

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

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

**Monday, December 7, 2009**  
**1:00 PM**

**BOARD OF ADJUSTMENT MEMBERS**

Liz Victor – District 1	Vacant – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
Vacant – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10 Chairman	
Maria Cruz	Paul Klein
Henry Rodriguez	Mimi Moffat
Harold Atkinson	Steve Walkup

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-10-003:** The request of Mary Alice Alvarez, for a special exception to allow a one-operator beauty/barber shop, 326 Eastley.
5. **CASE NO. A-10-005:** The request of Yael Garner, for a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to keep an existing 6-foot tall predominantly open front-yard fence, 307 Globe Avenue.
6. **CASE NO. A-10-006:** The request of Steven A. Bangel, for a special exception to allow a one operator beauty/barber shop, 210 East Broadview.
7. **CASE NO. A-10-007:** The request of Robert Watts, for a 39.31% variance from the requirement that at least 50% of the total area of the first floor street frontage consist of non-reflective glass, in order to erect a structure with 10.69% of the total first floor street frontage area consisting of non-reflective glass, 1304 East Commerce Street.

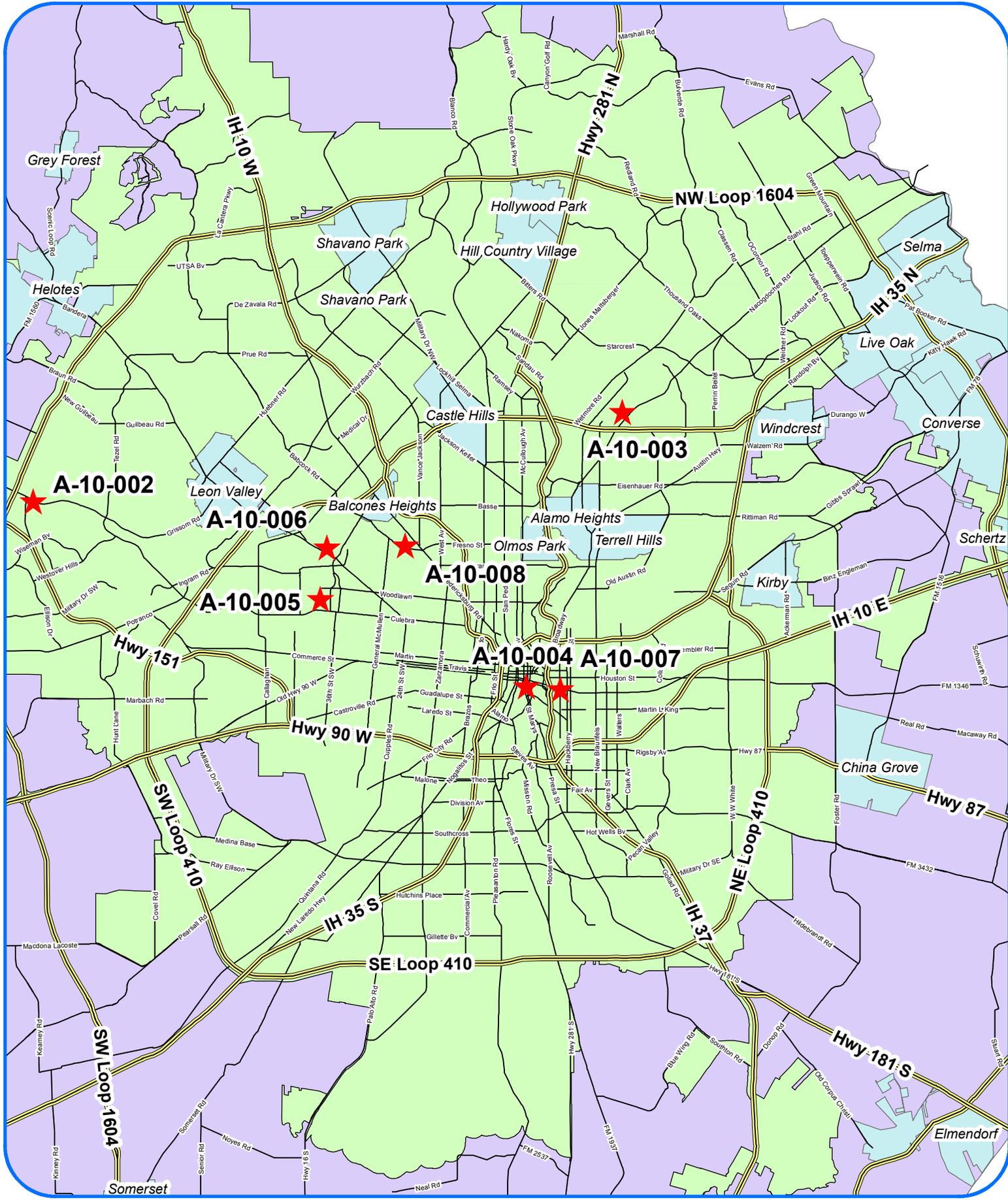
8. **CASE NO. A-10-008:** The request of Anna Gonzales, for a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to erect a 6-foot tall predominantly open front-yard fence, 4603 Loma Linda Drive.
9. Consideration of **Sign Master Plan No. 10-004**, Sam Houston Center, located at Rittiman Road and Harry Wurzbach.
10. Approval of the minutes from the regular meeting on November 16, 2009.
11. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
12. 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.
13. **Adjournment**

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

At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

**ACCESSIBILITY STATEMENT**

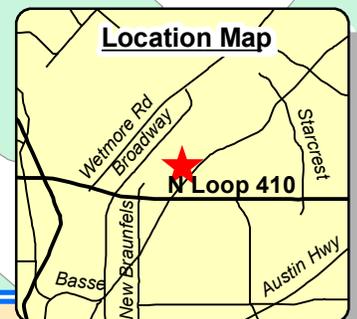
This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



# Board of Adjustment

Subject Property Locations  
Cases for December 7, 2009





**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-003**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 10



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-003  
Date: December 7, 2009  
Applicant: Mary Alice Alvarez  
Owner: Mary Alice Alvarez  
Location: 326 Eastley  
Legal Description: Lot 10, Block 5, NCB 12455  
Zoning: "R-6" Residential Single-Family District  
Subject: One Operator Beauty/Barber Shop  
Prepared By: Mike Farber, Planner

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#### **Summary**

The applicant is requesting a special exception to allow a one-operator beauty or barber shop.

#### **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 19. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 20. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 4, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Surrounding Zoning/Land Use**

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

## **Project Description**

The applicant is requesting this special exception to operate a one operator barber or beauty shop. This special exception request may be approved for a four year period, as it is a subsequent application.

The applicant has proposed hours of operation to be 9:00 am to 4:00 pm, Monday through Friday. Weekly proposed hours of operation total 35 hours.

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

The subject property is not located within the boundaries of a Neighborhood or Community Plan. The property is not located within the boundaries of a Neighborhood Association.

## **Criteria for Review**

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

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

*The requested special exception is in harmony with the spirit and purpose of this chapter in that the existing one-operator beauty/barbershop follows the specified criteria established in Section 35-399.01 of the Unified Development Code.*

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

*The requested special exception will further serve the public welfare in that this beauty/barbershop has continuously operated within the parameters set forth by Section 35-399.01 and has served as a public convenience within a residential area.*

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

*The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain a single-family residence.*

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:

*It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that the existing beauty/barbershop has and will remain confined to 25% or less of the gross floor area of the primary residence.*

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

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

### **Staff Recommendation**

The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this special exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. The Board of Adjustment has granted previous special exceptions for this beauty shop on:

- June 7, 1991
- January 2, 1992
- January 29, 1993
- February 24, 1997
- March 1, 1999
- April 2, 2001
- May 5, 2003
- May 2, 2005
- December 17, 2007

It appears that the applicant has operated at this location since the previous special exception was granted on December 17, 2007 with no recorded violations. Staff recommends that **A-10-003, 326 Eastley, be approved for a four year period** with hours of operation not to exceed 35 hours.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan

Eastley Dr.

