

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, December 5, 2011

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Planning and Development Services Department website ([www.sanantonio.gov/dsd](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.

---

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-004:** The request of Daniel Monreal, for a 7-foot variance from the minimum 20-foot rear setback requirement, in order to allow a 13-foot setback from the centerline of the alley (5-foot, 6-inch setback from the rear property line), 150 Freiling Drive. (Council District 1)
5. **A-12-005:** The request of Hilario Garcia, Jr., for **1)** an appeal of the Development Services Department Director’s decision to deny the registration of a nonconforming use for a construction trades contractor for the property located at 1442 Menefee Boulevard and **2)** an appeal of the Development Services Department Director’s decision to revoke the Certificate of Occupancy issued to Premier Rebar & Wire, Inc, for the property located at 1442 Menefee Boulevard, 1442 Menefee Boulevard. (Council District 5)
6. **A-12-007:** The request of Diana Fuentes, for a Special Exception to allow a one-operator beauty/barber shop in a residential zoning district, 5931 Cliff Ridge Drive. (Council District 6)
7. **A-12-008:** The request of Paul Hiers, for **1)** a 9-foot, 5.2-inch variance from the 10-foot minimum front setback requirement, in order to allow a 6.8-inch front setback; and **2)** a 1.1-foot variance from the 5-foot minimum side setback requirement, in order to allow a 3.9-foot side setback, 8919 Deer Park. (Council District 6)
8. **A-12-009:** The request of Ortiz Pharmacy, for a 15-foot variance from the 30-foot minimum rear setback requirement when abutting a residential use or zoning district, in order to allow a 15-foot rear setback, 2503 Castroville Road (north west corner of Castroville Road & Southwest 37<sup>th</sup> Street). (Council District 6)
9. **A-12-010:** The request of Brown and Ortiz, P.C., for **1)** a 15-foot variance from the maximum 25-foot sign height standard for single-tenant signs of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District, in order to allow the existing 40-foot tall freestanding sign, and **2)** a 106-square foot variance from the maximum 65-square foot sign area standard for single-tenant signs of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District, in order to allow the existing 171-square foot freestanding sign, 3523 Roosevelt Avenue. (Council District 3)

---

### 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*

10. Consideration of **Sign Master Plan No. 12-001**, Newton Bulverde Road, Ltd., located at 18211 Bulverde Road.
11. Consideration of **Sign Master Plan No. 12-002**, Sam Houston Center, located at Rittiman Road and Harry Wurabach.
12. Approval of the minutes – November 14, 2011.
13. Discussion and possible action regarding the Board of Adjustment Articles of Rules and Procedures.
14. 5:00 P.M. or following the adjournment of the Board of Adjustment meeting. The Board of Adjustment will attend a Christmas celebration at 218 Produce Way, Mi Tierra Restaurant. The Board members will not take any official action nor will any official Board of Adjustment business be considered.
15. 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.*

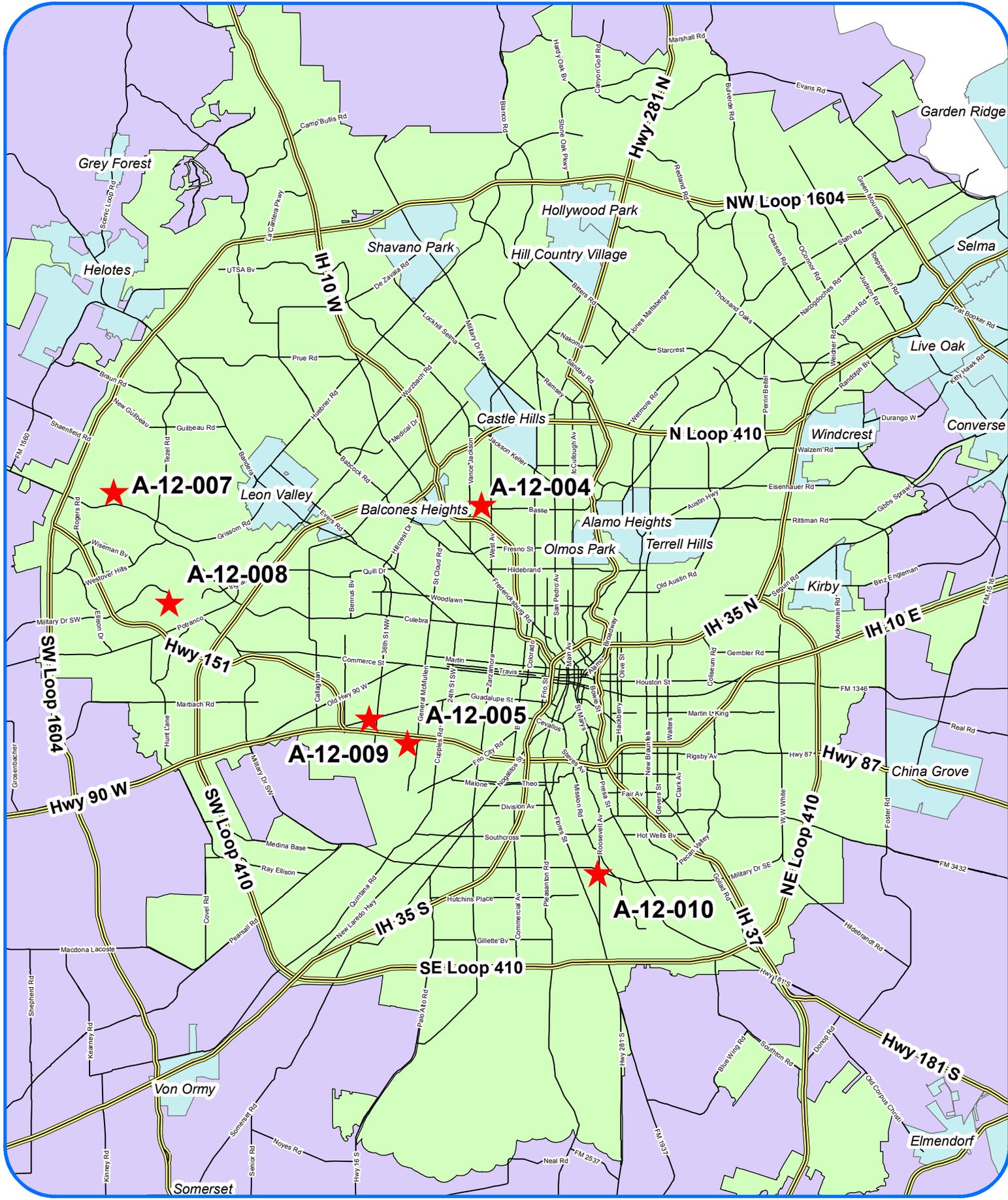
---

**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 December 5, 2011**





# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment

Case No.: A-12-004

Date: December 5, 2011 (*This case was continued from the November 14, 2011 Board of Adjustment Public Hearing*)

Applicant: Daniel Monreal

Owner: Eduardo Camargo

Location: 150 Freiling Drive

Legal Description: Lot 4, Block 3, NCB 9690

Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

---

#### **Request**

The applicant requests a 7-foot variance from the minimum 20-foot rear setback requirement, in order to allow a 13-foot setback from the centerline of the alley (5-foot, 6-inch setback from the rear property line).

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on October 27, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on October 28, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on November 10, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The approximately 0.21-acre property consists of an approximately 2,363-square foot, single story single-family residential structure, and a 1,224-square foot, two-story accessory structure. The current property owner built an approximately 717-square foot addition on the south east corner of the single-family residence to connect the principal structure with the accessory structure. The new addition was done without first obtaining the required permits and approval from the City.

The connection of the principal and accessory structures through the new addition resulted in the accessory structure becoming part of the principal structure, and thus subject to the setback requirements of the principal structure. Pursuant to Table 310-1 of the UDC, structures in the "R-4" Single-Family Residential zoning district shall be set back a minimum of twenty (20) feet

from the rear property line. The UDC allows lots that abut a public alley to consider one-half (½) of the alley, up to a maximum of fifteen (15) feet, as part of the minimum required rear or side yard [Section 35-516(c) of the UDC]. According to the Wonder Homes Addition Plat (Volume 2575, Page 209, Deed and Plat Records, Bexar County, Texas), there is an existing 15-foot wide alley along the rear property line. As a result, the principal structure on the subject property may be set back a minimum of twelve (12) feet, six (6) inches from the rear property line [twenty (20) feet from the centerline of the alley].

The existing accessory structure was built five (5) feet, six (6) inches from the rear lot line according to the submitted Site Plan. Consequently, the applicant is requesting a 7-foot variance from the minimum 20-foot required rear setback. According to the submitted application, the variance is requested due to the existing setback of the accessory structure that caused the principal building to be in violation of the minimum setback requirements with the construction of the new addition. The applicant states that the new addition was built due to the need to enlarge the square footage of living area on site.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-4 AHOD (Residential)	Single-Family

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential)	Single-Family
South	R-4 AHOD (Residential), R-5 AHOD (Residential)	Single-Family
East	R-4 AHOD (Residential)	Single-Family
West	R-4 AHOD (Residential)	Single-Family

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Greater Dellview Community Plan. The subject property is located within the Dellview Area 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 is contrary to the public interest as, if approved, it will allow a principal structure with a 13-foot rear setback [seven (7) feet, six (6) inches of which consists of alley], which is thirty-five (35) percent less than what is allowed by the UDC. Accessory structures are allowed a lesser setback due to its size and lot coverage restrictions that reduce the impact of the structure on adjoining properties. In connecting the accessory*

*structure to the principal structure, the minimum separation required between buildings and properties is reduced, thus increasing the impact that a principal structure with no building size restrictions may have on the adjacent properties.*

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

*A literal enforcement of the rear setback requirement will require the applicant to relocate the proposed addition to the opposite side of the principal structure, and restore the accessory structure to its original configuration. The subject property does not have any special conditions that prevented the applicant from obtaining the required permits and placing the building in compliance with the minimum development standards of the UDC. The subject property has over nine thousand two hundred (9,200) square feet of lot area, with the principal and accessory structures covering approximately thirty-two (32) percent of the lot.*

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

*The variance is neither keeping with the spirit of the ordinance nor would it do substantial justice. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent upon an addition between the principal and accessory structures. The subject property has ample space on the west side of the property that allows for an addition in compliance with the minimum development standards of the UDC. Furthermore, the applicant's desire to use the entire 15-foot alley as part of the rear yard takes away the ability of the property to the south to use his/her corresponding half as permitted by the UDC.*

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

*The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-4" Residential Single-Family base 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 substantially injure the appropriate use of the adjacent conforming properties. The subject property is located in a residential area with single-family residential uses that are all subject to the same setback requirements. The adjacent conforming properties comply with the minimum required rear setback of the "R-4" Residential Single-Family District. Approval of the variance will reduce the minimum separation required between structures on adjacent lots, as well as alter the character of the district by allowing a principal structure closer to the rear property line than the existing principal structures within the vicinity.*

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.

*No unique conditions or circumstances exist on the property that prevented the applicant from using the property as intended and complying with the minimum requirements of the UDC. The requested variance is needed due to the construction of an addition that was done without first obtaining all necessary and required permits. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards and this variance request would not be necessary. The accessory structure is a legal conforming structure that complies with the minimum development standards for accessory structures as established in the UDC. The result of the applicant's action to connect both structures caused the violation on the property, thus self-imposing hardship.*

### **Staff Recommendation**

Staff recommends **denial of A-12-004**. The requested variance does not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the rear setback requirement.

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 variance requested. The hardship is a direct result of the owner's action to construct an addition without the approval of the City, and which caused the property to be in violation of the UDC. Reasonable use of the property may still be accomplished in compliance with the minimum requirements of the UDC.

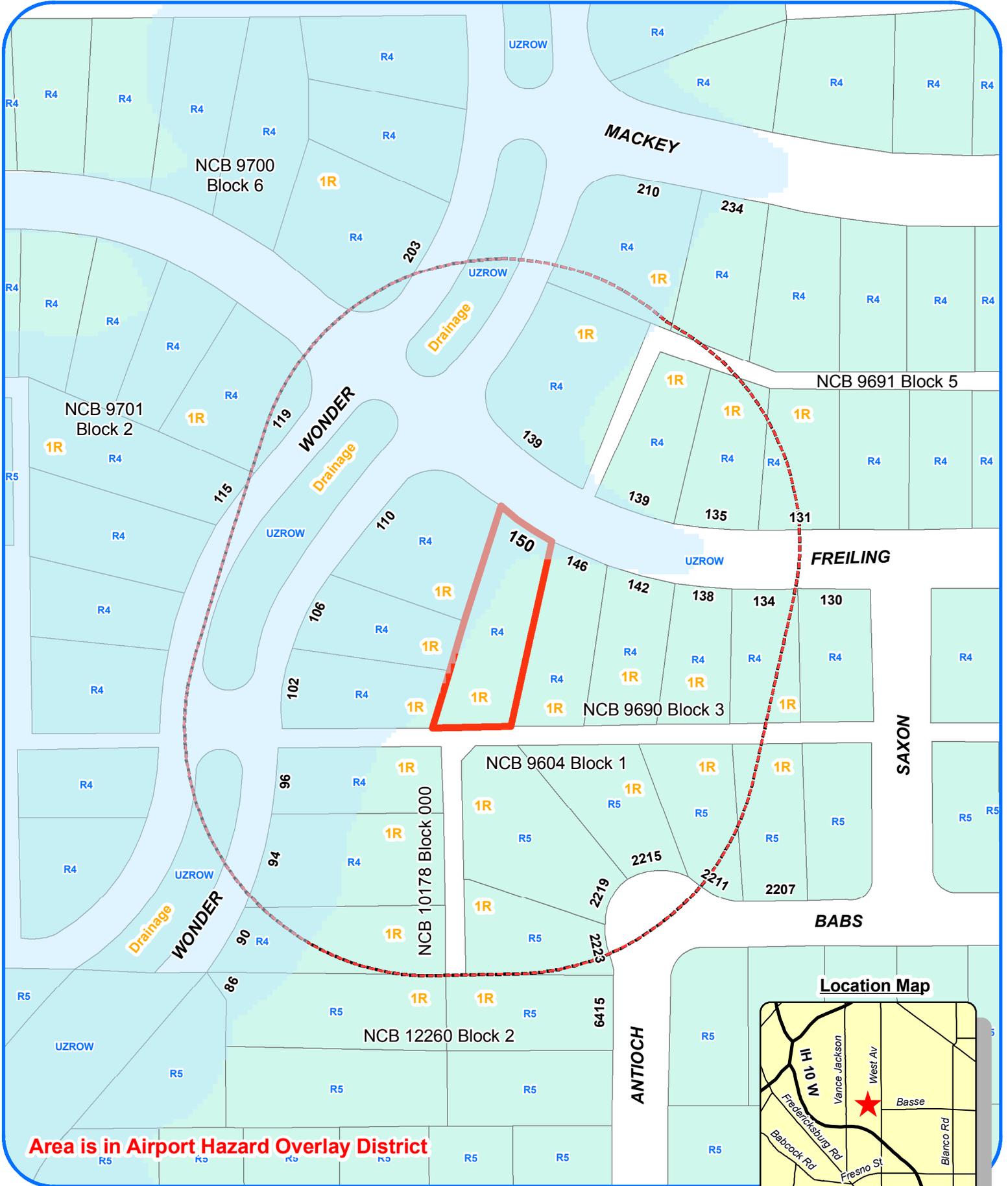
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Wonder Homes Addition Plat



**Area is in Airport Hazard Overlay District**

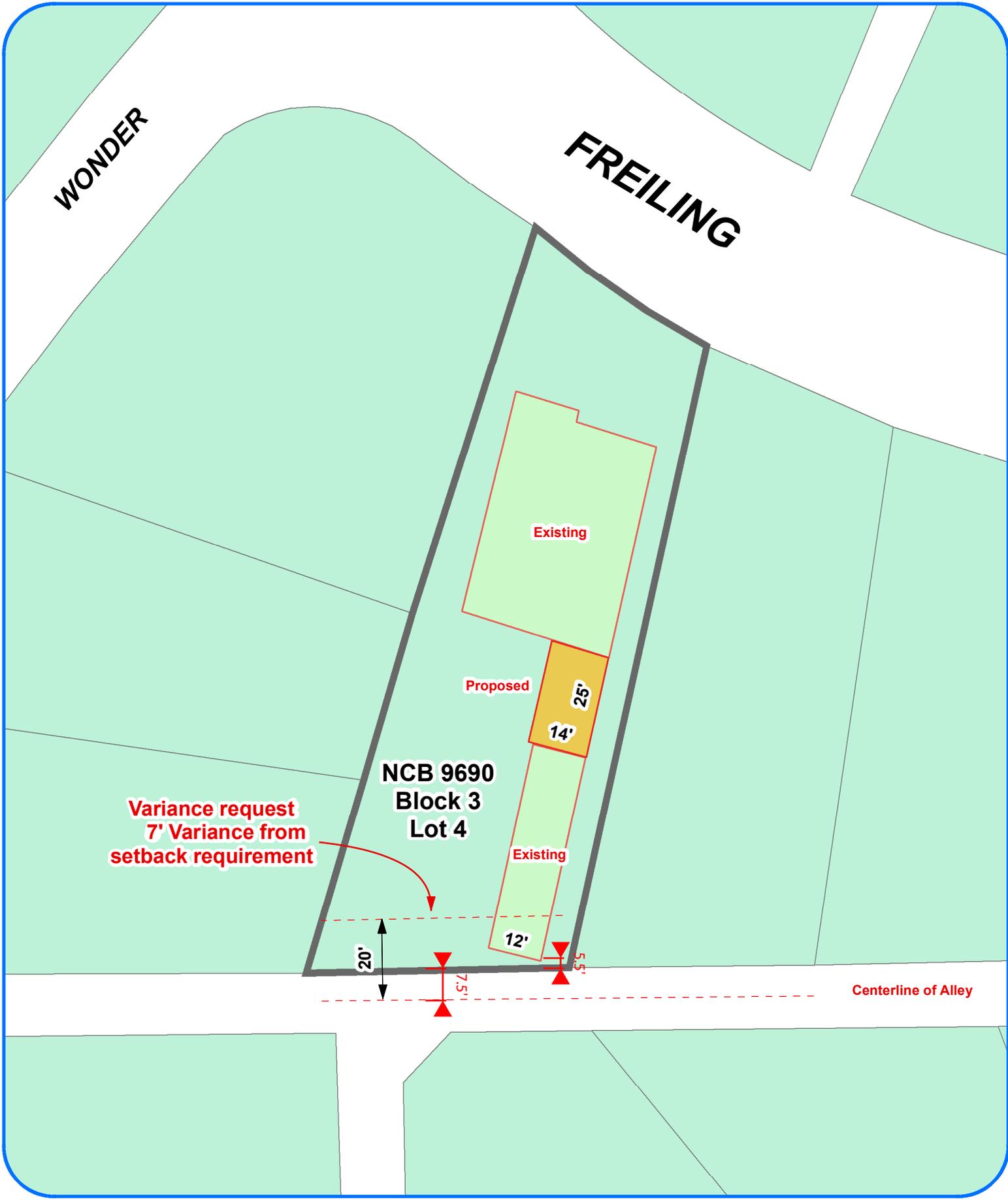


**Board of Adjustment**  
**Notification Plan for**  
**Case A-12-004**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 300'
- Council District 1



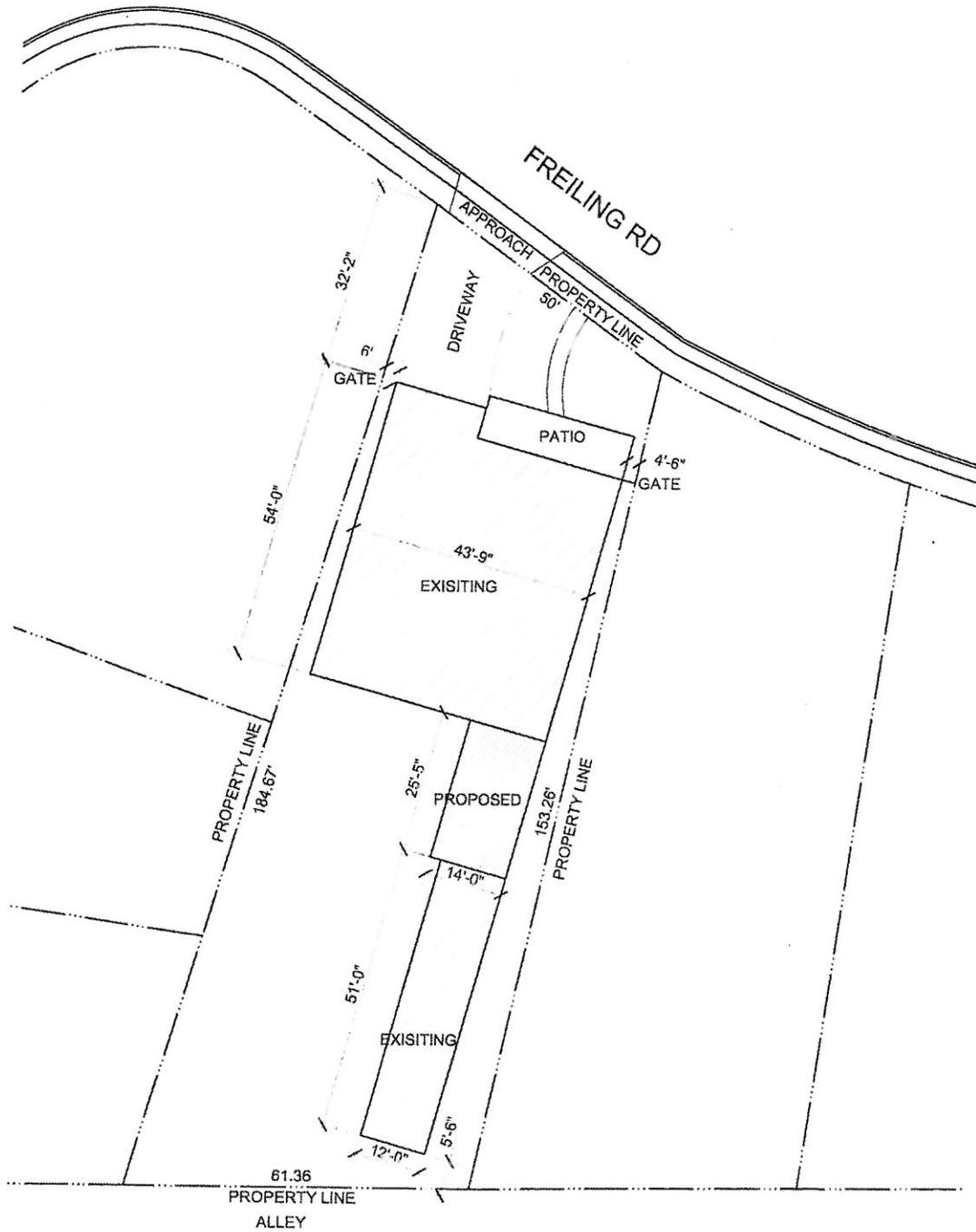
**Board of Adjustment**  
 Plot Plan for  
**Case A-12-004**



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

**150 FREILING**

Development Services Dept  
 City of San Antonio  
 (10/23/2011)



NORTH

**SITE**

SCALE: 1/16"=1'-0"

ADDRESS:  
150 FREILING DRIVE  
SAN ANTONIO, TEXAS 78213

LEGAL DESCRIPTION:  
NCB 9690  
BLK 3  
LOT 4

LOT SIZE 9,295 SQ FT

SET BACK LINES:  
FRONT 25'  
SIDE 10'





---

## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-005  
Date: December 5, 2011  
Applicant: Hilario Garcia, Jr.  
Owner: Herlinda N. Perez  
Location: 1442 Menefee Boulevard  
Legal Description: Lot 76, Block 2, NCB 11314  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Jacob T. Floyd, Senior Planner

---

### **Request**

1) An appeal of the Development Services Department Director's decision to deny the registration of a nonconforming use for a construction trades contractor for the property located at 1442 Menefee Boulevard. 2) An appeal of the Development Services Department Director's decision to revoke the Certificate of Occupancy issued to Premier Rebar & Wire, Inc, for the property located at 1442 Menefee Boulevard.

