

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, December 2, 2013

1:00 P.M.

Board Room, Cliff Morton Development and Business Services Center

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 Development Services Department website ([www.sanantonio.gov/dsd](http://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.

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1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-14-006:** The request of Luis Gonzalez for a 2-foot variance from the maximum 6-foot side and rear yard fence height to allow an 8-foot fence in the side and rear yards, located at 14903 Burning Creek Drive. (Council District 10)
5. **A-14-007:** The request of Mary Alice Alvarez for a special exception for a four year extension of a one operator beauty/barber shop in a single-family home, located at 326 Eastley Drive. (Council District 10)
6. **A-14-008:** The request of Color Printing & Signs for a variance from the “IH-1 Northeast Gateway” sign standards to allow the replacement of a 100 square foot incandescent message center with a 32 square foot LED message center on an existing non-conforming sign, located at 9735 IH 35 N. (Council District 2)
7. Approval of the minutes – November 18, 2013
8. Announcements and Adjournment

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

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

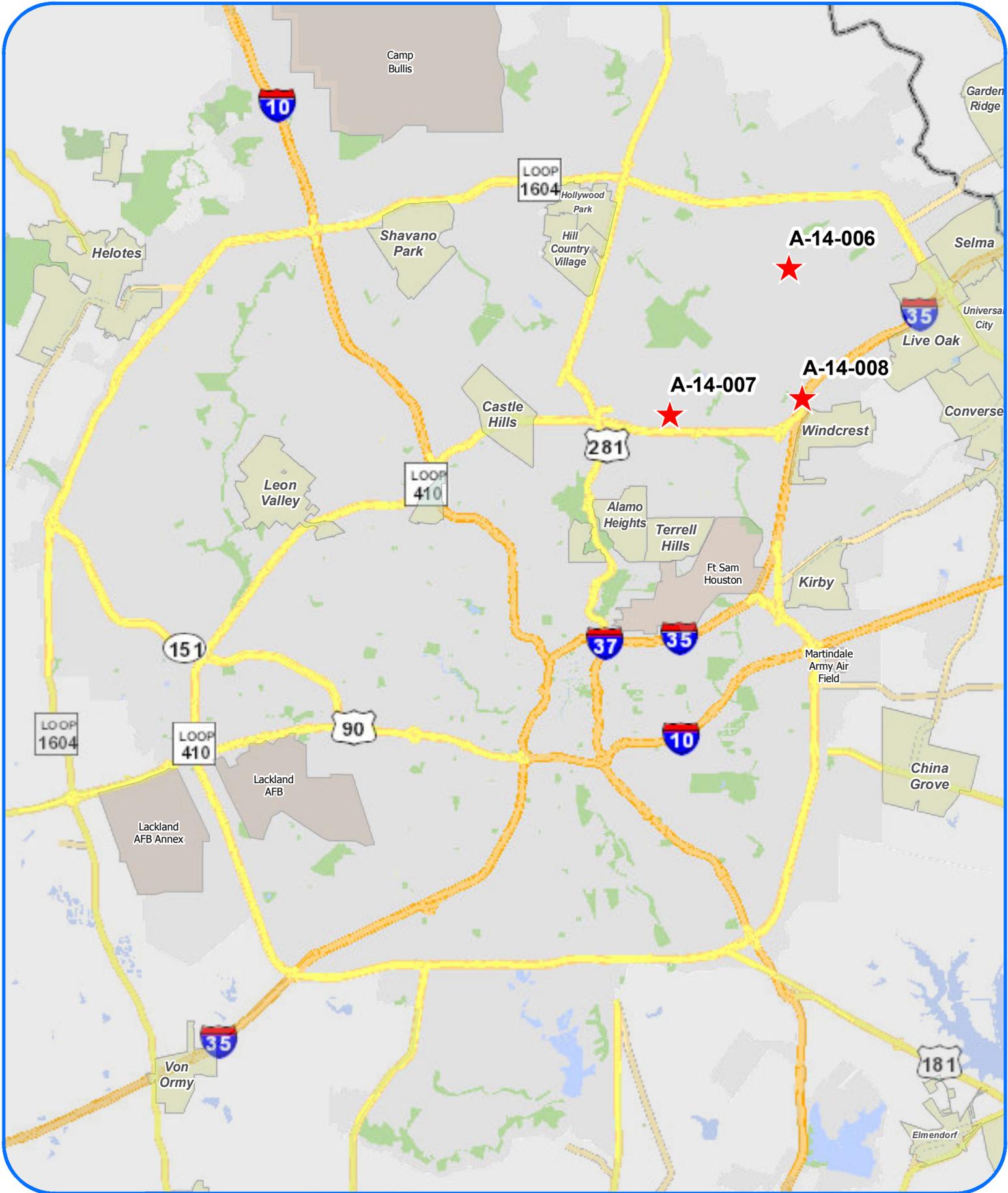
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### Board of Adjustment Membership

Michael Gallagher, District 10, Chair    Andrew Ozuna, District 8, Vice Chair  
Frank Quijano, District 1 • Edward Hardemon, District 2 • Helen Dutmer, District 3 • George Britton, District 4  
Maria Cruz, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • John Kuderer, District 9 • Gene Camargo, Mayor

