

CITY OF SAN ANTONIO
Board of Adjustment
Regular Public Hearing Agenda

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

Monday, July 19, 2010
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

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

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-10-039:** The request of Cynthia Neal, for a Special Exception to allow a one operator beauty/barber shop, 103 Gazel Drive.
5. **CASE NO. A-10-040:** The request of Staglik Properties, LLC, for a 20-foot variance from the requirement that a 30-foot side setback be maintained in “I-1” zoning districts when abutting a residential use or zoning district, in order to allow a structure 10 feet from the west side property line, 524 Delgado Street.
6. **CASE NO. A-10-041:** The request of Paul Young, Gunn Automotive Group, for a 2-foot variance from the requirement that fences in side and rear-yards not exceed 6 feet in height, in order to build an 8-foot tall solid screen fence along the rear property lines, 750 North East Loop 410.
7. **CASE NO. A-10-042:** The request of Hill Country Bakery, for a 3-foot 11-inch variance from the requirement that a minimum 30-foot front setback be maintained in “I-1” zoning districts, in order to erect a structure 26 feet 1 inch from the front property line, 122 Stribling Street.
8. **CASE NO. A-10-046:** The request of Edgar Dodson, for a special exception to relocate a structure from 2432 Southwest Loop 410 to 4703 Erin Boulevard, 4703 Erin Boulevard.

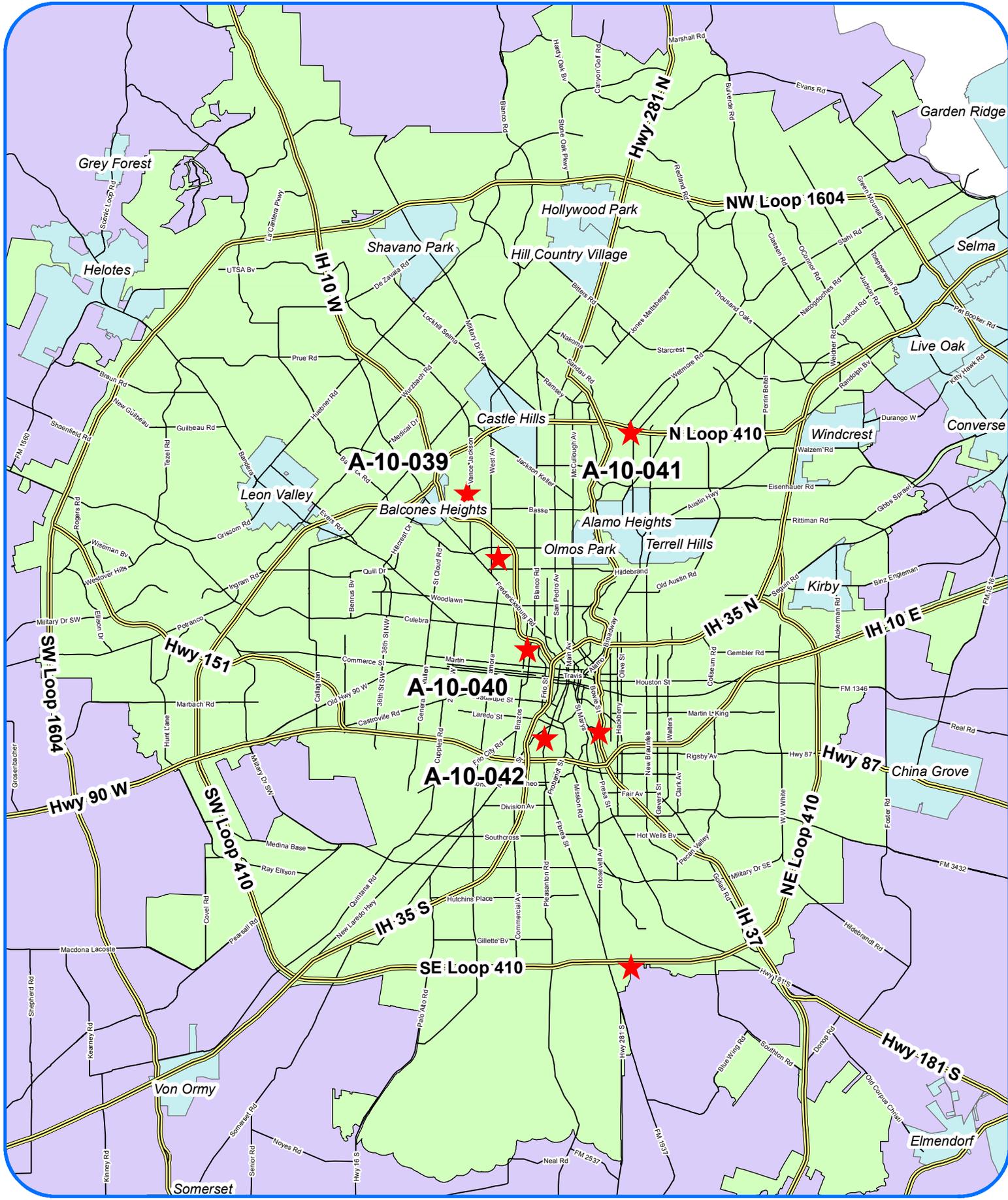
9. **CASE NO. A-10-047:** The request of Vernon W. Moehle, for **1)** a 4-foot variance from the 10-foot side setback requirement of the “NCD-3” overlay district, in order to allow an addition 6 feet from the west side property line and **2)** a 0.694 percent variance from the 35 percent maximum impervious cover requirement of the “NCD-3” overlay district, in order to allow 35.694 percent impervious cover, 5307 Silvertip Drive.
10. **CASE NO. A-10-049:** The request of Emilio Gonzalez, for **1)** an 8-inch variance from the 5-foot requirement of the “R-4” zoning district, in order to allow an accessory dwelling unit 4 feet 4 inches from the east side property line and **2)** a 178.2 square foot variance from the requirement that accessory dwelling units not exceed 40 percent of the footprint of the principle structure, in order to allow an accessory dwelling unit with a footprint of 667 square feet, 134 Laurelwood Drive.
11. **CASE NO. A-10-051:** The request of Alma R Saiz, for a special exception to allow a one operator beauty/barber shop, 2215 West Martin Street.
12. **CASE NO. A-10-052:** The request of Sanjaunita E Hernandez, for a special exception to allow an ornamental iron front-yard fence not to exceed 6 feet in height, 126 Hillrose Street.
13. Consideration of **Sign Master Plan No. 10-010**, NE Loop 410 @ Jones Maltsberger, located at 96 Northeast Loop 410.
14. Consideration of **Sign Master Plan No. 10-011**, City Base West, located at SE Military @ S. New Braunfels.
15. Approval of the minutes from the regular meeting on June 21, 2010.
16. Discussion and possible action regarding the Board of Adjustment meeting calendar.
17. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
18. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd

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

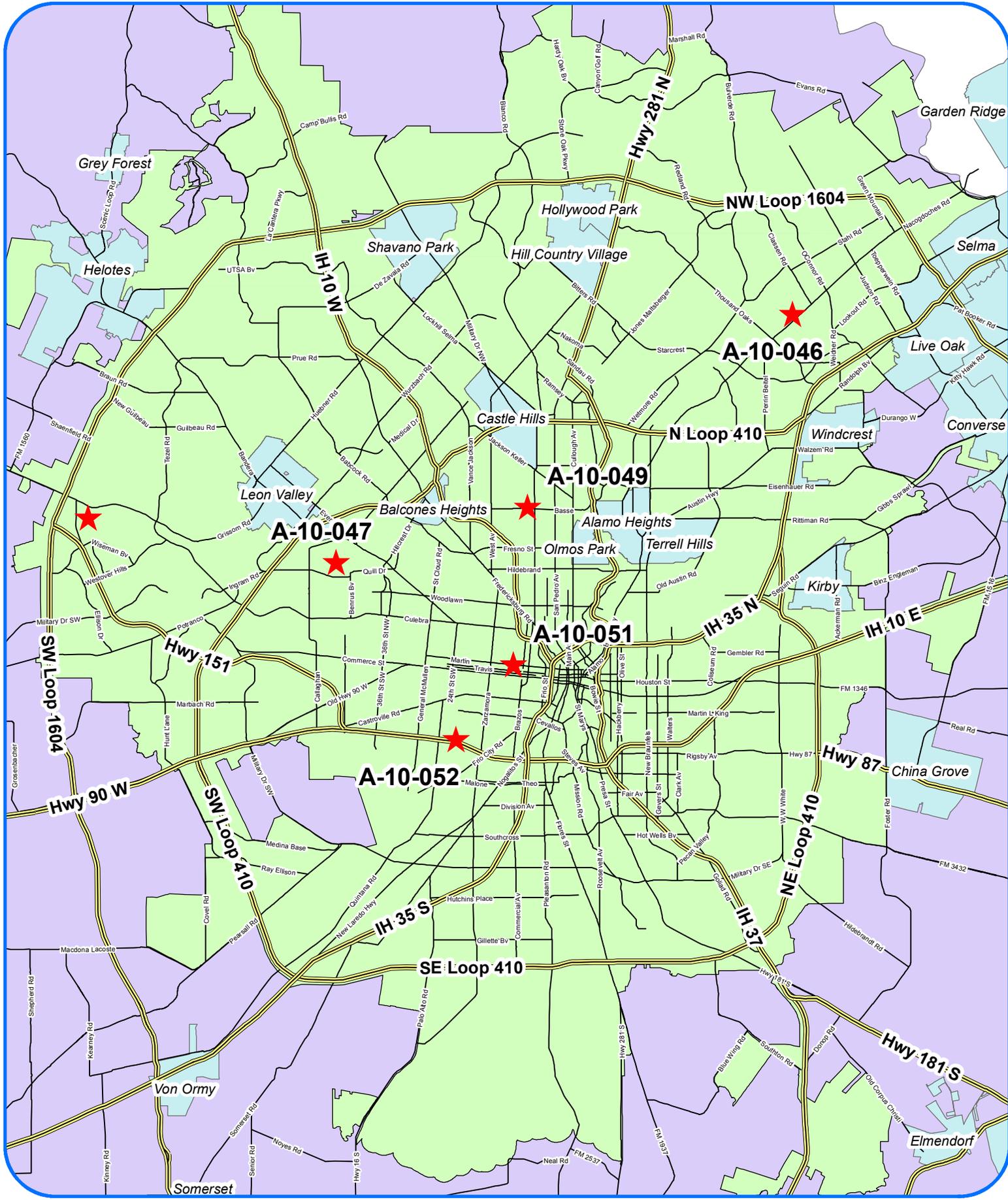
ACCESSIBILITY STATEMENT

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



Board of Adjustment
Subject Property Locations
Cases for June 7, 2010





Board of Adjustment

Subject Property Locations
Cases for July 19, 2010





Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-039



Legend

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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-039
Date: July 19, 2010
Applicant: Cynthia Neal
Owner: Larry W. and Cynthia R. Neal
Location: 103 Gazel Street
Legal Description: Lot 15, Block 5, NCB 10186
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject: One Operator Beauty/Barber Shop
Prepared By: Jacob Floyd, Planner

Summary

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|---|
| R-4 AHOD (Residential Single-Family District) | Single-Family Residence and One-Operator Beauty/Barber Shop |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|-------------------------------------|
| North | R-4 AHOD (Residential Single-Family District) | Single-Family |
| South | R-4 AHOD (Residential Single-Family District) | Single-Family |
| East | C-2 AHOD, C-3R AHOD (Commercial Districts) | Commercial, Fire Station (Underway) |
| West | R-4 AHOD (Residential Single-Family District) | Single-Family |

Project Description

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

The applicant has proposed hours of operation to be 9:00 am to 3:00 pm Monday, 9:00 am to 6:00 pm Wednesday, 9:00 am to 11:00 am Thursday, 8:00 am to 3:00 pm Friday, 8:00 am to 2:00 pm Saturday, and closed Tuesday and Sunday. Weekly proposed hours of operation total 30 hours.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Greater Dellview Area Community Plan. The property is located within the boundaries of the Dellview Area Neighborhood Association. The Dellview Area Neighborhood Association supports the applicants request.

Criteria for Review

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

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

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

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

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

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

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

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

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

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

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

Staff Recommendation

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

- December 15, 1997
- January 10, 2000
- March 4, 2002
- March 15, 2004
- April 17, 2006

It appears that the applicant has operated at this location since the previous special exception was granted on December 7, 2005 with no recorded violations. Staff recommends that **A-10-039, 103 Gazel Drive, be approved for a four-year period** with hours of operation not to exceed 30 hours.

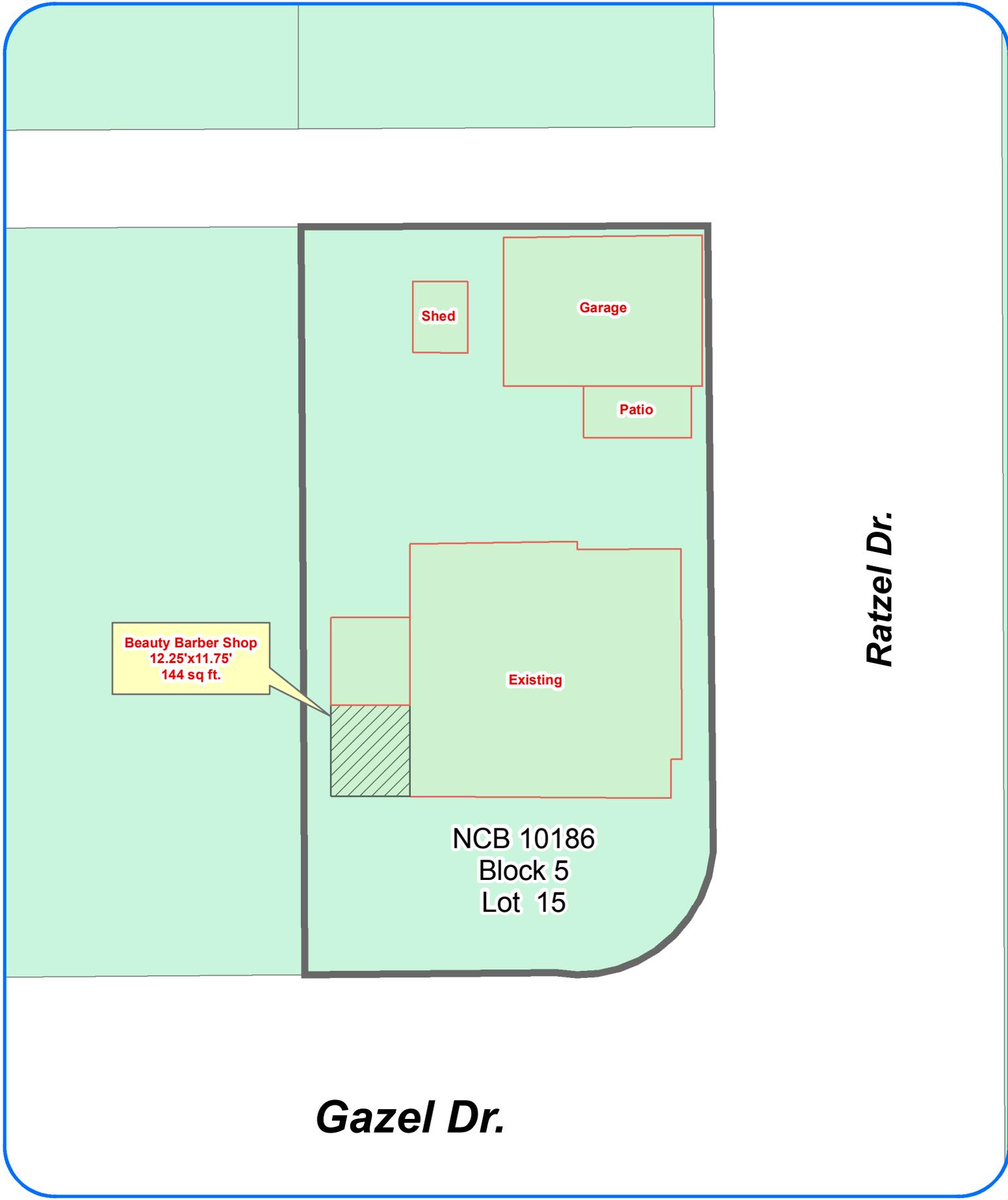
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Floor Plan

