

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, February 28, 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), 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. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-016:** The request of Wereldhave USA – San Antonio, L.P., for a variance from the requirements of Chapter 35, section 35-339.04 “Military Lighting Overlay Districts”, subsection (b)(6) “Commercial Lighting”, that lighting fixtures installed on any commercial property and which include or exceed 2 foot-candles shall be fitted to render them full cutoff, 17101 La Cantera Parkway. (Council District 8)
5. **A-11-020:** The request of Jerry Arredondo, for a 1-foot 11-inch variance from the requirement that accessory detached dwelling units be setback a minimum of 5 feet from the side property line, in order to keep an existing accessory detached dwelling unit 3 feet 1 inch from the west side lot line, 723 West Cypress Street (Council District 1)
6. **A-11-021:** The request of Thomas Flores, for a 404-foot 6-inch variance from the “R-6” district requirement of a maximum 150-foot lot width, in order to allow a lot with a width of 554 feet 6 inches, 9758 Bobbie Allen Way (Proposed 3231 Shane Road). (Council District 3)
7. **A-11-022:** The request of Rachel A. Sanchez, for an 80-foot variance from the requirement that freestanding signs along Arterial Type A streets maintain a minimum spacing of 150 linear feet, in order to allow a freestanding sign to be located 70 feet from an existing sign, 7913 Bandera Road. (Council District 7)
8. Consideration of **Sign Master Plan No. 11-003**, The Rim – Revised SMP, located at 17401 La Cantera.
9. Approval of the minutes – February 7, 2011.
10. Adjournment.

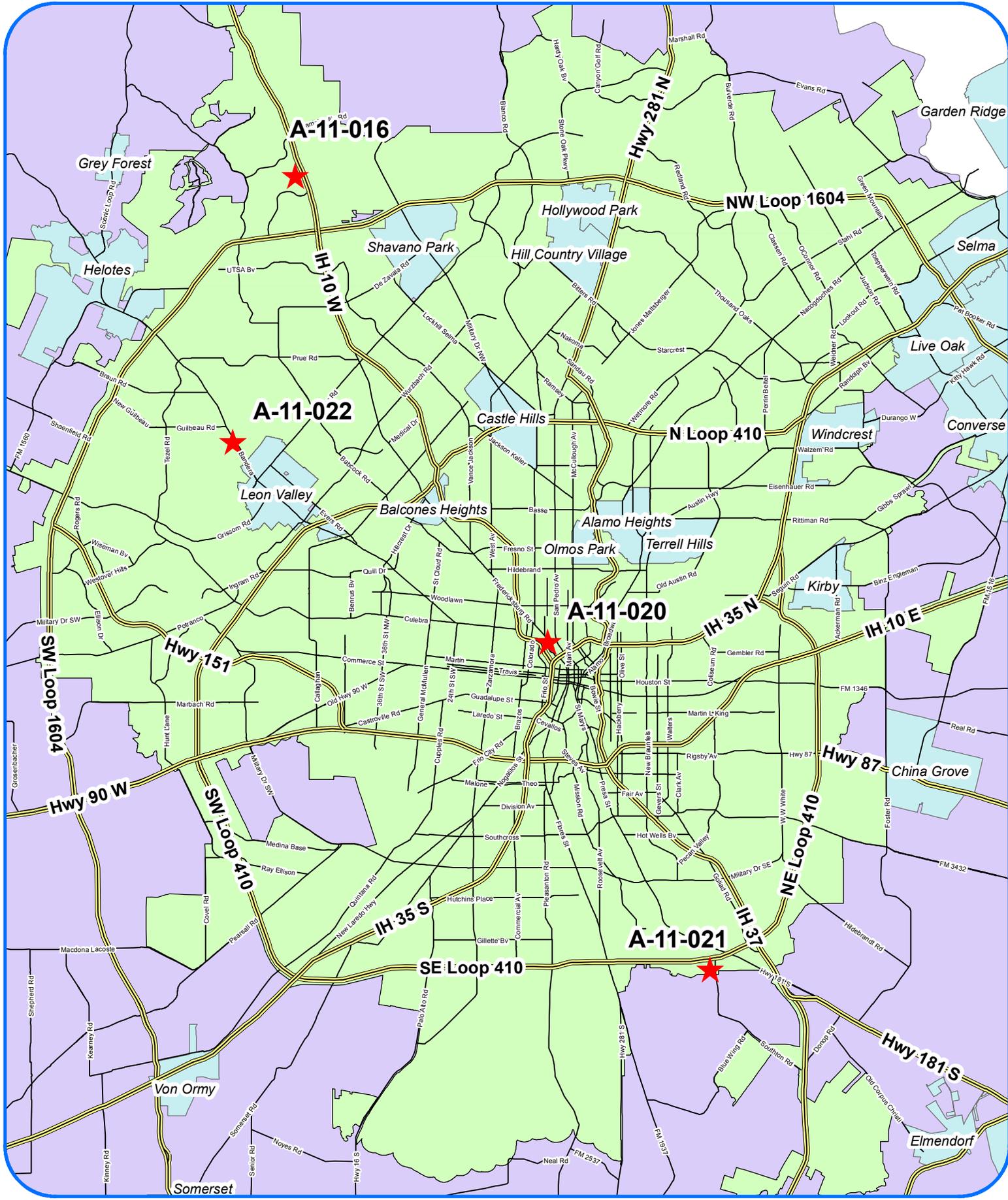
ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

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 February 28, 2011





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-11-016
Date: February 28, 2011
Applicant: Wereldhave USA – San Antonio, L.P.
Owner: Wereldhave USA – San Antonio, L.P.
Location: 17101 La Cantera Parkway
Legal Description: Lot 1, Block 4, NCB 18411
Zoning: “MPCD GC-1 AHOD MLOD-1 MSAO-1 ERZD” Master Planned Community District Hill Country Gateway Corridor Airport Hazard Overlay Camp Bullis Military Lighting Overlay Camp Bullis Sound Attenuation Overlay Edwards Recharge Zone District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a variance from the requirements of Chapter 35, section 35-339.04 “Military Lighting Overlay Districts”, subsection (b)(6) “Commercial Lighting”, that lighting fixtures installed on any commercial property and which include or exceed 2 foot-candles shall be fitted to render them full cutoff. The variance is requested specifically to allow six lighting fixtures to upwardly illuminate three flag poles and the flags flying atop them.

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 December 23. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23. Additionally, notice of this meeting was posted at city hall and on the city’s internet website on January 7, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The applicant is requesting the variance in order to install light fixtures that are in literal conflict with the requirements of the Military Lighting Overlay District that lighting fixtures on commercial properties not emit light above 90 degrees at any lateral angle around the fixture. The applicant proposes to install six individual light fixtures designed to emit light above 90 degrees, for the purpose of illuminating flags on three flag poles from below. The proposed fixtures will be recessed into the ground and shielded by a lens casing and a honeycomb design louver to minimize “stray” light.

The applicant indicates that the literal enforcement of the ordinance results in unnecessary hardship as the property owner is prohibited from illuminating flags flown during nighttime hours, specifically citing the flag of the United States of America. According to the applicant, the variance will serve the public interest by allowing the display of the flag of the United States of America during the nighttime hours, promoting patriotism and creating an aesthetically pleasing entrance to the subject property. Additionally, the applicant states that the unique circumstances from which their plight due is that of proximity to Camp Bullis and the prohibition of the overlay against upward lighting, which is the only way in which to illuminate a flag.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
MPCD (Master Planned Community District)	Various Uses (Under Construction)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	O-2 (Office District)	Vacant
South	ED (Entertainment District)	Vacant
East	MPCD (Master Planned Community District)	Commercial
West	MPCD (Master Planned Community District), R-6 (Single-Family Residential District)	Vacant, Single-Family Residences

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is not within a registered neighborhood association, although the Crownridge of Texas Home Owners Association is located within 200 feet.

Criteria for Review

According to Section 35-482(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:

City Council adopted the MLOD recognizing that it is in the interest of the public to curb unnecessary light pollution that interferes with nighttime military exercises and to minimize or reduce the obtrusive aspects of lighting such as glare and skyglow. The requested variance is in conflict with the public interest as it does not respect the stated purposes of the MLOD regulations to reduce glare and potential distractions to nighttime training activities and to ensure responsible development that balances the needs of the military and the City of San Antonio, with those of property owners.

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

The literal enforcement of the ordinance would not result in unnecessary hardship as the primary application of the proposed light fixtures is to achieve a desired aesthetic effect by illuminating flags during nighttime hours. The reasonable use of the property will not be denied through the literal enforcement of the lighting restrictions as there are no special conditions derived from the property itself which prevent the planned development. The provision of flags is not essential to the use of the property.

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

The variance will be in conflict with the spirit of the ordinance as it will not further the purpose of the MLOD to reduce glare and potential distractions to nighttime training activities. The granting of the variance will do substantial injustice to the intent of the regulation, as well as to the properties to which the regulation applies, as the variance will grant the applicant a privilege not enjoyed by other property owners similarly situated. It is not in the spirit of the ordinance to grant variances in cases where the ability to reasonably use the property is not obstructed by the literal enforcement of the regulations, such as when the primary outcome of a variance is aesthetic in nature.

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 variance will not authorize the operation of a land use not specifically authorized for this Master Planned Community 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 variance will not substantially injure the appropriate use of the adjacent Camp Bullis property as the potential for glare and skyglow is minor and may not be detrimental to the nighttime training capability required to ensure the long term viability of Camp Bullis.

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

The plight of the owner is due to circumstances of their own creation and results directly from the regulations of the MLOD itself rather than a unique physical or topographic condition interfering with the uniform application of the MLOD regulations. The fulfillment of aesthetic ambitions is insufficient cause to vary from the literal enforcement of the lighting restrictions.