### Alternate Members

Harold O. Atkinson • Paul E. Klein • Henry Rodriguez



# **Board of Adjustment**

**Subject Property Locations  
Cases for 02nd December 2013**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-14-006  
Date: December 2, 2013  
Applicant: Luis Gonzalez  
Owner: Luis Gonzalez  
Location: 14903 Burning Creek Drive  
Legal Description: Lot 1, Block 5, NCB 17763  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay Districts  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for a 2-foot variance from the maximum 6-foot side and rear yard fence height, as detailed in Section 35-514 (d) of the Unified Development code, to allow an 8-foot side and rear yard fence.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on November 14, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 15, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 27, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is a 10,500 square foot parcel, Lot 1 of the Pepperidge Subdivision, recorded in 1977. According to the Bexar County Appraisal District, the home was constructed in 1981. The property is located on the corner of Burning Creek and Stahl Road, a four lane secondary arterial street with approximately 10,000 vehicle trips per day in the last traffic count. In addition, behind the property to the west is an undeveloped parcel with a 0.4 acre drainage easement. The applicant constructed an 8-foot wooden privacy fence along the side and rear property lines without first obtaining a permit. A Code Compliance case was created with instructions to gain approval for the additional height through a variance or reduce the height to comply with the 6-foot limitation.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay Districts	Vacant
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay Districts	Single-family dwelling
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay Districts	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the San Antonio International Airport Vicinity Plan, adopted by the City Council in May of 2010. The future land use plan designated this area for low-density residential land use. The subject property is located within the boundaries of Pepperidge, a registered neighborhood association. As such, they were notified and asked to comment. In addition, the property is within 200 feet of the El Chaparral Fertile Valley Association and they were also notified and asked to comment. Both associations replied in favor of the requested variance.

**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 public interest is defined as the general health, safety and welfare of the public at large. The applicant is requesting that the property be granted approval for an 8-foot fence, stating that the busy arterial justifies the additional height. The fence is setback from the street right away so as to not interfere with visibility exiting the subdivision. The Board may determine therefore, that the additional height is not contrary to the public interest.

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

The subject property is not unique in shape or size, but its location abutting a secondary arterial street may be considered a special condition. In addition, immediately south of the property is a vacant lot with a drainage easement. The requirement that the easement remain unobstructed will reduce any anticipated negative impact from the additional height of the requested fence, potentially making literal enforcement unnecessary.

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

The Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the law for each unique case. The intent of allowing privacy fencing is to afford a family a level of privacy and security. The applicant explains that the home is very near a high school, resulting in an increase in pedestrian traffic. The owners have experienced trespass and in-home invasion and wanted additional security. The Board may consider the variance consistent with the spirit of the ordinance.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 AHOD” 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 two neighborhood associations have both submitted letters in support of the requested fence variance, one of which cited discussions with neighboring property owners. From the residential street, Burning Creek Drive, the fence is camouflaged by the evergreen hedge, reducing the impact of the additional height. The fence will not likely impact the drainage easement to the south. The Board may determine that it has sufficient evidence to conclude that the variance will not injure adjacent property.

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

The plight of the owner is a desire for security and a concern for his young children, with the subject property’s close proximity to a busy arterial, a vacant property and a high school. This location creates unique pressures that may warrant additional security measures.

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to reduce the fence height.

### **Staff Recommendation**

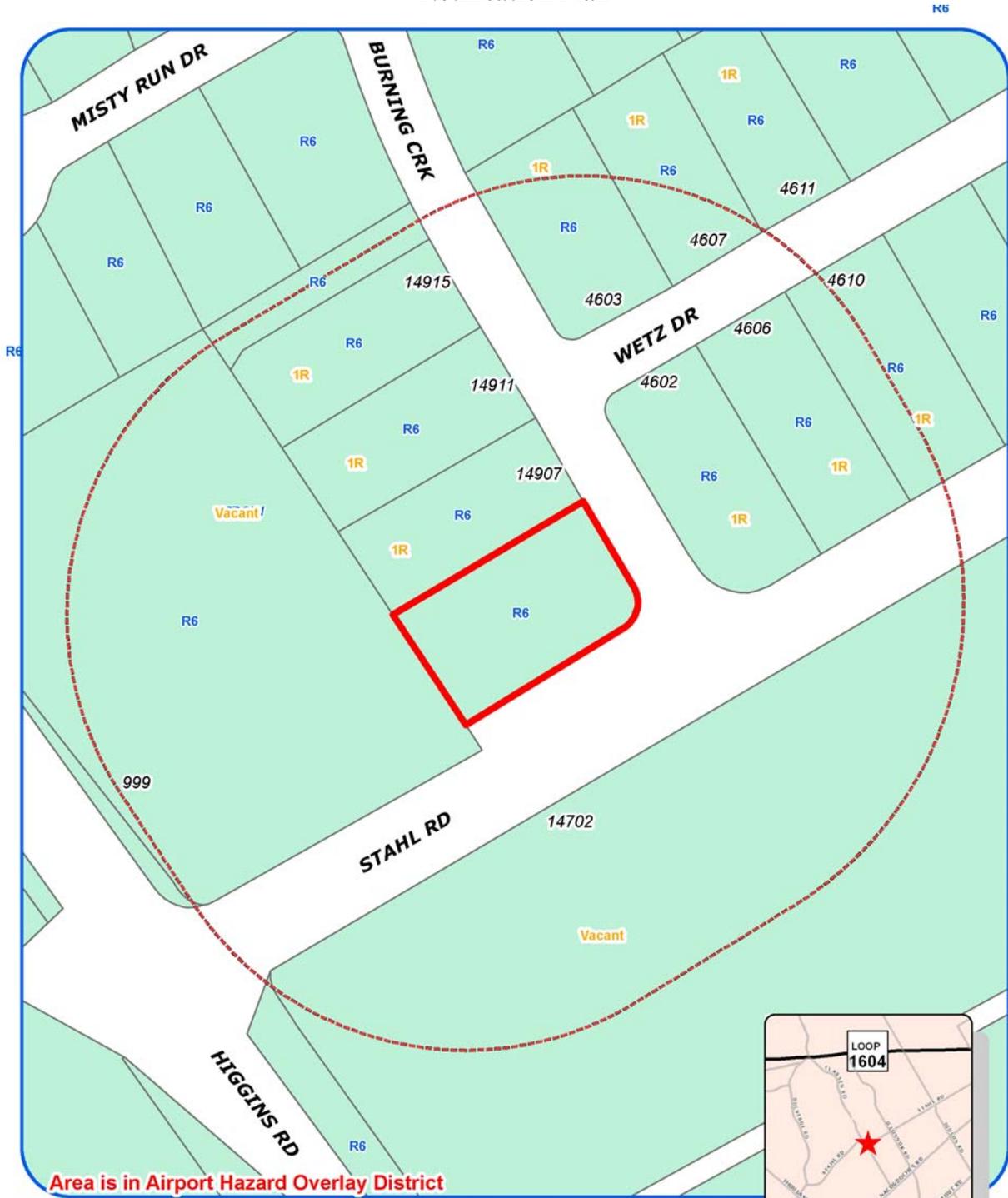
Staff recommends **approval of A-14-006** based on the following findings:

