

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, January 9, 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-11-046:** The request of Mary Josie Treviño, for **1)** an 8-foot variance from the 10-foot minimum front setback requirement, in order to allow a 2-foot front setback for a carport; and **2)** a 2-foot variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow a roof eave to project up to one (1) foot from the property line, 2615 Woodline Drive. (Council District 6)
5. **A-12-011:** The request of MJ Thomas Engineering, for **1)** a 1-foot variance from the 20-foot maximum front setback requirement of the “AE-3” Arts and Entertainment District when the front yard is used as a semi-private space, in order to allow a 21-foot front setback for the proposed community center; and **2)** a 14.25-foot variance from the 25-foot minimum setback from all high pressure oil, gas or gasoline lines requirement, in order to allow a 10.75-foot setback from a 6-inch oil pipeline for the proposed community center, 3310 East Commerce Street. (Council District 2)
6. **A-12-012:** The request of Candid Rogers, for **1)** a 5-foot variance from the 5-foot minimum rear setback requirement, in order to allow a 0-foot rear setback; and **2)** a 6-foot variance from the 20-foot minimum right-of-way setback requirement for a garage entry accessed from a street right-of-way, in order to allow a 14-foot setback to the garage entry, 430 Madison Street. (Council District 1)
7. **A-12-013:** The request of Aetna Sign Group, for **1)** a 5.33-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.33-foot tall sign; **2)** a 5.78-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 41.78-square foot sign; and **3)** a variance from the regulation prohibiting digital display signs in residential zoning districts with frontage on local streets and residential collectors, in order to allow a digital display sign in a residential district with frontage on a local street, 114 East Gerald Avenue. (Council District 3)
8. **A-12-014:** The request of Aetna Sign Group, for **1)** a 5.08-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.08-foot tall sign; **2)** a 3.82-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 39.82-square foot sign; and **3)** a variance from the regulation prohibiting digital display signs in residential zoning districts with frontage on local streets and residential collectors, in order to allow a digital display sign in a residential district with frontage on a local street, 503 West Formosa Boulevard. (Council District 3)

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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*

9. **A-12-015:** The request of Nora V. Garza, for a request for a Special Exception to allow a one-operator beauty/barber shop in a residential zoning district, 2817 Buena Vista Street. (Council District 5)
10. **A-12-016:** The request of Extreme Signs, for **1)** a 13-foot, 8-inch variance from the 50-foot maximum expressway sign height standard for single-tenant signs, in order to allow a 63-foot, 8-inch tall sign cabinet; and **2)** a 455.33-square foot variance from the 350-square foot maximum expressway sign area standard for single-tenant signs, in order to allow an 805.33-square foot single-tenant expressway sign, 5614 East Interstate Highway 10. (Council District 2)
11. Consideration of **Sign Master Plan No. 12-003**, First Baptist Church, located at McCullough Avenue and Broadway Avenue.
12. Approval of the minutes – November 14, 2011, and December 5, 2011.
13. 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 (your contact #) 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 (su número de contacto) o al 711 (servicio de transmitir para sordos).*

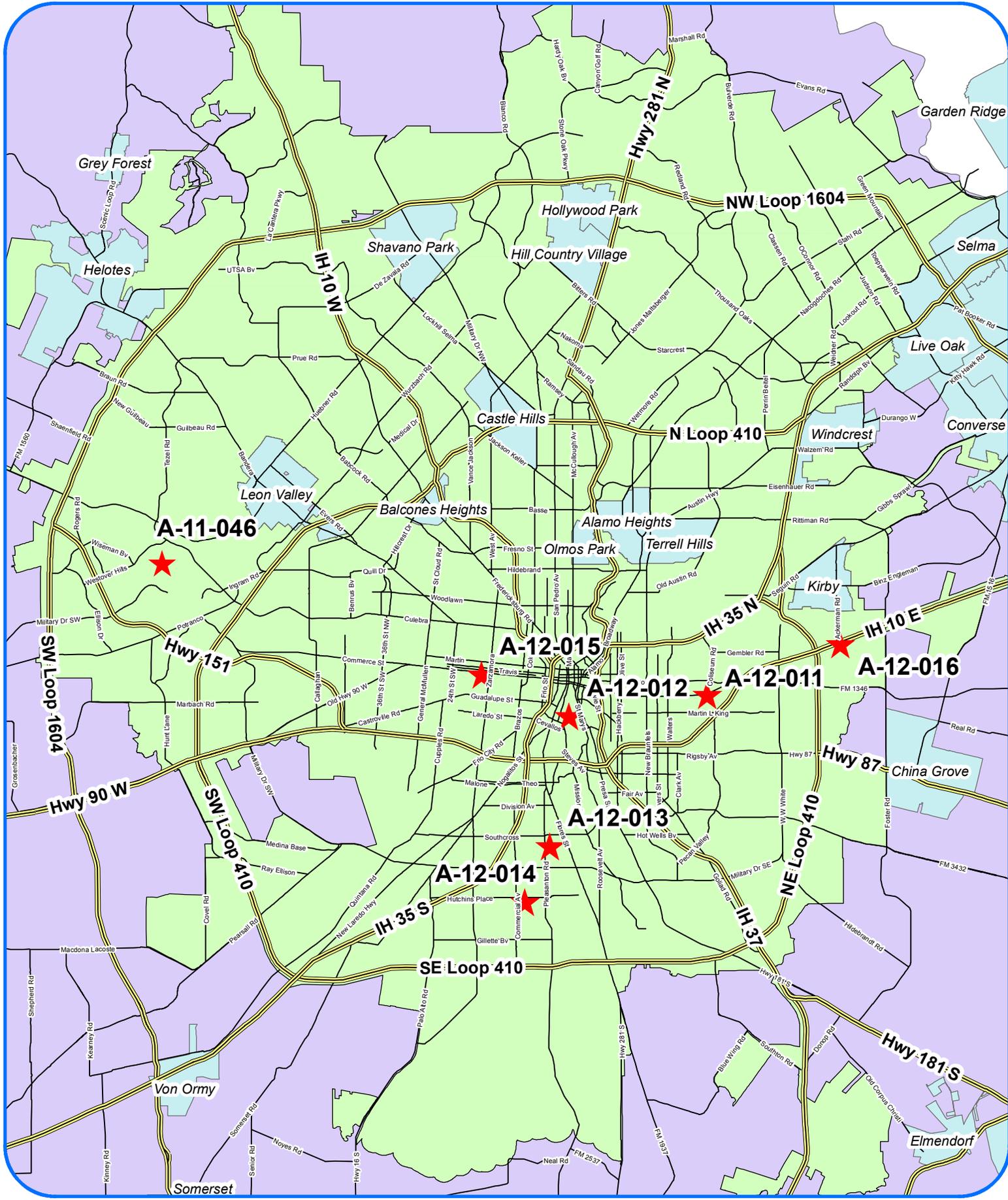
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**Board of Adjustment**  
**Subject Property Locations**  
**Cases for January 9, 2012**





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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-11-046  
Date: January 9, 2012  
Applicant: Mary Josie Treviño  
Owner: Mary Josie Treviño  
Location: 2615 Woodline Drive  
Legal Description: Lot 6, Block 18, NCB 18820  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests 1) an 8-foot variance from the 10-foot minimum front setback requirement, in order to allow a 2-foot front setback for a carport; and 2) a 2-foot variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow a roof eave to project up to one (1) foot from the property line.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.19-acre property consists of an approximately 2,072-square foot, single story single-family residential structure. The existing single-family residence comprises approximately twenty-five percent (25%) of the lot area. In 2011, the current property owner built an approximately 406-square foot carport within the required front yard of the subject property (**Attachment 3**). This carport replaced a previously existing carport, and was built without first obtaining the required permits and approval from the City.

Pursuant to Table 310-1 of the UDC, buildings in the "R-6" Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line. Furthermore, per Section 35-516(g) of the UDC, carports may be erected behind the minimum front setback

required, so long as twenty (20) feet of total parking area depth is maintained within the lot. The property owner built the carport two (2) feet from the south front property line. Consequently, the applicant is requesting an 8-foot variance from the setback standards.

Section 35-516(j) of the UDC states that every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and the ordinary projection of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall extend neither more than five (5) feet into any required yard nor closer than three (3) feet to any property line. The carport has a roof eave that extends approximately one (1) foot from the carport south front elevation. As the carport is located two (2) feet from the south front property line, this resulted in the roof eave extending up to one (1) foot from the south front property line. Consequently, the applicant is requesting a two (2) foot variance from this standard.

According to the submitted application, the variances are requested due to the length of the existing driveway, which does not allow for a carport in compliance with the required setback to fully cover a parked vehicle. The existing structure is located twenty-five (25) feet from the south front property line, and has a driveway extending from the paved road to the structure. Therefore, a conforming carport would extend fifteen (15) feet from the structure.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan. The subject property is not located within a registered neighborhood association.

**Criteria for Review**

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

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

*The requested variances are contrary to the public interest as, if approved, it will allow a structure to be placed two (2) feet from the south front property line (right-of-way line).*

*Front setbacks and limitations to roof overhang projections within a single-family residential zoning district are required to provide adequate visibility along the rights-of-way, as well as provide a sense of openness for vehicular and pedestrian traffic. The existing carport eliminates the open space and separation required between the right-of-way line and the structure.*

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

*A literal enforcement of the front setback requirement will require the applicant to relocate the carport ten (10) feet from the front south property line. The subject property does not have any special conditions that prevented the applicant from placing the carport in compliance with the minimum development standards of the UDC and obtaining the required permits. According to the applicant, the variances are needed due to the size of the driveway, which does not allow a conforming carport to fully cover parked vehicles. However, the driveway is approximately twenty-five (25) feet in length, which provides ample space for a 15-foot long carport with up to a 5-foot roof overhang along the south front elevation. A conforming carport may cover up to the north twenty (20) feet of the existing driveway, which is adequate size to shelter a parked vehicle.*

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

*The variances are neither keeping with the spirit of the ordinance nor would it do substantial justice. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent upon a carport placed at approximately two (2) feet from the south front property line. As previously mentioned, the length of the existing driveway allows the placement of a carport in compliance with the minimum development standards of the UDC that will provide the desired protection of parked vehicles by the property owner.*

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

*The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6" Residential Single-Family base zoning district.*

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

*The carport was built in the front yard of the subject property, and thus will not injure the appropriate use of the adjacent conforming property. In addition, based on the visual survey completed by Staff, carports that were built within the front yard of the property exist within the neighborhood. While staff is not able to confirm the setbacks, and therefore compliance, of these carports, the carport on the subject property is in character with the surrounding single-family residential 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.

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

### **Staff Recommendation**

Staff recommends **denial of A-11-046**. The requested variances do not comply with four (4) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the front setback requirement.

The purpose of a variance is to restore equity when, due to special circumstances or conditions, the Ordinance restricts one (1) property more severely than other properties in the same zoning district. The subject property has no special circumstances or conditions that would result in the need of the variances requested. The hardship is a direct result of the owner's action to construct a carport without the approval of the City, and which caused the property to be in violation of the UDC. Reasonable use of the property may still be accomplished in compliance with the minimum requirements of the UDC.