Attachment 4 – Copy of Application



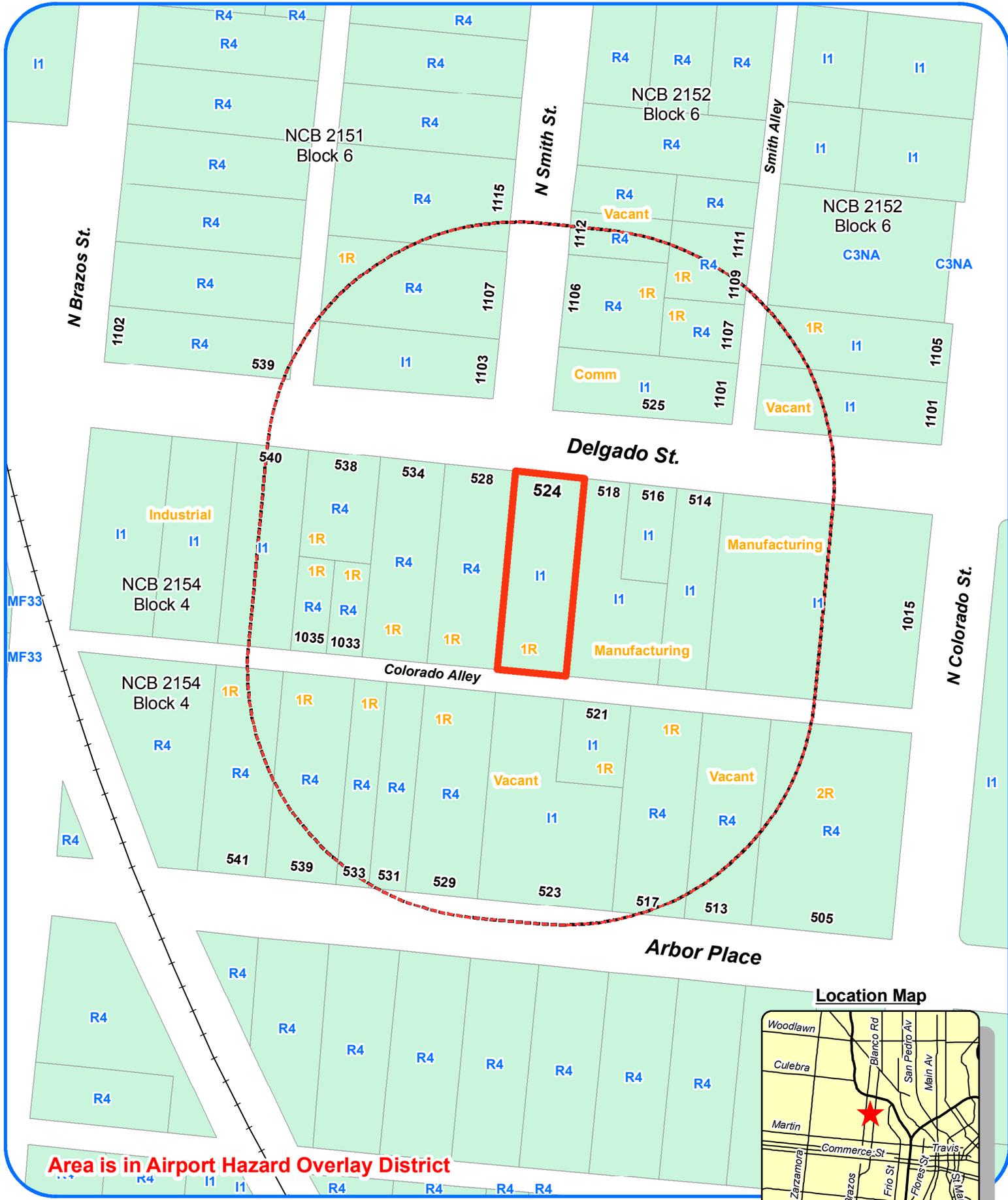
Board of Adjustment
 Plot Plan for
Case A-10-039



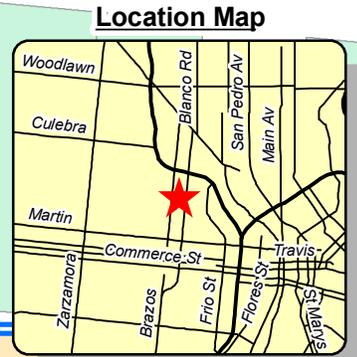
Scale: 1" approx. = 20'
 Council District 1

103 Gazel Dr.

Planning and Development Services Dept
 City of San Antonio
 (3/24/2010 - P Trinkle)



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-040



Legend

- Subject Property
- 200' Notification Area
- Scale: 1" approx. = 100'
- Council District 5



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-040
Date: July 19, 2010
Applicant: Staglik Properties, LLC
Owner: Staglik Properties, LLC
Location: 524 Delgado Street
Legal Description: Lot 7, Block 4, NCB 2154
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Subject: Side Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 20-foot variance from the 30-foot side setback requirement of the "I-1" zoning district when abutting a residential use or zoning district, in order to allow a structure 10 feet from the west 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 July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------------|-----------------------------|
| I-1 AHOD (Industrial) | Vacant (Proposed Warehouse) |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|-------------------------|
| North | R-4 AHOD (Single-Family District), I-1 AHOD (Industrial District) | Residential, Commercial |
| South | R-4 AHOD (Single-Family District), I-1 AHOD (Industrial District) | Residential, Vacant |
| East | I-1 AHOD (Industrial District) | Manufacturing |
| West | R-4 AHOD (Single-Family District), I-1 AHOD (Industrial District) | Residential, Industrial |

Project Description

The applicant is requesting a variance from the side setback requirement of the “I-1” zoning district for the purpose of building an addition to the existing industrial structure at a distance of 10 feet from the west property line, abutting a single-family residence on a lot zoned “R-4”. The zoning of subject property was changed from “R-4” to “I-1” on March 18, 2010.

The applicant indicates that the development pattern of the area establishes a precedent by which other nonresidential structures have little or no setbacks, and thus the literal enforcement of the setback requirement would result in unnecessary hardship if compliance was required.

In addition to the 30-foot setback requirement for which this variance is requested, the applicant’s proposed building would conflict with the following additional zoning standards:

- 30-foot front setback requirement of the “I-1” zoning district.
- The requirement that sites zoned “I-1” shall not be accessed from residential streets.
- Type D Buffer Yard requirement, 25 feet wide.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Gardendale Neighborhood Association, but is not within a Neighborhood or Community Plan.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The granting of the variance would be contrary to the public interest as the purpose of the 30-foot setback is to provide a reasonable separation between the incompatible industrial and residential land uses.

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

The conditions of the subject property would not result in unnecessary hardship. The circumstances identified by the applicant are self created and unexceptional, as the width of the lot is not adequate to accommodate the development proposed without the granting of the variance.

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

The granting of the variance would not be in observation of the spirit of the ordinance and would not do justice to the purpose of the zoning ordinance. The effective separation of incompatible uses is necessary to foster compatibility, light, air flow, and privacy, and to mitigate the negative effects of noise, odors, and other industrial by-products. Additionally, the granting of the variance would be in direct conflict with the requirement that a 25-foot wide landscape buffer be installed between the "I-1" and "R-4" zoning districts.

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

The granting of the variance will not authorize the operation of a use other than those specifically authorized 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 granting of the variance will substantially injure the residential use of the property abutting to the west, as the separation proposed is not adequate to effectively mitigate the negative effects of the noise, light, and traffic typically generated by industrial uses and would impose an undue hardship on the abutting single-family residence.

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 property owner is not due to unique circumstances existing on the property, but rather is due to circumstances created by the property owner through a zoning change and failure to account for the space needed to comply with the provisions of the UDC in their designs. The width of the lot is typical of this district, a condition resulting from its historically residential nature.

Staff Recommendation

Staff recommends **denial of A-10-040**, because the findings of fact have not been satisfied as presented above. The literal enforcement of the setback requirement would not result in

unnecessary hardship, as the failure of the applicant to account for the space requirements of their proposed building with respect to the requirements of the UDC is entirely a self created dilemma and the subject property itself possesses no unique or oppressive conditions. Moreover, the granting of the variance would deny the owner of the abutting residence the right to enjoy effective separation between their home and the industrial use of the subject property that the required 30-foot setback would afford them. Additionally, the granting of the variance would conflict with the additional requirement for the installation of a 25-foot wide landscape buffer between the proposed building and the residential property to the west and this is contrary to the public interest.

The applicant's claim that the pattern of commercial and industrial development in the area, with little or no setbacks adjacent to residential lots, creates a precedent is questionable as one might also argue that the widespread residential zoning and uses are being encroached upon by these nonresidential developments. Staff's analysis has shown that of the 5.841 acres within 200 feet of the subject property, 50.599% of the area is comprised of single-family residential land use. Additionally, of the 22.382 acres within 500 feet of the subject property, single-family residential land use makes up 58.159% of the total area. Industrial and commercial land uses however, make up 19.731% of the area within 200 feet and 9.362% of the area within 500 feet. Continued expansion of industrial uses potentially will harm the use and enjoyment of the residential properties in this neighborhood.

Attachments

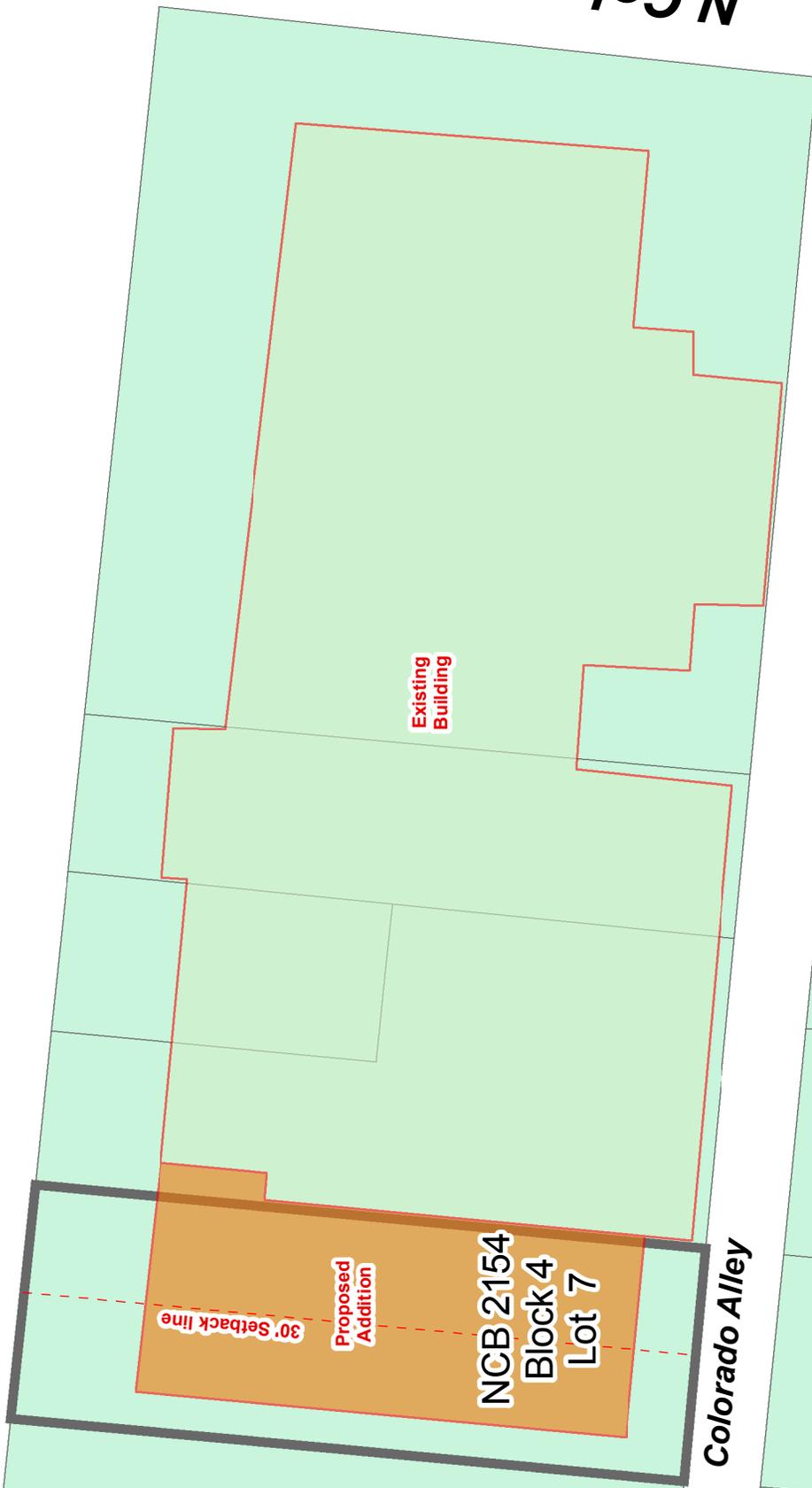
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Site Plan-S.A. Armature Works

Delgado St.

N Colorado St.

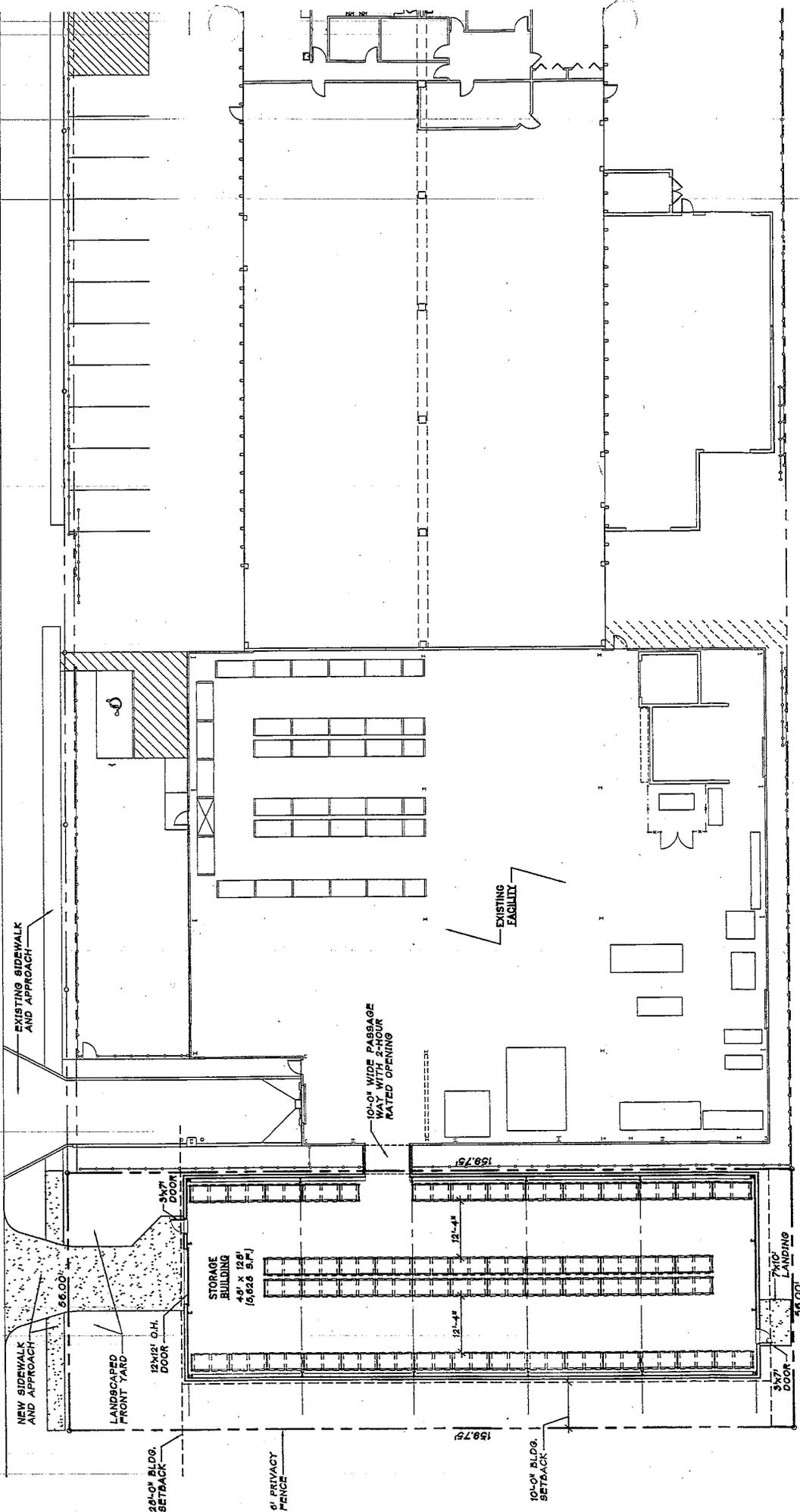


Board of Adjustment
Plot Plan for
Case A-10-040

524 Delgado St.
Planning and Development Services Dept
City of San Antonio
(5/19/2010)

Scale: 1" approx. = 40'
Council District 5

DELOADO ST.



EXISTING SIDEWALK AND APPROACH

NEW SIDEWALK AND APPROACH

LANDSCAPED FRONT YARD

26'-0" BLDG. SETBACK

STORAGE BUILDING
49' x 125'
(5,625 S.F.)

6' PRIVACY FENCE

10'-0" WIDE PASSAGE WAY WITH 2-HOUR RATED OPENING

EXISTING FACILITY

158.75'

158.75'

10'-0" BLDG. SETBACK

5x6 DOOR

5x7 DOOR

ALLEY

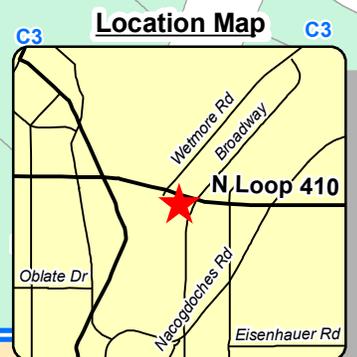
1 SITE PLAN - S.A. ARMATURE WORKS

SCALE: 1" = 20'-0"

A1



c Area is in Airport Hazard Overlay District



Board of Adjustment

Notification Plan for

Case A-10-041



Legend

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

Planning and Development Services Dept
 City of San Antonio
 (5/10/2010)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-041
Date: July 19, 2010
Applicant: Paul Young, Gunn Automotive Group
Owner: TWC Associates
Location: 750 North East Loop 410
Legal Description: Lot 5, Block 3, NCB 13596
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Subject: Side and Rear-Yard Fence Height Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 2-foot variance from the requirement that fences in side and rear-yards not exceed 6 feet in height, in order to build an 8-foot tall solid screen fence along the rear property lines.

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 July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------------|---|
| C-3 AHOD (Commercial) | Motor Vehicle Sales – Full Service (Proposed) |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|------------------------|
| North | I-1 AHOD (Industrial District) | Commercial, Industrial |
| South | MF-33 AHOD (Multifamily), C-3 AHOD (Commercial), C-1 AHOD (Light Commercial), I-1 AHOD (Industrial) | Apartments, Commercial |
| East | C-2 AHOD (Commercial), I-1 AHOD (Industrial District) | Vacant, Commercial |
| West | MF-33 AHOD (Multifamily), I-1 AHOD (Industrial District) | Apartments, Billboard |

Project Description

The applicant is requesting a variance from the standard that side and rear-yard fences on property with commercial uses not exceed 6 feet. The fence proposed by the applicant is 8 feet in height, constructed of concrete, and would replace an existing wood and chain-link fence with razor wire (razor wire is prohibited by City Code) approximately 8 feet in height.

