

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, July 11, 2011

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Planning and Development Services Department website (www.sanantonio.gov/dsd), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

1. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-039:** The request of Alamo Sign Solutions, LLC, for a 212.35-square foot variance to the 150-square foot maximum area for single tenant signs in the “IH-1” Northeast Gateway Corridor, in order to allow a total sign area of 362.35 square feet, 11202 North IH-35. (Council District 10)
5. **A-11-037:** The request of Patricia Burton, for **1)** a 10-foot, 6-inch variance to the 30-foot minimum side setback requirement of the “C-3” district when abutting a residential zoning district, in order to allow a 19-foot, 6-inch side setback; and **2)** a 30-foot variance to the 30-foot minimum rear setback requirement of the “C-3” district when abutting a residential zoning district, in order to allow a structure on the north rear property line, 539 Old Highway 90. (Council District 6)
6. **A-11-045:** The request of James R. Denton, for a 2-foot, 6-inch variance from the maximum 6-foot side and rear yard fence height standard, in order to allow an 8-foot, 6-inch solid fence in the side and rear yards on the south side property line, 8107 Countryside Drive. (Council District 10)
7. **A-11-047:** The request of Alonzo E. Gates II, for a 3-foot variance from the maximum 3-foot front yard solid fence height standard, in order to allow a 6-foot solid fence in the front yard, 9022 Callaghan Road. (Council District 8)
8. **A-11-048:** The request of Charles Gottsman, for **1)** a 52-foot variance from the 150-foot minimum spacing requirement, in order to allow a freestanding sign to be erected 98 feet from another freestanding sign; and **2)** a 9-foot variance from the 10-foot minimum right-of-way setback requirement, in order to allow a 1-foot setback from the right-of-way, 823 Bandera Road. (Council District 7)
9. **A-11-049:** The request of Accenture, for a 1-foot variance from the 8-foot maximum fence height standard for Industrial Uses, in order to allow a 9-foot tall fence, 7050 Fairgrounds Parkway. (Council District 6)

Board of Adjustment Membership

Michael Gallagher, Chair *Andrew M. Ozuna, Vice Chair*
Geroge L. Britton • Gene Camargo • Helen K. Dutmer • Edward H. Hardemon • Mary Rogers
Liz M. Victor • David M. Villyard • Jesse Zuniga • Vacancy

Alternate Members

Harold O. Atkinson • Maria D. Cruz • Paul E. Klein • Marian M. Moffat • Henry Rodriguez • Steve G. Walkup

10. **A-11-050:** The request of Mark Ambrose, for **1)** a 45.25-square-foot variance to the requirement of the “IH-1” Northeast Gateway Corridor Overlay District that digital displays not exceed twenty-five percent (25%) of the allowable sign area permitted, in order to allow a 120.25-square foot digital display; and **2)** a 2-foot, 6-inch variance to the requirement of the “IH-1” Northeast Gateway Corridor Overlay District that multiple tenant signs not exceed a height of 35 feet, in order to allow a 37-foot, 6-inch tall sign, 10644 IH-35 North. (Council District 10)
11. **A-11-051:** The request of John Britten, for a 13-foot, 1-inch variance from the 15-foot minimum setback required for on-premises signs in residential zoning districts, 8400 Northwest Military Highway. (Council District 9)
12. **A-11-052:** The request of Thomas Gibson, for a 6-foot variance from the 6-foot maximum fence height standard in rear yards, in order to allow a 12-foot tall fence in the rear yard, 215 West Kings Highway. (Council District 1)
13. Consideration of **Sign Master Plan No. 11-007**, The Parke – Revised, located at Loop 1604 and Potranco Road.
14. Approval of the minutes – June 20, 2011.
15. Adjournment.

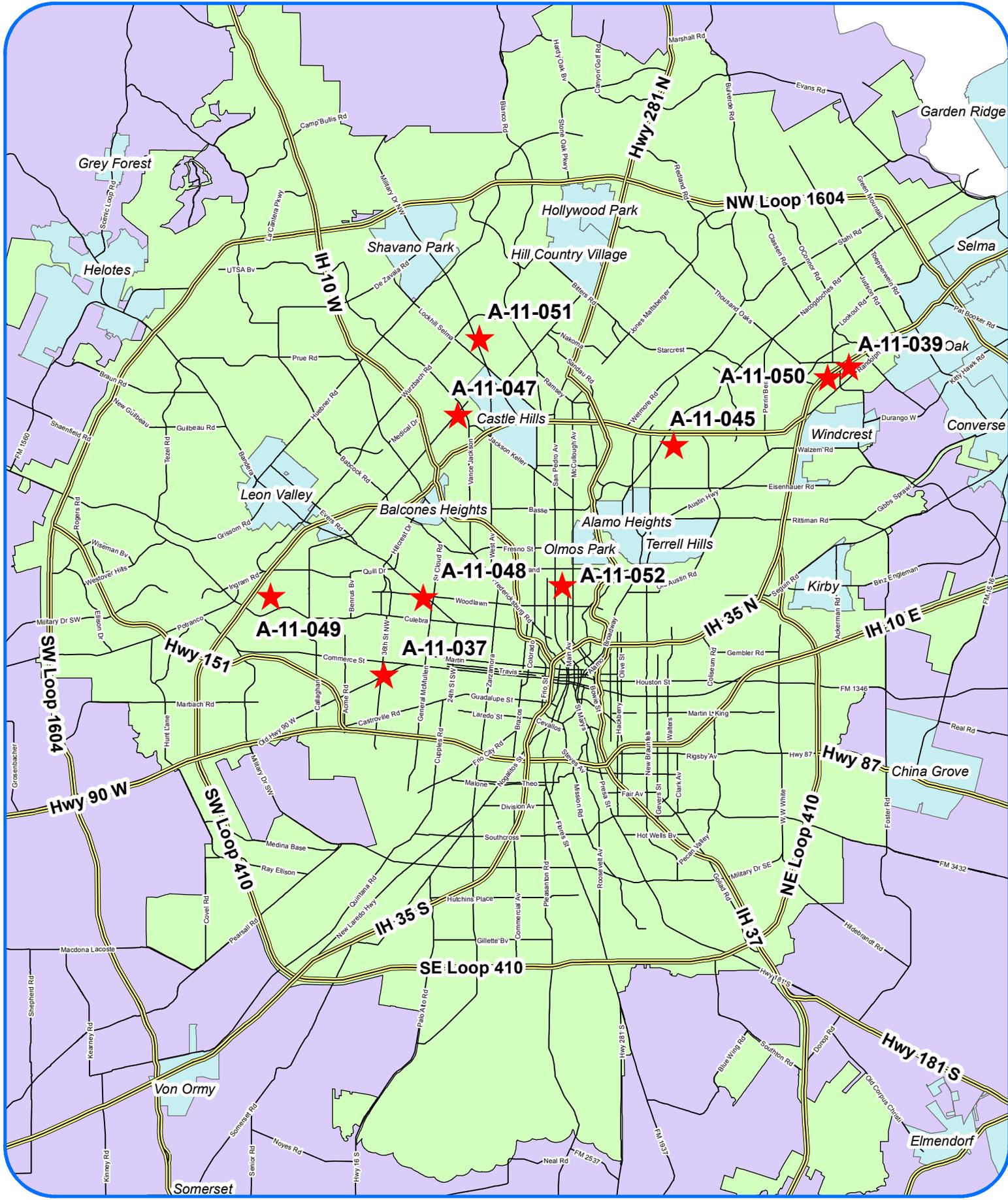
ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

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Board of Adjustment
Subject Property Locations
Cases for July 11, 2011





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-039
Date: July 11, 2011 (Continued from June 20, 2011)
Applicant: Alamo Sign Solutions, LLC
Owner: NIRU, Inc
Location: 11202 North IH 35
Legal Description: Lot 38, NCB 14946
Zoning: "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 212.35 square foot variance to the 150 square foot maximum area for single tenant signs in the "IH-1" Northeast Gateway Corridor Overlay District (Section 35-339.03), in order to allow a total sign area of 362.35 square feet. However, upon review of construction diagrams not previously provided to zoning staff, a lesser variance of 114.35 square feet will accommodate the proposed sign. Further, the variance will result in a total sign area of 264.35 square feet.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on June 2, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 3, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on June 17, 2011, in accordance with Section 551.043(a) of the Texas Government Code. This case was continued from the June 20, 2011 meeting of the Board of Adjustment.

Executive Summary

The subject property is currently operated as a hotel and has been operated as such since 1996, according to the applicant. The site is located within the "IH-1" Northeast Gateway Corridor Overlay District, adopted by City Council on June 24, 2004 with the stated purpose of creating a more attractive, cohesive and safe environment; to preserve, protect, and enhance areas of high tourist visibility; to provide motorists and pedestrians with attractive viewing opportunities; and to reduce visual chaos and limit distractions along the heavily traveled roadway. With respect to on premises signs, the intent of the "IH-1" district is to establish consistency and uniformity in signage over time. The "IH-1" district allows a single tenant sign with a maximum sign face

area of one hundred fifty (150) square feet and a maximum height of thirty (30) feet. Additionally, digital displays are permitted with an area up to twenty five (25) percent of the allowable sign area, 37.5 square feet in this instance.

According to the diagram submitted for the original permit application, signed and sealed by a professional engineer, the existing sign is sixty five (65) feet in height and has a total area of two-hundred thirty nine (239) square feet, neither of which conforms to the standards of the “IH-1” district. The applicant proposes to replace the existing 12-square foot incandescent time and temperature sign with a new 37.35-square foot LED sign. The proposed LED sign is ancillary to the main sign cabinet, which will not be altered. The applicant has indicated that the proposed sign will be below a height of thirty (30) feet and therefore will not increase the nonconformity of the sign’s height. With the addition of the proposed LED sign, the total sign area will increase to 264.35 square feet, which is greater than the one hundred fifty (150) square foot maximum sign area for the “IH-1” district.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 IH-1 AHOD (Industrial)	Hotel

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 IH-1 AHOD (Commercial)	Commercial, Vacant
South	R-6 AHOD (Residential)	Single-Family Residences
East	I-1 IH-1 AHOD (Industrial)	Auto Sales
West	I-1 IH-1 AHOD (Industrial)	Auto Sales

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a neighborhood or sector plan. The subject property is not within a registered neighborhood association.

Criteria for Review

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

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

The variance is contrary to the public interest as the purpose of the “IH-1” Gateway Corridor Overlay District is to create a more attractive, cohesive and safe environment, and reduce visual chaos and driver distractions along public roadways.

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

The literal enforcement of this article does not create unnecessary hardship in the operation of a hotel on this property. The existing sign does not conform to the standards of the "IH-1" district and the proposed addition of the LED sign will prolong the life of a nonconforming sign while increasing its total area by 25.35 square feet. The subject property is not extraordinary in its topography or situation such that the visibility of the sign is unusually limited.

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

The variance is inconsistent with the spirit of the ordinance and would not provide substantial justice. The subject property is not uniquely influenced by oppressive conditions and its reasonable use is not contingent on the provision of signage greater than that permitted within the overlay district. The variance will not relieve a burdensome effect of a regulation created by the unique physical conditions of the property but will result in a special privilege not enjoyed by similarly situated properties within the overlay zoning district.

Approval of the variance would be contradictory to the purpose of nonconforming use regulations as it would extend the life of the nonconforming sign rather than result in eventual conformity. Legal nonconforming signs may continue to exist throughout their useful life but must be brought into compliance upon any alteration.

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

The variance will authorize the operation of a use that is not permitted within the "I-1 IH-1 AHOD" zoning district as the use of on-premises signs for commercial advertising is not permitted within this district utilizing signs of this overall height and area.

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

The variance will not have a substantial adverse impact on the appropriate use of adjacent properties. However, the variance may have an adverse impact on the driving environment of the adjacent expressway as increasing the total sign area by adding an LED display represents an increase in potential driver distraction. Additionally, the intended character of the "IH-1" district may be accomplished only if its standards are observed.

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 subject property is not subject to unique circumstances from which a plight may arise. The variance is sought to replace a portion of a nonconforming sign with a sign of greater nonconformity and not to find relief from a unique oppressive condition. The circumstances from which the applicant seeks relief are the inherent standards of the "IH-1" overlay district.

Staff Recommendation

Staff recommends **denial of A-11-039**. The application fails to satisfy the conditions required to grant a variance, as presented above. Successful implementation of the “IH-1” Northeast Gateway Corridor District is contingent on its strict application with new development and improvement or re-development of already developed properties. Unmerited variances to its standards erode the integrity of the “IH-1” district and undermine the intended result.

The applicant has provided no evidence that the requested variance would provide relief from unnecessary hardship instituted by the physical conditions of the property, instead citing the inadequacies of the existing incandescent sign and the desire of the property owner to replace the sign with a newer version. Additionally, the proposed sign is 211.25 percent (25.35 square feet) larger than the existing incandescent sign and granting the variance will be in total disregard to the purpose of regulations on the continuation of nonconforming uses.

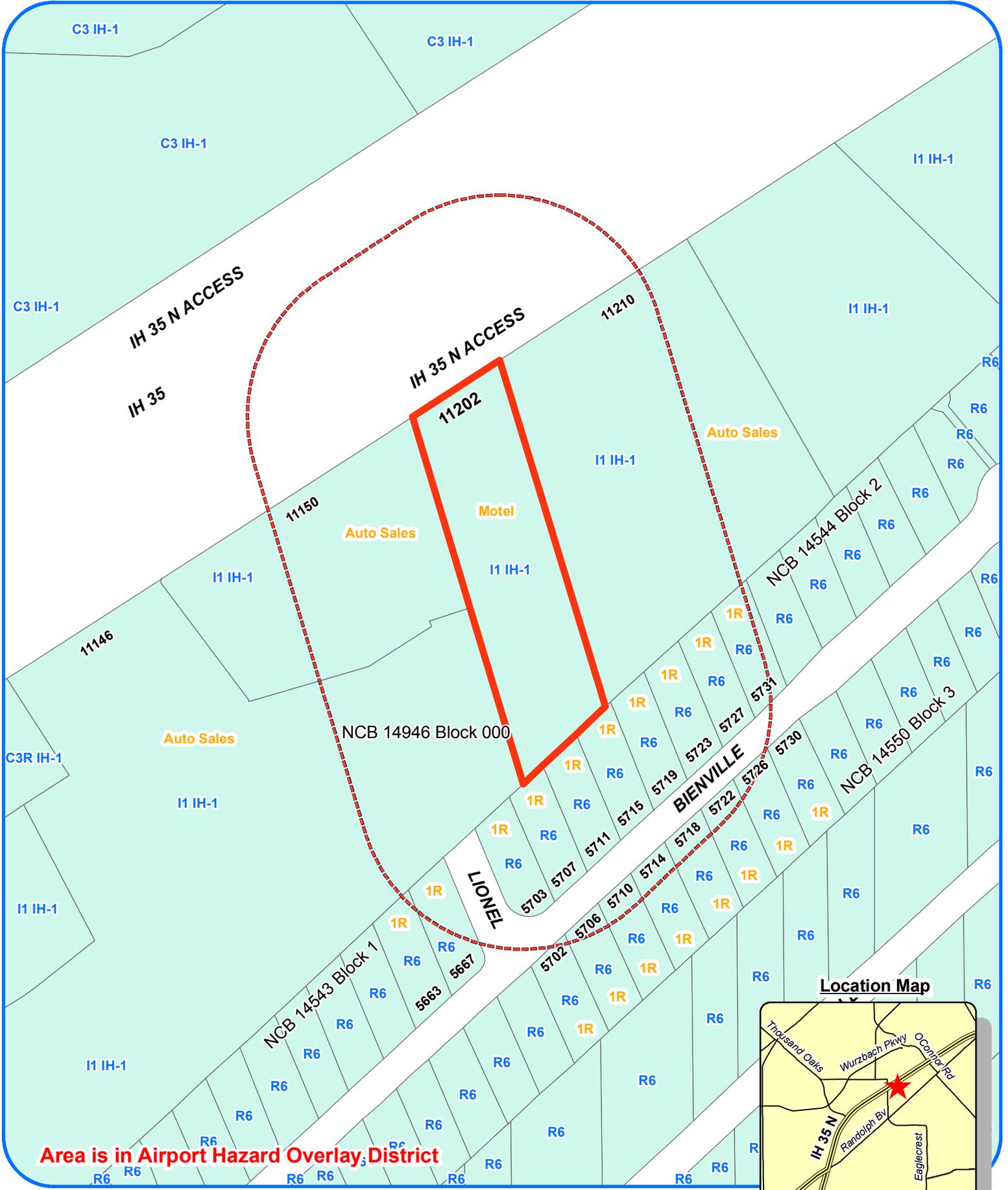
Attachments

Attachment 1 – Location Map

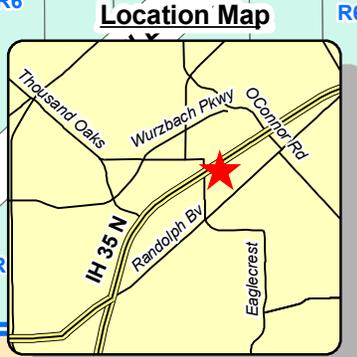
Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing

Attachment 4 – Engineers Drawing



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-11-039



- Legend**
- Subject Property ———
 - 200' Notification Boundary - - - - -
 - Scale: 1" approx. = 150'
 - Council District 10

IH 35 N

IH 35 N Access Rd.

**212.35 sf variance
from 150 sf maximum
sign area**

**NCB 14946
Block 000
Lot 38**



Board of Adjustment
Plot Plan for
Case A-11-039



 **Sign Location**

Scale: 1" approx. = 60'
Council District 10

11202 N IH 35

Development Services Dept
City of San Antonio
(5/20/2011)



4'5" X 8'3" 25mm

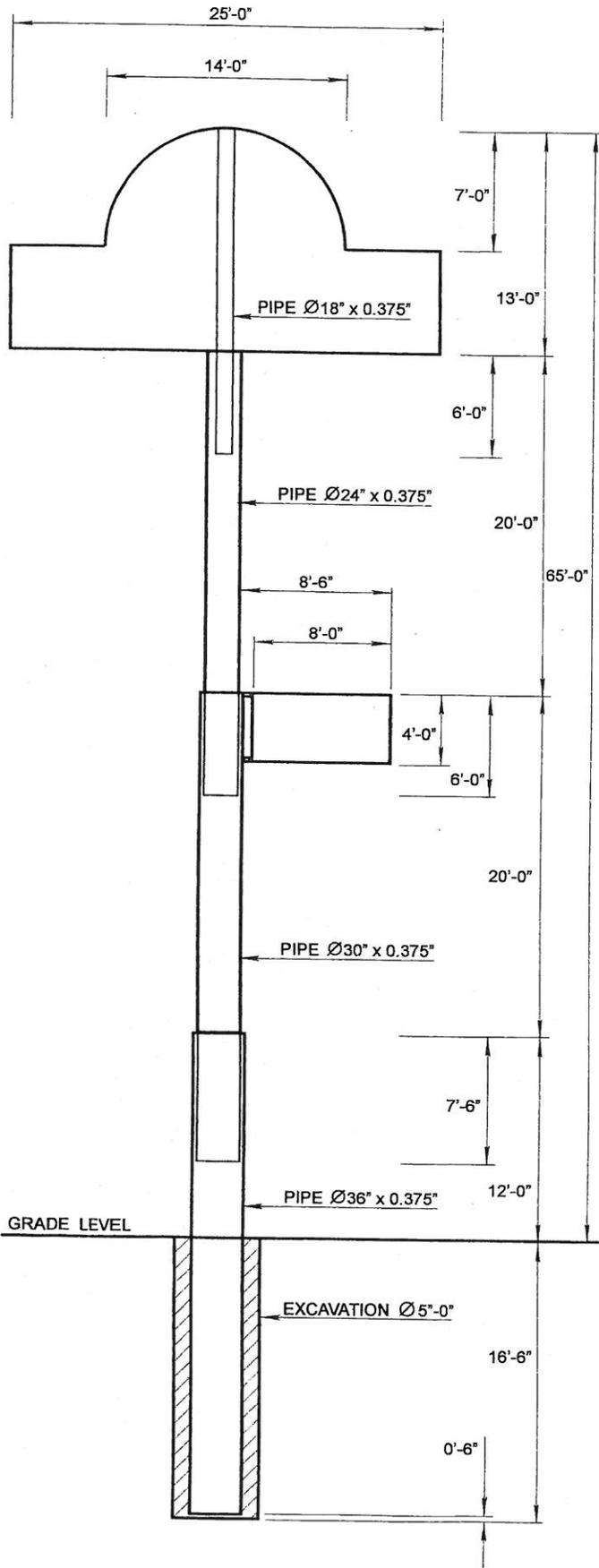


4'2" X 9'7" 35mm

4'5" X 8'3" 25mm

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FOR DEMONSTRATION PURPOSES ONLY

WatchFire
BY TIME-O-MATIC



NOTES:

1. STEEL: PIPE ASTM A53 GRADE B OR EQUIVALENT
 SQUARE AND RECTANGULAR TUBE ASTM A500 GRADE B
 ROLLED STEEL FOR PLATE, ANGLE ASTM A36
 BOLTS FOR BEARING TYPE OF CONNECTIONS ASTM A325
 MACHINE BOLTS ASTM A307
 ANCHOR BOLTS OR THREADED ROD ASTM A36
 STEEL FOR REINFORCED CONCRETE GRADE 60
2. CONCRETE: ACI 318-08
 MINIMUM COMPRESSIVE STRENGTH 2,500 PSI
 RUPTURE MODULUS 300 PSI
3. SOIL: LATERAL SOIL BEARING VALUE 100 LBS / SQ. FT / FT
4. LOADS: WIND LEEWARD PRESSURE 31 PSF
 WIND STAGNATION PRESSURE 24 PSF (SPEED 95 MPH)
 EXPOSURE C
 AXIAL COMPRESSION FORCE 14530 LBS
 TORSION DUE TO ECCENTRICITY 2108 LBS
5. STRESSES: YIELD STRESS 35000 PSI
 DIRECT SHEAR 317 PSI
 SHEAR DUE TO ECCENTRICITY 180 PSI
 ALLOWABLE SHEAR STRESS 1400 PSI
 TOTAL SHEAR 497 PSI < 1400 PSI, SATISFACTORY
 BENDING 23020 PSI
 ALLOWABLE COMPRESSION 8827 PSI
 ACTUAL COMPRESSION 416 PSI, SATISFACTORY
 COMBINED STRESS RATIO 0.79 < 1, SATISFACTORY
6. FOUNDATION: $1.8 \times \left[1 + \sqrt{1 + \frac{9.3 \times 1600 \times 44.3}{11052}} \right] = 16 \text{ FT}$
 APPLY: WIDTH 5 FT; DEPTH 16 FT 6 IN
7. PIPE: BASE LEVEL: SECTION MODULUS REQUIRED 331 IN**3
 ESTIMATION: NOMINAL D 36" WALL 0.375"
 SLENDERNESS RATIO 130, SATISFACTORY
 SECOND LEVEL: SECTION MODULUS REQUIRED 240 IN**3
 ESTIMATION: NOMINAL D 30" WALL 0.375"
 SLENDERNESS RATIO 127, SATISFACTORY
 THIRD LEVEL: SECTION MODULUS REQUIRED 150 IN**3
 ESTIMATION: NOMINAL D 24" WALL 0.375"
 SLENDERNESS RATIO 100, SATISFACTORY
 UPPER LEVEL: SECTION MODULUS REQUIRED 81 IN**3
 ESTIMATION: NOMINAL D 18" WALL 0.375"
 SLENDERNESS RATIO 53, SATISFACTORY
 APPLY: PIPES: NOMINAL D 36" OUTSIDE D 36" WALL 0.375"
 NOMINAL D 30" OUTSIDE D 30" WALL 0.375"
 NOMINAL D 24" OUTSIDE D 24" WALL 0.375"
 NOMINAL D 18" OUTSIDE D 18" WALL 0.375"