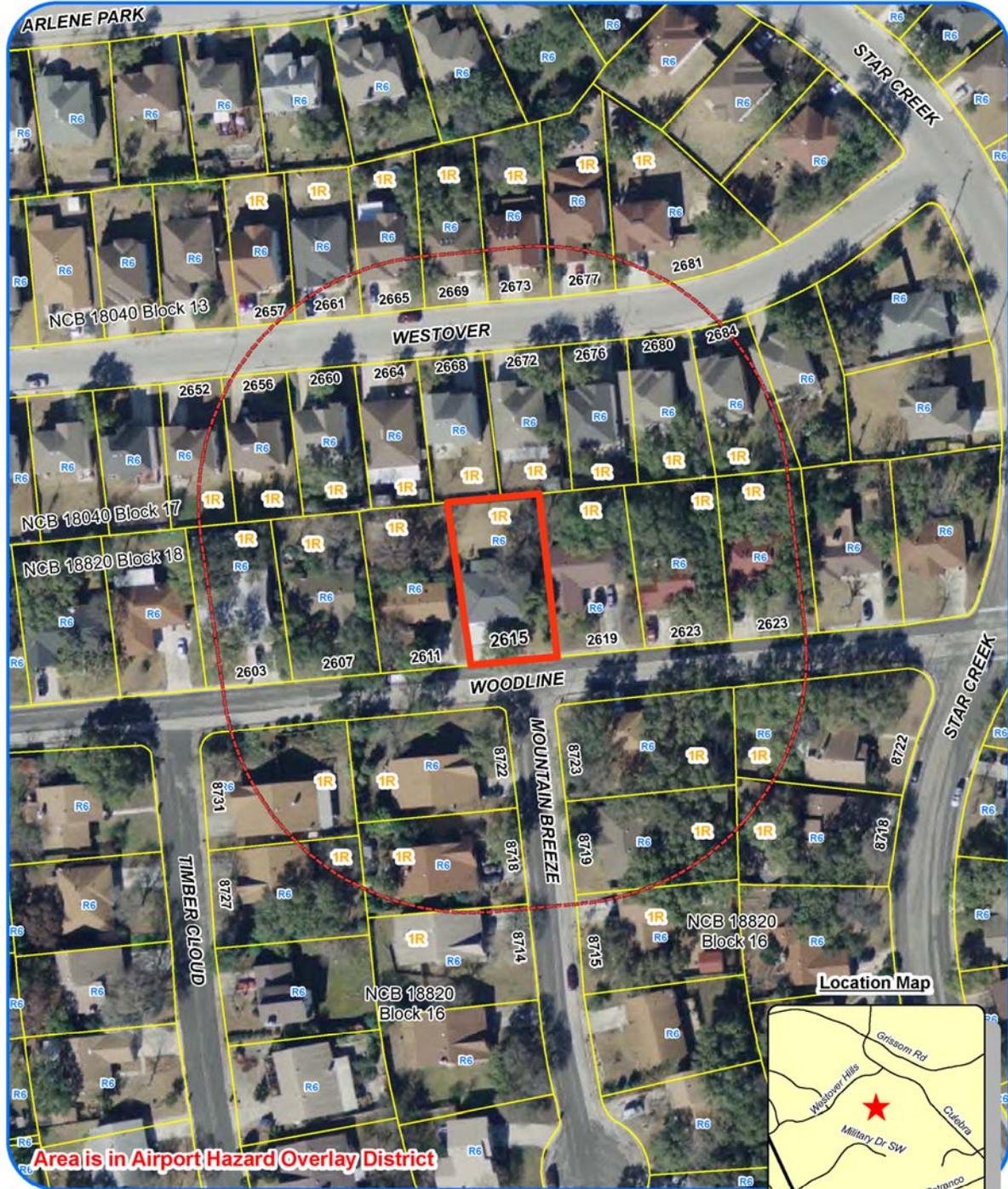
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

# Attachment 1 Notification Plan



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
Notification Plan for  
**Case A-11-046**



**Legend**  
 Subject Property  
 200' Notification Boundary  
 Scale: NTS  
 Council District 6

Planning and Development Services Dept  
 City of San Antonio  
 (4/12/2011)

Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-11-046**

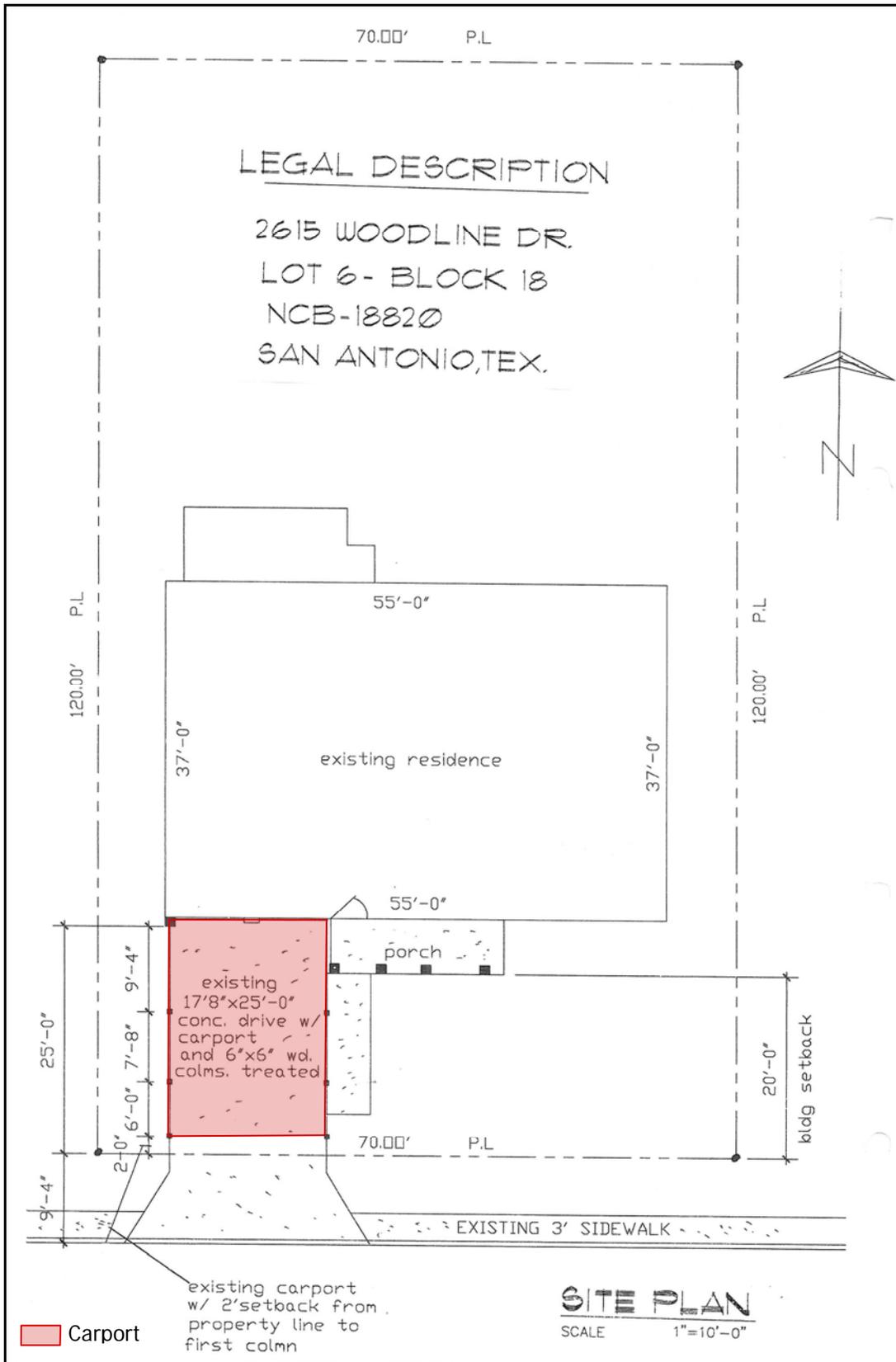


0 5 10 15 20 Feet  
Council District 6

**2615 WOODLINE ST**

Development Services Dept  
City of San Antonio  
(12/17/2011)

**Attachment 3  
Site Plan**





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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-011  
Date: January 9, 2012  
Applicant: MJ Thomas Engineering, c/o Jeff Mannon  
Owner: Second Baptist Church of San Antonio  
Location: 3310 East Commerce Street  
Legal Description: West 550.31 feet of Lot 6, NCB 10241  
Zoning: "AE-3 EP-1" Arts and Entertainment Facility Parking/Traffic Control District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests 1) a 1-foot variance from the 20-foot maximum front setback requirement when the front yard is used as a semi-private space, in order to allow a 21-foot front setback for the proposed community center; and 2) a 14.25-foot variance from the 25-foot minimum setback from all high pressure oil, gas or gasoline lines requirement, in order to allow a 10.75-foot setback from a 6-inch oil pipeline for the proposed community center.

### **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 December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 5.14-acre property consists of the Second Baptist Church of San Antonio. The current property owner wishes to build an approximately 45,820-square foot community center to be used by the public (**Attachment 3**). The proposed community center will house classrooms, a multi-purpose gymnasium and theater stage, as well as serve other functions.

In December 2008, the City established the "AE" Arts and Entertainment districts to support existing arts and entertainment venues and promote the creation of additional supporting venues and uses on areas around the Alamodome, the AT&T Center and East Commerce Street. The

subject property is located within the “AE-3” Arts and Entertainment District, which was created to accommodate arts and entertainment venues and supporting uses in a town center pattern. Pursuant to Section 35-358(f)(3)(A)(1) of the UDC, buildings shall have a minimum front setback of five (5) feet and a maximum front setback of ten (10) feet. According to Subsection (a) of this Section, the maximum front setback may be extended to twenty (20) feet if the front yard is to function as a semi-private space (i.e. outdoor seating area, plaza, open landscaped area).

The proposed community center will be placed at twenty-one (21) feet from the north property line. The applicant is proposing to provide an opened landscape area in front of the building to comply with the minimum requirements of the “AE-3” Arts and Entertainment District to the greatest extent possible. Consequently, the applicant is requesting a 1-foot variance from the 20-foot maximum front setback standard. According to the submitted application, this variance is needed due to an existing 20-foot wide pipeline easement located along the north property line (**Attachment 4**), which prohibits the placement of a building within the north twenty (20) feet of the subject property.

Additionally, there is a 6-inch pipeline in the center of this easement. Per Section 35-516(l) of the UDC, a 25-foot setback shall be shown on all lots adjacent to high pressure oil, gas or gasoline lines (measured at right angles from the center of the fuel line). Consequently, the applicant is requesting a 14-foot, 3-inch variance from this standard. It should be noted that according to the Railroad Commission of Texas, this pipeline is classified as “Non-HVL Liquid Products” (liquid products that are not highly volatile), and is currently abandoned (**Attachment 5**). Furthermore, per a response from the CITGO Products Pipeline Company dated December 29, 2011 (**Attachment 6**), this pipeline has been rendered inoperable and will not be used in the future.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
AE-3 EP-1 (Arts and Entertainment)	Church

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	AE-4 EP-1 (Arts and Entertainment)	Distribution Warehouse, Industrial Light Manufacturing
South	R-4 EP-1 (Residential)	Single-Family
East	R-4 EP-1 (Residential)	Library
West	AE-3 EP-1 (Arts and Entertainment)	Apartments

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Arena District Eastside Community Plan. The subject property is located within the Coliseum-Willow Park and within two hundred (200) feet of the Jefferson Heights neighborhood associations.

**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 variance request is not contrary to the public interest as the proposed location of the community center meets the intent of the “AE-3” Arts and Entertainment District of developing properties in a town center pattern. The purpose of the maximum setback in this district is to bring buildings closer to the right-of-way line to encourage the interconnectivity between vehicular and pedestrian traffic and buildings. While the building is proposed at twenty-one (21) feet from the north property line [one (1) foot more than the 20-foot maximum setback allowed], the applicant is still proposing to provide a semi-private area as required by Section 35-358 to maintain this connectivity. In addition, the community center, as proposed, will benefit the public interest by improving the overall appearance of the “AE-3” Arts and Entertainment District.*

*Furthermore, according to the CITGO Products Pipeline Company the existing 6-inch pipeline was abandoned and several sections of the pipe removed. The purpose of the setback requirement from a fuel line is to provide adequate separation between fuel lines and structures. Due to the current status of this pipeline, approval of the variance from this setback requirement will not be contrary to the public interest.*

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

*There is an existing 20-foot wide pipeline easement along the north property line of the subject property. Furthermore, there is a 6-inch pipeline within this easement that is currently inoperable. Due to this easement and pipeline, no structure may be erected within the north thirty-five (35) feet of the subject property. The “AE-3” Arts and Entertainment District has a maximum front setback of ten (10) feet, which may be extended to twenty (20) feet when semi-private space is provided. Additionally, the UDC requires a 25-foot minimum setback from all fuel lines. A literal enforcement of these standards result in unnecessary hardship as both standards conflict one another in that compliance with one (1) regulation will result in a violation of the other. In addition, the current status of the 6-inch pipeline makes enforcement of the 25-foot fuel line setback requirement ineffective.*

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

*The applicant is proposing to provide the semi-private area in front of the community center that is required when the front setback is extended to twenty (20) feet, as well as comply with the all other development standards of the “AE-3” Arts and Entertainment District to the most extent possible. Additionally, the variance is requested due to a 20-foot wide pipeline easement along the north property line and abandoned 6-inch pipeline, which prohibits the placement of a building within the required maximum front yard setback. Therefore, the community center, as proposed, will meet the spirit of the “AE-3” Arts and Entertainment District and substantial justice will be done.*

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 “AE-3” Art and Entertainment 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 substantially injure the appropriate use of the adjacent conforming properties. The subject property is surrounded by industrial uses, library, apartments and single-family residential. Furthermore, the applicant is proposing to construct the building in conformance with the minimum development standards of the “AE-3” Arts and Entertainment District, which are unique to the district. The proposed community center will enhance the look of the “AE-3” Arts and Entertainment 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.