Beauty/Barber Shop  
375 sf.



NCB 12455  
Block 5  
Lot 10

**Board of Adjustment**  
Plot Plan for  
**Case A-10-003**



**Legend**

Scale: 1" approx. = 20'  
Council District 10

**326 Eastley Dr.**

Planning and Development Services Dept  
City of San Antonio  
(11/17/2009 - P. Trinkle)





**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-005**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 7



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-005  
Date: December 7, 2009  
Applicant: Yael Garner  
Owner: Yael Garner  
Location: 307 Globe Avenue  
Legal Description: Lot 315, NCB 11426  
Zoning: "R-5" Residential Single-Family District  
Subject: Front-Yard Fence Height Variance  
Prepared By: Mike Farber, Planner

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#### **Summary**

The applicant requests a 2-foot variance from the requirement that predominantly open front yard fences not exceed 4 feet in height, to keep a 6-foot tall fence in the front yard.

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 19. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 20. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 4, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Project Description**

The applicant is requesting a variance from the front-yard fence height standards to keep an existing predominantly open fence in the front yard, specifically in the front yard along the west side property line. The applicant indicates that the additional fence height is necessary to provide security for the property. The fence in question was built without permits and this case is the result of a citizen complaint. This fence does not qualify for the special exception because it does not meet the required design criteria.

## **Surrounding Zoning/Land Use**

North	R-5	Single-Family Residences
South	R-5	Single-Family Residences
East	R-5	Single-Family Residences
West	R-5	Single-Family Residences

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

The subject property is not located within the boundaries of a Neighborhood or Community Plan or a registered Neighborhood Association.

## **Criteria for Review**

According to Section 482(e) of the Unified Development Code, 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:

*Though the applicant did not obtain the necessary permits in order to erect the fence, it does not appear that the granting of the variance will be contrary to the public interest. The fence does not appear to create a visual obstruction to the neighboring properties.*

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

*It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. The property does not possess any unique characteristics that would necessitate a fence of excessive height.*

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

*It does not appear that the granting of the variance would observe the spirit of the ordinance. The applicant will not be denied the reasonable use of the property without the granting of this variance.*

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 granting of this variance would not authorize a use other than those specifically permitted in the "R-5" 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.

*It does not appear that the granting of this variance would injure the appropriate use of adjacent conforming property. However, the granting of this variance may alter the*

*character of the district in that front yard fences are not a common feature of the surrounding properties.*

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.

*There do not appear to be any unique circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. A denial of the request would not cause a cessation of the residential use for the property owner.*

### **Staff Recommendation**

Staff recommends that **A-10-005, 307 Globe Avenue, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not appear to have any unique characteristics that would create an undue hardship due to literal enforcement of the front yard fence height standards. The applicant specifically cites financial hardship as rationale for not bringing the fence into compliance.

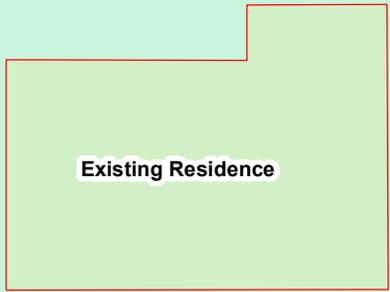
### **Attachments**

Attachment 1 – Location Map

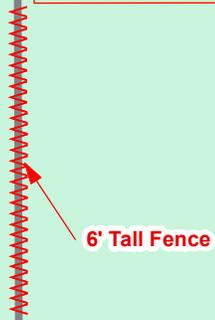
Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan

**NCB 11426  
Block 000  
Lot 315**



**Existing Residence**



**6' Tall Fence**

***Globe Ave.***

**Board of Adjustment**  
Plot Plan for  
**Case A-10-005**

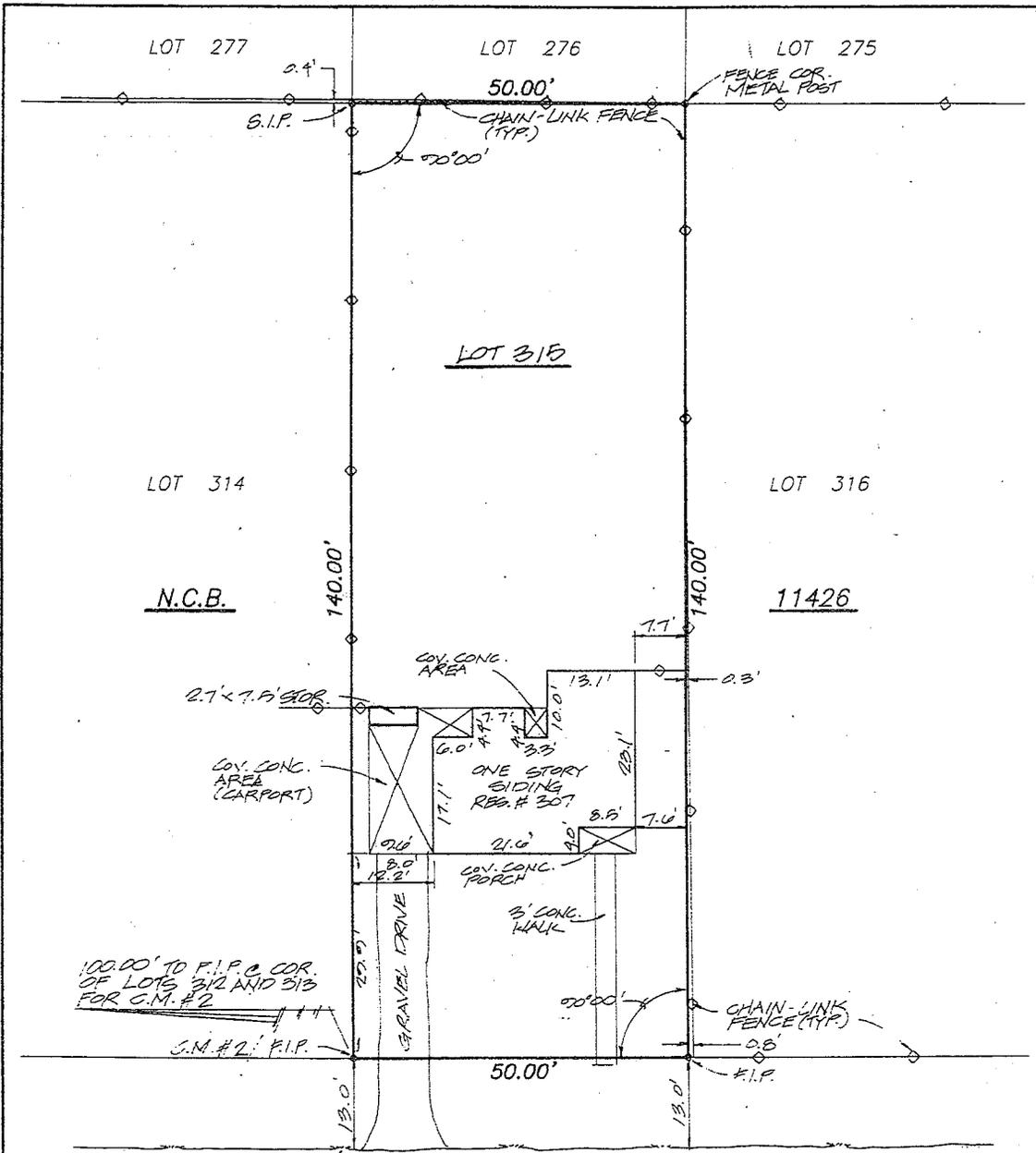


**Legend**

Scale: 1" approx. = 20'  
Council District 7

**307 Globe Ave.**

Planning and Development Services Dept  
City of San Antonio  
(11/17/2009 - P. Trinkle)



