

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, January 30, 2012

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.

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1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-017**: The request of Guillermo Reyes, for a 2-foot variance from the maximum 4-foot front yard fence height standard, in order to allow a 6-foot tall wrought iron fence in the front yard, 8093 Eckhert Road. (Council District 7)
5. **A-12-018**: The request of Alicia Sandoval Rosas, for a Special Exception to allow a one-operator beauty/barber shop in a residential zoning district, 166 Micklejohn Street. (Council District 1)
6. Consideration of **Sign Master Plan No. 12-004**, SE Military Mercado, located at 910 Southeast Military Drive.
7. Consideration of **Sign Master Plan No. 12-005**, CVS Plaza, located at 6851 North Loop 1604 West & 15607 Chase Hill Blvd.
8. Approval of the minutes – November 14, 2011, and January 9, 2012
9. Consideration of the Rules and Procedures of the Board of Adjustment
10. Adjournment.

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

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

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### Board of Adjustment Membership

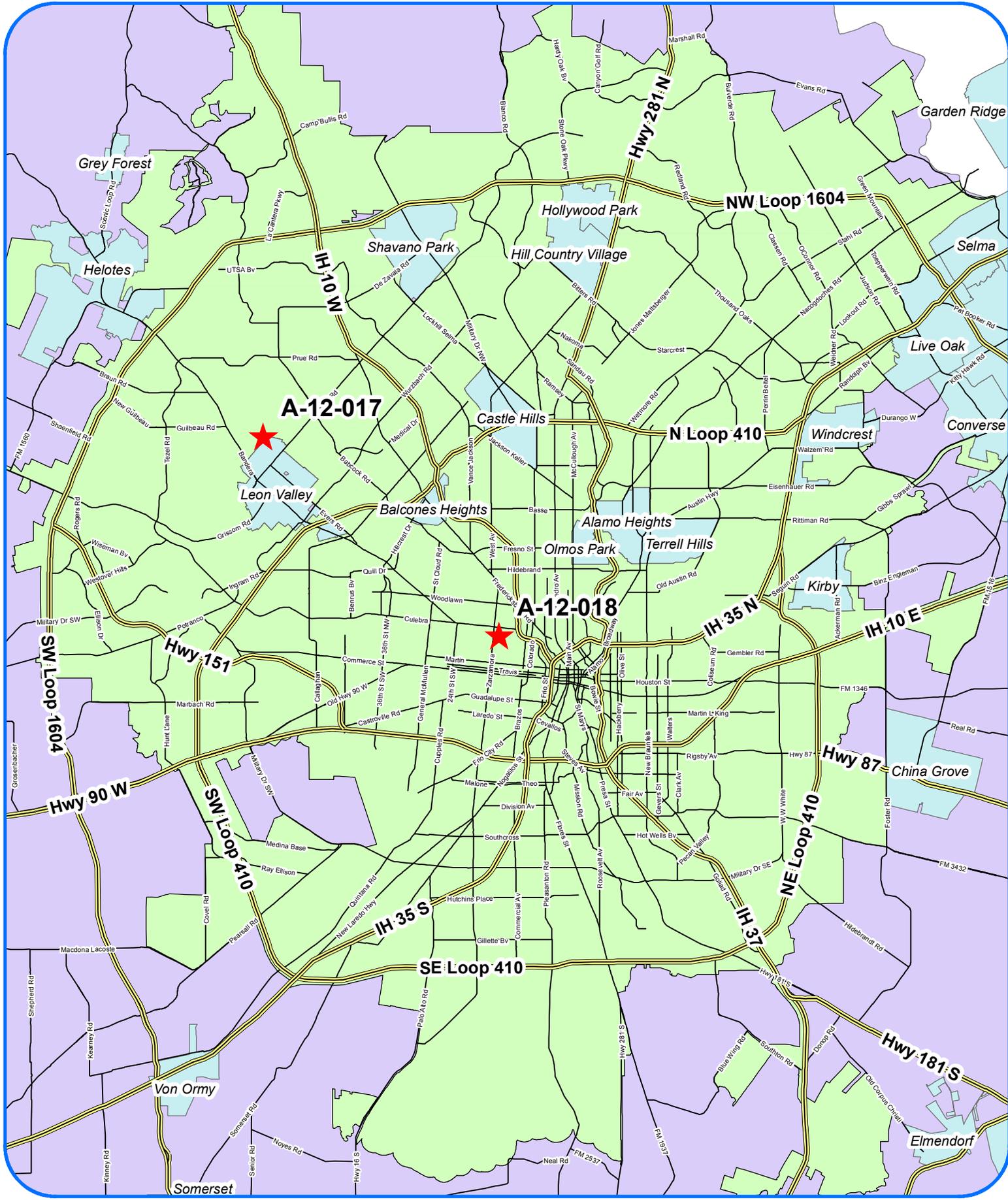
Michael Gallagher, Chair                      Andrew M. Ozuna, Vice Chair