1. The property has unusual circumstances, a busy arterial and a drainage easement that warrant additional fence height.

### **Attachments**

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Applicant’s Site Plan
- Attachment 4 – Site Photos

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

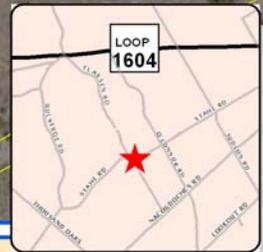
<p><b>Board of Adjustment</b> Notification Plan for <b>Case No A-14-006</b></p>			San Antonio City Limits
			Subject Property
			200' Notification Boundary
			Council District 10
			<p>Development Services Department City of San Antonio</p>

# Notification Plan (continued)

R6



**Area is in Airport Hazard Overlay District**



<p><b>Board of Adjustment</b>  <b>Notification Plan for</b>  <b>Case No A-14-006</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 10 </p> <p>0 10 20 30 40 Feet </p>	<p>Development Services Department          City of San Antonio</p>
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**Attachment 2  
Plot Plan**



**Variance Request:**  
A request for a 2-foot variance from the 6-foot maximum side and rear yard fence height to allow an 8-foot fence in the side and rear yards.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-006**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 10

**14903 Burning Creek** <sup>1:251</sup>

Development Services Department  
City of San Antonio

**Plot Plan (continued)**



**Variance Request:**  
A request for a 2-foot variance from the 6-foot maximum side and rear yard fence height to allow an 8-foot fence in the side and rear yards.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-006**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 10

**14903 Burning Creek**

Development Services Department  
City of San Antonio

**Attachment 3**  
**Applicant's Site Plan**

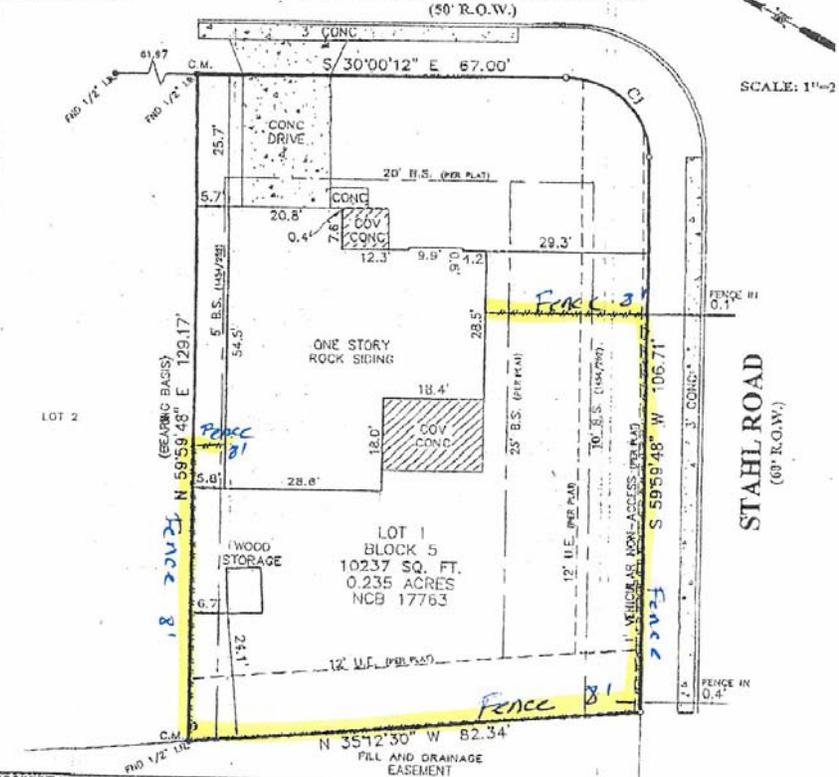
PLAT IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS AND/OR SETBACK LINES OF AND TO FOLLOW VOLUME 8500, PAGES 246-247, DEED AND PLAT RECORDS, VOLUME 1454, PAGE 242, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS.

LEGEND	○ = SET 1/2" IRON ROD WITH CAP STAMPED WESTAR	← = ZERO LOT LINE	E.E. = ELECTRICAL EASEMENT
	● = FND 1/2" IRON ROD	—○— = CHAINLINK FENCE	D.F.E. = DRAINAGE FACILITIES EASEMENT
△ = SET PK. ON POST	⊙ = FND 1" PIPE	—W— = WOOD FENCE	M.E. = MAINTENANCE EASEMENT
▲ = FND PK. ON POST	⊗ = FND SPINDLE	—M— = METAL FENCE	B.S. = BUILDING SETBACK
△ = CALCULATED POINT	( ) = RECORD INFORMATION	—E— = OVERHEAD ELECTRIC	W.E. = WATER EASEMENT
× = NAIL ROAD SPIKE	⊕ = POWER POLE	—L— = LINE BREAK	G.E.L. = GAS, ELEC. TYLE, CATV, ESM
× = "x" ON CONCRETE	⊕ = CABLE TELEVISION	—C.M.— = CONTROLLING MONUMENT	I.E. = INSTALLATION ESMY
□ = METAL POST @ CORNER	⊕ = TELEPHONE PEDESTAL	R.O.W. = RIGHT OF WAY	

As noted from FEMA's FLOOD INSURANCE RATE MAP, Community No. 450215, Zone 1, this tract appears to be Zone 1. Flood hazard information is to be used for informational purposes only. This surveyor does not certify to any information provided by FEMA.