LOT NO. 315, BLOCK NO. ---, N.C.B. NO. 11426  
 SUBDIVISION MOUNT VERNON PLACE  
 UNIT ---, VOL. 308, PAGE(S) 76-78  
 STREET ADDRESS 307 GLOBE AVE.  
 CITY SAN ANTONIO, COUNTY, TEXAS, DEXAR  
 SURVEYED FOR LAWYER & TITLE CO. G.F. NO. 340789  
 BUYER(S) FRED GARNER III

**LEGEND**  
 F.I.P. : FOUND 1/2" IRON PIN  
 S.I.P. : SET 1/2" IRON PIN  
 P.I. : POINT OF INTERSECTION  
 P.C. : POINT OF CURVE  
 P.T. : POINT OF TANGENT  
 C.M. : CONTROLLING MONUMENT

STATE OF TEXAS  
 COUNTY OF BEXAR

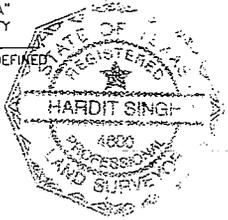
I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE, CORRECT AND AN ACCURATE REPRESENTATION OF THE PROPERTY ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND EXCEPT AS SHOWN ABOVE THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, PROTRUSIONS OR INTRUSIONS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS, OR RIGHT-OF-WAY.

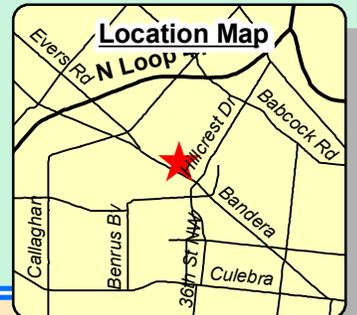
THIS 25<sup>TH</sup> DAY OF JUNE, 1990 A.D.  
Hardit Singh

SURVEY ORDER NO. 7002216-00-02  
 SCALE: 1"=20' DWN BY: J.R. CHK BY: J.T.  
 REV./UPDATE: \_\_\_\_\_

**NOTES:**  
 1. THE SUBJECT PROPERTY IS NOT SITUATED WITHIN ZONE "A" ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 400250020-E EFFECTIVE FEBRUARY 10, 1990, DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.  
 2. BEARING ARE BASED ON THE RECORDED PLAT.

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN:  
 VOL. 308 PG. 212 VOL. \_\_\_\_\_ PG. \_\_\_\_\_  
 VOL. \_\_\_\_\_ PG. \_\_\_\_\_ VOL. \_\_\_\_\_ PG. \_\_\_\_\_  
 VOL. \_\_\_\_\_ PG. \_\_\_\_\_ VOL. \_\_\_\_\_ PG. \_\_\_\_\_





**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-006**



**Legend**

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 100'
- Council District 7



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-006  
Date: December 7, 2009  
Applicant: Steven A. Bangel  
Owner: Steven A. Bangel  
Location: 210 East Broadview Avenue  
Legal Description: Lot 73, Block 31, NCB 11574  
Zoning: "RM-4" Residential Mixed District  
Subject: One Operator Beauty/Barber Shop  
Prepared By: Mike Farber, Planner

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#### **Summary**

The applicant is requesting a special exception to allow a one-operator beauty or barber shop.

#### **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 19. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 20. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 4, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Surrounding Zoning/Land Use**

North	RM-4	Residential Mixed District; condominiums
South	C-2	Commercial District; Apartments
East	C-2	Commercial District; Apartments
West	C-2	Commercial District; Vacant

## **Project Description**

The applicant is requesting this special exception to operate a one operator barber or beauty shop. This is the first application for this special exception and may be approved for a two year period only.

The applicant has proposed hours of operation to be 10:00am to 6:00pm, Tuesday through Saturday. Weekly proposed hours of operation total 40 hours.

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

The subject property is located within the boundaries of the Near Northwest Community Plan. The property is also located within the boundaries of the Inspiration Hills Neighborhood Association. As of November 30, staff has not received a reply from the Inspiration Hills Neighborhood Association.

## **Criteria for Review**

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

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

*The requested special exception is in harmony with the spirit and purpose of this chapter in that the existing one-operator beauty/barbershop follows the specified criteria established in Section 35-399.01 of the Unified Development Code.*

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

*The requested special exception will further serve the public welfare in that this beauty/barbershop will operate within the parameters set forth by Section 35-399.01 and serve a public convenience within a residential area.*

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

*The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain single-family residential.*

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:

*It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that the existing beauty/barbershop will remain confined to 25% or less of the gross floor area of the primary residence.*

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

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

### **Staff Recommendation**

The applicant has indicated he will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this special exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. Staff recommends that **A-10-006, 210 E. Broadview, be approved for a two year period** with hours of operation not to exceed 40 hours. A 4-year period of operation is not allowable at this time due to the provisions set forth in UDC 35-399.01(i).

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Submitted Site Plan

**E. Broadview Dr.**

**NCB 11574  
Block 31  
Lot 73**

**Existing Residence**

**Beauty/Barber  
Shop  
8'-6" x 8'-6"  
72.25 sf**

**Board of Adjustment**  
Plot Plan for  
**Case A-10-006**



**Legend**

Scale: 1" approx. = 20'  
Council District 7

**210 E Broadview Dr.**

Planning and Development Services Dept  
City of San Antonio  
(11/17/2009 - P. Trinkle)