Staff Recommendation

Staff recommends **denial of A-11-016**. The application has not satisfied the required approval criteria as presented above. The subject property is not burdened by unique conditions that result in unnecessary hardship through the literal enforcement of the requirements of the MLOD. The requested variance will not provide substantial justice, as no injustice is done through the equal application of these requirements to the subject property and other properties similarly situated within this district. Additionally, the variance is requested to create an “aesthetically pleasing entrance to the subject property” rather than to gain relief from a burdensome regulation that otherwise would effectively prevent the development of the property to be reasonably utilized in the manner for which it is zoned.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

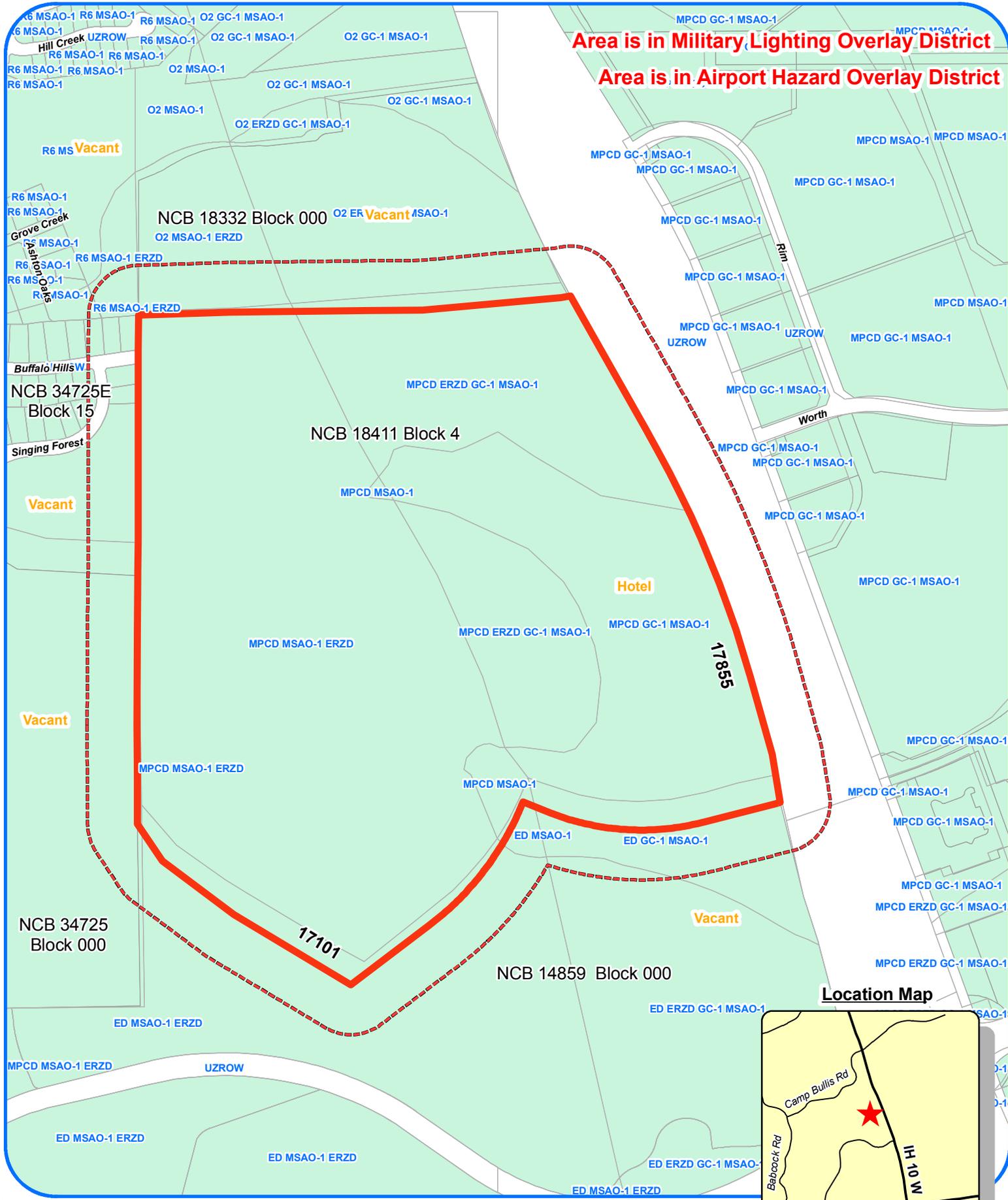
Attachment 3 – Site Plan

Attachment 4 – Site Plan Detail of Fixture Location

Attachment 5 – Lighting Fixture Specifications

Area is in Military Lighting Overlay District

Area is in Airport Hazard Overlay District



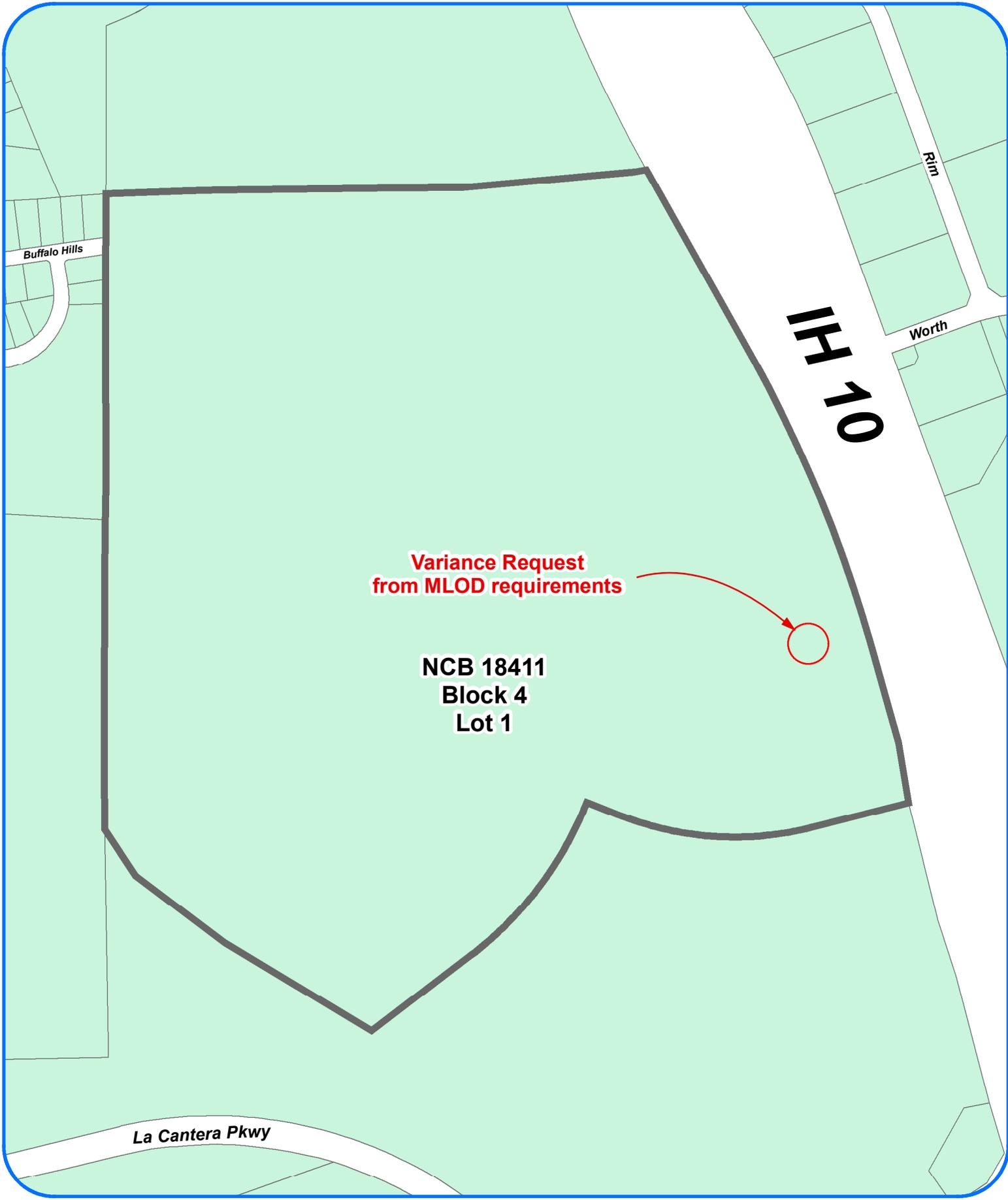
Board of Adjustment
Notification Plan for
Case A-11-016



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 500'
- Council District 8

Planning and Development Services Dept
 City of San Antonio
 (12/16/2010)