CURVE RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1 15.00'	23.55'	21.21'	S 14°58'37" W	89°57'51"

NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.



PROPERTY ADDRESS 14903 BURNING CREEK DRIVE	BORROWER LUIS GONZALEZ	<i>Luis Gonzalez</i>
PROPERTY DESCRIPTION LOT 1, BLOCK 5, NEW CITY BLOCK 17763, PEPPERIDGE SUBDIVISION, UNIT 2, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 8500, PAGES 246-247, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.		

**Westar Alamo**  
LAND SURVEYORS, INC.  
P.O. BOX 1029 HELotes, TEXAS 78021-029  
PHONE (210) 372-9500 FAX (210) 372-8800

STATE OF TEXAS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
OTTO P. BERNHARDT  
8772

DATE: MARCH 28, 2007

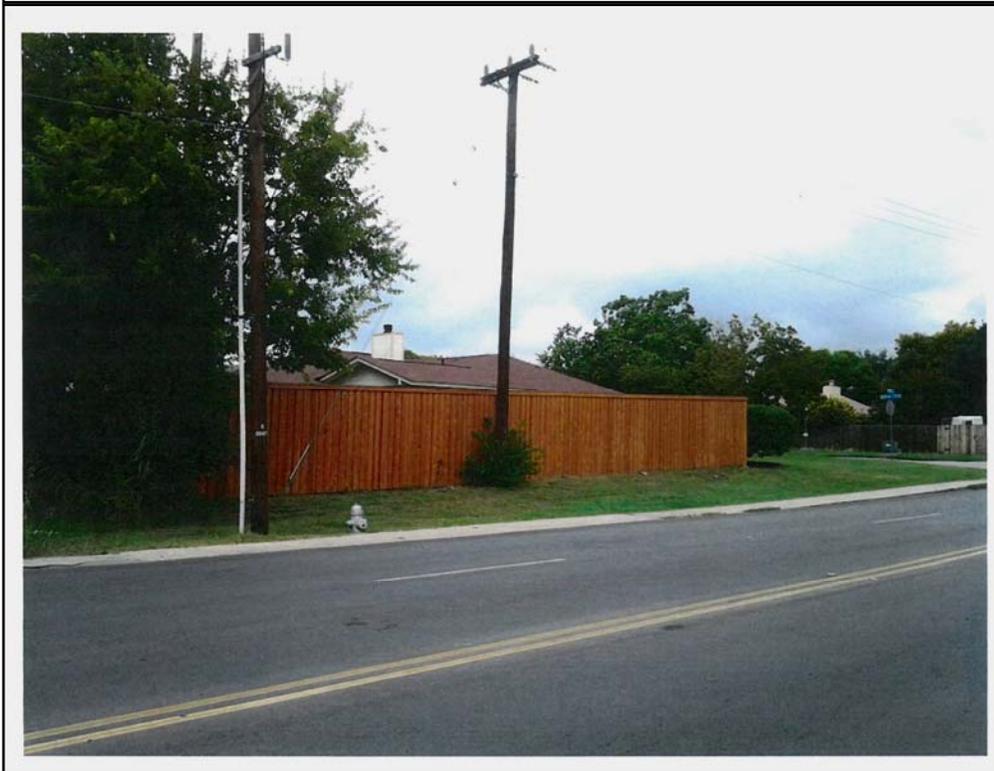
OTTO P. BERNHARDT  
Registered Professional Land Surveyor  
Texas Registration No. 4774

G.P. NO. 856583-5090	JOB NO. 7721	DATE: MARCH 28, 2007
DRAWN BY: A.L.		

**Attachment 4**  
**Site Photos (before)**



**Attachment 4**  
**Site Photos (after)**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-14-007  
Date: December 2, 2013  
Applicant: Mary Alice Alvarez  
Owner: Mary Alice Alvarez  
Location: 326 Eastley Drive  
Legal Description: Lot 10, Block 5, NCB 12455  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request for a special exception to allow a four-year renewal of a special exception for a one-operator beauty shop in a single family home

### **Procedural Requirements**

A special exception is a decision vested with the Board of Adjustment, and includes uses which may be authorized under certain circumstances. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before November 14, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 15, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 27, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the southwest side of Eastley Drive, approximately 391 feet northwest of Westchester Drive. The site is currently developed with an existing single-family residence which includes the one-operator beauty shop within the residence.

The Board of Adjustment first granted approval for this one operator beauty salon on June 7, 1991. Subsequent approvals have been obtained from the Board on the following dates: January 2, 1992; January 29, 1993; February 24, 1997; March 1, 1999; April 2, 2001; May 5, 2003; May 2, 2005; December 17, 2007; and December 7, 2009. The last approval was for a period of four years. The current approval expires on December 7, 2013. Section 35-399.01(i) of the UDC

allows the Board to approve the requested special exception for a period not to exceed four years.

The applicant has proposed hours of operation as Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, 9:00am until 4:00pm. The proposed hours of operation total 35, and these hours of operation are the same as were previously approved. The applicant will be the only cosmetologist at the location.

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported.