# PLOT PLAN

FOR  
BLDG PERMITS

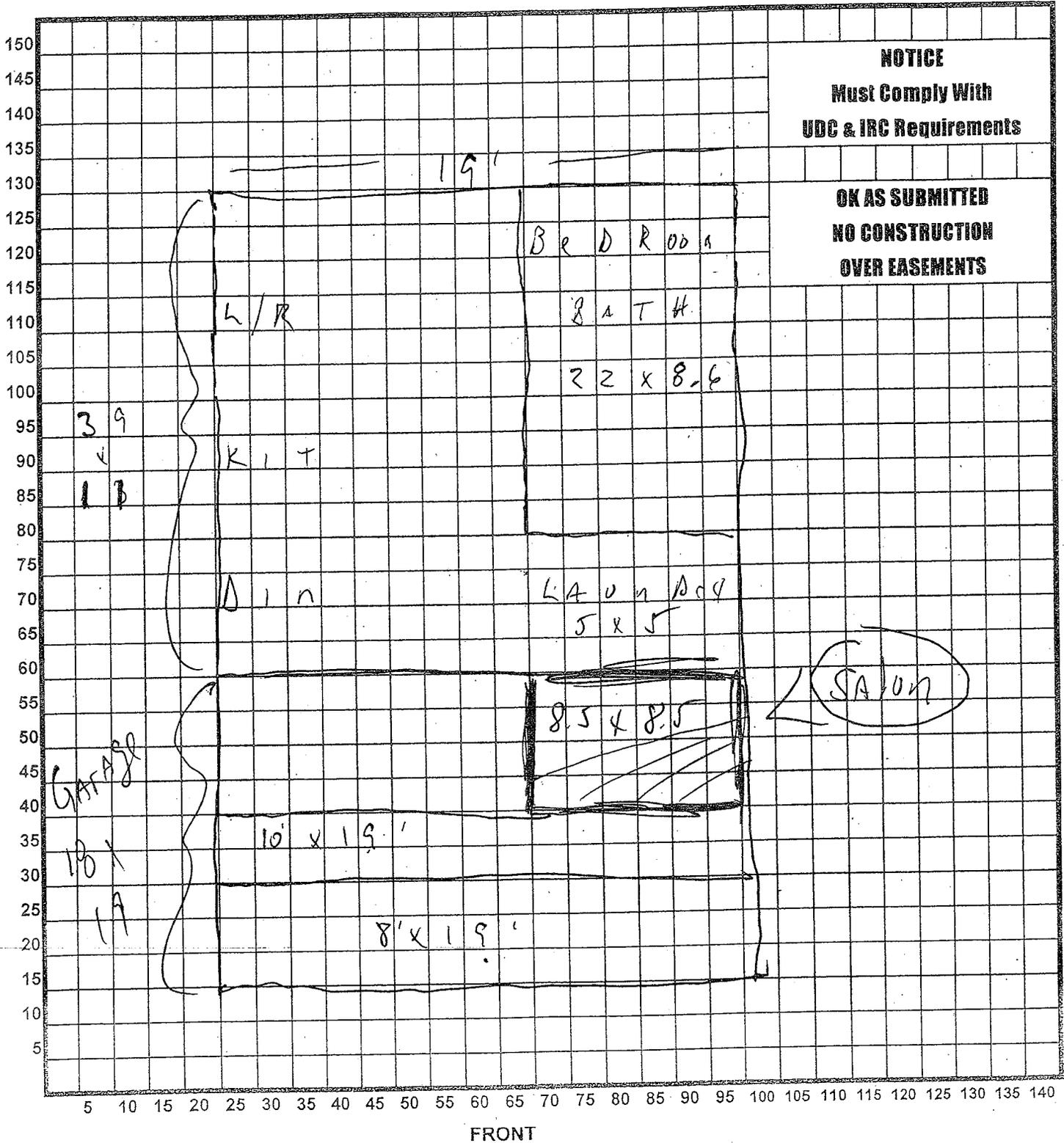
Address 210 E. Broadview

Lot 73

Block 31

NCB \_\_\_\_\_

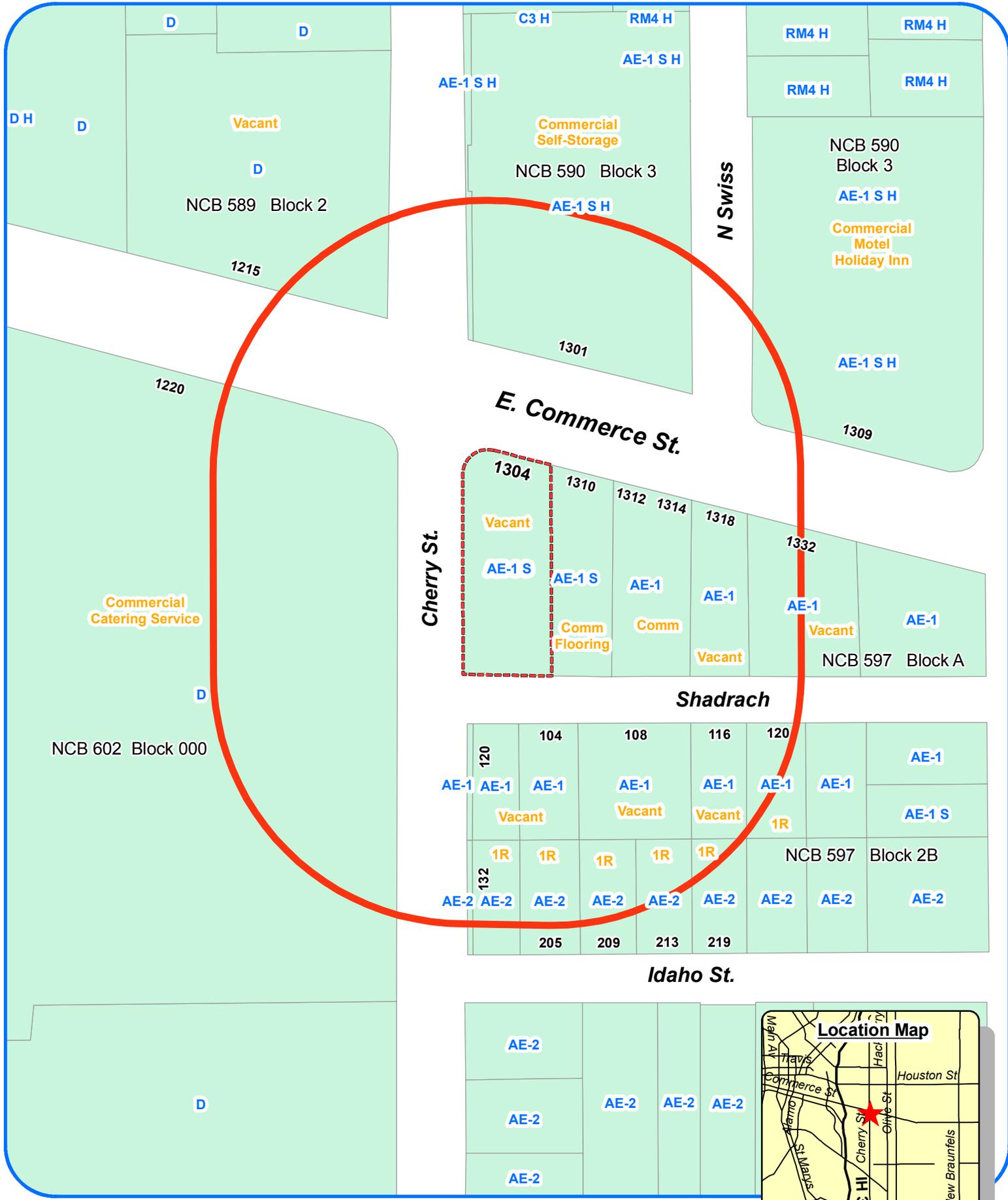
REAR



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

Nov 6 09  
Date

[Signature]  
Signature of Applicant



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-007**



**Legend**

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 100'
- Council District 2



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# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-007  
Date: December 7, 2009  
Applicant: Robert Watts  
Owner: KMK Hotel, LLC  
Location: 1304 East Commerce Street  
Legal Description: Lot 1 and the west 22 feet of Lot 2 (also known as Arbitrary Lot A-10), Block A, NCB 597, save and except 0.0034 of an acre out of Lot 1, Block A, NCB 597 (Per deed volume 11825, page 2485)  
Zoning: "AE-1 S" Arts and Entertainment District with a Specific Use Authorization for a Hotel  
Subject: First Floor Street Frontage Glass Area Variance  
Prepared By: Jacob Floyd, Planner

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#### **Summary**

The applicant is requesting a variance from the requirement that at least 50% of the total area of the first floor street frontage consist of non-reflective glass, in order to allow a structure with 10.69% of said area to be non-reflective glass.

#### **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 19. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 20. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 4, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Surrounding Zoning/Land Use**

North	AE-1 S H	Commercial
South	AE-1	Vacant, Single Family Residential
East	AE-1	Commercial
West	D	Commercial

## **Project Description**

The Arts and Entertainment Districts were approved by City Council on December 4, 2008 for the large portion of the city's east side along the major corridors. The subject property, being along the Houston Street corridor, was rezoned by the applicant to allow a hotel use as part of a request for a Specific Use Authorization (SUA). Said SUA became effective, pursuant to City Council approval, on November 15, 2009.

The purpose of the AE-1 district is to accommodate arts and entertainment venues and supporting uses in a higher density, pedestrian-oriented environment. This district supports infill development and the redevelopment of parcels along an existing arterial where lot and building vacancies are prevalent, but where nearby arts and entertainment venues bring people to the general area. The primary goal of this district is to create a mixed-use environment where arts and entertainment venues, commercial, residential and office uses harmoniously co-exist. The focus of design should be on the streetscape, with buildings located close to the front property line to form a street wall and street side public and private spaces adorned with pedestrian amenities. *The window coverage requirement of the "AE-1" district is meant to enhance the streetscape experience and create a pedestrian-oriented environment featuring "permeable" building fronts that encourage interaction between the building interior and sidewalk.*

The applicant is requesting this variance in order to be permitted a lower total area of non-reflective glass on the first floor street frontage than is required. The applicant states that glass coverage for a hotel is a security, life safety, privacy and liability issue. If approved, the proposed building would have approximately 112 square feet of non-reflective glass on the first floor street frontage, which is a total area of 1,048 square feet. An area of this size requires a non-reflective glass area of 524 square feet.