[Handwritten signature]
 04/06/2011

 ALTECOR ENGINEERING TX REGISTRATION F-10807 MCALLEN, TX 78504 P: (956) 687-7389 F: (956) 687-7390	DESIGNED FOR: ALAMO LED SIGN SOLUTIONS 13106 LOOKOUT RUN, SUITE A SAN ANTONIO, TX 78233 P: (210) 310-6565 F: (210) 233-6872
	TITLE: NOT REQUIRED
INSEPARABLE ASSEMBLY OUTLINE DRAWING	LOCATION: 11202 IH-35 N., SAN ANTONIO, TX
SINGLE POLE SIGN, ILLUMINATED	NON-DESTRUCTIVE TESTING: NOT REQUIRED
MEASUREMENTS: CUSTOMARY SYSTEM, FT-IN	
PROJECTION: ORTHOGRAPHIC 	TOLERANCES: XX X ±0.25 ±0.5 ±1°
	CODE: IBC2006 / ICC STANDARD: ASCE / SEI-7
	SPECIFICATIONS: ANSI / ASTM PAGE 1 OF 1



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-037
Date: July 11, 2011
Applicant: Patricia A. Burton
Owner: Patricia A. Burton
Location: 539 Old Highway 90
Legal Description: Lot 161, NCB 8237
Zoning: "C-3R AHOD" Restrictive Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a 10-foot, 6-inch variance from the 30-foot minimum side setback requirement of the "C-3" district when abutting a residential zoning district, in order to allow a 19-foot, 6-inch side setback; and 2) a 30-foot variance from the 30-foot minimum rear setback requirement of the "C-3" district when abutting a residential zoning district, in order to allow a structure on the north rear property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 23, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.4-acre property consists of a 2,771-square foot building used as an office and warehouse for a shoe manufacturing business. The current property owner plans to build an approximately 3,250-square foot building for a contractor facility. The applicant is proposing to place the building adjoining the existing building, at the north rear property line, and nineteen (19) feet, six (6) inches from the west side property line.

The "C-3" zoning district was established to provide for more intensive commercial uses typically characterized as community and regional shopping centers, power centers, and/or assembly of similar uses into a single complex. The "R-5" zoning district was established to

provide areas of medium to high density single-family residential uses. The UDC includes setback and buffer requirements to protect single-family residential uses from the more intensive commercial uses.

Pursuant to Table 310-1 of the UDC, buildings in the “C-3” zoning district shall be set back a minimum of thirty (30) feet from the side and rear property lines when abutting a residential use or zoning district. The properties to the north and northwest of the subject property have an “R-5” Residential Single-Family zoning district. Consequently, the applicant is requesting a 30-foot variance from the minimum rear setback requirement, and a 10-foot, 6-inch variance from the minimum side setback requirement.

According to the submitted application, the requested variances are needed due to the length of the property. The applicant states that the required setbacks limit the amount of usable space on the property by forty percent (40%), and that development would not be practical to the property without the variances. The lot depth of the subject property ranges from approximately one hundred six (106) feet to one hundred eighty (180) feet. The required side and rear setbacks cover approximately three thousand nine hundred (3,900) square feet, or twenty-two percent (22%), of the subject property.

On April 22, 2011, the applicant submitted a rezoning application to the Development Services Department to rezone the property to “C-3R S AHOD” with a specific use authorization for a contractor facility. With the rezoning application, the applicant submitted two (2) site plans proposing two (2) different locations for the new building (Options 1 and 2), which the City Council may approve with the specific use authorization. Option 1 places the building at the north rear property line and within the required side yard setback, for which the variances are sought. Option 2 places the building along the south portion of the property conforming to the required development standards of the UDC (Attachment 4). As the proposed rezoning also requires a Plan Amendment to the West/Southwest Sector Plan, the rezoning application is currently on hold. It should be noted that staff found a discrepancy in the measurements of the Option 2 Site Plan. The applicant needs to verify all building and lot dimensions prior to continuing with the rezoning application.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3R AHOD (Commercial)	Shoe Manufacturing Office & Warehouse

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-5 AHOD (Residential)	Single-Family
South	C-2NA AHOD (Commercial), C-2NA CD (Commercial)	Commercial
East	C-2NA AHOD (Commercial)	Commercial
West	R-5 AHOD (Residential), C-2NA AHOD (Commercial)	Single-Family, Gasoline Station

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan. The subject property is located within two hundred (200) feet of the Community Workers Council and Los Jardines 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 requested variances are contrary to the public interest as, if approved, they will allow the placement of a building on the property line of an intensive commercial zoning district that abuts a single-family residential zoning district. Setbacks from residential zoning districts are required to lessen the impact and create a buffer between commercial and residential uses. Allowing a building to be placed at the property line, which also serves as the zoning district boundary line, eliminates the separation and buffer required between these two (2) uses.

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

A literal enforcement of the minimum rear and side setback requirements will not result in undue hardship. The applicant submitted an alternative Site Plan (Option 2) with the rezoning application showing the new building in the front yard complying with the development standards of the UDC, to include the minimum required setbacks for which the variances are requested. This Site Plan shows that the subject property is not uniquely influenced by oppressive conditions that would prevent the reasonable use of the property without the variances requested, and that commercial development subjected to the requirements of the UDC is practical on the subject property.

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

The variances are neither keeping with the spirit of the ordinance nor would they do substantial justice. The intent of the side and rear setbacks when abutting a residential use or zoning district is to provide a buffer and protect single-family residential uses from commercial uses. The requested variances go against this intent by allowing a commercial use to impinge upon a single-family residential district.

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

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-3R" Restrictive Commercial zoning district. The proposed contractor facility will require rezoning of the property to "C-3R S" with a specific use authorization.

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

The properties to the north of the site are single-family residences in a single-family residential zoning district. The requested variances are to allow a building to be placed at the north property line that is also the zoning district boundary line, thus eliminating the minimum separation required between residential and commercial uses and injuring the appropriate use of the adjacent conforming 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 prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC, as confirmed in the second Site Plan submitted by the applicant for the rezoning request (Option 2).

Staff Recommendation

Staff recommends **denial of A-11-037**. The requested variances do not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variances would provide relief from hardship caused by a literal enforcement of the rear and side setback requirements.

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. As shown in the second Site Plan (Option 2), the new building can be placed in the front yard of the property and comply with all the minimum required standards of the UDC. This Site Plan proves that the enforcement of the rear and side setback requirements does not make the property unusable, and that commercial development is feasible on the subject property without the requested variances.

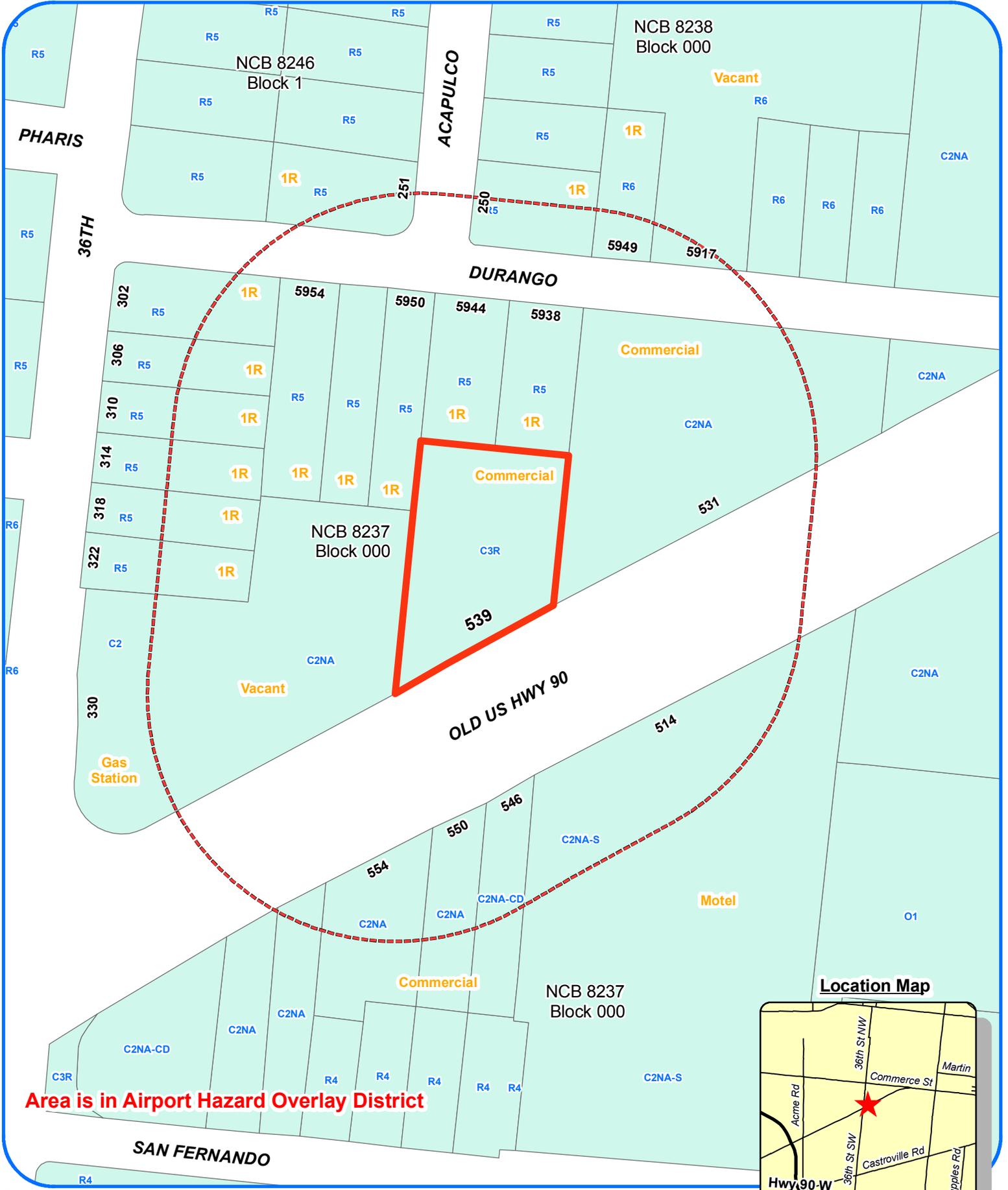
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing

Attachment 4 – Option 2, Alternative Site Plan



Area is in Airport Hazard Overlay District

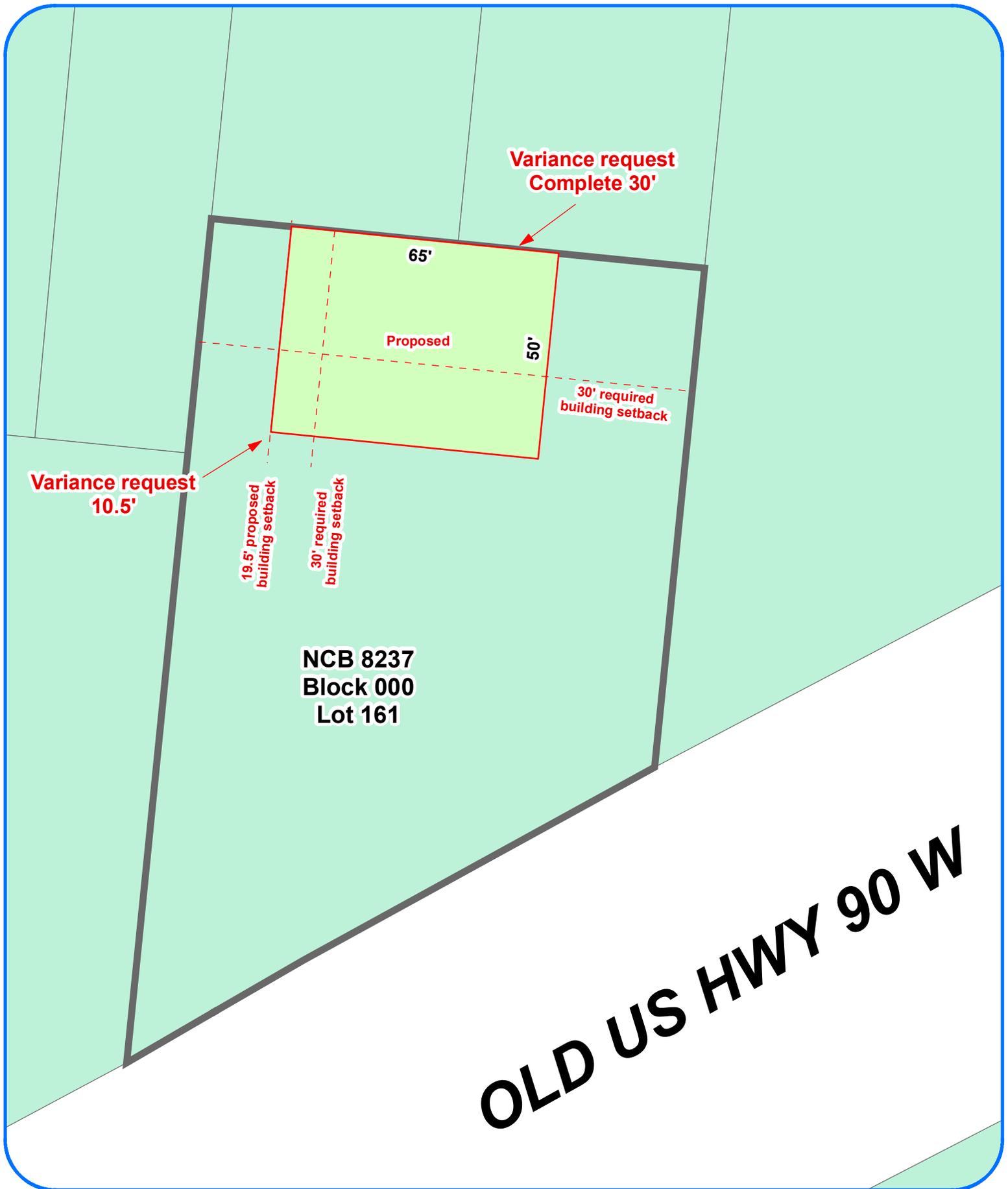


Board of Adjustment
Notification Plan for
Case A-11-037



Legend

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



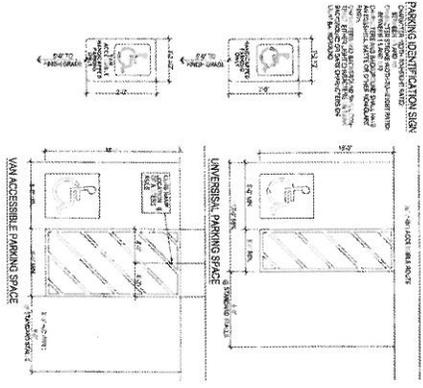
Board of Adjustment
Plot Plan for
Case A-11-037



Scale: 1" approx. = 30'
Council District 6

539 W OLD HWY 90

Development Services Dept
City of San Antonio
(4/23/2011)



SETBACKS

FRONT	0	0' 0" MIN.
REAR	5	5' 0" MIN.
SIDE	5	5' 0" MIN.

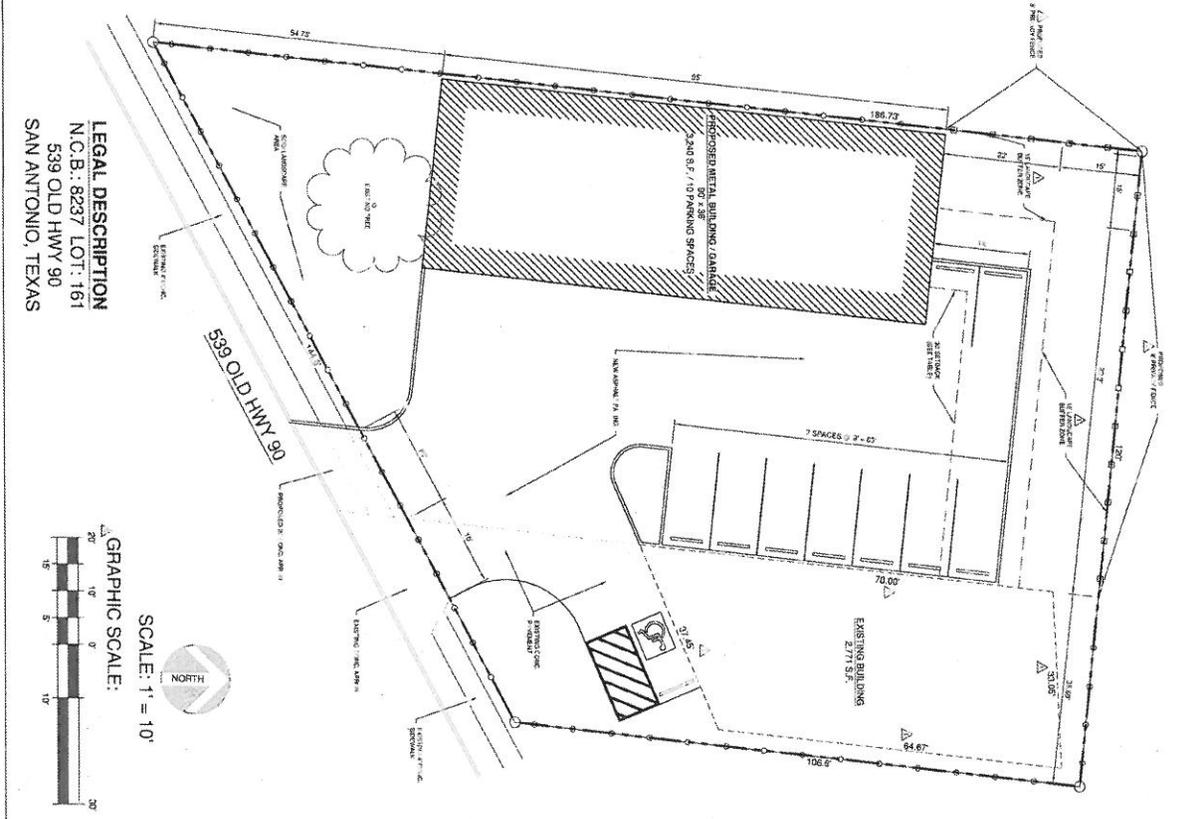
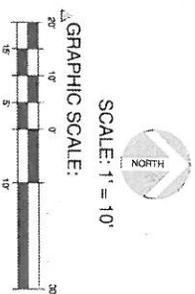
NOTE: SETBACKS APPLY TO ALL EXISTING AND PROPOSED BUILDINGS.

ZONING SYNOPSIS

DATE	1/1/2017
PROJECT	539 OLD HWY 90
OWNER	LEON GENERAL CONSTRUCTION
DESIGNER	HEREDIA DESIGN
SCALE	1" = 10'
PROJECT NO.	17015
DATE	1/1/2017
PROJECT NO.	17015
DATE	1/1/2017



LEGAL DESCRIPTION
 N.C.B.: 8237 LOT: 161
 539 OLD HWY 90
 SAN ANTONIO, TEXAS



<p>PROJECT # 0-238</p> <p>DATE 3/20/17</p> <p>DRAWN BY MJK</p> <p>CHECKED BY MJK</p> <p>SHEET # 1 OF 1</p>	<p>REVISION</p> <p>1. 4/11/17 MJK</p> <p>2. 4/11/17 MJK</p>	<p>DIMENSIONAL SITE & PAVING PLAN B</p>	<p>PATRICIA BURTON & LEON R. OJEDA 539 OLD HWY 90 SAN ANTONIO, TEXAS LOT NO. 161 N.C.B.: 8237</p> <p>LEON GENERAL CONSTRUCTION (210) 844-0871</p>	<p>ARCHITECT</p> <p>Heredia Design 17711 N. LOOP WEST SUITE 100 DALLAS, TEXAS 75244 (214) 343-7777 www.herediadesign.com</p>
	<p>mh</p>			



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-045
Date: July 11, 2011
Applicant: James R. Denton
Owner: Stuart C. Hendry & Lee Ann Hendry
Location: 8107 Countryside Drive
Legal Description: Lot 9, Block 2, NCB 11858
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests a 2-foot, 6-inch variance from the maximum 6-foot side and rear yard fence height standard, in order to allow an 8-foot, 6-inch solid fence in the side and rear yards on the south side property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 23, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.62-acre property consists of a single-family residential home in a single-family residential neighborhood.

According to the submitted application, the current property owner wishes to build a 155-foot long solid masonry fence along the south side property line to provide privacy to the pool and patio area from the neighboring property to the south. The fence height will vary from six (6) feet to eight (8) feet, with 8-foot, 6-inch tall columns. The property slopes upward from the Countryside Drive right-of-way to the rear of the property. The elevation of the property ranges from approximately ninety nine (99) feet to one hundred eight (108) feet where the proposed fence will be located.

Pursuant to Section 35-514(d) of the UDC, solid fences within the side and rear yards of a single-family residential property shall have a maximum height of six (6) feet. Consequently, the applicant is requesting a 2-foot, 6-inch variance from this standard. According to the submitted application, the proposed fence height is due to the slope along the side of the property, and the difference in elevation from the abutting property to the south.

