavillion Circle

Zoned: "PUD R-6" Planned Unit Development Residential Single Family District

The applicant is requesting a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot side and rear setback be maintained in order to construct an in-ground pool that will sit 2-feet from the side and rear property lines, and will be excavated to a depth of greater than three (3) feet.

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: \_\_\_\_\_

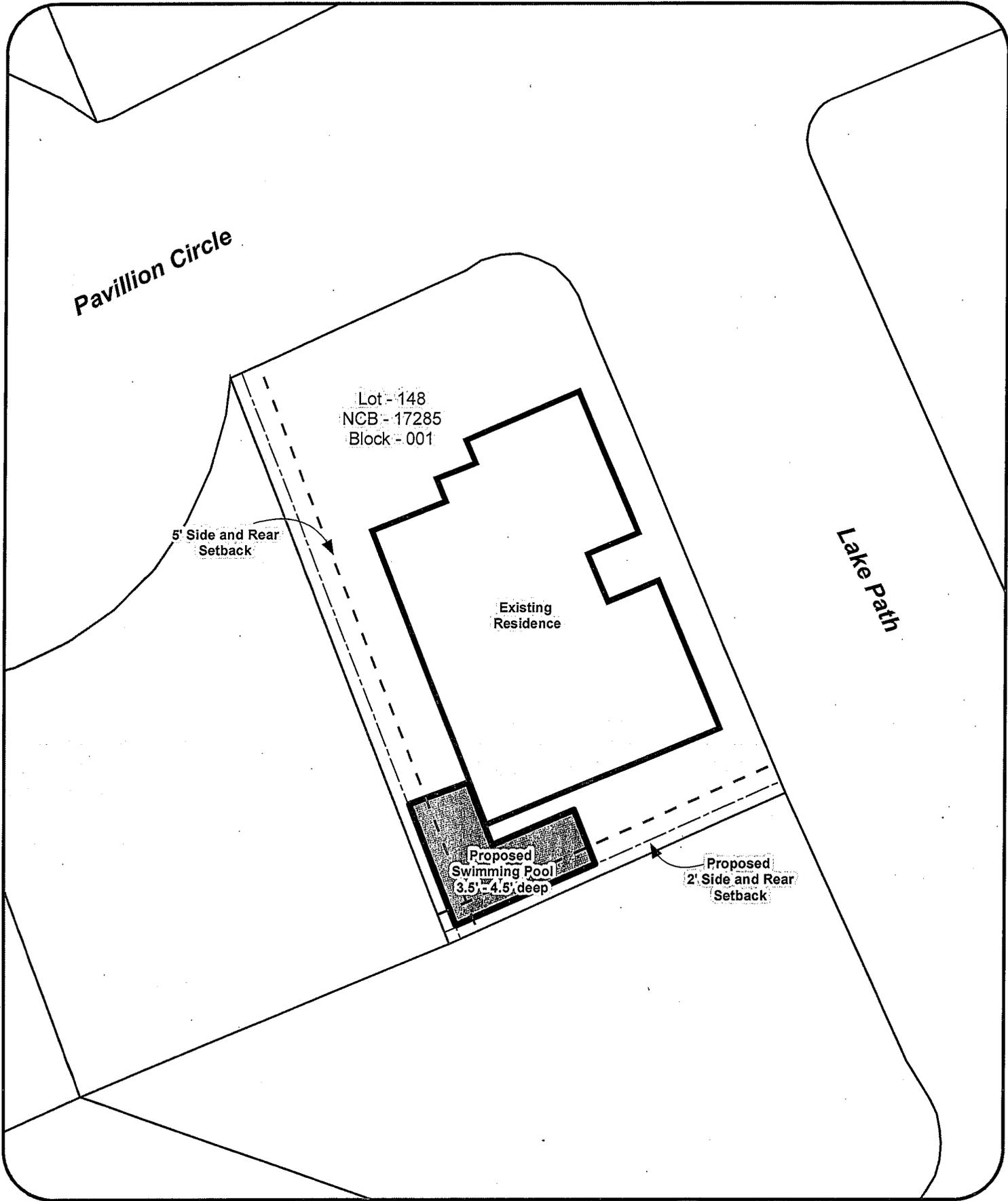
Lot/Lote: \_\_\_\_\_ Block/Cuadra: \_\_\_\_\_ NCB: \_\_\_\_\_