### **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 November 17, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the south side of Menefee Boulevard, west of South General McMullen Drive and south of U.S. Highway 90 West. It has a "R-6" Single-Family Residential base zoning district and a Low Density Residential Future Land Use designation in the Kelly/South San PUEBLO Community Plan. The subject property consists of an approximate 1,316 square-foot residential building on an approximate 2.92 acre lot.

The subject property was annexed on September 25, 1952, at which time it was zoned a Temporary "A" Single-Family Residence district. It has subsequently been rezoned to "B" Residence District (1957), "R-4" Manufactured Home Residence District (1971), and "R-1"

Single-Family Residence District (1986). The “R-1” district then converted to the present day “R-6” Residential Single-Family District with the adoption of the Unified Development Code in 2002. Additionally, the zoning change from the “B” Residence District to the “R-4” Manufactured Home Residence District in 1971 was done at the request of James C. Worthey, the previous owner of the subject property.

Section 35-705 of the UDC provides a process by which the owner of a nonconforming use may register such nonconforming use by filing a registration application with the Development Services Department. Section 35-705 (b)(1) further describes the required contents of the registration statement as furnishing such information as is needed to show that; the use was lawfully established prior to the effective date of the applicable regulations; the use has been continuously maintained since it was established; and the use has not been abandoned. For the purposes of this section the term “applicable regulations” means the provisions of this chapter, or amendments to this chapter, which render a use nonconforming; in this case the annexation of the subject property in 1952.

The applicant first submitted an application for the registration of a nonconforming use on January 29, 2010 (Attachment 4), submitting as evidence Google search results for “James C Worthy & Sons inc. San Antonio, Texas”, a letter from CPS Energy (dated January 27, 2010) stating that 1442 Menefee Boulevard has had continuous residential utility service from January 1928 to current, Bexar County tax payment information, Bexar County Appraisal District property information details, and an undated business listing. Additionally, the application states that the land use commenced in 1967. Development Services Department staff completed the review of the application on February 12, 2010 and denied the application. However, the electronic record of this review was incorrectly notated as an approval of the registration. The applicant was then issued a Certificate of Occupancy on February 9, 2011 based on this incorrect record.

On May 16, 2011 staff from the Development Services Department met with the applicant to inform him that the Certificate of Occupancy as a construction trades contractor at 1442 Menefee Boulevard was issued in error. At that time the applicant was provided a ninety (90) day abatement period, as authorized by Section 35-406 of the UDC, to submit an application for rezoning and go through the rezoning process for the property to be brought into compliance with the City’s zoning regulations. The applicant failed to take any action to bring the property into compliance during this abatement period and, consequently, the Certificate of Occupancy was revoked on September 13, 2011. This revocation was based on Section 35-311 (c) of the UDC, which states that “No use shall be permitted pursuant to this chapter, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the city unless said use is listed as a permitted or specific use permit in the Use Matrix.”

On October 19, 2011 the applicant submitted additional information in support of the application to register a nonconforming use originally submitted in 2010 (Attachment 5). This updated application indicates that the use of the subject property as a construction trades contractor facility commenced in 1951. Evidence submitted in support of this application included a copy of an archival zoning map indicating an “R-1” zoning on the subject property, a copy of the January 27, 2010 letter issued by CPS stating that the property has had continuous residential utility service from January 1928 to current, an affidavit by James D. Worthey affirming that

1442 Menefee has been “utilized for commercial purposes since its acquisition in 1951”, a copy of the business listing previously submitted, several aerial photographs of the area surrounding the subject property, the tax information previously submitted, and an additional copy of the Google search results previously submitted. Additionally, the updated application states that “James Worthey was officially incorporated in 1967”, in reference to the incorporation of James C. Worthey & Son, Inc. Development Services Department staff completed the review of this updated application on November 10, 2011 and determined that the application does not satisfy the requirements to register a nonconforming use as provided by Section 35-705 (b)(1) of the UDC.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-6 AHOD (Residential)	Construction Trades Contractor

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential)	Single-Family Residential
South	R-6 AHOD (Residential), MH AHOD (Manufactured Housing)	Single-Family Residential, Mobile Home Park
East	R-6 AHOD (Residential)	Single-Family Residential
West	R-6 AHOD (Residential)	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Kelly/South San PUEBLO Community Plan. The subject property is located within the Thompson Community Association.

**Criteria for Review**

Pursuant to Section 35-481 of the UDC a decision made by an administrative official may be appealed to the Board of Adjustment by any person aggrieved by such decision within thirty (30) days of such decision. Such appeal shall be taken by filing a notice of appeal specifying the particular grounds upon which the appeal is taken.

The concurring vote of seventy-five (75) percent of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision or determination of an administrative official.

**Staff Recommendation**

Staff recommends that the Board of Adjustment make their findings regarding denial of nonconforming use registration based on the required criteria of Section 35-705 (b)(1). In order to reverse the determination to deny the registration of a nonconforming use for a construction trades contractor the Board of Adjustment must find that the information provided with the application for registration of a nonconforming use shows; that the use was lawfully established

prior to the effective date of the applicable regulations, prior to annexation in this case; that the use has been continuously maintained since the subject property was annexed; and that the use has not been abandoned at any point after it was annexed.

If it is determined that the Director of the Development Services Department erred in denying the application based on the submitted evidence then it is unnecessary for the Board of Adjustment to take action on the revocation of the Certificate of Occupancy. Should the Board of Adjustment be required to take action regarding the revocation of the Certificate of Occupancy, staff recommends that the Board make their findings based on provisions of Section 35-311 (c) and Section 35-406 of the UDC. In order to reverse the revocation of the Certificate of Occupancy the Board of Adjustment must find that the use of the property for a construction trades contractor does not violate the permitted use regulations of the UDC.

### **Attachments**

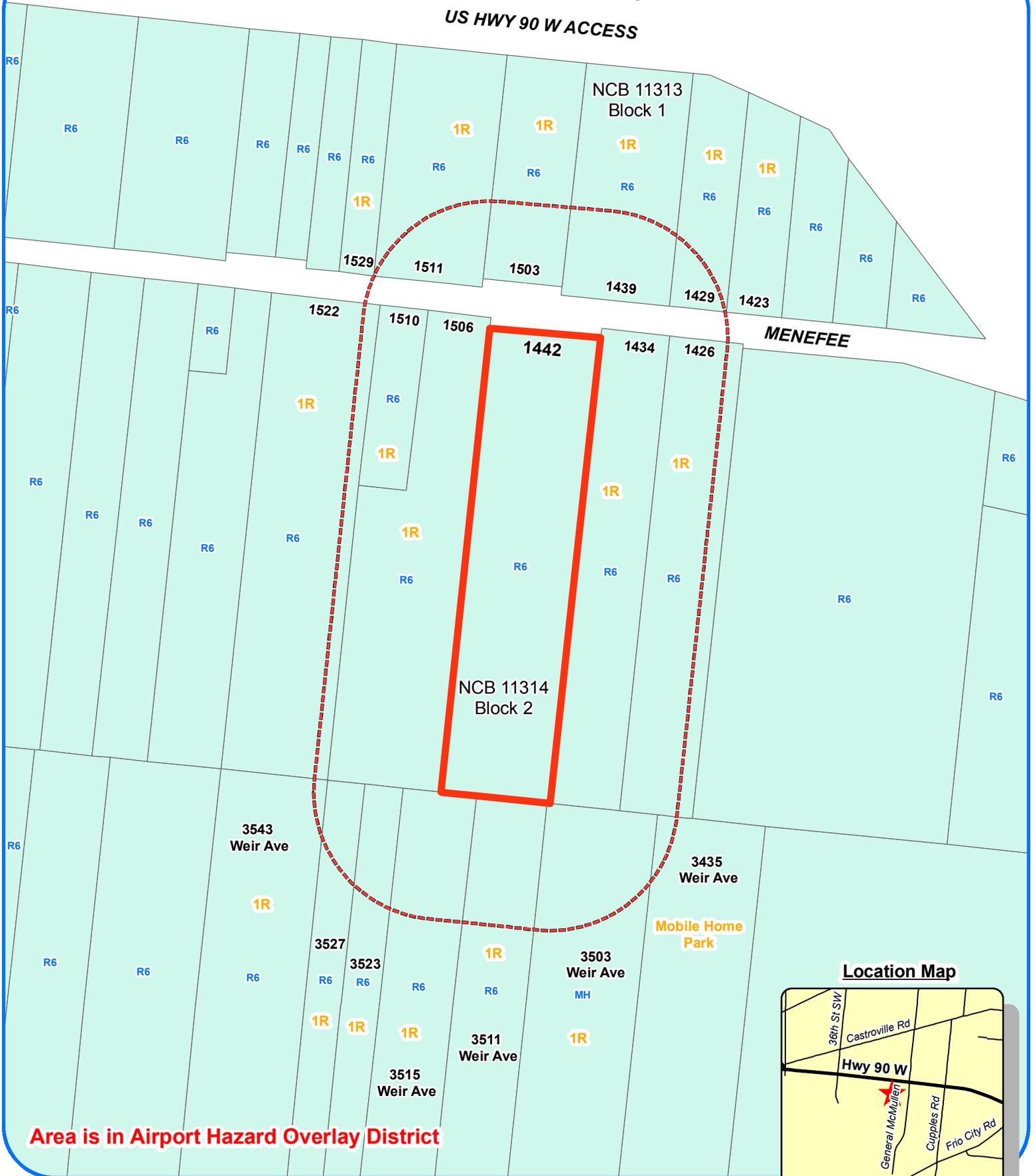
Attachment 1 – Location Map

Attachment 2 – Application for Registration of a Non-Conforming Use (submitted 2010)

Attachment 3 – Application for Registration of a Non-Conforming Use (updated October 2011)

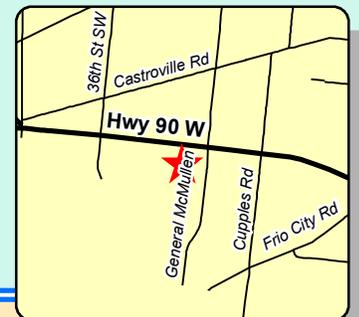
Attachment 4 – Notice of Revocation of Certificate of Occupancy

US HWY 90  
US HWY 90 W ACCESS



Area is in Airport Hazard Overlay District

Location Map



**Board of Adjustment**  
**Notification Plan for**  
**Case A-12-005**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 200'
- Council District 5



**City of San Antonio Planning and Development Services Department**

Cliff Morton Development and Business Services Center  
1901 South Alamo Street  
San Antonio, Texas 78283-3966

Website: [www.sanantonio.gov/dsd/](http://www.sanantonio.gov/dsd/)

**Official Use Only**

HANSEN # 91063  
Case # NC-10-050  
Planner MDF

**APPLICATION FOR REGISTRATION OF A NON-CONFORMING USE**

(PLEASE PRINT BELOW AND CHECK BOX THAT APPLIES)

- New Application       Recertification       Multi-Tenant Shopping Center

SUBMISSION OF THIS APPLICATION AND SUPPORTING DOCUMENTATION DOES NOT IMPLY APPROVAL OF THE USE. A DETERMINATION WILL BE MADE BASED ON THE INFORMATION PROVIDED BY THE APPLICANT AND/OR OTHER RESOURCES. FAILURE TO PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY CITY STAFF MAY RESULT IN THE DELAY OR DENIAL OF THIS APPLICATION

Applicant	Name <u>Hilario Garcia</u>		
	Mailing Address <u>9542 Autumn Shade San Antonio, Tx 78254</u>		Zip Code <u>78254</u>
	Day-time Phone Number <u>(210) 843-2635</u>	E-mail Address <u>LARRY.REBANC@gmail.com</u>	

Site Information (Main Suite Address for Multi-Tenant Shopping Cen-	Name <u>James C. Worthy &amp; Sons, Inc.</u>		
	Street Address and Zip Code <u>1442 Manatee Blvd 1967</u>		Legal Description <u>NCB 11314 Blk 2 Lot 76 Residential</u>
	Date Land Use Commenced <u>1967</u>	Current Zoning <u>Residential</u>	Acreage <u>2.924</u>

Describe the cause for your application, including the following (feel free to attach additional pages):

- Provide the date the land use(s) began and where they occur on the property.
- Provide the date(s) that the structure(s) were built.
- Additional information for consideration in relation to your request.

James C. Worthy & Sons Inc. Est 1967 used most of the 2.9 Acre As Yard/Storage/Storage Land Parcel. See attached Drawg. Structures were built in 1930's. In 1967 the City did not require C of O's for businesses.

It is the applicant's responsibility to submit objective evidence of the lawful existence and continued use of the activity or structure by providing the following types of information, including, but not limited to, documentation of the date that the use/activity commenced and evidence of continuous operation for each successive year:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Certificates of Occupancy/Previous Non-Conforming Registrations</li> <li>• Plats/Plans/Surveys</li> <li>• County Appraisal Data</li> <li>• Letters or bills from utility companies</li> <li>• Lease agreements containing descriptions of the property uses</li> <li>• Sketch or plan indicating area occupied by structure and/or use</li> <li>• Sworn affidavits from persons with knowledge of the use</li> </ul> | <ul style="list-style-type: none"> <li>• Deeds applicable to the property</li> <li>• Billing and/or land use permits</li> <li>• TABC Records</li> <li>• Dated photographs</li> <li>• License(s)</li> <li>• Bills</li> <li>• Invoices and/or Customer Receipts</li> </ul> |
|---|--|

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to land uses, density, minimum setbacks, or size and heights of structures. These covenants and restrictions do not constitute a criterion for a City land use decision, as the City cannot enforce said restrictions. It is the responsibility of the applicant to investigate private covenants or restrictions.

**DECLARATIONS**

I hereby apply for registration of a Non-conforming Use as requested on this application and certify that the submitted information and attachments are true and accurate. Information contained on the attached form(s) will be used for the purposes of administering the formal Non-conforming Use registration process of the City of San Antonio. All of the statements and representations contained in the attached documents filed in support of this application shall be deemed a permanent part of the application for all purposes.

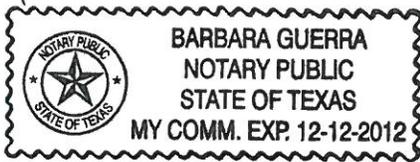
Hilario Garcia  
Print Name

[Signature]  
Signature

Jan 12, 2010  
Date

\_\_\_\_\_  
Title

Sworn to and subscribed before me by Hilario Garcia on this 13th day of January in the year 2010, to certify which witness my hand and seal of office.



Barbara Guerra  
Notary Public in and for the State of Texas

**Property Owner(s)**

Name (print or type) Herlinda Perez

Current Mailing Address 1939 SW 19th Street  
San Antonio TX 78207

Daytime Telephone No. (210) 366-4414 E-mail None

**Authorized Agent or Representative** (Authorized agents must submit evidence of their authority to act on the property owner's behalf)

Name (print or type) GEORGE L. ALEJOS

Current Mailing Address 9811 RAMBLIN RIVER DRIVE  
SAN ANTONIO, TEXAS 78251

Daytime Telephone No. 210 843-2635 E-mail GALEJOS@SATX.P.R.COM  
210 823-6200

**Official Use Only**

**Staff Decision**

- Registered
- Not Registered

**Registration Type**

- Development Preservation Rights
- Non-conforming Use

Reviewed By: Rudy Nino  
Date Annexed: 9/25/1952 (18115-ord.)  
Previous Registration(s): \_\_\_\_\_

Date: 02/12/10  
Zoning History: R-1 -> R-6 AHOD

Staff Findings:  
Non-conforming Use not registered. Use was not registered within 60 days of annexation as required in Section 35-703.

Report Date 02/12/2010 01:53 PM

Submitted By

Page 1

Case # 91063

Case Information

Stages

	Date / Time	By
Processed	02/12/2010 13:51	MF16082
Resolved		
Expires		

Associated Information

Case Group	NCU	NON-CONFORMING USE	
Priority			<input checked="" type="checkbox"/> Auto Reviews
Resolution Code	CPL	COMPLETE	Bill Group
Source			
Name	NC-10-050		

Applications Affected

Building Application  Project Application  Use Application  License Application  Case

Description of Case

NON-CONFORMING USE REGISTERED. USE WAS REGISTERED WITHIN 60 DAYS OF ANNEXATION AS REQUIRED IN SECTION 35-703.

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service	Service #	Problem	Resolution Code	Resolved Date
------------------	-----------	---------	-----------------	---------------

No Customer Service Log Entries

Property/Site Information

Address 1442 MENESEE BLVD  
SAN ANTONIO TX 78237-0000

Location

Owner/Tenant

There are no contacts for this site

A/P Linked Addresses

No Addresses are linked to this Application

Linked Addresses

No Addresses are linked to this Application

A/P Addresses

No Other Addresses are associated to this Application

Linked Parcels

212214

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

City of San Antonio  
Development Services Department  
1901 S. Alamo  
San Antonio, TX 78204-1605  
Phone: (210) 267-0000

02/17/2010 15:34 Trn 263343  
Cashier IH13447

CASE Permit #	91063	\$75.00
Subtotal		\$75.00
Tax		\$0.00
<b>Total</b>		<b>\$75.00</b>

Payer: FARBER, MICHAEL D  
MASTERCARD  
Account Number  
Change \$0.00



Shot Date: 12/28/2008 13:51:50

Copyright ©2007-2008 Actometry Inter...

Web Images Videos Maps News Shopping Gmail more ▾

Web History | Search settings | Sign in



James C Worthey & Sons inc. San Antonio, Texas

Search

Advanced Search

Web Show options... Results 1 - 10 of about 306,000 for James C Worthey & Sons inc. San Antonio, Texas. (0.42 seconds)

Did you mean: James C *Worthy* & Sons inc. San Antonio, Texas

TEXAS Pavement Maintenance Contractor

Worthey James C & Son Inc (210) 432-7075 1442 Menefee Blvd, San Antonio, TX 78237. Wrap It Up Etc 2 (281) 290-0780 15116 Boudreaux Rd, Tomball, TX 77377 ... [www.pavementmaintenance.com/TEXAS%20CONTRACTORS.htm](http://www.pavementmaintenance.com/TEXAS%20CONTRACTORS.htm) - [Cached](#) - [Similar](#)

San Antonio Asphalt Companies

San Antonio Asphalt Companies - Worthey James C & Son Inc 1442 Menefee Boulevard, San Antonio, TX 78237. Phone: (210) 432-7075. Worthey Neal Contracting ... [www.asphalt-guide.com/san-antonio-asphalt-companies.html](http://www.asphalt-guide.com/san-antonio-asphalt-companies.html) - [Cached](#)

Gt Sirizzotti Ltd in San Antonio, Texas, (tx.) #43202022

In the branche "Paving Contractors & Construction" in San Antonio, Texas 2 companies ... J D Ramming Paving Company San Antonio | James C. Worthey & Son Inc, ... [web3.userinstruct.com/43202022-gt-sirizzotti-ltd.htm](http://web3.userinstruct.com/43202022-gt-sirizzotti-ltd.htm)

concretecontractors in San Antonio, TX - YellowBot

James C Worthey & Son Inc 1442 Menefee Blvd San Antonio, TX (210) 432-7075. 4.2 mi. Map. Asphalt Paving Contractors Concrete Contractors Paving Contractors ... [www.yellowbot.com/tags/.../San%20Antonio,%20TX/page1.html](http://www.yellowbot.com/tags/.../San%20Antonio,%20TX/page1.html) - [Cached](#)

asphalt in San Antonio, TX - YellowBot

James C Worthey & Son Inc 1442 Menefee Blvd San Antonio, TX (210) 432-7075. 4.2 mi. Map. Asphalt Paving Contractors Concrete Contractors Paving Contractors ... [www.yellowbot.com/tags/asphalt/San%20Antonio.../page1.html](http://www.yellowbot.com/tags/asphalt/San%20Antonio.../page1.html) - [Cached](#)

[Show more results from www.yellowbot.com](#)

Brick Paving Contractors San Antonio TX | Brick Paving San Antonio

WORTHEY JAMES C & SON INC 1442 Menefee Blvd, San Antonio, TX Zip Code78237. Click for Phone (210) 432-7075, Write review for this local business ... [san\\_antonio-tx.yellowusa.com](http://san_antonio-tx.yellowusa.com) › Texas › San Antonio - [Cached](#) - [Similar](#)

Concrete Contractors San Antonio TX | Concrete Construction San ...

WORTHEY JAMES C & SON INC 1442 Menefee Blvd, San Antonio, TX Zip Code78237. Click for Phone (210) 432-7075, Write review for this local business ... [san\\_antonio-tx.yellowusa.com](http://san_antonio-tx.yellowusa.com) › Texas › San Antonio - [Cached](#)

Operating Heavy Equipment San Antonio TX - San Antonio TX, heavy ...

11695 E Fm 1518 N San Antonio, TX. Worthey James C & Son Inc (210) 432-7075 1442 Menefee Blvd San Antonio, TX. General Coatings & Construction Inc ... [articles.directorym.com/Operating\\_Heavy\\_Equipment\\_San\\_Antonio\\_TX-r961173-San\\_Antonio\\_TX.html](http://articles.directorym.com/Operating_Heavy_Equipment_San_Antonio_TX-r961173-San_Antonio_TX.html) - [Cached](#)

Thompson Community Special Trade Contractors and Construction ...