Section 35-514(d)(2) of the UDC allows for fences to be built to eight (8) feet in height provided the ground floor elevation within twenty (20) feet or less of the principal structure, on either one (1) of the two (2) adjoining lots, is at least four (4) feet higher than the elevation at the adjoining lot line. According to the submitted drawings, the finished elevation of a portion of the driveway on the adjacent property to the south is two (2) feet higher than the elevation of the subject property. The difference in grade elevation between the two (2) properties is less than one (1) foot.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
NP-10 AHOD (Residential)	Single-Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	NP-10 AHOD (Residential)	Single-Family
South	NP-10 AHOD (Residential)	Single-Family
East	NP-10 AHOD (Residential)	Single-Family
West	NP-10 AHOD (Residential)	Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northeast Inner Loop Neighborhood Plan. The subject property is located within the Oak Park Northwood Neighborhood Association.

Criteria for Review

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

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

The requested variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The proposed fence will be located along the south side property line within the rear yard and a portion of the side yard of the subject property, and will be obstructed from view from the right-of-way. In addition, the applicant submitted a letter from the neighboring property owner to the south expressing no objections to the proposed fence.

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

According to the submitted application, the finished elevation of the driveway on the neighboring property to the south is higher than the subject property by up to two (2) feet. Due to this change in elevation, the applicant states that a 6-foot fence along this portion of the property would function as a ± 4 -foot fence on the neighbor's side, thus reducing its effectiveness. However, this change of elevation only applies to a very small portion of the property as shown in the submitted drawings. Both properties follow the same slope for the remainder of the length of the fence with an elevation difference of less than one (1) foot, where a 6-foot fence is effective on both sides of the property line.

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

The requested variance is for a fence along the south side property line to provide privacy from the adjoining property to the south that is at a slightly higher elevation. The subject property is a 26,928-square foot single-family lot within a neighborhood preservation district. The intent of the fence height standard is to allow openness, air flow, light penetration and neighborhood uniformity. Due to the large size of the lot and the proposed location of the fence, the requested variance still meets this intent as the fence, where proposed, will not reduce openness, air flow or light penetration on the property.

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 "NP-10" Neighborhood Preservation zoning district.

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

The requested variance will not adversely impact the adjacent conforming properties. The fence, where proposed, will only impact the neighboring property to the south. The applicant submitted a letter from the property owner to the south in support of the request. Additionally, the size of the lot will still allow for openness, air flow and light penetration on the adjacent properties.

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

The requested variance is due to the existing slope on the property and the difference in elevation from the adjoining property to the south. These conditions are not a result of the general conditions of the zoning district or an action done by the property owner, or due to financial hardship. However, while the property does have a significant slope from the Countryside Drive right-of-way to the rear of the property, this condition is not unique to the property as significant slope changes are common throughout the neighborhood.

Staff Recommendation

Staff recommends **denial of A-11-045**. The requested variance does not comply with two (2) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented sufficient evidence that the requested variances would provide relief from hardship caused by a literal enforcement of the fence height standards. Furthermore, the applicant will not be denied the reasonable use of the property as a single-family residence without the variances requested.

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 2-foot difference in elevation between the adjoining property to the south and the subject property is only applicable to a small portion of the driveway, and does not warrant for an average 8-foot tall fence along one hundred fifty five (155) feet of the 226-foot south side property line.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



Area is in Airport Hazard Overlay District

Board of Adjustment
Notification Plan for
Case A-11-045



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 10



Board of Adjustment
Plot Plan for
Case A-11-045

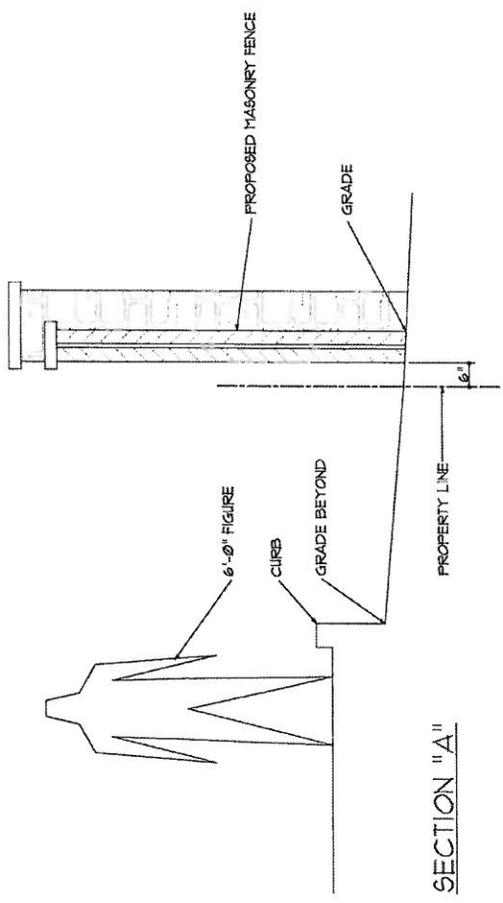


Fence ▲▲▲▲

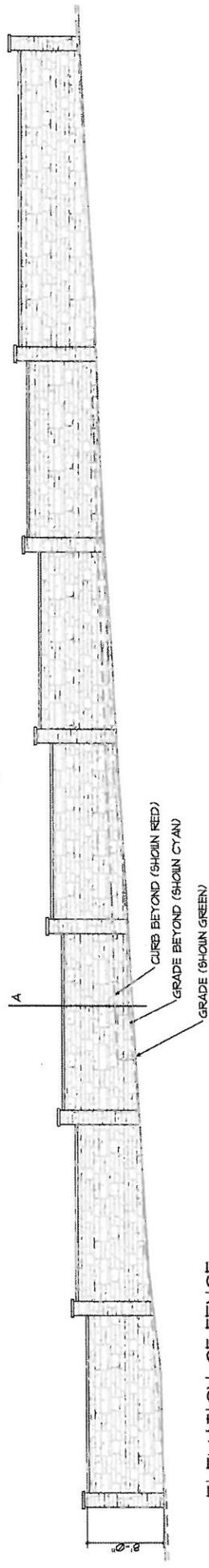
Scale: 1" approx. = 50'
Council District 10

8107 COUNTRY SIDE DR

Development Services Dept
City of San Antonio
(6/20/2011)

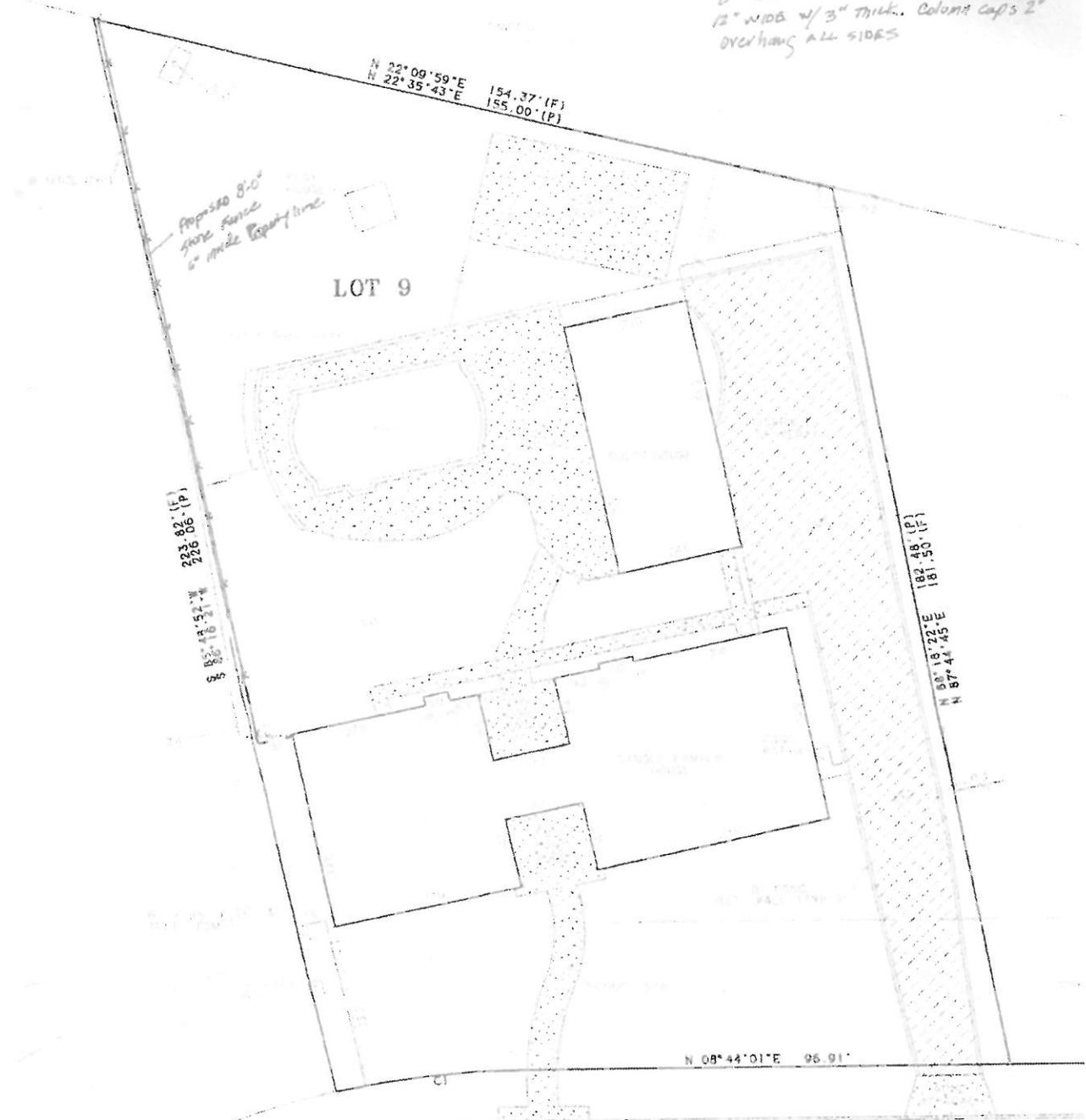


SECTION "A"



ELEVATION OF FENCE

Proposed 8'-0" Masonry Fence
 18" columns 20'-0" O.C. Fence panels
 8" thick between columns. Fence cap
 12" wide w/ 3" thick. Column caps 2"
 overhang all sides



COUNTRYSIDE DRIVE

6182 ACRES
 26,928 S.F.

~~ZE~~
 1" = 20'

BUYER: STUART C
 ADDRESS: 8107 CO
 LOT: 9
 OF: COUNTRY SQ
 CITY: SAN ANTON
 ACCORDING TO THE
 VOLUME: 5148 - 9A

FLOOD NOTE ACCO
 FLOOD ZONE 'A', D

THIS PROPERTY IS
 VOL: 200 PG: 3



DRAWN BY: KRS
 JOB NO.: 202430
 FIELD WORK COMP

NOT A FIELD DATA POINT
 SEE MATCH POINT DATA
 FOR FIELD DATA



SCALE: 1" = 20'

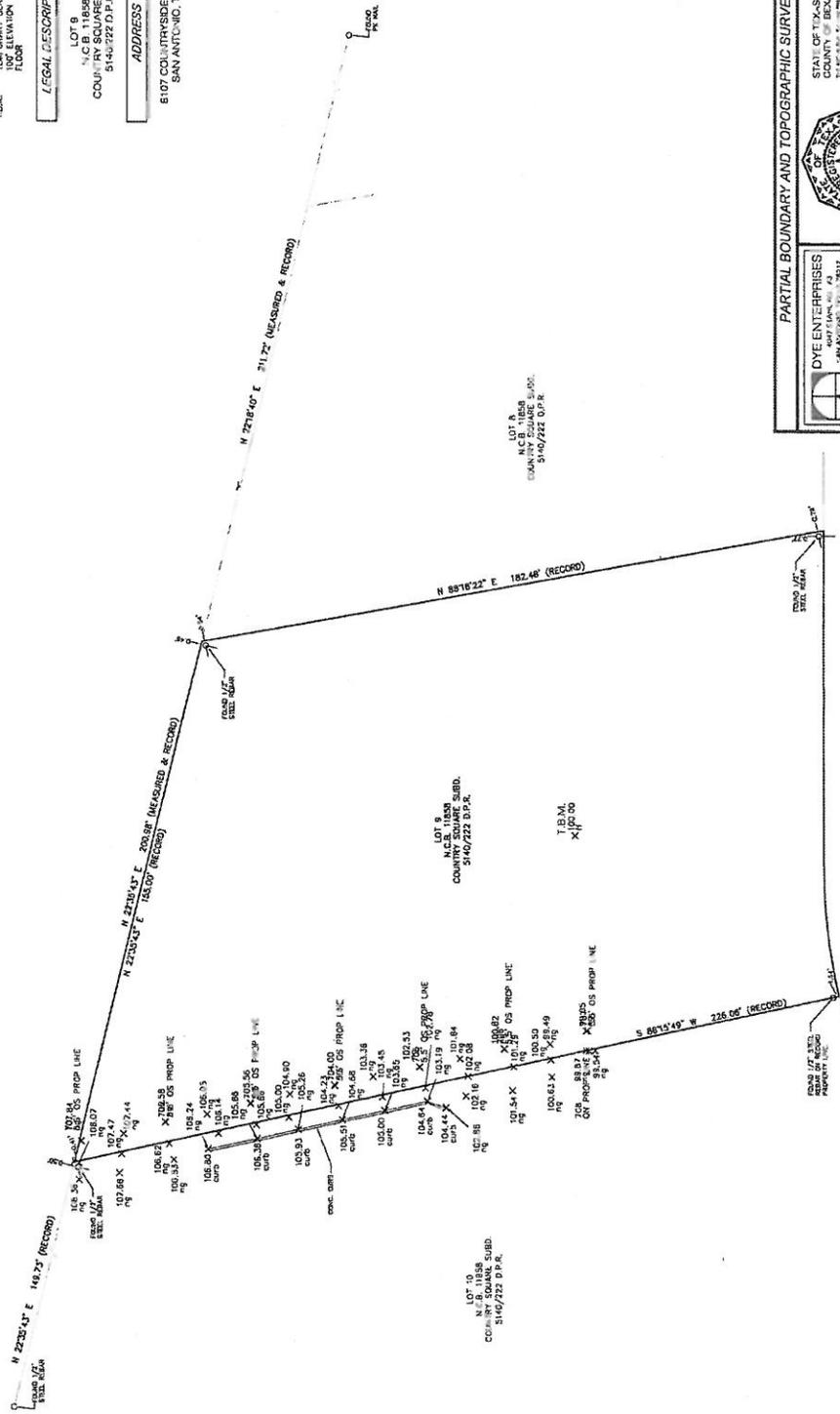
SURVEY LEGEND

330/159 RECORDING VOLUME/PAGE
D.P.R. COUNTY RECORDS OF BEAR
COUNTY, TEXAS
T.B.M. TEMPORARY BENCH MARK. ASSUMED
ELEVATION OF HOUSE FINISHED
FLOOR

LEGAL DESCRIPTION

LOT 9
N.C. 8188
COUNTRY SQUARE SUBD.
5140/222 D.P.R.
ADDRESS
6107 COUNTRYSIDE DRIVE
SAN ANTONIO, TX

NOTE:
THERE ARE SIGNIFICANT DISCREPANCIES BETWEEN THE
RECORD INFORMATION AND THE MONUMENTS FOUND IN
THE FIELD. THE INFORMATION DOES NOT AFFECT
THE PLAT INFORMATION.
BECAUSE FOR THIS SURVEY WAS BASED ON THE PLAT
CONTAINING THE RECORD INFORMATION AND THE
VOLUME 5140, PAGE 222 OF THE LEGAL AND PLAT
RECORDS OF BEAR COUNTY, TEXAS.



PARTIAL BOUNDARY AND TOPOGRAPHIC SURVEY

DYE ENTERPRISES
1400 W. 14TH ST. SUITE 100
SAN ANTONIO, TEXAS 78207
PHONE: 512-343-1111
FAX: 512-343-1112

DATE: 01/15/10
JOB NO.: 1400-11
FIELD WORK: 01/15/10

STATE OF TEXAS
COUNTY OF BEAR
I, **D. SCOTT DYE**, Surveyor No. 1400, do hereby certify that I am a duly qualified and licensed Surveyor in the State of Texas, and that I am the author of the foregoing plat.

WITNESSED MY HAND AND SEAL OF OFFICE AT SAN ANTONIO, TEXAS, THIS 15TH DAY OF JANUARY, 2010.



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-047
Date: July 11, 2011
Applicant: Alonzo E. Gates II
Owner: Alonzo E. Gates II
Location: 9022 Callaghan Road
Legal Description: Lot 22, Block 1, NCB 11555
Zoning: "R-5" Single-Family Residential District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests a 3-foot variance from the maximum 3-foot front yard solid fence height standard, in order to allow a 6-foot solid fence in the front yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 23, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 2.26-acre property consists of a single-family residential home in a single-family residential zoning district. It is Lot 22 of the Colonial Estates Subdivision that was first platted in June 1960 (Attachment 4). The subdivision is bound on three (3) sides by Marlborough Drive, Van Jackson Road and Callaghan Road (previously named Kenney Road).

The subject property is located on the north end of the Colonial Estates Subdivision with access and frontage on Callaghan Road. It has approximately three hundred eleven (311) feet of street frontage. According to the City's Major Thoroughfare Plan, Callaghan Road is a Type A Secondary Arterial with a right-of-way width of eight-six (86) feet where it abuts this subdivision.

The applicant is proposing to construct a 6-foot solid masonry fence along the front yard of the property to help alleviate the noise from the Callaghan Road traffic, and provide privacy from vehicle and pedestrian traffic. Per Section 35-514(d) of the UDC, solid fences within the front yard of a single-family use property shall have a maximum height of three (3) feet. Consequently, the applicant is requesting a three (3) foot variance from this standard. According to the submitted application, the proposed fence height is necessary due to the close proximity to Callaghan Road and the property’s topography that significantly slopes down from the road to the residential structure.

Pursuant to Table 506-1 “Functional Classification System Description” of the UDC, Secondary Arterials connect adjacent sub-regions and activity centers within sub-regions; provides access to freeways, principal arterials, other arterials and collectors; and carries medium to short trips at moderate to low speeds. Section 35-502(e)(1)(D) of the UDC states that daily traffic volumes for a Secondary Arterial shall range from fourteen thousand (14,000) to sixteen thousand (16,000) vehicles per day (VPD) for a two-lane road, and thirty thousand (30,000) to thirty-four thousand (34,000) VPD for a four-lane road. Callaghan Road is a four-lane road where it abuts the subject property and subdivision.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-5 (Residential)	Single-Family

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is located within two hundred (200) feet of the Vance Jackson Neighborhood Association.

Criteria for Review

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

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

The requested variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The subject property is an interior lot in a single-family residential subdivision with approximately three hundred eleven (311) feet of frontage on a Type A Secondary Arterial (Callaghan Road). The fence, where proposed, will

be setback approximately twenty-five (25) feet from the edge of the road, thus maintaining the existing landscape buffer between the edge of pavement and the fence.

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

The proposed location of the fence where the variance is being sought will surround the property's front yard that directly abuts Callaghan Road, which is a four (4) lane road with an 86-foot right-of-way and vehicle trips ranging from thirty thousand (30,000) to thirty-four thousand (34,000) VPD. A literal enforcement of the 3-foot solid fence within the front yard of a single-family property may cause undue hardship as the permitted fence will not provide substantial mitigation from the traffic, noise, and other potential hazards that an arterial street may have on a single-family residential home.

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

The proposed fence will be set back approximately twenty-five (25) feet from the edge of the road and thus comply with the intent of the fence standards of not obstructing traffic's visibility and maintaining openness along the street frontages.

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-5" Single-Family Residential zoning district.

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

The requested variance will not adversely impact the adjacent conforming properties. The subject property is part of a subdivision that consists of large size lots where the majority of the lots front an arterial road. Due to the location and lot sizes, the houses are significantly set back from the front property line. In addition, the fence, where proposed, will be set back approximately twenty-five (25) feet from the edge of the road, maintaining visibility and openness along the street frontages.

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

The plight of the owner of the property is due to the unique location of the subject property in that it is an interior lot that fronts a secondary arterial. The existing conditions were created at the time the property was platted in 1960. These conditions are not a result of the general conditions of the zoning district or an action done by the property owner, or due to financial hardship.

Staff Recommendation

Staff recommends **approval of A-11-047**. The proposed variance complies with all required review criteria for granting a variance as presented above. The variance is needed due to the location and unique nature of the property in order to ensure safety and privacy to the single-family residential home from the function and purpose of Callaghan Road.