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 January 30, 2012**





# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-12-017  
Date: January 30, 2012  
Applicant: Guillermo Reyes  
Owner: GMEJR Partners, Ltd  
Location: 8093 Eckhert Road  
Legal Description: Lot 1, Block 21, NCB 17970  
Zoning: "O-1 AHOD" Office Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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#### **Request**

The applicant requests a 2-foot variance from the maximum 4-foot front yard fence height standard, in order to allow a 6-foot tall wrought iron fence in the front yard.

#### **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 January 12, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 13, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 27, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The approximately 3.7-acre property is located on the northwest side of Eckhert Road, east of Bandera Road, and will consist of the Cardiology of San Antonio medical office building. The current property owner wishes to erect a 6-foot tall fence with a gate in the front yard of the subject property (**Attachment 3**) for security purposes. The proposed fence will be a decorative wrought iron fence (**Attachment 4**). The gate will remain open during business hours.

Pursuant to Section 35-514(d) of the UDC, predominantly open fences within the front yard of a commercial use property shall have a maximum height of four (4) feet. Consequently, the applicant is requesting a 2-foot variance from this standard. According to the submitted application, the proposed fence height is necessary to provide security to the new medical office

building from vandalism, as well as to protect possible medications, machines and equipments that will be stored on site for the cardiologist office.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
O-1 AHOD (Office)	Medical Office Building

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential)	Single-Family
South	OCL (Outside City Limits)	Parking
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 Huebner/Leon Creeks Community Plan. The subject property is located within two hundred (200) feet of the Eckhert Crossing 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 will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The subject property is an interior lot with approximately four hundred seventeen (417) feet of street frontage. The fence, where proposed, will be located approximately fourteen (14) feet away from the curb, thus maintaining visibility along the street right-of-way.*

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

*The subject property does not have any special conditions that result in the need for the variance requested. However, the subject property will consist of a 10,000-square foot medical office building (Cardiology of San Antonio) that will contain medications, as well as machines and equipments necessary for the operation of a cardiologist office. Due to the unique nature of the use, the property requires a 6-foot tall security fence to protect the equipment that will be stored at this facility. A literal enforcement of the regulations would result in the property having a 4-foot tall fence in the front yard, which does not adequately provide the security required after business hours for the facility according to the applicant.*

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

*The requested variance will be in keeping with the spirit of the ordinance as the proposed fence complies with the intent of the maximum fence height standards by continuing to allow openness, air flow, light penetration and neighborhood uniformity. Furthermore, the proposed fence will be located approximately fourteen (14) away from the curb, and thus complies with the intent of the fence standards of not obstructing traffic's visibility and maintaining openness along the street frontages.*

*It is important to note that the properties to the east and west of the subject property are residentially zoned properties. Per Section 35-399.04 of the UDC, these properties may erect a 6-foot tall ornamental-iron front yard fence in the front yard subject to the approval of a Special Exception by the Board of Adjustment. The proposed wrought iron fence will be in harmony with the height and character of potential fences along this side of Eckhert Road.*

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 "O-1" Office 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 not adversely impact the adjacent conforming properties. The subject property is surrounded by single-family residential properties to the north, east and west, and a parking lot to the south. The UDC allows for residential lots to erect a 6-foot tall ornamental-iron fence in the front yard subject to the approval of a Special Exception by the Board of Adjustment. Furthermore, due to the size of the lot, the proposed fence will also maintain openness, air flow, light penetration and neighborhood uniformity on 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.