( ) In Favor/A Favor

( ) In Opposition/En Oposicion

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

A-08-056



**Board of Adjustment**  
Plot Plan for  
**Case A-08-056**



Scale: 1" approx. = 20'  
Council District 4

**3514 Pavillion Circle**

Produced by the City of San Antonio  
Development Services Department  
(04/07/2008)

# CASE NO: A-08-056

Board of Adjustment – April 21, 2008

**Applicant:** Ramon A. Edmiston  
**Owner:** Ramon A. Edmiston  
**Request(s):** A 3-foot variance from the Unified Development Code requirement that a minimum 5-foot side and rear setback be maintained for in-ground pools excavated to a depth greater than three (3) feet, in order to construct an in-ground pool that will sit 2-feet from the side and rear property lines.  
**Legal Description:** Lot 148, Block 1, NCB 17285  
**Address:** 3514 Pavillion Circle  
**Zoning:** "PUD R-6" Residential Single-Family Planned Unit Development District  
**Existing Use:** Single-Family Residence  
**Neigh. Assoc:** Town Lake Garden Neighborhood Association  
**Neigh. Plan:** None

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

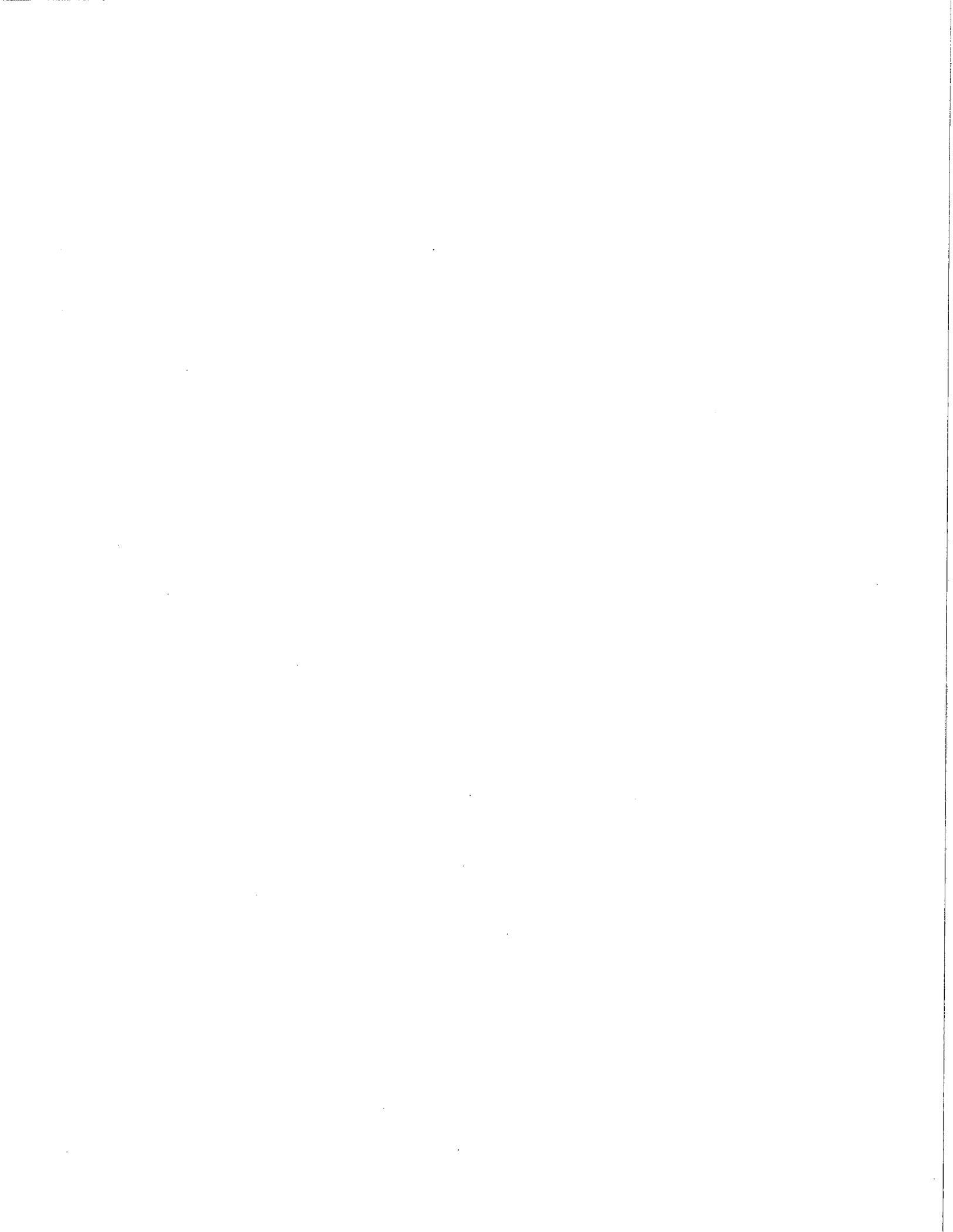
**35-516(h) Swimming Pools:** Pools which are excavated to a depth greater than three (3) feet below ground shall be located a minimum distance of five (5) feet from the side and rear lot lines.