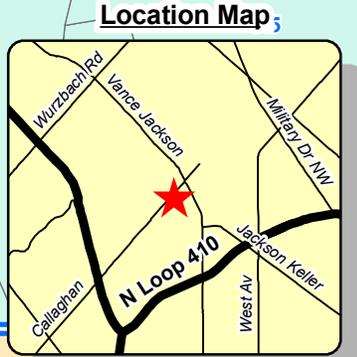
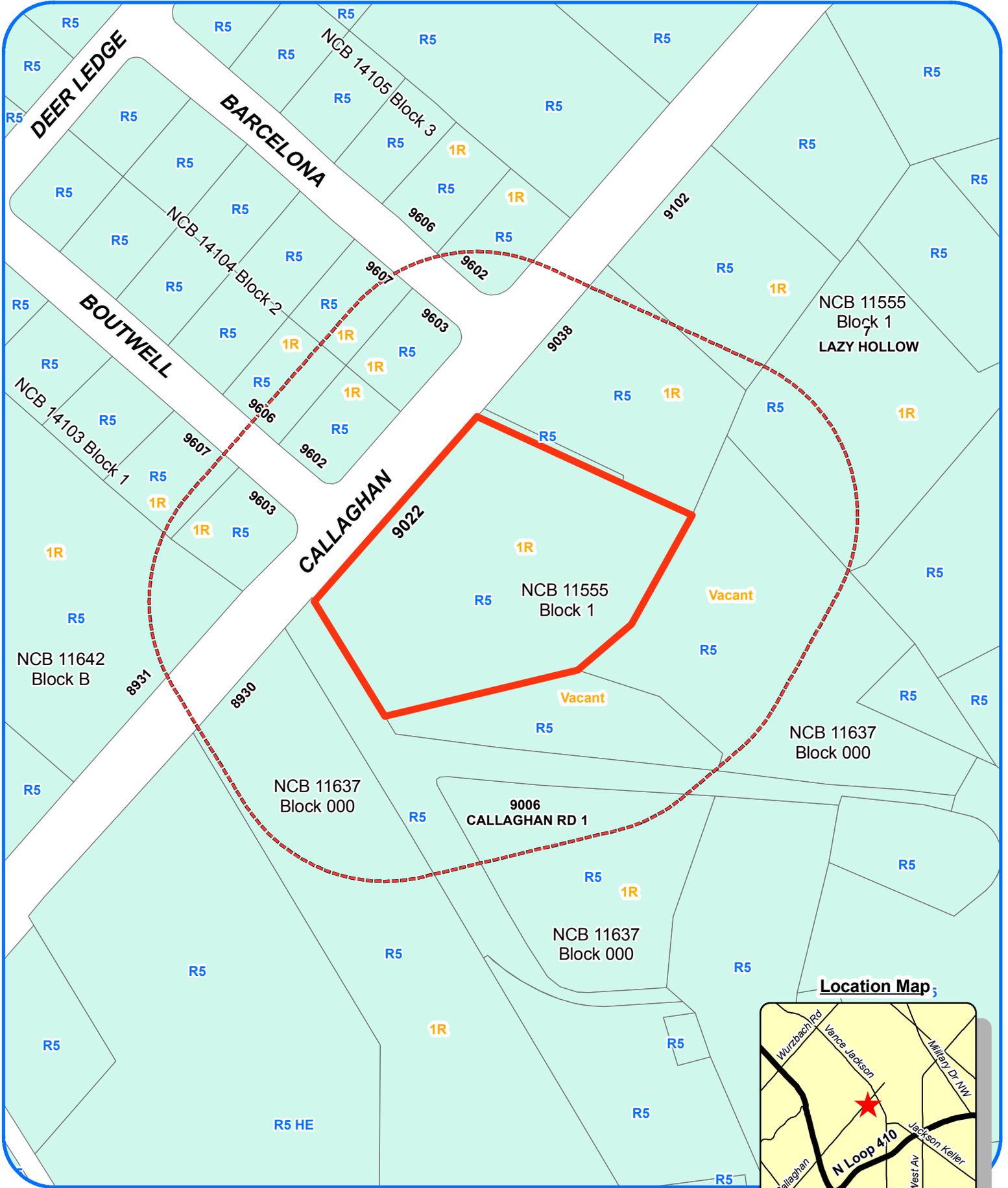
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing

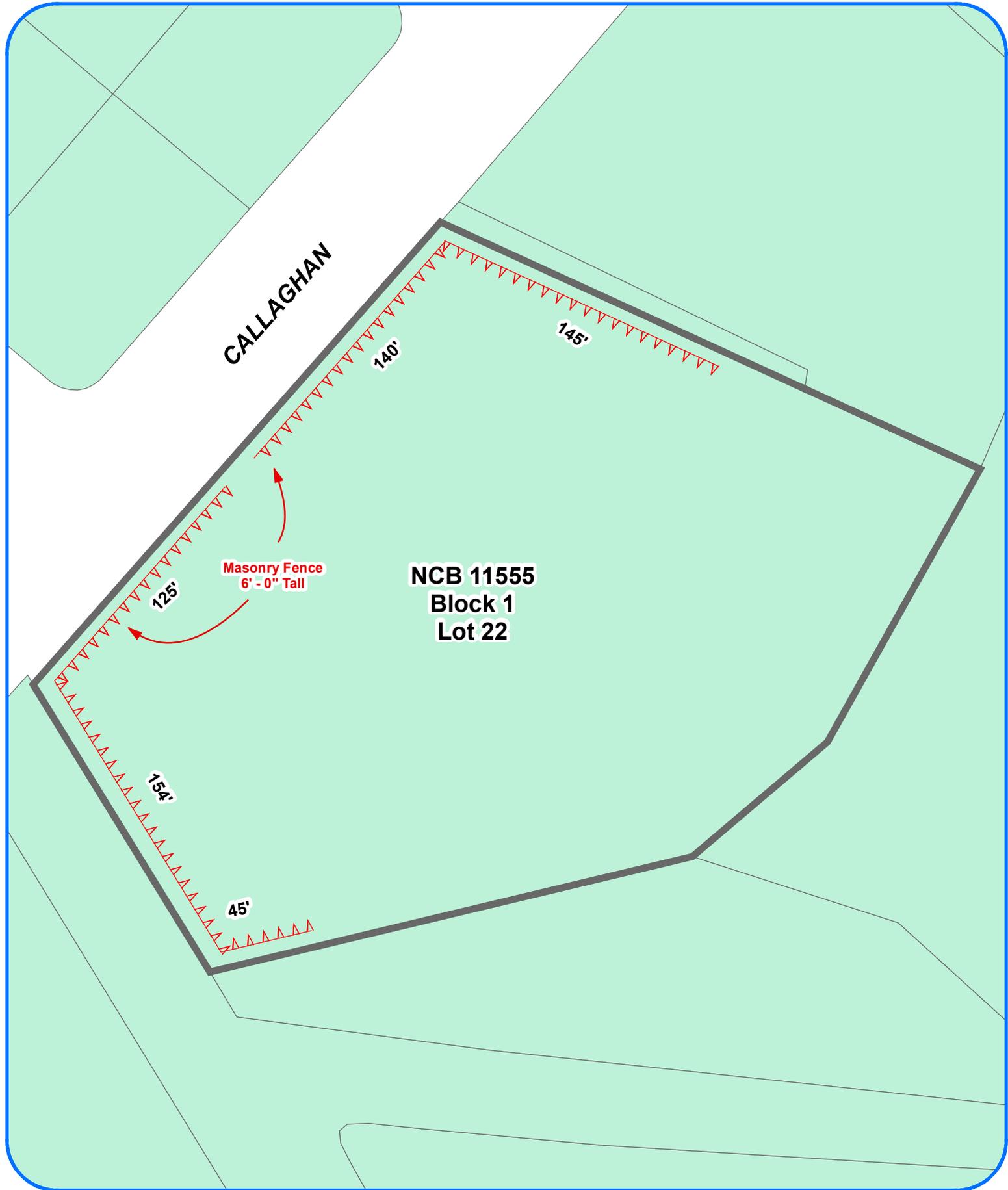
Attachment 4 – Colonial Estates Subdivision, 1960 Plat



Board of Adjustment
Notification Plan for
Case A-11-047



Legend
 Subject Property ———
 200' Notification Boundary - - - - -
 Scale: 1" approx. = 150'
 Council District 8



Board of Adjustment
Plot Plan for
Case A-11-047



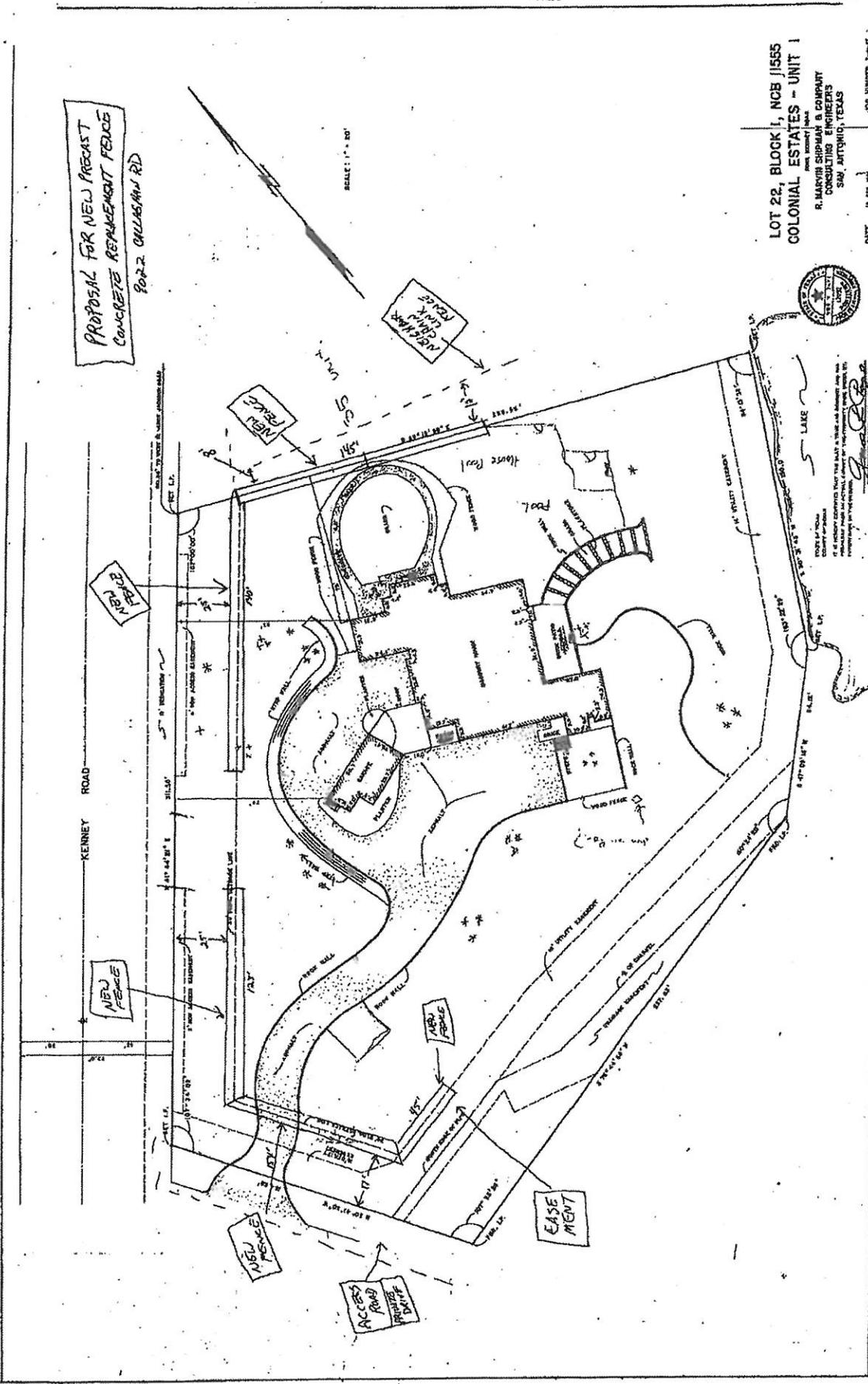
Fence ▲▲▲▲

Scale: 1" approx. = 60'
Council District 8

9022 CALLAGHAN RD

Development Services Dept
City of San Antonio
(3/23/2011)

PROPOSAL FOR NEW PRECAST
CONCRETE REPAIRMENT FENCE
9022 COLLASAW RD



LOT 22, BLOCK 1, NCB 1555
COLONIAL ESTATES - UNIT 1
R. MARVIN SHIPMAN & COMPANY
CONSULTING ENGINEERS
SAN ANTONIO, TEXAS



DATE: 11 FEB 1968
JOB NUMBER: 1555-109

508-109

SUBDIVISION PLAT
OF

COLONIAL ESTATES

UNIT - 1
BEING 15274 ACRES OUT OF THE MANUAL SEAL
SURVEY NO. 150 AND 10680 ACRES OUT OF THE
V ZEPEDA SURVEY NO. 72, BEAR COUNTY
TEXAS.

STATE OF TEXAS
COUNTY OF BEAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUB-
SCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT
DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS,
PARKS, WATER COURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES THEREON
SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

John L. Reynolds
REGISTERED PROFESSIONAL ENGINEER
BEAR COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BEAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THE DAY PERSONALLY
APPEARED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORE-
GOING INSTRUMENT AND WHOSE NAME IS SUBSCRIBED TO THE FORE-
GOING INSTRUMENT, AND HE HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE
SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND
IN THE CAPACITY THEREIN STATED.

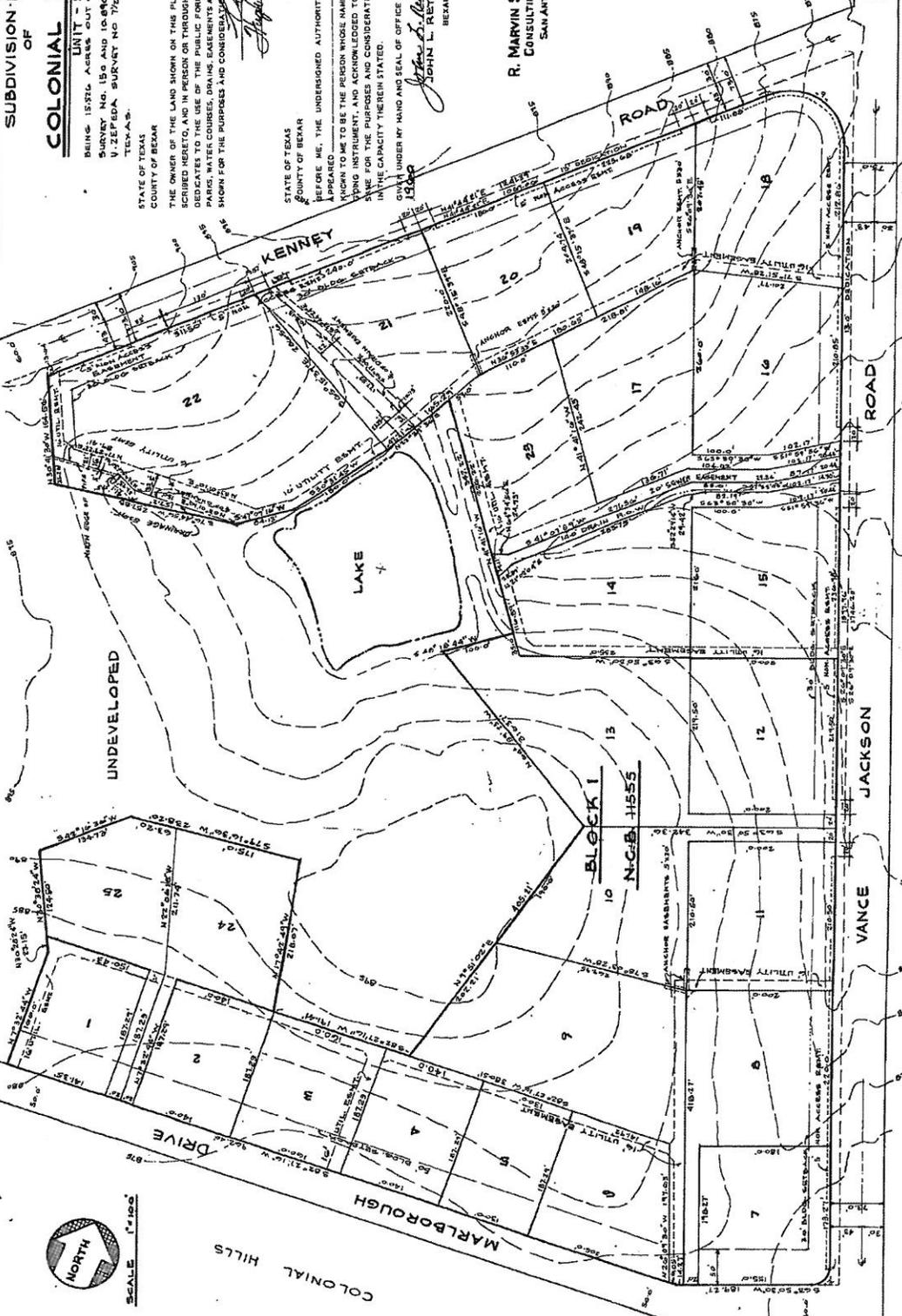
WITNESSED UNDER MY HAND AND SEAL OF OFFICE THIS 27TH DAY OF MAY, A.D.
1962.



R. MARVIN SHIPMAN & CO.
CONSULTING ENGINEERS
SAN ANTONIO, TEXAS

By *R. M. Shipman*
R. M. SHIPMAN
County Clerk, Bear County, Texas

Filed for record June 10, A.D. 1962 at 10:30 o'clock P.M.
Recorded June 10, A.D. 1962 at 10:30 o'clock P.M.



THIS PLAT OF
SUBDIVISION HAS BEEN
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE
CITY OF SAN ANTONIO, TEXAS AND IS APPROVED BY SUCH COMMISSION.
DATED THIS 15th DAY OF JUNE, 1962.

THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS

Edward M. ...
CHAIRMAN
...
SECRETARY

STATE OF TEXAS
COUNTY OF BEAR

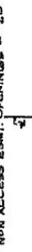
I, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY
THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF
AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON THE DAY
OF ... A.D. AT ... M. IN THE RECORDS OF
BOOK VOLUME ... ON PAGE ...
IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL OF OFFICE
THIS ... DAY OF ... A.D. 1962.

296272 JUN 10 1962
COUNTY CLERK, BEAR COUNTY, TEXAS

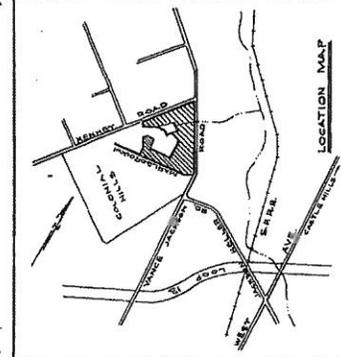
BY *...*
DEPUTY

CURVE DATA		
CURVE RADIUS	CHORD	TANGENT LENGTH
25.00	10.00	12.50
50.00	20.00	25.00
75.00	30.00	37.50
100.00	40.00	50.00

NOTE:
FRONT BUILDING SETBACK - 30'
INTERIOR LOT SETBACK - 10'
NON ACCESS EASMT. OPENINGS - 20'



POLE ANCHOR EASEMENT LAYOUT



LOCATION MAP

VOL 4100
DIRECTOR

JUN 10 1962

BY *...*
DEPUTY

See next page for Vol 4173 Page 428



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-048
Date: July 11, 2011
Applicant: Charles Gottsman
Owner: Monarn Family Replicable Trust & Craig A. Robinson
Location: 823 Bandera Road
Legal Description: Lot 2A, Block 33, NCB 9593
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a 52-foot variance from the 150-foot minimum spacing requirement, in order to allow a freestanding sign to be erected ninety-eight (98) feet from another freestanding sign; and 2) a 9-foot variance from the 10-foot minimum right-of-way setback requirement, in order to allow a 1-foot setback from the right-of-way.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 23, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 4.2-acre property consists of a commercial shopping center with multiple uses to include retail, office and restaurant uses. The property has street frontage on Bandera Road, Woodlawn Avenue, Stonegate Drive and Duke Avenue. The current property owner wishes to remove a freestanding sign on Bandera Road, and erect a larger multiple tenant freestanding sign on an existing pole that is located next to the freestanding sign to be removed (Attachment 4). The new freestanding sign will consist of the existing 240-square foot cabinet of the sign to be removed, and a new 120-square foot cabinet.

The subject property has multiple freestanding signs along Bandera Road and Woodlawn Avenue. According to the City’s Major Thoroughfare Plan, Bandera Road is a Type A Primary Arterial and Woodlawn Avenue is a Type B Secondary Arterial. Per Section 28-241(c)(1)(a) of the Sign Ordinance, properties on arterial (Types A and B) or commercial collector streets are allowed one (1) freestanding sign per street frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred fifty (150) linear feet.

The proposed sign will be located approximately ninety-eight (98) feet from another existing freestanding sign (Money Box) on the property. Consequently, the applicant is requesting a 52-foot variance from the distance separation requirement. According to the submitted application, the request of the variance is due to the location of the existing pole that the applicant is proposing to use for the new sign. The applicant further states that the intent of using the existing pole is to remove clutter, improve the shopping center, and reduce the number of nonconforming signs on the property by transferring the sign area on the existing freestanding sign to be removed to the existing pole.

Pursuant to Section 28-245(a)(1) of the Sign Ordinance, whenever the sign cabinet of a freestanding sign is removed it shall, at that time, lose its nonconforming status. The existing pole to be used for the new sign is just a pole with no cabinet, and is not being used for signage purposes. Due to the lack of cabinet, the existing pole is not considered to be a nonconforming sign, and is subject to all requirements of the Sign Ordinance.

The existing pole will be modified and reduced in height to accommodate the new cabinet, resulting in a total new height of thirty-seven (37) feet, six (6) inches. Section 28-241(c)(1)(c) of the Sign Ordinance states that signs in non-residential districts larger than twenty-five (25) feet in height shall be set back a minimum of ten (10) feet from the right-of-way. As the pole will remain at its existing location, the new sign will be set back one (1) foot from the right-of-way. Accordingly, the applicant is requesting a 9-foot variance from the setback requirement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD, C-3 AHOD (Commercial)	Shopping Center

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 AHOD (Commercial), C-3 AHOD (Commercial)	Bank, Gas Station, Commercial, Auto Repair
South	R-4 AHOD (Residential), C-3R AHOD (Commercial)	Single-Family Residential, Shopping Center
East	C-2 AHOD (Commercial), C-3R AHOD (Commercial)	Gas Station, Shopping Center
West	C-2 AHOD (Commercial), R-4 AHOD (Residential)	Restaurant, Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan. The subject property is located within the University Park and two hundred (200) feet of the Donaldson Terrace neighborhood associations.

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

A strict enforcement of the sign regulations would result in the removal of the existing Money Box freestanding sign (Sign B, Picture 3, Attachment 4), and the proposed sign to be erected in the center of the parking lot. As can be seen in the attachment, Sign C demonstrates that placement of a tall sign in the center of the parking lot will not reduce sign exposure or cessation of an active commercial use. As an alternative, the proposed sign's height may be reduced to twenty-five (25) feet by excluding the new 120-square foot cabinet and using the existing 240-square foot multiple tenant cabinet to advertise the Cute Smiles for Kids business. With this option, the setback variance would not be needed and the sign may remain where proposed. Furthermore, the applicant is proposing to combine an existing freestanding sign (Sign A) with the existing pole to create one (1) sign and reduce clutter. If this is the goal, the applicant may opt to remove the Money Box freestanding sign and keep the existing Money Box sign in the 240-square foot multiple tenant cabinet, thus eliminating the need for a variance from the distance separation requirement.

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 has a total street frontage of approximately five hundred forty-eight (548) feet along Bandera Road and Woodlawn Avenue, with no trees or buildings along this portion of the property. Properly distributed, the property owner may place up to three (3) conforming freestanding signs along these frontages providing adequate signage on site. The subject property has no unique features that result in the need for the variances requested. To the contrary, due to the angle of the intersecting streets, the subject property has greater exposure from both streets than other properties in the area.