It has been the Board’s policy that when considering renewals to a granted special exception application for one operator beauty salons to time limit any approval to four years after an initial two-year period. As such, if approval is contemplated by the Board, it should be for a time limit of four years (48 months). If approved for four years, the current special exception request would expire December 2, 2017.

It should be noted that the applicant will be required to obtain a Certificate of Occupancy for the one operator beauty shop, if the request is approved by the Board.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling with a one-operator beauty salon

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan (designated as Low Density Residential). The subject property is not located within the boundaries of a registered neighborhood association.

## **Criteria for Review**

According to Section 35-482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.01):

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

The requested special exception will be in harmony with the spirit and purpose of the chapter in that the proposed one-operator beauty salon will follow the specified criteria established in Section 35-399.01 of the Unified Development Code.

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

Public welfare and convenience will be served with the granting of this request as it will provide a valuable and needed public service to the residents of the neighborhood and it will not negatively impact surrounding properties.

3. *The neighboring properties will not be substantially injured by such proposed use.*

The subject property will be primarily used as a single-family residence. The beauty shop will occupy only a small part of the structure, and the fact that a beauty shop is being operated from the home will likely be indiscernible to passersby. As such, neighboring properties will not be substantially injured.

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

The requested special exception will not alter the essential character of the district as the use will likely be indiscernible to passersby.

5. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district.*

The purpose of the zoning district is to promote the public health, safety, morals, and general welfare of the city. The granting of this special exception will not weaken these purposes, nor will it weaken the regulations established for this district.

## **Staff Recommendation**

Staff recommends **approval of A-14-007 for a period of 48 months with hours of operation not to exceed 35 hours per week (Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, 9:00am until 4:00pm)**, due to the following reasons:

1. The request meets all of the criteria for granting the special exception

## **Attachments**

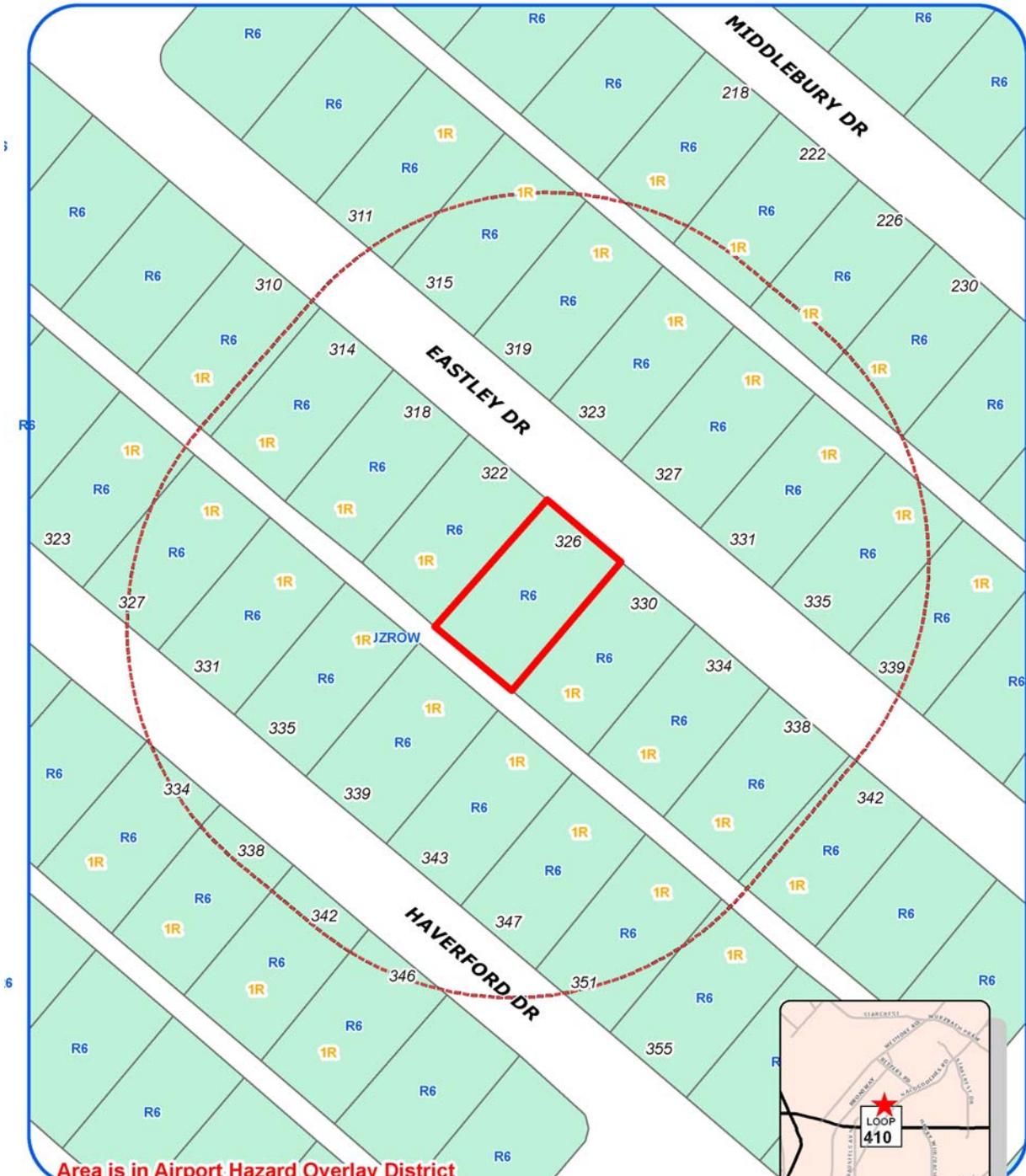
Attachment 1 – Notification Plan

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

<p><b>Board of Adjustment</b> Notification Plan for <b>Case No A-14-007</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 10 </p>		<p>Development Services Department City of San Antonio</p>
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**Attachment 1 (Continued)  
Notification Plan**