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

The subject property is within the boundaries of the Downtown Neighborhood Plan. The property is located within the boundaries of the Downtown Residents Association. As of November 30, 2009, staff has not received a reply from the residents association.

## **Criteria for Review**

According to Section 482(e) of the Unified Development Code, 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:

*It appears that the granting of this variance would be contrary to the public interest because City Council created the Arts and Entertainment Districts with the intent of creating pedestrian-friendly, aesthetically pleasing urban corridors. The eventual goal is to improve the quality of development along this portion of Houston Street, with few bare walls along the walkways.*

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

*It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. The physical character of the subject property does not present any special challenge to the provision of windows along the street frontage of the first floor.*

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

*It does not appear that the granting of the variance will observe the spirit of the ordinance nor will substantial justice be done through the granting of the variance. The reasonable use of this property will not be denied without the granting of the requested variance.*

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 granting of the variance will not authorize the operation of a use other than those uses specifically authorized for this parcel.*

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.

*It does not appear that the granting of the variance will injure the appropriate use of adjacent conforming property, nor would it alter the essential character of the district.*

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.

*There do not appear to be any unique circumstances existing on the property that would result in undue hardship through the literal enforcement of the ordinance. The requirement that 50% of the first floor street frontage consist of non-reflective glass is shared by the AE-1 district as a whole and does not uniquely affect the subject property. Additionally, the applicant has not provided to staff any data to support the assertion that the required window coverage on the first floor would create an unnecessary hardship.*

### **Staff Recommendation**

Staff recommends that **A-10-007, 1304 East Commerce Street, be denied** because the findings of fact have not been satisfied as presented above. Alternatively, staff recommends **approval** of a 12% variance to allow 38% of the first floor street frontage to consist of non-reflective glass. This amounts to an area of 398.24 square feet consisting of non-reflective glass, out of a total area of 1,048 square feet. Staff believes that this

alternative reasonably meets the intent of the Arts and Entertainment District design standards, while still providing a reasonable level of relief to the applicant.

**Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Drawings

**Cherry St.**

**E. Commerce St.**

Front of Building Face 1

Front of Building Face 2

Proposed Building

Proposed Parking

Proposed Parking

Lot 1 and the west 22 feet of Lot 2  
(also known as Arbitrary Lot A-10),  
Block A, NCB 597, save and except 0.0034 of an acre out of Lot 1, Block A,  
NCB 597 (Per deed volume 11825, page 2485)

**Board of Adjustment**  
Plot Plan for  
**Case A-10-007**



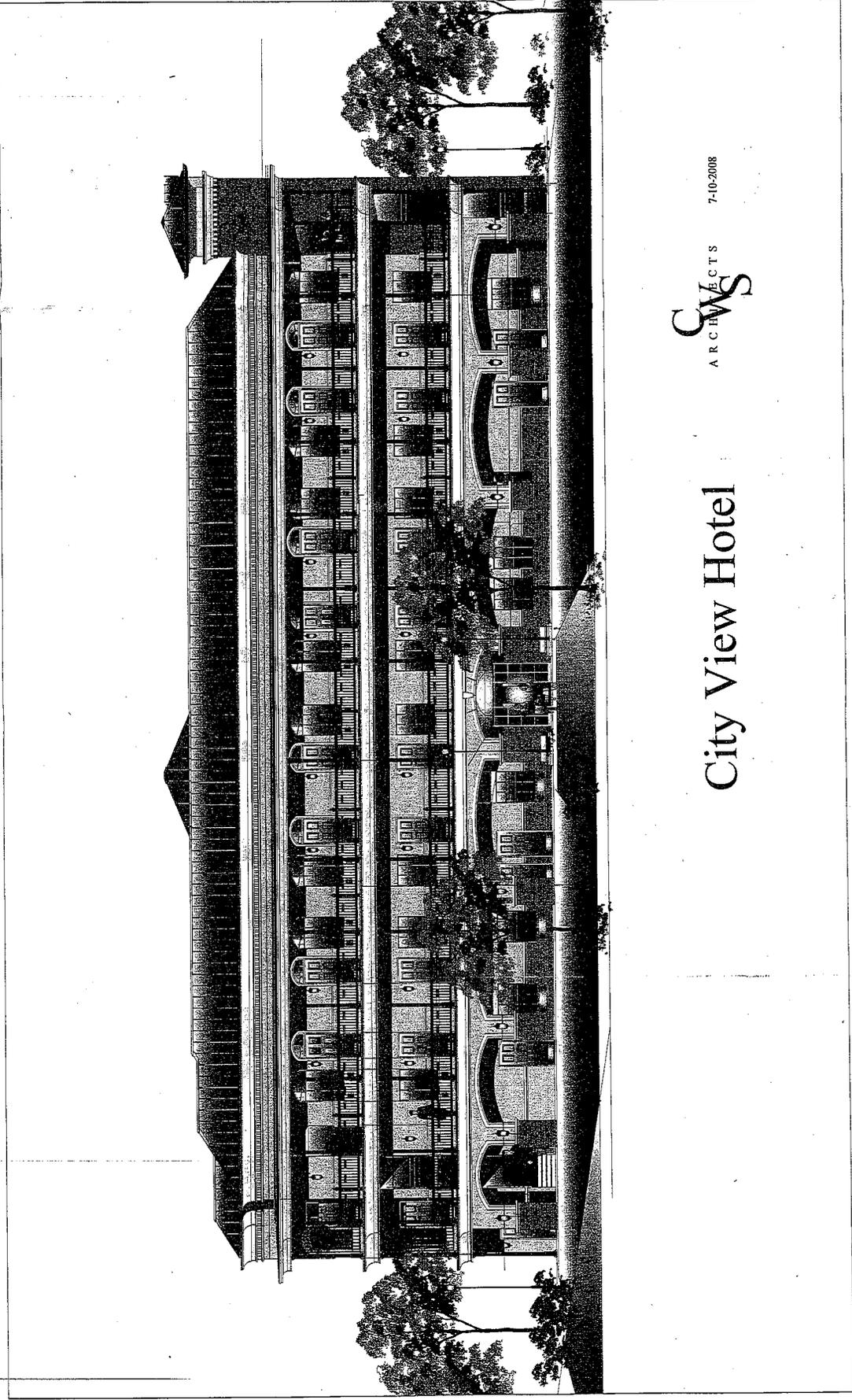
Legend

Scale: 1" approx. = 20'  
Council District 2

**1304 Commerce St.**

Planning and Development Services Dept  
City of San Antonio  
(11/10/2009 - P. Trinkle)