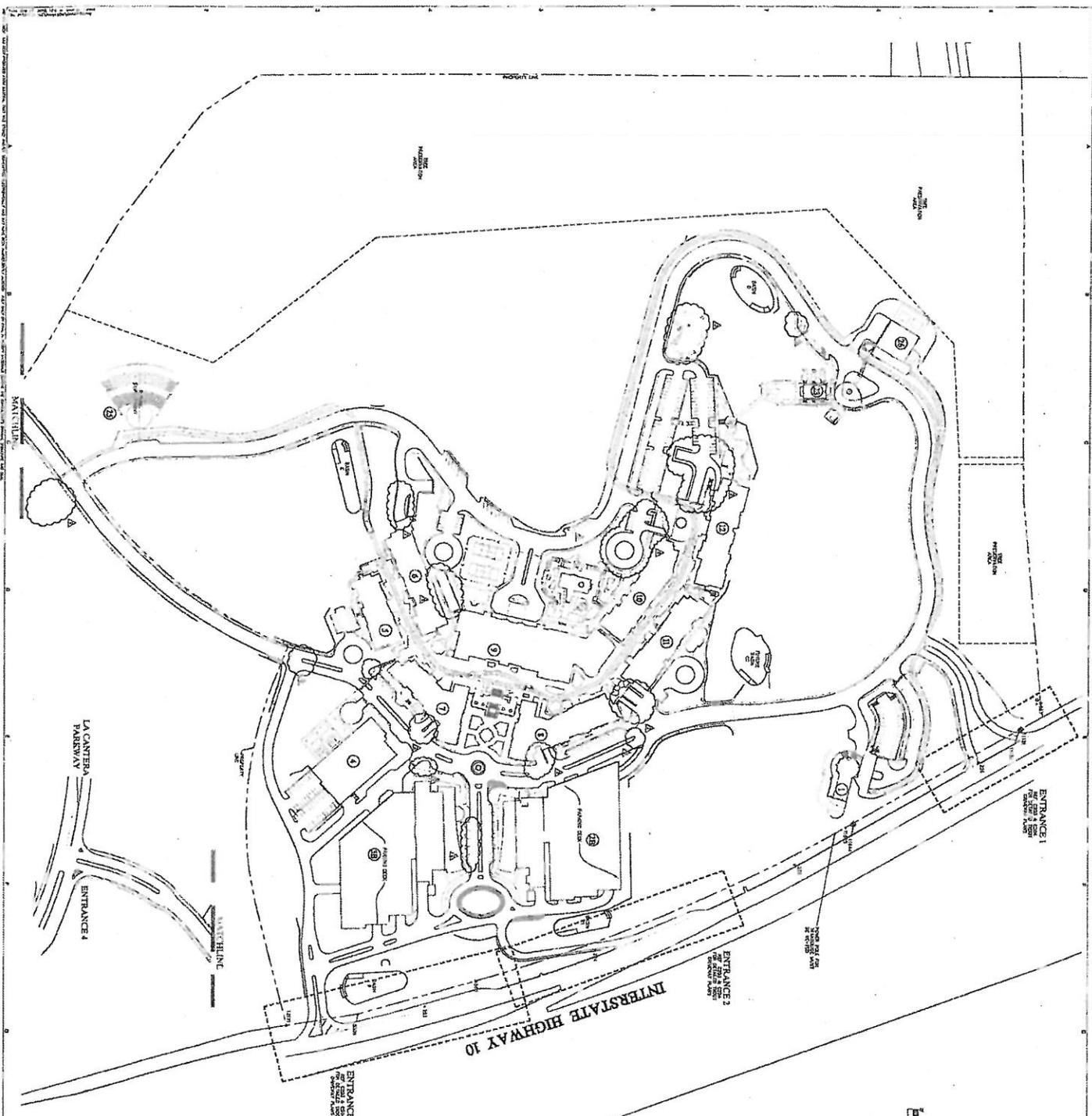
Board of Adjustment
Plot Plan for
Case A-11-016



Scale: 1" approx. = 400'
Council District 8

17101 La Cantera

Development Services Dept
City of San Antonio
(10/16/2010)



LEGAL DESCRIPTION
 17001 LA CANTERA PARKWAY

LOCATION MAP

LEGEND

CONTROL POINTS

PROJECT NO.: 67702
 DATE: 01.04.09
 DESIGNER: PR
 CHECKED: CD
 DRAWN: PR

OVERALL SITE PLAN

SCALE: 1" = 100'

PROJECT NO.: 67702
DATE: 01.04.09
DESIGNER: PR
CHECKED: CD
DRAWN: PR

C101

LEGAL DESCRIPTION
 17001 LA CANTERA PARKWAY

LOCATION MAP

LEGEND

CONTROL POINTS

PROJECT NO.: 67702
 DATE: 01.04.09
 DESIGNER: PR
 CHECKED: CD
 DRAWN: PR

LEGAL DESCRIPTION
 17001 LA CANTERA PARKWAY

LOCATION MAP

LEGEND

CONTROL POINTS

PROJECT NO.: 67702
 DATE: 01.04.09
 DESIGNER: PR
 CHECKED: CD
 DRAWN: PR

LEGAL DESCRIPTION
 17001 LA CANTERA PARKWAY

LOCATION MAP

LEGEND

CONTROL POINTS

PROJECT NO.: 67702
 DATE: 01.04.09
 DESIGNER: PR
 CHECKED: CD
 DRAWN: PR

LEGAL DESCRIPTION
 17001 LA CANTERA PARKWAY

LOCATION MAP

LEGEND

CONTROL POINTS

PROJECT NO.: 67702
 DATE: 01.04.09
 DESIGNER: PR
 CHECKED: CD
 DRAWN: PR

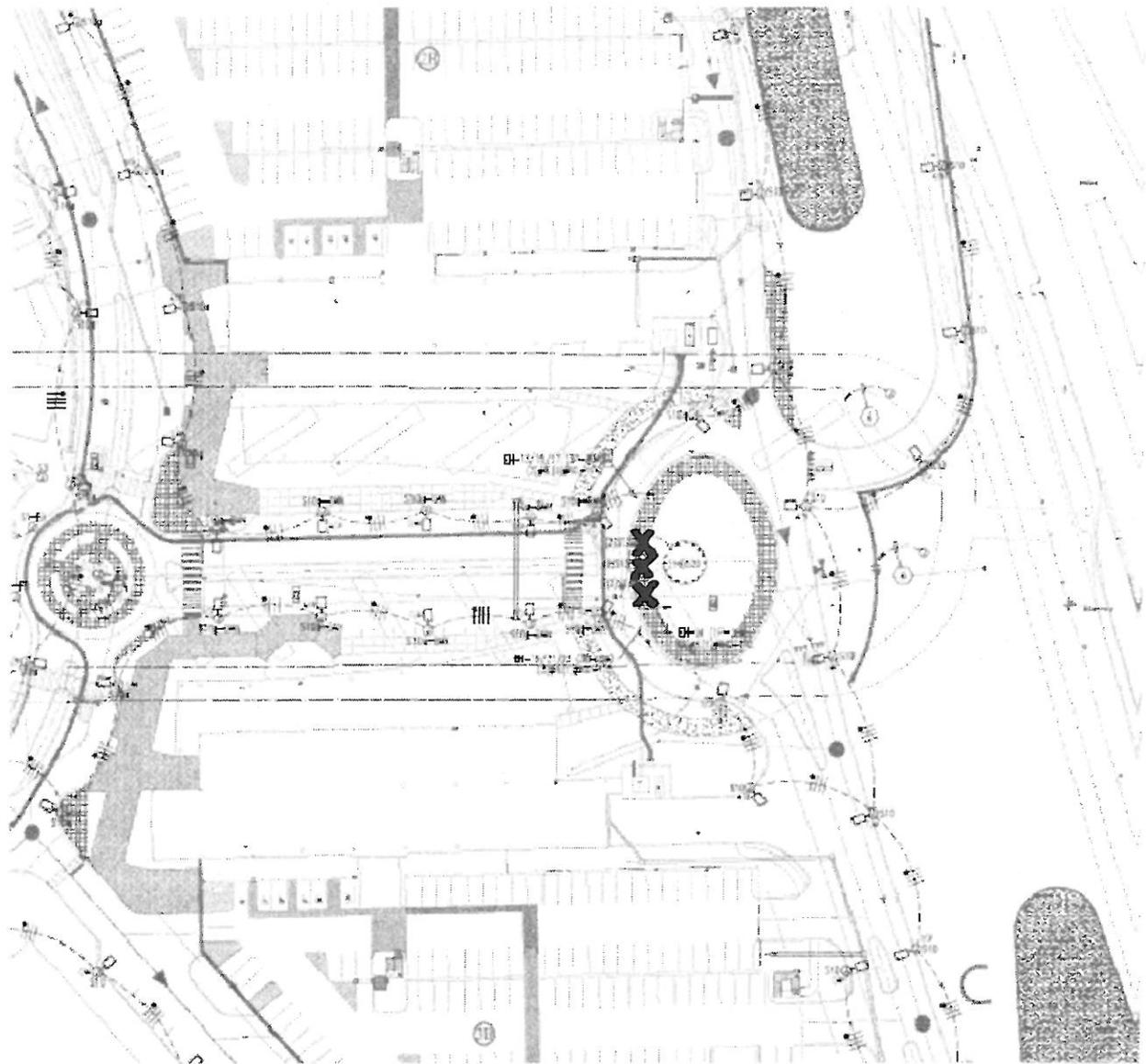
LEGAL DESCRIPTION
 17001 LA CANTERA PARKWAY

LOCATION MAP

LEGEND

CONTROL POINTS

PROJECT NO.: 67702
 DATE: 01.04.09
 DESIGNER: PR
 CHECKED: CD
 DRAWN: PR





Eilan

Variance Request Submission

Fixture type: 'S15'

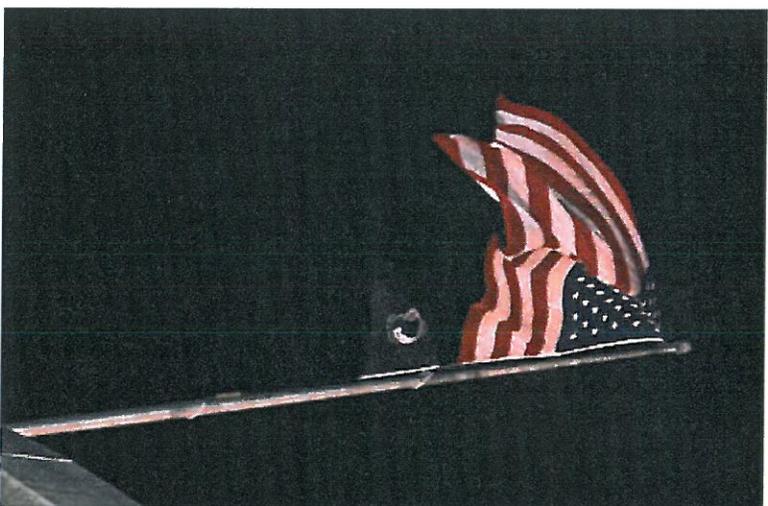
Application: Illuminating flag on pole from the ground

Fixture features relevant to variance request:

- Low wattage lamp
- Very narrow beam lamp
- Lamp shielded with honeycomb louver
- Most uplight will be intercepted by tree canopy

Location: Entry Ellipse

Quantity: 6



Fixture Intent

HLB
horton lees brogden lighting design

3 February 2011

Type: S15
 Pool and Hotel Entry
 BK Lighting HP2-PAR3035-TR-0-BZP-1011-volts-AH-CIEE
 Description: In-ground mounted ceramic metal halide upright with PAR30 lamp, adjustable aiming up to 18 degrees from nadir (8 degrees with accessory holder, spread lens, honeycomb louver, cool touch lens, and integral electronic ballast).
 Lamping: 1 - 35 watt PAR30 ceramic metal halide 10 degree Spd Lamp, 3000K
 Philips CDM35/PAR30/LMSP (10 degree beam angle)
 Optics: Spread lens, honeycomb louver
 Dimensions: 7" diameter, 14-1/2" height/depth
 Housing: aluminum with bronze painted finish
 Electrical: Integral electronic ballast
 Labels: UL labeled and listed "suitable for wet location"
 Notes: 1. Architect shall verify bronze painted fixture finish.
 2. Engineer shall verify design meets code requirements at pool.
 3. Fixture requires aiming by lighting consultant after installation. Contractor to coordinate personnel and equipment necessary for aiming session per 26500 specification.
 4. Contractor to provide accessory holder, spread lens, and honeycomb louver. Lighting designer to determine if accessories are required to be installed at aiming session.