James C. Worthey & Son Inc · write a review. Asphalt Paving Contractors, Paving Contractors. 1442 Menefee Blvd, San Antonio, TX (Map) ... [sanantonio.citysearch.com/listings/thompson.../special.../9776\\_809](http://sanantonio.citysearch.com/listings/thompson.../special.../9776_809) - [Cached](#)

San Antonio Cement - SanAntonio.com

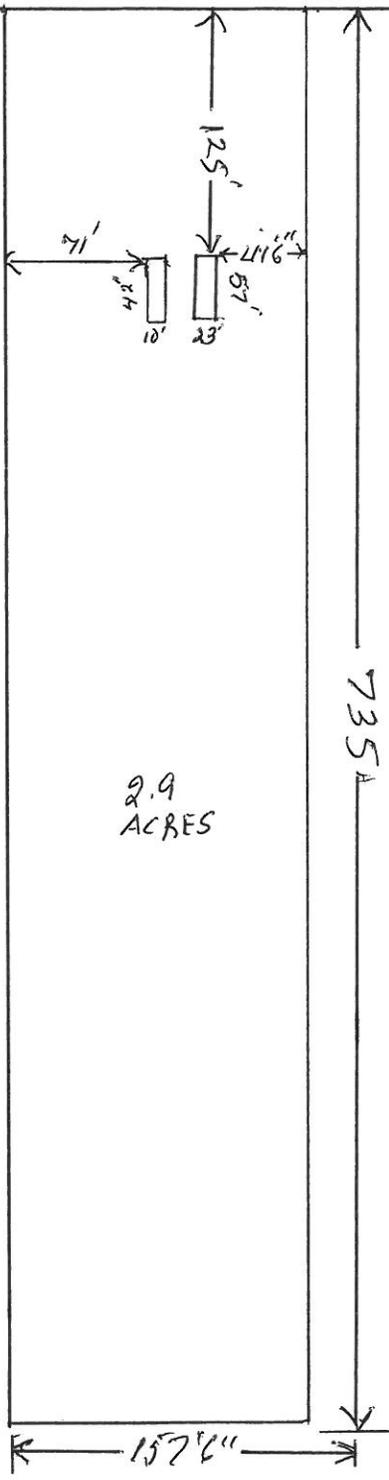
2146 Indian Meadows Dr, San Antonio, TX 78230 Map, +1 210.558.6617. San Antonio, Cement · James C Worthey & Son Incorporated. 1442 Menefee Blvd, San Antonio ... [www.sanantonio.com/cement/business-directory/10](http://www.sanantonio.com/cement/business-directory/10) - [Cached](#)

Did you mean to search for: James C *Worthy* & Sons inc. San Antonio, Texas

1 2 3 4 5 6 7 8 9 10 [Next](#)

MENEFFEE

BOULEVARD



2.9  
ACRES

112,455 Sq. Ft.



January 27, 2010

Dear Customer:

This letter is in response to your recent request for verification of residential utility service with CPS Energy. Our records indicate that the address of 1442 Menefee Blvd has had continuous service from January 1928 to current.

Due to the privacy act we are not able to list tenants at these addresses.

If you have any further questions, or require our assistance, please contact us at our Customer Service Department, Customer Call Center, (210) 353-2222 or 1-800-773-3077.

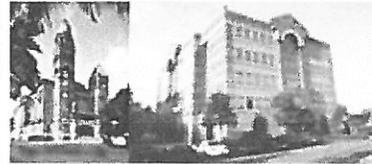
We appreciate the opportunity to assist you.

Sincerely,

*Audi Camall*  
Customer Contact Center



Welcome to  
Bexar County  
www.bexar.org



HOME

Tax Assessor-Collector, Sylvia S. Romo, C.P.A., R.T.A., C.T.A.

Payment Information

[Begin a New Search](#)   [Go to Your Portfolio](#)

[Return to the Previous Page](#)

Account No.: 923060451000

Receipt Date	Roll Year	Amount	Description	Payer
2008-10-28	2008	\$3,524.03		WORTHEY JAMES C & SON INC
2007-11-26	2007	\$2,191.80	Payment	WORTHEY JAMES C & SON INC
2007-11-09	2007	\$2,007.84		WORTHEY JAMES C & SON INC
2006-11-30	2006	\$4,845.02		WORTHEY JAMES C & SON INC
2005-11-23	2005	\$4,989.59	Payment	WORTHEY JAMES C & SON INC
2004-10-05	2004	\$3,833.14	Payment	WORTHEY JAMES C & SON INC

SYLVIA S ROMO CPA,RTA,CTA  
BEXAR COUNTY  
TAX ASSESSOR-COLLECTOR  
P O BOX 839950  
SAN ANTONIO, TX 78283-3950  
(210-335-2251

**DISCLAIMER:** Appraisal & Collection Technologies provides this World Wide Web (WWW) site information "as is" without warranty of any kind, either expressed or implied. Appraisal & Collection Technologies does not warrant the accuracy, authority, completeness, usefulness, timeliness, or fitness for a particular purpose of its information or services. Appraisal & Collection Technologies, its officials and employees shall not be liable for any loss or injury caused in whole or part by its negligence, contingencies beyond its control, loss of data, or errors or omissions in the WWW site information or services.

©2002-2006 Appraisal & Collection Technologies. All rights reserved .

**Bexar CAD**

**Property Search Results > 480847 PEREZ HERLINDA N for Year 2010**

**Property**

**Account**

Property ID: 480847      Legal Description: NCB 11314 BLK 2 LOT 76  
 Geographic ID: 11314-002-0760      Agent Code:  
 Type: Real

**Location**

Address: 1442 MENELEE BLVD      Mapsco: 615B8  
 Neighborhood: PARKERS GARDENS AREA (ED) Map ID:  
 Neighborhood CD: 95254

**Owner**

Name: PEREZ HERLINDA N      Owner ID: 1469528  
 Mailing Address: 1939 SW 19TH ST      % Ownership: 100.0000000000%  
 SAN ANTONIO, TX 78207-7314

Exemptions:

**Values**

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

**Taxing Jurisdiction**

Owner: PEREZ HERLINDA N  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	N/A	N/A	N/A	N/A
08	SA RIVER AUTH	N/A	N/A	N/A	N/A
09	ALAMO COM COLLEGE	N/A	N/A	N/A	N/A
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A
11	BEXAR COUNTY	N/A	N/A	N/A	N/A
21	CITY OF SAN ANTONIO	N/A	N/A	N/A	N/A
52	EDGEWOOD ISD	N/A	N/A	N/A	N/A
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A

Taxes w/o Exemptions: N/A

**Improvement / Building**

Improvement #:	Type	Description	State Code:	Class CD	Exterior Wall	Living Area:	Year Built	SQFT	Value:
<b>Improvement #1:</b>	Residential		A1			1316.0 sqft			N/A
	LA	Living Area		F	SB		1930	1316.0	
<b>Improvement #2:</b>	Residential		A1			sqft			N/A
	CPT	Detached Carport		A			0	320.0	
<b>Improvement #3:</b>	Residential		A1			sqft			N/A
	RSH	Shed		A			0	192.0	
<b>Improvement #4:</b>	Residential		A1			sqft			N/A
	RSH	Shed		A			0	200.0	
<b>Improvement #5:</b>	Residential		A1			sqft			N/A
	HPO	Poultry House		D			0	128.0	

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RES	R/1 Family not Farm Single	2.9246	127395.00	171.00	745.00	N/A	N/A

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2010		N/A	N/A	N/A	N/A	N/A
2009	\$42,160	\$47,960		0	90,120	\$0 \$90,120
2008	\$44,470	\$47,960		0	92,430	\$0 \$92,430
2007	\$43,430	\$47,960		0	91,390	\$0 \$91,390
2006	\$38,910	\$47,960		0	86,870	\$0 \$86,870
2005	\$31,800	\$47,100		0	78,900	\$0 \$78,900

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	2/12/2009 12:00:00 AM	WD	Warranty Deed	WORTHEY JAMES	PEREZ HERLINDA	13854	2180
2	11/10/2005 12:00:00 AM	Deed	Deed	WORTHY JAMES C	WORTHEY JAMES	11767	2029

2010 data current as of Jan 24 2010 9:01PM.

2009 and prior year data current as of Dec 13 2009 12:57PM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

This year is not certified and ALL values will be represented with "N/A".

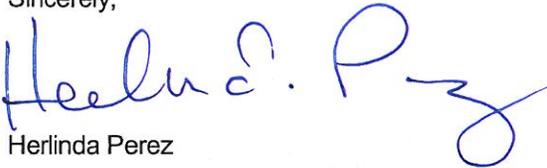
January 29, 2010

City of San Antonio  
Planning and Development Services Department  
1901 S. Alamo Street  
San Antonio, Texas 78283-3966

Dear Sir or Madam:

Please be advised that George L. Alejos and/or Hilario Garcia Jr. are authorized to represent me in the matter of **Variance Requests** for the property located at 1442 Menefee Bld.

Sincerely,

  
Herlinda Perez

Wilson County Electric,  
 Highway 181 North, P.O. Box 280,  
 Floreenville, TX 78114.....(512)393-2453 & 635-7327  
 Wilson Development Corporation,  
 4888 Whirlwind, 78217.....655-4505  
 Wolfe Construction Company, Wayne J.,  
 #2 Wolfe Drive, Lampasas, TX 76550.....(512)556-5200  
 Wood, Incorporated, Drew,  
 P.O. Box 488, Carthage, TX 75633.....(214)693-3876  
 Worthey & Sons, James C.,  
 1442 Menefee, 78237.....432-7075  
 Wright Building Products, c/o John W. Wasek,  
 P.O. Box 31, Yoakum, TX 77995.....(512)293-7631

(USE THIS SPACE FOR NEW MEMBERS)

(USE THIS SPACE FOR NEW MEMBERS)

Report Date 01/29/2010 12:43 PM

Submitted By

Page 1

Case # 91063

Case Information

Stages

Associated Information

	Date / Time	By
Processed		
Resolved		
Expires		

Case Group	NCU	NON-CONFORMING USE	
Priority			<input checked="" type="checkbox"/> Auto Reviews
Resolution Code			Bill Group
Source			
Name	NC-10-050		

Applications Affected

- Building Application  Project Application  Use Application  License Application  Case

Description of Case

NON-CONFORMING USE APPLICATION FOR INDUSTRIAL USE ON RESIDENTIALLY ZONED PROPERTY. PENDING FURTHER STAFF REVIEW.

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service Service #	Problem	Resolution Code	Resolved Date
No Customer Service Log Entries			

Property/Site Information

Address 1442 MENEFFEE BLVD  
SAN ANTONIO TX 78237-0000

Location

Owner/Tenant

There are no contacts for this site

A/P Linked Addresses

No Addresses are linked to this Application

Linked Addresses

No Addresses are linked to this Application

A/P Addresses

No Other Addresses are associated to this Application

Linked Parcels

212214

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

City of San Antonio  
Development Services Department  
1901 S. Alamo  
San Antonio, TX 78204-1605  
Phone: (210) 207-0000

01/29/2010 12:47 Trn 251349  
Cashier 0A09714

CASE Permit #	91063	\$75.00
Subtotal		\$75.00
Tax		\$0.00
<b>Total</b>		<b>\$75.00</b>

Payer: FARBER, MICHAEL D  
Received CHECK \$75.00  
Check # 3033  
Change \$0.00



**City of San Antonio Development Services Department**

Cliff Morton Development and Business Services Center

1901 South Alamo Street

San Antonio, Texas 78283-3966

Website: [www.sanantonio.gov/dsd/](http://www.sanantonio.gov/dsd/)

LEVEL 10  
RECEIVED

2011 OCT 19 AM 11:40



**APPLICATION FOR REGISTRATION OF A NON-CONFORMING USE**

(PLEASE PRINT BELOW AND CHECK BOX THAT APPLIES)

New Application

Recertification

<b>Applicant/ Representative/ Authorized Agent</b> <i>(Authorized agents must submit evidence of their authority to act on the property owner's behalf)</i>	Hilario Garcia Jr.	
	Name	
	9542 Autumn Shade	San Antonio, Texas 78254
	Mailing Address	City/State Zip Code
	210 843-2635	larry.rebar@gmail.com
Day-time Phone Number	E-mail Address	

<b>Site Information</b>	Premier Rebar and Wire, Inc.	
	Project Name <i>(proposed name if applicable)</i>	
	1442 Menefee Blvd	NCB 11314, BLK 2, LOT 76
	Street Address and Zip Code	Legal Description
	1951	R1 2.924
Date Land Use Commenced	Current Zoning	Acreage

Describe the cause for your application, including the following (feel free to attach additional pages):

- Provide the date the land use(s) began and where they occur on the property.
- Provide the date(s) that the structure(s) were built.
- Additional information for consideration in relation to your request.

James Worthey established 1442 Menefee Blvd (120 Parker Ave) as commercial since acquired in 1951. James Worthey provided construction services to include concrete, demolition, asphalt, aggregate, rebar, and landscaping materials. The construction yard has been located towards the rear of the property. Structures were built in the 30's. James Worthey was officially incorporated in 1967. In 1951, 120 Parker Ave (1442 Menefee Blvd) was not part of the City of San Antonio and was exempt for the C of O requirements.

**DECLARATIONS**

I hereby apply for registration of a Non-conforming Use as requested on this application and certify that the submitted information and attachments are true and accurate. Information contained on the attached form(s) will be used for the purposes of administering the formal Non-conforming Use registration process of the City of San Antonio. All of the statements and representations contained in the attached documents filed in support of this application shall be deemed a permanent part of the application for all purposes.

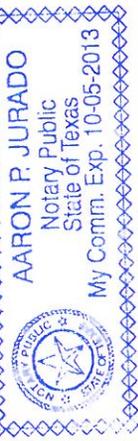
Print Name Hilario Garcia Sr

Signature 

Date 10/19/2011

Title OWNER

Sworn to and subscribed before me by Hilario Garcia Sr on 10/19/2011 in the year 2011, to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas

**Property Owner(s)**

Name (print or type) Herlinda Perez

Current Mailing Address 1939 SW 19th Street, San Antonio, Texas 78207

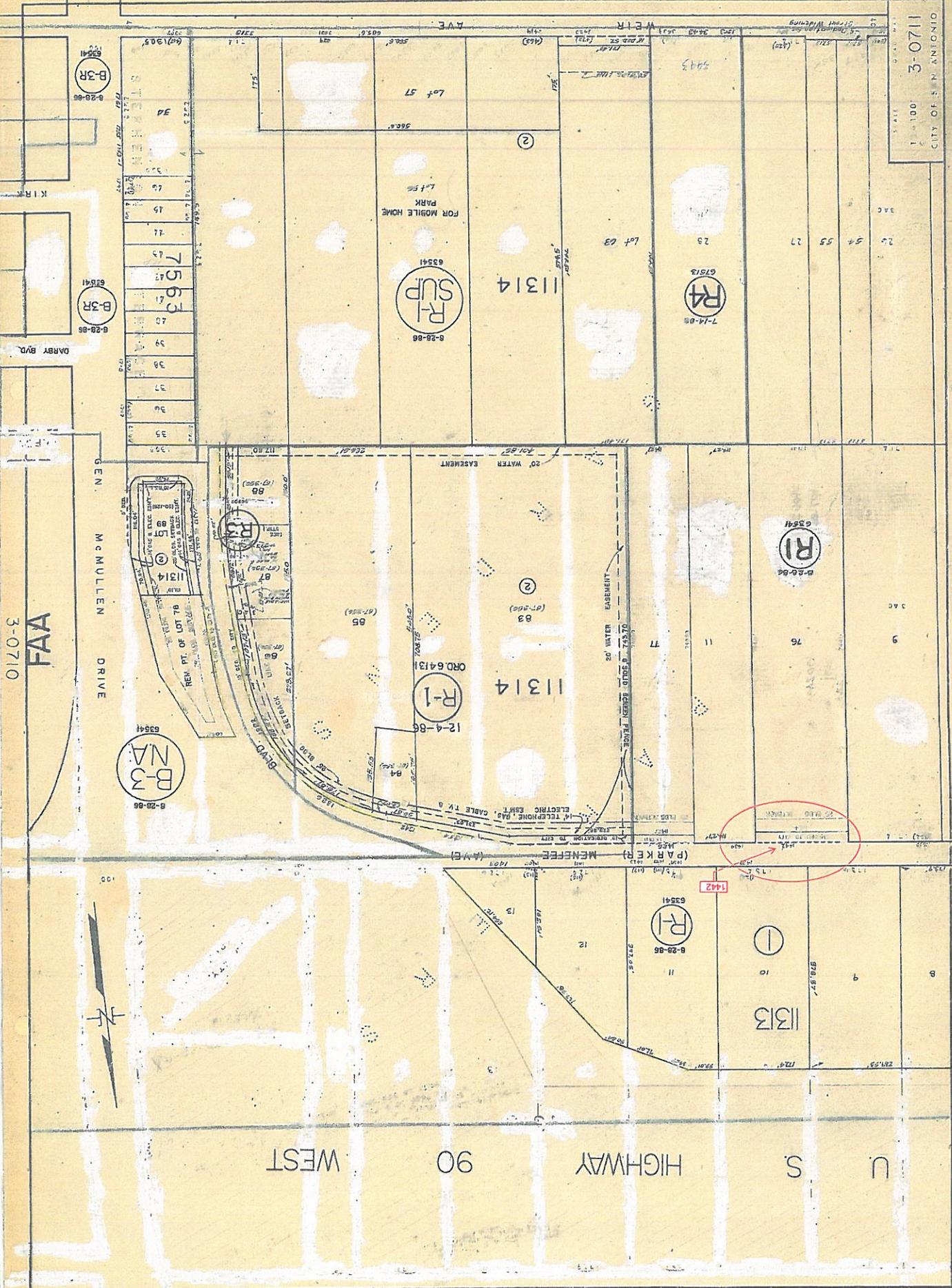
Daytime Telephone No. (210) 316-4414 E-mail None

**Official Use Only**

Case No.: NC-10-050 HANSEN No.: 91063 Planner Assigned: J. Floyd

Staff Decision: Registered  Not Registered  Temp A → B → R-4 → R-1 → R-6

Staff Findings: Annexed: 1952  
Nonconforming use is NOT registered. The information provided does not show that the use was lawfully established prior to annexation in 1952, nor does it show that the use has been continuously maintained and not abandoned.



October 18, 2011

DEVELOPMENT SERVICES  
RECEIVED

2011 OCT 19 AM 11:41

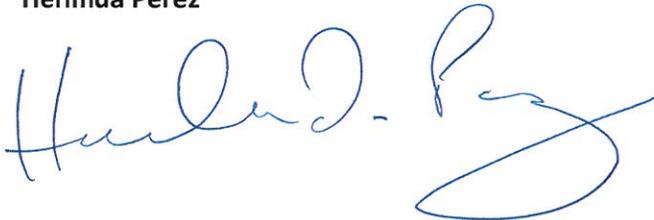
City of San Antonio  
Planning and Development Services Department  
1901 S. Alamo Street  
San Antonio, Texas 78283-3966

Dear Sir or Madam:

Please be advised that Hilario Garcia Jr. is authorized to represent me in the matter of **Variance Request** for the property located at 1442 Menefee Blvd.

Sincerely,

**Herlinda Perez**

A handwritten signature in blue ink, appearing to read "Herlinda J. Perez", with a large, stylized flourish at the end.



January 27, 2010

Dear Customer:

This letter is in response to your recent request for verification of residential utility service with CPS Energy. Our records indicate that the address of 1442 Menefee Blvd has had continuous service from January 1928 to current.

Due to the privacy act we are not able to list tenants at these addresses.

If you have any further questions, or require our assistance, please contact us at our Customer Service Department, Customer Call Center, (210) 353-2222 or 1-800-773-3077.

We appreciate the opportunity to assist you.

Sincerely,

A handwritten signature in blue ink that reads "Ayra Camacho".

Customer Contact Center

**GENERAL AFFIDAVIT**

STATE OF TEXAS

COUNTY OF BEXAR

PERSONALLY came and appeared before me, the undersigned Notary, the within named JAMES D. WORTHEY, who is a resident of COMAL County, State of TEXAS, and makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge:

I, JAMES D. WORTHEY affirm that the property known as 1442 Menefee Blvd, San Antonio, Texas has been utilized for commercial purposes since its acquisition in 1951. The property mentioned above has been used for construction trades and other related business enterprise.