The applicant indicates that the fence is necessary to provide the level of security required for the proposed automotive dealership, as a 6-foot fence would be inadequate. Additionally, the applicant states that the proposed fence would be more visually appealing to the general public and would provide noise abatement for the residents of the adjacent multi-family development.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Neighborhood Association, but is within the San Antonio International Airport Vicinity Land Use Plan.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The granting of the variance would not be contrary to the public interest. The proposed fence will provide an added measure of separation between two incompatible uses.

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

The subject property does not appear to possess special conditions that would impose an undue hardship through the literal enforcement of the ordinance. The topography of the property is unexceptional.

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

It does not appear that the granting of the variance would do justice to the spirit of the Unified Development Code, as the property owner would not be denied the reasonable utilization of the subject property without the construction of an 8-foot tall fence.

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

The granting of the variance will not authorize the operation of a use other than those specifically authorized in the "C-3 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 granting of the variance will not injure the appropriate use of adjacent conforming property nor alter the essential character of the district in which the subject property is located. The current fence has been in existence for a number of years and several fences of similar height are present in the adjacent industrial districts.

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 property owner is not due to unique circumstances existing on the property, but rather is due to the concern that a fence of a height permitted by-right would not provide the level of security needed for the proposed use.

Staff Recommendation

Staff recommends **denial of A-10-041**, because the findings of fact have not been satisfied as presented above. While the proposed fence would provide improved screening of the subject property from the adjacent multifamily development, this condition alone is insufficient to justify the granting of the variance. The Unified Development Code requirements do not prevent the reasonable use of this property. Furthermore, while the height of the existing fence is in excess of the 6 feet allowed, it appears that the portion over 6 feet in height is that comprised of razor wire atop a chain link fence. The use of razor wire in fence construction is prohibited within the city limits of San Antonio. Consequently, the granting of the variance on basis that doing so would allow the continued enjoyment of an existing fence would be inappropriate, as the excess height is derived from a prohibited material.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

NE Loop 410

Lynette

**NCB 13596
Block 3
Lot S 599 of 4**

Gault

Board of Adjustment
Plot Plan for
Case A-10-041

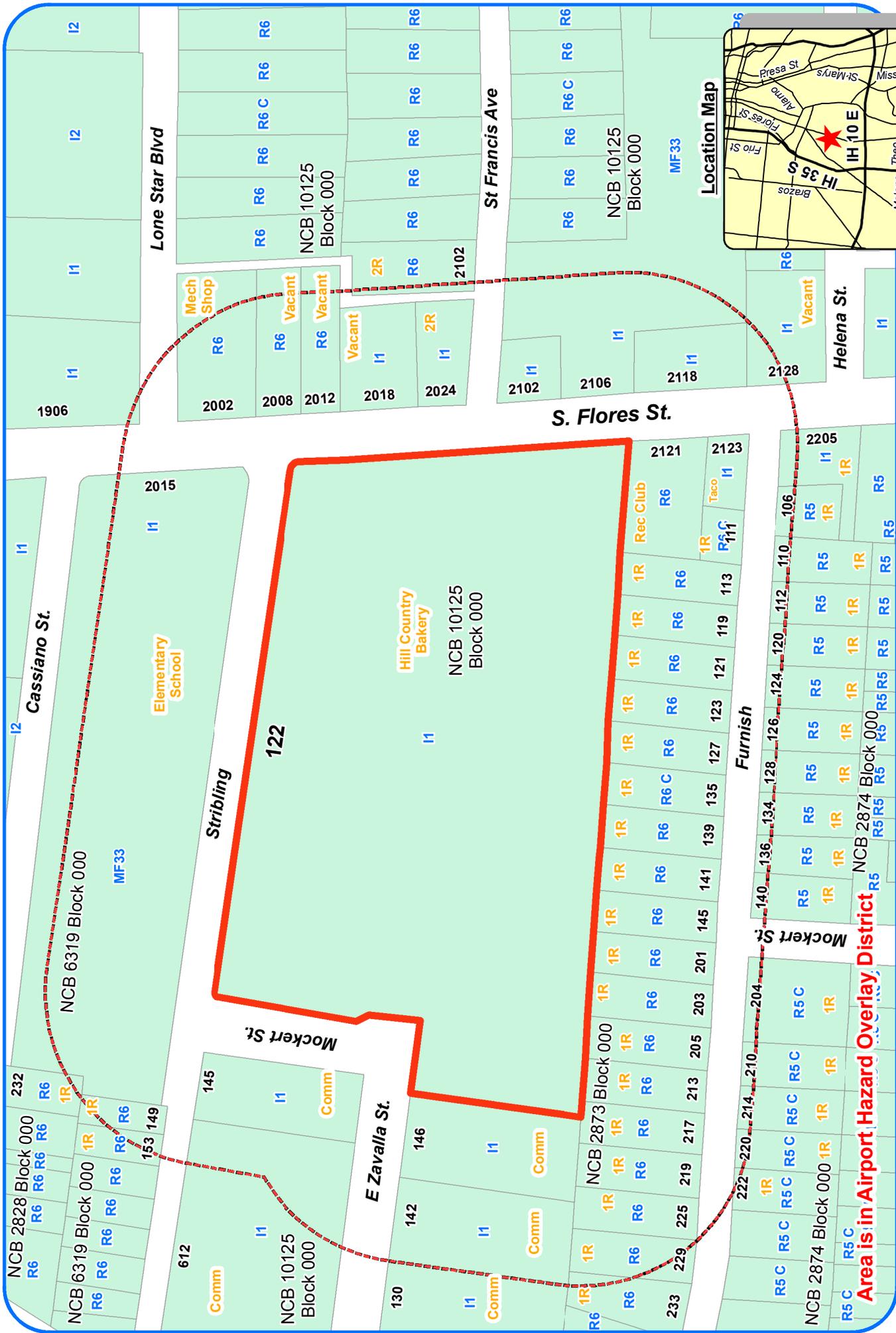


8' Tall Fence ▲▲▲▲▲

Scale: 1" approx. = 120'
Council District 9

750 N.E. Loop 410

Planning and Development Services Dept
City of San Antonio
(5/10/2010)



Legend
 Subject Property
 200' Notification Area
 Scale: 1" approx. = 150'
 Council District 5

Board of Adjustment
Notification Plan for
Case A-10-042

Area is in Airport Hazard Overlay District



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-042
Date: July 19, 2010
Applicant: Hill Country Bakery
Owner: Hill Country Bakery, LLC
Location: 122 Stribling Street
Legal Description: Lot 14, NCB 10125
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Subject: Front Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 3-foot 11-inch variance from the 30-foot front setback requirement of the "I-1" zoning district, to allow a structure 26 feet 1 inch from the front 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 July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------------|------------------|
| I-1 AHOD (Industrial) | Wholesale Bakery |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|---------------------------------|
| North | MF-33 AHOD (Multifamily) | Briscoe Elementary School |
| South | R-6 AHOD (Single Family), R-5 AHOD (Single Family) | Single Family Residences |
| East | I-1 AHOD (Industrial), R-6 AHOD | Vacant, Commercial, Residential |
| West | I-1 AHOD (Industrial) | Commercial, Industrial |

Project Description

The applicant is requesting a variance from the front setback required in “I-1” zoning districts to allow an addition to be located 26 feet 1 inch from the property line along Stribling Street. The layout of subject property and arrangement of the surrounding area is such that the subject property possesses a “front” on both South Flores Street and Stribling Street, though the variance requested is only from the setback measured from the Stribling Street “front”. The total area of the proposed addition that would encroach into the setback would be 90 square feet of a total 18,833 square feet.

The applicant indicates that the variance is necessary to allow proper arrangement of the interior mechanical rooms and baking line equipment, as is dictated by the location of existing equipment. The applicant also explains that the proposed addition would be screened from view from the right-of-way by the existing decorative security fencing and established landscaping.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Collins Garden Neighborhood Association Boundary and within 200 feet of the Lone Star Neighborhood Association. It is also located within the South Central San Antonio Community Plan. As of July 13 staff has not received a response from either neighborhood association.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The granting of the variance would not be contrary to the public interest. The proposed addition would be in line with the existing building and would be screened from view by existing landscaping. Additionally, the request is very diminutive considering the overall development of the site.

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

The literal enforcement of the ordinance would result in unnecessary hardship in this situation, as the siting of the building in conformity with the setback would not allow an efficient operation of the additional proposed baking lines. Additionally, if the addition were offset to meet the setback it would not be able to perform as required and would make an existing mechanical room inaccessible. Furthermore, the property lines are not parallel and cause the subject property to become gradually narrower toward the east. This condition results in the inability to match the existing building line, or situate a building of a shape conducive to the proposed baking line expansion outside the setback, without also hindering operations in the nearby shipping area.

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

The granting of the variance would be in keeping with the spirit of the ordinance and would do justice to the intent of the setback requirement, as the variance requested is minor in scale and the minimum necessary to allow the reasonable utilization of the subject 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 granting of the variance will not authorize the operation of a use other than those specifically authorized 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 granting of the variance will not injure the appropriate use of adjacent conforming property nor alter the essential character of the district in which the subject property is located. The proposed addition will continue the established building line.

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 property owner is due to the somewhat unique layout of the subject property, as it is characterized by fronts on both Stribling and South Flores Streets. This condition is not commonly experienced by similar properties in the district and is not merely financial in nature, as the reasonable use of the property will be denied through the literal enforcement of the setback requirement.

Staff Recommendation

Staff recommends **approval of A-10-042, 122 Stribling Street**, because the findings of fact have been satisfied as presented above. The literal enforcement of the setback

requirement would not permit the addition to perform as required and would hinder the ability to perform maintenance on existing mechanical equipment. Additionally, the shape of the subject property causes it to become gradually narrower toward the east, thus limiting the useable area in the part where the variance is sought. The minor extent of the variance request is in keeping with the spirit of the ordinance as it is the least amount necessary to allow the continued reasonable use of the subject property.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 –Submitted Site Plan

Attachment 4 – Floor Plan of Proposed Bakery Line Expansion



Board of Adjustment
 Plot Plan for
Case A-10-042



Scale: 1" approx. = 120'
 Council District 5

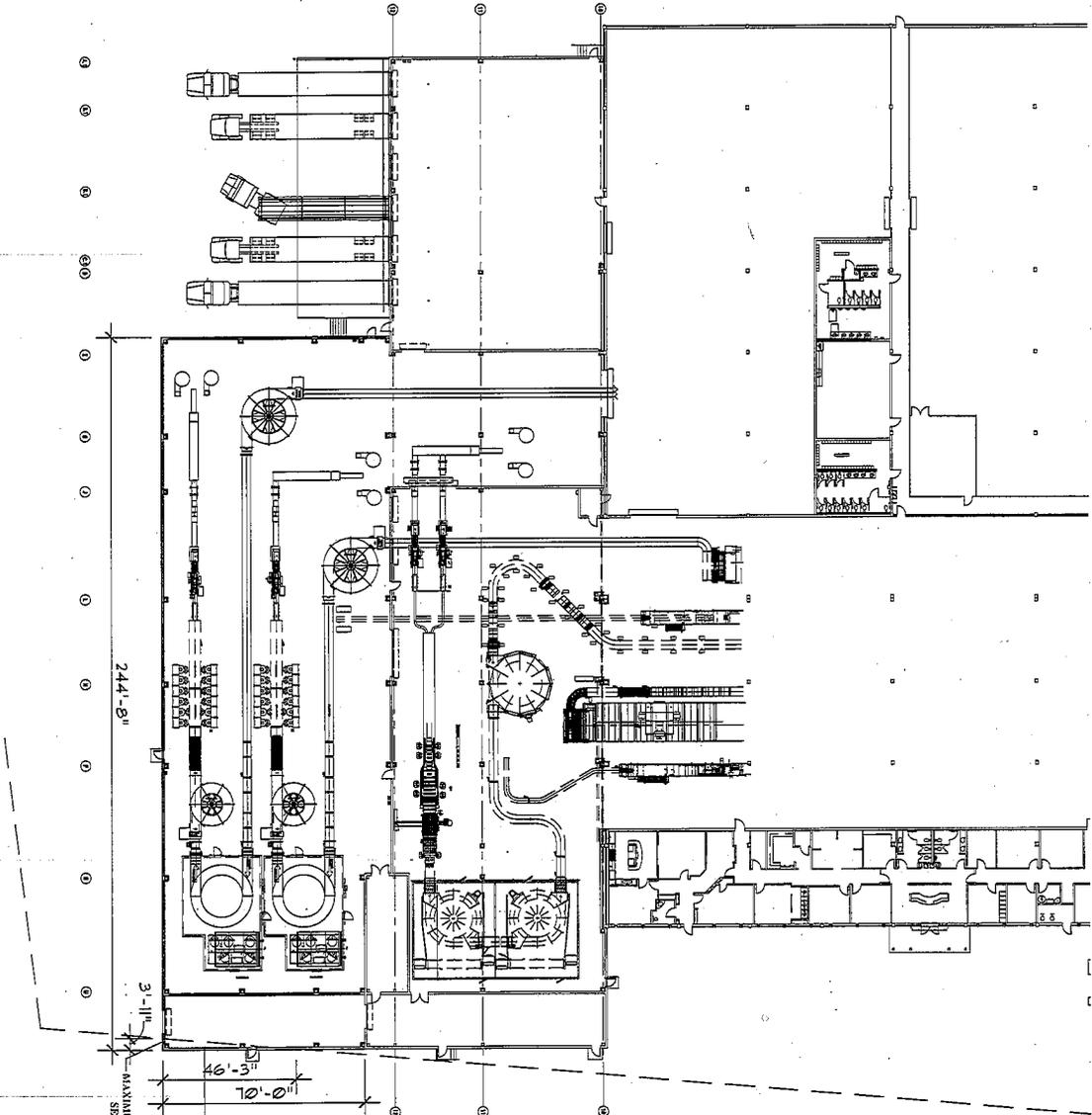
122 Stribbling

Planning and Development Services Dept
 City of San Antonio
 (5/19/2010)

FLOOR PLAN OF PROPOSED BAKERY LINE EXPANSION

SCALE: 1" = 30'

01



| | |
|-------------------|---------------|
| ENGINEERING DIMEN | DIMENSION-48@ |
| DIMENSION-36@ | |
| DIMENSION-24@ | |
| ARCHITECTURAL DIM | DIMENSION-12@ |
| DIMENSION-6@ | |
| DIMENSION-3@ | |
| DIMENSION-1.5@ | |
| DIMENSION-0.75@ | |
| DIMENSION-0.375@ | |

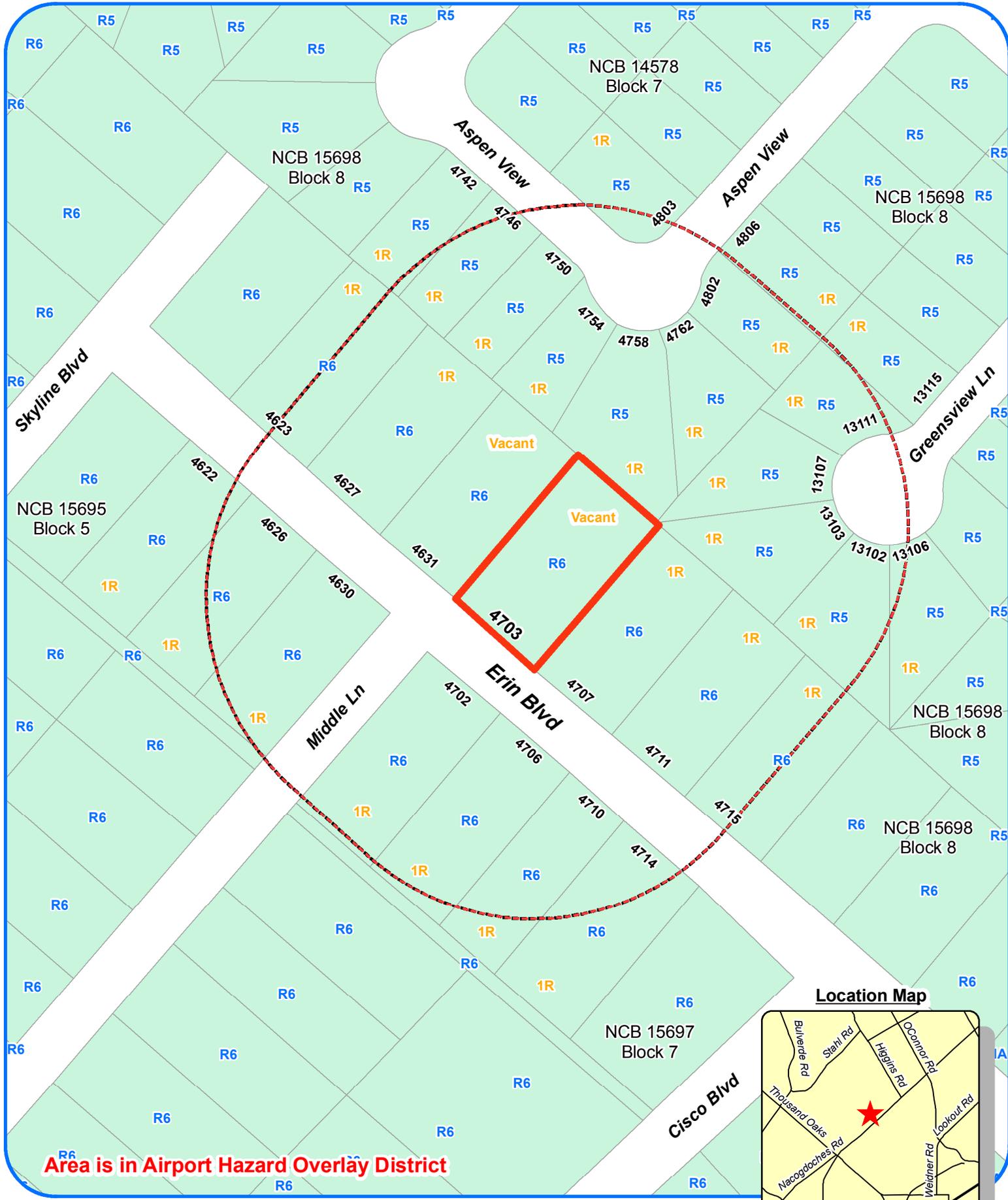
THESE DOCUMENTS ARE THE PROPERTY OF HILL COUNTRY BAKERY - ADDITION. REVIEW FOR ARCHITECT ONLY.