PAR30/PAR30 Metal Halide - Integral Ballast (RI)

PROJECT:	
TYPE:	HP2
CATALOG NUMBER:	
LAMPS:	
NOTES:	

CATALOG NUMBER LOGIC

Example: B HP2 PAR3035-TR 58 MIT 11 AH10G

Material: Aluminum - B - Buz
 Factory: 5 - Std. hot steel
 Finish: HP2 - Hsb
 Optic: PAR3035-TR
 Accessory: 58
 Housing: MIT
 Lamp Type: 11
 Example: 11 - 180VAC spec

FINISH

Product Code	Size	Finish	Material	Color
HP2	58	MIT	Aluminum	Black
HP2	58	MIT	Aluminum	White
HP2	58	MIT	Aluminum	Black
HP2	58	MIT	Aluminum	White
HP2	58	MIT	Aluminum	Black
HP2	58	MIT	Aluminum	White

ALUMINUM & BRASS FINISHES

Product Code	Size	Finish	Material	Color
HP2	58	MIT	Aluminum	Black
HP2	58	MIT	Aluminum	White
HP2	58	MIT	Aluminum	Black
HP2	58	MIT	Aluminum	White
HP2	58	MIT	Aluminum	Black
HP2	58	MIT	Aluminum	White

ACCESORY SPECIFICATIONS - Factory accessory holder

18 - Standard
 19 - Spread lens
 20 - Honeycomb louver
 21 - Cool touch lens
 22 - 180VAC spec

OPTION

CCF - CCT (2700K, 3000K, 3500K, 4000K, 5000K)
 CFC - Color Rendering Index (CRI) (90, 95, 98, 100)
 CGL - Cool touch lens
 CLH - Cool touch lens holder
 CLM - Cool touch lens holder
 CLN - Cool touch lens holder
 CLP - Cool touch lens holder
 CLS - Cool touch lens holder
 CLT - Cool touch lens holder
 CLV - Cool touch lens holder
 CLW - Cool touch lens holder
 CLX - Cool touch lens holder
 CLY - Cool touch lens holder
 CLZ - Cool touch lens holder

LAMP DATA

BK Lamp	Description	Run	Condition	CU	CCT(K)	BK Lamp	Description	Run	Condition	CU	CCT(K)
HP2	PAR3035-TR	58	MIT	11	3000	HP2	PAR3035-TR	58	MIT	11	3000
HP2	PAR3035-TR	58	MIT	11	3000	HP2	PAR3035-TR	58	MIT	11	3000
HP2	PAR3035-TR	58	MIT	11	3000	HP2	PAR3035-TR	58	MIT	11	3000
HP2	PAR3035-TR	58	MIT	11	3000	HP2	PAR3035-TR	58	MIT	11	3000

BK LIGHTING

40-2000 Park Avenue, Ste 1401, New York, NY 10003
 212 254 2712 | www.HLBlighting.com

Project: Eilan Site Lighting
 Project #: 08034
 Date: 7 July 2010
 Type: S15

Light Fixture Cut Sheet Note: This document is for information only. Refer to specifications for all catalog numbers, lamps, finishes, etc.
 Horon Lees Brogden Lighting Design 200 Park Ave South, Ste 1401 New York, NY 10003 212 674 5580 fax 212 254 2717 www.HLBlighting.com



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-11-020
Date: February 28, 2011
Applicant: Jerry Arredondo
Owner: Juan Jose & Dominica A. Castillo
Location: 723 West Cypress Street
Legal Description: Lot 2, NCB 751
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 1-foot 11-inch variance from the requirement that accessory detached dwelling units be setback a minimum of 5 feet from the side property line, in order to keep an existing accessory detached dwelling unit 3 feet 1 inch from the west side lot line.

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 February 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 11. Additionally, notice of this meeting was posted at city hall and on the city's internet website on February 25, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The variance is requested to keep an existing accessory detached dwelling unit (ADDU), built without permits, 3 feet 1 inch from the west side property line. The applicant indicates the variance is necessary due to the structure being approximately 70 percent complete and because compliance with the setback requirement would necessitate demolition of the structure.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD	Commercial
South	R-4 AHOD, IDZ AHOD	Single-Family Residence, Commercial
East	R-4 AHOD, I-1 AHOD	Commercial, Single-Family Residence
West	I-1 AHOD, IDZ AHOD	Single-Family Residential, Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Five Points Neighborhood Plan. The subject property is within the Five Points Neighborhood Association.

Criteria for Review

According to Section 35-482(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:

The variance is contrary to the public interest as the purpose of setback requirements is to provide reasonable separation between structures on abutting properties and to provide adequate separation for fire prevention and access for fire fighting.

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

The subject property is not subjected to special conditions that create unnecessary hardship through the literal enforcement of the minimum setback required for ADDUs as there is adequate area within the rear yard to locate a structure in compliance with the required setbacks. Had the owner sought the required building permits they would have been made aware of the required setbacks prior to construction.

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

The variance is not in keeping with the spirit of the ordinance nor would the variance do substantial justice. The rear-yard area of the subject property is adequate to build an ADDU in compliance with the required setbacks.

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 variance will not authorize the operation of a use other than those specifically authorized in the "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.

The variance will not injure the appropriate use of the adjacent conforming properties nor will the essential character of the district be altered.

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

The plight of the owner of the subject property is due to circumstances of their own creation rather than unique conditions inherent to the property. The applicant cites only financial hardship as justification for the granting of the variance.

Staff Recommendation

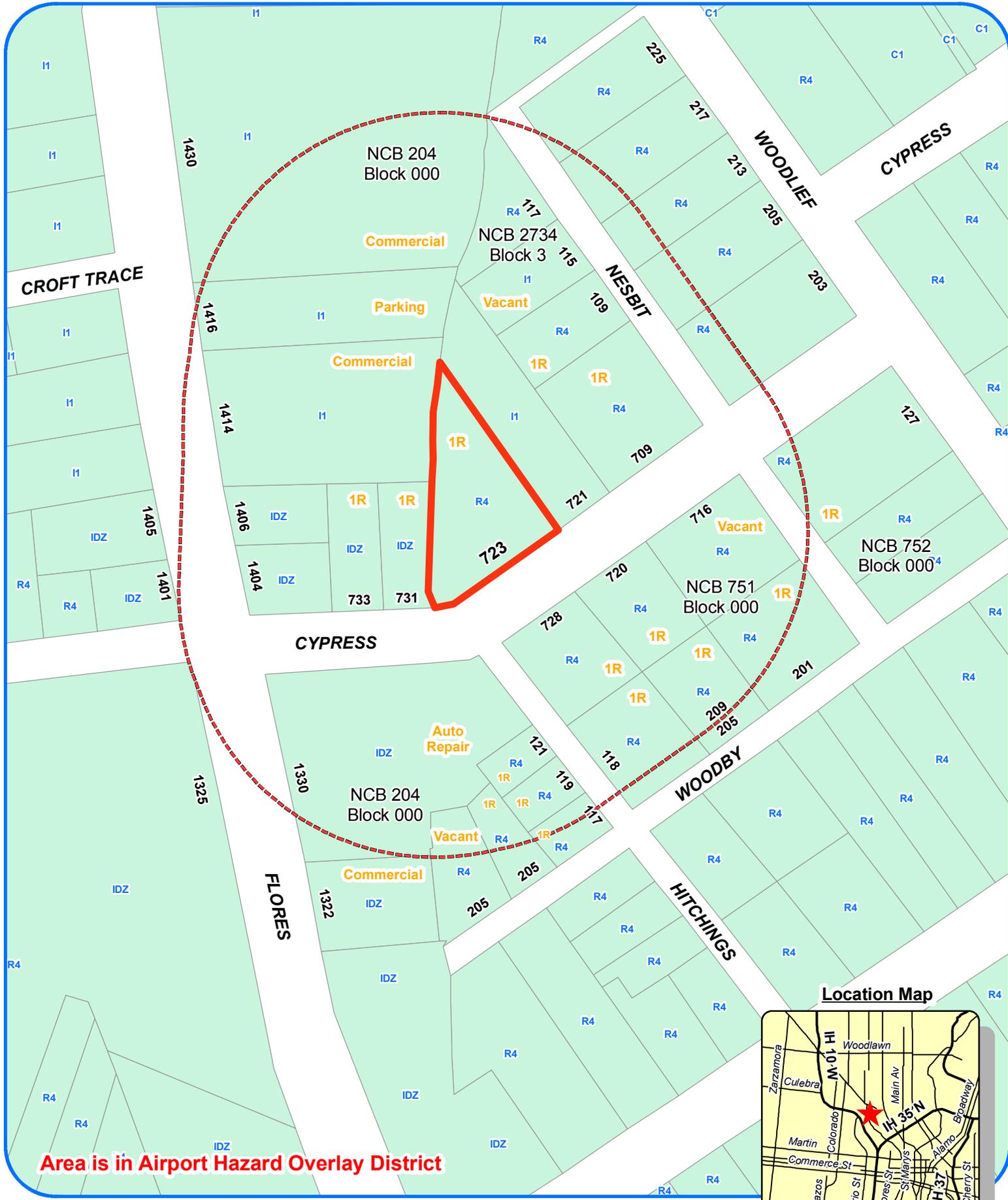
Staff recommends **denial of A-11-020** because the findings of fact have not been satisfied as presented above. The subject property is not characterized by unique circumstances that cause undue hardship through the literal enforcement of the setback requirement and the applicant will not be denied the reasonable use of the property as a single-family residence without the variance requested. Although the subject property has an irregular shape, this condition alone is not sufficient cause for a variance from the zoning ordinance, as there are alternate procedures by which to relax or eliminate the development standards applicable to this property, such as rezoning to an Infill Development Zone (IDZ).