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

The variance will not have a substantial adverse impact on neighboring properties. The applicant only proposes to remove an existing freestanding sign, and use the existing pole at the same location for a new multiple tenant freestanding sign.

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

Part of the intent and purpose of the Sign Regulations is to avoid and eliminate sign clutter, and provide harmony and order along the City's street rights-of-way. By granting the distance separation requirement the existing number of signs on the property would remain. The applicant states that the proposed pole multiple tenant sign would eliminate one (1) of two (2) nonconforming signs; however, as previously stated, the existing pole is not considered a nonconforming sign per the Sign Ordinance. Moreover, granting of the setback variance would deviate from maintaining a harmonious relationship between the scale and function of Bandera Road and the new freestanding sign by allowing a taller sign significantly closer to the right-of-way than allowed.

Staff Recommendation

Staff recommends **denial of A-11-048**. The requested variances do not comply with the required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variances would provide relief from hardship caused by a literal enforcement of the distance separation and setback requirements for new freestanding signs.

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 graphics communication problems. The subject property does not have special circumstances or conditions that would result in the need of the variances requested. Alternative solutions are available that will allow the applicant to meet the goals of reducing clutter, making the shopping center more presentable to the public, and providing adequate signage exposure to the businesses in the center without the requested variances.

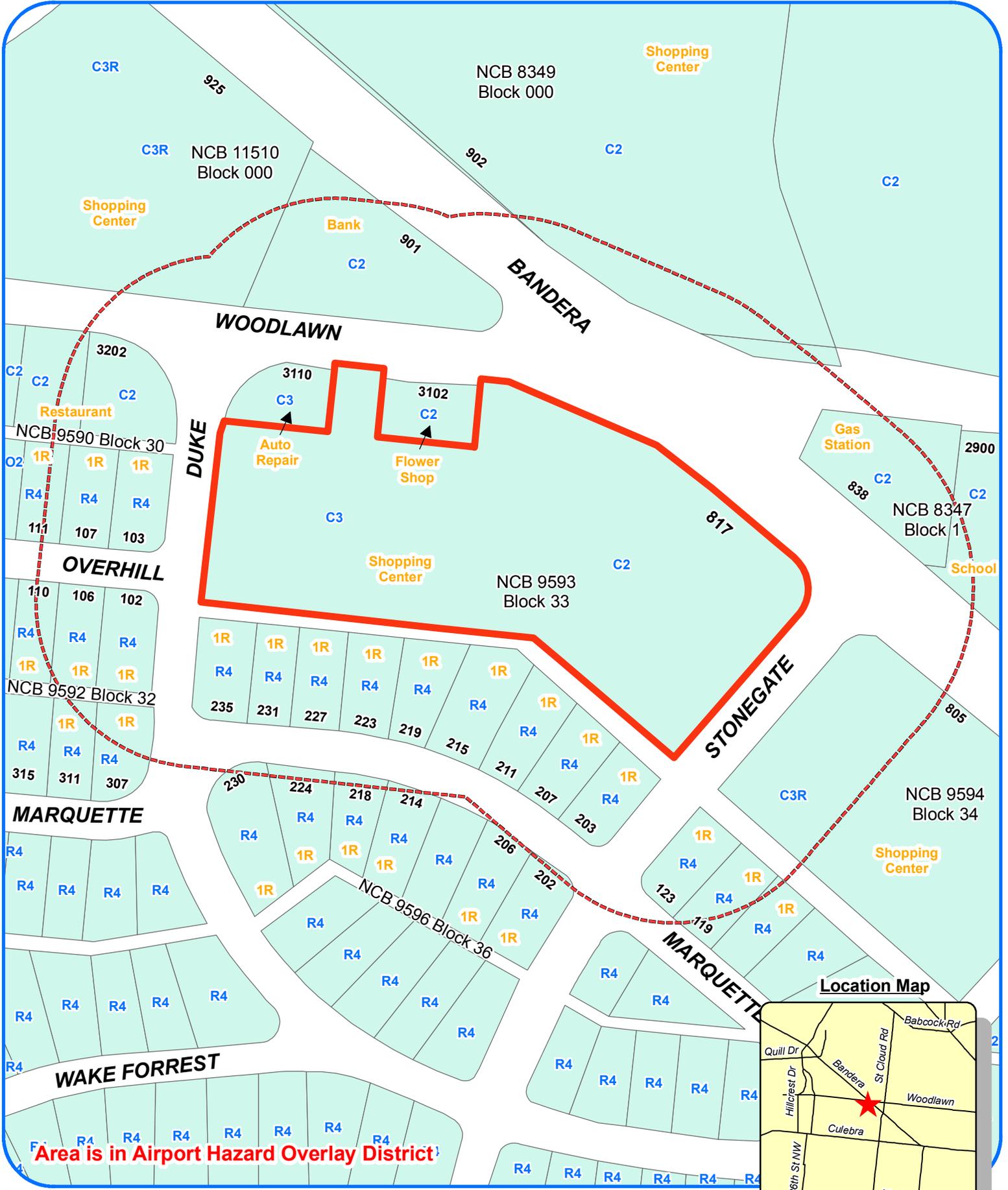
Attachments

Attachment 1 – Location Map

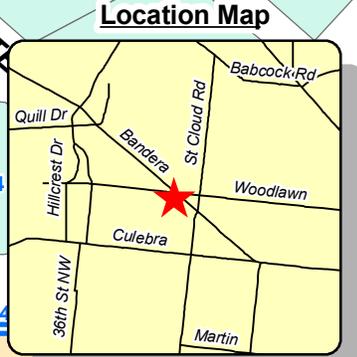
Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing

Attachment 4 – Pictures of the subject property



Area is in Airport Hazard Overlay District

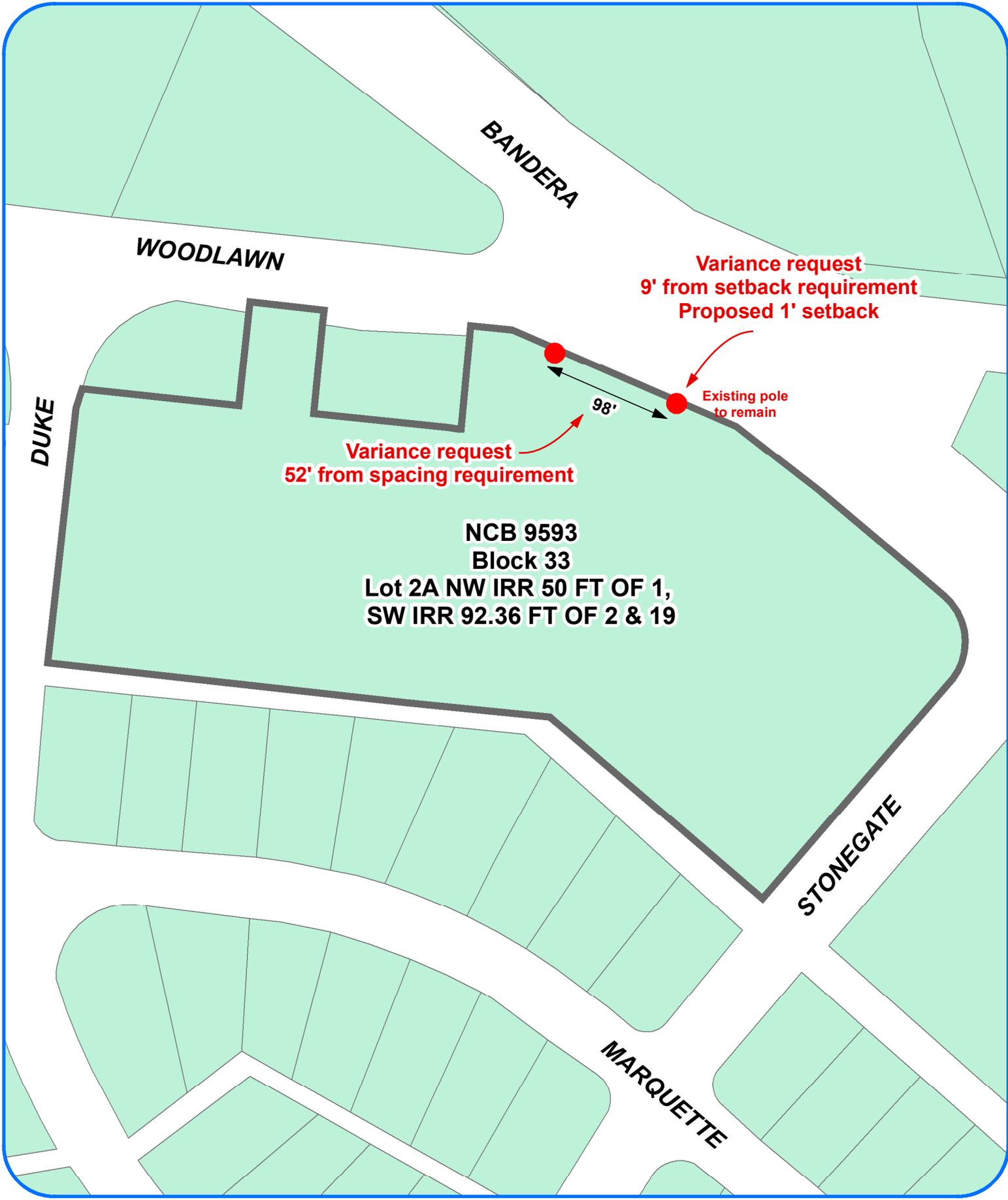


Board of Adjustment
Notification Plan for
Case A-11-048



Legend

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



Board of Adjustment
 Plot Plan for
Case A-11-048

Scale: 1" approx. = 100'
 Council District 7

817 E BANDERA RD

Development Services Dept
 City of San Antonio
 (6/23/2011)

CLIENT	CUTE SMILES FOR KIDS
ADDRESS	WOODLAWN / BANDERA
CITY	SAN ANTONIO, TEXAS
SALESPERSON	JEANETTE MANGUS
DATE	3-5-11
DESIGNER	E. LEOS
DRWG #	8784.3

File: DWG/MISC/8784_CUTE SMILES
 Revision History: 4-6-11, 4-18-11

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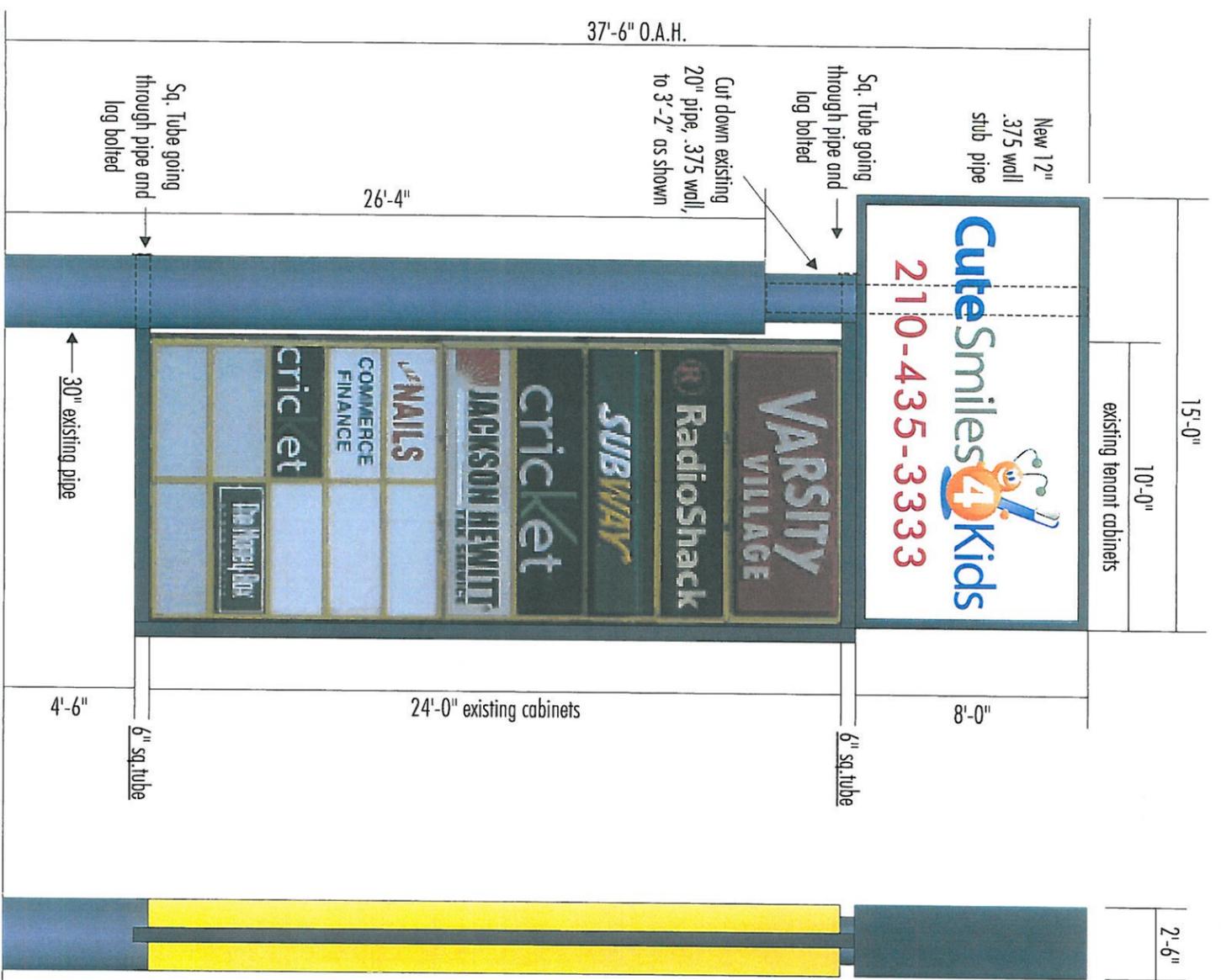
You are not authorized to show this drawing to anyone outside your organization, nor is it to be reproduced, used, copied, or exhibited in any fashion.

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

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

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

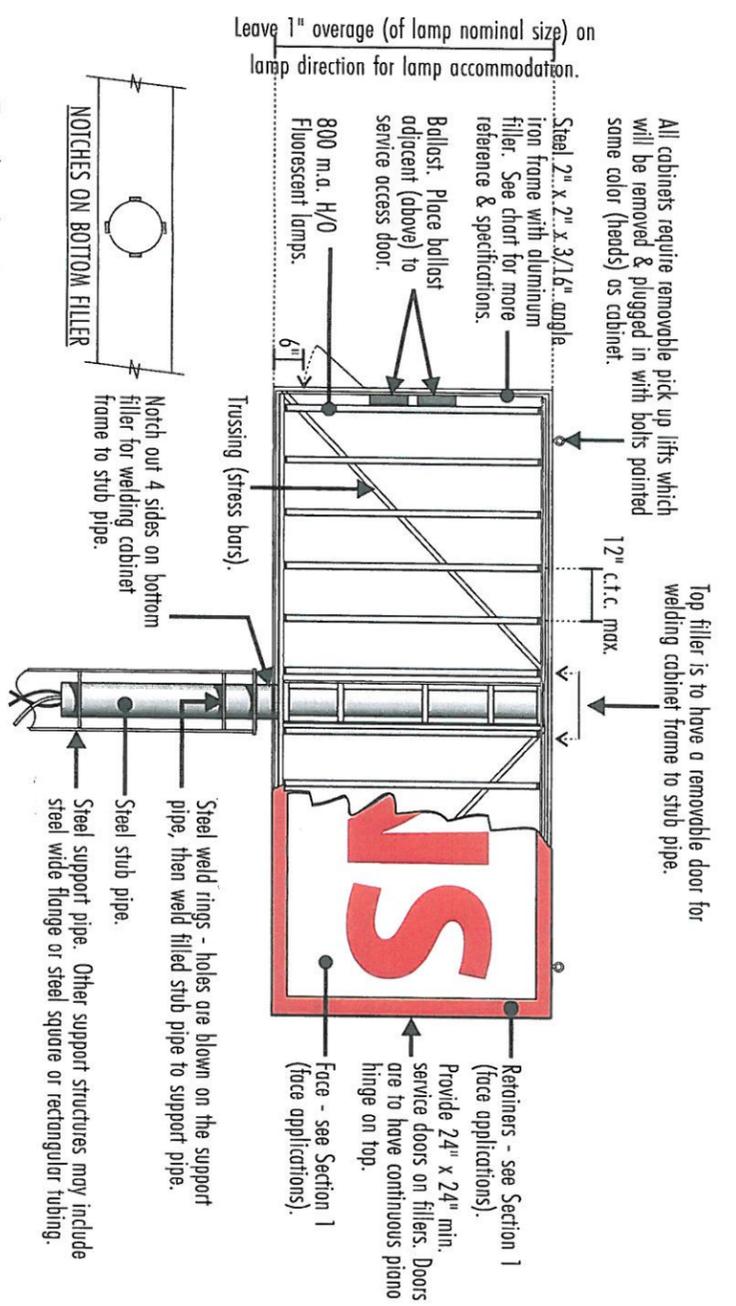
National Building Codes now states all signs that utilize neon transformers, sized at 7,500 volts and up, must utilize U12161 (GF) transformers. This type of transformer must have a dedicated electrical (GF) circuit with ground for the transformer to work. You are responsible to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.



FRONT VIEW - SCALE: 3/16" = 1'-0"

Specifications:
 Cut Down Existing 20" Stage Pipe Leaving 3'-2" As Shown.
 Manufacture And Install One (1) New D/F Main Id Cabinet.
 Alum. Construction With 4" Retainers Painted To Match Existing Pipe.
 White Flex Faces With Inkjet Printed Vinyl Graphics.
 Internally Illuminated By H.o. Lamps.

Remove Existing Tenant Cabinets Form Existing Pylon Structure And Install On Single Pipe Structure As Shown. Additional 6" Sq. Tube Supports Need To Support Flag Mounted Cabinets.



Typical Detail - N.I.S.

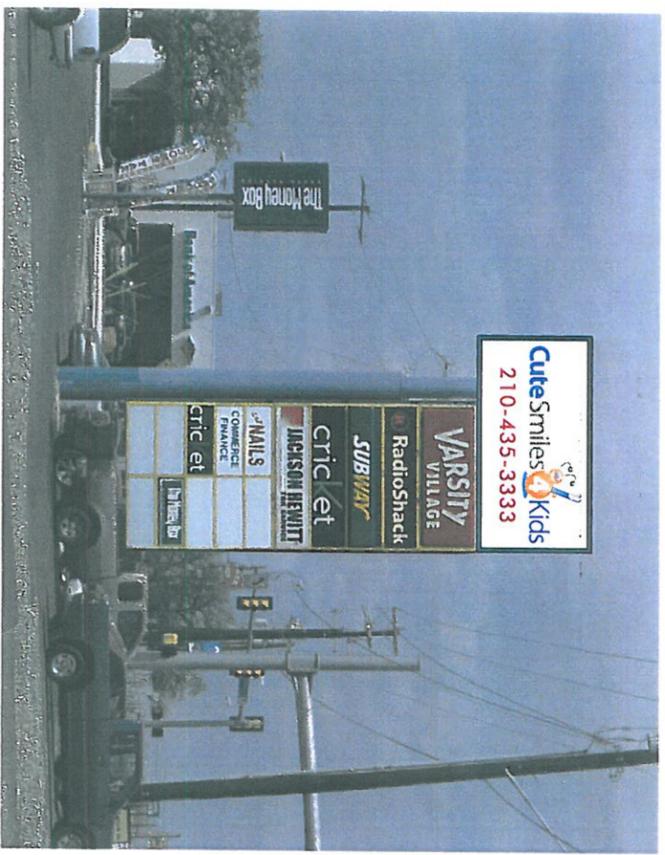


PHOTO SURVEY - N.I.S.

Cute Smiles for Kids 823 Bandera Road San Antonio, TX

- Money Box Sign
- Multi-tenant pylon sign
- Existing pipe support



Existing

52' Spacing Variance

- Money Box Sign
- Combined pylon sign

98' Spacing



Proposed

Cute Smiles for Kids 823 Bandera Road San Antonio, TX

- Money Box Sign
- Multi-tenant pylon sign
- Existing pipe support



Existing

52' Spacing Variance

- Money Box Sign
- Combined pylon sign

98' Spacing



Proposed

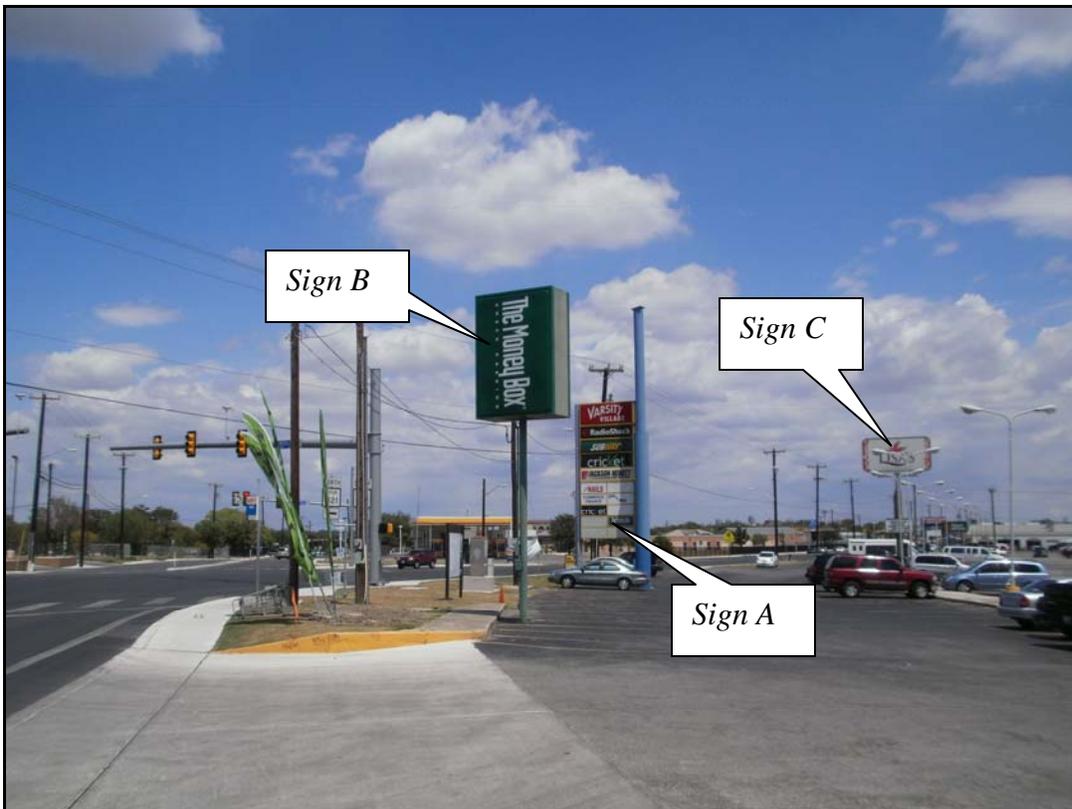
Attachment IV – Pictures of subject property



Picture 1: View from corner of Bandera Road and Woodlawn Avenue



Picture 2: View from parking lot, Bandera Road



Picture 3: Freestanding signs subject to 150-foot distance separation requirement



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-11-049
Date: July 11, 2011
Applicant: Accenture
Owner: Fairgrounds Venture, L.P.
Location: 7050 Fairgrounds Parkway
Legal Description: Lot 5, Block 4, NCB 17246
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 1-foot variance from the 8-foot maximum fence height standard for Industrial Uses, in order to allow a 9-foot tall fence.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on June 24, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is 15.230 acres in size and is operated as offices with a building footprint of 91,158 square feet. It is situated within a group of similar large office uses and office-warehouse combinations, typically on large tracts of land and surrounded by expansive parking lots, collectively known as the Alamo Downs Business Park.