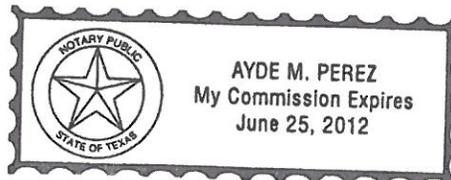
DATED this the 11 day of October, 2011

James D. Worthey  
Signature of Affiant

SWORN to subscribed before me, this 11 day October, 2011

Ayde M. Perez  
NOTARY PUBLIC

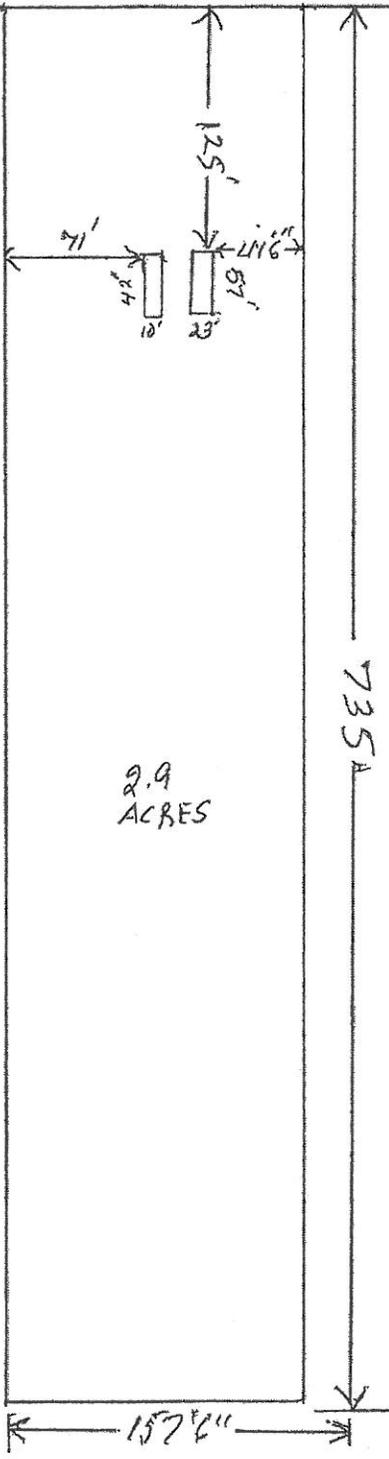
My Commission Expires:  
6/25/2012





MENEFFEE

BOULEVARD

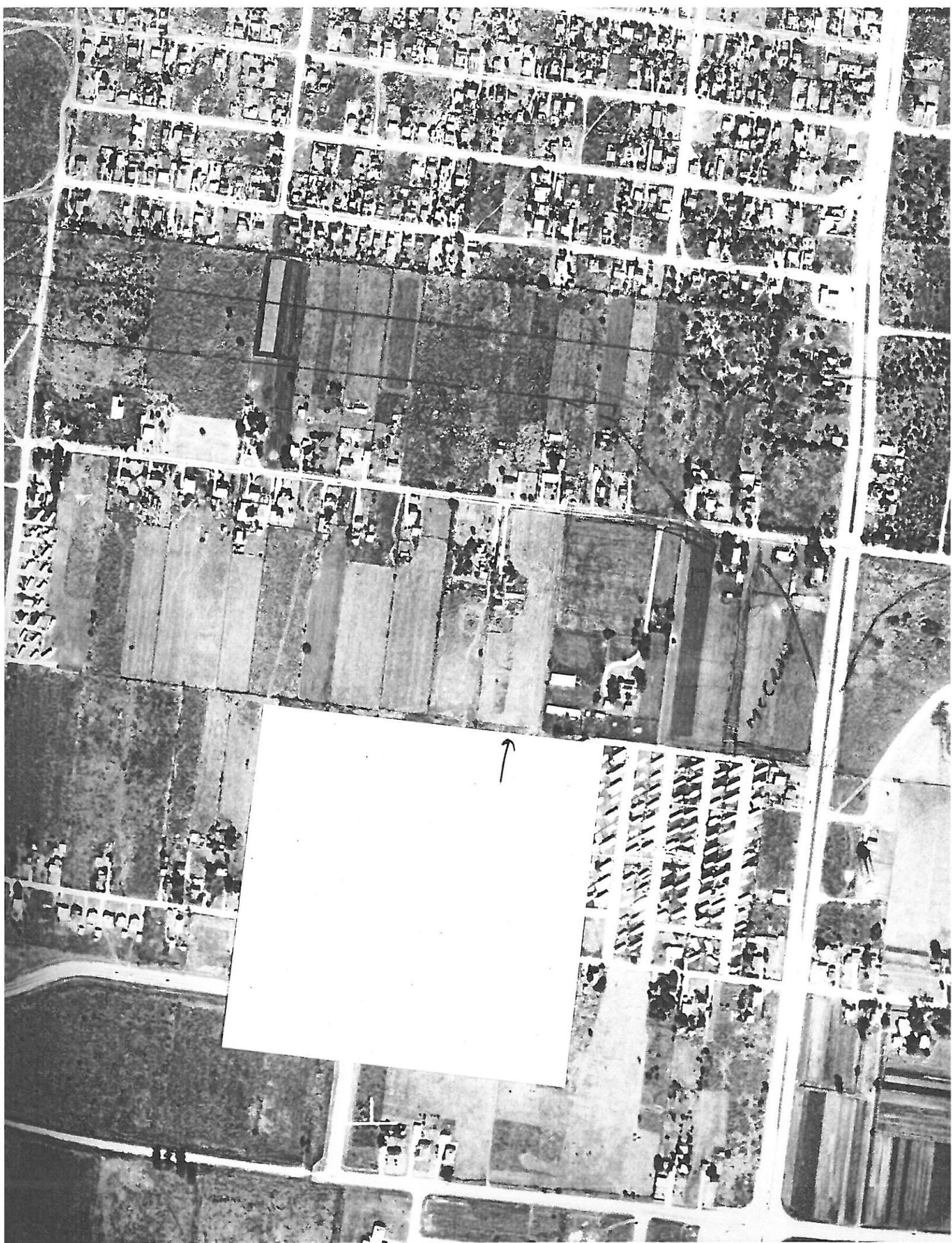


2.9  
ACRES

735'

157'6"

112,455 Sq. Ft.





MORLEY

PARKER

WEIR

↑











Welcome to  
Bexar County  
www.bexar.org



HOME

Tax Assessor-Collector, Sylvia S. Romo, C.P.A., R.T.A., C.T.A.

Payment Information

[Begin a New Search](#)   [Get Your Estimate](#)

[Return to the Previous Page](#)

Account No.: 923060451000

Receipt Date	Roll Year	Amount	Description	Payer
2008-10-28	2008	\$3,524.03		WORTHEY JAMES C & SON INC
2007-11-28	2007	\$2,191.80	Payment	WORTHEY JAMES C & SON INC
2007-11-09	2007	\$2,007.84		WORTHEY JAMES C & SON INC
2006-11-30	2006	\$4,845.02		WORTHEY JAMES C & SON INC
2005-11-23	2005	\$4,989.59	Payment	WORTHEY JAMES C & SON INC
2004-10-05	2004	\$3,833.14	Payment	WORTHEY JAMES C & SON INC

SYLVIA S ROMO CPA,RTA,CTA  
BEXAR COUNTY  
TAX ASSESSOR-COLLECTOR  
P O BOX 839950  
SAN ANTONIO, TX 78283-3950  
(210-335-2251

**DISCLAIMER:** Appraisal & Collection Technologies provides this World Wide Web (WWW) site with a "best effort" without warranty of any kind, either expressed or implied. Appraisal & Collection Technologies does not warrant the accuracy, authority, completeness, usefulness, timeliness, or fitness for a particular purpose of its information or service. Appraisal & Collection Technologies, its officers and employees shall not be liable for any loss or injury caused in whole or part by negligence, computer viruses, and the control, loss of data, or errors or omissions in the WWW site information or service.  
©2002-2006 Appraisal & Collection Technologies. All rights reserved.



Web Images Videos Maps News Shopping Gmail more ▾

Web History | Search Settings | Sign In



James C Worthey & Sons inc. San Antonio, Texas

Search

Web Show options Results 1 - 10 of about 306,000 for James C Worthey & Sons inc. San Antonio, Texas. (0.42 seconds)

Did you mean: [James C. Worthey & Sons inc. San Antonio, Texas](#)

**TEXAS Pavement Maintenance Contractors**

Worthey James C & Son Inc (210) 432-7075 1442 Menefee Blvd, San Antonio, TX 78237. Wrap It Up Etc 2 (281) 290-0780 15116 Boudreaux Rd, Tomball, TX 77377 ...

**San Antonio Asphalt Companies**

San Antonio Asphalt Companies - Worthey James C & Son Inc 1442 Menefee Boulevard, San Antonio, TX 78237. Phone: (210) 432-7075. Worthey Neal Contracting ...

**Concrete Contractors in San Antonio, Texas (TX) 78204**

In the branche "Paving Contractors & Construction" in San Antonio, Texas 2 companies ... J D Ramming Paving Company San Antonio | James C Worthey & Son Inc ...

**Concrete Contractors in San Antonio, TX - YellowPages.com**

James C Worthey & Son Inc 1442 Menefee Blvd San Antonio, TX (210) 432-7075. 4.2 mi. Map. Asphalt Paving Contractors Concrete Contractors Paving Contractors ...

**asphalt in San Antonio, TX - YellowPages.com**

James C Worthey & Son Inc 1442 Menefee Blvd San Antonio, TX (210) 432-7075. 4.2 mi. Map. Asphalt Paving Contractors Concrete Contractors Paving Contractors ...

Show more results from [www.yellowpages.com](#)

**Brick Paving Contractors San Antonio TX | Brick Paving San Antonio**

WORTHY JAMES C & SON INC 1442 Menefee Blvd, San Antonio, TX Zip Code 78237. Click for Phone (210) 432-7075, Write review for this local business ...

**Concrete Contractors San Antonio TX | Concrete Construction San Antonio**

WORTHY JAMES C & SON INC 1442 Menefee Blvd, San Antonio, TX Zip Code 78237. Click for Phone (210) 432-7075, Write review for this local business ...

**Concrete Heavy Equipment San Antonio TX - San Antonio TX**

11695 E Fm 1518 N San Antonio, TX. Worthey James C & Son Inc (210) 432-7075 1442 Menefee Blvd San Antonio, TX. General Coalings & Construction Inc ...

**Transport Community Special Trade Contractors San Antonio TX**

James C Worthey & Son Inc write a review. Asphalt Paving Contractors, Paving Contractors. 1442 Menefee Blvd, San Antonio, TX (Map) ...

**San Antonio Cement - SanAntonio.com**

2146 Indian Meadows Dr, San Antonio, TX 78230 Map, +1 210.558.6617. San Antonio, Cement - James C Worthey & Son Incorporated, 1442 Menefee Blvd, San Antonio ...

Did you mean to search for: [James C. Worthey & Sons inc. San Antonio, Texas](#)

1 2 3 4 5 6 7 8 9 10 Next



# CITY OF SAN ANTONIO

## DEVELOPMENT SERVICES DEPARTMENT

P. O. BOX 839966  
SAN ANTONIO TEXAS 78283-3966

September 13, 2011

Hilario Garcia  
Premier Rebar & Wire  
1442 Menefee  
San Antonio, Texas 78237

Re: Certificate of Occupancy #1689838 Revocation

Dear Mr. Garcia

This correspondence is to provide additional notification to you that the certificate of occupancy, "C of O", issued on February 25, 2011 to Premier Rebar & Wire, Inc. for 1442 Menefee, San Antonio, Texas has been revoked.

On January 29, 2010 (Hansen internal tracking #91063) you submitted to the Department of Development Services a request for a determination of non-conforming use for a construction trades contractor at 1442 Menefee. Based on the documentation you provided in that request it was determined that the operation does not qualify as a non-conforming use and a zoning change would be required to allow the lawful use as a construction trades contractor at the location.

On May 16, 2011 staff from the Department of Development Services met with you in our offices. You were informed that the "C of O" as a construction trades contractor at 1442 Menefee was issued in error. You were provided a ninety (90) day period to submit an application for re-zoning and to go through the re-zoning process for the property to be brought into compliance with the City's zoning regulations. You have failed to take any action during the 90 day period where you were given the opportunity to abate the problem as authorized by Section 35-406 of the Unified Development Code. Due to the inaction on your part during this 90 day period, your "C of O" has been revoked effective September 13, 2011. The revocation is based on the Unified Development Code, Article III, Section 35-311 (c) and Article IV, Section 34-406. A copy of the Unified Development Code, Article III, Section 35-311 (c) and Article IV, Section 34-406 is attached for your convenience

You have the right to appeal the Director's decision for the revocation of the "C of O". You have 30 days from your receipt of this letter to file your appeal in writing. The City Code provisions for the appeal process may be found in the Unified Development Code, Article IV, Section 34-481. A copy of Article IV, Section 34-481 is attached for your convenience.

To comply with the applicable ordinances you should either pursue rezoning of the property to allow a construction trades contractor as discussed with you on May 16, 2011 or you may chose to revise your application for registration of a non-conforming use pursuant to Article VII, 35-705 with sufficient evidence that demonstrates continued use as a construction trades contractor at 1442 Menefee since the time of the imposition of the single family zoning on the property. Information regarding a certificate of non-conforming use may be found in the Unified Development Code, Article VII, Section 35-705. A copy of Article VII, 35-705 has also been attached for your convenience.

Please be aware that failure to cease operation constitutes grounds for legal action, to include a court case and/or electrical service disconnection.

The Development Services Department is committed to working with business owners when situations like this arise. For information visit with us at the Cliff Morton Development and Business Services Center, 1901 South Alamo Street, to further discuss this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roderick Sanchez", with a stylized flourish at the end.

Roderick Sanchez, AICP, CBO, Director  
Development Services Department

## **Sec. 35-311 Use Regulations.**

### **(c) Permitted Uses.**

**(1) Generally.** No use shall be permitted pursuant to this chapter, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the city unless said use is listed as a permitted or specific use permit in the Use Matrix (Tables 311-1 and 311-2) and all applicable permits and approvals have been issued by the official or agency with final decision making authority.

## **Sec. 35-406 Revocation of Permit or Approval.**

**Initiation.** The city shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the director of development services who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. The director shall provide the permit holder notice of his intent to suspend or revoke a permit for a chapter violation. The notice may specify a reasonable time for compliance with this chapter. If time for compliance is specified in the notice, the director may not suspend or revoke the permit before the time for compliance has expired. No further action shall be taken should the permit holder comply. Should the director determine that the violation has not been abated, the director may revoke the permit by providing the permit holder a notice of termination. This notice shall provide the permit holder with the reason(s) for termination or suspension of the permit(s), at which time the permit holder shall surrender the permit to the director or his/her designee. The process for appeal of the director's decision is set forth in section 35-481.

## **Sec. 35-481 Appeals to the Board of Adjustment.**

### **(a) Applicability.**

**(1)**

**Generally.** Except as provided by subsection (2), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

A person aggrieved by the decision; or •

Any officer, department, board, or bureau of the city •  
affected by the decision.

**(2)**

**Exception.** A member of the governing body of the municipality who serves on the board of adjustment under

V.T.C.A. Local Government Code § 211.008(g) may not bring an appeal under this section.

(b)

**Initiation.**

(1)

**Application.** Such appeal shall be taken by filing with the director of planning and development services and with the board of adjustment, within the time provided by this chapter, a notice of appeal specifying the particular grounds upon which the appeal is taken and the payment of the fee specified in Appendix "C". Upon receipt of a notice of appeal, the director of planning and development services shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

(2)

**Automatic Stay.** An appeal from an order of the director of planning and development services to the board of adjustment shall stay all proceedings unless the director of planning and development services certifies that, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or a court of proper jurisdiction.

(3)

**Time Limit for Appeal.** The board of adjustment shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. Appeals to the zoning board of adjustment from any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter shall be made within thirty (30) days after such order, requirement, decision or determination by filing with the director of the department of planning and development services and with the board of adjustment a notice of appeal.

(c)

**Completeness Review.** The director of planning and development services shall review the notice of appeal for completeness within two (2) working days. The appellate agency

for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the board of adjustment.

(d)

**Decision.**

(1)

**Appearance.** A party may appear at the appeal hearing in person or by agent or attorney.

(2)

**Hearing.** The board of adjustment shall consider the appeal at a quasi-judicial public hearing pursuant to section 35-404. Pursuant to V.T.C.A. Local Government Code § 211.009(b), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official. Pursuant to V.T.C.A. Local Government Code § 211.009(b), the concurring vote of seventy-five (75) percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official.

(3)

**Time Limit for Decision.** The board shall decide the appeal within a reasonable time.

(e)

**Appeal from Board of Adjustment.** An appeal from a board of adjustment decision shall be filed pursuant to V.T.C.A. Local Government Code § 211.011. During the pendency of an appeal to district court the proceeding will not be stayed except as provided by V.T.C.A. Local Government Code § 211.011.

### **Sec. 35-705 Certificate of Nonconforming Use**

For purposes of this section, "applicable regulations" means the provisions of this chapter, or amendments to this chapter, which render a use nonconforming.

(a)

**Applicability.** The owner of a nonconforming use or structure may register such nonconforming use or structure

by filing with the department of planning and development services a registration statement.

(b)

**Contents.**

(1)

**Generally.** Such registration may be made on behalf of the owner by any person, firm, corporation or other entity which has a legal or equitable interest in the nonconforming use or structure. Registration statements shall require a disclosure of the complete ownership of the land and/or structure and shall be in such form and require the furnishing of such information and representation as are needed to show the following:

A.

That the use was lawfully established prior to the effective date of the applicable regulations.

B.

That the use has been continuously maintained since it was established.

C.

That the use has not been abandoned.

(2)

**Denial of Registration.** The director of planning and development services may deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced to not show the existence of a prior nonconforming use in accordance with the criteria set forth in subsection (1), above. The applicant may appeal this determination to the city in accordance with section 35-481 of this chapter.

(3)

**Amendment.** At any time after registration, upon application to the department of planning and development services and with the written consent of the owner affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner and a copy filed among the records of the department. The

department of planning and development services shall accept and file all tendered registration statements within the permitted time period, but the acceptance of such statements shall not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the department shall constitute a violation of this chapter.

(c)

**Time Period for Registering.** The owner of a use or structure which is rendered nonconforming as a result of the adoption of this chapter shall have three (3) years from the effective date of this chapter to register such use or structure. The owner of a use or structure which is rendered nonconforming as a result of a city-initiated rezoning project or in newly annexed territory, subsequent to the adoption of this chapter is permitted one (1) year after the effective date of the rezoning to register such use or structure. Provided, however, that after the time periods prescribed above, nonconforming rights may be established only upon submission by the owner of sufficient evidence for the director of planning and development services to find that the use or structure existed prior to the date of rezoning and was in legal compliance with all applicable laws.

(d)

**When Registration Not Required.** It is not required to register a use or structure that is made nonconforming by any governmental action other than annexation or rezoning.

(e)

**Fences.** Any fence of legal height and construction does not constitute a nonconforming use and does not require registration.



**CITY OF SAN ANTONIO**  
 P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966

RETURN SERVICE REQUESTED

*h3772  
17 Sep 11*

Development Srv./Land Dev.



2906010001

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
 OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7005 0390 0004 8382 6177



Prehier Rebar & Wire  
 Attn: Hilario Garcia  
 1442 Menel  
 San Antonio

*9/28*

NIXIE 782 DE 1 00 10/17/11  
 RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

7828339666  
 7828339666

BC: 7828339666 \*0210-12791-15-40



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Premier Rebar & Wire  
Attn: Hilario Garcia  
1442 Menefee  
San Antonio, TX 78237

2. Article Number  
(Transfer from service label)

7005 0390 0004 8382 6177

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  Express Mail  
 Certified Mail  Return Receipt for Merchandise  
 Registered  Insured-Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-007  
Date: December 5, 2011  
Applicant: Diana Fuentes  
Owner: Diana Fuentes  
Location: 5931 Cliff Ridge Drive  
Legal Description: Lot 123, Block 12, NCB 18712  
Zoning: "R-6" Residential Single-Family District  
Prepared By: Andreina Dávila-Quintero, Planner

---

### **Request**

The applicant requests a Special Exception to allow a one-operator beauty/barber shop in a residential zoning district.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 17, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.16-acre property consists of an approximately 1,356-square foot, single story residential structure. According to the submitted Site Plan, approximately one thousand eighty-six (1,086) square feet of the structure is used as a residence, and two hundred seventy (270) square feet is used as a one-operator beauty/barber shop [approximately twenty percent (20%) of the gross building area]. The beauty/barber shop has its own separate entrance, as well as access from the residential portion of the existing structure.

The property owner was first granted a Special Exception for a one-operator beauty/barber shop in 2004. Subsequent approvals to continue operating the one-operator beauty/barber shop were granted in 2005 [for a two (2) year period] and 2007 [for a four (4) year period]. This last special exception has an expiration date of December 17, 2011.

The property owner wishes to continue operating the beauty-barber shop on the subject property. The proposed days and hours of operation will be by appointment only, Monday and Tuesday from one in the afternoon (1:00 P.M.) to six in the evening (6:00 P.M.), Thursday from eleven in the morning (11:00 A.M.) to four in the afternoon (4:00 P.M.), Friday from ten in the morning (10:00 A.M.) to noon (12:00 P.M.), and Saturday from nine in the morning (9:00 A.M.) to noon (12:00 P.M.). The total proposed hours of operation will not exceed twenty (20) hours per week.

Pursuant to Section 35-399.01(i) of the UDC, subsequent applications may be granted for up to four (4) years provided that the application for a Special Exception is submitted prior to the expiration date of the previous permit. As this application was submitted on November 2, 2011, it is eligible for maximum time period of four (4) years.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Northwest Community Plan. The subject property is located within the Great Northwest Community Improvement Association.

**Criteria for Review**

According to Section 35-482(h) of the UDC, 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 of the UDC):

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

*The requested special exception is in harmony with the spirit and purpose of the UDC as the existing one-operator beauty/barber shop complies with the specified additional criteria established in Section 35-399.01 of the UDC.*

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

*The existing one-operator beauty/barber shop has served the surrounding residential area and has been in continuous operation since 2004. The proposed request, if approved, will allow the existing use to continue serving the public within the area.*

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

*The existing one-operator beauty/barber shop is located on the front portion and only comprises approximately twenty percent (20%) of the gross building area of an existing single-family residential structure. Furthermore, this beauty/barber shop will be operated by the owner of the residential home on an appointment only schedule that will not exceed twenty (20) hours per week. The continuing operation of the one-operator beauty/barber shop will not have any adverse impact on the adjacent residential properties.*

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 continuing use of the existing one-operator beauty/barber shop will not alter the essential character of the district. The applicant is not proposing to alter the appearance of the structure, and thus will maintain its residential look and character. A separate entrance to the beauty/barber shop was installed on the south side elevation of the building; however, the existing structure maintains its single-family residential appearance.*

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

*The City of San Antonio's UDC allows barber and beauty shops in all residential zoning districts subject to additional conditions, limitations and restrictions to meet the intent and purpose of the residential districts, as well as protect the residential areas and neighboring properties. The existing one-operator beauty/barber shop complies with all the additional conditions as established in the UDC, and thus will not weaken the general purpose of the district.*

### **Staff Recommendation**

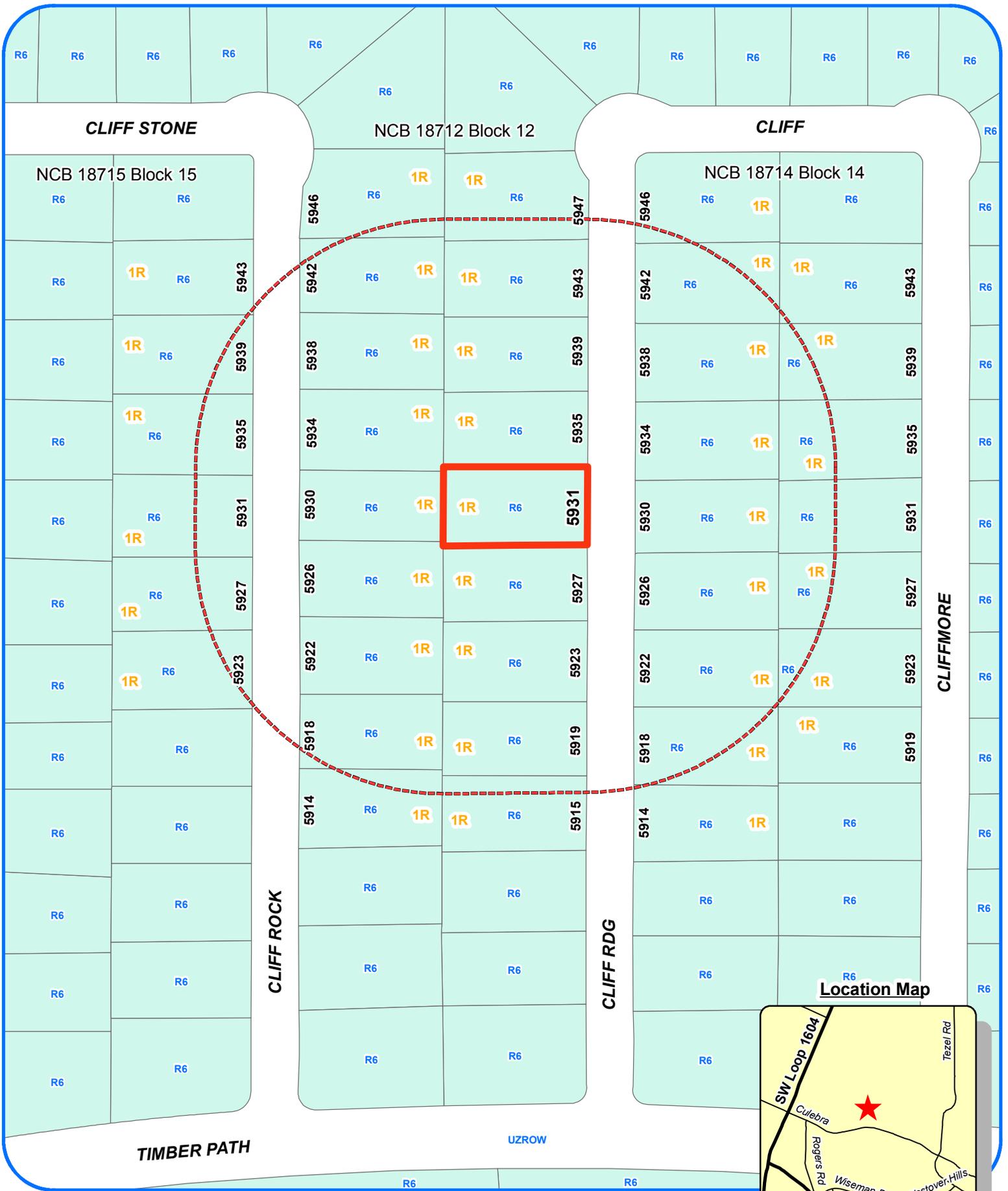
Staff recommends **approval of A-12-007 with the following conditions:**

- 1) The Special Exception shall not exceed a time period of four (4) years.
- 2) The proposed days and hours of operation shall not exceed twenty (20) hours per week.