*The plight of the owner of the property is due to the medical office building on the subject property that will house medications, machines and equipments necessary for the operation of a cardiologist office. These conditions are not a result of the general conditions of the zoning district, or due to financial hardship.*

### **Staff Recommendation**

Staff recommends **approval of A-12-017**. The proposed variance complies with all required review criteria for granting a variance as presented above. The variance is needed due to the unique nature of the use in order to protect the machines and equipments that will be stored on site. The proposed fence is essential to the intended use of the property as the security fence is required in order to ensure its operation.

**Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 4 – Fence Elevation

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

## Board of Adjustment Notification Plan for Case A-12-017



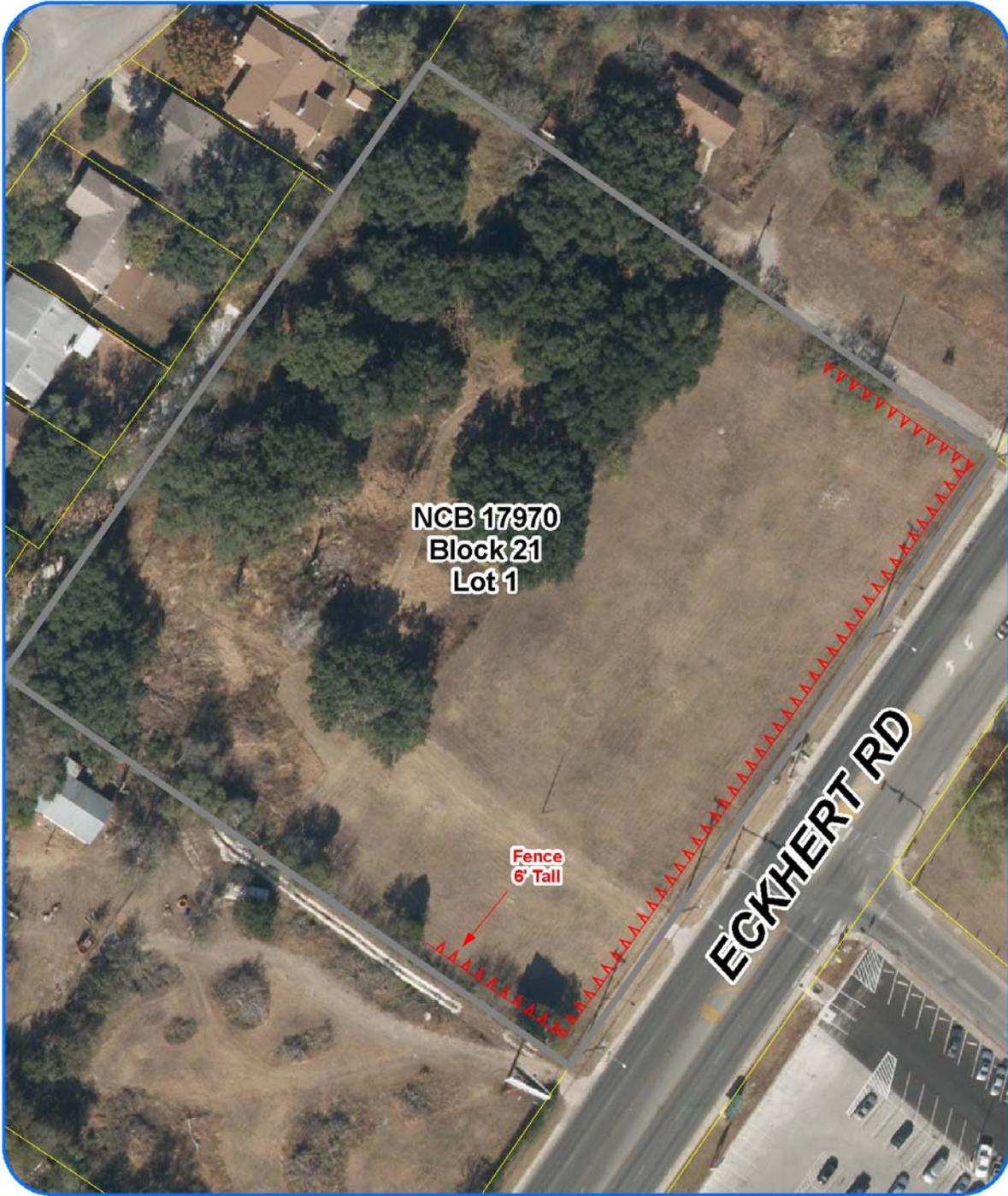
### Legend

- Subject Property ———
  - 200' Notification Boundary - - - - -
  - Council District 7 + + + + +
- 0 20 40 80 Feet  
+ + + + +



Planning and Development Services Dept  
City of San Antonio  
(1/2/2012)

Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-017**



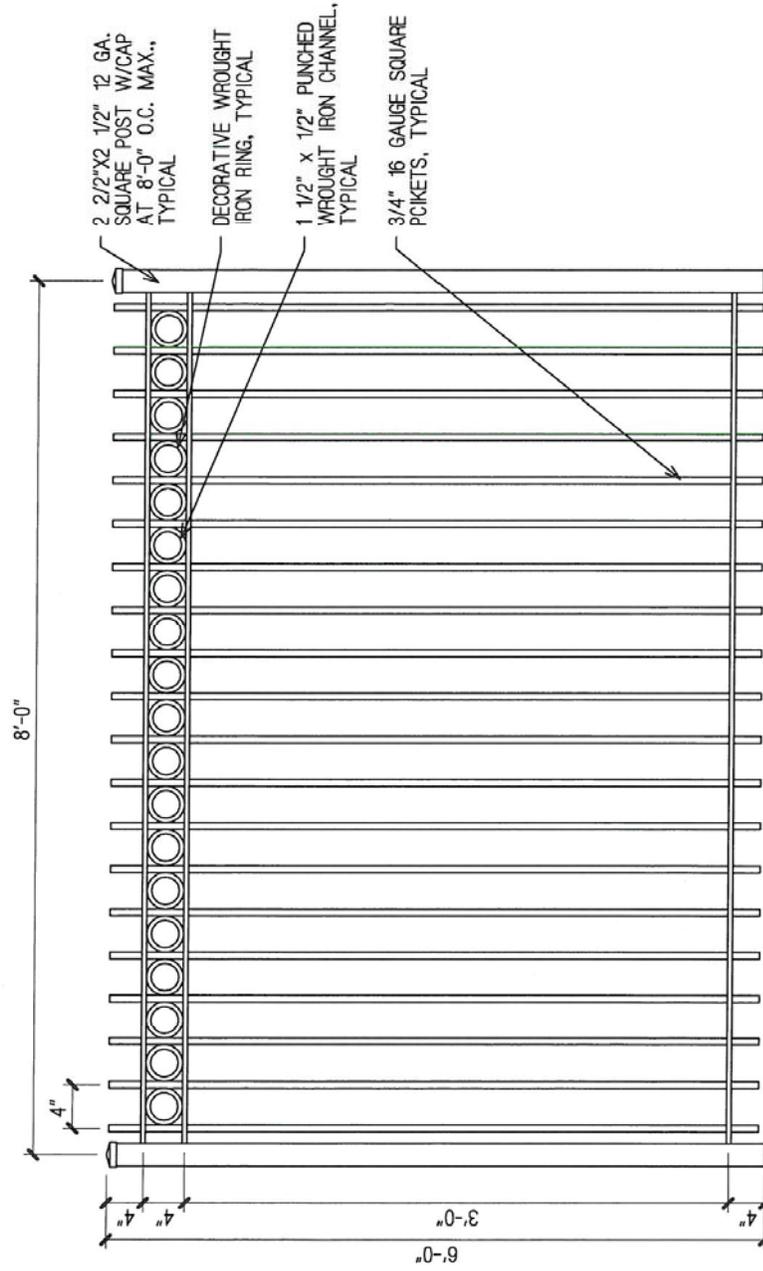
Fence ▲▲▲▲  
0 20 40 60 80 Feet  
Council District 7