Attachments

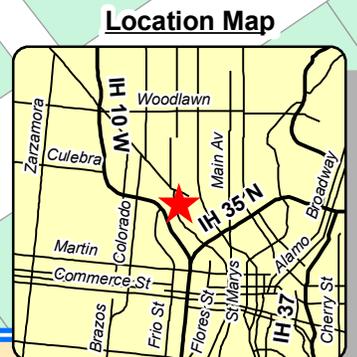
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan



Area is in Airport Hazard Overlay District

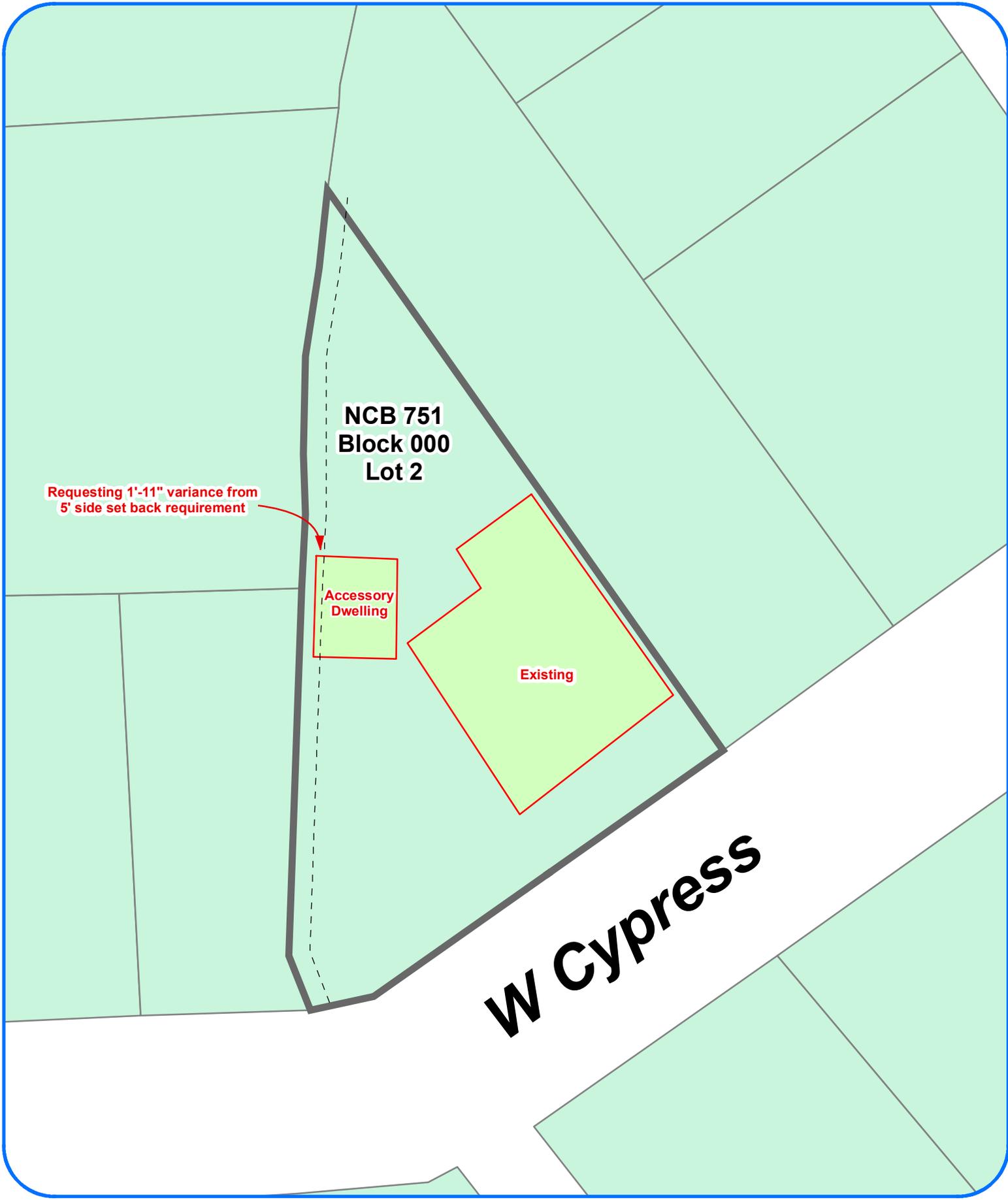


Board of Adjustment
Notification Plan for
Case A-11-020



Legend

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



**NCB 751
Block 000
Lot 2**

Requesting 1'-11" variance from
5' side set back requirement

Accessory
Dwelling

Existing

W Cypress

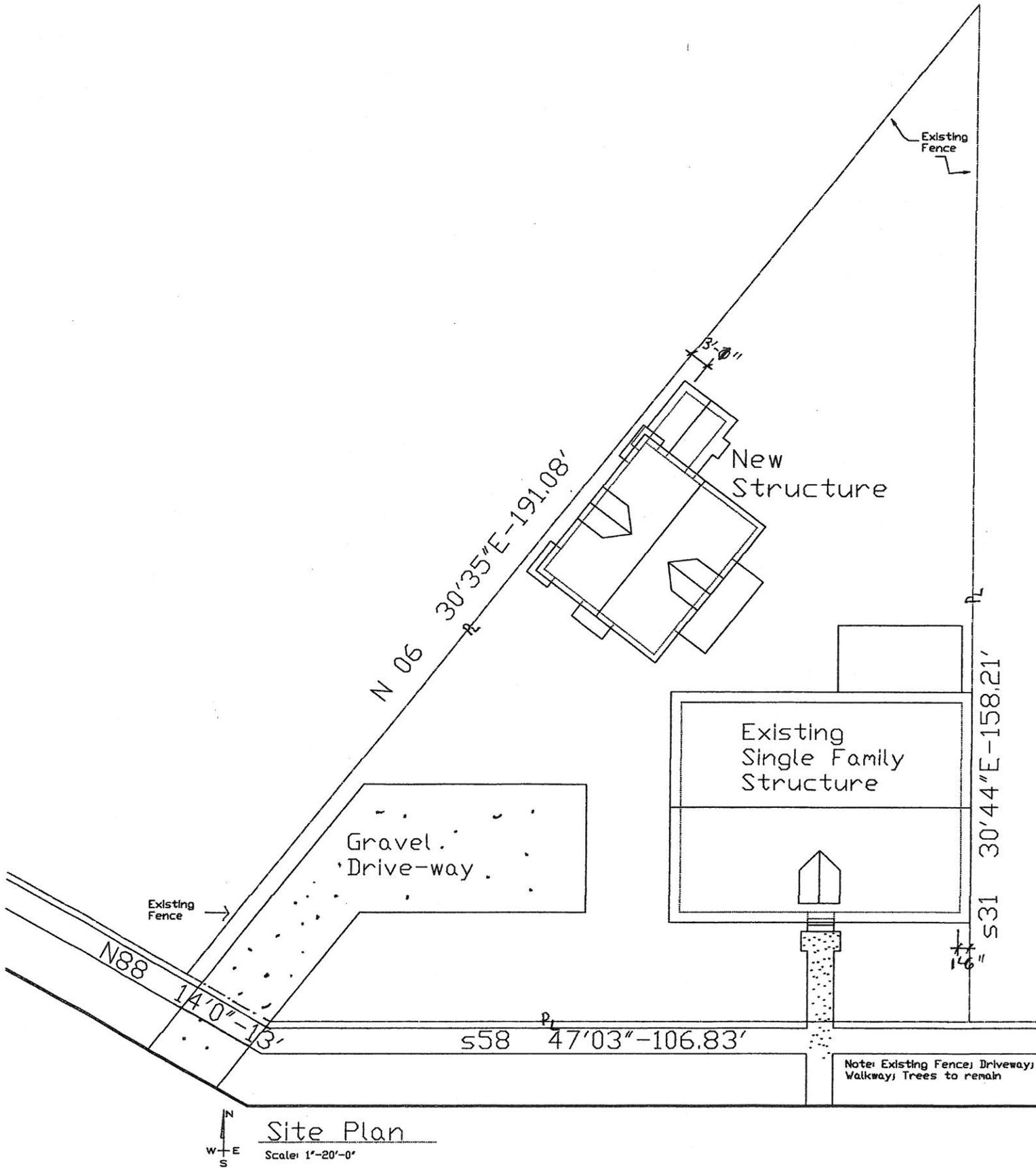
Board of Adjustment
Plot Plan for
Case A-11-020



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

723 W Cypress

Development Services Dept
City of San Antonio
(1/20/2011)



Note: Existing Fence; Driveway; Walkway; Trees to remain

Site Plan



Scale: 1"=20'-0"

Castillo Residents
 723 W Cypress
 San Antonio, Tx 78212
 NCB 751 Lot 2

IDesign
12/25/10



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-11-021
Date: February 28, 2011
Applicant: Thomas Flores
Owner: Santos S. Martinez, Jr. & Jennifer R. Martinez
Location: 9758 Bobbie Allen Way (Proposed 3231 Shane Road)
Legal Description: P-200B, NCB 10917 (Proposed Lot 5, Block 1, NCB 17201)
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 404-foot 6-inch variance from the "R-6" district requirement of a maximum 150-foot lot width, in order to allow a lot with a width of 554 feet 6 inches.

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 February 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 11. Additionally, notice of this meeting was posted at city hall and on the city's internet website on February 25, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The variance is requested to permit platting of the subject property with a width greater than the maximum lot width prescribed for the "R-6" district. The applicant intends to build a single-family residence on the subject property once it is platted.