*The variance is being sought due to the existing 20-foot wide pipeline easement and abandoned 6-inch pipeline that exist along the north property line of the subject property. These conditions are not a result of an action by the property owner, are not merely financial, or due to the general conditions in the district.*

### **Staff Recommendation**

Staff recommends **approval of A-12-011**. The variance complies with all the required approval criteria for granting a variance as presented above. The applicant has presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the maximum front setback requirement of the “AE-3” Arts and Entertainment District, as well as the required 25-foot setback from a fuel line. The variances are being sought due to the 20-foot pipeline easement and 6-inch pipeline that exist along the north property line, which prohibits the placement of a structure within the thirty-five (35) feet of the subject property.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – 20-ft Pipeline Easement (Volume 2445, Page 278)

Attachment 5 – Railroad Commission of Texas, Pipeline Attributes

Attachment 6 – Response from CITGO Products Pipeline Company dated December 29, 2011



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-011**



0 25 50 75 100 Feet  
Council District 2

**3310 E COMMERCE ST**

Development Services Dept  
City of San Antonio  
(11/23/2011)



Attachment 4  
20-foot Pipeline Easement

SR-PPL Form 2-G-2M-3-47

24356  
(TEXAS)

VOL 2445 PAGE 278

515025  
RIGHT-OF-WAY

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable consideration to the Grantor in hand paid, the receipt of which is hereby acknowledged,

Louis G. Barkmeyer + Emma L. Barkmeyer, his wife

herein called Grantor (whether one or more), hereby grants unto SINCLAIR REFINING COMPANY, a Maine corporation, herein called Grantee, the right and easement to lay, maintain, inspect, operate, alter, repair, replace, remove and re-lay a pipe line for the transportation of crude petroleum, oil, gas, the products or by-products of each thereof, water, and other substances of a like or different nature, and such other equipment and appurtenances as may be necessary or convenient for such operations, and also to install, maintain, inspect, repair, operate and remove telegraph, telephone and electrical lines, or any of them, upon a single line of poles, or in underground conduits or by the use of underground cables, with such anchorage, equipment and appurtenances as may be necessary or convenient therefor, for use in connection with any pipe line or pipe lines laid hereunder, over, through, upon, under and

across the following described land situated in Bexar County, in the State of Texas, bounded and described as follows:

~~On the North by the lands of~~ This easement to be subject to easement dated Sept/ 3, 1946 granted to Missouri-Kansas & Texas R.R. if pipe line interferes with future construction of railroad spur tracks being constructed on this land, Grantee, upon written notice agrees to raise or lower its pipe line.  
~~On the East by the lands of~~ said Pipe Line to be laid within 20 feet of the north and west property lines of this tract, except, at the point of intersection of U.S. Highway 90 and east line of Lone Star Cane Co. and thereon, are 50 feet south and 50 feet west thereof, Grantee shall have the right to lay its pipe line not to exceed 35 feet from property lines.  
A tract of land

containing 90.226 acres, more or less, in Old City Lots 1-2, Range 1, Dist. 1 survey and more fully described in a certain deed from Matilda Barkmeyer to Louis G. Barkmeyer, recorded in Book 1609, at Page 109, deed records of Bexar County, State of Texas;

and also, insofar as and to the extent that Grantor has the right to do so, over, through, upon, under and across the lands, roads, streets, highways, or other rights-of-way over, adjoining, or appurtenant to the above described land, it being understood that whenever the term "said land" is hereinafter used, it shall be deemed to include any such lands, roads, streets, highways, or other rights-of-way; together with at all times all rights of ingress and egress to, over, upon, through, and from said land necessary or convenient for the full and complete use by Grantee of said right-of-way easement, and Grantor warrants that he is the owner of the above described land in fee simple. Grantor shall have the right to fully use and enjoy the said premises except as the same may be necessary for the purposes herein granted to the said Grantee, or heretofore granted to Grantee under prior grant.

Grantee hereby agrees to pay any damages which may arise from Grantee's operations in laying, maintaining, operating, repairing, replacing, or removing said pipe line. In the event the parties hereto cannot agree upon the amount of said damages, then the amount thereof shall be ascertained and determined by three disinterested persons selected as follows: One by Grantor, one by Grantee, and the third by the two so selected, and the written award of a majority of said three persons so selected shall be final and conclusive on Grantor and Grantee.

Any pipe line or any underground conduit or cable for telephone, telegraph, or electrical lines laid hereunder shall be buried below plow depth.

~~For an additional consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged by Grantor, Grantor does hereby grant unto Grantee the right at any time to lay, maintain, inspect, operate, alter, repair, replace, remove, and re-lay an additional pipe line or pipe lines alongside of the first pipe line for the transportation of crude petroleum, oil, gas, the products or by-products of each thereof, water, and other substances of a like or different nature, and such other equipment and appurtenances as may be necessary or convenient for such operations, over, through, upon, under, and across said land, which said additional line or lines shall be laid upon and subject to the same rights, privileges and conditions as herein provided in respect to said original line. Grantee agrees to pay to Grantor for each additional pipe line placed on said land by it the sum of Dollars~~

**Attachment 4 (Continued)  
20-foot Pipeline Easement**

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~~at or before the time Grantee commences to construct each such additional pipe line upon, over, or through said land.~~

~~It is agreed that any payment hereunder may be made direct to said Grantor, or any of them, or by depositing such payment to the credit of the Grantor, or any of them, in the \_\_\_\_\_ Bank of \_\_\_\_\_, and payment so made shall be deemed and considered as payment to Grantor, or to all if more than one.~~

The terms, conditions, and provisions of this grant shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the respective parties hereto. The term Grantor shall include the executors, administrators, and assigns of the Grantor named herein, but any payment provided to be made hereunder shall be made to the record owner or owners of said land at the time such payment or liability therefor shall accrue.

IN WITNESS WHEREOF, Grantor has executed this instrument this 7<sup>th</sup> day of

October, 1947

Signed, sealed and delivered in the presence of:

Louis G. Barkmeyer (SEAL)  
Emma L. Barkmeyer (SEAL)  
\_\_\_\_\_  
\_\_\_\_\_  
(SEAL)  
(SEAL)

J. E. Hurink  
\_\_\_\_\_  
(SEAL)

STATE OF TEXAS }  
COUNTY OF Bexar }

Before me Mrs. Elizabeth Dummley, a Notary Public in and for said County and State, on this day personally appeared Louis G. Barkmeyer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 7<sup>th</sup> day of October, A. D. 1947.

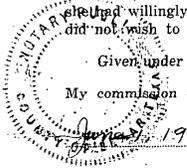
My commission expires June 1, 1949  
Mrs. Elizabeth Dummley  
Notary Public, Bexar County, Texas.

STATE OF TEXAS }  
COUNTY OF Bexar }

Before me Annie T. Connors, a Notary Public in and for said County and State, on this day personally appeared Emma L. Barkmeyer, wife of Louis G. Barkmeyer, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Emma L. Barkmeyer, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 7<sup>th</sup> day of October, A. D. 1947.

My commission expires January 1, 1949  
ANNIE T. CONNORS  
Notary Public, Bexar County, Texas. Annie T. Connors  
Notary Public, Bexar County, Texas.



Filed for record Oct. 9, 1947, at 3:09 o'clock P. M.

Recorded Oct. 10, 1947, at 11:20 o'clock A. M.

FRED HUNTRESS, County Clerk, Bexar County, Texas  
By Andres Coy Jr. Deputy.



**Attachment 5**  
**Railroad Commission of Texas, Pipeline Attributes**

IDENTIFY

Page 1 of 1

**GIS Identify Results**

**PIPELINE ATTRIBUTES**

Record # 1

<b>OPERATOR</b>	CITGO PRODUCTS PIPELINE COMPANY
<b>CONTACT PHONE NUMBER</b>	8324865539
<b>COMMODITY DESCRIPTION</b>	GASOLINE/#2 FUEL OIL
<b>SYSTEM NAME</b>	CASA PIPELINE SYSTEM
<b>SUBSYSTEM NAME</b>	SA DEL TO SA TERM 2621+68 TO 2845+73
<b>DIAMETER</b>	6.63
<b>T4PERMIT</b>	06902
<b>T4PERMIT MILES</b>	236.35
<b>P5 NUMBER</b>	154251
<b>COMMODITY</b>	Product
<b>INTERSTATE</b>	No
<b>SYSTEM TYPE</b>	Non-HVL Liquid Products
<b>STATUS</b>	Abandoned

**Attachment 6**  
**Response from CITGO Products Pipeline Company**

Page 1 of 1

**Andreina Davila**

---

**From:** Jeff W. Mannon [jwm@mjthomaseng.com]  
**Sent:** Thursday, December 29, 2011 11:05 AM  
**To:** Andreina Davila  
**Subject:** BOA Case No. A-12-011

Andreina.

Below is a response from the pipeline company for the variance, will this suffice

Jeff

**Jeffrey W. Mannon**  
**Project Manager**

**MJTHOMAS ENGINEERING, LLC**  
3400 Hulen Street, Suite 100  
Fort Worth, Texas 76107  
Firm Reg # F-9435

817-732-9839 Office  
817-732-9841 fax  
817-789-7142 Cell

[www.mjthomaseng.com](http://www.mjthomaseng.com)

---

**From:** Bentley, Sam [mailto:SBentle@citgo.com]  
**Sent:** Thursday, December 29, 2011 10:31 AM  
**To:** Jeff W. Mannon  
**Subject:** 3310 Commerce

As discussed Jeff, CITGO Products Pipeline Company has no objection to planned encroachment by the 2nd Baptist Church of San Antonio, TX. I understand that a structure may be placed within one foot of an old pipeline easement belonging to CITGO which is located at 3310 Commerce. The pipeline in that easement, which runs parallel to Commerce St., was abandoned many years ago and several sections of pipe were removed. In addition, cathodic protection was removed from the pipe. The pipeline has been rendered inoperable and will not be used in the future.

**Sam Bentley**  
**Assistant Region Manager**  
**CITGO Products Pipeline Company**  
830-875-5214 X202

1/2/2012

A-12-011 - 11



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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-012  
Date: January 9, 2012  
Applicant: Candid Rogers  
Owner: Marvin Barenblat  
Location: 430 Madison Street  
Legal Description: Lot 19, Block 6, NCB 747  
Zoning: "HS IDZ H AHOD" Historic Significant Infill Development Zone King William Historic Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests 1) a 5-foot variance from the 5-foot minimum rear setback requirement, in order to allow a 0-foot rear setback; and 2) a 6-foot variance from the 20-foot minimum right-of-way setback requirement for a garage entry accessed from a street right-of-way, in order to allow a 14-foot setback to the garage entry.

### **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 December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.09-acre (3,953-square foot) property is located at the east corner of the intersection of Madison Street and Johnson Street. It is approximately fifty-six (56) feet wide and seventy (70) feet long, and is currently vacant. The current property owner wishes to develop the subject property with an approximately 2,670-square foot, two-story single-family residential home with a two-car garage (**Attachment 3**). The proposed garage will be approximately nineteen (19) feet, nine (9) inches wide and twenty (20) feet, six (6) inches long.

Per the Saint Benedict's Subdivision Plat (**Attachment 4**), there is a 14-foot wide gas, electric, telephone and cable television easement along the northwest and southwest property lines of the

subject property. This easement comprises approximately thirty-nine percent (39%) of the total lot area, which substantially limits the property’s buildable area due to the lot dimensions. To maximize the use of the subject property, the applicant is proposing to place the single-family residential home at the edge of this easement and northeast property line with a small portion of the structure at the southeast property line. The proposed garage will be set back fourteen (14) feet from the southwest property line and edge of the sidewalk.

Pursuant to Section 35-343(c) of the UDC, no new or existing building shall be erected, constructed or expanded to extend within five (5) feet of the rear lot line in an “IDZ” Infill Development Zone District. In addition, per Section 35-516(g) of the UDC, there shall be a minimum of twenty (20) feet between the back of a sidewalk or the property line and any garage entry accessed from a street right-of-way. Consequently, the applicant is requesting to eliminate the minimum required rear setback, and a 6-foot variance from the 20-foot minimum right-of-way setback for a garage. According to the submitted application, the variances are needed due to the size of the lot and the existing 14-foot wide easement.

On August 17, 2009, the Board of Adjustment granted a 5-foot rear setback variance for several properties on Madison Street, to include the subject property. However, as no action was taken by the former property owner, the variance became null and void. This resulted in the need of a new application for a variance from the 5-foot minimum rear setback requirement.

The Office of Historic Preservation issued a Certificate of Appropriateness for the proposed single-family residence on September 21, 2011 (**Attachment 5**).