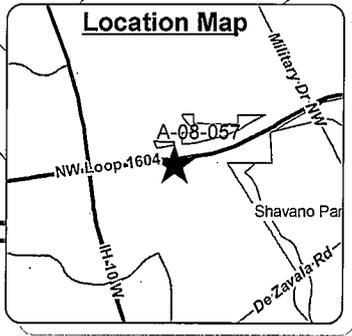
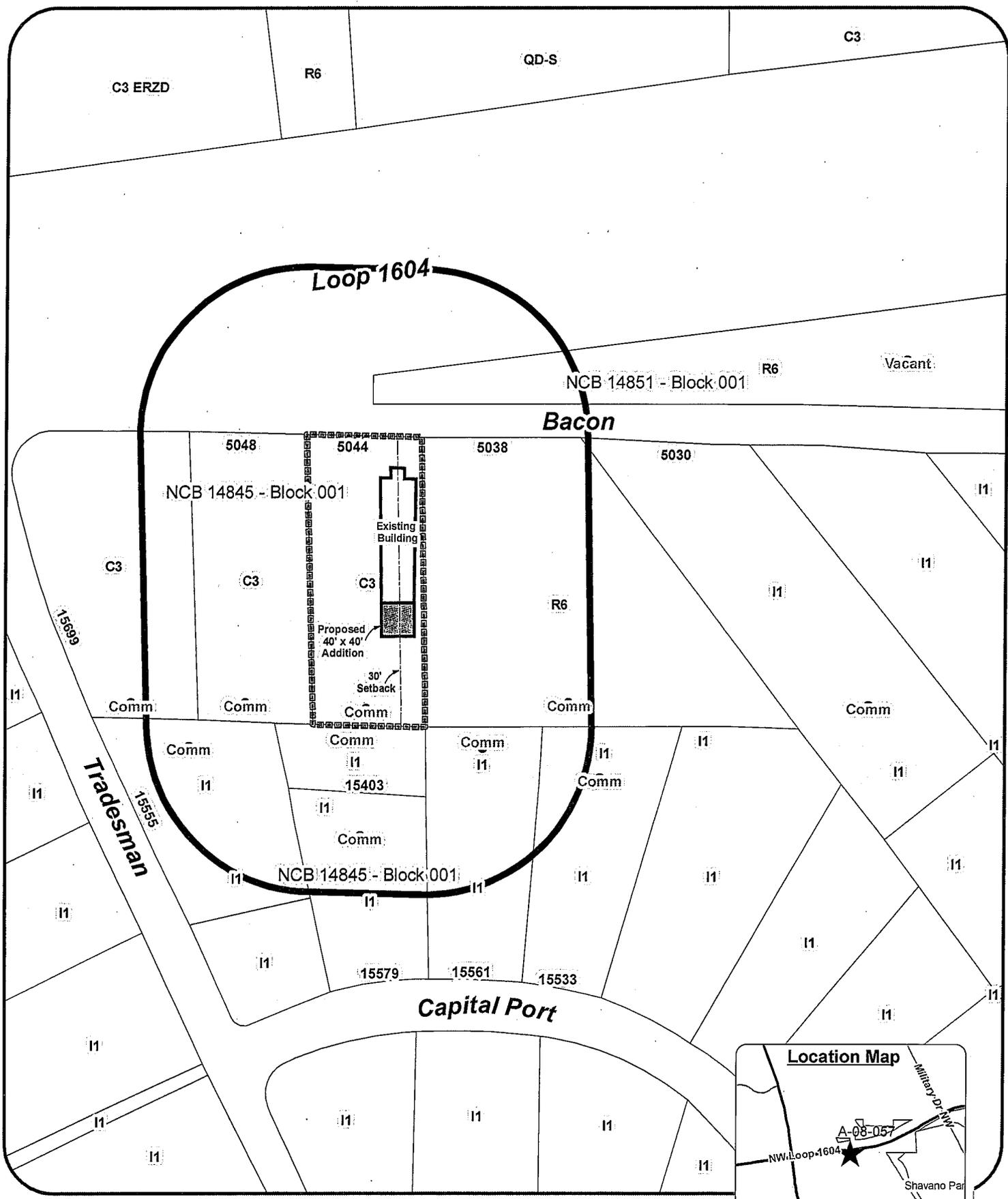
**Background:** The subject property is located on the corner of Pavillion Circle and Lake Path Drive. The subject property is currently occupied by a single-family residence. PUD R-6 zoning and uses exist around the subject property and the overall character of the neighborhood is single-family residential. The property itself is a zero-lot line property. An existing above-ground pool sits in the northeast corner of the subject property, and encroaches into both the side and rear setbacks. The in-ground pool, as planned, is proposed to be between 3 ½ and 4 ½ feet in deep, and as such, should observe the 5-foot side and rear setbacks as outlined in the Unified Development Code. The applicant is requesting a variance in order to construct an in-ground pool that would encroach on both the side setback and the rear setback on the property.