The request complies with all required approval criteria for granting a special exception as presented above. The applicant has successfully operated the existing beauty/barber shop since 2004 with no records of violation. Furthermore, the applicant has agreed to comply with the additional conditions, limitations and restrictions established in Section 35-399.01 of the UDC.

### **Attachments**

- Attachment 1 – Location Map
- Attachment 2 – Plot Plan
- Attachment 3 – Submitted Site Plan
- Attachment 4 – Submitted Floor Plan



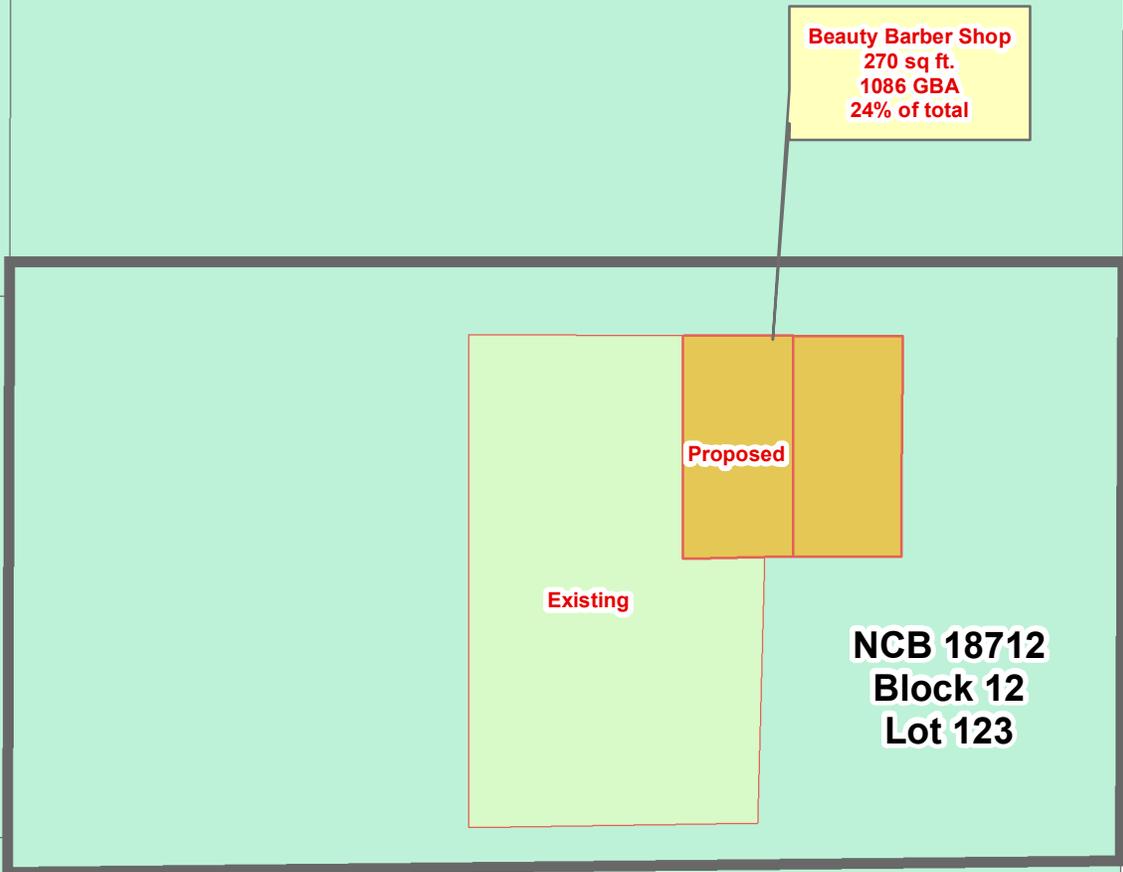
**Board of Adjustment**  
**Notification Plan for**  
**Case A-12-007**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 6

**CLIFF RIDGE DR**



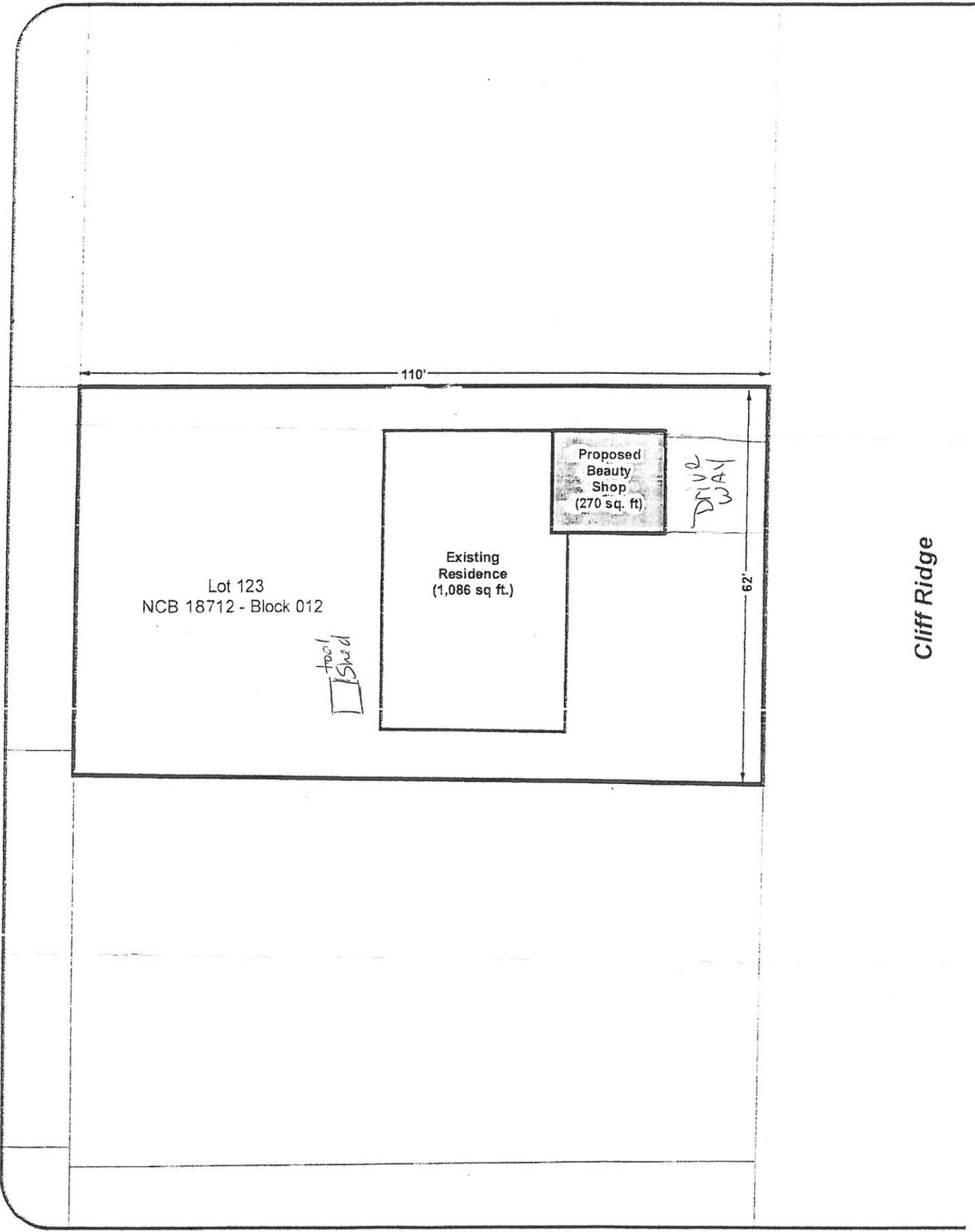
**Board of Adjustment**  
Plot Plan for  
**Case A-12-007**



Scale: 1" approx. = 20'  
Council District 6

**5931 CLIFF RIDGE DR**

Development Services Dept  
City of San Antonio  
(11/3/2011)



Lot 123  
NCB 18712 - Block 012

10x1  
Shed

Existing  
Residence  
(1,086 sq ft.)

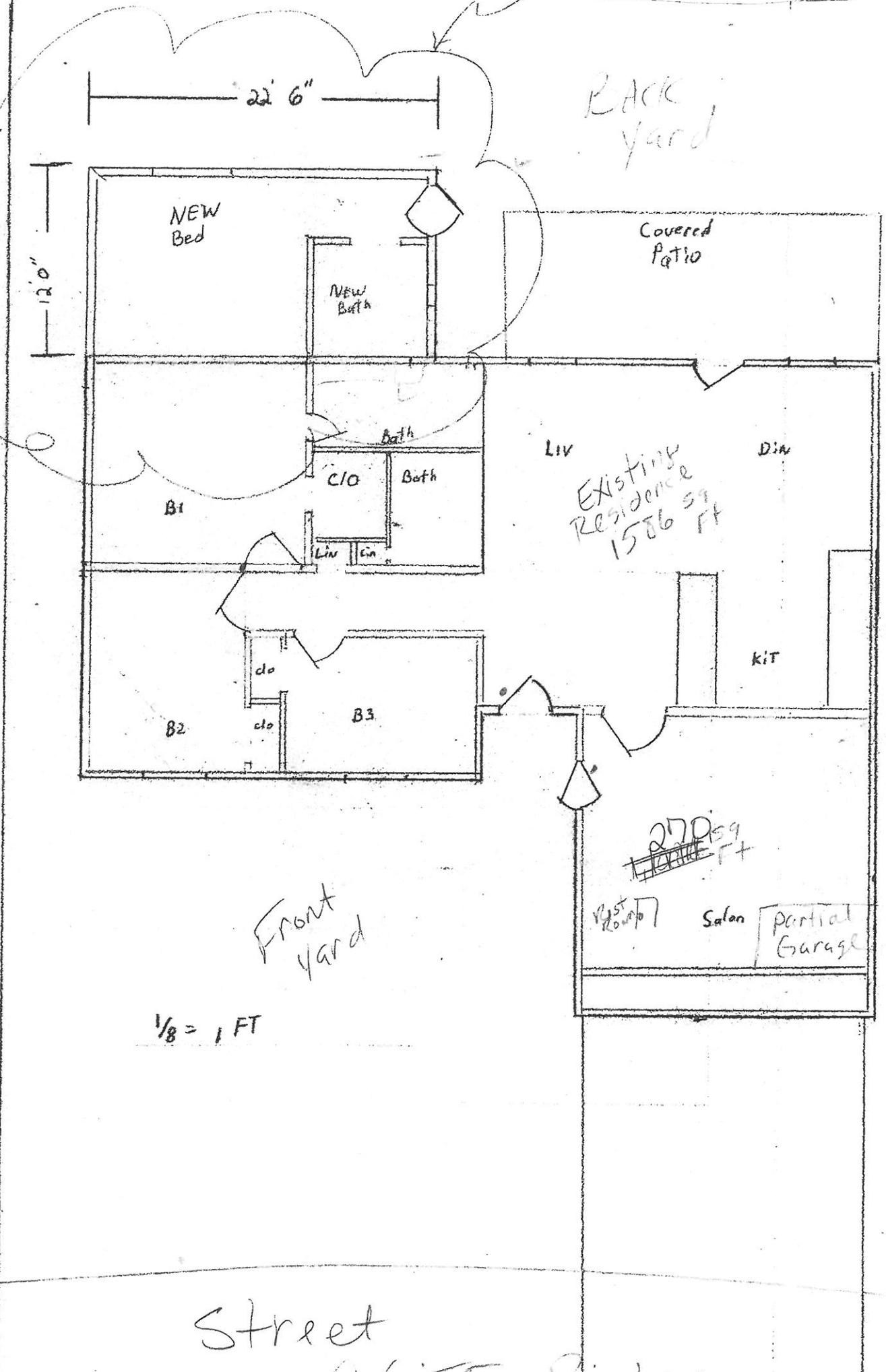
Proposed  
Beauty  
Shop  
(270 sq. ft.)

DRIVE  
WAY

110'

62'

Cliff Ridge



Back yard

Covered Patio

Existing Residence  
1586 sq ft

~~1586~~ 2770 sq ft

Front yard

1/8" = 1 FT

Street



---

## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-008  
Date: December 5, 2011  
Applicant: Paul Hiers  
Owner: Paul Hiers  
Location: 8919 Deer Park  
Legal Description: Lot 15, Block 13, NCB 17643  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

---

### **Request**

The applicant requests 1) a 9-foot, 5.2-inch variance from the 10-foot minimum front setback requirement, in order to allow a 6.8-inch front setback; and 2) a 1.1-foot variance from the 5-foot minimum side setback requirement, in order to allow a 3.9-foot side setback.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 17, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.17-acre property consists of an approximately 2,625-square foot, single story single-family residential structure. The existing single-family residence comprises approximately thirty-six percent (36%) of the lot area. In 2009, the current property owner built an approximately 891-square foot carport within the required front yard of the subject property. The carport was built without first obtaining the required permits and approval from the City.

Pursuant to Table 310-1 of the UDC, buildings in the "R-6" Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line, and five (5) feet from the side property line. Furthermore, per Section 35-516(g) of the UDC, carports may be erected behind the minimum front setback required, so long as twenty (20) feet of total parking area depth is maintained within the lot. The property owner built the carport approximately seven

(7) inches from the south front property line, and four (4) feet from the east side property line. Consequently, the applicant is requesting two (2) variances from these standards. According to the submitted application, the property owner built the carport without knowledge of the required setbacks. Furthermore, it is stated that the need for the variance is due to the shape of the lot. The subject property has a width varying from seventy (70) feet in the front to fifty (50) feet in the rear, and a minimum lot depth of approximately one hundred twenty-one (121) feet.

On March 1, 2010, the Board of Adjustment approved a 10-foot variance from the 20-foot required front setback established by the Richland Hills, Unit 5A Plat (Volume 9506, Page 151, Deed and Plat Records Bexar County). This variance allowed the property owner to relocate the carport a minimum of ten (10) feet from the front property line as required by the UDC; however, the property owner did not act on the variance. Following this decision, the property owner submitted a replat application to remove the building setback line that was established by this plat. The replat was approved by the City, and recorded in the Deed and Plat Records of Bexar County, Texas, on September 30, 2011 (Volume 9632, Page 198).

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**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 is contrary to the public interest as, if approved, it will allow a structure to be placed less than one-half (1/2) of a foot from the front property line (right-of-way line). Front setbacks within a single-family residential zoning district are required to provide adequate visibility along the rights-of-way, as well as provide a sense of openness for vehicular and pedestrian traffic. The carport eliminates the open space and separation required between the right-of-way line and the structure.*

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

*A literal enforcement of the front setback requirement will require the applicant to relocate the carport ten (10) feet from the front property line. The subject property does not have any special conditions that prevented the applicant from obtaining the required permits and placing the carport in compliance with the minimum development standards of the UDC. According to the applicant, the variances are needed due to the shape of the lot. While the lot is uniquely shaped in that the front (south) portion is wider than the rear (north) portion, the lot complies with the minimum lot size and area standards required for this district. Additionally, it appears that the existing single-family residential structure complies with the minimum setback requirements of this district, as well as the 20-foot minimum front setback that was established by the plat. Due to the width of the lot and existing front setback, the carport could have been placed a minimum of five (5) feet from the east side property line, and ten (10) feet from the south front property line as required by the UDC. Although the carport may not cover a vehicle in its entirety, it would still provide some shade, as well as protection from inclement weather as desired by the applicant.*

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

*The variance is neither keeping with the spirit of the ordinance nor would it do substantial justice. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent upon a carport at approximately seven (7) inches from the south front property line. Due to the existing front setback and width of the front yard, the subject property has ample space on the south side to place a carport ten (10) feet from the south front property line, and five (5) feet from the east side property line.*

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" Residential Single-Family base 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 carport was built in the front yard of the subject property, and thus will not injure the appropriate use of the adjacent conforming property. However, on this block-face, the subject property is the only property with a carport built within the required front yard. According to the site inspection completed by staff, no other structure on Deer Park between Richland Hills Drive and Leander has a carport in the front yard. It appears that all structures are set back a minimum of twenty (20) feet from the front property line as required by the building setback line established in the Richland Hills, Unit 5A Plat. Approval of this variance would allow a carport approximately seven (7) inches from the front property line, and thus alter the character of this neighborhood.*

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.

*No unique conditions or circumstances exist on the property that prevent the applicant from using the property as intended and complying with the minimum requirements of the UDC. The requested variance is needed due to the construction of the carport that was done without first obtaining all necessary and required permits. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards and this variance request would not be necessary. The result of the applicant's action to build a carport within the required front yard caused the violation on the property, thus self-imposing hardship.*

### **Staff Recommendation**

Staff recommends **denial of A-12-008**. The requested variance does not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the front setback requirement.

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 variance requested. The hardship is a direct result of the owner's action to construct a carport without the approval of the City, and which caused the property to be in violation of the UDC. Reasonable use of the property may still be accomplished in compliance with the minimum requirements of the UDC.

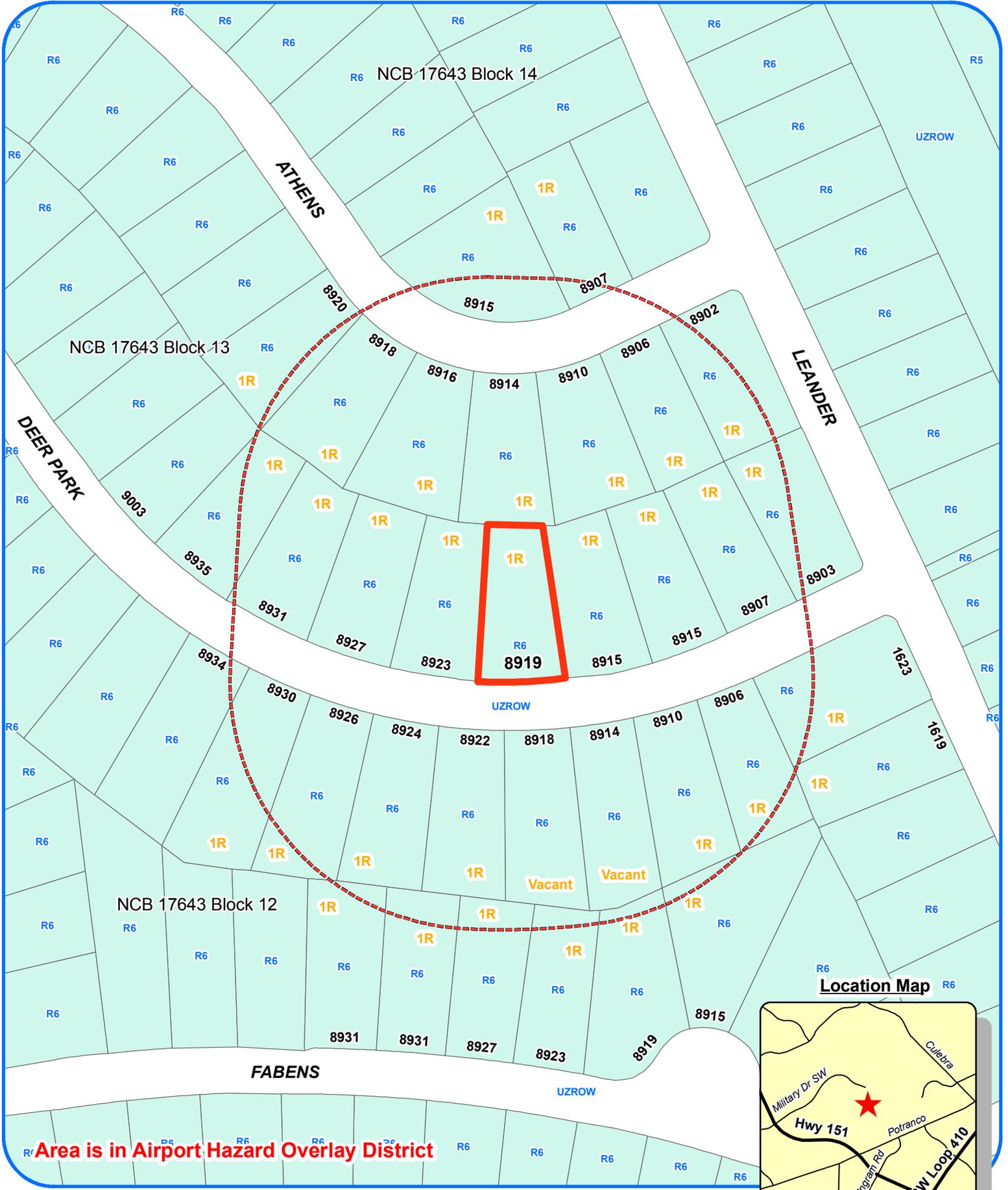
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Building Setback Line Plat of Richland Hills, Unit 5A



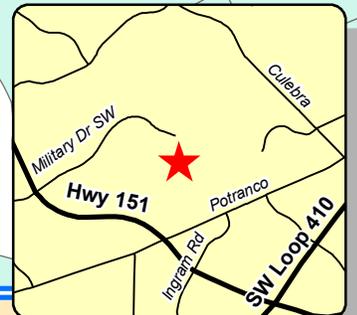
**Area is in Airport Hazard Overlay District**