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
HS IDZ H AHOD (Infill Development)	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	HS RM-4 S H (Mixed Residential)	Single-Family
South	HS C-2 H (Commercial)	Apartments/Condominiums
East	HS IDZ H AHOD (Infill Development)	Vacant
West	HS RM-4 S H (Mixed Residential)	Fourplex

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Downtown Neighborhood Plan. The subject property is located within the King William 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 5-foot rear setback variance is not contrary to the public interest as the proposed location of the single-family residential home meets the intent of the "IDZ" Infill Development Zone District. The purpose of the "IDZ" Infill Development Zone is to provide flexible standards for the development and reuse of underutilized parcels. The subject property is a 3,953-square foot lot, of which approximately thirty-nine percent (39%) consists of an easement where no structures may be built. The single-family residential structure, as proposed, maximizes the use of the subject property without compromising the general welfare of the public.*

*However, the requested 6-foot variance from the required setback for a garage is contrary to the public interest as it deviates from the purpose of this setback requirement. The purpose of the garage setback is to provide adequate space for a vehicle parked in the driveway to prevent encroachment into the right-of-way or sidewalk. There is an existing 3-foot wide sidewalk located at the edge of the Johnson Street right-of-way line, placing the proposed garage fourteen (14) feet from the edge of the sidewalk. The proposed setback will cause vehicles parked on the driveway to overhang onto the sidewalk and thus obstruct pedestrian traffic.*

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

*The subject property is a 56-foot wide by 70-foot deep lot that was created at the time it was platted in 2007. In addition, it is a corner lot with a 14-foot wide gas, electric, telephone and cable television easement along the northwest (Madison Street) and southwest (Johnson Street) property lines. This easement in conjunction with the setback requirements substantially reduces the lot's net area to approximately two thousand two hundred ninety-six (2,296) square feet, strictly limiting the placement of a structure on the subject property and its reasonable use.*

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

*The applicant is only proposing the east twenty (20) feet of the single-family residence to extend to the rear southeast property line. The remainder of the house will comply with the 5-foot minimum rear setback requirement. This variance is in harmony with the purpose and intent of the "IDZ" Infill Development Zone District and would allow the reasonable use of the subject property.*

*However, the requested 6-foot variance for the garage deviates from the intent and purpose of the garage setback requirement. While the Site Plan shows approximately nine (9) feet from the back of the curb to the property line (providing sufficient space between the road and the garage), there is an existing 3-foot wide sidewalk along the edge of the right-of-way (property line). The proposed 14-foot setback reduces the length of the driveway of the property, and thus allows the encroachment of vehicles onto the sidewalk.*

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 "IDZ" Infill Development Zone base zoning district.*

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

*The requested variances will not substantially injure the appropriate use of the adjacent conforming properties, or alter the essential character of the district. The single-family residential structure, as proposed, will help maintain the integrity and scale of the Madison Street frontage, and is in character with the scale of nearby residences in the surrounding King William Historic District. Furthermore, the subject property is surrounded by other single-family and multi-family uses, some of which have garages in close proximity to the property line, to include the property to the west.*

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 variances are being sought due to the existing lot size and the 14-foot wide gas, electric, telephone and cable television easement that exists along the northwest and southwest property lines of the subject property that were created at the time it was platted in 2007. These conditions are not a result of an action by the property owner, are not merely financial, or due to the general conditions in the district.*

### **Staff Recommendation**

Staff recommends **partial approval of A-12-012**. The variances are sought due to the size of the lot and the 14-foot wide easement that comprises approximately thirty-nine percent (39%) of the lot. This easement in conjunction with the required setbacks substantially reduces the net buildable area of the subject property, which strictly limits the location and size of the structure and thus limiting the reasonable use of the property. Therefore, staff recommends the following:

- 1) The 5-foot variance from the rear setback requirement complies with all the required approval criteria for granting a variance as presented above. The applicant has presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the minimum rear setback requirement of the "IDZ" Infill Development Zone District. The proposed location of the single-family residential home meets that intent and purpose of this zoning district. Consequently, staff recommends **approval** of this request.
- 2) The 5-foot variance from the right-of-way setback requirement for a garage does not comply with two (2) of the six (6) approval criteria for granting a variance as presented above. The applicant did not present sufficient evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the 20-foot setback for a garage when accessed from a right-of-way. The purpose of the garage setback is to provide sufficient room for a vehicle to park on the driveway in front of the

garage without overhanging over a sidewalk or encroaching into the right-of-way. The proposed 14-foot setback from the property line, which is also the edge of the sidewalk, significantly reduces the size of the driveway and the space necessary to accommodate a vehicle on the driveway. Consequently, staff recommends **denial** of this request.

**Attachments**

Attachment 1 – Location Map

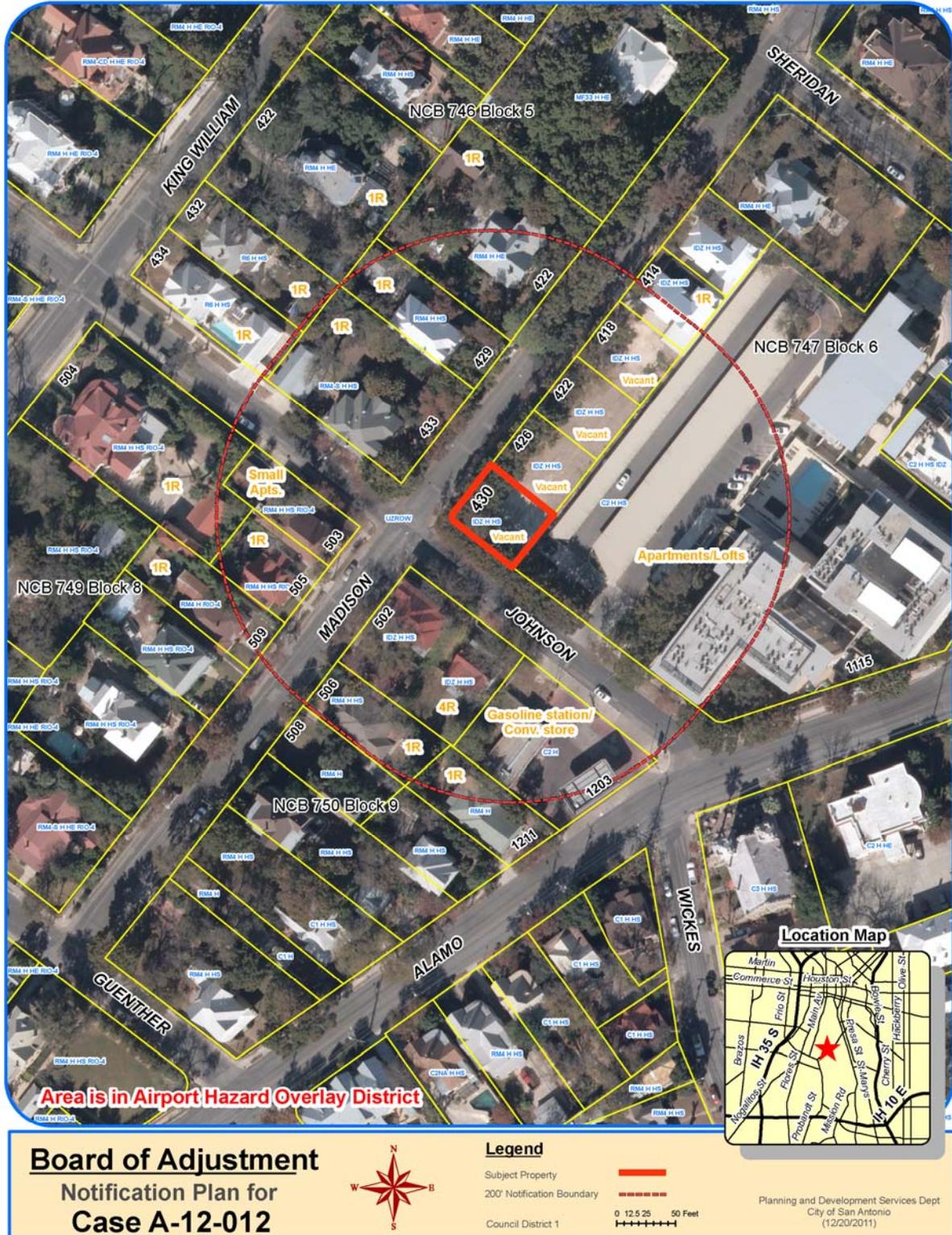
Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Saint Benedict’s Subdivision Plat

Attachment 5 – Office of Historic Preservation Certificate of Appropriateness

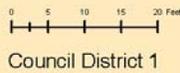
# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-012**

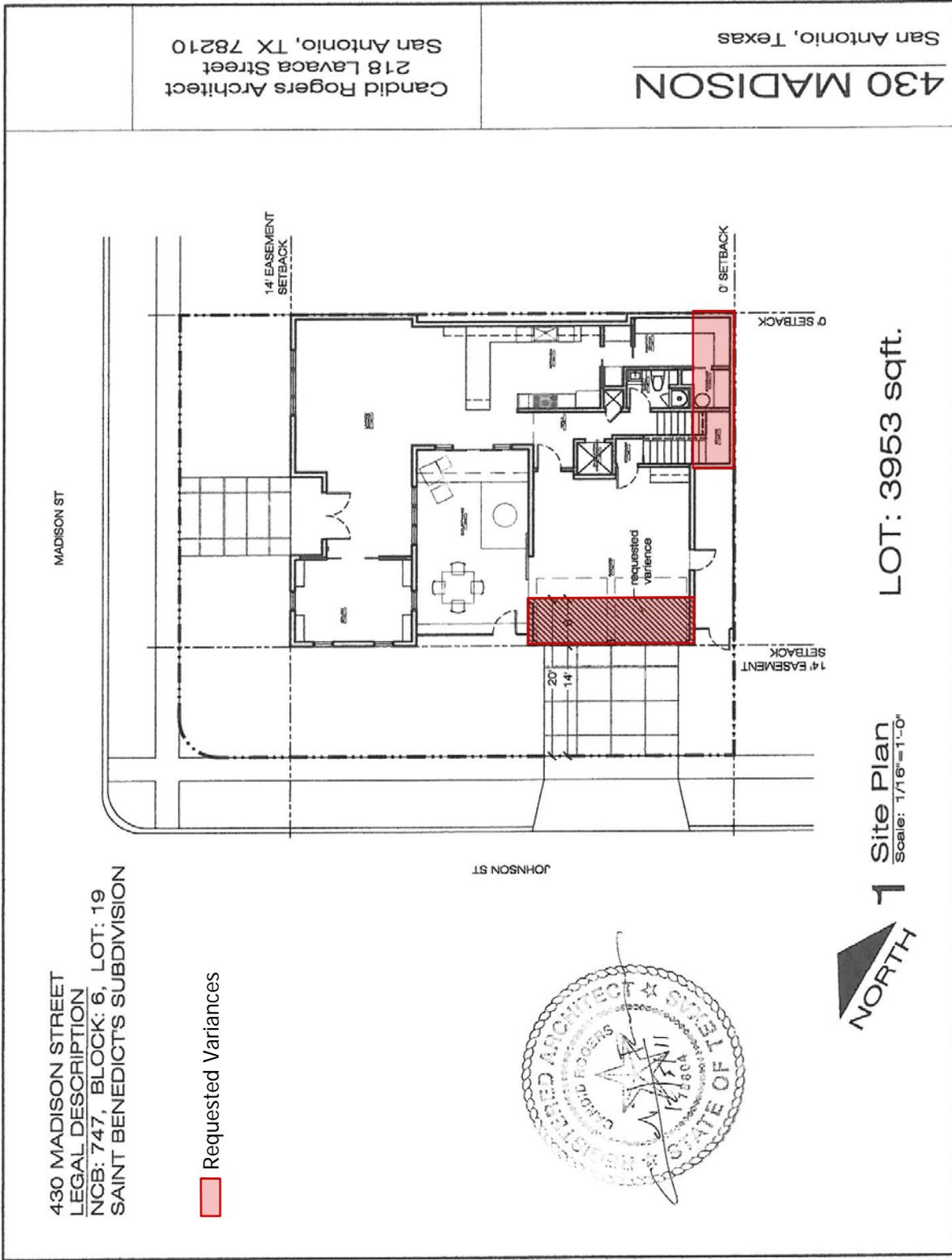


Council District 1

**430 MADISON**

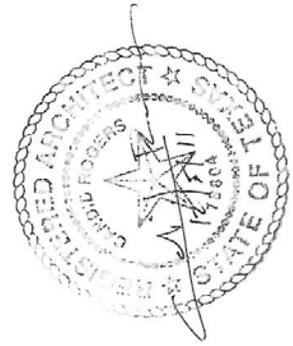
Development Services Dept  
City of San Antonio  
(12/23/2011)

**Attachment 3  
Site Plan**



430 MADISON STREET  
LEGAL DESCRIPTION  
NCB: 747, BLOCK: 6, LOT: 19  
SAINT BENEDICT'S SUBDIVISION

Requested Variances



**1** Site Plan  
Scale: 1/16"=1'-0"

LOT: 3953 sqft.