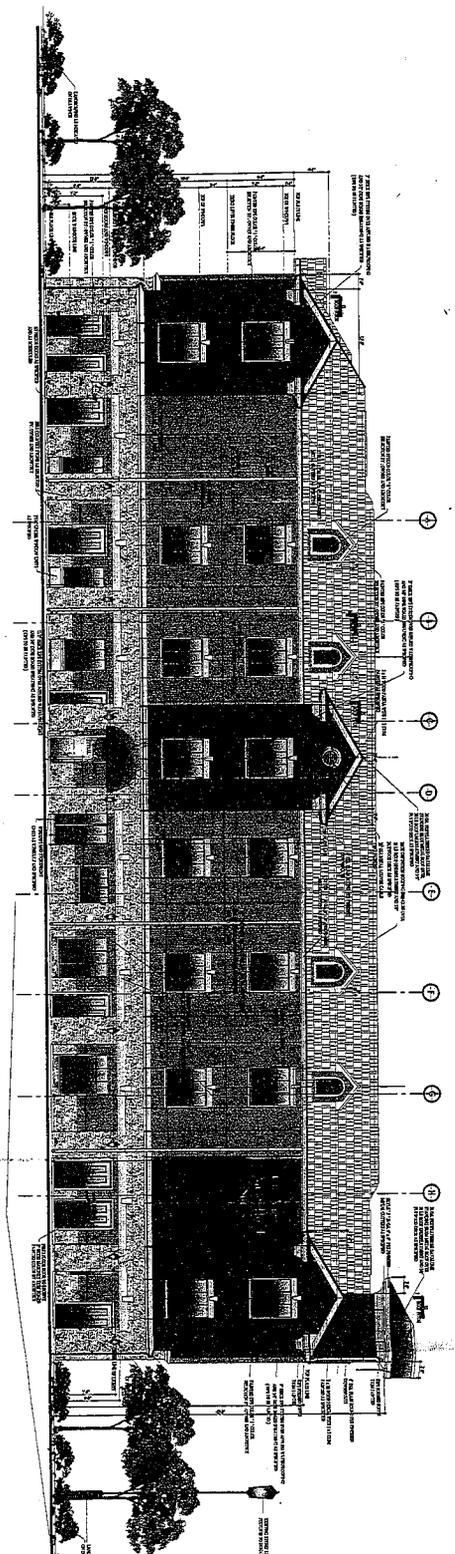




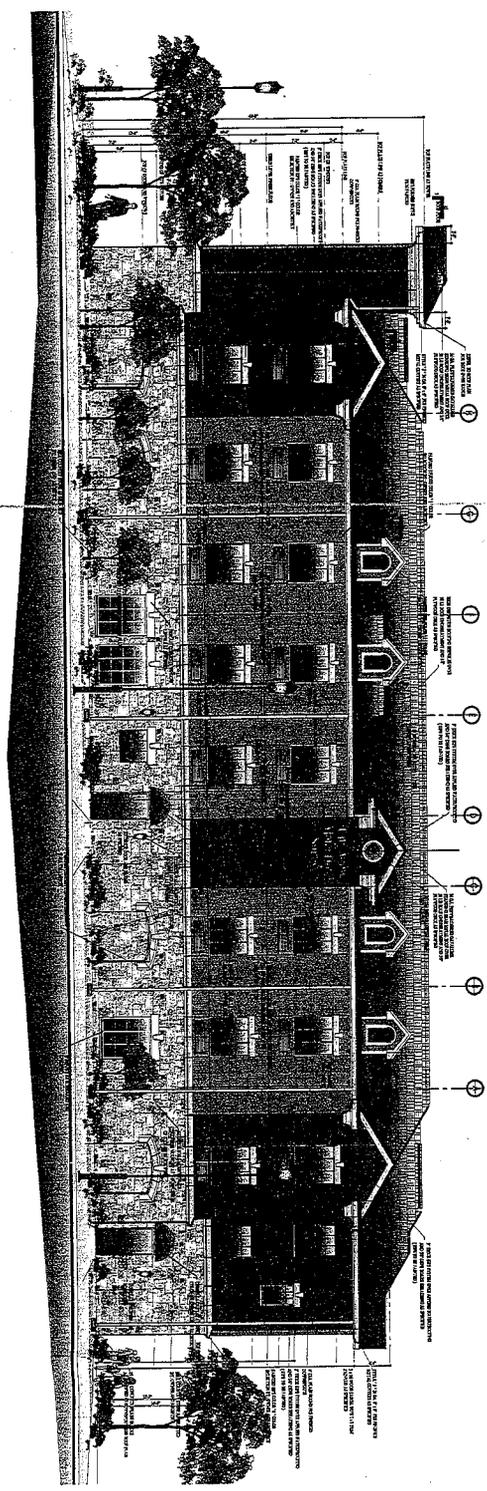
# City View Hotel

ARCHITECTS  
**SW**

7-10-2008



808 EAST EXTERIOR BUILDING ELEVATION  
SCALE: 3/8" = 1'-0"



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

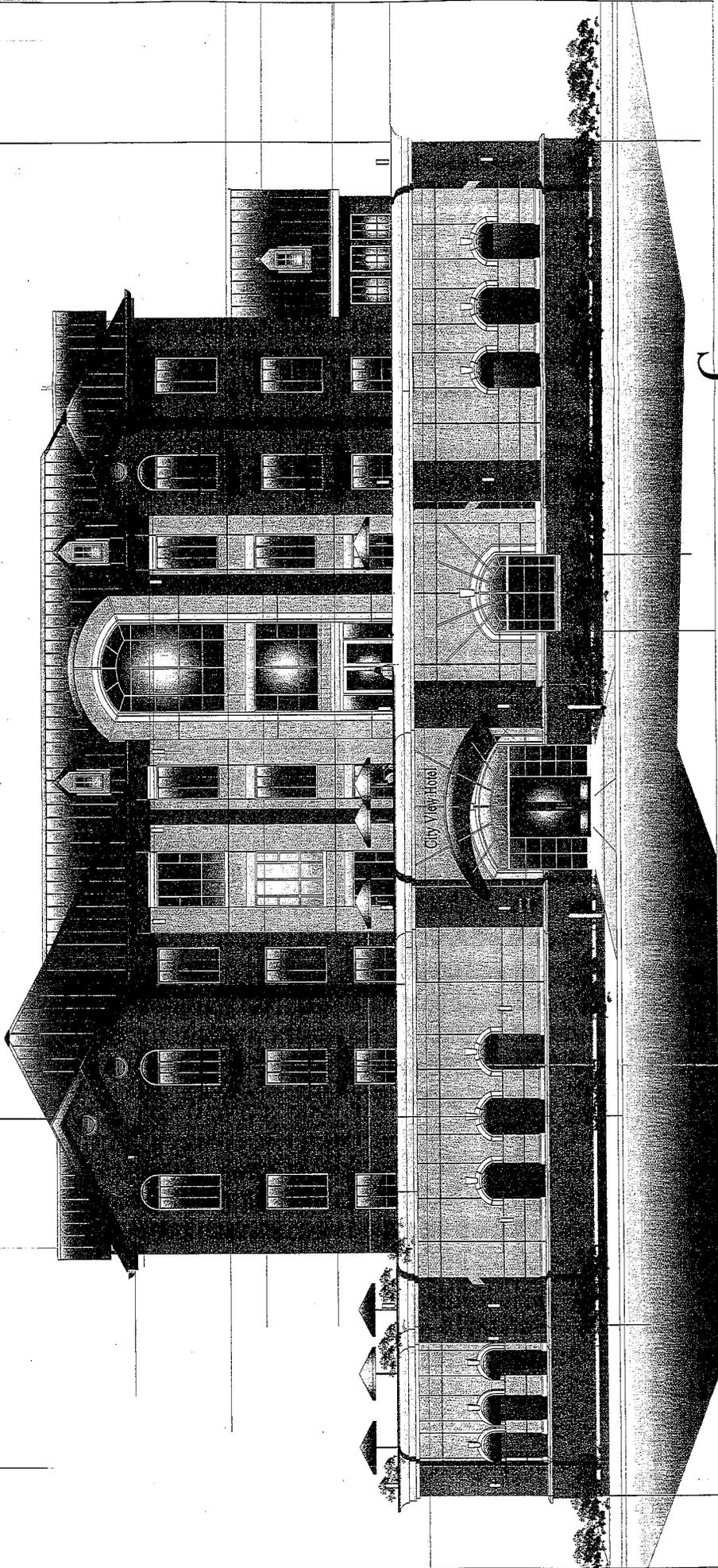


2015 THE ARCHITECTS  
11111  
SAN ANTONIO, TEXAS 78205  
TEL: 210.224.1415 FAX: 210.224.1414

Project: CITY VIEW MOTEL HOTEL SUITES  
1304 COMMERCE STREET SAN ANTONIO, TEXAS 78205

DATE: 05/20/09  
SHEET NO.