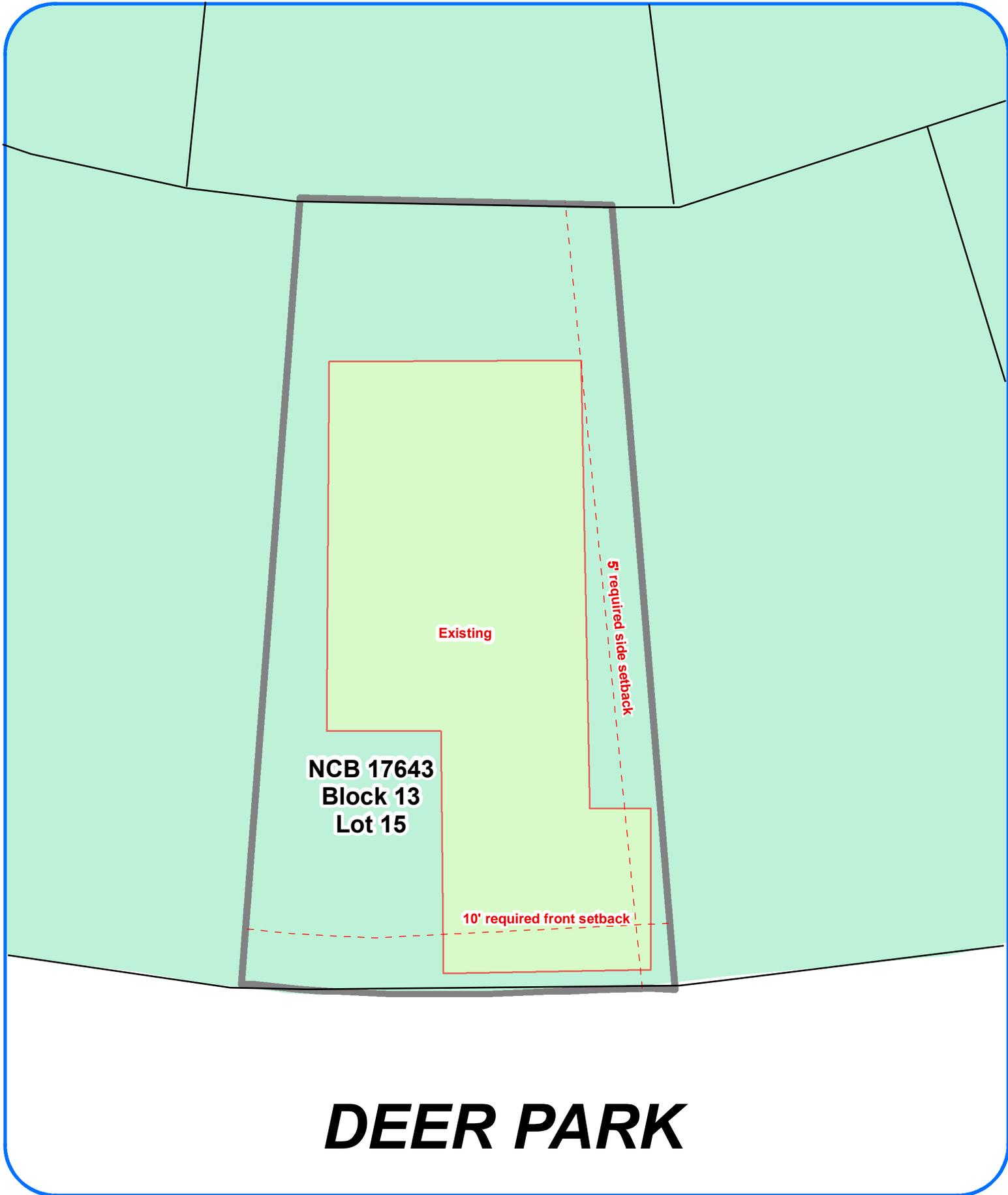
**Board of Adjustment**  
**Notification Plan for**  
**Case A-12-008**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 6





# ***DEER PARK***

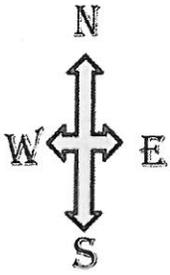
**Board of Adjustment**  
Plot Plan for  
**Case A-12-008**



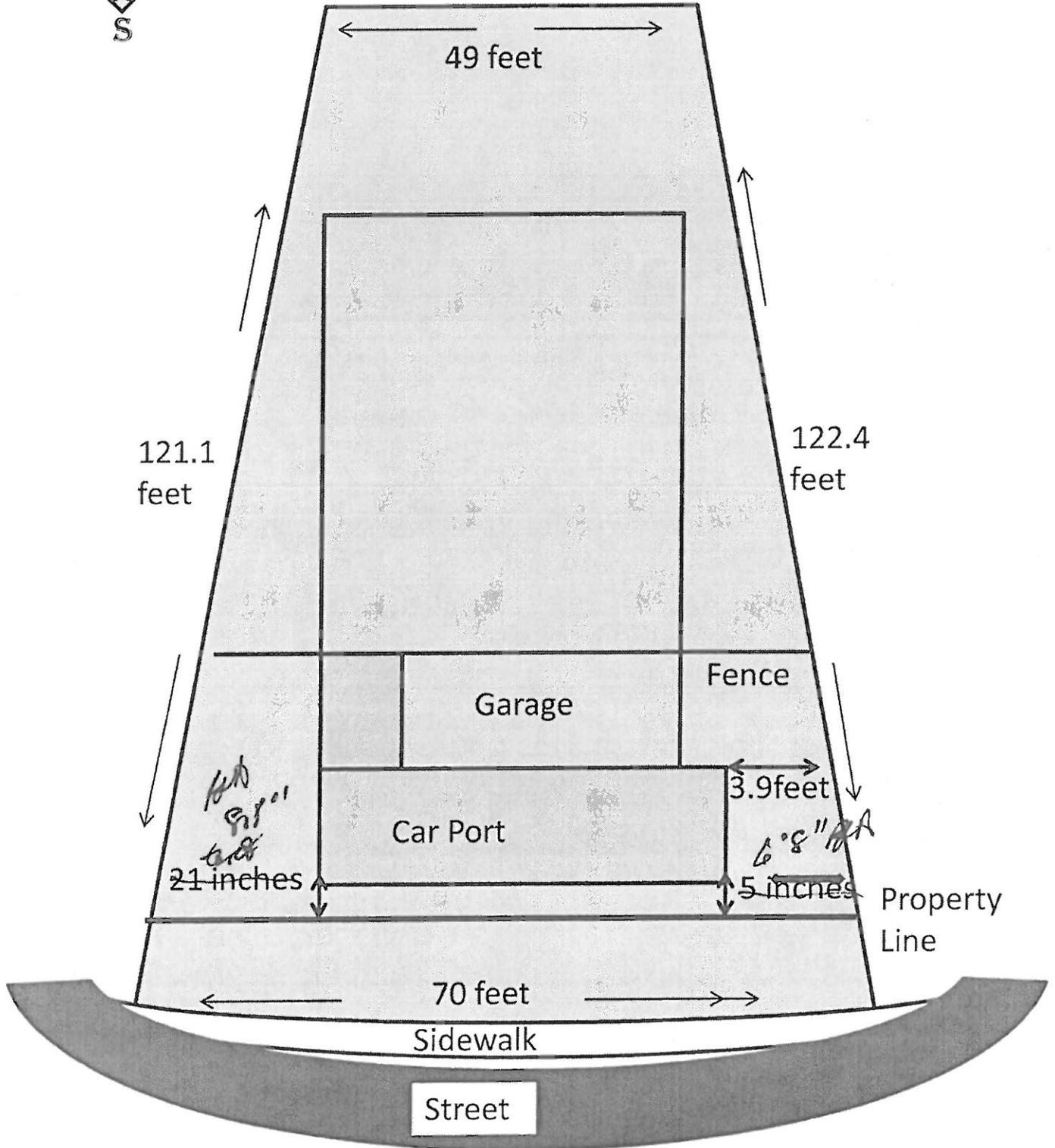
Scale: 1" approx. = 20'  
Council District 6

**8919 DEER PARK**

Development Services Dept  
City of San Antonio  
(11/9/2011)



North R-6 Single-Family Residence  
South R-6 Single-Family Residence  
East R-6 Single-Family Residence  
West R-6 Single-Family Residence







---

## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-009  
Date: December 5, 2011  
Applicant: Ortiz Pharmacy  
Owner: Ortiz RX Ltd.  
Location: 2503 Castroville Road  
Legal Description: A 0.787 acre portion of Lot 15, Block 19, NCB 8991  
Zoning: "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

---

### **Request**

The applicant requests a 15-foot variance from the 30-foot minimum rear setback requirement when abutting a residential use or zoning district, in order to allow a 15-foot rear setback.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 17, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.79-acre subject property is currently vacant, and will consist of a parking garage structure for the Ortiz Pharmacy and clinic located on the adjacent property to the west (5315 Castroville Road). The property owner is proposing to expand the pharmacy and clinic with a new two-story addition of approximately seventeen thousand seven hundred (17,700) square feet. Pursuant to Table 526-3a of the UDC, approximately eight-nine (89) parking spaces are required for the pharmacy and clinic. The proposed garage will be a 3-level parking garage, to include the ground floor level, and will have approximately one hundred forty-two (142) parking spaces according to the submitted Site Plan and Floor Plans.

The "C-2" Commercial 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 “R-6” Residential Single-Family zoning district was established to provide areas of medium to high density single-family residential uses. The UDC includes setback and buffer requirements to protect and separate single-family residential uses from commercial uses.

The subject property currently has a “C-2NA” Commercial Nonalcoholic Sales base zoning district. The property to the north of the subject property has a “R-6” Residential Single-Family base zoning district. Pursuant to Table 310-1 of the UDC, buildings in the “C-2” Commercial zoning district shall be set back a minimum of thirty (30) feet from the rear property line when abutting a residential use or zoning district. The applicant is proposing to place the parking garage structure fifteen (15) feet from the north rear property line. Consequently, the applicant is requesting a 15-foot variance from this standard.

According to the submitted application, the variance requested is due to the need of a parking garage structure that will provide sufficient parking for the existing and proposed expansion of the pharmacy and clinic. The applicant will provide the 15-foot minimum landscape buffer along the rear property line that is required by the UDC on commercially zoned properties when abutting single-family residential properties. As a stand-alone parking garage structure, the proposed garage structure will also need to comply with the design standards of Section 35-384(c) of the UDC.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-2 NA AHOD (Commercial)	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential)	Single-Family
South	C-3NA AHOD (Commercial)	Distribution/Warehouse
East	C-3NA AHOD (Commercial)	Single-Family
West	C-2NA AHOD (Commercial)	Pharmacy/Clinic

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan. The subject property is located within the Community Workers Council/Los Jardines 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 is contrary to the public interest as, if approved, it will allow the placement of a 3-level parking garage fifteen (15) feet from the rear property line that abuts a single-family residential zoning district. Setbacks from residential zoning districts are required to lessen the impact and create a buffer between commercial and residential uses. Allowing a building to be placed fifteen (15) feet from the property line, which also serves as the zoning district boundary line, lessens the separation and buffer required between these two (2) uses.*

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

*A literal enforcement of the minimum rear setback will require the applicant to place the parking garage thirty (30) feet from the north rear property line. The subject property is not influenced by unique conditions that prevent compliance with the minimum development standards of the UDC. The applicant has the option to redesign the parking structure to maximize its usage while still complying with the minimum development standards, such as providing angle parking spaces that permit narrower parking aisles.*

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

*The variance is neither keeping with the spirit of the ordinance nor would it do substantial justice. The intent of the required rear setback is to provide a separation buffer and protect single-family residential uses from commercial uses. The requested variance goes against this intent as it will allow a parking garage structure that will hold a large number of vehicles to have a greater impact on the single-family residential district to the north.*

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-2NA" Commercial Nonalcoholic Sales base 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 properties to the north of the subject property are single-family residences in a single-family residential zoning district. The property to the north where the variance is sought is a one-story, single-family residential structure on a lot that has approximately one hundred twenty (120) feet in depth. The proposed 3-level parking garage will comprise of approximately one hundred two (102) feet [approximately eighty-five percent (85%)] of this depth. The requested variance is to allow the proposed garage to be placed fifteen (15) feet from the north rear property line. This significantly reduces the minimum separation intended between residential and commercial uses, and thus injures the appropriate use of the adjacent conforming property to the north.*

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.

*No unique conditions or circumstances exist on the property that prevent the applicant from using the property as intended and complying with the minimum requirements of the UDC. The variance is requested due to the need to provide sufficient parking for the existing and proposed expansion of the pharmacy and clinic located on the property to the west. The applicant has the option to redesign the parking garage in compliance with the minimum development standards of the UDC while still meeting its intent. Possible options are moving the garage nearer to the front as no minimum front setback is required, providing angle parking spaces (i.e. 45-degree parking spaces) to provide for narrower parking aisles, reducing the number of parking spaces, or a combination of two (2) or more of these options. It should also be noted that additional parking spaces will be provided on the property to the west where the pharmacy and clinic are located. These parking spaces help alleviate the elimination of parking spaces from the proposed garage if this option is chosen.*

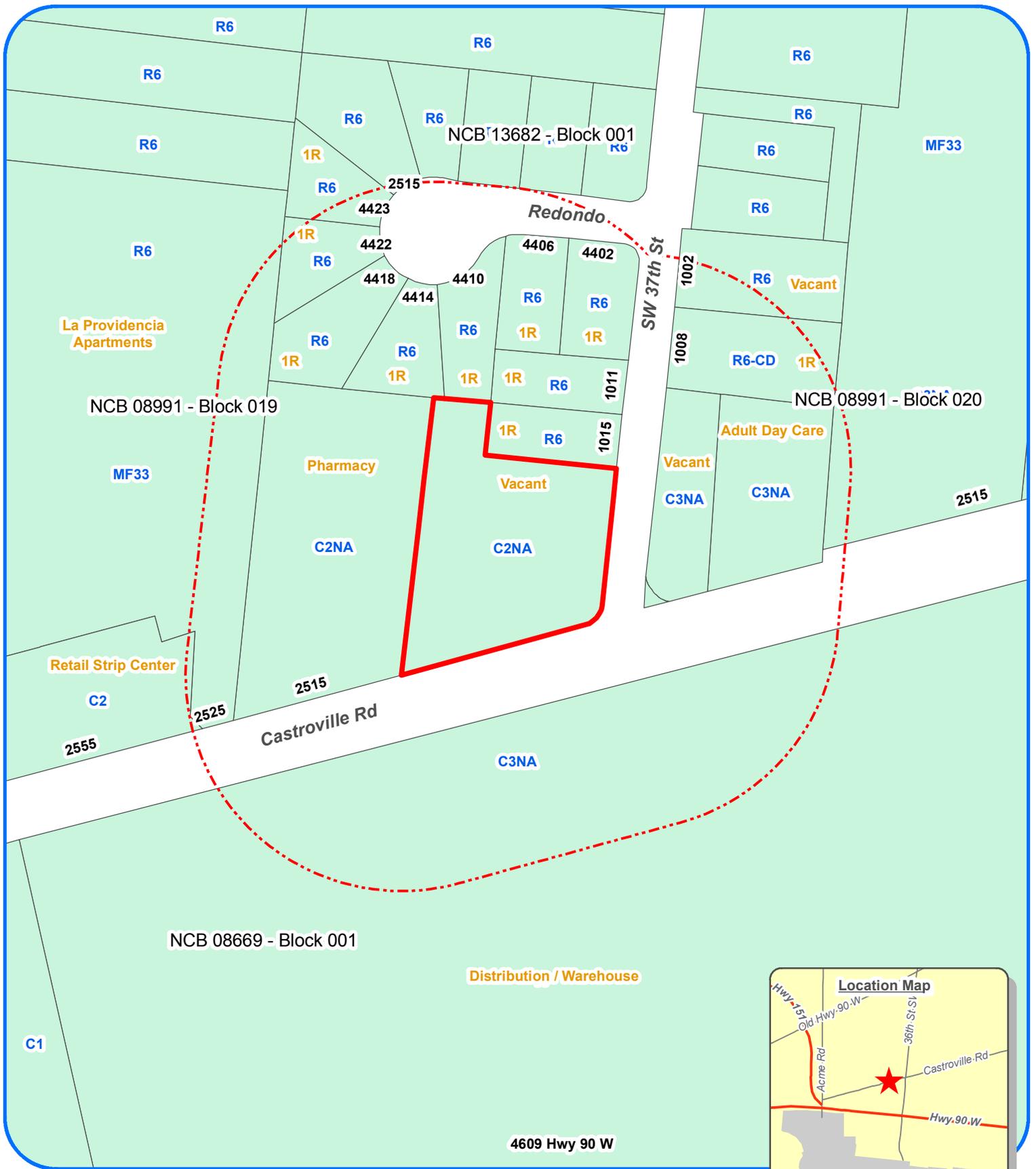
### **Staff Recommendation**

Staff recommends **denial of A-12-009**. The requested variance does not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the rear setback requirement.

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 variance requested. The simple desire to provide more parking spaces than what is required per code is not justification for requesting. Single-family residential uses need to be protected from the more intense uses of commercially zoned properties; particularly, where a 3-level garage is proposed at fifteen (15) feet from a one-story single-family residential structure. As previously stated, the applicant has other alternatives that will allow the intended use while still complying with the minimum development standards of the UDC. Possible solutions are moving the garage further to the front as no minimum front setback is required, providing angle parking spaces (i.e. 45-degree parking spaces) to provide for narrower parking aisles, reducing the number of parking spaces, or a combination of two (2) or more of these options.

### **Attachments**

- Attachment 1 – Location Map
- Attachment 2 – Plot Plan
- Attachment 3 – Submitted Site Plan
- Attachment 4 – Submitted Elevation
- Attachment 5 – Submitted Renderings



**Board of Adjustment Notification Plan**  
**Case A-12-009**

Council District 6  
 Scale: 1" approx. = 120 ft.  
 Subject Property Legal Description(s): NCB 08991 - Block 019 - S Irr 177.48 ft of Lot 15

- Legend**
- Subject Properties ———
  - 200' Notification Area - - - - -
  - Current Zoning **TEXT**
  - 100-Year DFIRM Floodplain
  - Single Family Residential **1R**



Development Services Dept  
 City of San Antonio  
 (11/17/2011 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



**Board of Adjustment Plot Plan**

**Case A-12-009**

Council District 6

Scale: 1" approx. = 50 ft.

Subject Property Legal Description(s): NCB 08991 - Block 019 - S Irr 177.48 ft of Lot 15

**Legend**  
 Subject Properties ———



Development Services Dept  
 City of San Antonio  
 (11/17/2011 - E Hart)



THE ARCHITECT & INTERIORS, INC. (AIA) is a member of the American Institute of Architects (AIA). The AIA is a national organization of architects, interior designers, and other design professionals. The AIA is committed to the highest standards of professional conduct and ethics. The AIA is also committed to the advancement of the architectural and interior design professions. The AIA is a non-profit organization and is not affiliated with any political party or organization.

CONSULTANTS

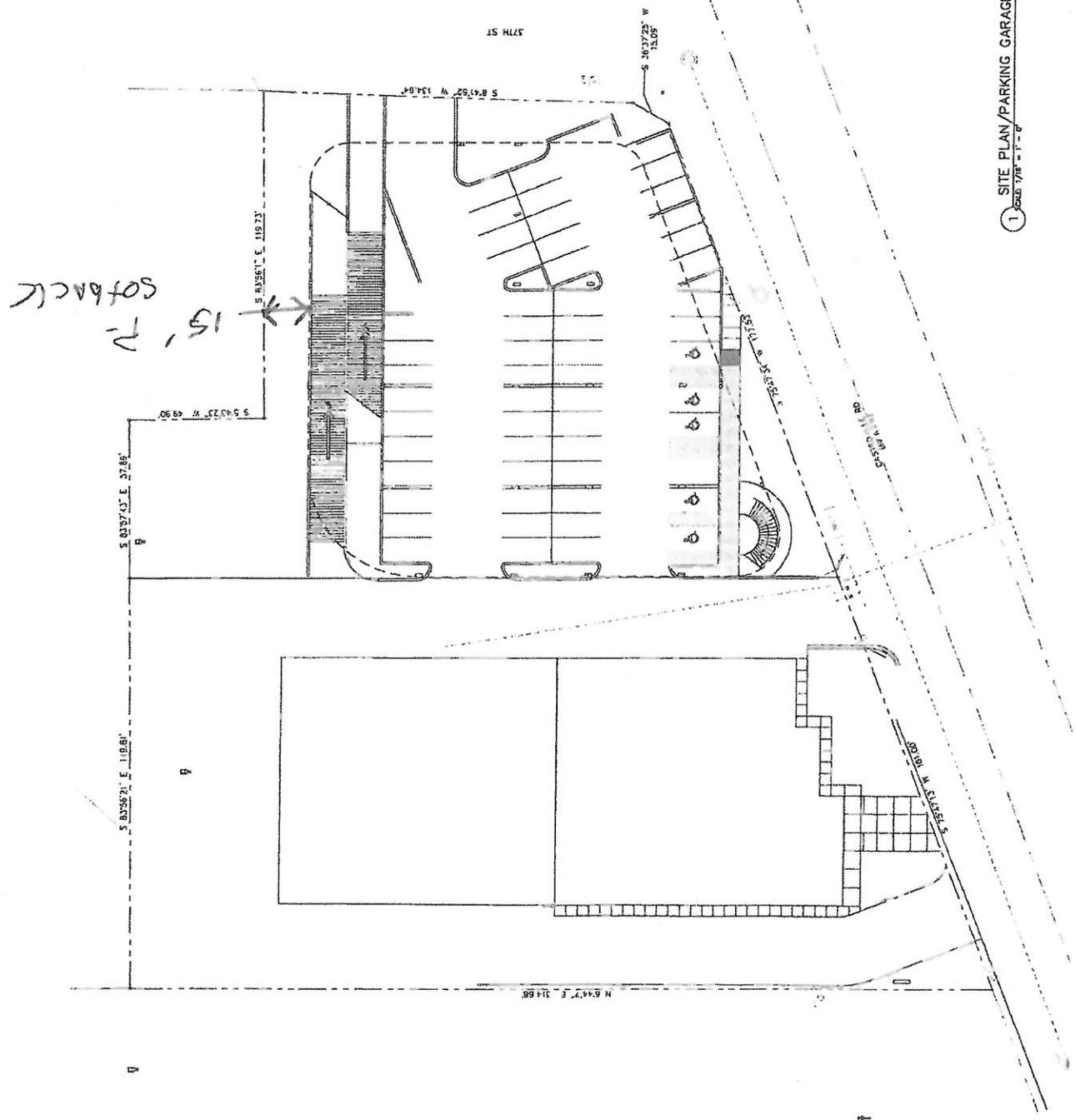
ORTIZ PHARMACY  
PHASE II

SAN ANTONIO, TEXAS

SITE PLAN  
PARKING GARAGE

REVISIONS

PROJ. No.	011-07	SHEET
DRAWN BY:	ADP	
DATE:	05-10-11	<b>A-1.4</b>
DESIGNED BY:	ADP	OF



1 SITE PLAN/PARKING GARAGE  
Scale: 7/8" = 1' - 0"





DESIGN ELEMENTS, L.L.C.  
 10000 N. MICHIGAN AVE., SUITE 1000  
 DALLAS, TEXAS 75243



All drawings are prepared as an attachment of services for the project and are not to be used for any other project without the written consent of the engineer. The engineer is not responsible for any errors or omissions in the drawings or for any consequences arising therefrom. The engineer's liability is limited to the amount of the fee paid for the services rendered. The engineer's liability shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by or for an employee or any other person under any workers' compensation act, disability benefit act or other employee benefit act. The engineer's liability shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by or for an employee or any other person under any workers' compensation act, disability benefit act or other employee benefit act. The engineer's liability shall not be limited by any limitation on the amount or type of damages, compensation or benefits payable by or for an employee or any other person under any workers' compensation act, disability benefit act or other employee benefit act.