Candid Rogers Architect  
218 Lavaca Street  
San Antonio, TX 78210

**430 MADISON**  
San Antonio, Texas



**Attachment 5**  
**Office of Historic Preservation Certificate of Appropriateness**



**CITY OF SAN ANTONIO**

**HISTORIC AND DESIGN REVIEW COMMISSION  
CERTIFICATE OF APPROPRIATENESS**

September 21, 2011

**HDRC CASE NO:** 2011-194  
**ADDRESS:** 430 Madison  
**LEGAL DESCRIPTION:** NCB 747 (ST. BENEDICT'S SUBD), BLOCK 6 LOT 19  
**HISTORIC DISTRICT:** King William Historic District  
**APPLICANT:** Candid Rogers 218 Lavaca  
**OWNER:** Marvin & Liana Barenblat  
**TYPE OF WORK:** New Construction

**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for approval to:

1) Construct a new two-story residence (2671 sq.ft). The project will consist of a new foundation, mesh panel fencing covered in Jasmine, and a screened porch. Front and side yards will be landscaped with native species.

The landscaping and proposed color of the home will be submitted for HDRC review at a later date.

**RECOMMENDATION:**

On September 13, 2011, the applicant met with the Design Review Committee (DRC) regarding the proposed project. Overall, the committee was approving of the proposal. The primary issue noted was the lack of windows or fenestration on the east elevation of the proposed home. The applicant noted that the east elevation sat on a zero lot line. Because of this, windows were not planned for this elevation. In order to alleviate the blank wall appearance of the elevation, the committee suggested that fenestration or some

type of greenery (a green screen) be placed on or along the eastern elevation. The committee also suggested that the applicant look into the fenestration requirements for zero lot line homes. Staff agrees with the DRC comments and suggests that further development should be done for the east elevation of the proposed home. Staff notes that the east elevation will be completely exposed to those traveling west on Madison Street. The non articulated elevation could be considered overwhelming and out of scale to those pedestrians passing by. The applicant noted the DRC and staff comments and stated that he would submit a revision for the east elevation. (see revised exhibits)

The applicant proposes to construct a new two-story residence on Madison Street in the King William neighborhood. The proposed location currently sits vacant at the corner of Madison Street and Johnson Street. The residence will be clad in stucco and shiplap wood siding. Standing seam roofing and metal clad windows will be applied throughout the proposed design. Six foot side yard fencing will be installed as well. Madison Street currently has a number of recently constructed residences using like materials. In accordance with UDC requirements, the proposed residence is fitting with the scale and size of other nearby residences. The landscaping and proposed color of the home will be submitted for HDRC review at a later date.

**Attachment 5 (Continued)**  
**Office of Historic Preservation Certificate of Appropriateness**

2011-194  
9/21/11

The garage to the home will enter from the side of the residence on Johnson Street. The DRC and staff suggests that the garage driveway (on Johnson Street) be constructed of a different material than that of the existing sidewalk. Staff notes that the driveway appears rather large. A different style, such as a ribbon driveway or a grasscrete driveway, may need to be applied rather than what is proposed in order to minimize its size. Overall, staff finds the proposed project aesthetically appropriate for the area. The proposed massing and style of the home are properly related to the character of the district.

Staff recommends approval of the proposed project with the stipulation that fenestration or screening be applied to the east elevation of the home. The proposed driveway size and material on Johnson Street should be revised to minimize its visual effect per staff and DRC comments.

This recommendation is consistent with UDC Sec. 35-609

**COMMISSION ACTION:**

Approved as submitted on September 21, 2011 changes and stipulations including further investigation of the control joints of the driveway and introduction of the gable roof on the east elevation.

The applicant submitted drawings and specifications meeting the requirements.



Shanon Peterson  
Historic Preservation Officer



# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-12-013  
Date: January 9, 2012  
Applicant: Aetna Sign Group  
Owner: Harlandale ISD  
Location: 114 East Gerald Avenue  
Legal Description: Lot 4, NCB 8611  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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#### **Request**

The applicant requests 1) a 5.33-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.33-foot tall sign; 2) a 5.78-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 41.78-square foot sign; and 3) a variance from the regulation prohibiting digital display signs in residential zoning districts with frontage on local streets and residential collectors, in order to allow a digital display sign in a residential district with frontage on a local street.

#### **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 December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The approximately 23.48-acre property consists of the Harlandale High School located at the southeast corner of the intersection of Gerald Avenue and Pleasanton Road. The current property owner wishes to install a new freestanding sign in front of the main entrance of the school on the Gerald Avenue street frontage (**Attachment 3**). The new freestanding sign will be approximately thirteen (13) feet, four (4) inches tall, and will have a total sign area of approximately forty-two (42) square feet (**Attachment 4**). The total sign area includes an approximate 20-square foot digital display sign.

Pursuant to Section 28-240(b)(3) of the Sign Regulations, nonresidential uses in a residential zoning district on a local street are allowed one (1) freestanding sign not to exceed thirty-six (36) square feet. According to Section 28-240(c)(1) of the Sign Regulations, freestanding signs in a residential zoning district on a local or residential collector street shall have a maximum height of eight (8) feet. Furthermore, per Section 28-240(c)(4) of the Sign Regulations, digital display shall not be permitted in a residential zoning district on a local or residential collector street.

The base zoning district of the subject property is “R-6” Residential Single-Family District. In addition, Gerald Avenue is classified as a local street. Consequently, the applicant is requesting three (3) variances from these standards. According to the submitted application, the variances are requested to allow the digital sign on the subject property that will serve as a communication device for the school, as well as to allow the new freestanding sign at the height and area proposed.

The subject property also has street frontage on Pleasanton Road, which is a Type A Secondary Arterial according to the City’s Major Thoroughfare Plan. An existing digital freestanding sign exists along this side of the subject property.

It should be noted that Section 28-240(c)(4) of the Sign Regulations specifically prohibits digital display signs on properties that are on a local or residential collector street in a residential zoning district. In addition, Section 28-246(a) of the Sign Regulations states that no variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. Allowance for the digital display sign requires an amendment to the Sign Regulations.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	C-1 AHOD (Commercial), R-6 AHOD (Residential)	Day Care, Single-Family
South	C-3R AHOD (Commercial), MF-33 AHOD (Residential), R-6 AHOD (Residential)	Auto Repair, Single-Family
East	RM-4 AHOD (Residential), R-6 AHOD (Residential)	Single-Family, School
West	MF-33 AHOD (Residential), C-3 AHOD (Commercial), C-3NA (Commercial), C-2NA (Commercial)	Apartments, Retail, Auto Repair, Vacant

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

The subject property is located within the South Central Community Plan. The subject property is not located 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 subject property is not influenced by unique features such as size of the lot, topography or large heritage or significant trees that result in the need of the variances requested. Additionally, digital display signs are specifically prohibited on the subject property, and may not be approved through this variance request. The subject property is located in a residential zoning district where the number and size of signs are restricted to preserve the residential character of the area, as well as avoid visual clutter. A conforming freestanding sign may be erected on site that will provide adequate signage for the school.*

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 subject property is located on a local street in a residential zoning district. The City's Sign Regulations provide allowances for nonresidential uses in a residential zoning district to erect signs at a much smaller scale than what is allowed in nonresidential zoning districts or on a higher street classification. The applicant is proposing a sign that is approximately sixty-six percent (66%) taller and sixteen percent (16%) bigger than what is allowed by right. As no unique conditions exist on the land that justify the need for a bigger sign, granting of these variances will provide the applicant with special privileges.*

*Furthermore, per Section 28-246(a) of the Sign Regulations, no variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The Sign Regulations specifically prohibit digital display sign on properties located on a local and residential collector street in a residential zoning district. Digital display signs would only be permitted if the proposed sign would be on a street frontage of an arterial, commercial collector or expressway, or if the property was not zoned single-family. The subject property fronts Pleasanton Road, a Type A Secondary Arterial, where a digital sign already exists. Therefore, granting of this variance would provide the applicant special privileges, as well as violate this Section of the Sign Regulations.*

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

*Granting the variance will not adversely impact the neighboring properties. The proposed sign will be located in front of the main school entrance on the Gerald Avenue street frontage, and will not be in close proximity to the abutting single-family residential homes. Furthermore, the proposed sign will be required to be set back a minimum of fifteen (15) feet from the right-of-way line per Section 28-240(c)(1) of the Sign Regulations.*

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

*The City's Sign Regulations establishes specific requirements for different sign types depending on the property's zoning district, number of tenants, location and street classification. The applicant is proposing to erect a sign that is approximately sixty-six percent (66%) taller and sixteen percent (16%) bigger than what is permitted in this district, and which includes an approximate 20-square foot digital display sign. This type of sign would only be allowed if the proposed sign was on a street frontage of an expressway, commercial collector or arterial, or if the property was in a nonresidential zoning district. Therefore, granting of these variances will substantially conflict with the stated purpose for signage along local streets in a residential zoning district. Moreover, the requested digital display sign variance also conflicts with the stated purpose of the Sign Ordinance, as it would allow a sign on the subject property that eliminates distinction of sign type by street classification. A digital display sign on a local or residential collector street is expressly prohibited by Section 28-240(c)(4) of the Sign Regulations, and the elimination of sign type by street classification is expressly prohibited by Section 28-246(a) of the Sign Regulations. Thus, the digital display sign variance should not be approved.*

### **Staff Recommendation**

Staff recommends **denial of A-12-013**. The requested variances do not comply with the four (4) required approval criteria for granting a variance as presented above. The applicant did not present evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the sign standards for properties located in a residential zoning district on a local street. The applicant's desire to simply erect a taller and bigger sign than what is allowed per Code, or to install a digital sign to better control messages, are not sufficient justifications for granting a variance.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphic communication problems. The subject property does not have special circumstances or conditions that would result in the need of the variances requested. Signs are limited in residential districts to preserve the residential look and character of the area. The proposed sign is considerably larger than what is allowed, and approval of these variances significantly conflict with the purpose of the signs regulations for residential districts.

Furthermore, it is important to note that Section 28-246(a) of the Sign Ordinance prohibits the granting of a variance that would eliminate the distinction between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The proposed digital

display sign would only be allowed if the sign was installed on the street frontage of an expressway, arterial or commercial collector, or if the subject property had a nonresidential zoning district. While staff recognizes the advantages of a digital display sign in a school, this type of sign is expressly prohibited on the subject property, and thus approval of this variance would conflict with the stated purpose of the Sign Regulations.

**+Attachments**

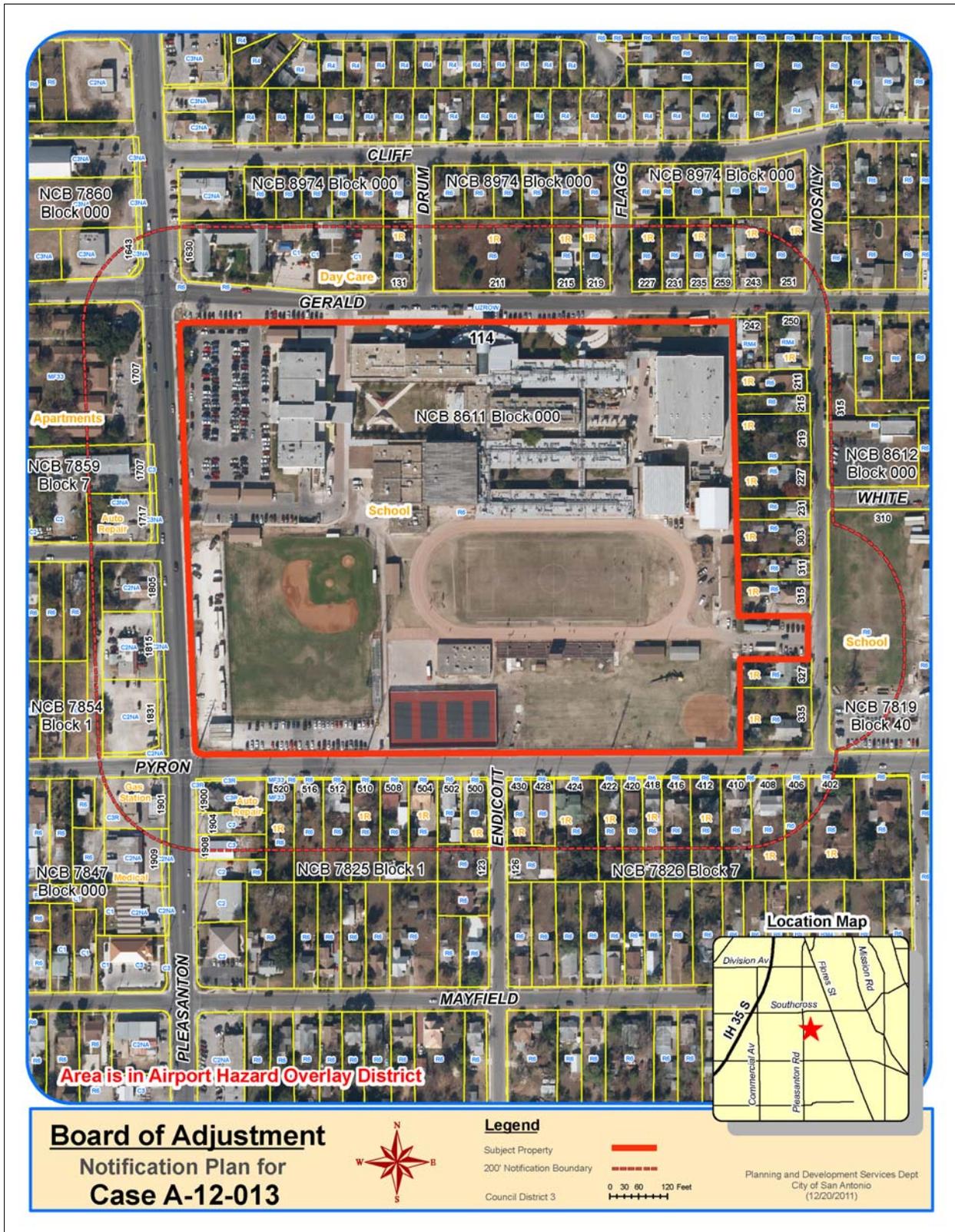
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Proposed Location