Section 35-514 (d) (1) "Table of Heights" allows fences at a maximum height of 8 feet for properties which permit industrial land uses. The applicant proposes to erect a 9-foot tall fence around the perimeter of the subject property and indicates that the fence is necessary to increase the safety and security of employees and assets and to posture the company to perform work for agencies of the Federal Government. Additionally, the applicant states that limiting the height of the fence to less than 9 feet will have an adverse affect on the type of work the company is able to perform due to security requirements.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 AHOD (Industrial)	Offices

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD (Industrial)	Offices, Office-Warehouse
South	I-1 AHOD (Industrial)	Offices, Office-Warehouse
East	I-1 AHOD (Industrial)	Vacant
West	I-1 AHOD (Industrial)	Parking, Offices

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

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

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

The variance is not contrary to the public interest as the proposed fence will not detract from the character or appearance of the immediate area.

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

The literal enforcement of the fence height standards will not result in unnecessary hardship. The appropriate use of the subject property in accordance with its zoning will not be denied without the requested variance. Furthermore, the site is not characterized by exceptional topography or other physical attribute that creates unnecessary hardship on its use.

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

The variance is not in keeping with the spirit of the ordinance nor will substantial justice be done. The purpose of a variance is to bring equity when the strict enforcement of the zoning regulations would cause undue hardship due to special circumstances regarding a property. The requested variance is not in keeping with this principle and is requested to grant the applicant the privilege of securing business from government agencies.

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

The variance will not authorize the operation of a use other than those permitted in the “I-1 AHOD” zoning district.

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

The variance will not substantially injure the appropriate use of adjacent conforming property nor alter the essential character of the district in which it is located. The site is located within the Alamo Downs Business Park, which contains other properties featuring fencing approximately 8 feet in height. The requested 9-foot tall fence will not appear substantially different from fences on nearby properties, in terms of the perception of height.

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 physical circumstances exist on the subject property from which plight may arise. The variance is requested with the express, stated purpose of putting the applicant in a better position to secure business from government agencies. This circumstance is solely created by the applicant themselves and is not due to unique conditions of the property itself.

Staff Recommendation

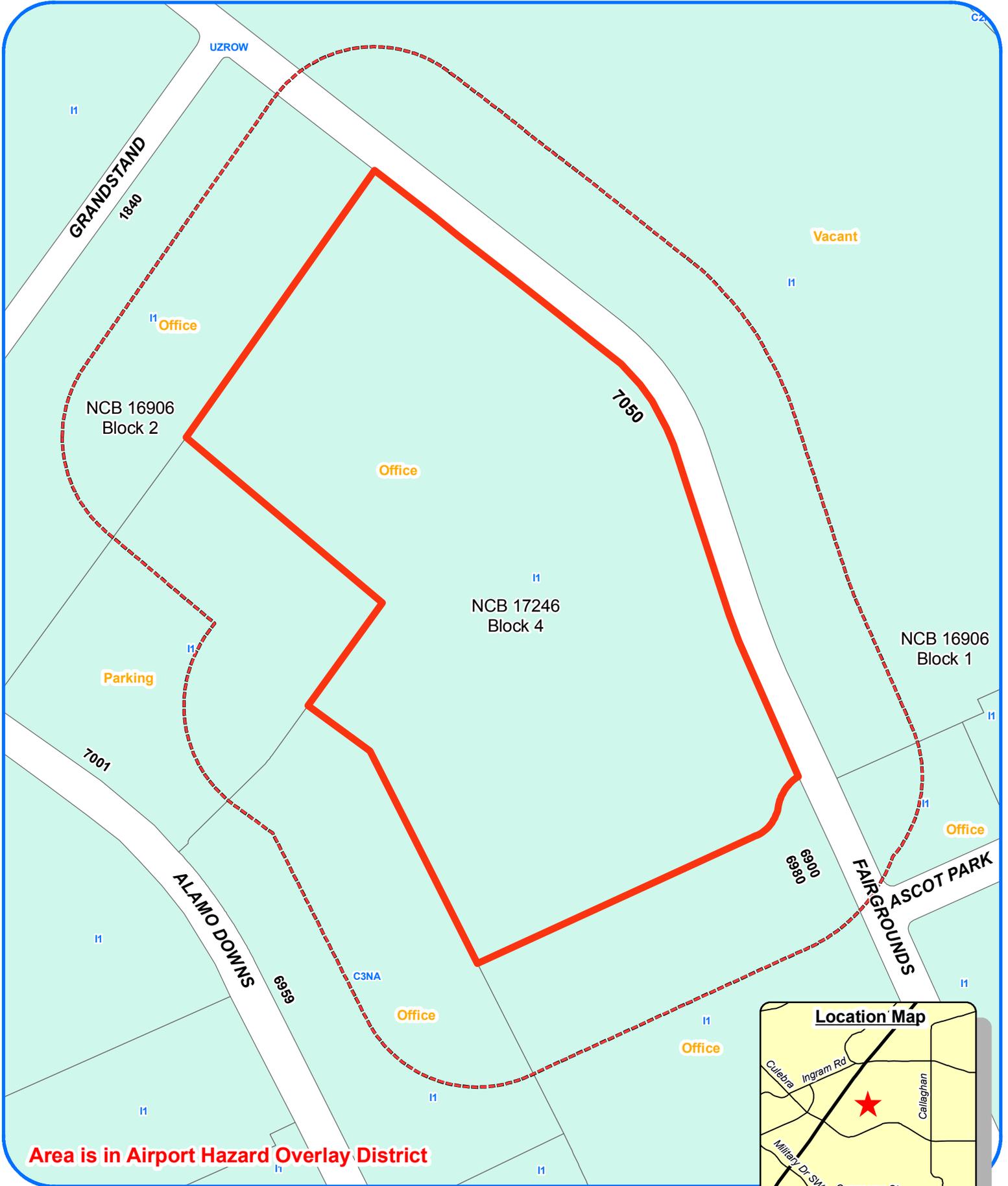
Staff recommends **denial of A-11-049**. The application fails to satisfy three of the six conditions required to grant a variance, as presented above. The applicant has provided no evidence that the requested variance would provide relief from unnecessary hardship instituted by the physical conditions of the property, instead speculating that the security of the fence will posture the company to secure business of a “secure” nature from the Federal Government.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Survey



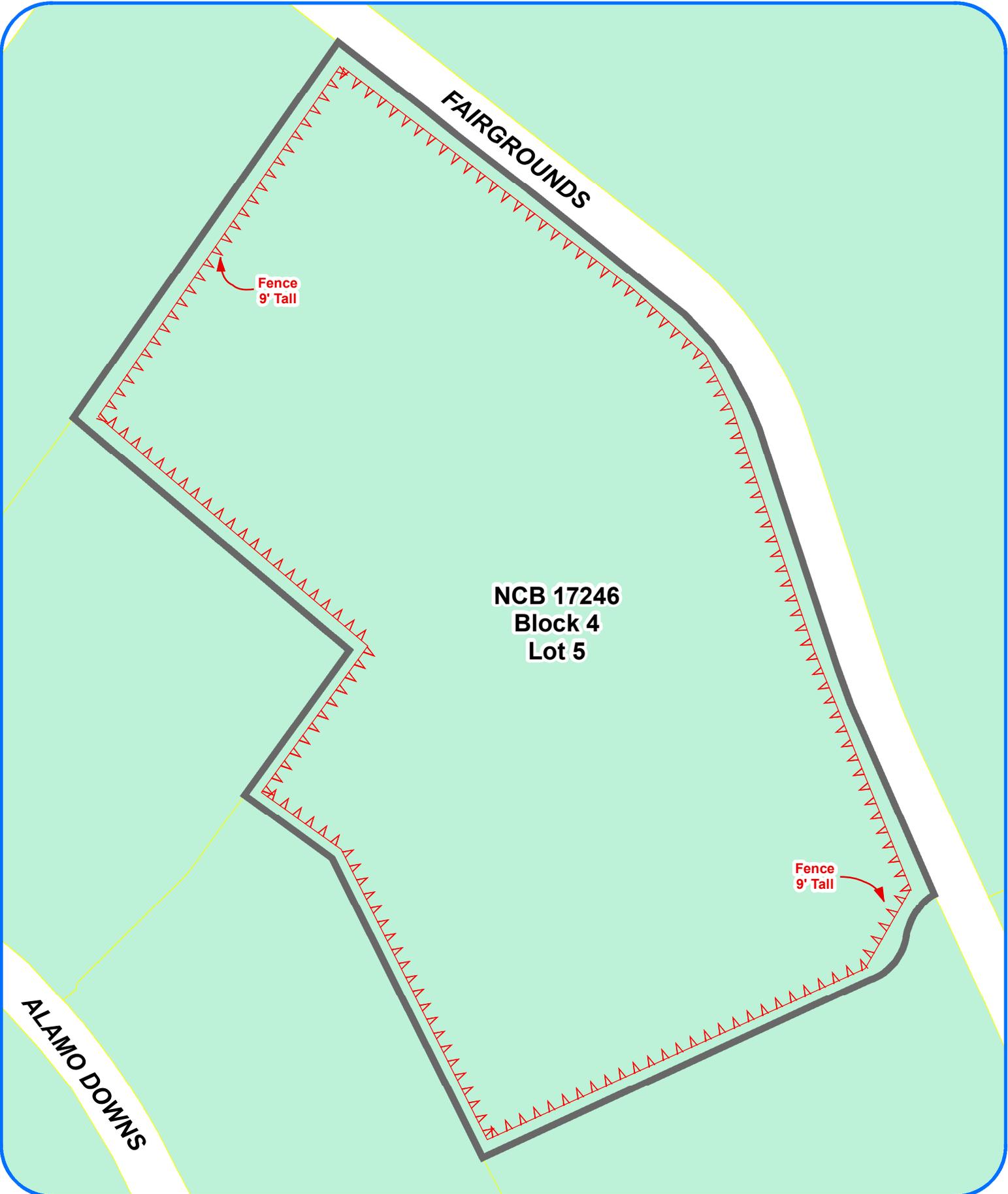
Board of Adjustment
Notification Plan for
Case A-11-049



Legend

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

Development Services Dept.
 City of San Antonio
 (6/12/2011)



Board of Adjustment
 Plot Plan for
Case A-11-049



Fence 

7050 FAIRGROUNDS PKWY

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

Development Services Dept
 City of San Antonio
 (6/7/2011)



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-050
Date: July 11, 2011
Applicant: Mark Ambrose
Owner: RWJ Properties, LLC c/o Robert W. Jenkins Jr.
Location: 10644 North IH-35
Legal Description: Lot 14, NCB 13806
Zoning: "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a 45.25-square-foot variance to the requirement of the "IH-1" Northeast Gateway Corridor Overlay District that digital displays not exceed twenty-five percent (25%) of the allowable sign area permitted, in order to allow a 120.25-square foot digital display; and 2) a 2-foot, 6-inch variance to the requirement of the "IH-1" Northeast Gateway Corridor Overlay District that multiple tenant signs not exceed a height of 35 feet, in order to allow a 37-foot, 6-inch tall sign.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on June 23, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 1.44-acre property consists of the ABC Home and Commercial pest and lawn services company. The current property owner wishes to build a freestanding sign in the front yard of the property to advertise the business and services provided. The proposed sign is a 37-foot, 6-inch tall pole sign with an approximate sign area of two hundred sixty six (266) square feet. The applicant states that the proposed sign will be in keeping with the other signs along the IH-35 corridor.

On June 24, 2004, the City of San Antonio approved the “IH-1” Northeast Gateway Corridor Overlay District to establish urban design standards and guidelines, including sign standards, for the IH-35 corridor that serves as a gateway into the City. These standards and guidelines were adopted to create a more attractive, cohesive and safe environment; to preserve, protect and enhance areas of high tourist and visitor visibility; to provide motorists and pedestrians with attractive viewing opportunities; and to reduce visual chaos and limit distractions along the highly traveled roadway. The “IH-1” Northeast Gateway Corridor Overlay District extends from Toepperwein Road to the north to Walzem Road to the south and it is the first and only National Highway System High Priority Corridor District in the City.

Pursuant to the “IH-1” Northeast Gateway Corridor Overlay District standards, multiple tenant freestanding signs are allowed at a maximum height of thirty-five (35) feet on properties adjacent to an expressway. As the applicant is proposing a 37-foot, 6-inch pole sign, a 2-foot, 6-inch variance is requested from the maximum height standard. According to the submitted application, the height variance request is fifty percent (50%) less than what was previously requested on April 18, 2011, when the applicant requested a variance to allow a 40-foot tall sign (BOA Case No. A-11-028). The applicant stated that the height variance was to comply with the standards of the other corridor overlay districts in the City.

The applicant is also proposing to install a 120.25-square foot digital sign on the proposed pole sign. According to the “IH-1” Northeast Gateway Corridor Overlay District standards and Section 28-220 of the Sign Ordinance, properties within this overlay district may have a digital sign not to exceed twenty-five percent (25%) of the total permitted sign area; seventy-five (75) square feet for the subject property. Consequently, the applicant is requesting a 45.25 square-foot variance from the digital sign area standard. In the submitted application, the applicant states that the request for digital sign area is to transfer square footage from the southbound face to the northbound face. The submitted drawings show non-digital signage on the southbound face of the digital sign cabinet.

It should be noted that Section 28-220(b)(1) of the Sign Ordinance specifically prohibits digital signs over twenty-five percent (25%) of the permitted sign area. Based on this section of the Ordinance, the proposed 120.25-square foot digital sign is a prohibited sign. Furthermore, Section 28-220(d)(4) of the Sign Ordinance states that for signs with more than one (1) face, only the area of one (1) face shall be counted, provided only one (1) face is visible from any one (1) direction. The City’s Sign Ordinance does not allow the transfer of sign area from one (1) face to the other.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 IH-1 AHOD (Industrial)	Commercial

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 IH-1 AHOD (Industrial), C-3 IH-1 AHOD (Commercial)	Vacant, Commercial

South	I-1 IH-1 AHOD (Industrial), R-6 AHOD (Residential)	Self-Service Storage, Single-Family Residential
East	C-2 IH-1 AHOD (Commercial), R-6 AHOD (Residential)	Commercial, Single-Family Residential
West	I-1 IH-1 AHOD (Industrial)	Self-Service Storage

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Neighborhood or Community Plan. The subject property is not located within 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 intent of the “IH-1” Northeast Gateway Corridor Overlay District sign standards is to establish consistency and uniformity in signage over time along the IH-35 corridor. The requested variances will hinder the “IH-1” district in accomplishing the goal of creating a more attractive, cohesive and safe environment, and reducing visual chaos and distractions along public roadways.

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

A literal enforcement of the maximum height and digital sign area requirements will not result in undue hardship. The subject property is not uniquely influenced by oppressive conditions that would prevent visibility of a conforming 35-foot tall pole sign. The applicant references the exit options of the southbound traffic on IH-35 within a quarter (1/4) mile span stating that it is not in the public’s best interest to create distractions from these decisions. The applicant fails to demonstrate how the exit options for the southbound traffic result in a need of a taller sign. While staff understands the applicant’s choice of not installing a digital sign on the southbound face to prevent distractions, staff will not support the approval of a digital sign that is specifically prohibited by both the “IH-1” Northeast Gateway Corridor Overlay District and Sign Ordinance.

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

The variances are neither keeping with the spirit of the ordinance nor would they do substantial justice. The proposed digital sign is expressly prohibited within the “IH-1” Northeast Gateway Corridor Overlay District due to size. In addition, the subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent on the provision of a taller sign than permitted within the overlay district.

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 digital sign area variance request, if approved, will authorize the use of a sign that is specifically prohibited within the “I-1 IH-1 AHOD” zoning district by the “IH-1” Northeast Gateway Corridor Overlay District and Sign Ordinance. The height variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “I-1” General Industrial base zoning district.

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

The requested variances will not substantially injure the appropriate use of the adjacent conforming properties. However, the proposed sign will deviate from the character of the “IH-1” Northeast Gateway Corridor Overlay District by providing a taller sign than what is foreseen for this portion of the IH-35 corridor, and allowing a prohibited digital sign in this 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.

No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the zoning and sign ordinances. The applicant states that the owner operates three (3) businesses on the subject property and that the services offered will be advertised under the multiple tenant sign standards associated with the property. The multiple tenant sign standards of the “IH-1” Northeast Gateway Corridor Overlay District allow a 35-foot tall sign with a 300-square foot sign area when adjacent to an expressway. The proposed sign is a 37-foot, 6-inch pole sign, with a 266-square foot sign area. The applicant has the ability to add thirty-four (34) square feet of additional sign area, which may provide the additional exposure desired that would result from the additional 2-foot, 6-inch height.

Staff Recommendation

Staff recommends **denial of A-11-050**. The requested variances do not comply with the required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested sign height variance would provide relief from hardship caused by a literal enforcement of the maximum sign height standard. The digital sign area variance would allow a digital sign that is specifically prohibited within the “IH-1” Northeast Gateway Corridor Overlay District by the zoning and sign ordinances, and approval of this variance would amount to a rezoning of the property to remove the “IH-1” Northeast Gateway Corridor Overlay District.

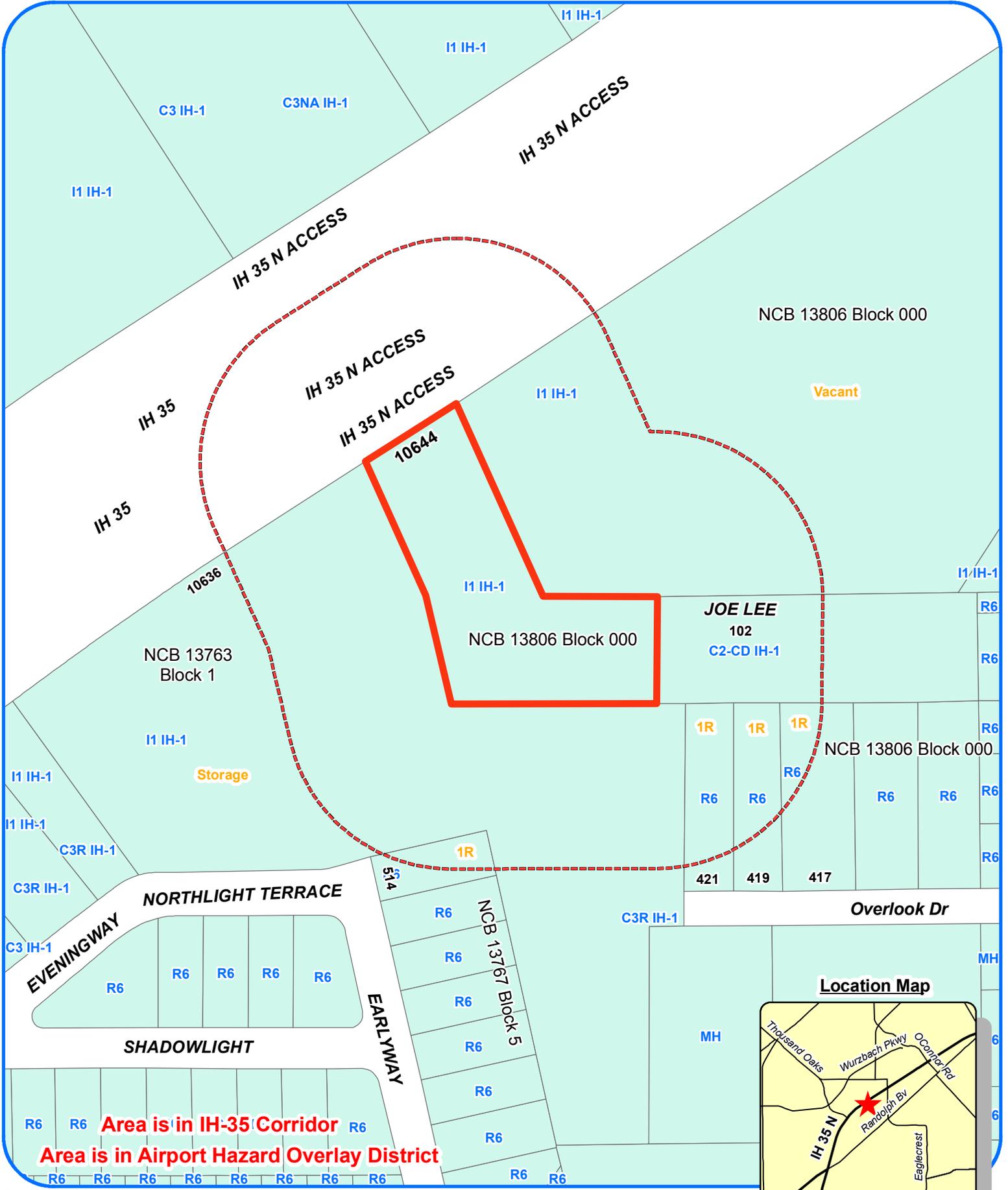
The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations or configurations. Neither the subject property nor the frontage road on which it is located holds special circumstances or conditions that would result in the need of the variances requested. Consequently, their approval would grant the applicant special privilege.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawings



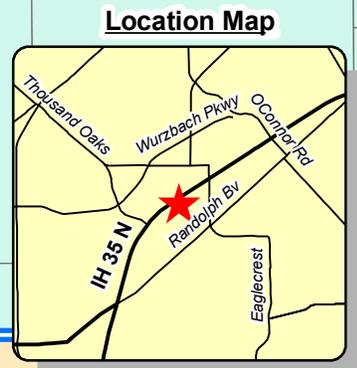
Area is in IH-35 Corridor
Area is in Airport Hazard Overlay District

Board of Adjustment
Notification Plan for
Case A-11-050



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 10



IH 35 N

**Variance request
2' - 6" height increase &
120.25 sf Digital Sign Area
on South Face**

**NCB 13806
Block 000
Lot 14**

Board of Adjustment
Plot Plan for
Case A-11-050



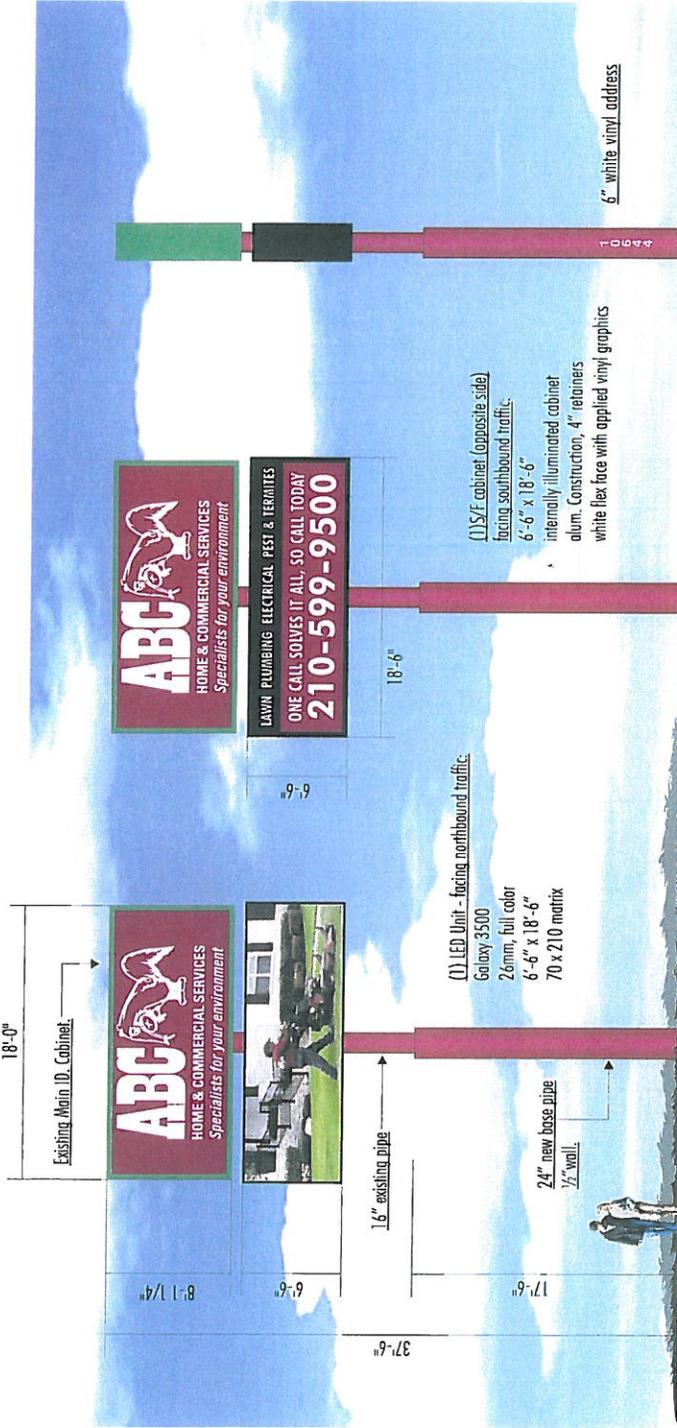
● Sign Location

Scale: 1" approx. = 50'
Council District 10

10644 N IH 35

Development Services Dept
City of San Antonio
(3/23/2011)

Sq. Ft. Allowed: 300.
 Main Id: 145.87
 Secondary Cabinet: 120.25
 Total Sq. Ft. Proposed: 266.12



Front View - Scale: 1/8" = 1'-0"

Footing required:
 4'-0" hole dia.
 12'-0" deep.

Specifications:

- Cur Existing Pole Sign At Grade, Set New Base Pipe As Shown.
- Existing Sign To Be Stubbed Into New Pipe At 37'-6" O.A.H.
- Remove And Discard Existing Faces, Manufacture And Install New Flex Faces
- For Existing Main Id Cabinet, White Flex Faces With Applied Vinyl Graphics (color - T.B.D.)

aetna
 SIGN GROUP
 300 Austin Hwy Ste 100
 San Antonio, TX 78209
 Ph: (210) 824-2800 Fax: (210) 477-2323
 CONTACT INFORMATION FOR THE NAME IN CENTER
 WWW.AETNASIGN.COM

CLIENT: ABC PEST & LAWN
 ADDRESS: 10644 135 NORTH
 CITY: SAN ANTONIO, TX
 SALESPERSON: DEBORAH PATTERSON
 DATE: 11-11-10
 DESIGNER: ARNIE VILLELA
 DRWG. #: 8658.5B

File: DRWG/MS/8658. ABC PEST & LAWN
 Revision History: 12-21-10, 3-8-11, 3-8-11,
 5-17-11, 5-17-11

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 LTD., including, but not limited to,
 the value of man hours incurred in the
 production of this design, attorney's fees,
 and any and all other costs incurred by
 Aetna Sign Group, LTD. in the enforcement
 of its copyrights.

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

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

Retainer: Retainer covers one state all
 signs that will be used in that state. Retainer
 at 7,500 per sign, must be on (2) 2x6
 (4) 1x4 lumber. The type of wood
 must have a discolored electrical (EIT)
 contact with ground for use in wet areas
 or decks. You are responsible to have the
 proper electrical service to the sign location.
 Please contact your Aetna Sign Group
 representative if you need additional
 information.



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-051
Date: July 11, 2011
Applicant: John Britten
Owner: City of San Antonio, Parks and Recreation Department
Location: 8400 Northwest Military Highway
Legal Description: P-10, ABS 124, NCB 11672
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 13-foot 1-inch variance from the 15-foot minimum setback required for on-premises signs in residential zoning districts, in order to allow an on-premises sign 1-foot, 11-inches from the property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 24, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is an approximately 204-acre tract of Phil Hardberger Park, a public park of the City of San Antonio. The site is located between Northwest Military Highway and Wurzbach Parkway, with approximately 2,900 feet of street frontage along Northwest Military Highway. Additionally, the primary access to the park is from Northwest Military Highway.

The applicant requests the variance in order to keep a sign marking the park entrance 1-foot, 11-inches from the property line along Northwest Military Highway. Chapter 28, Section 28-240 of the City Code requires on-premises signs in residential zoning districts to be set back a minimum of 15 feet from public right-of-way. According to the applicant, moving the sign to comply with the setback will cause the sign to be difficult to see from Northwest Military Highway due to the existing trees near the park entrance.

The Historic and Design Review Commission approved a Certificate of Appropriateness for the sign on October 21, 2009, however permits were not obtained prior to the installation of the sign in May 2011. Additionally, as the Certificate of Appropriateness requires that permits be obtained and work commenced within 180 days of being issued, the Historic Preservation Officer reissued its approval on June 14, 2011 for 180 days.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3(Commercial), R-6 (Single-Family)	Commercial, Public Park, Residences
South	R-6 (Single-Family), MF-33 (Multifamily), C-2 (Commercial)	Residences, Apartments
East	R-6 (Single-Family), MF-33 (Multifamily)	Residences, Vacant
West	R-6 (Single-Family), MF-33 (Multifamily), C-2 (Commercial)	Residences, Vacant, Offices

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the San Antonio International Airport Vicinity Plan. The subject property is located within 200 feet of the North Castle Hills Neighborhood Association.

Criteria for Review

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

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

The strict enforcement of the setback requirement will limit visibility of signage at the site due to the densely wooded area on either side of the park entrance and along the park's Northwest Military Highway frontage. Moving the sign to comply with the setback requirement would impair the visibility of the sign from traffic along Northwest Military

Highway. Additionally, removing trees so that a compliant sign is more visible is contrary to the purpose of Hardberger Park as a natural area. It is in the public interest that the park entrance is visible and identifiable to the travelling public and the natural setting of the park is preserved. Locating the sign closer to the right-of-way than what is typically permitted by code will allow for reasonable signage to identify the park entrance without unnecessary tree removal.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:

A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The variance does not provide the property with a special privilege not enjoyed by similarly situated property. If granted, the variance will allow the subject property to be more visible to the travelling public and respectful to the purpose of the park as a natural area. The variance will allow the park entrance to be visible in a manner equivalent to entrances of both commercial and residential developments not burdened by the preservation of a natural setting.

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

The variance will not have a substantial adverse impact on neighboring properties as the sign is at approximately the mid-point of the site's 2,900 linear feet of frontage along Northwest Military Highway and does not obstruct visibility.

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

The variance is in keeping with the public interest that the park entrance be visible and easily identifiable and that the natural setting of the park be maintained. The variance will allow for reasonable signage to be provided without unnecessary tree removal at a location visible to the travelling public.

Staff Recommendation

Staff recommends **approval of A-11-051**. The purpose of a variance is to assure fair and equitable treatment of properties with unusual locations, configurations or physical conditions. The subject property is unique in that it is a public park created with the purpose of being maintained as a natural area and experiences a unique challenge to providing reasonable signage to identify the park entrance due to its expansive frontage on Northwest Military Highway.

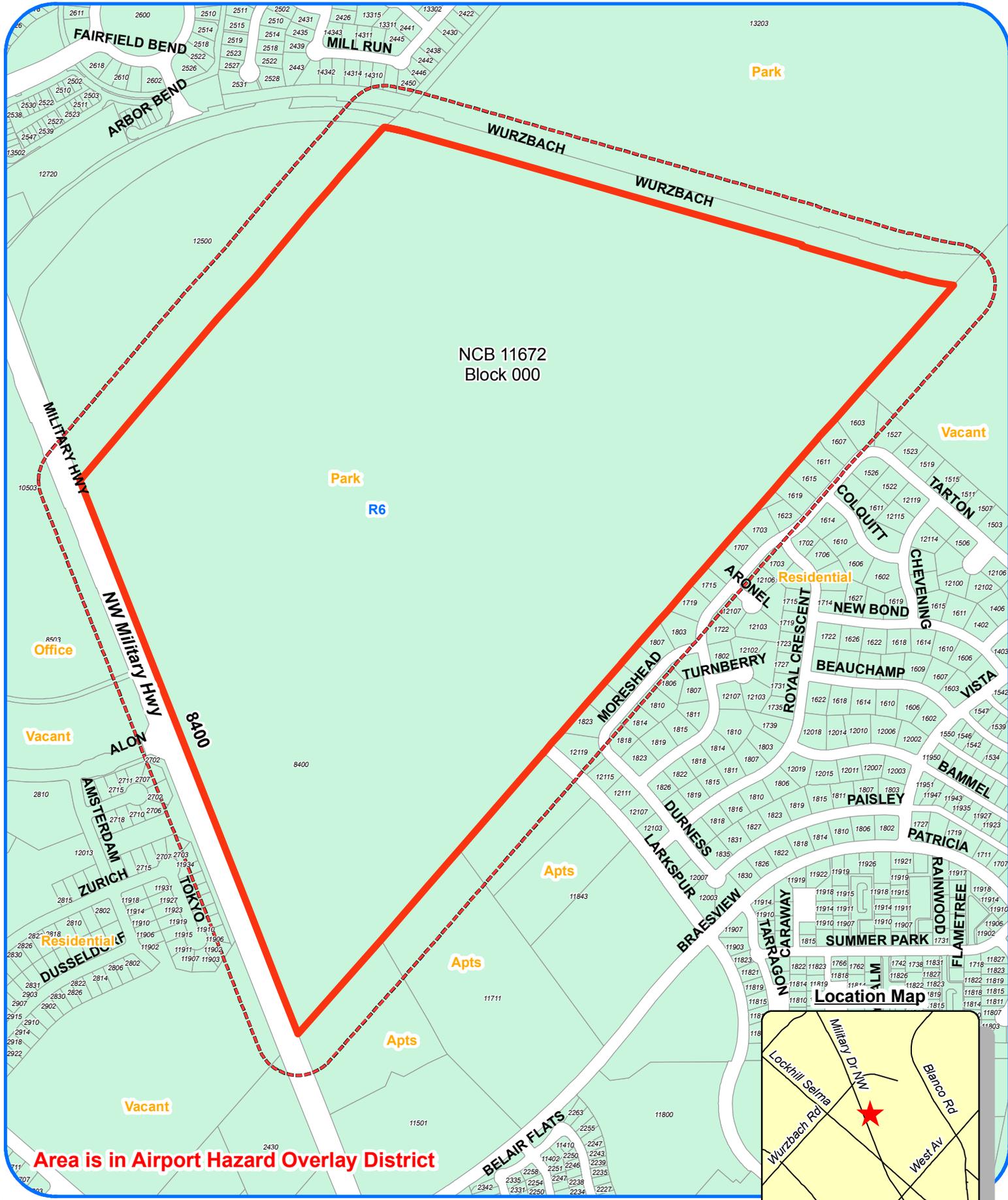
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Sign Diagrams

Attachment 4 – Submitted Illustration



NCB 11672
Block 000

Area is in Airport Hazard Overlay District

Board of Adjustment
Notification Plan for
Case A-11-051

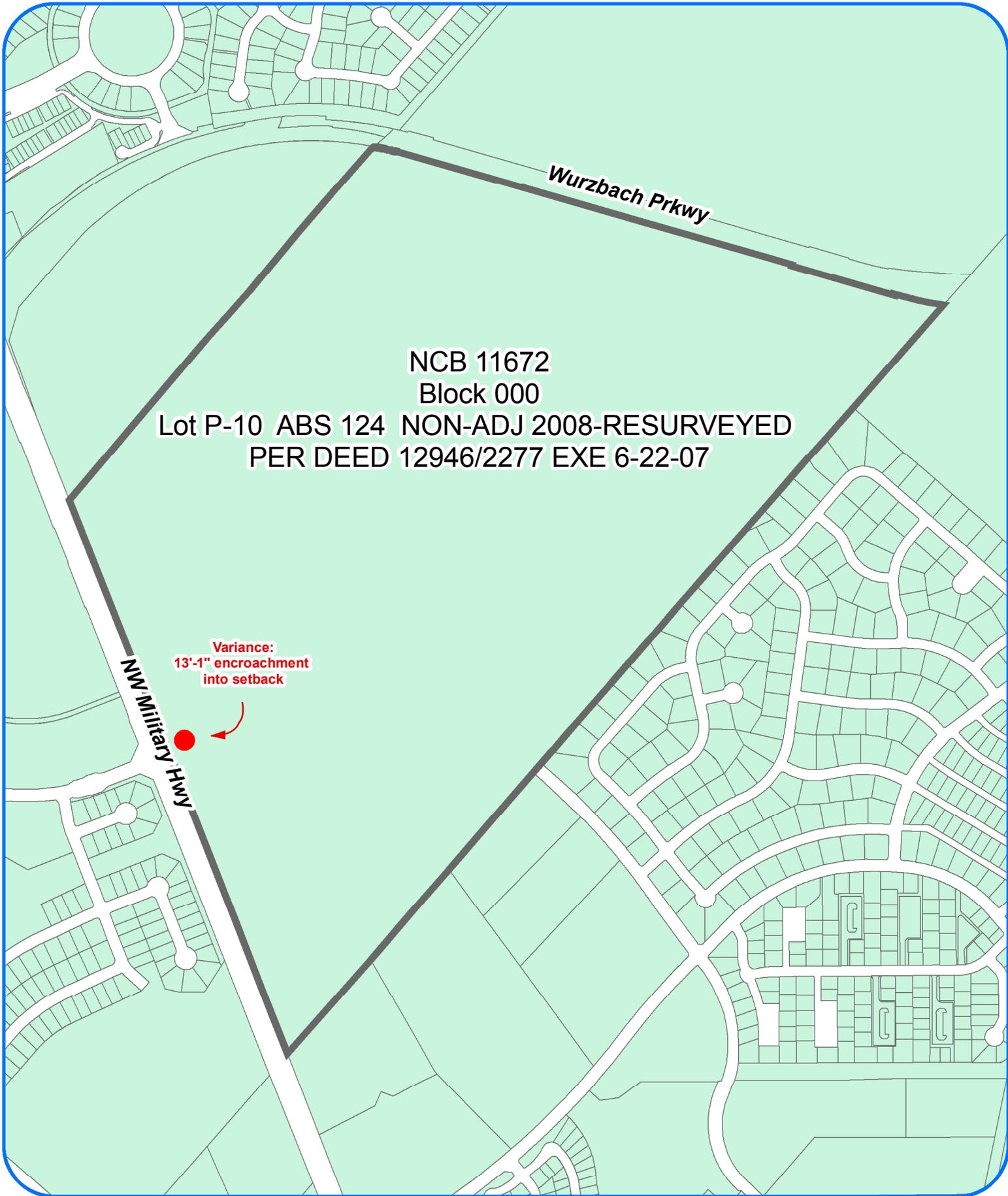


Legend

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 600'
- Council District 9



Development Services Dept.
City of San Antonio
(6/8/2011)



Board of Adjustment
Plot Plan for
Case A-11-051



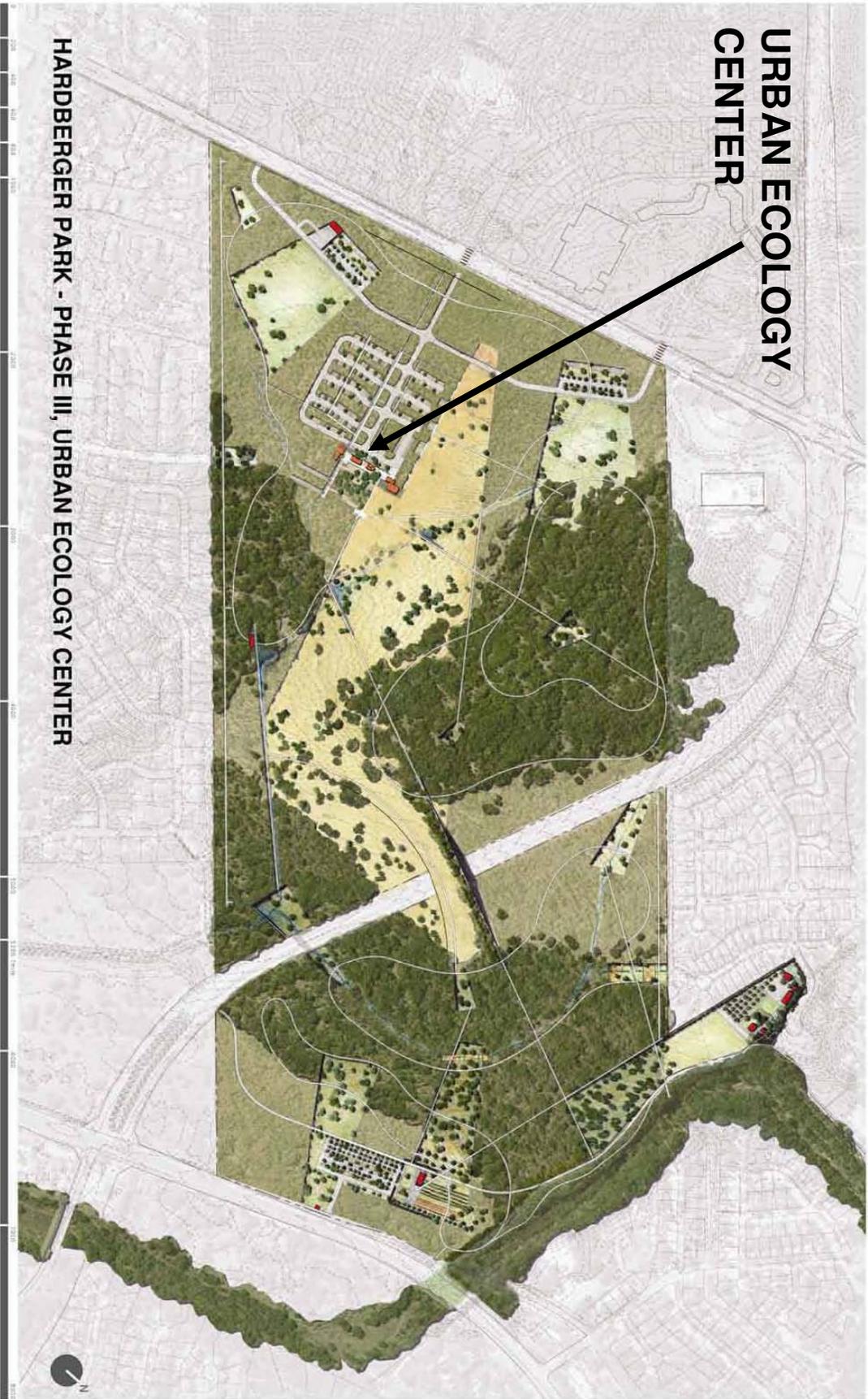
Sign location ●

Scale: 1" approx. = 600'
Council District 9

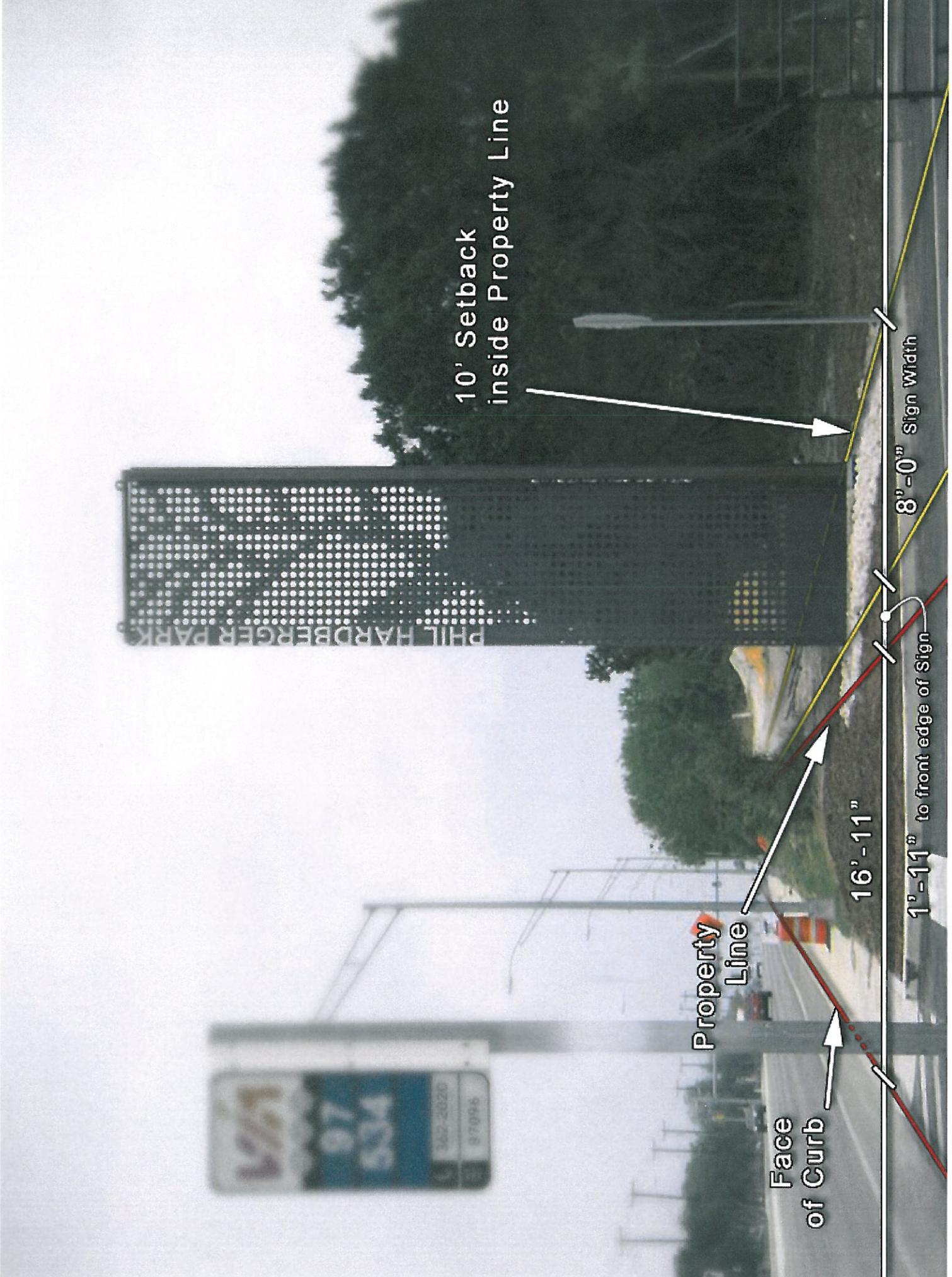
8400 NW Military Hwy

Development Services Dept.
City of San Antonio
(6/2/2011)