**Recommendation:** Rear and side setback requirements for below-ground swimming pools are intended for safety; space for maintenance; provide protection for foundations on adjoining properties; prevent water that overtops the pool from entering adjoining properties and to provide a desired distance from adjoining property. Being as this is a zero lot-line property, not only is there a 5-foot rear setback, but there is also an additional five (5)-foot side easement in effect for the purposes of maintenance. Other than the restrictions placed on development of this property due to the small size of the lot itself, it does not appear to be characterized by any unique terrain features where literal enforcement of the front and side setback requirements for in-ground pools would result in an unnecessary hardship. The addition of the in-ground pool would also place an unnecessary burden on the adjacent neighbor, as the pool would encroach into the side maintenance easement. While it is apparent that the immediate neighbors do seem to be amenable to the addition of said pool, Staff does not believe that sufficient evidence exists to allow the addition of this pool as it is planned. There appears to be alternative designs for the pool that would meet the necessary setback requirements. Staff therefore recommends **denial** of the requested variance.

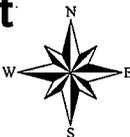
**Case Manager:** Mike Farber, Planner (210) 207-3074







**Board of Adjustment**  
**Notification Plan for**  
**Case A-08-057**



**Legend**  
 Subject Property [dashed line symbol]  
 200' Notification Buffer [thick solid line symbol]

Scale: 1" approx. = 80'  
 Council District 8

Produced by the City of San Antonio  
 Development Services Department  
 (04/07/2008)

# Board of Adjustment - Case No. A-08-057

April 21, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM **Monday, April 21, 2008** in the Board Room on the 1<sup>st</sup> floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant- Tommy Bordelon  
Lot 1, Block 1, NCB 14845  
5044 North Loop 1604 West  
Zoned: "C-3" General Commercial District

The applicant is requesting a 24-foot, 8-inch variance from the Unified Development Code requirement that a minimum 30-foot side setback be maintained in C-3 zoning districts when abutting a residential zoning district, in order to keep an existing structure 5-feet, 4-inches from the side property line.

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

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

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

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

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

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

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

( ) In Favor/A Favor

( ) In Opposition/En Oposicion

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

A-08-057

**Bacon**

Lot - 1  
NCB - 14845  
Block - 001

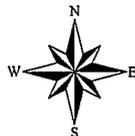
Existing  
Building

Proposed  
40' x 40'  
Addition

Proposed  
10' from Building  
to Side Property Line

30'  
Side Setback

**Board of Adjustment**  
Plot Plan for  
**Case A-08-057**



Scale: 1" approx. = 40'  
Council District 8

**5044 N Loop 1604 W**

Produced by the City of San Antonio  
Development Services Department  
(04/07/2008)

# CASE NO: A-08-057

Board of Adjustment – April 21, 2008

**Applicant:** Tommy Bordelon

**Owner:** Baps Shri Swaminarayan Mandir

**Request(s):** A 24-foot, 8-inch variance from the Unified Development Code requirement that a minimum 30-foot side setback be maintained in C-3 zoning districts when abutting residential zoning districts, in order to keep an existing structure 5-feet, 4-inches from the side property line.

**Legal Description:** Lot 1, Block 1, NCB 14845

**Address:** 5044 North Loop 1604 West

**Zoning:** "C-3" General Commercial District

**Existing Use:** Commercial Structure

**Neigh. Assoc:** None

**Neigh. Plan:** None

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

**35-310 Zoning District Purpose Statements and Design Regulations:** A minimum 30-foot side setback is required in "C-3" zoning districts when abutting residential zoning districts or uses.

**Background:** The subject property is located on the city's northwest side, at the intersection of Bacon Road and the North Loop 1604 West access road. The subject property is currently being utilized as a religious institution. The property to the east is zoned R-6 and is currently being utilized as a commercial landscaping business. The lot to the immediate west of the subject property is undeveloped. The subject property is located within The Tradesman North Industrial Park, with various industrial uses situated to the south. The applicant is seeking a variance from the Unified Development Code standard for side setbacks in C-3 General Commercial Districts in order to expand the existing structure by approximately 40-feet to the rear, which would be used as a kitchen facility.

**Recommendation:** The intent of the side setback requirement for commercial uses is to provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. Commercial, industrial and undeveloped land surround the subject property; save the lot to the immediate east, which is currently zoned for single-family residential and houses a landscaping service. Though the subject property does abut the residentially-zoned lot to the east, the uses on this neighboring property are commercial in nature. Residential development would also not appear to be viable on this neighboring lot due to the surrounding industrial and commercial uses.

Additionally, construction of the existing structure on the subject property began in 1980, which predated annexation and would explain why the subject property currently encroaches into the side setback. The property was annexed into the city on December 30, 1985. Furthermore, the proposed kitchen will sit further away from the side property line than the existing structure, as it currently is situated, since the structure sits irregularly on the lot. For these reasons, Staff recommends **approval** of the requested variance.

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