The applicant indicates the variance is necessary due to the existence of the FEMA defined 100 year flood plain on the eastern portion of the property. Additionally, the applicant cites a Bexar County capital improvement project planned to improve the crossing of the flood plain area as creating unnecessary hardship by reducing the accessible street frontage available along Shane Road.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 AHOD (Residential)	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD	Vacant
South	R-6 AHOD, UD AHOD	Vacant
East	RM-4 AHOD, MF-33 AHOD	Vacant
West	R-6 AHOD	Residential

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

According to Section 35-482(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:

The variance is not contrary to the public interest as the width of the lot is in keeping with the character of the immediate area as having a mix of large and small lots.

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

The subject property is not subjected to special conditions that create unnecessary hardship through the literal enforcement of the maximum lot width requirement. The property may be subdivided in a way that complies with the maximum width for lots zoned "R-6" and which would be in keeping with the goals of the Heritage South Sector Plan to promote "multi-modal (walkable, bicycle friendly and transit oriented) integrated and compact neighborhood patterns where appropriate."

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

The variance is not in keeping with the spirit of the ordinance to increase the density and diversity of development. The maximum lot width standard of the "R-6" district is intended to provide for areas of medium to high-density single-family residential uses by creating lots of a lesser size than proposed and to prevent assembly of lots for out of scale new development.

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 variance will not authorize the operation of a use other than those specifically authorized in the "R-6" 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 variance will not injure the appropriate use of the adjacent conforming properties; however, the essential character of the “R-6” district as a medium to high-density residential district will be altered.

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

The plight of the owner of the subject property is not due to unique circumstances existing on the property. The subject property may be subdivided in compliance with the dimensional standards of the “R-6” district, which would result in the creation of multiple lots. Alternatively, the applicant may seek rezoning to a district with the desired dimensional characteristics.

Staff Recommendation

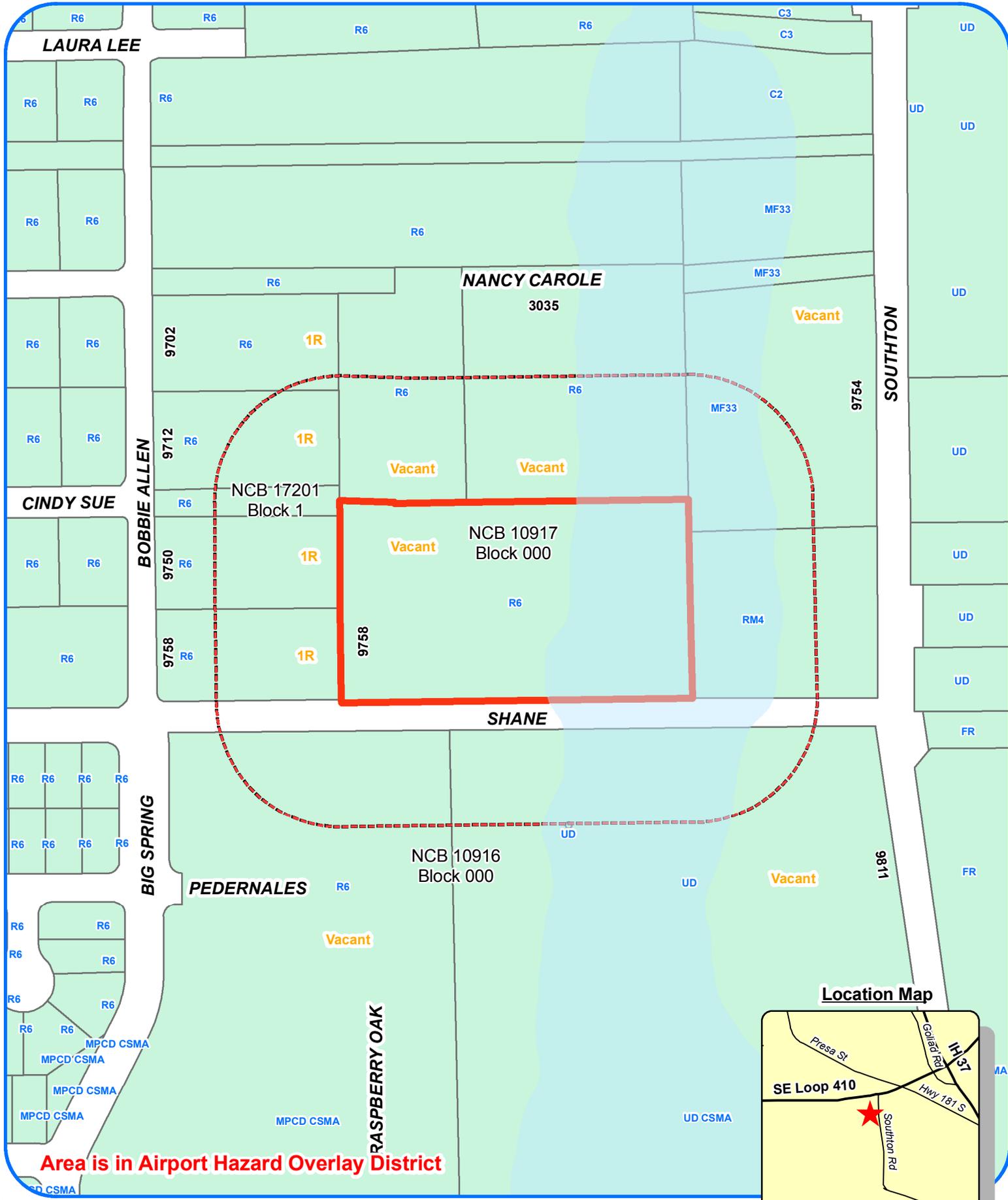
Staff recommends **denial of A-11-021** because the findings of fact have not been satisfied as presented above. The subject property is not characterized by unique circumstances that cause undue hardship through the literal enforcement of the maximum lot width standard of the “R-6” district. The subject property is of sufficient size to be subdivided into multiple lots in compliance with the dimensional standards of the “R-6” zoning district.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Proposed Site Plan



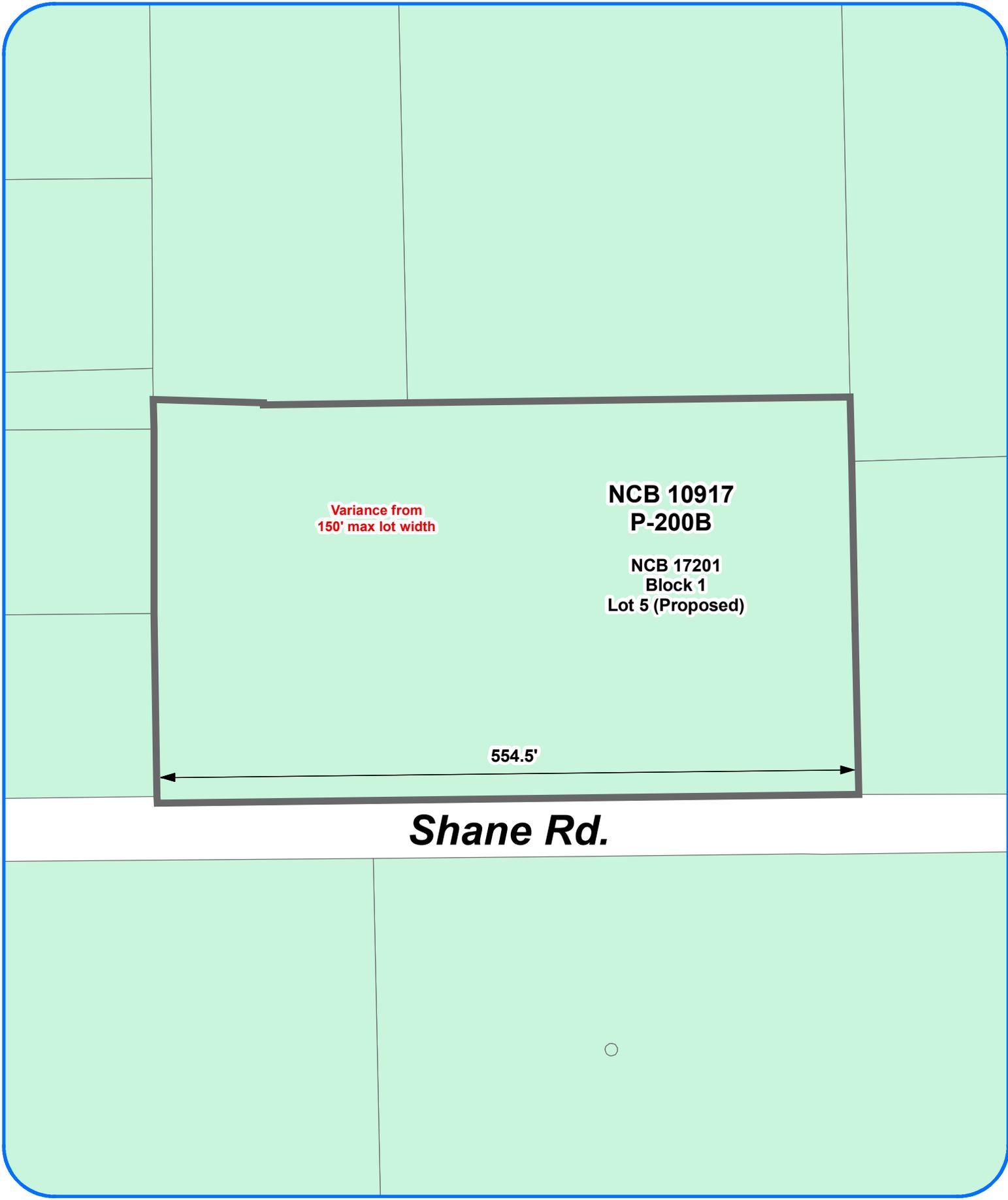
Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-11-021



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



Variance from
150' max lot width

**NCB 10917
P-200B**

**NCB 17201
Block 1
Lot 5 (Proposed)**

554.5'

Shane Rd.