**URBAN ECOLOGY
CENTER**



HARDBERGER PARK - PHASE III, URBAN ECOLOGY CENTER



10' Setback
inside Property Line

Property
Line

Face
of Curb

16'-11"

1'-11" to front edge of Sign

8'-0" Sign Width

PHIL HARDBERGER PARK

WVA
974
362-2020
97096



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-11-052
Date: July 11, 2011
Applicant: Thomas Gibson
Owner: Gibson Family Trust
Location: 215 West Kings Highway
Legal Description: Lots 5, 6 and the East 30 Feet of Lot 4, Block 3, NCB 3259
Zoning: "R-5 H AHOD" Residential Single-Family Monte Vista Historic District
Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 6-foot variance from the 6-foot maximum fence height standard in rear yards, in order to allow a 12-foot tall fence in the rear yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on June 24, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 24, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on July 8, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is 0.9259 acres in size and is occupied by a single-family residence in a single-family residential neighborhood. Additionally, the site is part of the Monte Vista Historic District.

The applicant wishes to build a 12-foot tall solid wall along the rear property line, abutting the alley, to replace an existing deteriorated wooden fence and to match the existing wall around the remainder of the property. The height of the fence will vary from 7 feet to 12 feet, increasing in height from east to west. The applicant indicates the variance is necessary to due to the slope of the property and will result in the wall creating a level plane.

Pursuant to Section 35-514 (d) of the UDC, solid fences in the rear yards of single-family residential properties shall be no great than 6 feet in height. Additionally, Section 35-514 (d) (2)

allows for fences to be built to a height of 8 feet provided the ground floor elevation within 20 feet or less of the principal structure on either of the two adjoining lots is at least 4 feet greater than the elevation at the adjoining lot line. Staff’s observations do not give evidence of, nor has the applicant cited, the existence of these conditions. The slope of the property and of the area in general is from east to west.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-5 H AHOD (Residential)	Single-Family Residence

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Monte Vista Neighborhood Plan. The subject property is also within the Monte Vista Historical Association.

Criteria for Review

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

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

The variance is not contrary to the public interest as the proposed wall will not detract from the character or appearance of the immediate area. Additionally, walls of similar height and appearance exist throughout the Monte Vista district.

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

The literal enforcement of the fence height standards will not result in unnecessary hardship. The appropriate use of the subject property in accordance with its zoning will not be denied without the requested variance. Furthermore, the site is not characterized by exceptional topography or other physical attributes that create unnecessary hardship on its use as a single-family residence.

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

The variance is not in keeping with the spirit of the ordinance nor will substantial justice be done. The purpose of a variance is to bring equity when the strict enforcement of the zoning regulations would cause undue hardship due to special circumstances regarding a property. The subject property is not unduly burdened by the literal enforcement of the fence height standards.

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

The variance will not authorize the operation of a use other than those permitted in the “R-5 H AHOD” zoning district.

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

The variance will not substantially injure the appropriate use of adjacent conforming property nor alter the essential character of the district in which it is located. Fences and walls of similar height and appearance may be found throughout the Monte Vista District, though fences of conforming height may be found as well.

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 physical circumstances exist on the subject property from which plight may arise. The variance is not essential to the use of the property as a single-family residence and is not requested in order to relieve the owner of unnecessary hardship resulting from an inherent characteristic of the property itself.

Staff Recommendation

Staff recommends **denial of A-11-052**. The application fails to satisfy three of the six conditions required to grant a variance, as presented above. The applicant has not provided evidence that the requested variance would provide relief from unnecessary hardship instituted by the physical conditions of the property, instead citing architectural preferences and the existence of similar walls within the district as justification of its approval. Additionally, while the slope of the property results in the east side of the property being higher than the west side, the proposed wall will not compensate for this elevation change as it will run from east to west. The additional screening desired may be accomplished through landscape design.

Attachments

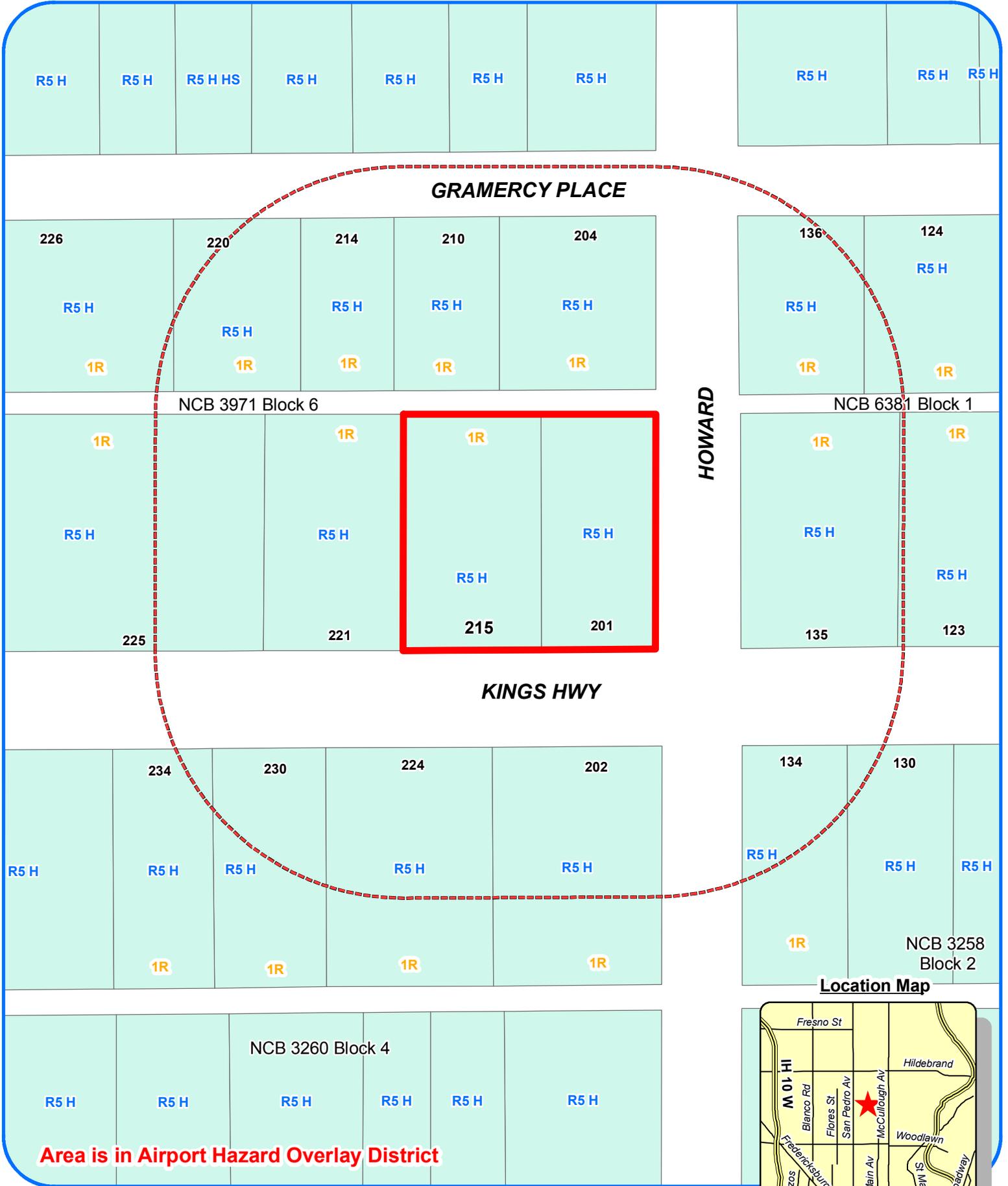
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Survey

Attachment 4 – Submitted Wall Elevation

Attachment 5 – Certificate of Appropriateness



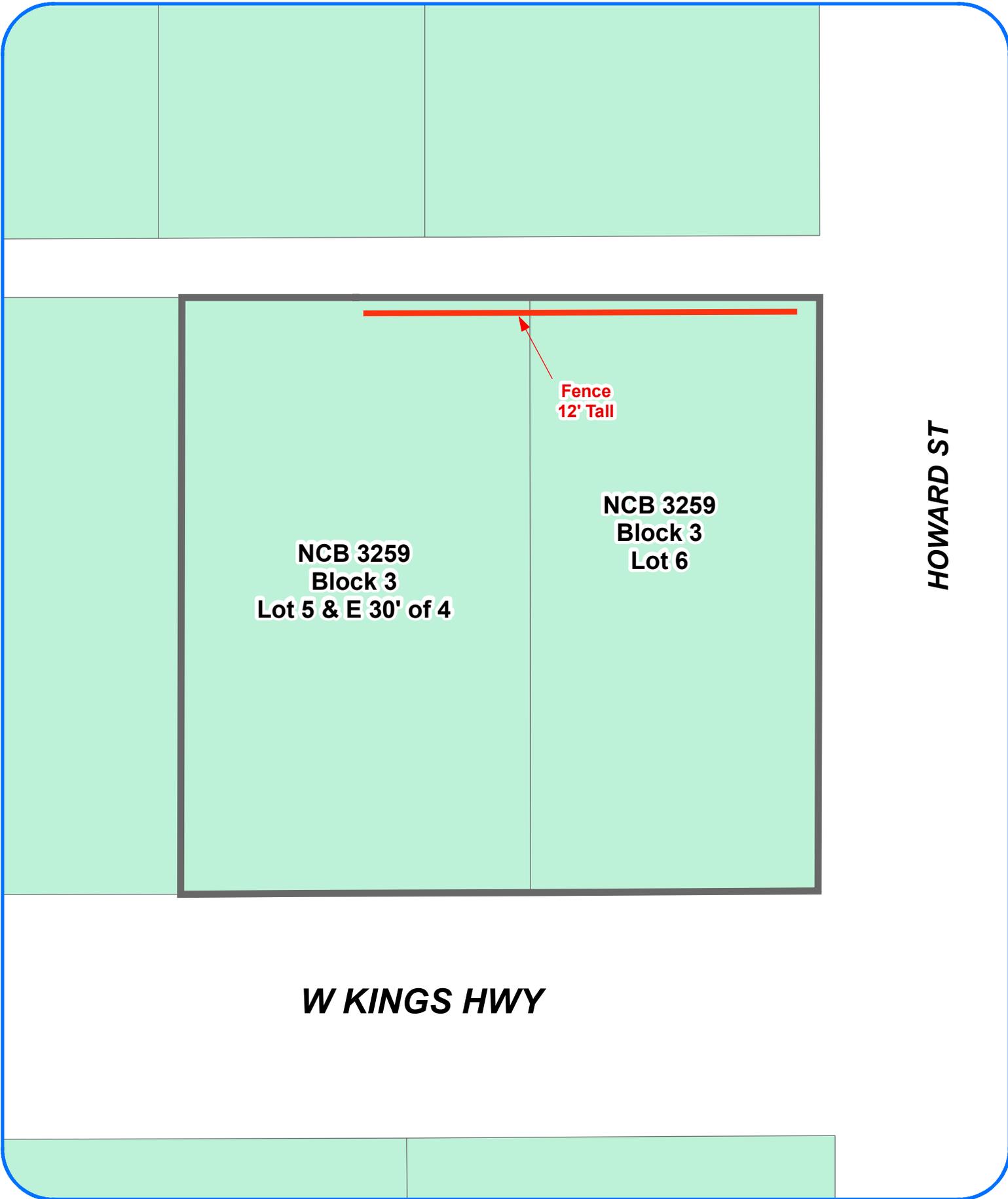
Board of Adjustment
Notification Plan for
Case A-11-052



Legend

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





Board of Adjustment
 Plot Plan for
Case A-11-052



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

215 W KINGS HWY

Development Services Dept.
 City of San Antonio
 (6/20/2011)

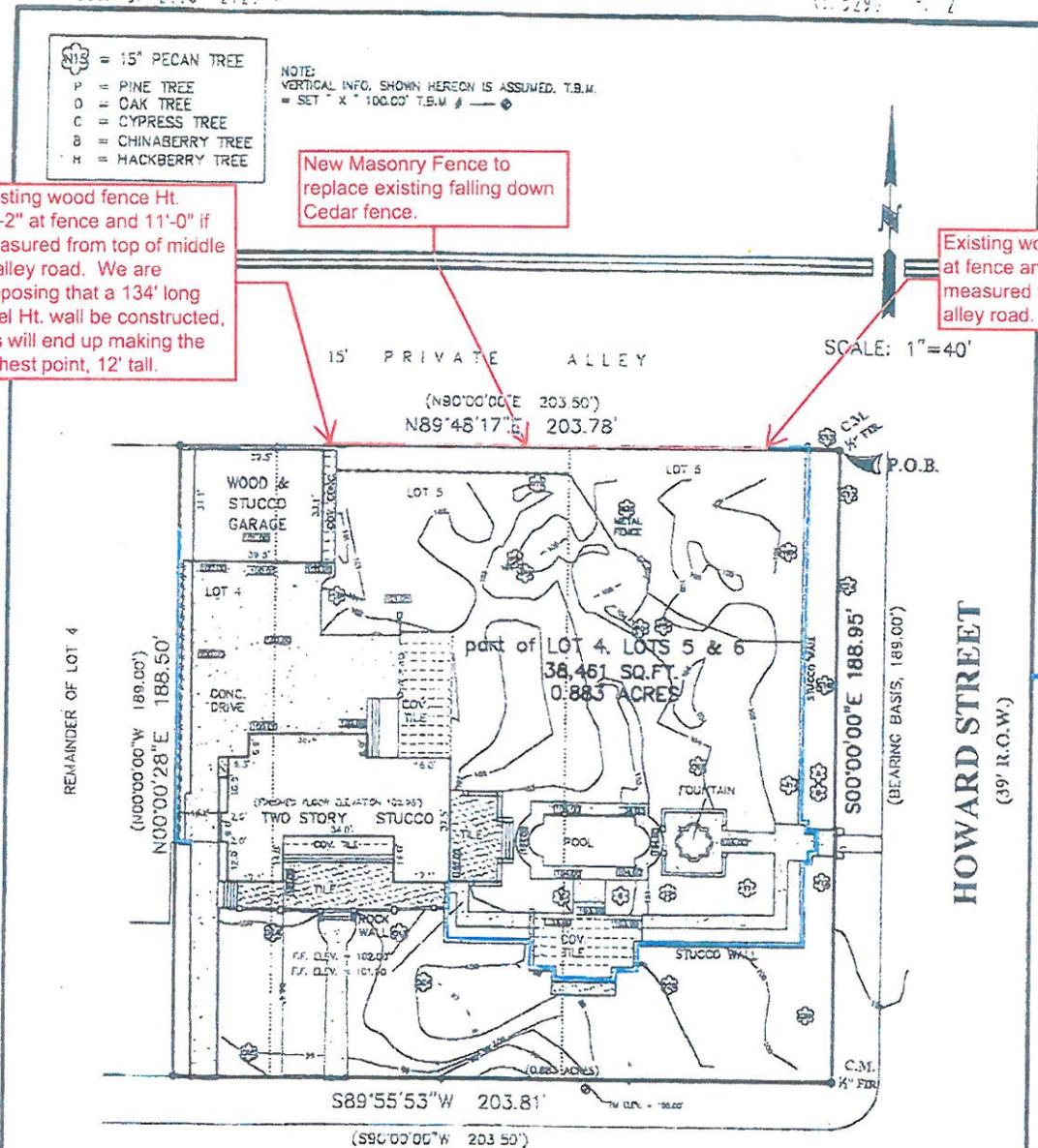
- NIS = 15" PECAN TREE
- P = PINE TREE
- O = OAK TREE
- C = CYPRESS TREE
- B = CHINABERRY TREE
- H = HACKBERRY TREE

NOTE:
VERTICAL INFO. SHOWN HEREON IS ASSUMED. T.B.M.
= SET " X " 100.00' T.B.M. #

Existing wood fence Ht. 10'-2" at fence and 11'-0" if measured from top of middle of alley road. We are proposing that a 134' long level Ht. wall be constructed, this will end up making the highest point, 12' tall.

New Masonry Fence to replace existing falling down Cedar fence.

Existing wood fence Ht. 7'-2" at fence and 8'-2" if measured from middle of alley road.



existing wood fence and new level Ht. masonry wall.

existing level Ht. masonry wall

AMENDED: 09-05-08

NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

NOTE: PRIOR SURVEY (WESTAR JOB #17342) WAS USED FOR REFERENCE.

NOTE: THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

PROPERTY ADDRESS 215 WEST KINGS HIGHWAY	As scaled from FEMA's FLOOD INSURANCE RATE MAP, Community No. 48029C, Panel No. 0455E, Printed Dated 08-18-07, this tract is in Zone(s) X1 and is not in a special flood hazard zone, so that term defined by FEMA. This flood zone identification is this surveyor's interpretation, which may or may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. This surveyor does not certify the accuracy of this flood zone designation. It is the responsibility of any interested persons to verify the accuracy of the flood zone designation with FEMA and state and local officials. Because this is a boundary survey, the surveyor did not take any actions to determine the flood status of the surveyed property other than interpret the status of FEMA's FIRM. This surveyor is not responsible for misinterpreting the flood zone designation or any flood information printed on this survey. This surveyor is not aware of or responsible for determining the tract's flood risk, its intended duration or suitability for any use whatsoever.
BORROWER THOMAS A. GIBSON	
PROPERTY DESCRIPTION 0.8830 Acres (38,461.5 Sq. Ft.) being part of Lot 4 and all of Lots 5 and 6, Block 3, New City Block 3259, SUMMIT PLACE, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 105, Page(s) 146, Deed and Plat Records of Bexar County, Texas being more particularly described by metes and bounds as attached hereto.	

Westar Alamo
LAND SURVEYORS, LLC
P.O. BOX 1036 MELISSA, TEXAS 78023-1036
PHONE (210) 372-9500 FAX (210) 372-9990

- LEGEND**
- = SET 1/2" IRON ROD WITH CAP STAMPED WESTAR
 - = FND 1/2 IRON ROD
 - () = RECORD INFORMATION
 - B.S. = BUILDING SETBACK
 - C.M. = CONTROLLING MONUMENT
 - P.U.E. = PUBLIC UTILITY ESMT.
 - = WOOD FENCE
 - = ELEVATION



JOSE ANTONIO TREVINO, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown hereon.

JOSE ANTONIO TREVINO
Registered Professional Land Surveyor
Texas Registration No. 5552



CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

June 01, 2011

HDRC CASE NO: 2011-091
ADDRESS: 215 W Kings Highway
LEGAL DESCRIPTION: NCB 3259 BLK 3 LOT 5 & E 30 FT OF 4
HISTORIC DISTRICT: Monte Vista Historic District
APPLICANT: Don McDonald 2121 N Main
OWNER: Thomas & Christina Gibson
TYPE OF WORK: Fencing

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to replace existing wood fence and gate with a stucco wall and wrought iron gate. Height of wall to range from 7ft to 12ft due to slope of property.

RECOMMENDATION:

Staff recommends final approval of the proposed stucco wall with the stipulation that the height of the wall be no greater than 6ft at any point along the wall. The wall could be stepped to compensate for the change in grade.

UDC Sec. 35-514 (d) (1) limits the height of fences at the side and rear of properties zoned for residential use to 6ft. As proposed, the wall will be 12' in height where it meets the garage structure. A solid stucco wall that exceeds UDC height limitations by as much as 6ft is not in keeping with the historic character of the district and should be avoided. The change in grade along the rear property line can be addressed by stepping the wall.

This recommendation is consistent with UDC Sec. 35-514 (d) (1) and the Secretary of the Interior's Standards for Rehabilitation number 9.

COMMISSION ACTION:

Approved with the stipulations.

REQUIREMENTS:

A solid ivy vegetation be grown on the entire alley wall.


Sharon Peterson Wasjelewski
Historic Preservation Officer