HILL COUNTRY BAKERY - BAKING LINE ADDITION

122 STRIBLING
San Antonio, TX
78204

| | |
|----------------|---------|
| REVISIONS: | |
| PROJECT NUMBER | C10-111 |
| Drawn By: | |
| Checked By: | |
| Sheet Number: | |

05/07/10



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-046



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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-046
Date: July 19, 2010
Applicant: Edgar Dodson
Owner: State Tax Liens, LTD
Location: 4703 Erin Boulevard
Legal Description: Lot 5, Block 8, NCB 15698
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject: Special Exception to Relocate Structure
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a special exception to relocate a structure from 2432 Southwest Loop 410 to 4703 Erin Boulevard

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 July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--------------------------|--------------|
| R-6 AHOD (Single Family) | Vacant |

Surrounding Zoning/Land Use

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

Project Description

The structure proposed to be relocated is currently located at 2432 Southwest Loop 410. The subject property is currently vacant, the previous single family dwelling having been demolished in 2009.

Relocation Compatibility Table

| Compatibility Standard | Existing Condition on Blockface | Applicant's Proposed Condition |
|-----------------------------------|--|--------------------------------|
| Lot Size | Mean Lot Size: 11,983.36 square feet | 11,199.28 sf |
| Structure Age | Min: 8 (2002) | Unknown/Not Provided |
| | Max: 70 (1940) | |
| | Mean Age: 43 | |
| Structure Size | Min: 800 sf Max: 1800 sf Mean Size: 1132.25 sf | 672 sf |
| Structure Height | 1 Story | 1 Story |
| Setbacks (Front) | Average: Approx. 42 ft (range: 30 ft to 55 ft) | 85 ft |
| Structure Width (front facade) | Average: Approx. 41 ft (range: 30 ft to 60 ft) | 28 ft |
| Garage/Carport Location & Setback | Majority of Garages/Carports located in side yards. | None Proposed |

| | | |
|--|---|--|
| Front Entry, Porch, Walkway | Facing Street | Facing Street |
| Windows (front facade) | Number: 2 - 5 Type: Vertical and Horizontal | 3 Vertical |
| Building Materials | Exterior siding: Horizontal Siding, Stucco Roofing: Composite Shingles | Horizontal Masonite Siding Composite Shingles |
| Foundation Type | Various | Concrete Piers |
| Roof Line/Pitch | Unknown Pitch. Gabled Roofs | Gabled |
| Impervious Cover % | N/A | N/A |
| Sidewalk Width/ Placement, Greenway | None | None |
| Curb Cut & Driveway Width | Single and Double Width Curb Cuts. 10-20 ft wide driveways. | Single Width Gravel |
| Fencing | 4ft Chain Link | Unknown/Not Provided |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a neighborhood association but is within 200 feet of the Northern Heights Neighborhood Association. It is also located within San Antonio International Airport Vicinity Plan.

Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted the Board of Adjustment just find that the request meets each of the five (5) following conditions:

- A. The special exception will be in harmony with the spirit and purpose of the chapter.

The granting of the special exception will be in harmony with the spirit and purpose of the chapter. The applicant is proposing to relocate a structure to a vacant lot and intends to repair the house to meet city code.

B. The public welfare and convenience will be substantially served.

The public welfare and convenience will be substantially served. The structure proposed to be relocated is to be used as a single-family residence and populate an undeveloped parcel with a single-family residential structure

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

The neighboring property will not be substantially injured by the proposed use, as the use proposed is single-family residential.

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

The special exception will not alter the essential character of the district in which it is sought as the single-family residential use is consistent with the predominant character of the district.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The special exception will not weaken the general purpose of the "R-6" zoning district. The Land Use Plan calls for Low Density Residential development of this parcel. Additionally, the structure proposed to be relocated is similar in style to those existing along Erin Boulevard.

Staff Recommendation

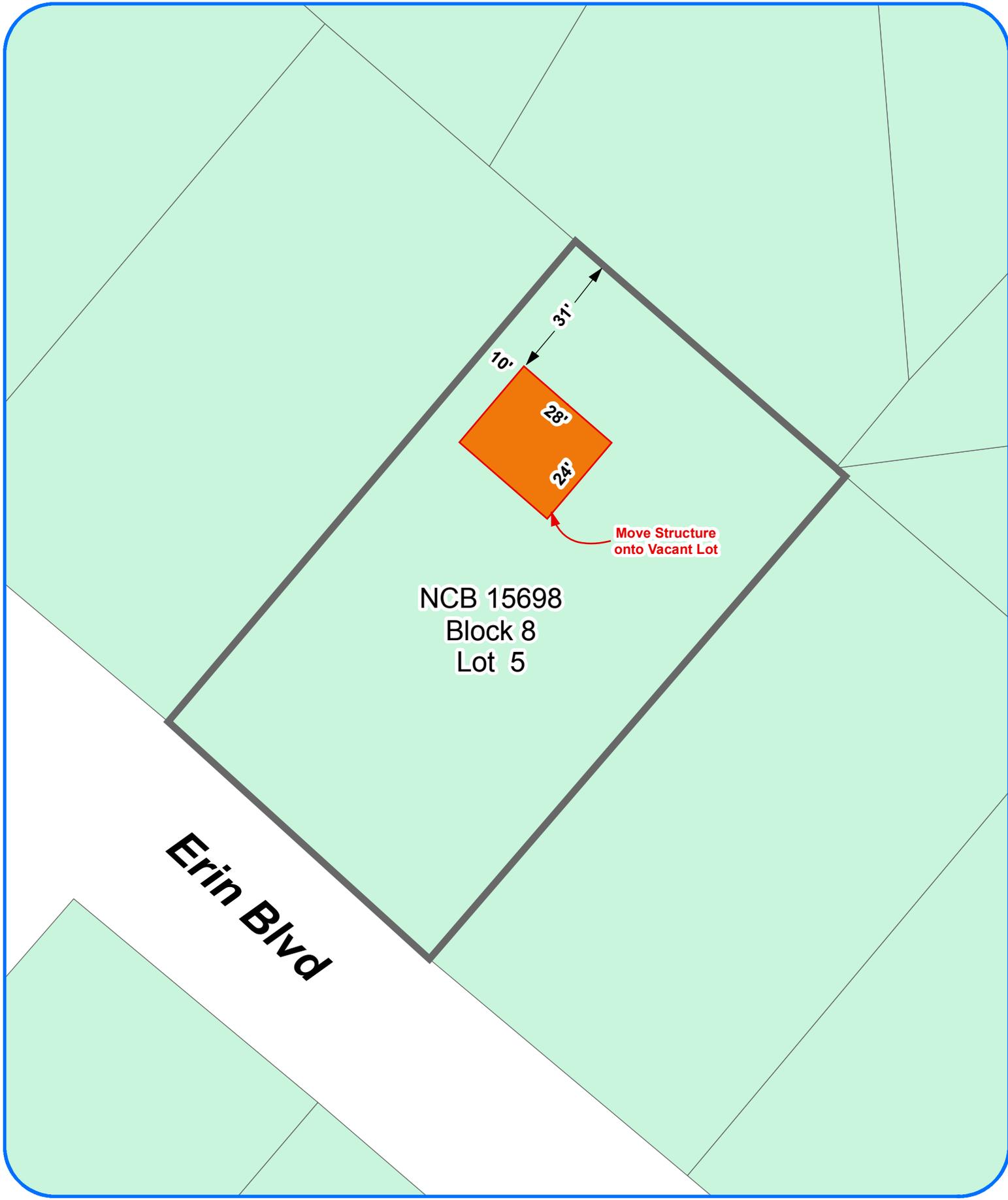
Staff recommends that **A-10-046, 4703 Erin Boulevard, be approved** because the findings of fact have been satisfied as presented above. The structure proposed to be relocated is of similar style as the existing structures in the district, and while its size is less than the average size along this portion of Erin Boulevard, it is only slightly smaller than the current smallest residence.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 –Submitted Site Plan



Board of Adjustment
Plot Plan for
Case A-10-046



Scale: 1" approx. = 30'
Council District 10

4703 Erin Blvd

Planning and Development Services Dept
City of San Antonio
(5/25/2010)

CONTRACTOR TO FIELD VERIFY ALL
 CONDITIONS AND DIMENSIONS, SO AS TO COMPLY
 WITH ALL CODE REQUIREMENTS
 FOR THE CITY OF SAN ANTONIO. COORDINATE ANY
 CHANGES WITH THE COORDINATOR FOR APPROVAL.

LOT 4 BLOCK 8
 N.C.B. 15698

N 41° 30' 0" W 140.00' (PLAT)
 N 41° 30' 0" W 140.00' (PLAT)

PROPERTY LINE

PROPOSED
 SITE LOCATION

28'-0"
 24'-0"
 31'-0" SETBACK

25' BLDG. SETBACK (4/17/16)
 15' PEGON
 25' HULLBERRY
 6' HULLBERRY

LOT 5 BLOCK 8
 N.C.B. 15698

PROPERTY LINE
 S 41° 30' 0" W 141.85' (FIELD)
 S 41° 30' 0" W 141.00' (PLAT)

FND IRON PEG @
 W. C.N.R. OF LOT II

LOT 6 BLOCK 8
 N.C.B. 15698



SITE PLAN

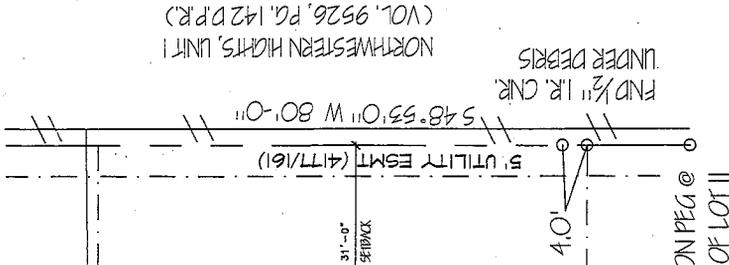
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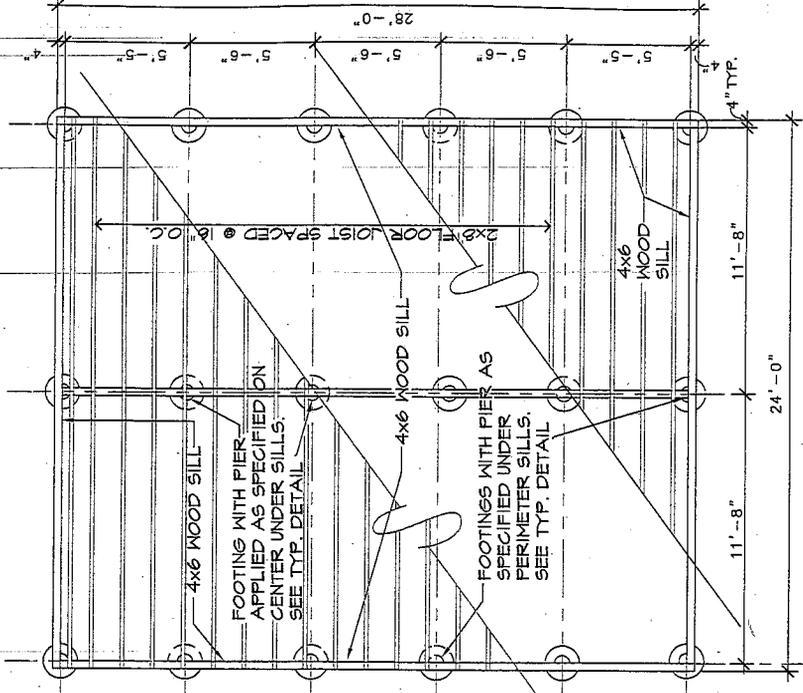
SCALE: AS NOTED
 DRAWN BY: DG
 DESIGNED BY: DG
 CHECKED BY:
 DATE: 05-19-10
 JOB NUMBER:

NOTES AND REVISIONS

LOT: 5
 BLOCK: 8 N.C.B. 15698
 HOUSE RELOCATION
 4703 ERIN BLVD.
 SKYLINE ESTATES, SAN ANTONIO



NORTHWESTERN HEIGHTS, UNIT 1
 (VOL. 9526, P.G. 142 D.P.R.)



FOUNDATION PLAN

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

**SITE PLAN
 FOUNDATION PLAN**

SCALE: AS NOTED

SHEET

1 OF 1

GENERAL CONDITIONS:

- (1). THE BUILDING REQUIREMENTS FOR INTERNATIONAL RESIDENTIAL BUILDING CODE IS THE BASIC DOCUMENT CODE IN THE PREPERATION OF THIS DESIGN. ADDITIONAL CODES AND REFERENCES ARE NOTED. ALL STRUCTURAL WORK SHALL BE IN CONFORMANCE WITH LOCAL CITY FOUNDATION REQUIREMENTS, UNLESS EXCEPTIONS HAVE BEEN PROPERLY AUTHORIZED BY THE PROJECT DESIGN ENGINEER.
- (2). ENGINEERING OF THE FOUNDATION FOR THIS PROJECT HAS BEEN PROVIDED BY WESTBROOK ENGINEERING.
- (3). THE OWNER HAS NOT SECURED THE SERVICES OF A GEOTECHNICAL ENGINEER TO INVESTIGATE THIS PARTICULAR SITE. THE FOUNDATION DESIGN IS THEREFORE PREPARED IN ACCORDANCE WITH THE DESIGN ENGINEER'S INTERPRETATION OF FROM THE BEAR COUNTY SOILS SURVEY. SITE DEVELOPMENT SHALL PROCEED IN ACCORDANCE WITH ENGINEER'S PROVISIONS AS SET FORTH IN THESE SPECIFICATIONS.
- (4). ALL DIMENSIONS, DROPS, AND SPECIAL CONDITIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL FLOOR PLANS ANY DISCREPANCIES, OR CHANGES, SHOULD BE BROUGHT TO THE ATTENTION OF WESTBROOK ENGINEERING FOR REVIEW AND APPROVAL.
- (5). ALL DIMENSIONS, DROPS AND SPECIAL CONDITIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL FLOOR PLANS ANY DISCREPANCIES, OR CHANGES, SHOULD BE BROUGHT TO THE ATTENTION OF WESTBROOK ENGINEERING FOR REVIEW AND APPROVAL.
- (6). THIS FOUNDATION HAS BEEN DESIGNED AS A GROUND SUPPORTED CONCRETE PIERED FOUNDATION, AND AS SUCH WILL MOVE WITH THE SOILS UPON WHICH IT BEARS. THIS DESIGN IS INTENDED TO LIMIT THE DEFLECTION TO WITHIN TOLERANCES SET FORTH IN THE INTERNATIONAL BUILDING CODE, EDITION FORCE AT TIME OF DESIGN.

SITE DEVELOPMENT:

- (1). THE DESIGN FOR THIS FOUNDATION IS BASED UPON SURFACE DRAINAGE AWAY FROM THE FOUNDATION BEING MAINTAINED AT ALL TIMES. GROUND SLOPES OF TEN PERCENT (10%) IN THE FIRST FIVE FEET (5') AND ONE (1%) THEREAFTER, ARE THE MINIMUM ACCEPTABLE. A UNIFORM MOISTURE CONTENT IN THE SOILS AROUND THE FOUNDATION PERIMETER THROUGH THE CONTINUED MAINTENANCE OF PROPER SURFACE DRAINAGE, PROPER LANDSCAPING, AND UNIFORM YARD WATERING PRACTICES IS EXTREMELY CRITICAL TO THE LONG-TERM STRUCTURAL STABILITY OF THIS FOUNDATION.
- (2). ALL AIR CONDITIONING CONDENSATE LINES, AND ROOF GUTTER DOWNSPOUTS, SHALL DISCHARGE AT LEAST THREE FEET (3') AWAY FROM THE FOUNDATION.

CONCRETE FORMWORK:

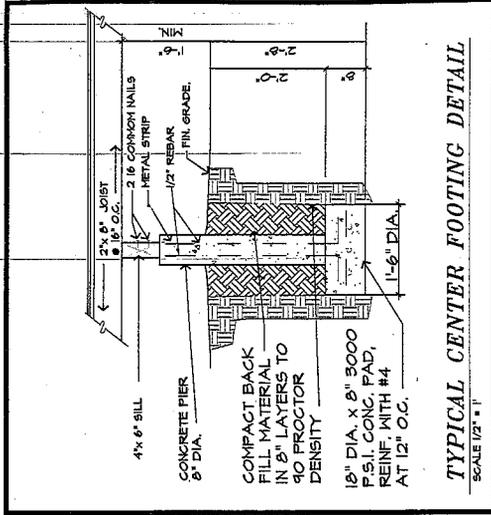
- (1). CONSTRUCT FORMWORK TO MAINTAIN TOLERANCES AS OUTLINED IN ACI 347.
- (2). FORMWORK SHALL BE REUSED IN ACCORDANCE WITH ACI 347.