Board of Adjustment
Plot Plan for
Case A-11-021



Scale: 1" approx. = 100'
Council District 3

3231 Shane Rd.

Development Services Dept
City of San Antonio
(1/28/2011)

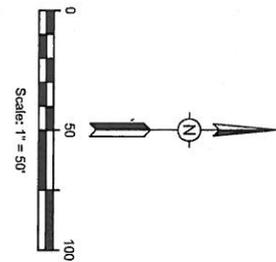
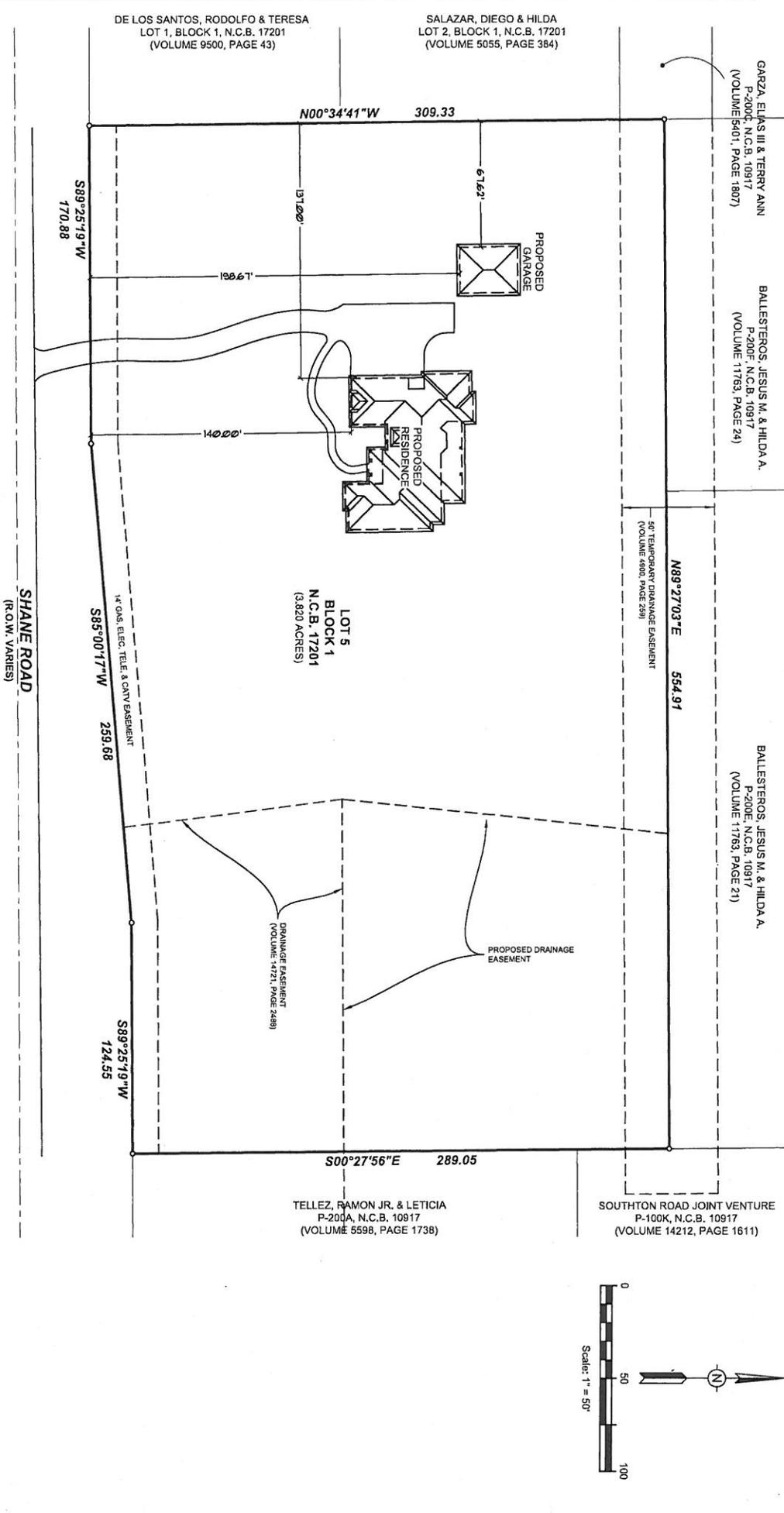


Flores & Company
Consulting Engineers, Inc.

Texas Registered Engineering Firm #F-1794
 12915 Jones Maltsberger, Suite 401
 San Antonio, Texas 78247
 210.490.9963 Phone
 210.490.0820 Fax

PROPOSED SITE PLAN

Job No.: 101940





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-11-022
Date: February 28, 2011
Applicant: Rachel A. Sanchez
Owner: Saguaro Land & Cattle Company
Location: 7913 Bandera Road
Legal Description: Lot 2, Block 9, NCB 18559
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests an 80-foot variance from the requirement that freestanding signs along Arterial Type "A" streets maintain a minimum spacing of 150 linear feet, in order to locate a freestanding sign a distance of 70 feet from an existing sign.

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 February 14. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 11. Additionally, notice of this meeting was posted at city hall and on the city's internet website on February 25, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The applicant requests the variance in order to replace one of the existing signs on the property that does not conform to the 150-foot spacing requirement. Currently, the two existing signs are located with a separation of 70 feet, while the total frontage of the subject property is 150 feet.

The applicant indicates that the variance is necessary because the other sign on the property is no longer visible to motorists due to new development and landscaping on adjacent properties and the new sign, as proposed, will allow the customers to locate the business.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 AHOD (Industrial)	Medical Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD	Car Wash, Restaurant, Commercial
South	C-3 NA AHOD, I-1 AHOD	Commercial, Restaurant
East	C-3 AHOD	Commercial
West	C-3 AHOD, I-1 AHOD	Vacant, Commercial

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the Northwest Community Plan and North Sector Plan. The subject property is not within a registered neighborhood association.

Criteria for Review

According to Section 28-247 of Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

1. The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; **or**
2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

The strict enforcement of this article does not prohibit the opportunity to provide adequate signs on the subject property as it is unexceptional in its topography, layout, and landscaping. The property does not possess sufficient frontage on which to locate two freestanding signs in compliance with the spacing requirements. Additionally, denial of the variance will not cause cessation of a longstanding commercial use as the property maintains the opportunity to provide a single sign to advertise the business.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:
 - A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The variance would provide the applicant with a privilege not enjoyed by similarly situated properties. The subject property does not possess sufficient street frontage on which to locate two freestanding signs.

B. Granting the variance will not have a substantially adverse impact on neighboring properties.

The variance will not have a substantial adverse impact on neighboring properties. The applicant proposes only to replace an existing sign with a new sign, in the same location.

C. Granting the variance will not substantially conflict with the stated purposes of this article.

The variance will conflict with the purposes of this article as the opportunity to provide more than one sign on a single platted lot is a privilege contingent on the ability to sufficiently separate the signs, thereby reducing the visual clutter. The subject property does not possess adequate street frontage on which to situate two on-premises signs with the required separation. Therefore, the provision of additional on-premises signs would not be in keeping with the purposes of this article.

Staff Recommendation

Staff recommends **denial of A-11-022** because the findings of fact have not been satisfied as presented above. The subject property does not possess adequate street frontage to meet the criteria necessary for the provision of an additional sign on the subject property. The purpose of limiting a single platted lot to one on-premises sign is to allow a reasonable opportunity to advertise the business or business on the property without creating a visually cluttered and distracting environment for motorists and pedestrians. This goal is furthered by recognizing that larger properties may benefit from additional on-premises signs and allowing for additional signs, so long as appropriate separation is provided to lessen the visual impact of the additional signs.

The applicant indicates that the variance is necessary due to the fact that new development and landscaping have obscured the other sign on the property and it is no longer visible to motorists. Elimination of the obscured sign would allow the replacement of the deteriorated sign with one that may better draw attention to the subject property and would avoid conflict with the provisions of this article.

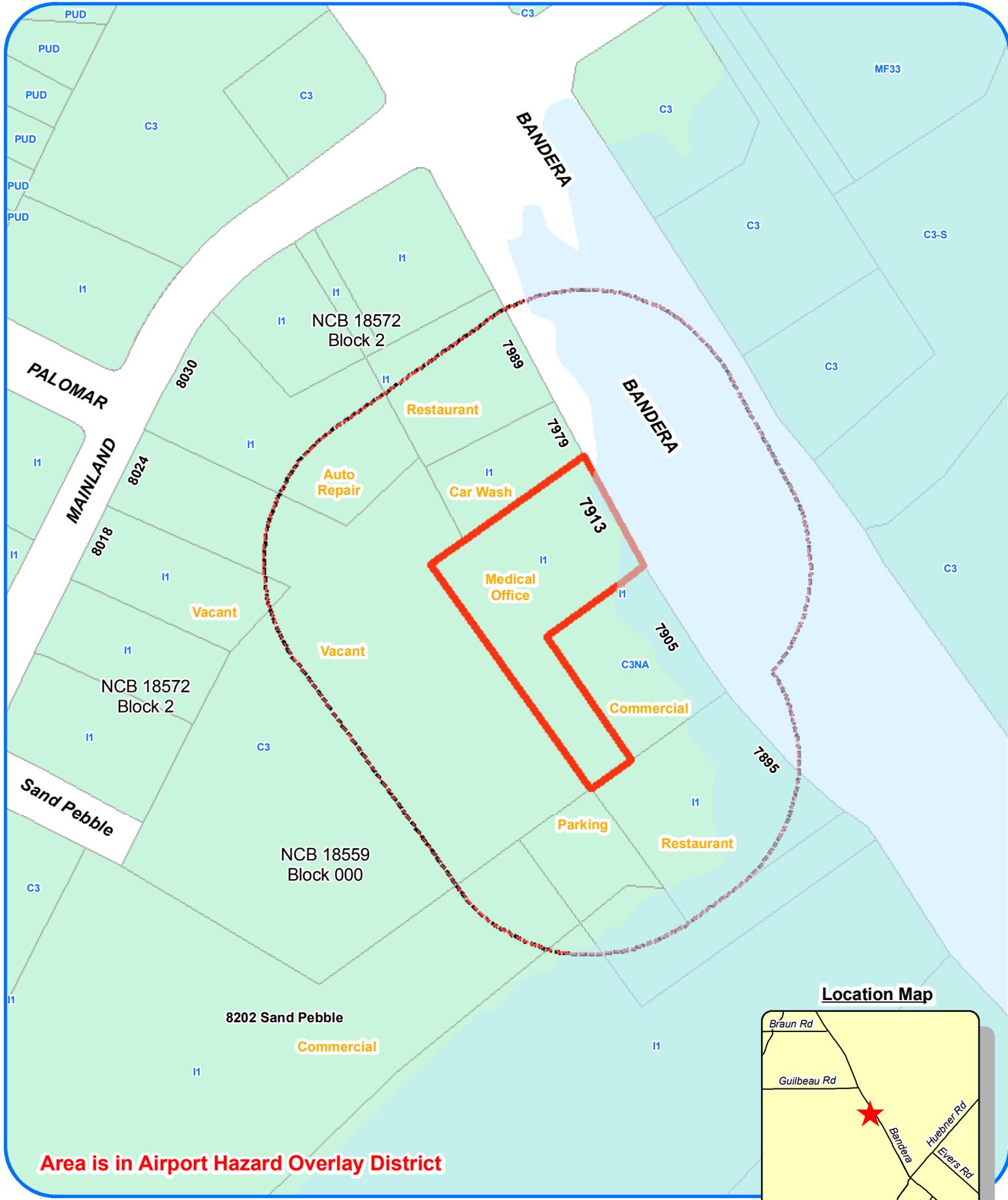
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