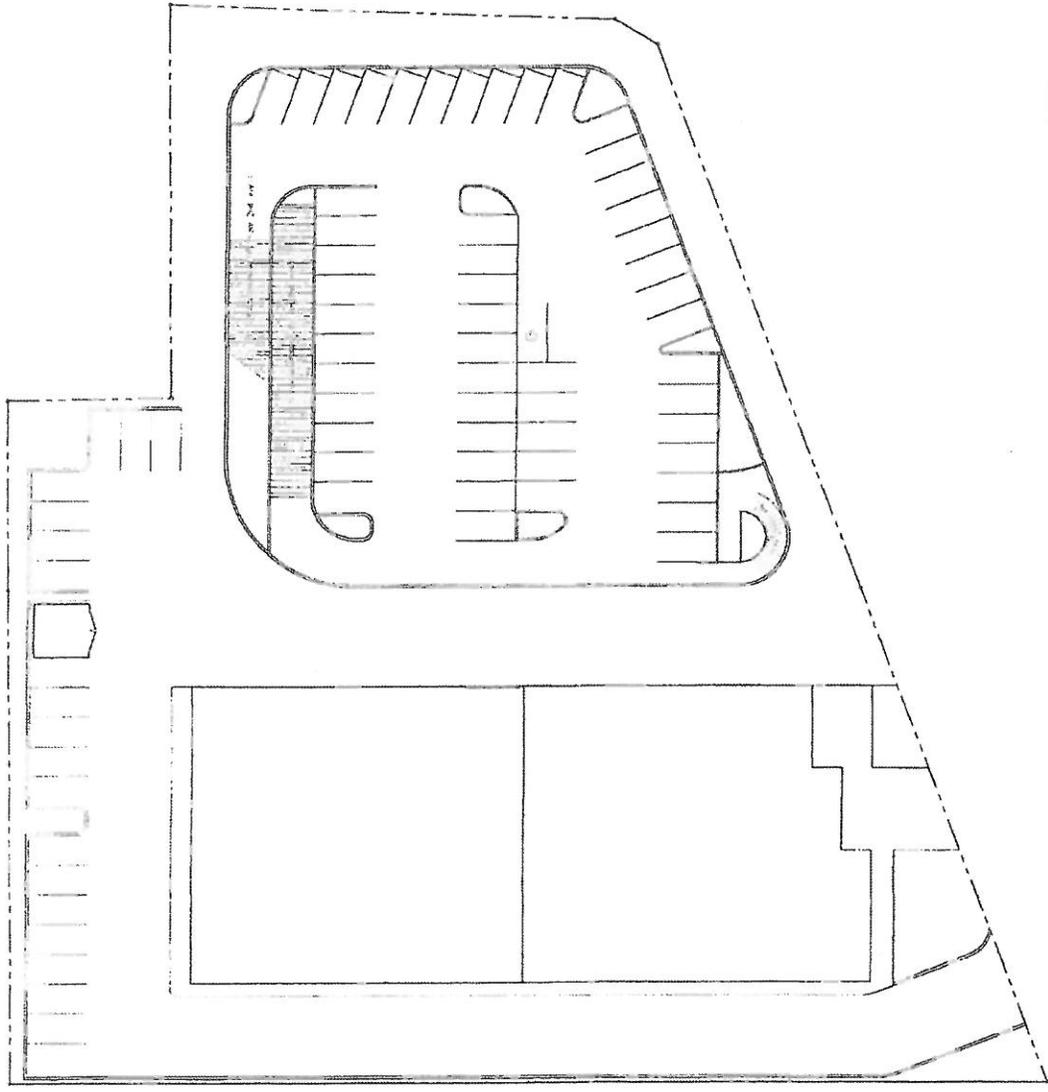
CONSULTANTS

ORTIZ PHARMACY  
 PHASE II  
 SAN ANTONIO, TEXAS

PARKING GARAGE  
 3rd LEVEL PLAN

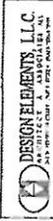
REVISIONS

PROJ. No.	011-07	SHEET
DRAWN BY	UDS	
DATE	10-10-11	A-1.6
CHECKED BY		DP



1 PARKING GARAGE 3rd LEVEL PLAN  
 SCALE: 1/8" = 1'-0"





THIS DRAWING IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT TO BE USED AS A CONTRACT DOCUMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING.

CONSULTANTS

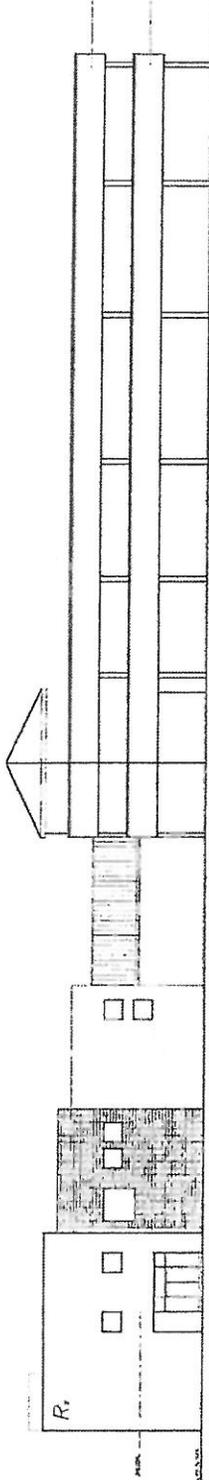
ORTIZ PHARMACY  
PHASE II

SAN ANTONIO, TEXAS

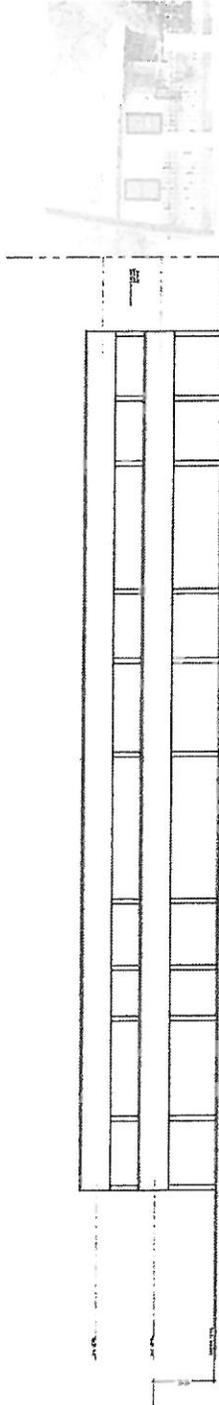
BUILDING ELEVATIONS

REVISIONS

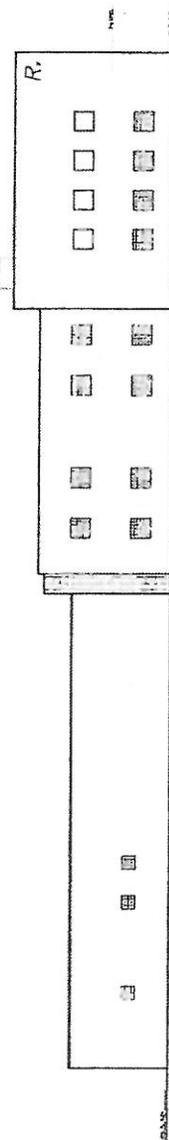
PROJ. NO.	011-02	SHEET	A-3.1
DRAWN BY:	MOB	DATE:	10-10-11
CHECKED BY:	SP	OF	



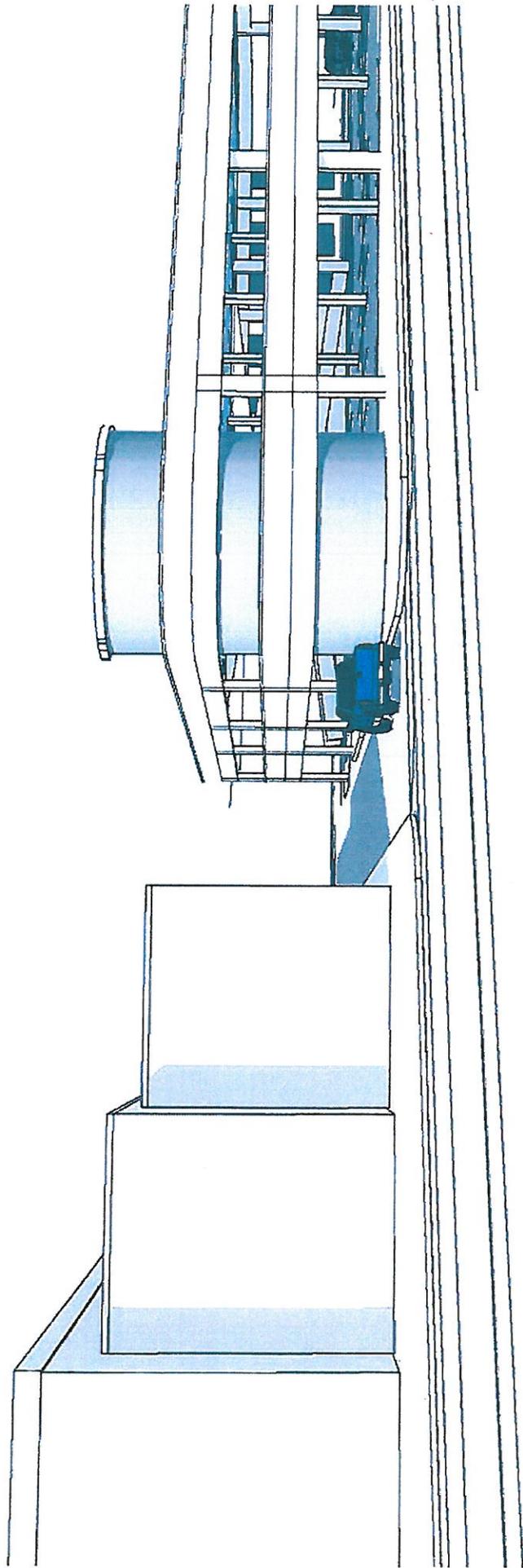
1 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

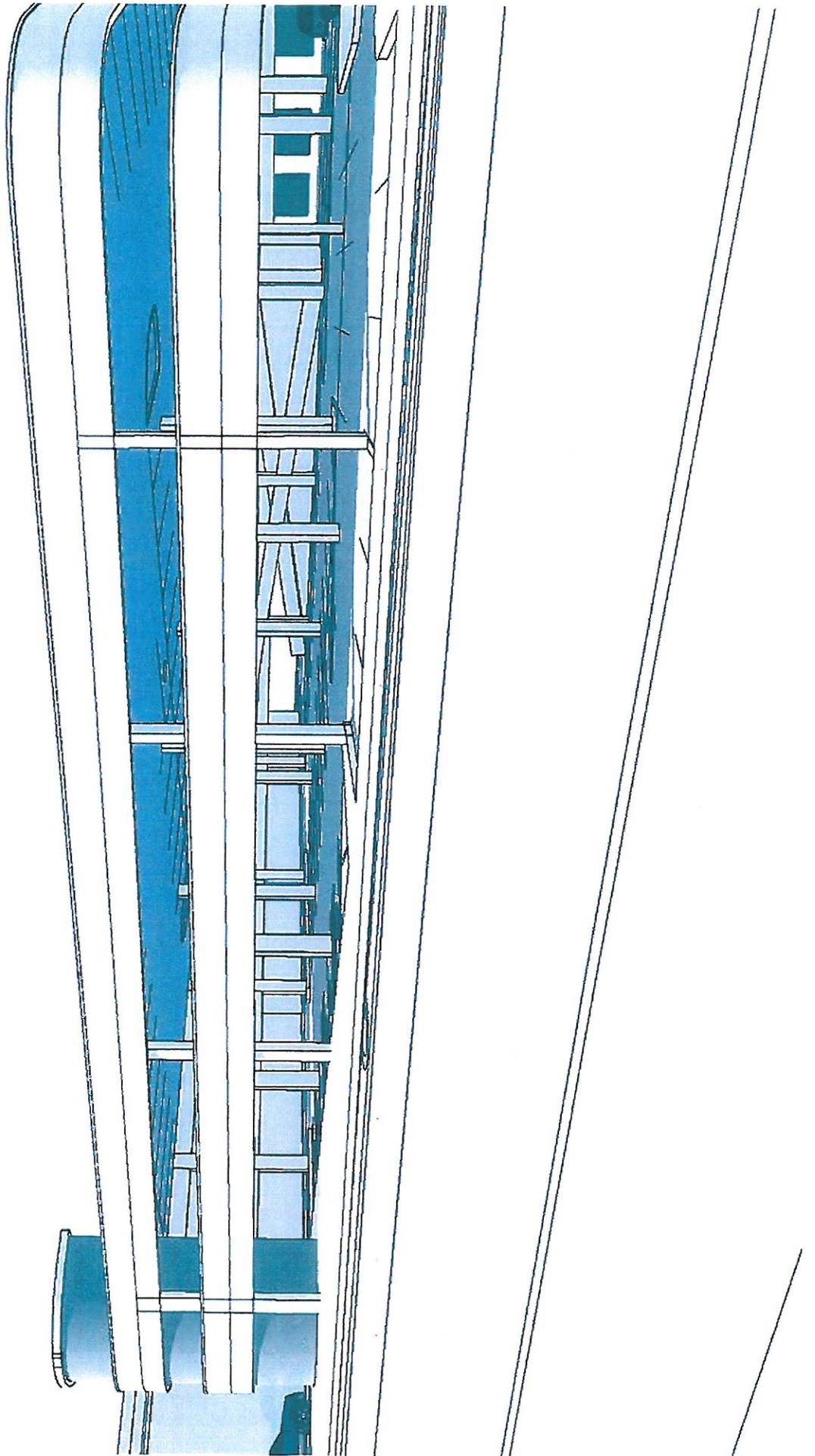


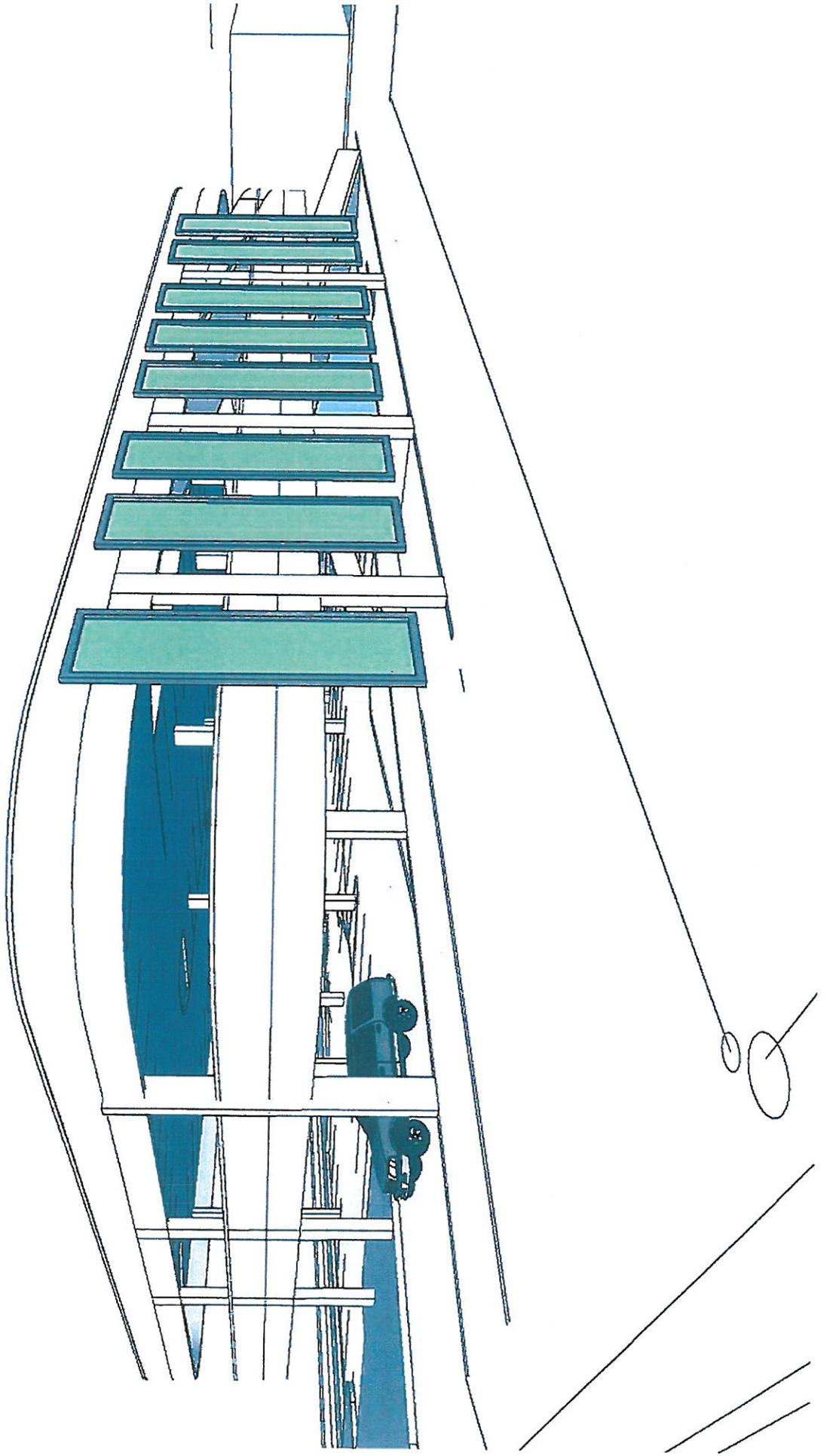
2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION  
SCALE: 1/8" = 1'-0"









## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-010  
Date: December 5, 2011  
Applicant: Brown and Ortiz, P.C.  
Owner: Military Development, Inc.  
Location: 3523 Roosevelt Avenue  
Legal Description: Lot 12, Block 6, NCB 9491  
Zoning: "C-2 MC-1 AHOD" Commercial Roosevelt Avenue Metropolitan Corridor  
Overlay Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

---

### **Request**

The applicant requests 1) a 15-foot variance from the maximum 25-foot sign height standard for single-tenant signs of the "MC-1" Roosevelt Avenue Metropolitan Corridor Overlay District, in order to allow the existing 40-foot tall freestanding sign, and 2) a 106-square foot variance from the maximum 65-square foot sign area standard for single-tenant signs of the "MC-1" Roosevelt Avenue Metropolitan Corridor Overlay District, in order to allow the existing 171-square foot freestanding sign.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 17, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.87-acre subject property consists of an approximately 5,201-square foot restaurant. In 2008, the Development Services Department approved a sign permit for a 171-square foot, 40-foot tall single-tenant freestanding sign on the subject property. This sign was reviewed and approved under the provisions of Chapter 28, Sign Regulations. Per Section 28-239(c) of the Sign Regulations, single-tenant signs along a Primary Arterial Type A are allowed

at a maximum height of forty (40) feet, and a maximum sign area of two hundred forty (240) square feet.

On October 1, 2009, the City adopted the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District to establish urban design standards and guidelines, including sign standards, for this corridor as it abuts, traverses and links designated historic landmarks, historic districts and the San Antonio River. From Southeast Military Drive to Loop 410, the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District extends three hundred (300) feet on either side of the Roosevelt Avenue right-of-way. The subject property is located within this corridor overlay district.

Pursuant to the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District design standards, single-tenant freestanding signs shall not exceed twenty-five (25) feet in height, and shall have a maximum sign area of sixty-five (65) square feet. The adoption and implementation of this overlay district resulted in the existing freestanding sign on the subject property becoming a legal nonconforming sign. The existing freestanding sign may remain in its present condition on the subject property subject to the provisions of Section 28-245 of the Sign Regulations.

In 2007, the Board of Adjustment approved a Sign Master Plan (“SMP”) Development Agreement for the Roosevelt Marketplace development located at the intersection of Southeast Military Drive and Roosevelt Avenue, which included the properties to the west and south of the subject property (**Attachment 5**). It is the intent of the property owners to amend the Roosevelt Marketplace SMP Development Agreement to allow an additional sign, include the subject property, and make other changes (**Attachment 6**). Pursuant to Section 28-244(b)(3) of the Sign Regulations, all existing signs within the SMP Development Agreement must be in conformance with the sign regulations. As the existing freestanding sign is a legal nonconforming sign, to approve this SMP Development Agreement, the existing sign will need to be brought into compliance with the design standards of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District. Consequently, the applicant is requesting two (2) variances from the maximum height and sign area standards of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District.

According to the submitted application, the variance is requested to maintain the existing freestanding sign at its current height and sign area that was built prior to the enactment of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-2 MC-1 AHOD (Commercial)	Restaurant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 MC-1 AHOD (Commercial)	Restaurant
South	C-2 MC-1 AHOD (Commercial)	Vacant
East	C-2 MC-1 AHOD (Commercial)	Restaurant

West	C-2 MC-1 AHOD (Commercial)	Vacant
------	----------------------------	--------

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Stinson Airport Vicinity Land Use Plan. The subject property is located within the Harlandale Park Neighborhood Association.

### **Criteria for Review**

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

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

*The “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District encourages the use of smaller signs, artistic signs, and signs that add to the architectural character of the building. The requested variances will hinder the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District from accomplishing the goal of creating a more attractive, cohesive and safe environment, and reducing visual chaos and distractions along public roadways. Thus, the requested variances are contrary to the public interest.*

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

*A literal enforcement of the maximum height and sign area requirements will not result in undue hardship. It is the choice of the property owners to amend the Roosevelt Marketplace SMP Development Agreement to include the subject property with its existing sign. As a result, and in order to comply with the minimum requirements of a SMP Development Agreement, the existing sign must be brought into compliance with the sign standards of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District. The applicant has the option to exclude the subject property from the SMP Development Agreement, which will allow the existing sign to remain in its current condition as a legal nonconforming sign. Furthermore, the subject property is not uniquely influenced by oppressive conditions that would prevent visibility of a conforming 25-foot tall, 65-square foot sign.*

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

*The variances are neither keeping with the spirit of the ordinance nor would they do substantial justice. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent on the provision of a taller, bigger sign than permitted within this corridor district. The requested variances are in direct conflict with the standards of this corridor district as it would allow the continuing use of a sign that is one hundred sixty percent (160%) taller, and two hundred sixty-three percent (263%) bigger than what is allowed within this corridor. The variances are only requested due to the property owner’s desire to amend the Roosevelt Marketplace SMP Development Agreement to include the subject property. As previously mentioned, the property owner has the option to exclude the subject property, which will allow the existing freestanding sign to remain in its current form.*

*Furthermore, it should be noted that the purpose of a SMP Development Agreement is to allow flexibility in signage location in exchange for a cumulative reduction in both total sign area and sign height within the master plan area. Additionally, per Section 25-244(b) of the Sign Regulations, “the square footage and height of an SMP sign shall be subtracted from the square footage and height of the allowable on-premises signs on the lot where the SMP use occurs. In no case shall the square footage, height and number of signs on any lot in a plan area exceed the maximum amounts allowed in this article.” The existing sign exceeds the maximum height and area allowed in the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District for this lot. Therefore, approval of the variances defies the purpose of the SMP Development Agreement.*

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 base 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 variances will not substantially injure the appropriate use of the adjacent conforming properties. However, approval of the variances will deviate from the character of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District by allowing the continuing use of a taller and bigger sign than what is foreseen for this portion of the Roosevelt Avenue corridor.*

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.