CONCRETE REINFORCEMENT:

- (1). REINFORCING STEEL SHALL COMPLY WITH THE REQUIREMENTS OF ASTM A-615, GRADE 60. STIRRUPS AND TIES MAY BE GRADE 40 FOR #3 BARS. TIE WIRE SHALL BE 18 GAGE ANNEALED TYPE. FABRICATE BENT BARS IN ACCORDANCE WITH ACI 315.
- (2). PROVIDE CLEARANCE FOR CONCRETE COVERAGE AROUND REINFORCING IN ACCORDANCE WITH ACI 318. ALL REINFORCING SHALL BE SUPPORTED IN THE BEAMS AND SLAB WITH CHAIRS OR APPROVED MASONRY BLOCKS.
- (3). REINFORCING SHALL BE CENTERED IN THE CONCRETE MEMBER.
- (4). REVIEW OF THE REINFORCING STEEL BY WESTBROOK ENGINEERING IS TYPICALLY REQUIRED PRIOR TO CONCRETE PLACEMENT.

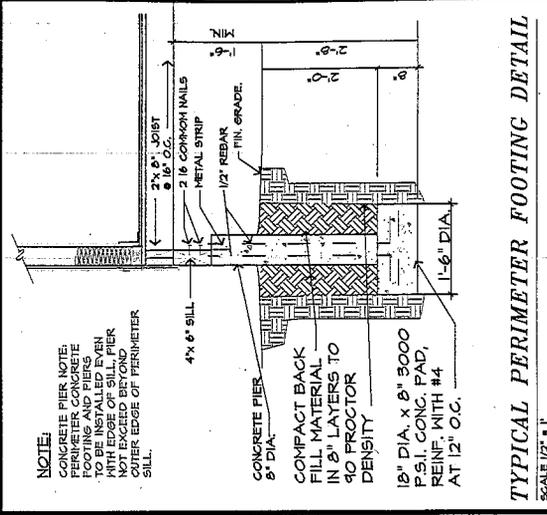
CONCRETE REINFORCEMENT:

- (1). CONCRETE SHALL DEVELOPE A 28-DAY COMPRESSIVE STRESS (fc) OF AT LEAST 3,000 PSI AND SHALL BE IN ACCORDANCE WITH ACI 301. CEMENT SHALL BE TYPE 1 (GRAY) PORTLAND. MAXIMUM WATER RATIO SHALL BE 7.0 AND A SLUMP RANGE OF 2 TO 5 INCHES. CONTRACTOR SHALL SATISFY HIMSELF THAT THE MIX DESIGN IS ACCEPTABLE FOR ITS INTENDED PURPOSE.
- (2). CONCRETE SHALL BE PLACED AND CURED IN ACCORDANCE WITH ACI 302.1R. FINISH TOLERANCE SHALL BE IN ACCORDANCE WITH ACI 117.
- (3). TESTING SHALL BE THE SOLE RESPONSIBILITY OF THE BUILDER, AND ANY SUBSTANDARD RESULTS SHALL BE REPORTED TO WESTBROOK ENGINEERING.
- (4). WHILE SOME SHRINKAGE CRACKING IS TO BE EXPECTED IN THE CONCRETE, IT HAS BEEN SHOWN TO BE SIGNIFICANTLY REDUCED THROUGH PROPER CURING PROCEDURES AND PROPER CONTROL OF ADMIXTURES. ONLY THOSE ADMIXTURES HAVING SPECIFIC WRITTEN AUTHORIZATION OF THE DESIGN ENGINEER SAHLL BE INTRODUCED WITH THE CONCRETE MIX.



TYPICAL CENTER FOOTING DETAIL

SCALE 1/2" = 1'



TYPICAL PERIMETER FOOTING DETAIL

SCALE 1/2" = 1'



SCALE: AS NOTED
 DRAWN BY: DG
 DESIGNED BY: DG
 CHECKED BY:
 DATE: 05-19-10
 JOB NUMBER:

NOTES AND REVISIONS

LOT: 5 BLOCK: 8 N.C.B. 15698
 HOUSE RELOCATION
 4703 ERIN BLVD.
 SKYLINE ESTATES, SAN ANTONIO

FOUNDATION NOTES & DETAILS

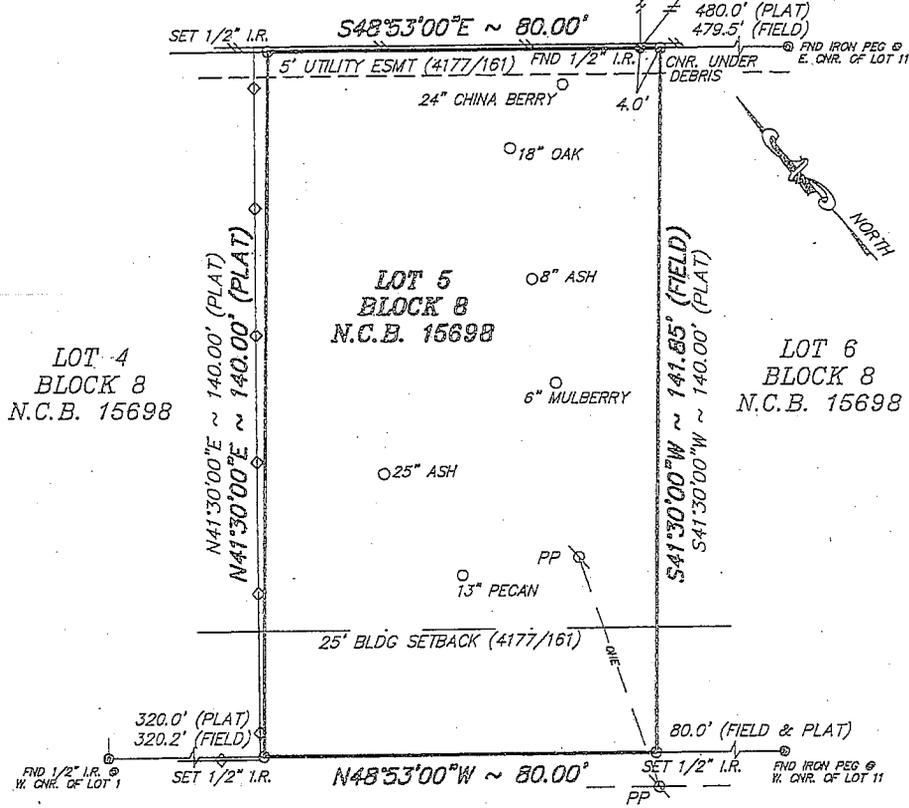
SCALE: NTS

NORTHERN HEIGHTS, UNIT 1
 (VOL. 9526, PG. 142 D.P.R.)

LOT 59
 BLOCK 8
 N.C.B. 15698

LOT 45
 BLOCK 8
 N.C.B. 15698

LOT 60
 BLOCK 8
 N.C.B. 15698



E.O. ASPHALT

ERIN BLVD.
 (60' R.O.W.)

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY BASED ON RECORDED PLAT(S) AND/OR RECORDED DOCUMENTS IN OUR FILES. ALL MATTERS AFFECTING THE PROPERTY, INCLUDING BUT NOT LIMITED TO RESTRICTIONS IMPOSED BY RECORDED DOCUMENTS OR ZONING /LAND USE REGULATIONS, MAY NOT NECESSARILY BE SHOWN. THE BUYER/OWNER IS ADVISED TO CONSULT WITH A QUALIFIED TITLE EXAMINER TO DETERMINE THE EXISTENCE AND LOCATION OF ANY SUCH LIMITATIONS AND THE EFFECT IT MAY HAVE ON THE CONTEMPLATED LAND USE.

LOT SURVEY W/ TREES

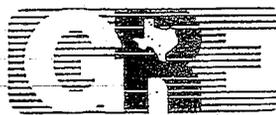
BASIS OF BEARING IS RECORDED PLAT AS FOUND MONUMENTED ON THE GROUND
 SCALE: 1"=30' DATE OF SURVEY: 4/22/10 COMPUTED BY: KCK DRAWN BY: KCK CHECKED BY: GER

Lot(s) 5 Block 8 N.C.B. 15698
 Addition or Subdivision SKYLINE ESTATES
 Volume 2575, Page 183 of the DEED & PLAT records of BEXAR County, Texas.
 Address: 4703 ERIN BLVD. GF No. ~
 Reference name: BILL TINGLE

To: The Leinholder and/or Lowner and to _____
 I, Gaylord E. Reaves a Registered Land Surveyor in the State of Texas, do hereby certify that the above plat is true and correct according to an actual survey made on the ground, under my supervision. I further certify that all easements and right-of-ways of which I have been advised are shown hereon and that, except as shown hereon, there are no apparent encroachments, overlapping of improvements or conflicts in the boundary lines, and no obvious physical evidence of easements or right-of-ways by use as of the date of the field survey. This certification is made and limited to those persons or entities shown on the face of this survey and is non-transferable.



Gaylord E. Reaves
 Registered Professional Land Surveyor



GE Reaves Engineering, Inc. (FIRM NO. 101337)
 P.O. Box 791793
 San Antonio, Tx. 78279-1793
 (210) 490-4506, Fax 490-4812

| | | |
|----------------|----------|----|
| Date | Revision | By |
| | | |
| JOB NO. 34373* | | |



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-047



Legend

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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-047
Date: July 19, 2010
Applicant: Vernon W. Moehle
Owner: Vernon & Edith Moehle
Location: 5307 Silvertip Drive
Legal Description: Lot 35, Block 8, NCB 14301
Zoning: "NP-8 NCD-3 AHOD" Neighborhood Preservation Ingram Hills
Neighborhood Conservation Airport Hazard Overlay District
Subject: Side Setback and Impervious Cover Variances
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting 1) a 4-foot variance from the 10-foot side setback requirement of the "NCD-3" overlay district, in order to allow an addition 6 feet from the west side property line and 2) a 0.694 percent variance from the 35 percent maximum impervious cover requirement of the "NCD-3" overlay district, in order to allow 35.694 percent impervious cover.

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 July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---------------------------------|-------------------------|
| NP-8 NCD-3 AHOD (Single Family) | Single Family Residence |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|------------------------------------|--------------------------|
| North | NP-8 NCD-3 AHOD (Single Family) | Single Family Residences |
| South | NP-8 NCD-3 AHOD (Single Family) | Single Family Residences |
| East | NP-8 NCD-3 AHOD (Single Family) | Single Family Residences |
| West | NP-8 NCD-3 AHOD (Single Family) | Single Family Residences |

Project Description

The variances requested would allow the applicant to construct an addition and covered patio onto the rear of the residence. The subject property currently enjoys a 6-foot side setback from the west side property line which the applicant proposes to maintain with proposed addition. Additionally, the majority of the properties along Silvertip Drive also enjoy approximately 6-foot side setbacks on at least one side of the property. The proposed addition will measure 12 feet by 49 feet, or 588 square feet.

The proposed patio will measure 12 feet by 37 feet, or 444 square feet. Total additions will amount to 1,032 square feet. The proposed additions will increase the total impervious cover to 2,827 square feet, 55 feet in excess of the 2,772 square feet permitted.

The applicant indicates that the variances are necessary to match the configuration of the existing residence. The applicant states that the addition is required to accommodate the needs of his disabled wife.

The “NP-8” base zoning of the subject property was established June 13, 2002 through Ordinance 95919, a comprehensive rezoning initiated by the City of San Antonio. As the subject property is 0.1818 acres (7,920 square feet) in size, this zoning action made it nonconforming in terms of the 8,000 square foot minimum lot size of the “NP-8” district. Prior to this the subject property was zoned “R-5”.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Ingram Hills Neighborhood Association Boundary. It is also located within the Ingram Hills Neighborhood Plan. The neighborhood association favors the requested variances.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The variances are not contrary to the public interest as the proposed additions maintain the existing building line and do not unduly impose upon adjacent properties.

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

The literal enforcement of the ordinance would result in unnecessary hardship as the proposed addition will continue the existing building line, 6 feet from the west side property line. Additionally, the subject property does not possess the area necessary to meet the minimum 8,000 square foot lot size of the "NP-8" zoning district, being short approximately 80 square feet at 7,920 square feet in size. If the subject property conformed to the minimum lot size of the "NP-8" district the proposed additions would not exceed the maximum impervious cover standard of the "NCD-3" overlay district. However, as a city initiated rezoning made the subject property nonconforming, the literal enforcement of the "NCD-3" requirements for impervious cover result in unnecessary hardship.

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

The granting of the variances would observe the spirit of the ordinance and would do substantial justice, as the subject property was made nonconforming by the action of the City of San Antonio and the proposed additions will maintain the side setback typical of this block.

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

The granting of these variances will not authorize the operation of a use other than those specifically authorized in the "NP-8 NCD-3" 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 granting of the variances will not injure the appropriate use of adjacent conforming property as the improvements will not encroach beyond the current setback, nor will the granting of the variances alter the essential character of the district as a number of adjacent properties are similarly configured.

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 property owner is due to unique circumstances existing on the property that are not self created or financial in nature. The subject property does not conform to the minimum lot size of the "NP-8" district, established through a city initiated comprehensive rezoning. Were it to be of sufficient size, the variance requested from

the impervious cover requirement would not be necessary, as the area deficiency is greater than the excess impervious cover proposed.

Staff Recommendation

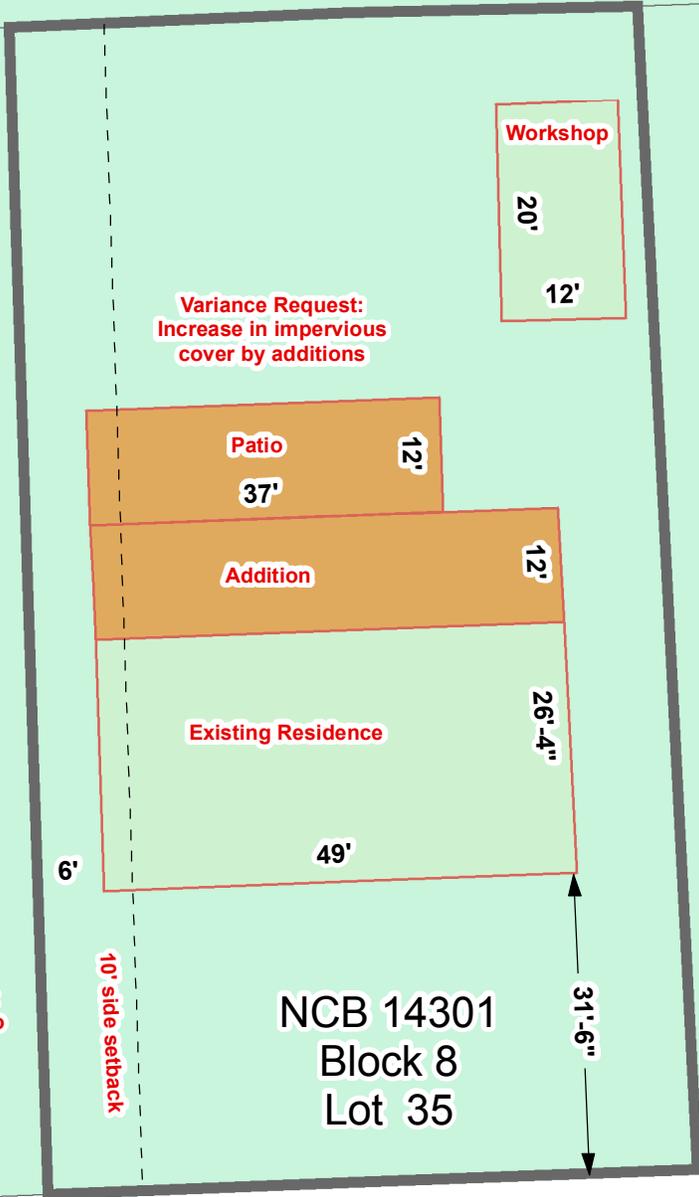
Staff recommends that **A-10-047, 5307 Silvertip Drive, be approved** because the findings of fact have been satisfied as presented above. As the subject property does not conform to the minimum lot size of the “NP-8” zoning district applied through a city initiated zoning case, literal enforcement of the impervious cover requirement based on this minimum lot size results in unnecessary hardship and denial of the reasonable use of the applicants property. Were the subject property to be zoned appropriately (“R-6” for example) the impervious cover requirement would be less strict and the variance from the impervious cover limit unnecessary. Additionally, the variance requested from the side setback requirement would allow the continuation of the side setback currently enjoyed, and commonly experience by most of the nearby lots along Silvertip Drive.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 –Submitted Building Plans



Variance Request:
Increase in impervious
cover by additions

Variance Request
Encroachment into
side setback line

NCB 14301
Block 8
Lot 35

Silvertip Dr.

Board of Adjustment
Plot Plan for
Case A-10-047



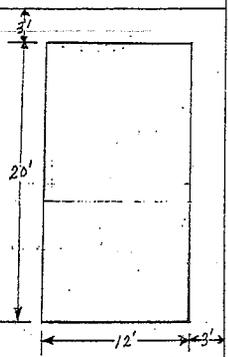
Scale: 1" approx. = 20'
Council District 7

5307 Silvertip Dr.

Planning and Development Services Dept
City of San Antonio
(6/2/2010)

ERSEMENT

10'



66'

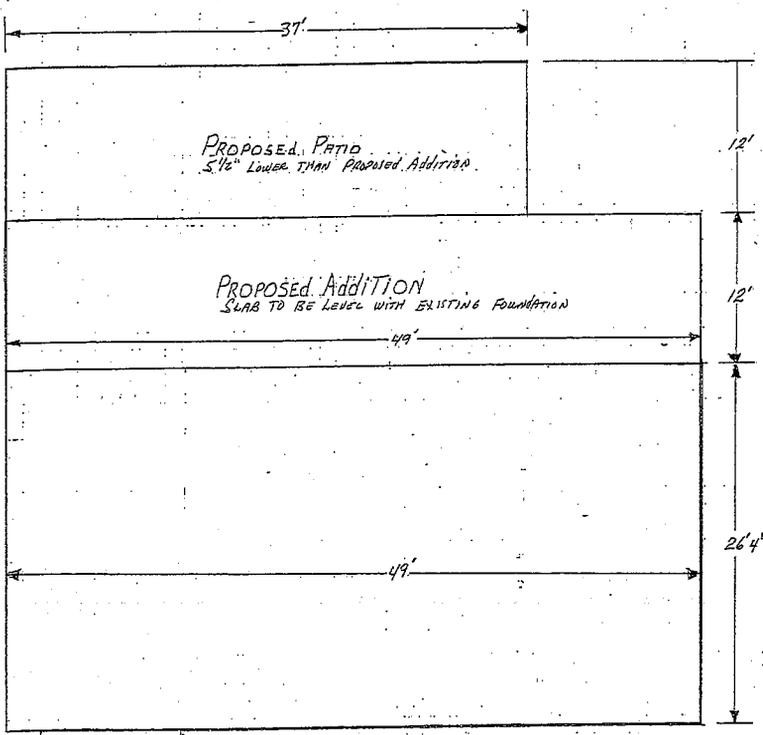
52'

PROPOSED PATIO
5 1/2" LOWER THAN PROPOSED ADDITION

PROPOSED ADDITION
SLAB TO BE LEVEL WITH EXISTING FOUNDATION

WARRANTY BY MERRILL
5307 SILVERTIP DR
SAN JUAN, TEXAS 79224

PHONE: 210-455-3798 (Home)
210-363-5756 (Cell)



26'4"

31'6"

SCALE: 1" = 5' APPROX.