<p><b>Board of Adjustment Notification Plan for Case No A-14-007</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 10 </p>	<p></p>	<p></p>
	<p>Development Services Department City of San Antonio</p>			
	<p>1:500</p>			
	<p>1900</p>			

**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-007**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 10

**326 Eastley**

1:187

Development Services Department  
City of San Antonio

**Attachment 2 (Continued)  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-007**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 10

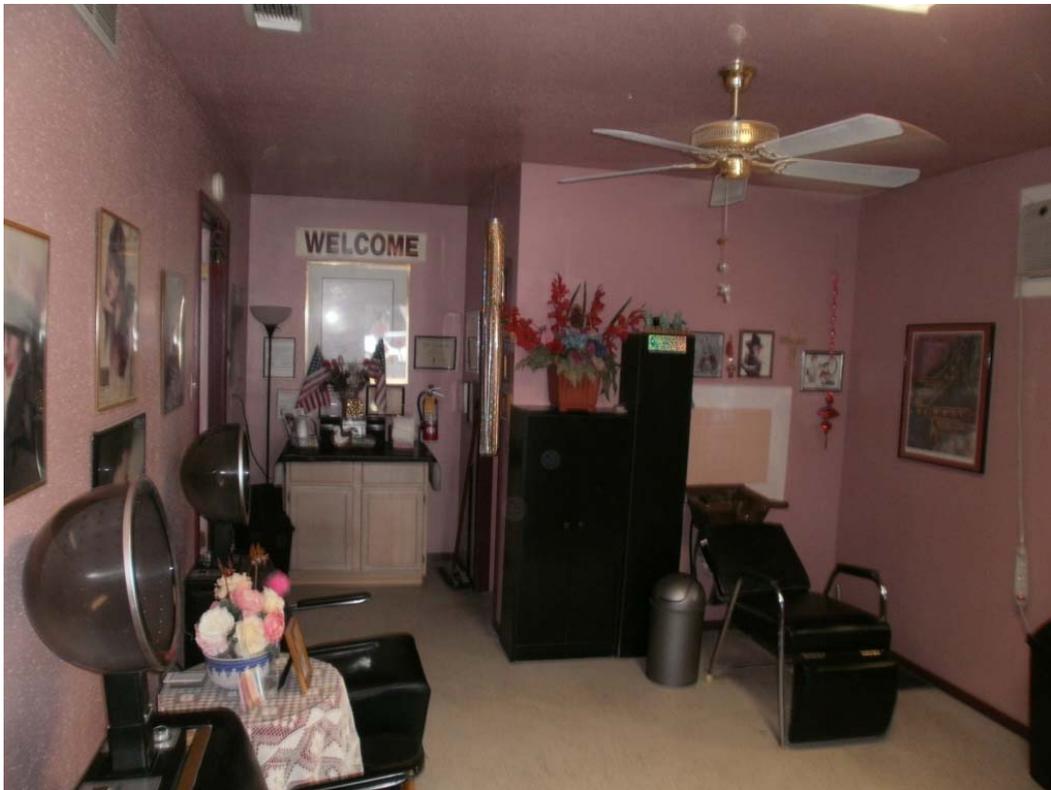
**326 Eastley**

1:187

Development Services Department  
City of San Antonio



**Attachment 4  
Site Photos**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-14-008  
Date: December 2, 2013  
Applicant: Color Printing & Signs  
Owner: Arshco, Inc.  
Location: 9735 IH-35 N  
Legal Description: Lots 1 & 2, Block 2, NCB 14043  
Zoning: "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor  
Airport Hazard Overlay Districts  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for a variance from the "IH-1 Northeast Gateway" sign standards, as detailed in Section 35-339.01 of the UDC, to allow the replacement, rather than the repair, of a 100-square foot incandescent message center with a 32 square foot LED message center on an existing non-conforming sign.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on November 14, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 15 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 27, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The 3.3 acre subject property is currently developed as an extended stay hotel with a neighboring seafood restaurant. According to Bexar County Appraisal District, the hotel was first constructed in 1964, but 30,000 square feet were added or rebuilt in 1982 which resulted in the City's oldest record of a Certificate of Occupancy for the hotel in 1983. This section of IH 35 is home to several hotels, each of which has non-conforming signs. The applicant owns an existing non-conforming multi-tenant sign and is requesting approval to reduce its degree of non-

conformity by replacing a large incandescent message center with a smaller LED one. The applicant asserts that the older one is distracting because of its brightness and difficult for traveling tourists to read.

Most signage is regulated under Chapter 28 of the City Code, primarily adopted in 1994. This series of regulations allow 60 foot tall signs along the expressway with an overall cumulative square footage of 650. In 2004 however, the city adopted its 3<sup>rd</sup> Interstate Highway corridor overlay zone, called the Northeast Gateway Corridor, which restricted sign height to 35 feet for multi-tenant signs and reduced the allowable square footage to 300 feet. These provisions are included in the UDC, so a request to deviate from these provisions is a zoning variance, rather than a sign variance as is sometimes considered by the Board.

Oftentimes, when an applicant seeks to modify a non-conforming sign, staff processes a variance on the entire sign, including all additional height and all additional square footage. If granted, this variance “conforms” the sign, giving that sign, as well as that property, the right to replace that height and square footage regardless of how the Codes change in the future. The existing sign is 18 feet taller than the maximum height and has 140 more square feet than the maximum area. In this case, staff is approaching this request as a variance to the non-conforming restrictions of repair rather than replacement. This would allow the sign to remain until it reaches obsolescence and has to be removed.