*No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the zoning and sign ordinances. As previously stated, it is the choice of the property owner to amend the Roosevelt Marketplace SMP Development Agreement to include the subject property. This property was not part of the Roosevelt Marketplace SMP Development Agreement. Therefore, the hardship is self-imposed, and the requested variances are a direct result from an action by the property owner.*

### **Staff Recommendation**

Staff recommends **denial of A-12-010**. The requested variances do not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the maximum height and sign area standards of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations or configurations. The subject property does not have any special circumstances or conditions that would result in the need of the variances requested, and removal of an existing sign is not a hardship unique to the land. The

requested variances deviate from the purpose of both the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District and the SMP Development Agreement. Consequently, their approval would grant the applicant special privilege. Furthermore, it is staff’s opinion that approval of the variances would essentially result in the removal of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District sign standards from the subject property by allowing a sign in complete disregard to the spirit of the “MC-1” Roosevelt Avenue Metropolitan Corridor Overlay District standards.

**Attachments**

Attachment 1 – Location Map

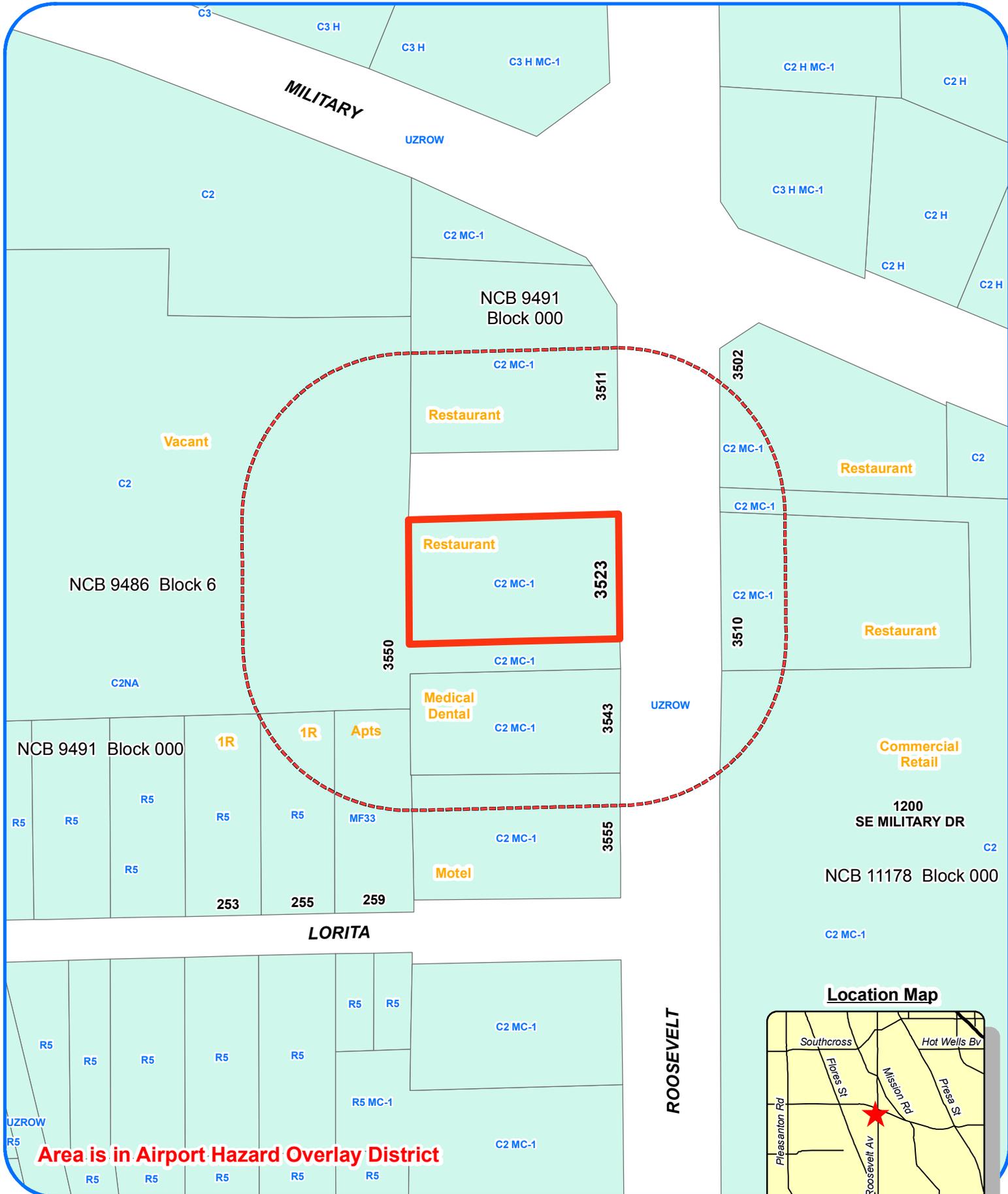
Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

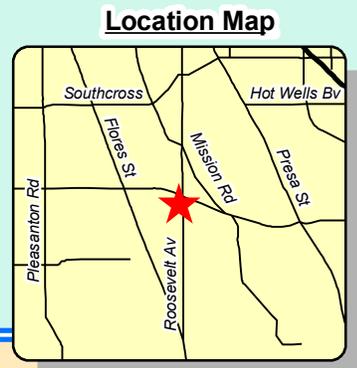
Attachment 4 – Submitted Rendering

Attachment 5 – Roosevelt SMP Development Agreement, Exhibit D

Attachment 6 – Proposed amendment to the Roosevelt SMP Development Agreement, Exhibit D



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-12-010**



- Legend**
- Subject Property
  - 200' Notification Boundary
  - Scale: 1" approx. = 150'
  - Council District 3

Development Services Dept  
 City of San Antonio  
 (11/3/2011)

# ROOSEVELT AVE

Variance request  
15 ft in height and  
106 sq ft in area

NCB 9491  
Block 6  
Lots 12



**Board of Adjustment**  
Plot Plan for  
**Case A-12-010**

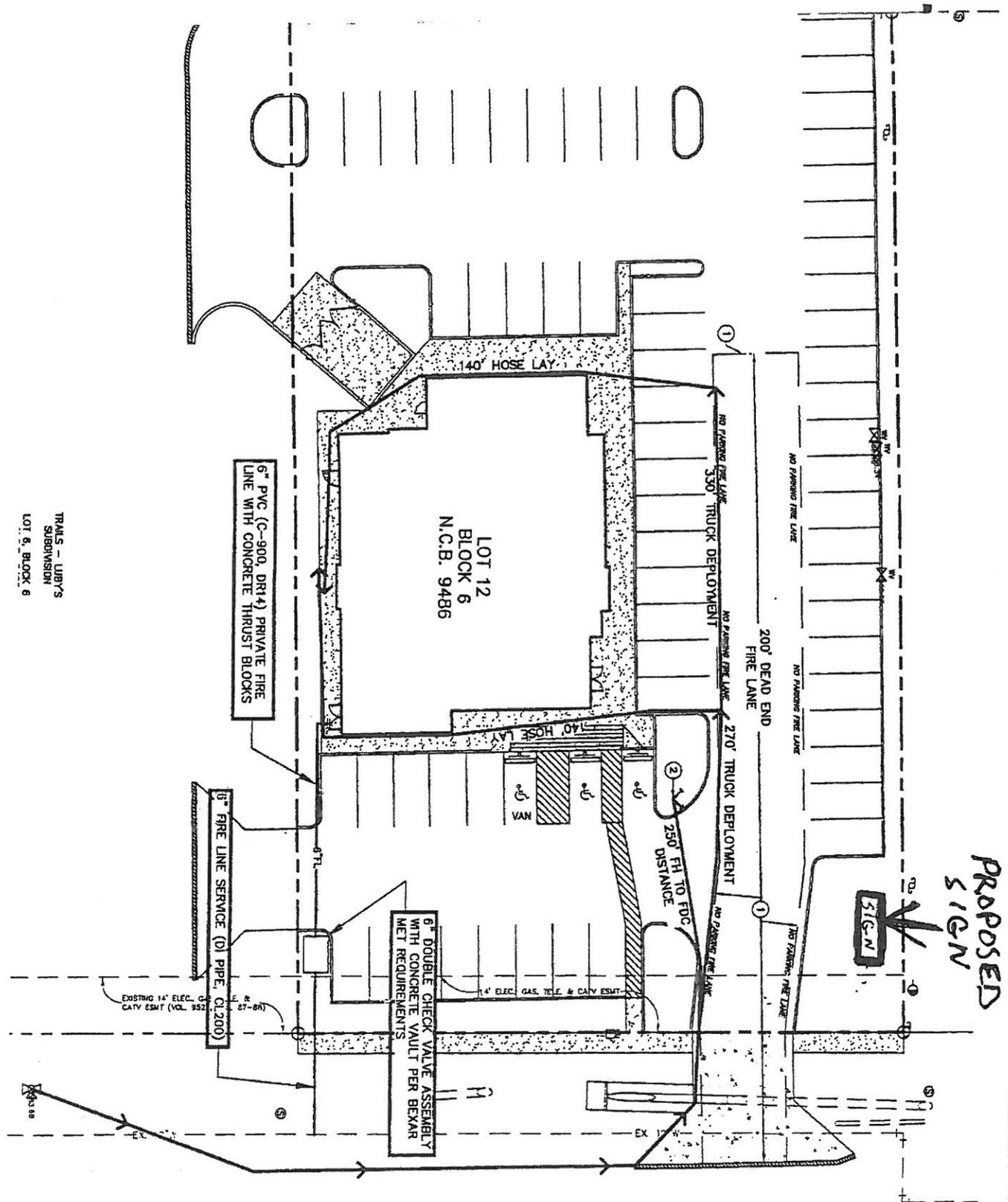


**Sign Locations** ●  
Scale: 1" approx. = 50'  
Council District 3

**3523 ROOSEVELT AVE**

Development Services Dept  
City of San Antonio  
(11/9/2011)

Site Plan for 3528 Roadmilk Rd.  
1/10/01



TRAILS - LIBBY'S  
SUBDIVISION  
LOT 6, BLOCK 8

LOT 12  
BLOCK 6  
N.C.B. 9486

6" PVC (C-900, DR14) PRIVATE FIRE  
LINE WITH CONCRETE THRUST BLOCKS

9" FIRE LINE SERVICE (D) PIPE (1200)

6" DOUBLE CHECK VALVE ASSEMBLY  
WITH CONCRETE VAULT PER BECAR  
MET REQUIREMENTS

EXISTING 14" ELEC. C.  
CATV ESMT (VOL. 952)

14" ELEC. GAS, TEL. & CABLE ESMT

250' FH TO FDC

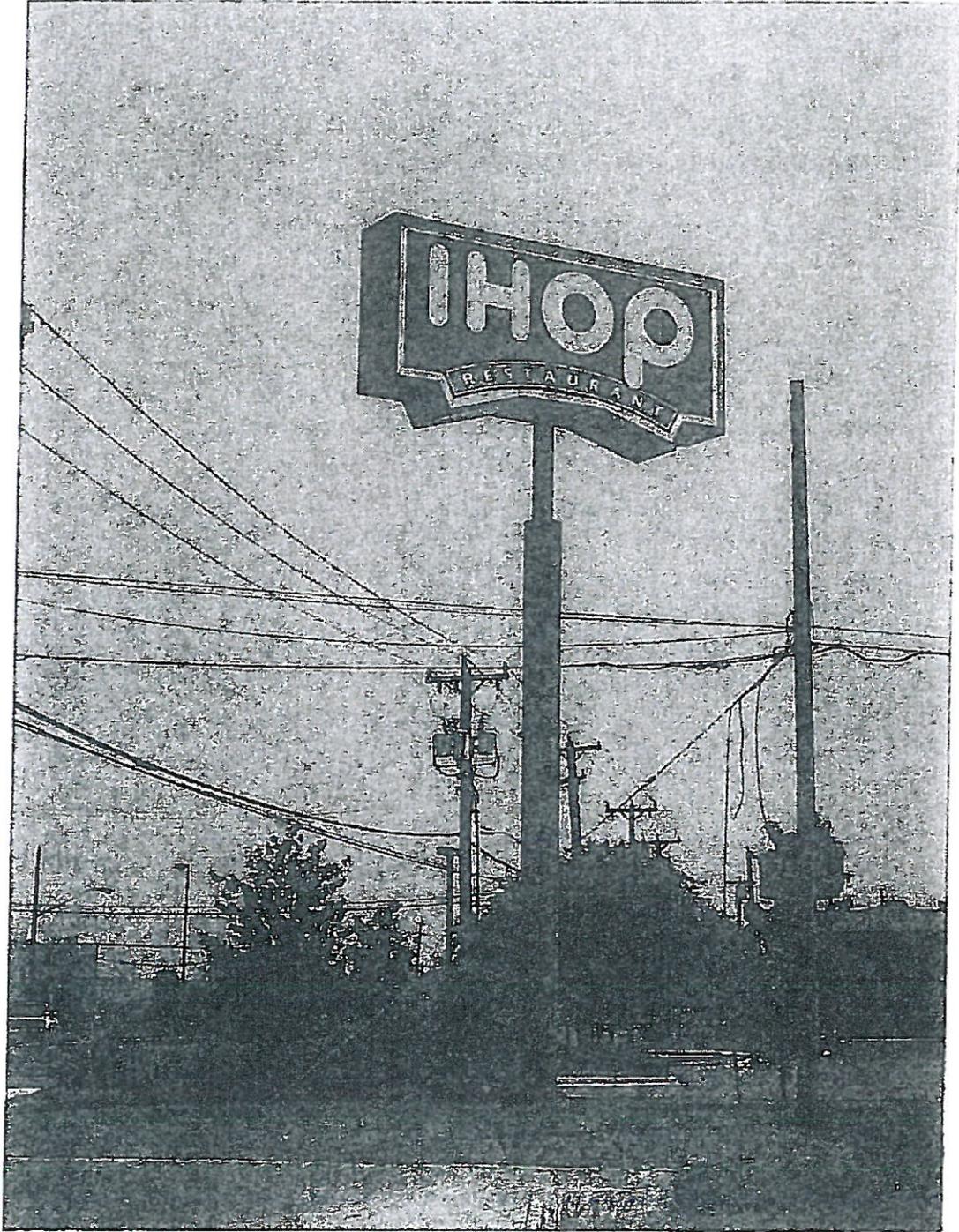
330' TRUCK DEPLOYMENT

270' TRUCK DEPLOYMENT

200' DEAD END  
FIRE LANE

PROPOSED  
SIGN

Sign C



## ROOSEVELT MARKETPLACE SIGN MASTER PLAN

### EXHIBIT D

	Height Allowed	Square-Footage Allowed	Height Proposed	Square-Footage Proposed
Sign A	50'0"	500	35'0"	300
Sign B	50'0"	500	20'0"	150
Sign C	50'0"	500	20'0"	150

**1. Tract 1 –**

Tenant will give up zero (0) signs. (Allowed 0).

**2. Tract 2 –**

Tenant will give up two (2) signs along S.E. Military (allowed 4).

Sign #A – Multi-Tenant Pylon Sign – 35'0" overall height and 300 sq. feet.

Sign #D – Existing Luby's sign

**3. Tract 3 –**

Tenant will give up zero (0) signs SE Military (allowed 1).

Sign #B – Multi-Tenant Pylon Sign – 20'0" overall height and 150 sq. feet

Tenant will give up one (1) sign along Roosevelt (allowed 2)

Sign #C – Multi-Tenant Pylon Sign – 20'0" overall height and 150 sq. feet.



700 Avenida Park, Ste. 100 San Antonio, TX 78201  
 Ph: (214) 512-2800 Fax: (214) 477-3373  
 www.aetnagroup.com

CLIENT	ROOSEVELT MARKET PLACE
ADDRESS	910 SE MILITARY DR
CITY	SAN ANTONIO, TEXAS
SALESPERSON	JENNIFER GEECH
DATE	11-18-04
DESIGNER	ARMANDO VILELA
DWG# #	6071 S

FILE:DWG18052(6071)\_ROOSEVELT MARKET  
 Revision Block: 12-8-04-3:31-06,3:31-06,  
 4:17-07,5-8-07,6:1-07

© 2004 Aetna Sign Group, LTD.  
 Unpublished Work. Aetna Sign Group, LTD.  
 All rights reserved. This is an original  
 drawing created by Aetna Sign Group, LTD.  
 It is submitted for your personal use.  
 However, it shall at all times remain the  
 property of Aetna Sign Group, LTD. It may  
 be used in connection with the project  
 being planned for you by Aetna Sign Group,  
 LTD., but not otherwise.

You are not authorized to show this drawing  
 to anyone without your authorization, and it  
 is to be printed, used, copied, or  
 exhibited in any fashion.

Violation of any of the above shall subject  
 the violator(s) to all statutory and common  
 law damages available to Aetna Sign  
 Group, LTD., including, but not limited to,  
 the value of man hours incurred in the  
 production of this design, attorney's fees,  
 and any and all other costs incurred by  
 Aetna Sign Group, LTD. in the enforcement  
 of its copyrights.

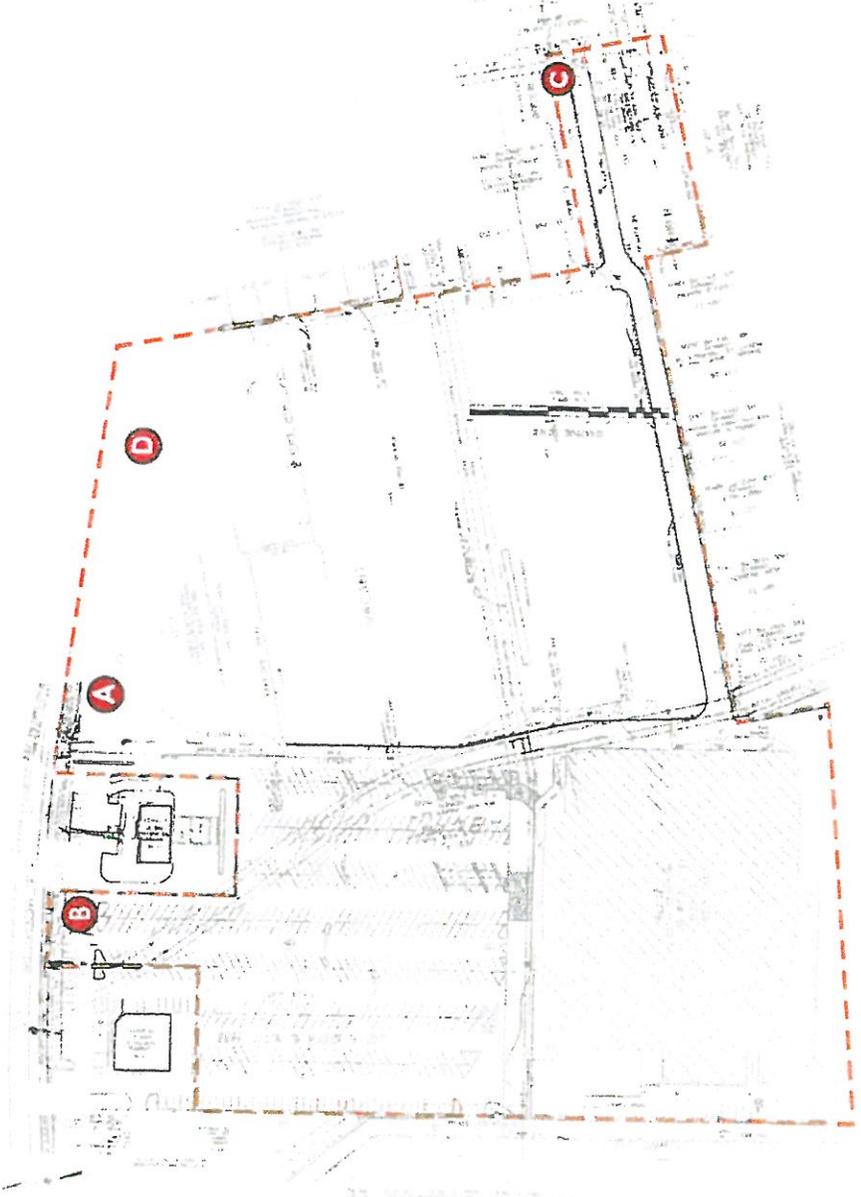
All signs will be manufactured to  
 accommodate 120 volt current unless  
 otherwise instructed by customer.

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

Notes of Building: Let's new stores will  
 have the utility from underground. Area  
 of 7,500 sq ft. The new public (0216)  
 (04) building. The new building  
 will have a dedicated electrical (04)  
 circuit with ground for the building.  
 work. You are responsible to have the  
 proper electrical service to the new location.  
 Please contact your Aetna Sign Group  
 representative if you need additional  
 information.



WAL-MART CONVERSION  
 S.E. MILITARY  
 CITY OF SAN ANTONIO, TEXAS



### Original Exhibit D

	Allowed Height	Allowed Sq. Ft.	Proposed Height	Proposed Sq.Ft.	% Decreased
Sign A (multi-tenant)	50'0"	500	35'0"	300	30% - 40%
Sign B (multi-tenant)	50'0"	500	20'0"	150	60% - 70%
Sign C (multi-tenant)	50'0"	500	20'0"	150	60% - 70%
Sign D (Existing Luby's)	40'0"	240	40'0"	240	0% - 0%

**Total Signage Reduction**

**Height - 38%**

**Square Footage - 45%**

### Amended Exhibit D

	Allowed Height	Allowed Sq. Ft.	Proposed Height	Proposed Sq.Ft.	% Decreased
Sign A (Existing pipe)	50'0"	500	50'0"	500	0% - 0%
Sign B (Existing multi)	37'6"	375	20'0"	150	47% - 60%
Sign C (Existing single)	40'0"	240	30'0"	150	25% - 37%
Sign D (single tenant)	30'0"	180	6'	50	80% - 72%

**Total Signage Reduction**

**Height - 38%**

**Square Footage - 42%**