DRIVEWAY

SIDEWALK

ERSEMENT

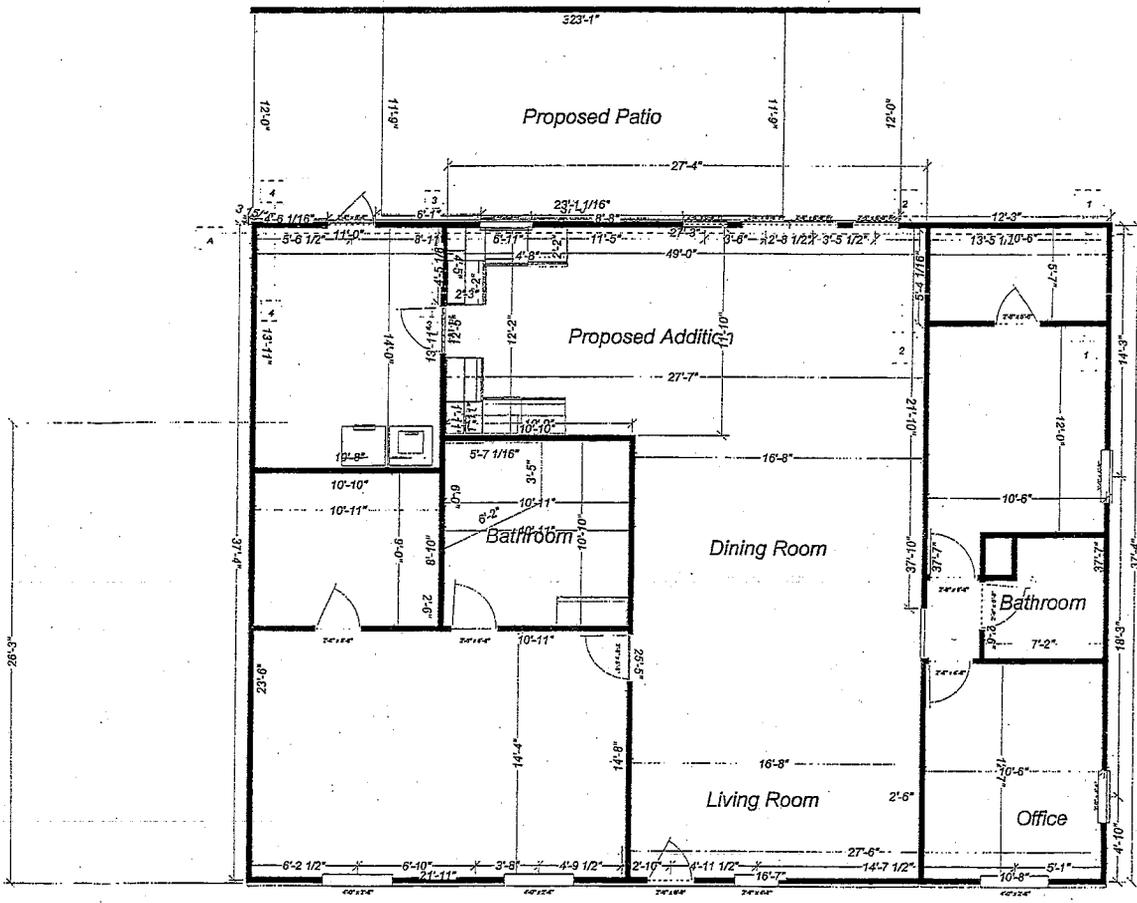
"5307 SILVERTIP DR"

3'

6'

3'

6'



FRAMING DETAIL

A WSP - WOOD STRUCTURAL PANEL

- 1 LIB - LET-IN BRACING
- 2 LIB - LET-IN BRACING
- 3 LIB - LET-IN BRACING
- 4 LIB - LET-IN BRACING

5 ROOF HEIGHT = 15'
 ROOF PITCH = 4:1 TO MATCH EXISTING ROOF

Concept Development Plans
 NOT FOR CONSTRUCTION



5307 Silvertip Dr. 78228

This plan may not be reproduced or reused without the written consent of KM BUILDERS. Documents created by KM BUILDERS show design intent only, and all aspects shall be verified by the builder or user before any construction begins. In case of discrepancies or omissions in the drawings, or if in doubt as to their meaning, the owner should be notified before any work is started. This drawing makes no assertion to suitability or engineering.

Vernon W. Moehle
5307 Silvertip Dr.
San Antonio, Texas 78228

LEGAL DESCRIPTION: NCB 14301 BLK 8 LOT 35
ACREAGE: 00000.1818 ACRES

ONE ACRE = 43,560 SF.

LOT SIZE = 66' X 120' = 7,920 SF

HOUSE WITH PROPOSED ADDITION: 49' X 37'4" = 1,828 SF
PATIO: 12' X 37' = 444 SF
TOTAL SF: 2272 SF

DRIVE WAY: 31'6" X 10' = 315 SF

WORK SHOP 12' X 20' = 240 SF

HOME: 2272 SF
DRIVEWAY: 315 SF
WORKSHOP: 240 SF (ON 15 PIERS ONLY)
TOTAL: 2,827 SF

ALLOWED: 35% COVERAGE
7,920 X 35% = 2,772 SF

TOTAL COVERAGE: 2,827 SF
ACTUAL: 2,772 SF

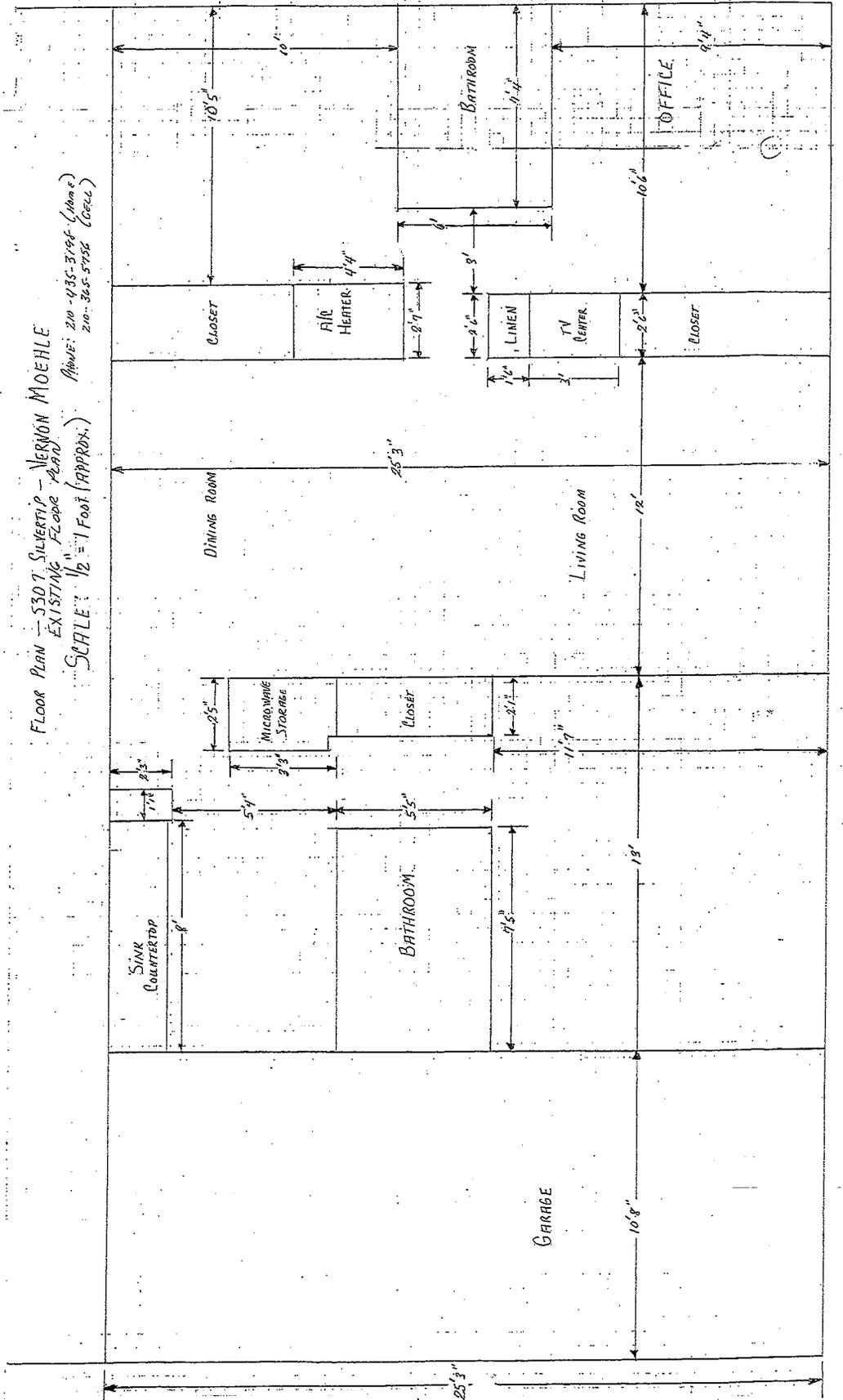
COVERAGE ABOVE ALLOWANCE = 55 SF

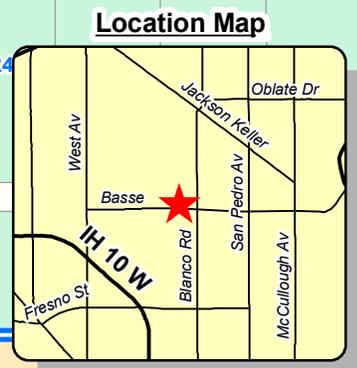
55 SF = 0.0069%

FLOOR PLAN - 5307 SILVERTOP - VERNON MOEHLE

EXISTING FLOOR PLAN
 PHONE: 210-435-3196 (Home)
 210-365-5706 (Cell)

SCALE: 1/2" = 1 FOOT (APPROX.)





Board of Adjustment
Notification Plan for
Case A-10-049



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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-049
Date: July 19, 2010
Applicant: Emilio Gonzalez
Owner: Emilio Gonzalez
Location: 134 Laurelwood Drive
Legal Description: Lot 5, Block 4, NCB 9673
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject: Side Setback and Accessory Dwelling Unit Footprint Variances
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting 1) an 8-inch variance from the 5-foot side setback requirement of the "R-4" zoning district, in order to allow an accessory dwelling unit 4 feet 4 inches from the east side property line and 2) a 178.2 square foot variance from the requirement that accessory dwelling units not exceed 40 percent of the footprint of the principle structure, in order to allow an accessory dwelling unit with a footprint of 667 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 and registered neighborhood associations within two hundred (200) feet of the subject property on July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|------------------------------------|--------------------------|
| North | R-4 AHOD (Single Family) | Single Family Residences |
| South | R-4 AHOD (Single Family) | Single Family Residences |
| East | R-4 AHOD (Single Family) | Single Family Residences |
| West | R-4 AHOD (Single Family) | Single Family Residences |

Project Description

The variances requested are to allow the applicant to keep an existing accessory detached dwelling unit (ADDU) as is, 4 feet 4 inches from the east side property line with a footprint 178.2 square feet in excess of the footprint allowed. The structure in question was converted from a previously existing detached garage, which was also remodeled without permits being issued, and is situated 4 feet 4 inches from the east side property line. The Bexar County Appraisal District tax record for the subject property indicates a detached garage 480 square feet in size.

The applicant indicates that the granting of the variance is not contrary to the public interest as the location of the ADDU will not impact any of the adjacent properties.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Central Neighborhood Association. It is also located within the Greater Dellview Area Community Plan. Staff has not received a reply from the neighborhood association as of July 13.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The granting of the variances would not be contrary to the public interest as the structure in question was converted from an existing detached garage in the same location. Additionally, while the footprint of the ADDU is greater than the footprint permitted based on the footprint of the principle structure, the habitable floor area of the ADDU does not exceed the maximum floor area permitted.

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

The subject property does not possess any special conditions that would result in unnecessary hardship through the literal enforcement of the ordinance. It is of a size and shape typical of the district and is not characterized by exceptional topography.

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

The granting of the variances would not be in keeping with the spirit of the ordinance, nor would it do justice to the intent of the ADDU regulations to keep accessory dwellings secondary and subordinate to the primary residences. The ADDU is of such scale as to no longer be secondary to the primary structure and sufficient space exists to position the structure in a way that meets the setback requirements.

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

The granting of these variances will not authorize a use other than those specifically authorized in the "R-4 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 granting of the variances will not substantially injure the appropriate use of the adjacent conforming property as the use will remain residential single family and does not encroach over property lines. Neither will the granting of the variances alter the essential character of the district as a single family residential neighborhood.

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 property owner is not due to unique circumstances existing on the property. Were building permits sought prior to the conversion to an ADDU, the applicant would have been made aware of the building footprint and setback requirements for ADDUs.

Staff Recommendation

Staff recommends **denial** of **A-10-049, 134 Laurelwood Drive**, because the findings of fact have not been satisfied as presented above. The applicant has not provided sufficient evidence of the existence of special conditions that would create unnecessary hardship in the reasonable use of the property. Additionally, the subject property possesses sufficient space on which to locate an ADDU in a way that is in keeping with the required setbacks.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 –Submitted Building Plans

NCB 9673
Block 4
Lot 5

Existing Residence

Accessory Dwelling

178.2 Square Foot
Variance Request

Variance request
8" encroachment into
side setback

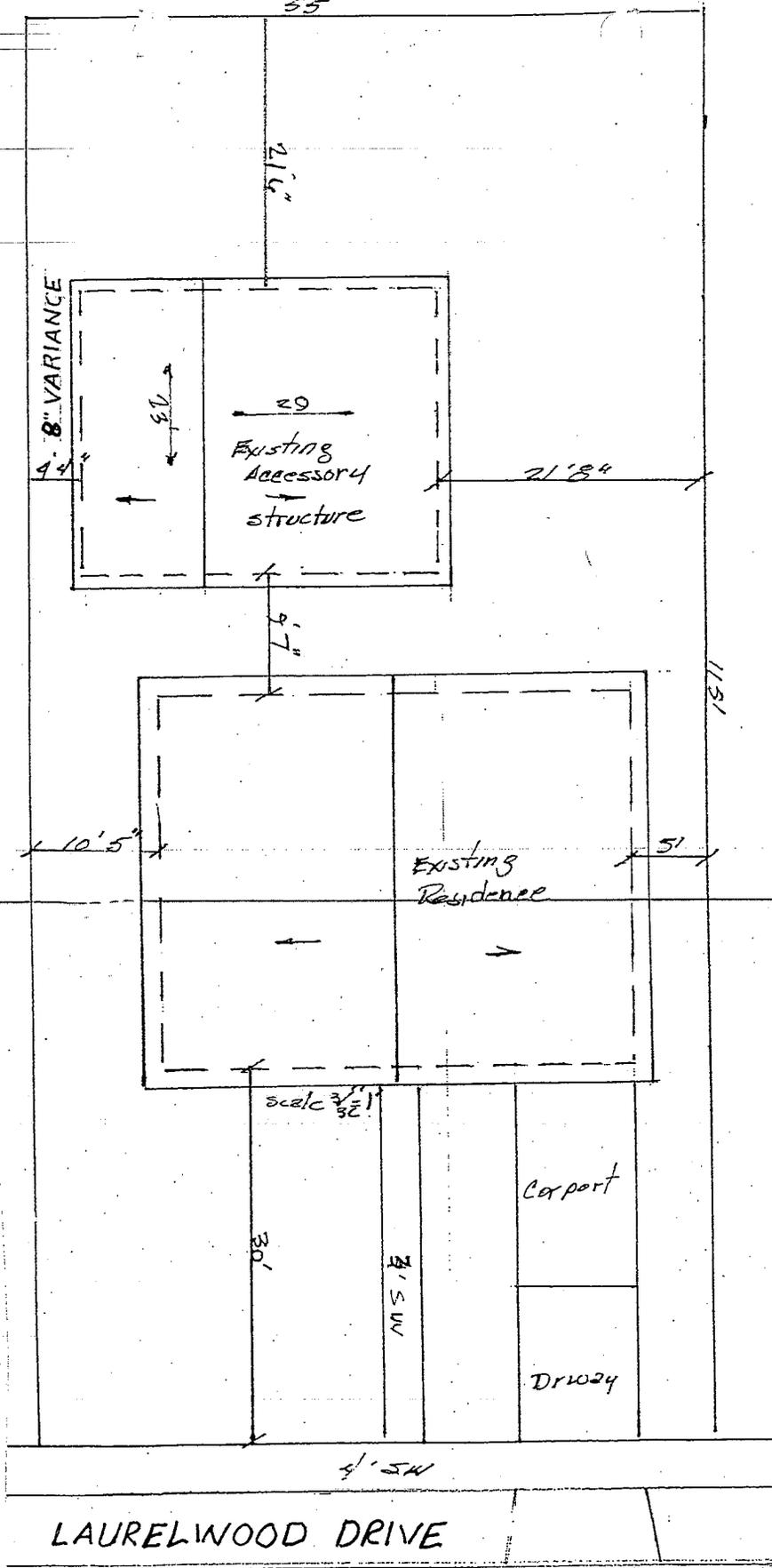
Board of Adjustment
Plot Plan for
Case A-10-049



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

134 Laurelwood Dr.

Planning and Development Services Dept
City of San Antonio
(6/18/2010)



OWNER: EMILIO GONZALEZ
 Address: 134 LAURELWOOD DR
 NEB 9673. B1K 4. Lot 5
 scale 3/32" = 1'

PLAT IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS:
 Volume 2725, Page 671, Deed Records, Volume 2805, Page 194, Deed and Plat Records.