The Corridor Overlay regulations specifically addressing the rights to a non-conforming sign as follows: *The right to maintain any non-conforming sign shall terminate and shall cease to exist whenever the devise is damaged or destroyed and the cost of repairing such damage exceeds 60% of the replacement cost of the sign.* The sign contractor estimates that it would cost well over \$100,000. to replace the sign. The installation of the LED message center is under \$20,000.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3 IH-1 AHOD” General Commercial Northeast Gateway Corridor Airport Hazard Overlay Districts	Motel/Restaurant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 IH-1 AHOD” General Commercial Northeast Gateway Corridor Airport Hazard Overlay Districts	Motel
South	“C-3 IH-1 AHOD” General Commercial Northeast Gateway Corridor Airport Hazard Overlay Districts	Automobile Rental
East	“I-1 IH-1 AHOD” General Industrial Northeast Gateway Corridor Airport Hazard Overlay Districts	Storage
West	“I-1 IH-1 AHOD” General Industrial	Warehouse/Lumberyard

	Northeast Gateway Corridor Airport Hazard Overlay Districts	
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**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the San Antonio International Airport Vicinity Plan, adopted by the City Council in May of 2010. The future land use plan designated this area for regional commercial land use. The subject property is not located within the boundaries of 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 public interest is defined as the general health, safety and welfare of the public at large. In the adoption of the corridor design guidelines, the City Council labeled the gateway corridor an economic asset to residents and visitors. The applicant is requesting approval to replace an existing incandescent message center with a new LED one, 66% smaller than the current sign. The Board may determine that the smaller sign is in the public interest.

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

Literal enforcement of the regulations would require the owner to repair the existing 100 sq.ft. message center rather than replace it. The owner has decided to do this repair if the variance is not granted. The Board is asked to evaluate whether the repair results in an unnecessary hardship.

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

The Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the law for each unique case. In this case, the applicant asserts that the spirit of the ordinance would be followed by allowing the proposed sign to be replaced with a much smaller sign.

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-3 IH-1 AHOD” 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 proposed variance will allow a small change to the existing signage; the height of the sign and the two cabinets will remain the same. The applicant states that the newer sign will improve the character of the area because it is easier to read. The Board may determine that the variance in this case will not injure the adjacent property.

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 applicant states that the need for the variance was created by the advance in technology, offering an opportunity to provide the customer with readable print in a smaller space.

#### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to repair the existing 100 sq.ft. incandescent sign.

#### **Staff Recommendation**

Staff recommends **approval of A-14-008** based on the following findings:

1. The requested variance will allow the applicant to reduce the degree of non-conformity.

#### **Attachments**

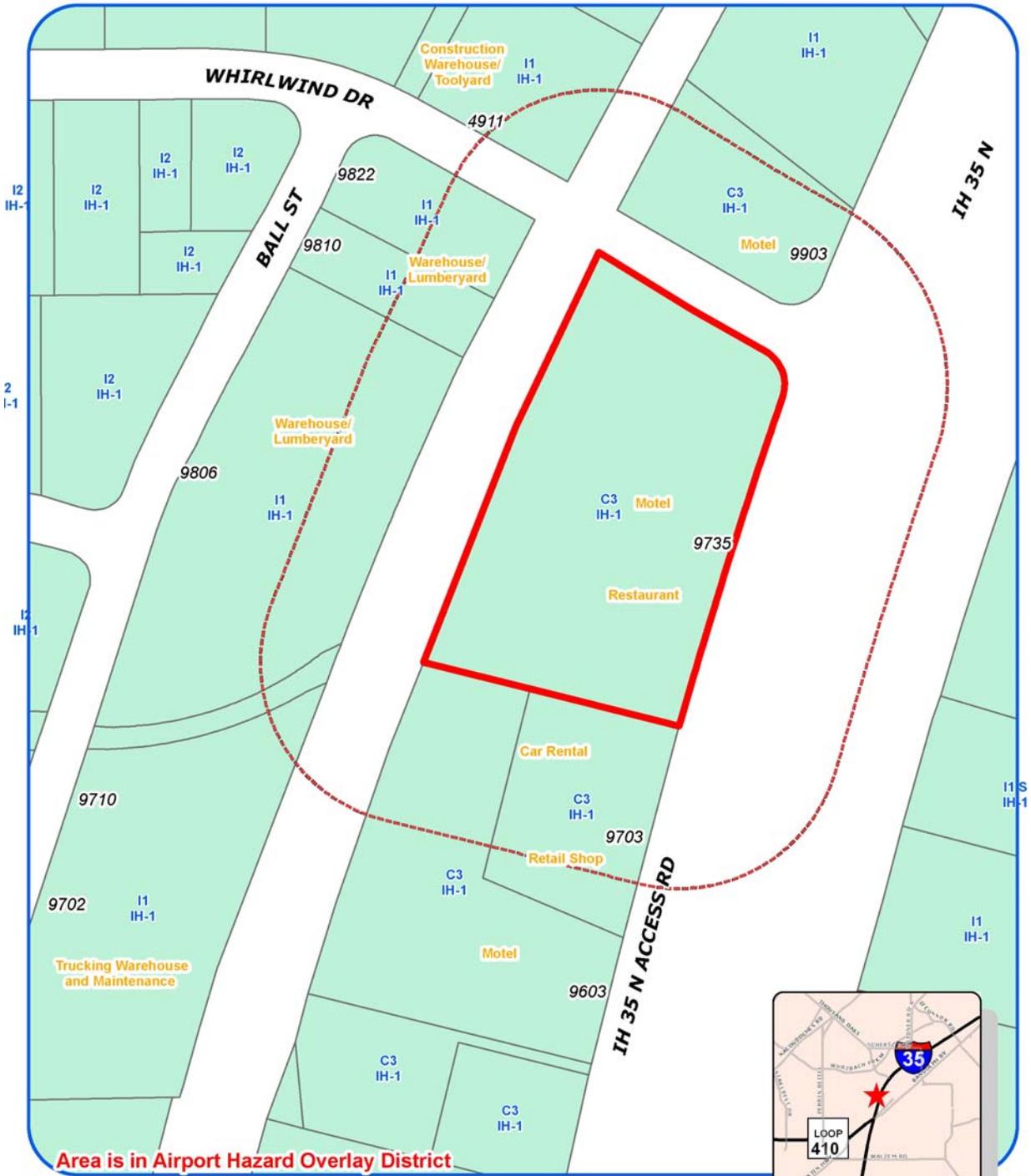
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Photos