**8093 ECKHERT RD**

Development Services Dept  
City of San Antonio  
(1/3/2012)



**Attachment 4  
Fence Elevation**



- 2 2 1/2" X 2 1/2" 12 GA. SQUARE POST W/CAP AT 8'-0" O.C. MAX., TYPICAL
- DECORATIVE WROUGHT IRON RING, TYPICAL
- 1 1/2" X 1/2" PUNCHED WROUGHT IRON CHANNEL, TYPICAL
- 3/4" 16 GAUGE SQUARE POCKETS, TYPICAL

NOTE: PROVIDE POWDER COAT FINISH IN COLOR AS SELECTED BY THE OWNER, TYP.

**WROUGHT IRON FENCING**

SCALE 3/4" = 1'-0"



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-018  
Date: January 30, 2012  
Applicant: Alicia Sandoval Rosas  
Owner: Alicia Sandoval Rosas  
Location: 166 Micklejohn Street  
Legal Description: Lot 1, Block 4, NCB 2106  
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **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 January 12, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on January 13, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 27, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.07-acre property consists of an approximately 1,124-square foot, single story duplex. According to the submitted Site Plan (**Attachment 3**), approximately one hundred forty-three (143) square feet of one (1) of the dwelling units (Unit 1) will be used as a one operator barber/beauty shop. The proposed one operator beauty/barber shop will comprise approximately twenty-three percent (23%) of the total floor area of Unit 1, and will be accessed from the main entrance of Unit 1.

This is the applicant's first Special Exception request for a one operator beauty/barber shop. The proposed days and hours of operation will be Tuesdays, Wednesdays and Thursdays from nine in the morning (9:00 A.M.) to five in the afternoon (5:00 P.M.), and Fridays and Saturdays from ten in the morning (10:00 A.M.) to six in the evening (6:00 P.M.). The total proposed hours of

operation will not exceed forty (40) hours per week. The applicant is not proposing to alter the look or character of the existing duplex.

Pursuant to Section 35-399.01(i) of the UDC, applications may be granted for a definite period of time not to exceed four (4) years.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
MF-33 AHOD (Residential)	Duplex

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	MF-33 AHOD (Residential)	Single-Family
South	MF-33 AHOD (Residential)	Single-Family
East	MF-33 AHOD (Residential)	Vacant
West	MF-33 AHOD (Residential)	Church

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a Neighborhood, Community or Sector Plan. The subject property is not located within two hundred (200) feet of a registered neighborhood 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 subject property is located in a residential area surrounded by residential and non-residential (church) uses. The proposed request, if approved, will allow the beauty/barber shop to serve the surrounding residential area and the public.*

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

*The one-operator beauty/barber will be located on the front portion, and will only comprise approximately twenty-three percent (23%) of the gross floor area of Unit 1. Furthermore, this beauty/barber shop will be operated by the owner of the residential home for five (5)*

*days out of each week for a total of forty (40) hours. The operation of the one-operator beauty/barber shop will not have any adverse impact on the adjacent residential properties, or on the church located to the west of the subject property.*

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 use of the 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 the structure will maintain its residential appearance and character.*

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-12-018 with the following conditions:**

- 1) The time period shall not to exceed four (4) years.
- 2) Days and hours of operation shall be limited to Tuesdays, Wednesdays and Thursdays from nine in the morning (9:00 A.M.) to five in the afternoon (5:00 P.M.), and Fridays and Saturdays from ten in the morning (10:00 A.M.) to six in the evening (6:00 P.M.), not to exceed forty (40) hours per week.

The request complies with all required approval criteria for granting a Special Exception as presented above. Furthermore, the applicant has agreed to comply with the provisions established in Section 35-399.01 of the UDC.