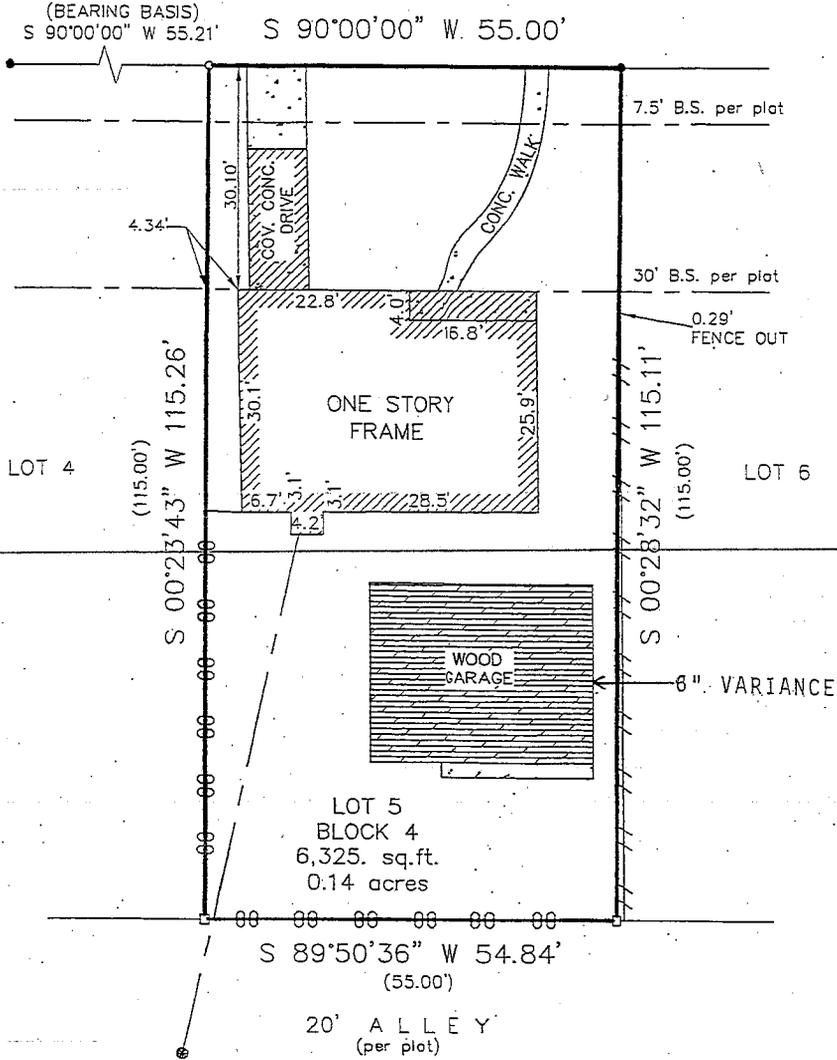
| | | | | |
|--------|---------------------|--------------------------|------------------------|-----------------------------|
| LEGEND | ○ = FND IRON ROD | △ = CALCULATED POINT | ⊙ = POWER POLE | B.S. = BUILDING SETBACK |
| | × = "X" ON CONCRETE | ☒ = TELEPHONE PEDESTAL | — = OVERHEAD ELECTRIC | U.E. = UTILITY EASEMENT |
| | □ = FENCE POST | ⊞ = CABLE TELEVISION | -x- = WIRE FENCE | D.E. = DRAINAGE EASEMENT |
| | ▲ = PK NAIL | ⊙ = WATER METER | --- = WOOD FENCE | E.E. = ELECTRIC EASEMENT |
| | | () = RECORD INFORMATION | —o— = CHAIN LINK FENCE | M.E. = MAINTENANCE EASEMENT |

As scaled from FEMA's FLOOD INSURANCE RATE MAP, Community No. 480045, Panel No. 0432 E Panel Dated 02-16-96, this tract is in Zone(s) X and is not in a special flood hazard zone. This flood zone information is to be used for informational purposes only. This surveyor does not certify to any information provided by FEMA.

LAURELWOOD DRIVE
(50' R.O.W.)

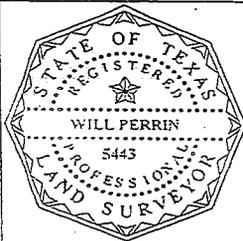


SCALE: 1" = 20'



| | |
|---|---------------------------------------|
| PROPERTY ADDRESS 134 LAURELWOOD DRIVE | BORROWER EMILIO R. GONZALES |
| PROPERTY DESCRIPTION Lot 5, Block 4, New City Block 9673, ALLENA VILLAGE, City of San Antonio, Bexar County, Texas, according to plat thereof, recorded in Volume 2805, Page 194, Deed and Plat Records of Bexar County, Texas. | |

Westar Alamo
 LAND SURVEYORS, INC.
 P.O. BOX 1036 HELOTES, TEXAS 78023-1036
 PHONE (210) 372-9500 FAX (210) 372-9999

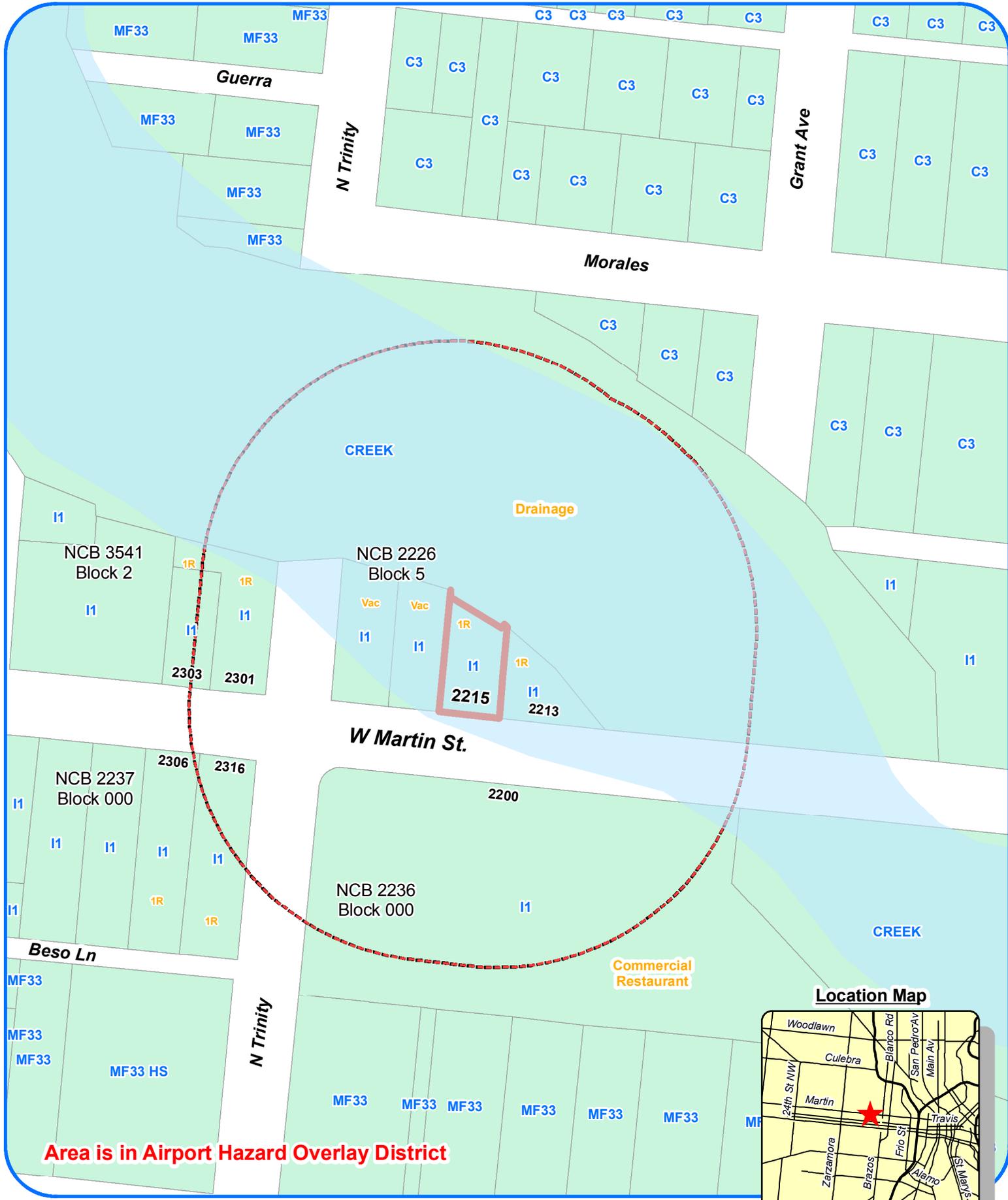


I, WILL PERRIN, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements,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

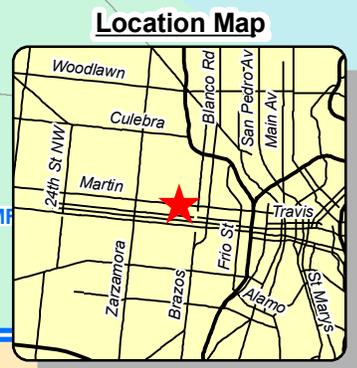
Will Perrin

WILL PERRIN
 Registered Professional Land Surveyor
 Texas Registration No. 5443

| | | |
|--------------------|---------------|---------------------|
| G.F. NO. 121005077 | JOB NO. 14581 | DATE: June 22, 2005 |
| DRAWN BY: D.G. | | |



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-051



Legend

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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-051
Date: July 19, 2010
Applicant: Alma R. Saiz
Owner: Alma R. Saiz
Location: 2215 West Martin Street
Legal Description: The South Irregular 89 Feet of Lot 10, Block 5, NCB 2226
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Subject: One Operator Beauty/Barber Shop
Prepared By: Jacob Floyd, Planner

Summary

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|-----------------------|--|
| I-1 AHOD (Industrial) | Single-Family Residence and One-Operator Beauty/Barber Shop (Proposed) |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|------------------------------------|-----------------------|
| North | N/A | Alazan Creek |
| South | I-1 AHOD (Industrial) | Restaurant |
| East | I-1 AHOD (Industrial) | Single-Family |
| West | I-1 AHOD (Industrial) | Single-Family, Vacant |

Project Description

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

The applicant has proposed hours of operation to be 10:00 a.m. to 5:00 p.m. Monday through Saturday. Weekly proposed hours of operation total 42 hours.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a neighborhood or community plan. The property is located within the boundaries of the Prospect Hill Neighborhood Association. As of July 9 staff has not received a response from the neighborhood association.

Criteria for Review

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

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

The requested special exception is in harmony with the spirit and purpose of this chapter in that the applicant has indicated she will operate according to the criteria established in Section 35-399.01 of the Unified Development Code.

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

The requested special exception will further serve the public welfare in that the proposed beauty/barbershop will serve as a public convenience within a residential area.

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

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

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

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

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

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

Staff Recommendation

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

Staff recommends that **A-10-051, 2215 West Martin Street, be approved for a two-year period** with hours of operation not to exceed 42 hours weekly.

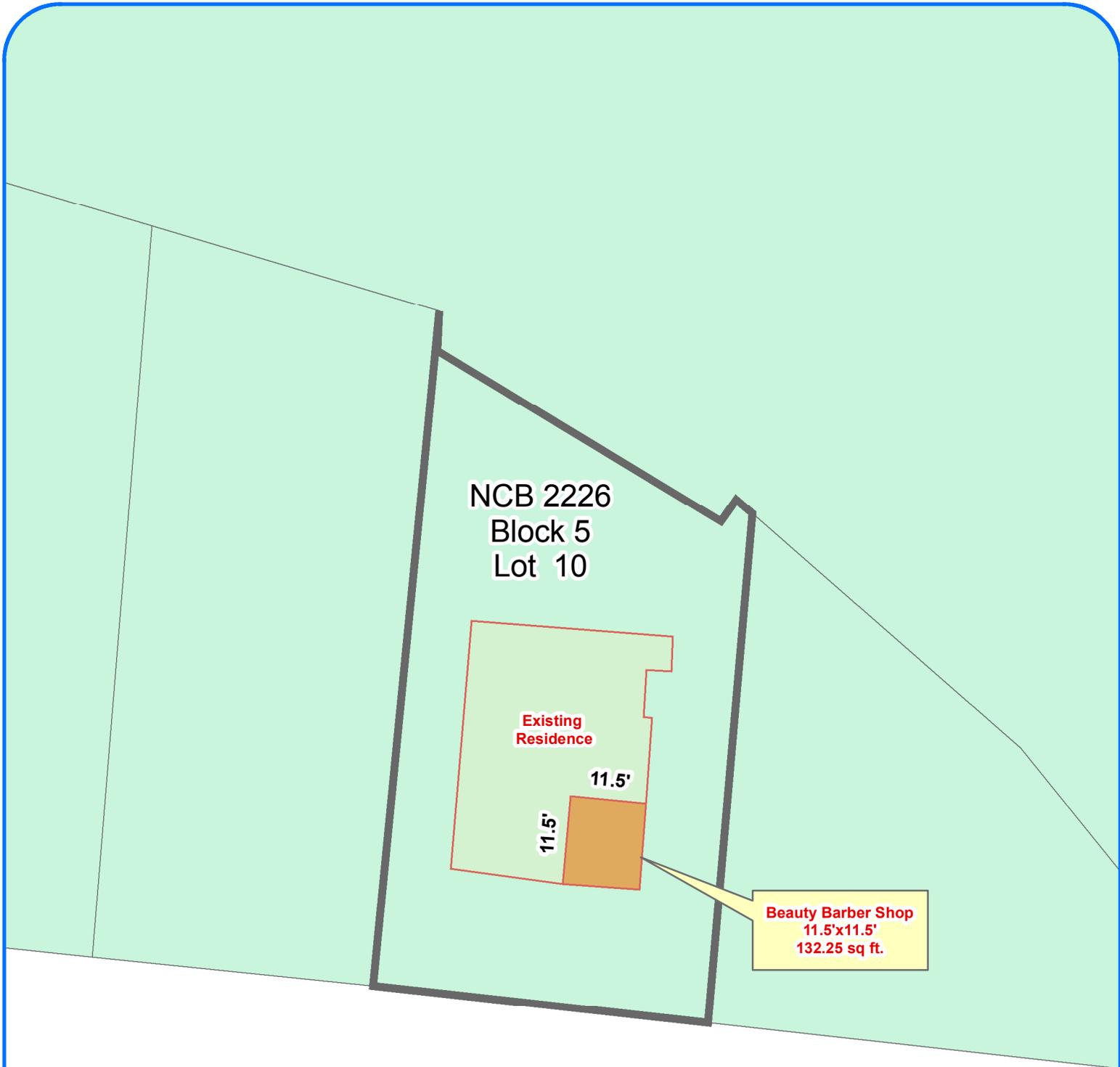
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Floor Plan

Attachment 4 – Copy of Application



NCB 2226
Block 5
Lot 10

Existing
Residence

11.5'

11.5'

Beauty Barber Shop
11.5'x11.5'
132.25 sq ft.

W. Martin St.

Board of Adjustment
Plot Plan for
Case A-10-051



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

2215 W. Martin St.

Planning and Development Services Dept
City of San Antonio
(6/18/2010)

REQUEST FOR A SPECIAL EXCEPTION
to the
SAN ANTONIO BOARD OF ADJUSTMENT
for a
ONE OPERATOR BEAUTY/BARBER SHOP

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property Description:

Lot 10
Block 5
NCB 2226
Zoning I1

Property Address: 2215 W. MARTIN

The Applicant, ALMA R SAIZ of BEXAR County, requests the San Antonio Board of Adjustment consider a special exception to allow the operation of a one operator beauty shop or a one operator barber shop at the property identified above, pursuant to Section 35-399.01 of the Unified Development Code (UDC).

Section 35-399.01 Barber Shops and Beauty Shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions, and restriction (please initial):

- AKS 1. A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the barbershop or beauty shop is to be located shall be submitted.
- AKS 2. The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the barber shop or beauty shop shall be permitted.
- AKS 3. Signs advertising the barbershop and beauty shop are not permitted, but a name plate not to exceed one (1) square foot is permitted, when attached flat to the main structure.
- A.KS 4. The barber shop or beauty shop shall be located within the main structure of the lot and not utilize more than 25% of the gross floor area of the first floor. In case of a barber shop or beauty shop in a duplex, the 25% gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a barber shop or beauty shop in an apartment unit, the Board of Adjustment shall determine the area to be used for said operations.
- A.KS 5. The barbershop or beauty shop shall be limited to one (1) operator shop.
- A.KS 6. No person not residing in the premises may be employed in the operation of the barber shop or beauty shop.
- A.KS 7. Hours of operation shall be regulated by the Board and shall be specified in the minutes of the case.
- AKS 8. The Barber/Beauty Shop shall not be contrary to the public interest.
- AKS 9. Granting of the permit for a barber shop or beauty shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Proposed hours of operation:

10 AM 5 PM MON. TH. ~~FRI~~ SAT

Comments:

I, applicant, hereby authorize _____ of _____
to represent me in the matters to this case.