A-8

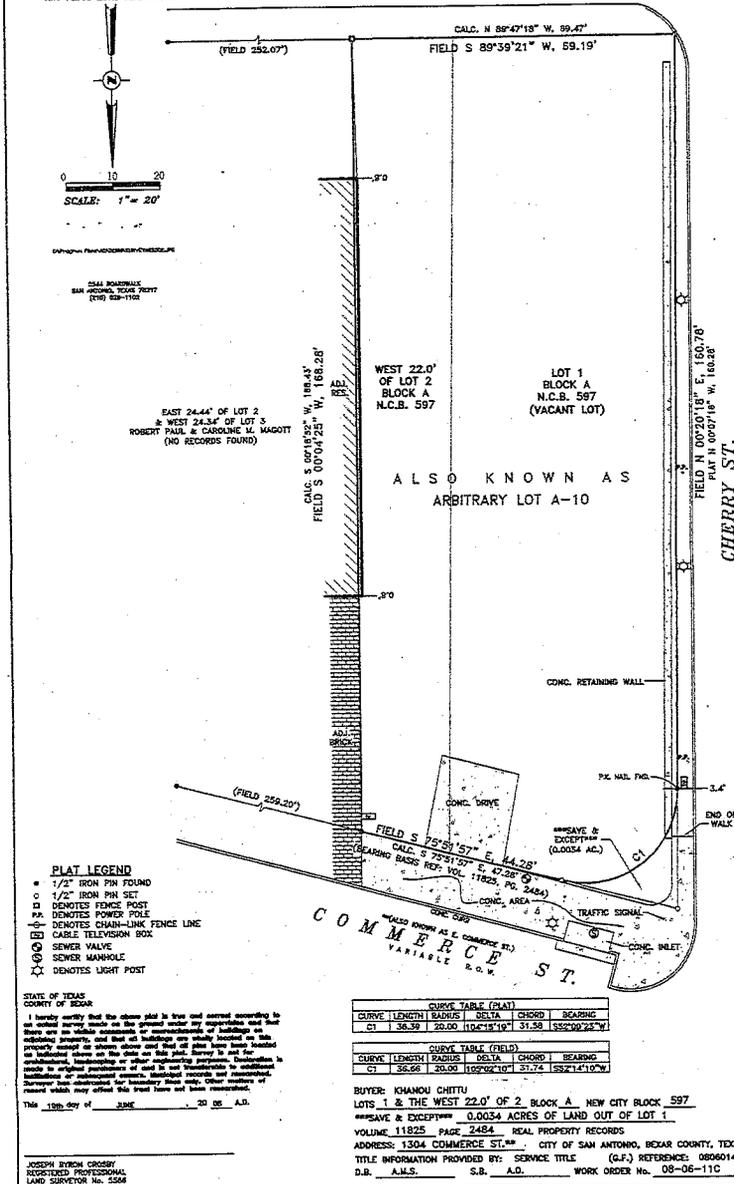


# City View Hotel

ARCHITECTS  
**GW**  
6-01-2008

SURVEY ASSOCIATES DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

SHADRACH ST.



NOTE:  
30' DRAINAGE EASEMENT CENTERED ON ALL NATURAL DRAINAGE CHANNELS, CREEKS, OR SWALES AS NOTED ON RECORDED SUBDIVISION PLAT.  
40' X 20' FLOATING CUY WIRE EASEMENT AS NOTED ON RECORDED SUBDIVISION PLAT.

NOTE:  
O.V.E.C. WILL MAINTAIN A 5' EASEMENT FOR SERVICE ENTRANCE TO DWELLING. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING.

- SSL \_\_\_\_\_
- CSMT \_\_\_\_\_
- HOUSE \_\_\_\_\_
- BOUNDARY \_\_\_\_\_
- ADJOINER \_\_\_\_\_
- CONCRETE \_\_\_\_\_
- TEXT \_\_\_\_\_

CONC. WALK  
CONC.

- ▲ DENOTES HWY. R.O.W. MONUMENT
- DENOTES OVER HEAD ELECTRIC LINE
- MP DENOTES METER POLE
- DENOTES CUY WIRE
- ☐ DENOTES ELEC. TRANSFORMER BOX
- x— DENOTES BARS WIRE FENCE LINE
- w— DENOTES WOOD FENCE LINE
- f— DENOTES FIELD WIRE FENCE LINE
- s— DENOTES STEEL FENCE LINE
- ☐ DENOTES AIR CONDITION UNIT
- DENOTES TELEPHONE RISER
- ☐ DENOTES FIRE HYDRANT

NOTE: ALL BEARINGS AND DISTANCES CORRESPOND TO RECORDED PLAT BEARINGS AND DISTANCES OF

- PLAT LEGEND**
- 1/2" IRON PIN FOUND
  - 1/2" IRON PIN SET
  - DENOTES FENCE POST
  - MP DENOTES METER POLE
  - DENOTES CHAIN-LINK FENCE LINE
  - ☐ DENOTES CABLE TELEVISION BOX
  - DENOTES SEWER VALVE
  - DENOTES SEWER MANHOLE
  - DENOTES LIGHT POST

STATE OF TEXAS  
COUNTY OF BEXAR

I hereby certify that the above plat is true and correct according to an original survey made on the ground under my supervision and that there are no other claims or encumbrances of building or adjoining property, and that all buildings are actually located on the property except as shown above and that all other lines have been located on individual lots on the date of this plat. Survey is not for subdivision, leasehold or other encumbrances. Description is made in original partition of land is not transmittable to additional individuals or subsequent owners. Unrecorded records and encumbrances thereon has abstracted for boundary lines only. Other matters of record which may affect this land have not been recorded.

This 10th day of June, 2008 A.D.

JOSEPH BYRON CROSSBY  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 5568

CURVE TABLE (PLAT)			
CURVE LENGTH	BAIRES	DELTA	CHORD BEARING
C1	36.39	20.00	102°13'19"
C2	31.58	332°00'23"	

CURVE TABLE (FIELD)			
CURVE LENGTH	BAIRES	DELTA	CHORD BEARING
C1	36.66	20.00	102°02'10"
C2	31.74	332°14'10"	

BUYER: KHANOU CHITTU  
LOTS 1 & THE WEST 22.0' OF 2, BLOCK A, NEW CITY BLOCK 597  
\*\*\*SAVE & EXCEPT\*\*\* 0.0034 ACRES OF LAND OUT OF LOT 1  
VOLUME 11825 PAGE 2484 REAL PROPERTY RECORDS  
ADDRESS: 1304 COMMERCE ST., CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS  
TITLE INFORMATION PROVIDED BY: SERVICE TITLE (L.S.) REFERENCE: 0806014  
D.B. A.L.S. S.B. A.D. WORK ORDER No. 08-06-11C

- U.G. POOL
- U.G. POOL
- CONC.
- WOOD DECK
- CONC. RETAINING WALL
- PK. WALK
- TRAFFIC SIGNAL
- CONC. INLET
- END OF WALK

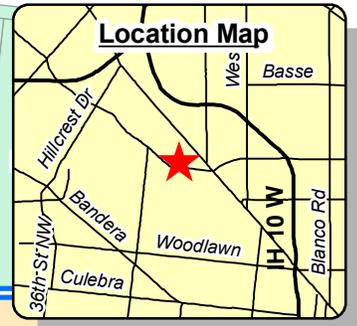
- 5' TELEPHONE EASEMENT
- 5' DRAINAGE EASEMENT
- 20' BLDR. SETBACK LINE
- 12' ELEC., TEL., GAS., & CATV. EASEMENT
- 15' SIDE SETBACK LINE
- 15' EASEMENT FOR INSTALL./MAINT. OF UTILITY/DRAIN FACILITIES
- 12" ELEC. SW BELL TEL. CO. & UTILITY EASEMENT
- LOT #
- 1st
- 2nd
- 3rd
- N 0°00'00" W, 00.00'