Attachment 4 – Proposed Sign Elevation

# Attachment 1 Notification Plan



**Attachment 2  
Plot Plan**



<p><b>Board of Adjustment</b> Plot Plan for <b>Case A-12-013</b></p>		<p><b>Sign Location</b> ●</p> <p>Council District 3</p>	<p><b>114 E GERALD</b></p> <p><small>Development Services Dept City of San Antonio (12/23/2011)</small></p>
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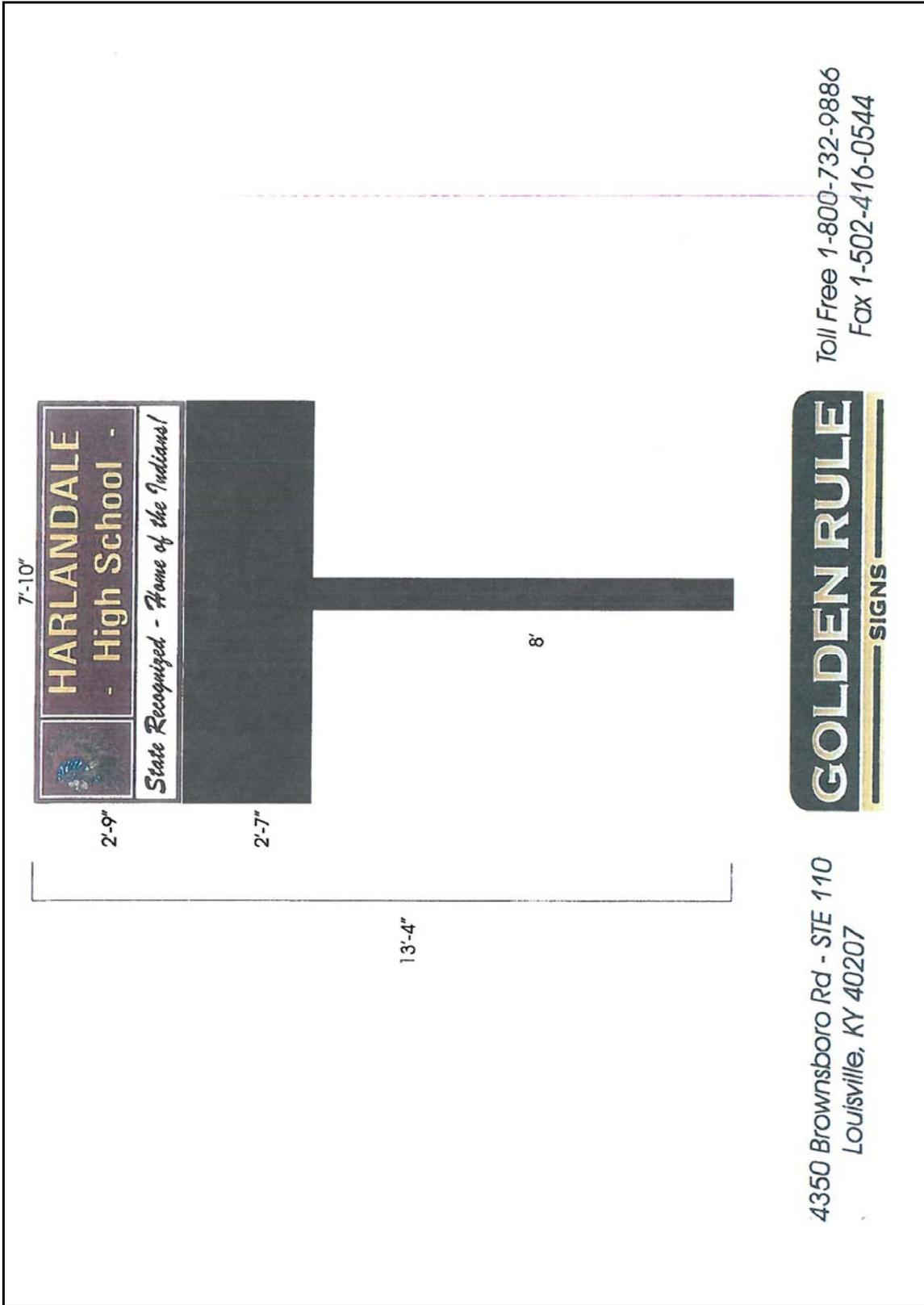
**Attachment 3  
Proposed Location**



Harlandale High School



Attachment 4  
Proposed Sign Elevation





# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-12-014  
Date: January 9, 2012  
Applicant: Aetna Sign Group  
Owner: Harlandale ISD  
Location: 503 West Formosa Boulevard  
Legal Description: Lot 2, Block 339, NCB 9434  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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#### **Request**

The applicant requests 1) a 5.08-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.08-foot tall sign; 2) a 3.82-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 39.82-square foot sign; and 3) a variance from the regulation prohibiting digital display signs in residential zoning districts with frontage on local streets and residential collectors, in order to allow a digital display sign in a residential district with frontage on a local street.

#### **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 December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The approximately 26.68-acre property consists of the McCollum High School located at the northeast corner of the intersection of West Formosa Boulevard and Burton Avenue. There is an existing free standing marquee sign in front of the main entrance of the school on the West Formosa Boulevard street frontage. The current property owner wishes to remove this sign and install a new freestanding sign at the same location (**Attachment 3**). The new freestanding sign will be approximately thirteen (13) feet, one (1) inch tall, and will have a total sign area of

approximately forty (40) square feet (**Attachment 4**). The total sign area includes an approximate 20-square foot digital display sign.

Pursuant to Section 28-240(b)(3) of the Sign Regulations, nonresidential uses in a residential zoning district on a local street are allowed one (1) freestanding sign not to exceed thirty-six (36) square feet. According to Section 28-240(c)(1) of the Sign Regulations, freestanding signs in a residential zoning district on a local or residential collector street shall have a maximum height of eight (8) feet. Furthermore, per Section 28-240(c)(4) of the Sign Regulations, digital display shall not be permitted in a residential zoning district on a local or residential collector street.

The base zoning district of the subject property is “R-6” Residential Single-Family District. In addition, West Formosa Boulevard is classified as a local street. Consequently, the applicant is requesting three (3) variances from these standards. According to the submitted application, the variances are requested to allow the digital sign on the subject property that will serve as a communication device for the school, as well as to allow the new freestanding sign at the height and area proposed.

The subject property also has street frontage on West Hutchins Place, which is a Type B Secondary Arterial according to the City’s Major Thoroughfare Plan. The digital display sign may be erected on this portion of the subject property in compliance with Section 28-240 of the Sign Regulations.

It should be noted that Section 28-240(c)(4) of the Sign Regulations specifically prohibits digital display signs on properties that are on a local or residential collector street in a residential zoning district. In addition, Section 28-246(a) of the Sign Regulations states that no variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. Allowance for the digital display sign requires an amendment to the Sign Regulations.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential), MF-33 AHOD (Residential)	School Maintenance Yard, Apartments
South	R-6 AHOD (Residential)	Single-Family, Vacant
East	R-6 AHOD (Residential)	Single-Family, School
West	R-6 AHOD (Residential)	Single-Family, Church

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan. The subject property is not located within a registered neighborhood association.

## Criteria for Review

According to Section 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 subject property is not influenced by unique features such as size of the lot, topography or large heritage or significant trees that result in the need of the variances requested. Additionally, digital display signs are specifically prohibited on the subject property, and may not be approved through this variance request. The subject property is located in a residential zoning district where the number and size of signs are restricted to preserve the residential character of the area, as well as avoid visual clutter. There is an existing nonconforming sign on the property that may remain on site to continue providing adequate signage for the school.*

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 subject property is located on a local street in a residential zoning district. The City's Sign Regulations provide allowances for nonresidential uses in a residential zoning district to erect signs at a much smaller scale than what is allowed in nonresidential zoning districts or on a higher street classification. The applicant is proposing a sign that is approximately sixty-four percent (64%) taller and eleven percent (11%) bigger than what is allowed by right. As no unique conditions exist on the land that justify the need for a bigger sign, granting of these variances will provide the applicant with special privileges.*

*Furthermore, per Section 28-246(a) of the Sign Regulations, no variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The Sign Regulations specifically prohibit digital display sign on properties located on a local and residential collector street in a residential zoning district. Digital display signs would only be permitted if the proposed sign would be on a street frontage of an arterial, commercial collector or expressway, or if the property was not zoned single-family. The subject property fronts West Hutchins Place, a Type B Secondary Arterial, where a digital sign may be installed in compliance with Section 28-240 of the Sign Regulations. Therefore, granting of this variance would provide the applicant special privileges, as well as violate this Section of the Sign Regulations.*

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

*Granting the variance will not adversely impact the neighboring properties. The proposed sign will be located in front of the main school entrance on the West Formosa Boulevard street frontage, and will not be in close proximity to the abutting single-family residential homes. Furthermore, the proposed sign will be required to be set back a minimum of fifteen (15) feet from the right-of-way line per Section 28-240(c)(1) of the Sign Regulations.*

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

*The City's Sign Regulations establishes specific requirements for different sign types depending on the property's zoning district, number of tenants, location and street classification. The applicant is proposing to erect a sign that is approximately sixty-four percent (64%) taller and eleven percent (11%) bigger than what is permitted in this district, and which includes an approximate 20-square foot digital display sign. This type of sign would only be allowed if the proposed sign was on a street frontage of an expressway, commercial collector or arterial, or if the property was in a nonresidential zoning district. Therefore, granting of these variances will substantially conflict with the stated purpose for signage along local streets in a residential zoning district. Moreover, the requested digital display sign variance also conflicts with the stated purpose of the Sign Ordinance, as it would allow a sign on the subject property that eliminates distinction of sign type by street classification. A digital display sign on a local or residential collector street is expressly prohibited by Section 28-240(c)(4) of the Sign Regulations, and the elimination of sign type by street classification is expressly prohibited by Section 28-246(a) of the Sign Regulations. Thus, the digital display sign variance should not be approved.*

### **Staff Recommendation**

Staff recommends **denial of A-12-014**. The requested variances do not comply with the four (4) required approval criteria for granting a variance as presented above. The applicant did not present evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the sign standards for properties located in a residential zoning district on a local street. The applicant's desire to simply erect a taller and bigger sign than what is allowed per Code, or to install a digital sign to better control messages, are not sufficient justifications for granting a variance.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphic communication problems. The subject property does not have special circumstances or conditions that would result in the need of the variances requested. Signs are limited in residential districts to preserve the residential look and character of the area. The proposed sign is considerably larger than what is allowed, and approval of these variances significantly conflict with the purpose of the signs regulations for residential districts.

Furthermore, it is important to note that Section 28-246(a) of the Sign Ordinance prohibits the granting of a variance that would eliminate the distinction between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The proposed digital display sign would only be allowed if the sign was installed on the street frontage of an expressway, arterial or commercial collector, or if the subject property had a nonresidential

zoning district. While staff recognizes the advantages of a digital display sign in a school, this type of sign is expressly prohibited on the subject property, and thus approval of this variance would conflict with the stated purpose of the Sign Regulations.