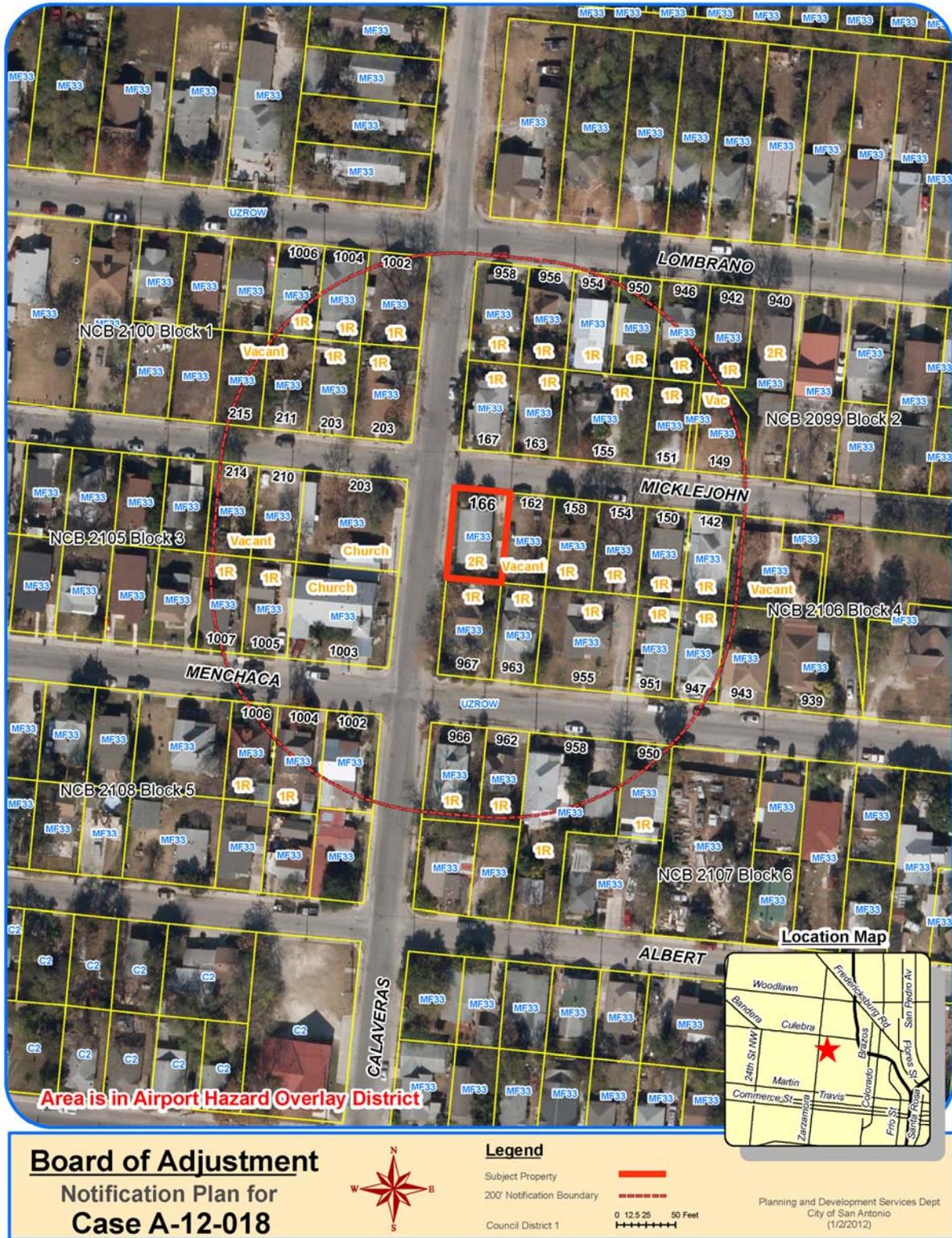
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site/Floor Plan

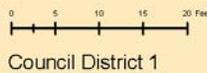
# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-018**



**166 MICKLEJOHN ST**

Development Services Dept  
City of San Antonio  
(1/3/2012)

Council District 1

Attachment 3  
Site/Floor Plan