BORROWER(S) ORIGINAL

- \*RESTRICTIVE COVENANTS:
- VOLUME - PAGE -
- RECORDS

Beckwith  
This reproduces survey  
drawing dated





**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-008**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 120'
- Council District 1

Planning and Development Services Dept  
 City of San Antonio  
 (11/09/2009 - P. Trinkle)



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-008  
Date: December 7, 2009  
Applicant: Anna Gonzales  
Owner: Anna Gonzales  
Location: 4603 Loma Linda Drive  
Legal Description: Lot 26, NCB 11574  
Zoning: "R-4" Residential Single-Family District  
Subject: Front-Yard Fence Height Variance  
Prepared By: Mike Farber, Planner

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#### **Summary**

The applicant requests a 2-foot variance from the requirement that predominantly open front yard fences not exceed 4 feet in height, to erect a 6-foot tall fence in the front yard.

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 19. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 20. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 4, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Project Description**

The applicant is requesting a variance from the front-yard fence height standards in order to erect an open fence in the front yard which would exceed the allowable height of 4 feet. The applicant indicates that the additional fence height is necessary to provide security for the property and the surrounding neighborhood. This fence does not qualify for the special exception because it does not meet the required design criteria.

## **Surrounding Zoning/Land Use**

North	R-4	Single-Family Residences
South	R-4	Single-Family Residences
East	R-4	Single-Family Residences
West	R-4	Single-Family Residences

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

The subject property is located within the boundaries of the Near Northwest Neighborhood Plan. Additionally, the property is located within the boundaries of the Laddie Place/North Wilson Neighborhood Association, which is listed as an inactive neighborhood association on the city's neighborhood association listing. As of November 30, staff has received no response from the neighborhood association.

## **Criteria for Review**

According to Section 482(e) of the Unified Development Code, 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:

*Though the applicant did not obtain the necessary permits in order to erect the fence, it does not appear that the granting of the variance will be contrary to the public interest. The fence does not appear to create a visual obstruction to the neighboring properties.*

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

*It appears that the literal enforcement of the ordinance may result in unnecessary hardship. The unusual size of the subject property, measuring over an acre, may be considered a special condition that requires a fence exceeding 4 feet in height, in order to provide adequate security.*

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

*It appears that the granting of the variance would observe the spirit of the ordinance as the intent of Section 514 is to allow for fences exceeding 4 feet in height for properties exceeding 20,000 square feet in size provided that they are zoned R-20 or RE (both zoning districts for large-lot developments).*

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 granting of this variance would not authorize a use other than those specifically permitted in "R-4" 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.

*It does not appear that the granting of this variance would injure the appropriate use of adjacent conforming property.*

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

*The size of the lot appears to present a unique circumstance where literal enforcement of the ordinance would create an undue hardship.*

### **Staff Recommendation**

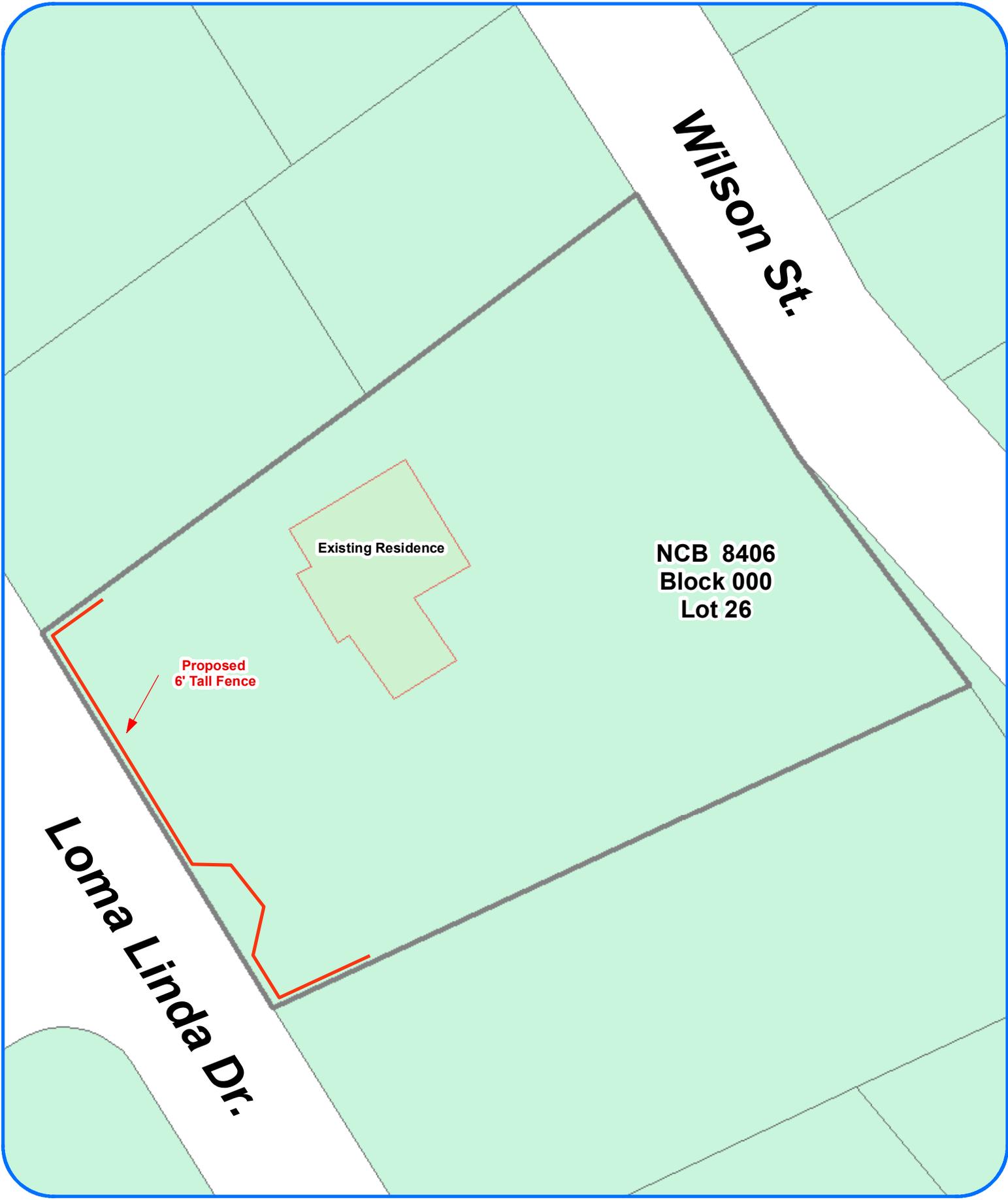
Staff recommends that **A-10-008, 4603 Loma Linda Drive be approved** because the findings of fact have been satisfied as presented above. The subject property was zoned “B” upon annexation, and was subsequently converted to the current R-4 zoning district as a result of the adoption of the current UDC. The lot measures just over one acre, thereby making it eligible for “RE” Residential Estate zoning. Were this property to be rezoned to “RE”, the 6-foot tall front yard fence for which the applicant is requesting a variance would be allowed by-right. Therefore, staff believes that the granting of this variance would be consistent with the intent of the code, as the lot itself shares all of the physical characteristics of an “RE” zoned property, despite being zoned “R-4”.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Submitted Site Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-10-008**



**Legend**

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

**4603 Loma Linda Dr.**

Planning and Development Services Dept  
City of San Antonio  
(11/10/2009 - P. Trinkle)

# LAYOUT