**Attachments**

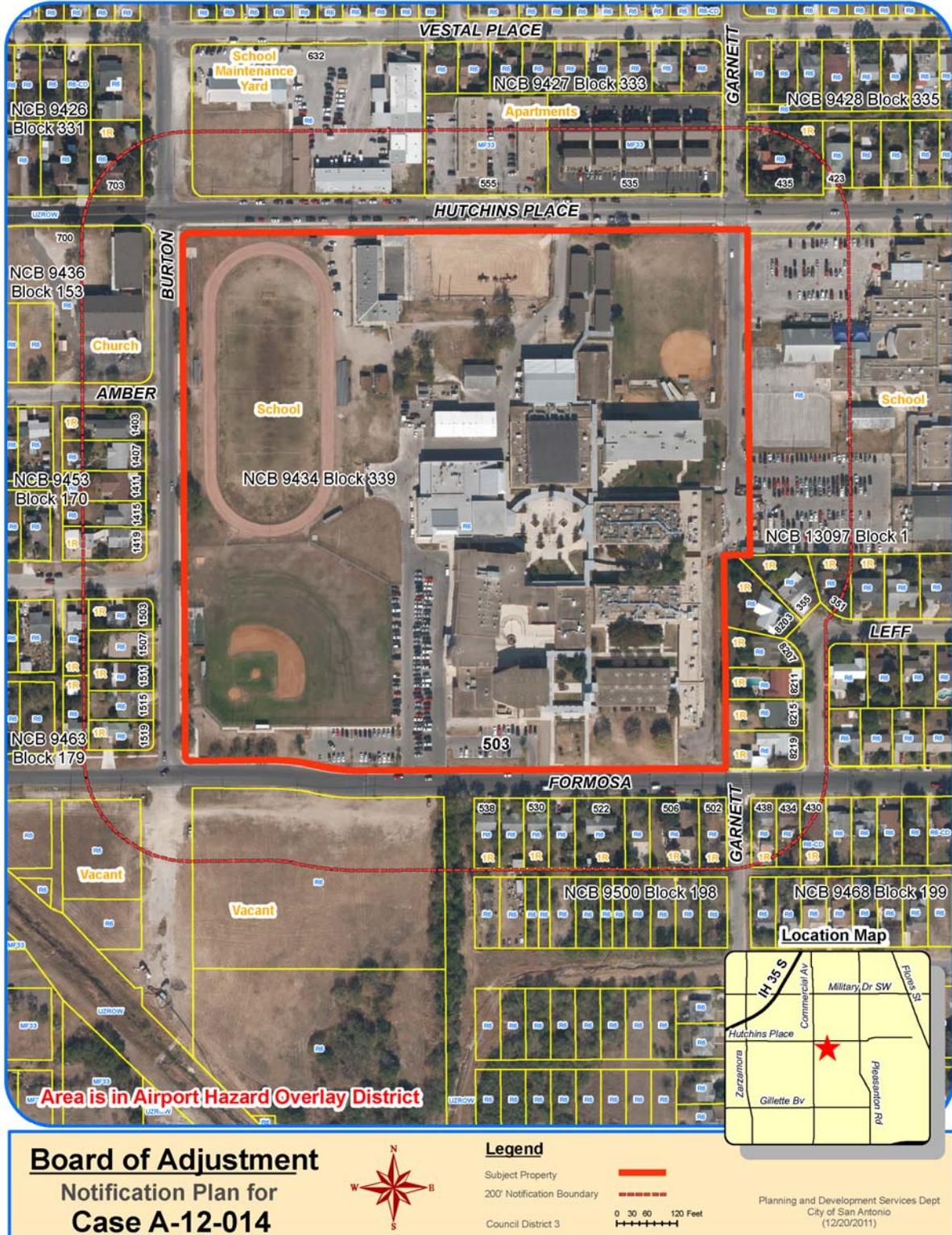
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Proposed Location

Attachment 4 – Proposed Sign Elevation

# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-014**



**Sign Location** ●  
0 25 50 100 150 Feet  
Council District 3

**503 W FORMOSA BLVD**

Development Services Dept  
City of San Antonio  
(12/23/2011)

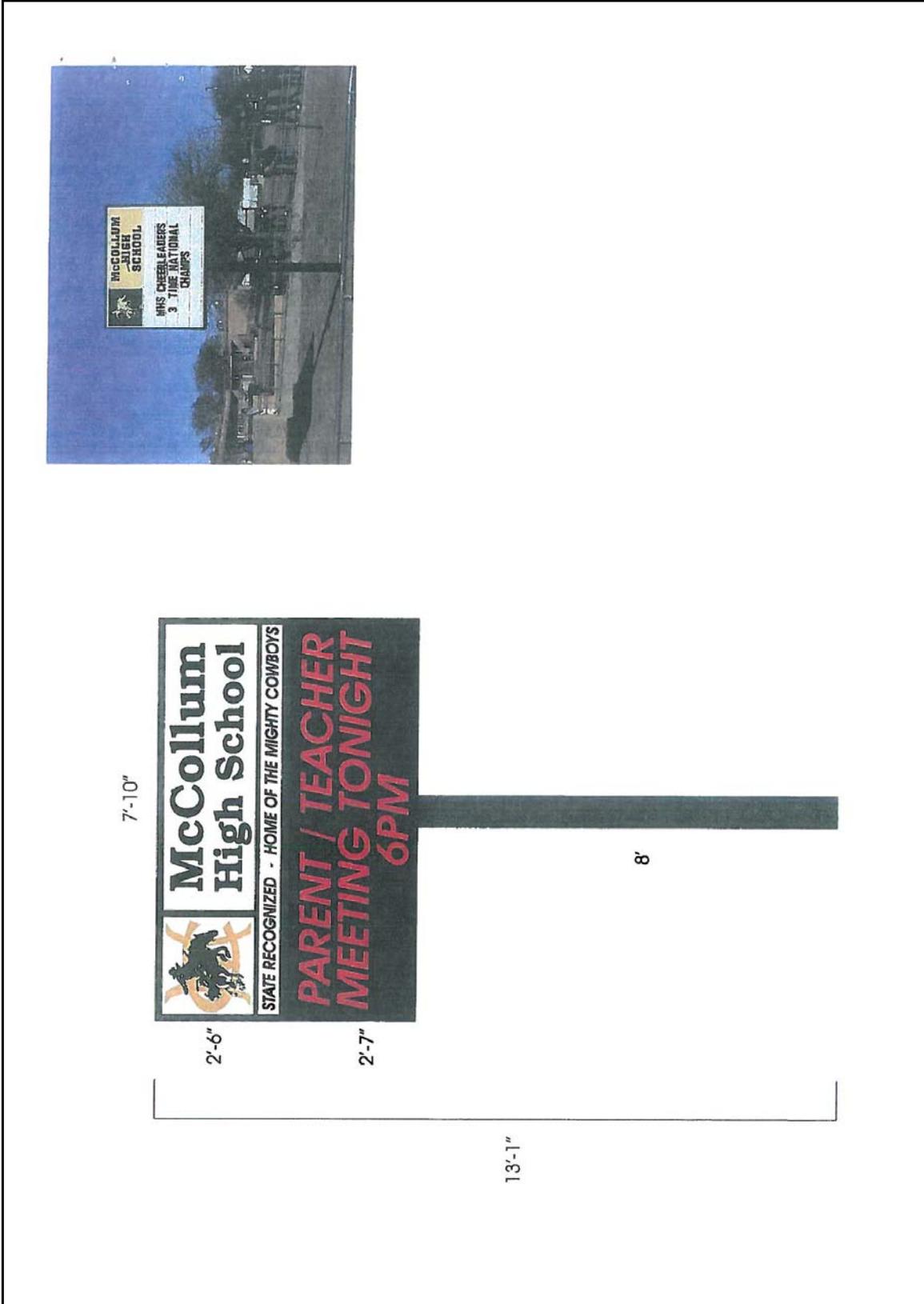
**Attachment 3  
Proposed Location**



McCollum High School



Attachment 4  
Proposed Sign Elevation





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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-015  
Date: January 9, 2012  
Applicant: Nora V. Garza  
Owner: Nora V. Garza  
Location: 2817 Buena Vista Street  
Legal Description: Lot 11, Block 3, NCB 2324  
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 December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 0.18-acre property consists of an approximately 1,482-square foot, single story residential structure. According to the submitted Site Plan (**Attachment 3**), approximately one thousand two hundred eighteen (1,218) square feet of the structure is used as a residence, and two hundred sixty-four (264) square feet is used as a one-operator beauty/barber shop [approximately eighteen percent (18%) of the gross building area]. The beauty/barber shop has its own separate entrance, as well as access from the residential portion of the existing structure.

The property owner was first granted a Special Exception for a one-operator beauty/barber shop in 2001 for a two (2) year period (Case No. A-01-151). Subsequent approvals to continue operating the one-operator beauty/barber shop were granted in 2003 (Case No. A-03-094), 2005 (Case No. A-05-114), and 2007 (Case No. A-08-014). The previous two (2) special exceptions

were granted for a total of forty-five (45) working hours per week. This last special exception expired on December 3, 2011.

The property owner wishes to continue operating the beauty-barber shop on the subject property. No changes are proposed to the days and hours of operation, and will continue to be by appointment only, Mondays, Tuesdays, Thursdays, Fridays and Saturdays from nine in the morning (9:00 A.M.) to six in the evening (6:00 P.M.). The one-operator beauty/barber shop will be closed on Wednesdays and Sundays. The total proposed hours of operation will not exceed forty-five (45) hours per week.

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)	Single-Family

**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)	Single-Family
West	MF-33 AHOD (Residential)	Single-Family

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Guadalupe Westside Community Plan. The subject property is located within the Prospect Hill 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 existing one-operator beauty/barber shop has served the surrounding residential area and has been in continuous operation since 2001. The proposed request, if approved, will allow the existing use to continue serving the public within the area.*

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

*The existing one-operator beauty/barber shop is located on the back portion, and only comprises approximately eighteen percent (18%) of the gross floor area of the existing single-family residential structure. Furthermore, this beauty/barber shop will be operated by the owner of the residential home on an appointment-only basis that will not exceed forty-five (45) hours per week. The continuing operation of the one-operator beauty/barber shop will not have any adverse impact on the adjacent residential properties.*

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

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

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

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

### **Staff Recommendation**

Staff recommends **approval of A-12-015 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 Mondays, Tuesdays, Thursdays, Fridays and Saturdays from nine in the morning (9:00 A.M.) to six in the evening (6:00 P.M.), not to exceed forty-five (45) hours per week.

The request complies with all required approval criteria for granting a Special Exception as presented above. The applicant has operated the existing beauty/barber shop since 2001 with no records of violation of the previously approved special exceptions. Furthermore, the applicant has agreed to comply with the provisions established in Section 35-399.01 of the UDC.

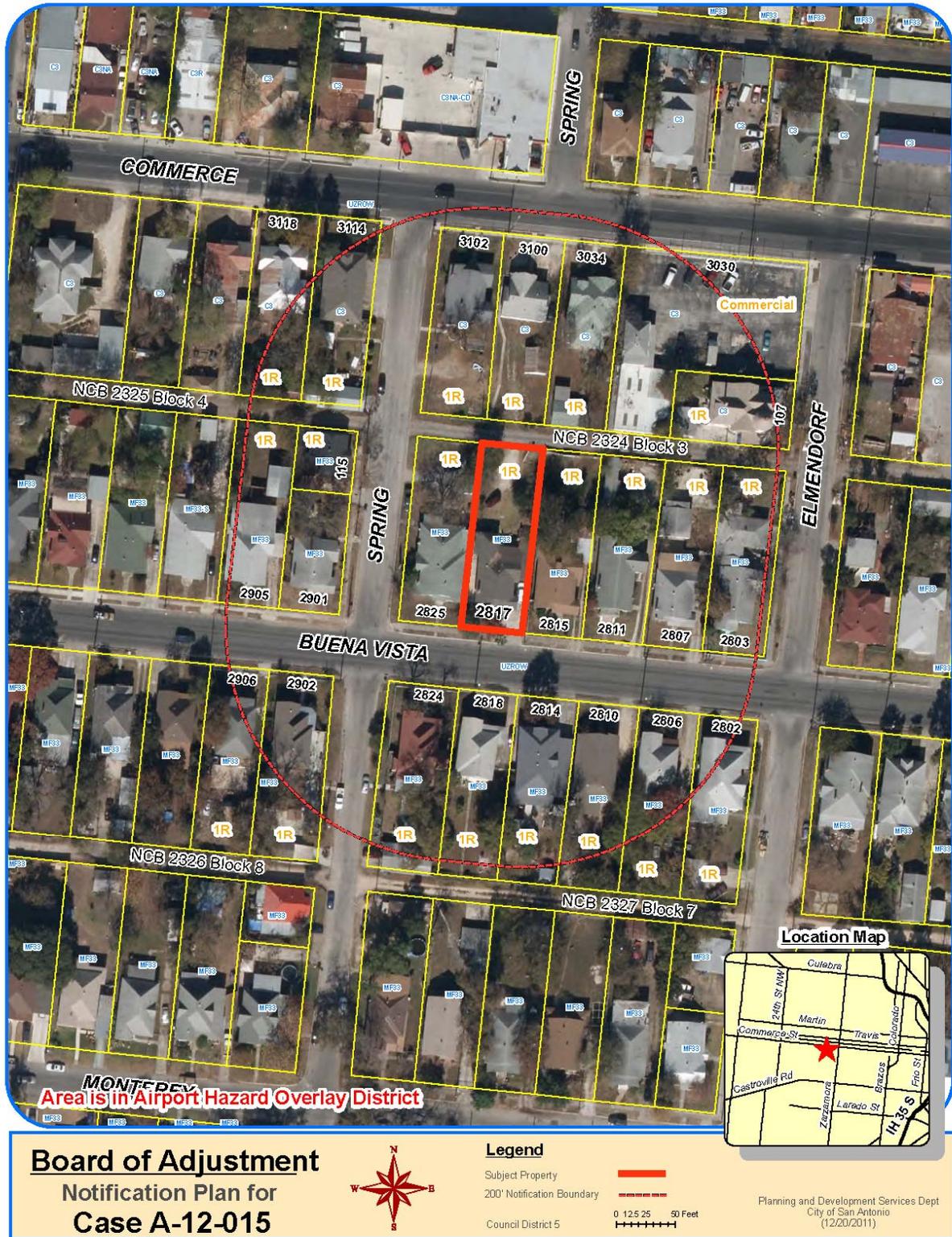
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site/Floor Plan