# Attachment 1 Notification Plan

02



Area is in Airport Hazard Overlay District



<p><b>Board of Adjustment</b> Notification Plan for <b>Case No A-14-008</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 2 </p>			<p>Development Services Department City of San Antonio</p>
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# Attachment 1 Notification Plan (continued)

u2



Area is in Airport Hazard Overlay District



<p><b>Board of Adjustment</b> Notification Plan for <b>Case No A-14-008</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 2 </p>		<p>Development Services Department City of San Antonio</p>
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Attachment 2  
Plot Plan



**Variance Request:**  
A request for a variance from the "IH-1 Northeast Gateway" sign standards to allow the replacement of a 100 square foot LED message center with a 32 square foot LED message center on an existing non-conforming sign.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-008**



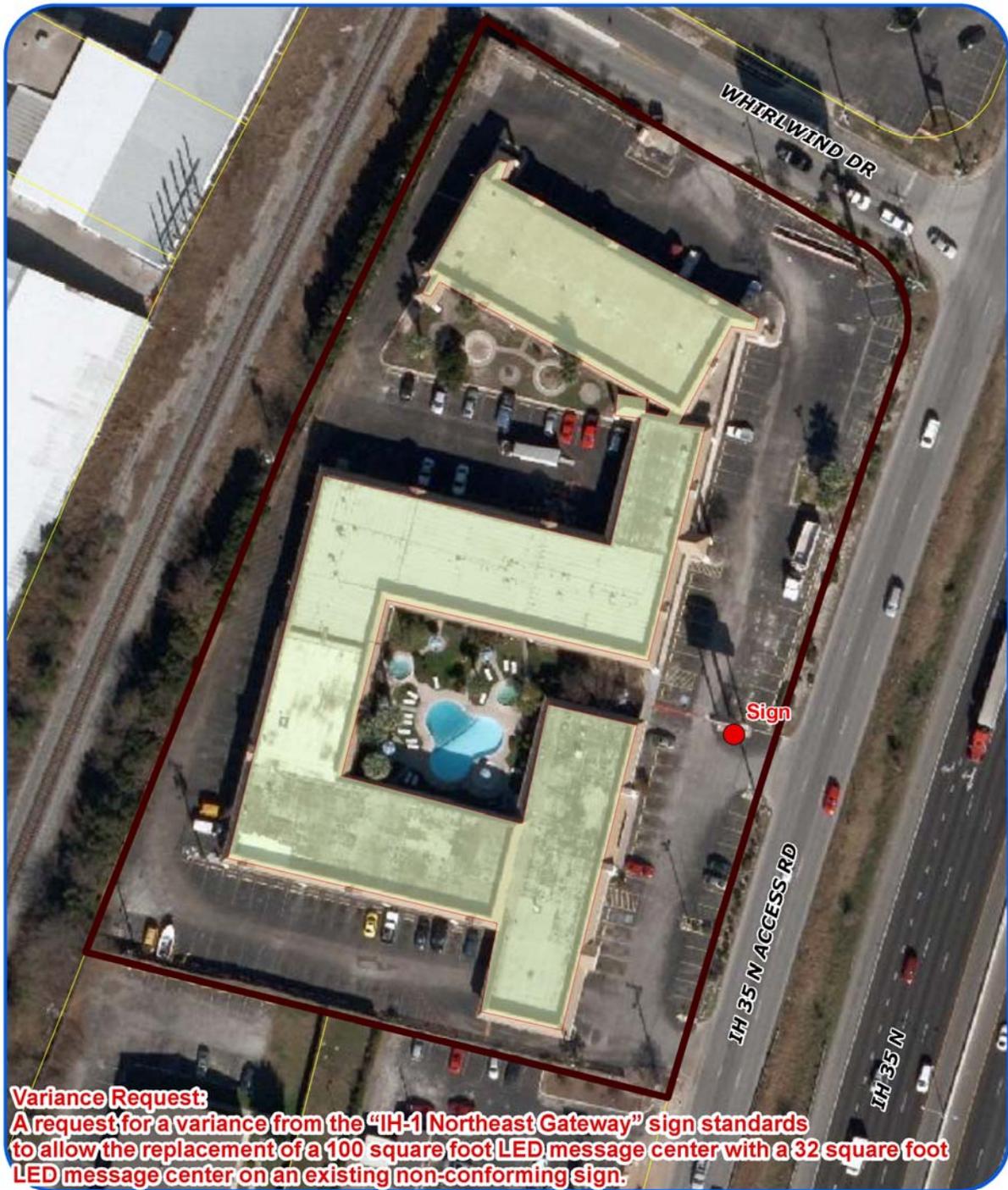
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 2

9735 IH-35

Development Services Department  
City of San Antonio

1.803

Attachment 2  
Plot Plan (continued)



**Variance Request:**  
A request for a variance from the "IH-1 Northeast Gateway" sign standards to allow the replacement of a 100 square foot LED message center with a 32 square foot LED message center on an existing non-conforming sign.

**Board of Adjustment**  
Plot Plan for  
Case No A-14-008



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 2

9735 IH-35

Development Services Department  
City of San Antonio

Attachment 3  
Site Photos