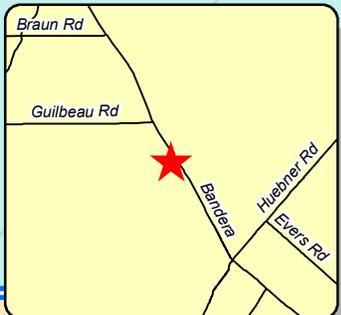
Attachment 3 – Site Plan

Attachment 4 – Existing and Proposed Sign Exhibit



Area is in Airport Hazard Overlay District

Location Map



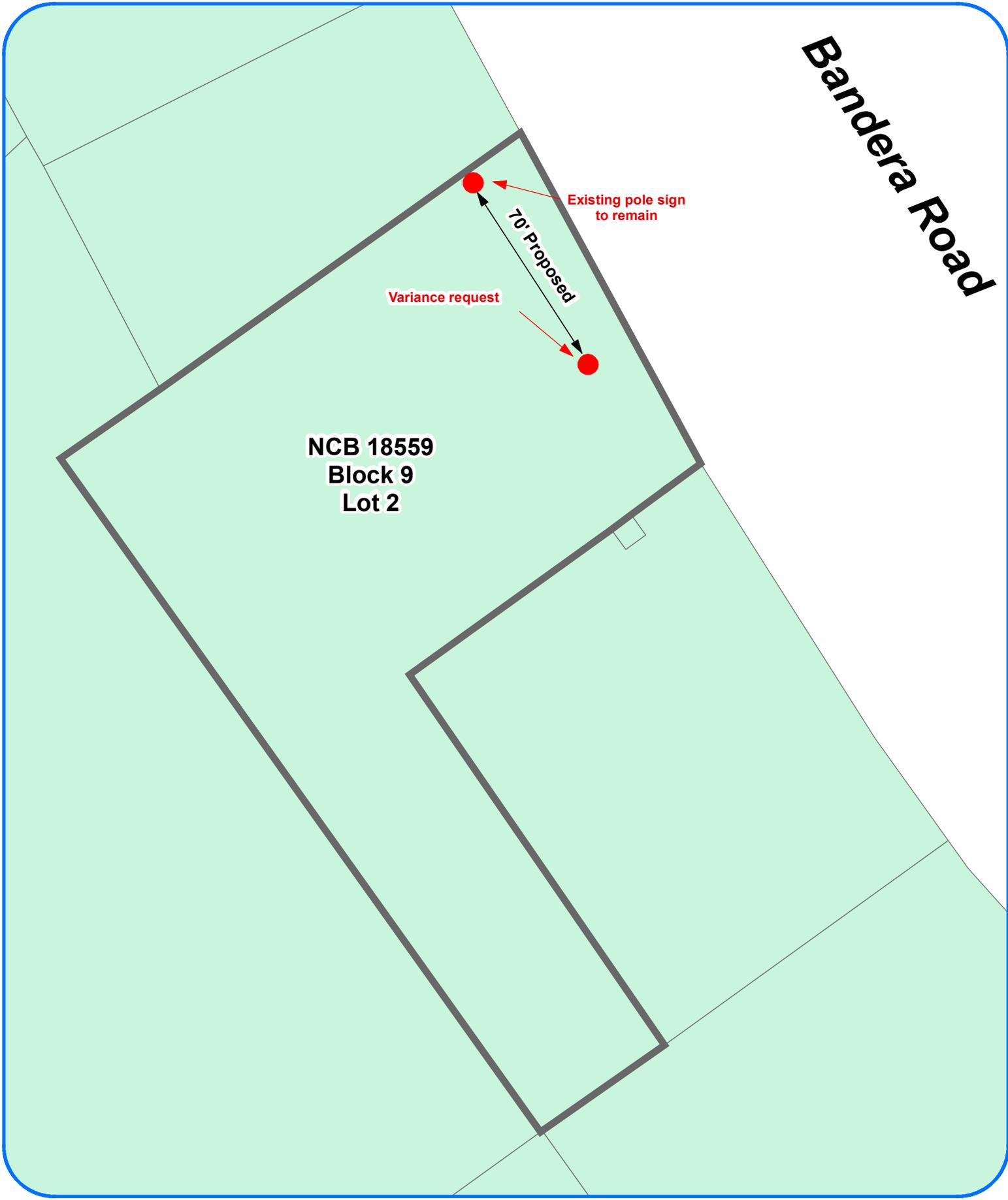
Board of Adjustment
Notification Plan for
Case A-11-022



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 7

Bandera Road



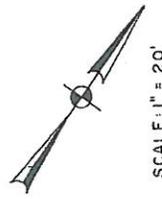
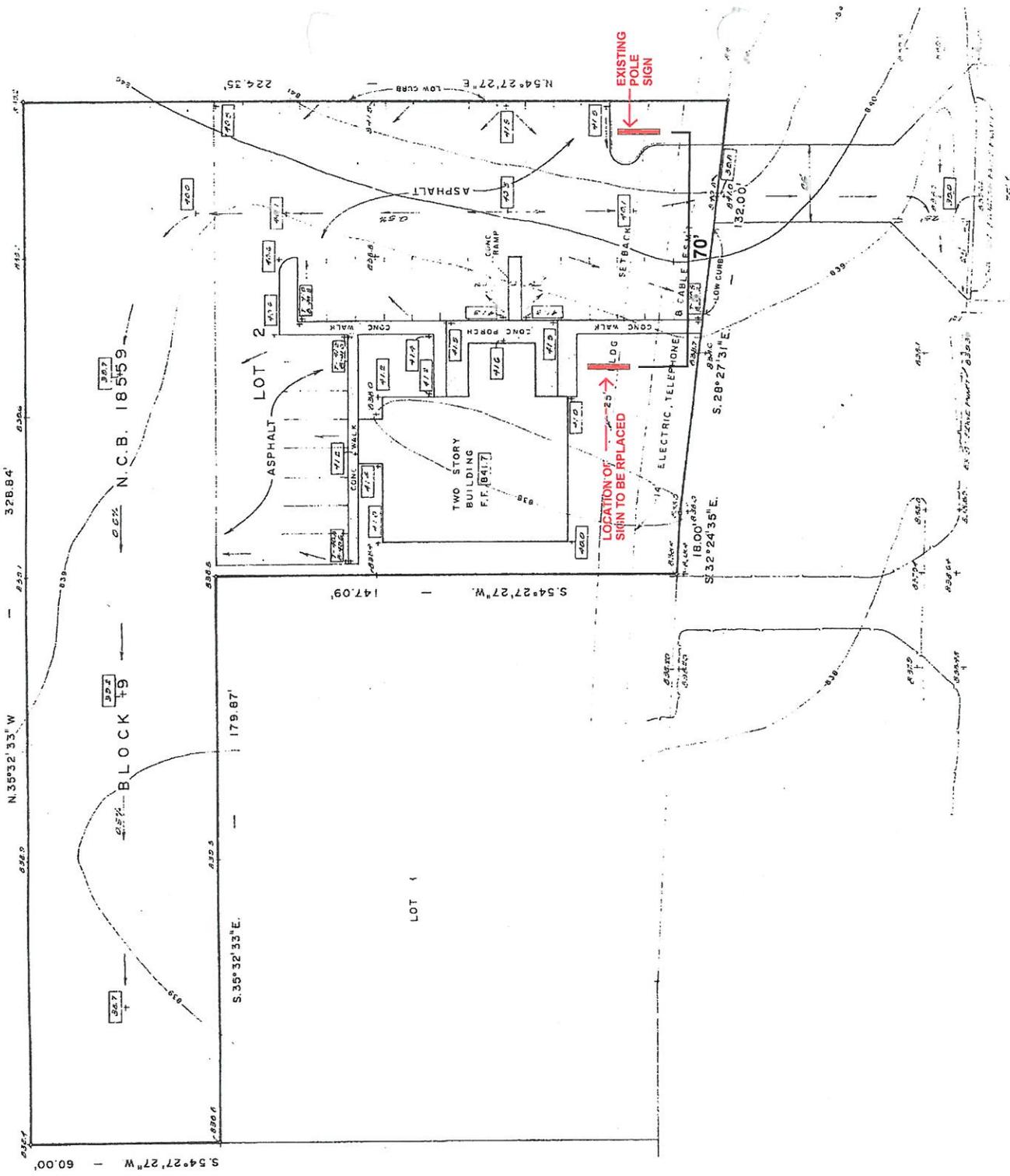
Board of Adjustment
Plot Plan for
Case A-11-022



● Sign Location
Scale: 1" approx. = 50'
Council District 7

7913 Bandera Rd.

Development Services Dept
City of San Antonio
(1/28/2011)



BANDERA ROAD - STATE HWY. 16

EXISTING SIGN 3'X12'



DOUBLE SIDDED
SANDBLASTED POLYURETHANE
HIGH DENSITY FOAM PANEL 1 1/2" THICK
PAINTED A PER SPECS