# Attachment 1 Notification Plan



Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-015**

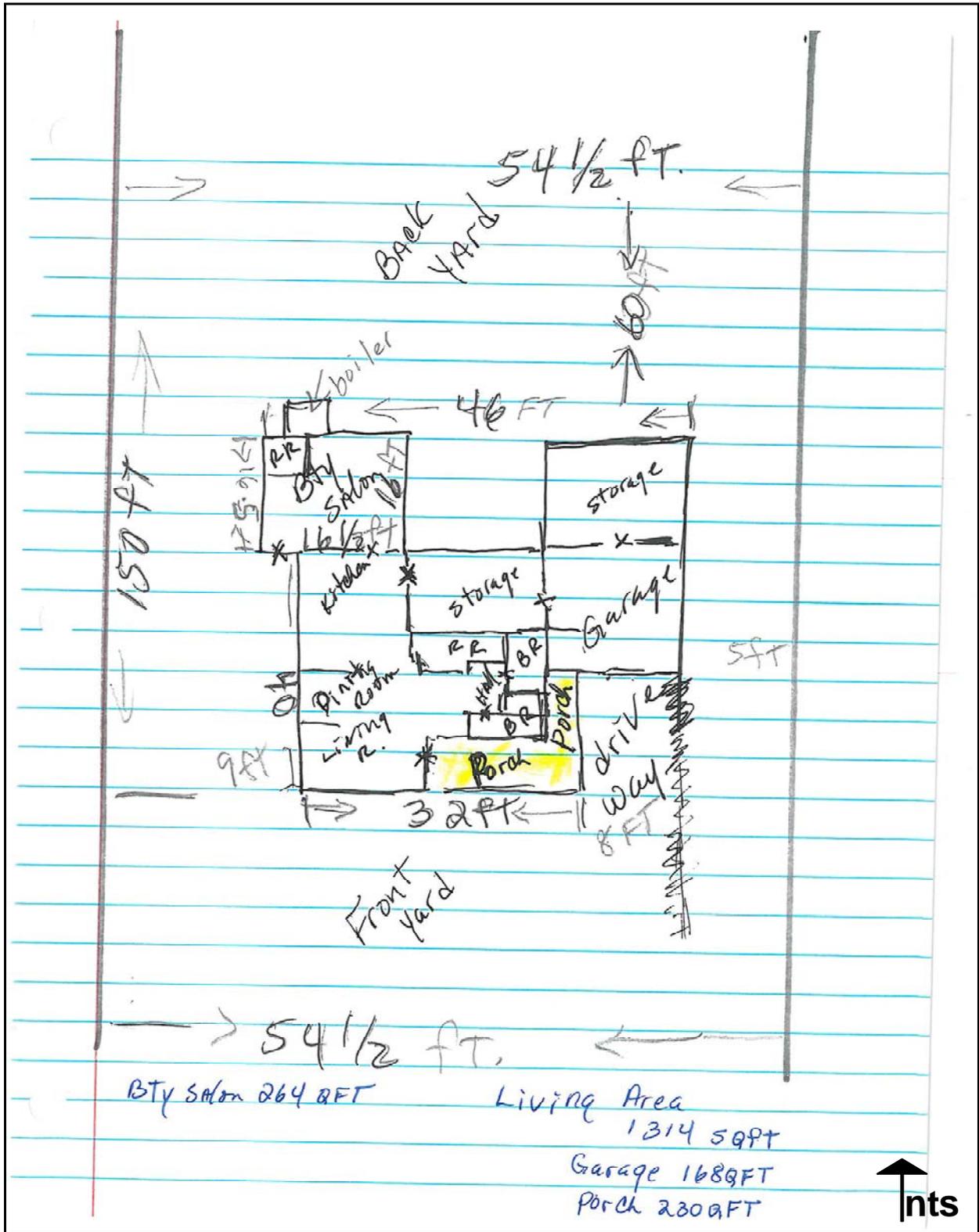


0 5 10 15 20 Feet  
Council District 5

**2817 BUENA VISTA ST**

Development Services Dept  
City of San Antonio  
(12/23/2011)

Attachment 3  
Site/Floor Plan





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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-016  
Date: January 9, 2012  
Applicant: Extreme Signs  
Owner: HPT TA Properties Trust  
Location: 5614 East Interstate Highway 10  
Legal Description: South irregular 682.36 feet of west irregular 492.86 feet of Lot 1, Block 1, NCB 17322  
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District  
Prepared By: Andreina Dávila-Quintero, Planner

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### **Request**

The applicant requests 1) a 13-foot, 8-inch variance from the 50-foot maximum expressway sign height standard for single-tenant signs, in order to allow a 63-foot, 8-inch tall sign cabinet; and 2) a 455.33-square foot variance from the 350-square foot maximum expressway sign area standard for single-tenant signs, in order to allow an 805.33-square foot single-tenant expressway sign.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on December 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on December 23, 2011. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 6, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The approximately 20.14-acre property consists of the Petro Truck Stopping Center located at the southeast corner of the intersection of East Interstate Highway 10 and Ackerman Road. There is an existing 79-foot, 3-inch tall and 850.83-square foot freestanding sign with three sign cabinets on the East Interstate Highway 10 street frontage (**Attachment 3**). The current property owner wishes to remove the middle 343.5-square foot sign cabinet, and replace it with a new 298-square foot LED sign cabinet (**Attachment 4**). The proposed sign cabinet will be placed at a height of sixty-three (63) feet, eight (8) inches. The new sign cabinet will result in an overall sign area reduction of approximately forty-six (46) square feet.

Pursuant to Section 28-239(c)(1) of the Sign Regulations, the maximum height allowed for pole signs located adjacent to an expressway is fifty (50) feet, with a maximum sign area of three hundred seventy-five (375) square feet. This height may be increased to sixty (60) feet above ground level, provided it does not exceed fifty (50) feet above the adjacent street grade. As the existing sign exceeds the maximum height and area allowed per the Sign Regulations, it is considered to be a nonconforming sign. Per Section 25-245(a)(1) of the Sign Regulations, whenever a sign cabinet is removed it shall, at that time, lose its nonconforming status.

Due to the proposed removal of the middle sign cabinet, all new signs shall comply with the current provisions of the Sign Regulations. Consequently, the applicant is requesting two (2) variances from the current sign height and area standards. According to the submitted application, the requested variances are to allow the new cabinet to display the gas prices of the truck stop at the same height of the existing sign.

It should be noted that East Interstate Highway 10 is elevated approximately fifteen (15) feet, three (3) inches from ground level at the intersection of East Interstate Highway 10 and Ackerman Road, and slopes downward to the east. Where the sign is located, it appears that the difference in grade exceeds ten (10) feet. This difference in street grade allows the proposed sign cabinet to be placed at a height of sixty (60) feet per the Sign Regulations. However, due to the proposed height of the sign cabinet, a minimum 3-foot, 8-inch variance is still necessary.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-3 AHOD (Commercial), I-1 AHOD (Industrial)	Truck Stopping Center

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 AHOD (Commercial), I-1 AHOD (Industrial)	Truck Stopping Center
South	MR (Military Reservation)	Military Base
East	C-3 AHOD (Commercial), I-1 AHOD (Industrial)	Truck/Car Wash
West	C-3 AHOD (Commercial)	Restaurant, Motel

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the IH-10 East Corridor Perimeter Plan. The subject property is not located 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 subject property is located at the southeast corner of the intersection of East Interstate Highway 10 and Ackerman Road. Due to its frontage on an expressway and difference in street grade elevation, the subject property has the advantage of placing a sign at the maximum height allowed by the Sign Regulations. Additionally, the subject property does not have any special conditions that result in a need for the requested sign height variance. A literal enforcement of the maximum sign height would require the applicant to install the new sign cabinet at a maximum height of sixty (60) feet, which is three (3) feet, eight (8) inches less than proposed. Adequate signage may be provided on site in compliance with the maximum sign height standard.*

*However, a strict enforcement of the sign area regulations would result in the overall reduction of the existing sign area by approximately fifty-nine (59) percent. The sign is located in close proximity to the gas station, and the middle cabinet to be removed is a digital reader board that displays the gas prices among other information. The applicant is proposing to replace this reader board with a new, smaller LED sign. While the subject property is not adversely impacted by unique features that prevent the businesses from being properly advertised, the existing sign would need to be extensively modified to be brought into compliance in sign area. Alternatively, the applicant may install a new freestanding sign one hundred fifty (150) feet away from the existing sign to comply with the distance separation requirement for additional signs of the Sign Regulations, increasing the number of freestanding signs on site at seventy-five percent (75%) of the permitted sign height and area.*

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 subject property is located on a major thoroughfare and is surrounded by other similarly intense commercial and service type uses. All properties within this area, to include the subject property, are subject to the current Sign Regulations, to include the nonconforming sign regulations. Staff recognizes that a number of signs within the vicinity exist that exceed the height and area allowed per the current regulations; however, the removal or modification of these signs are subject to the same requirements. The subject property is not influenced by oppressive conditions that are unique to the land or that prevent the business from being properly advertised. To the contrary, it has the advantage of being located next to an expressway with a difference in street grade of more than ten (10) feet, allowing the subject property to install the highest sign allowed per code. Furthermore, the subject property is a large lot with over nine hundred (900) feet of frontage along East Interstate Highway 10 and seven hundred feet (700) feet of frontage along Ackerman Road. Additional freestanding signs may be installed on site in compliance with the requirements of the Sign Regulations.*

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

*Granting the variance will not adversely impact the neighboring properties. The subject property is located on a major thoroughfare surrounded by other properties of similar use and size. Furthermore, these properties have signs of similar height and area that were built prior to the effective date of the current Sign Regulations.*

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

*The City's Sign Regulations establishes specific requirements for different sign types depending on the property's zoning district, number of tenants, location and street classification. Furthermore, the Sign Regulations allows for the continuing use of legal nonconforming signs subject to the provisions of Section 28-245(a) of the Sign Regulations, and encourages the reduction or removal of nonconforming signs. Due to the location and difference in street grade, the subject property is allowed by right the maximum sign height permitted for single-tenant signs in the City. Nonetheless, the applicant is proposing the new sign cabinet at a height that exceeds this height, and that would only be allowed if the sign was a multiple-tenant sign. No special conditions exist on site that would result in the need of the sign height variance requested. In addition, nonconforming signs should be brought into compliance to the greatest extent possible. The new cabinet will be installed at the same height, thus keeping the same nonconforming status. Therefore, granting the sign height variances conflicts with the purpose of the Sign Regulations.*

### **Staff Recommendation**

Staff recommends **denial of A-12-016**. The requested variances do not comply with all of the four (4) required approval criteria for granting a variance as presented above. The applicant has not presented sufficient evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the sign height and area standards.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphic communication problems. The applicant states that other signs exist within the corridor that exceed the maximum sign and height limits; however, these signs are not a condition of the subject property and thus may not be taken into consideration. The subject property does not have special circumstances or conditions that would result in the need of the variances requested. To the contrary, the location and difference in street grade allows the subject property to install the tallest single-tenant sign allowed per code. Furthermore, although the applicant is proposing to reduce the existing overall sign area, granting the sign area variance gives the applicant special privileges not enjoyed by others. This is due to the subject property being a large lot that permits multiple freestanding signs, all in compliance with the standards of the Sign Regulations.

### **Attachments**

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Existing Sign and Location
- Attachment 4 – Proposed sign elevation

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

**Board of Adjustment**  
Notification Plan for  
**Case A-12-016**



**Legend**

- Subject Property
- 200' Notification Boundary
- Council District 2



Planning and Development Services Dept  
City of San Antonio  
(12/20/2011)

Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case A-12-016**



**Sign Location** ●



0 50 100 150 200 Feet

**1112 ACKERMAN LN**

Development Services Dept  
City of San Antonio  
(12/23/2011)

Council District 2

Attachment 3  
Existing Sign



Attachment 3 (Continued)  
Existing Sign

1112 Ackerman Rd.  
San Antonio, TX 78219



↑  
Ints