Signed: Alma R Saur
(Property Owner)

Date: 5-18-10

Respectfully submitted:

Applicants Name: Alma R Saur

Mailing Address: 2215 W. S. MARTIN
S. A. TX 78207

Telephone: 2107 296-9012

Please submit:

- Filing Fee - \$400.00
- Check made payable to: City of San Antonio
- Plot Plan,
- Photographs of the structure to be used,
- Proposed hours of operation,
- Floor plan of proposed beauty shop or barber shop operation.

AN APPLICATION CAN ONLY BE ACCEPTED BY MAIL IF COMPLETE. INCOMPLETE APPLICATIONS, ALONG WITH THE REQUIRED FEES, WILL BE MAILED BACK TO THE APPLICANT IN ACCORDANCE WITH CITY CASH HANDLING POLICIES.

PLOT PLAN
FOR
BLDG PERMITS

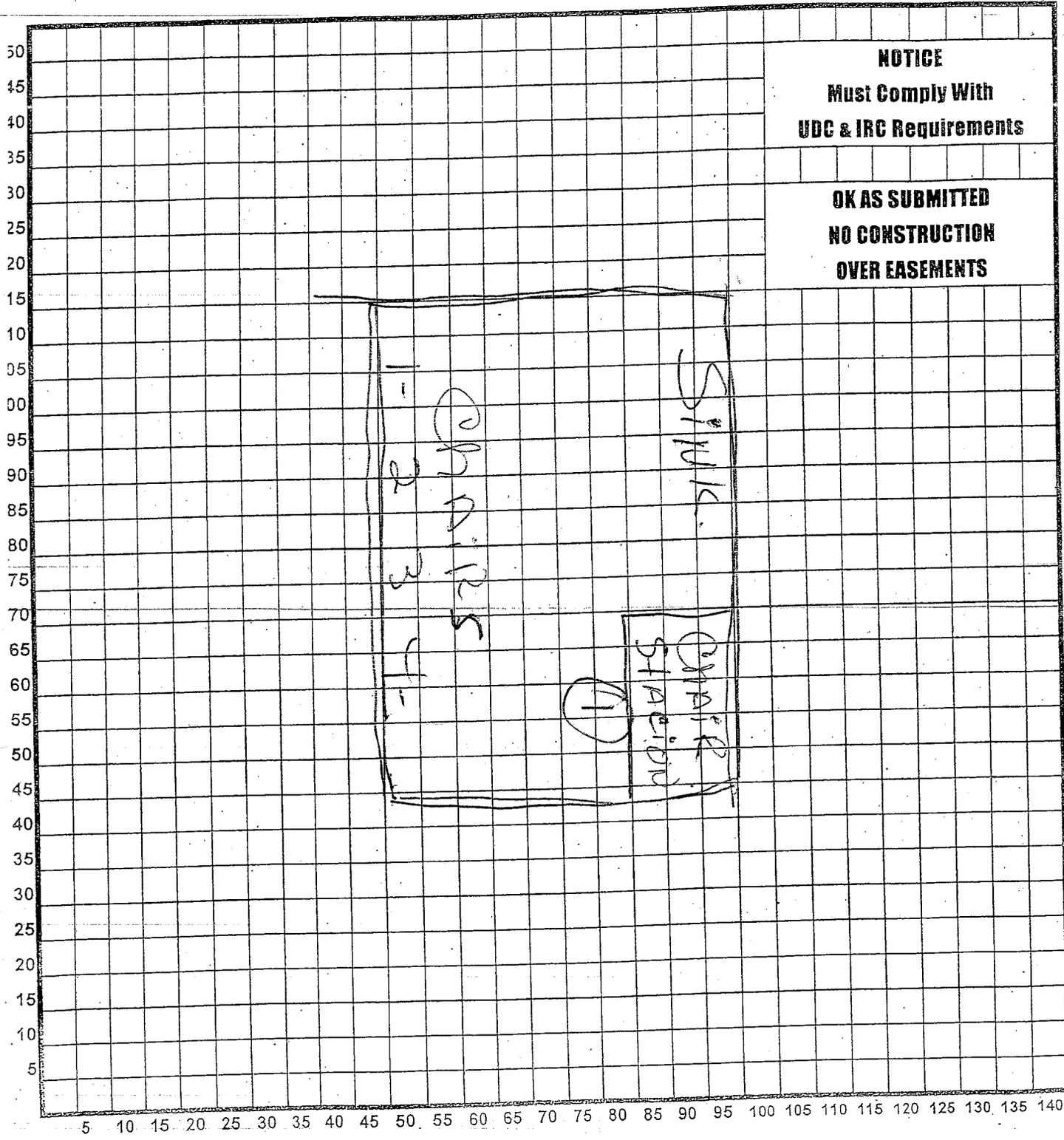
Address _____

Lot _____

Block _____

NCB _____

REAR



NOTICE
Must Comply With
UDC & IRC Requirements

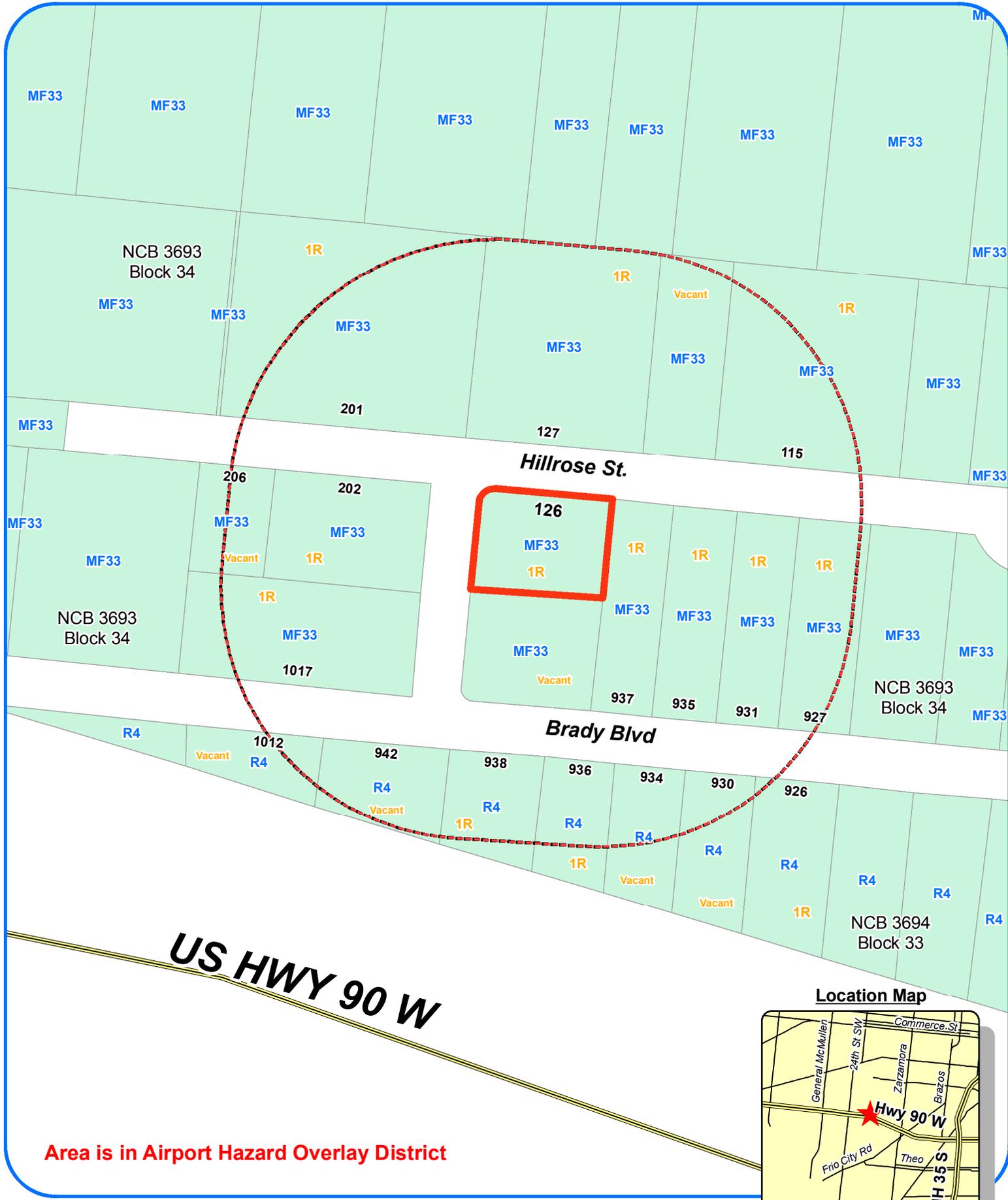
OK AS SUBMITTED
NO CONSTRUCTION
OVER EASEMENTS

FRONT

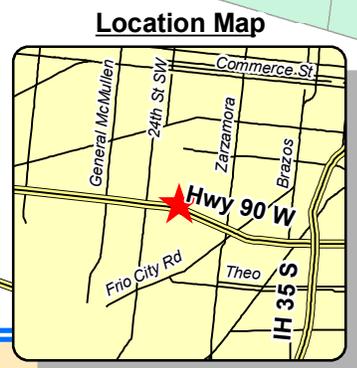
I certify that the above plot plan shows all improvements on this property

_____ Date

_____ Signature of Applicant



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-052



- Legend**
- Subject Property
 - 200' Notification Boundary
 - Scale: 1" approx. = 100'
 - Council District 5



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-052
Date: July 19, 2010
Applicant: Sanjuanita E. Hernandez
Owner: Guillermo D. & Sanjuanita E. Hernandez
Location: 126 Hillrose Street
Legal Description: Lot 144, Block 34, NCB 3693
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District
Subject: Special Exception for an Ornamental Iron Front Yard Fence
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a special exception to allow an ornamental iron front yard fence not to exceed 6 feet in height.

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 July 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on July 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 16, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--------------------------|-------------------------|
| MF-33 AHOD (Multifamily) | Single Family Residence |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|----------------------------------|
| North | MF-33 AHOD (Multifamily) | Single Family Residences |
| South | MF-33 AHOD (Multifamily), R-4 AHOD (Single Family) | Vacant, Single Family Residences |
| East | MF-33 AHOD (Multifamily) | Single Family Residences |
| West | MF-33 AHOD (Multifamily) | Single Family Residences |

Project Description

The applicant is requesting the special exception to be allowed an ornamental iron fence in the front yard, not to exceed a height of 6 feet. The fence requested is already constructed on the property, with a height ranging from 4 feet to approximately 5 feet in height. The applicant applied for a fence permit on June 8, 2010 for a 4-foot "rod iron fence" in the front yard.

The design of the fence adheres to the conditions required by Section 35-399.04(a) of the UDC in terms of its height, spacing between vertical bars, width of vertical bars, and the width and spacing of the posts.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a neighborhood or community plan, nor is it within a neighborhood association.

Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five (5) following conditions:

- A. The special exception will be in harmony with the spirit and purpose of the chapter.

The granting of the special exception will be in harmony with the spirit and purpose of the chapter. The fence in question follows the design conditions of Section 35-399.04(a) of the UDC.

- B. The public welfare and convenience will be substantially served.

The public welfare and convenience will be substantially served in the granting of the request as the fence will permit the applicant to secure the subject property to the extent desired.

- C. The neighboring property will not be substantially injured by such proposed use.

The neighboring property will not be substantially injured by the proposed use, as the use will remain single-family residential.

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

The special exception will not alter the essential character of the district in which it is sought as fences of similar configuration are scattered throughout the general area.

- E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The requested special exception will not weaken the general purpose of the "MF-33" zoning district nor the corresponding fence height regulations, as a predominantly open fence of a slightly lesser height would be permitted by right. The additional height of the fence in question is not so great as to conflict with the scale of the neighborhood.

Staff Recommendation

Staff recommends **approval of A-10-052, 126 Hillrose Street**, because the conditions necessary for the granting of the requested special exception have been satisfied, as presented above. The existing front-yard fence (for which the special exception is sought) is of a size and scale consistent with the general conditions of the neighborhood as a whole. Additionally, the design of the fence is in accordance with the design criteria specified in Section 399.04(a) of the Unified Development Code.

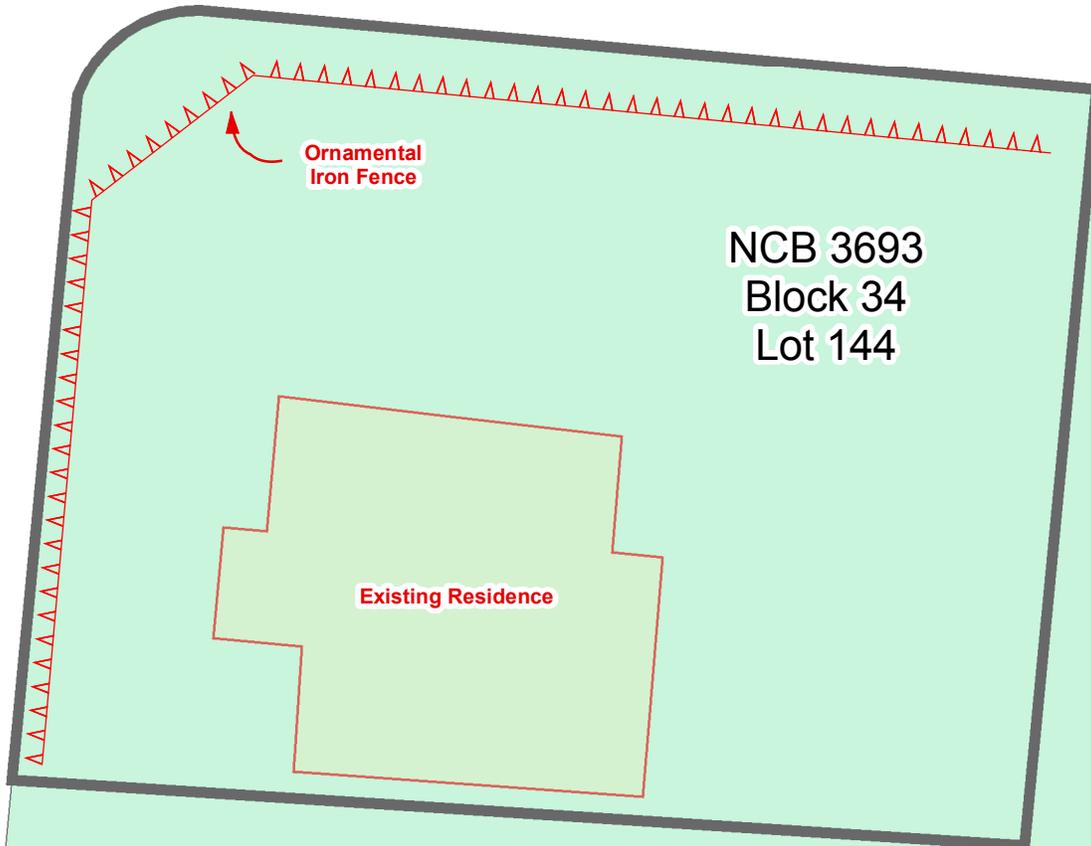
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Plot Plan Drawing with Fence Dimensions

Hillrose St.



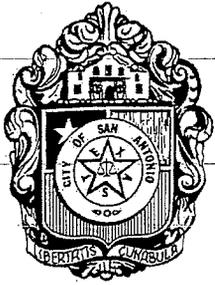
Board of Adjustment
Plot Plan for
Case A-10-052



Scale: 1" approx. = 20'
Council District 5

126 Hillrose St.

Planning and Development Services Dept
City of San Antonio
(6/18/2010)



REQUEST FOR A SPECIAL EXCEPTION
to the
SAN ANTONIO BOARD OF ADJUSTMENT
for an
ORNAMENTAL-IRON FRONT YARD FENCE

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot No.: 144
Block No.: 34
NCB: 3693

Property Address: 1216 Hillrose
Zoning: MF-33

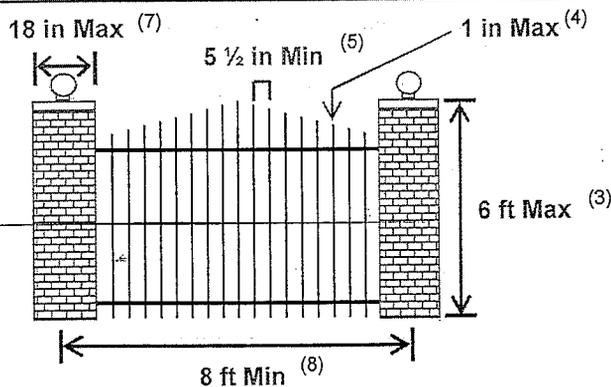
The Applicant, Sanjuanita E. Hernandez of Bexar County, requests the San Antonio Board of Adjustment consider a special exception to allow an ornamental-iron front yard fence, at the property identified above, pursuant to Section 35-399.04 of the Unified Development Code (UDC).

In order to be considered as a special exception rather than a variance, the following criteria, outlined in the UDC, must be met (please initial acknowledging adherence):

- JH (1) Application for a Special Exception for an ornamental-iron front yard fence over four (4) feet in height shall be filed by the owner or authorized agent with the Planning and Development Services Department.
- JH (2) A site plan drawn to scale shall be submitted with the application indicating the size, design, construction materials and location of the fence on the property.
- JH (3) On a corner lot, or near a drive-way junction with a street, the fence shall be erected in back of the area designated by this chapter for clear vision area/intersection sight distance.
- SH (4) The tallest element of the fence shall not exceed six (6) feet in height, as measured from the grade on the outside of the fence. For the purposes of this condition, the tallest element shall include the top of any column, pillar or post, but shall not include any fixtures or other decorative features attached to the top of any columns, pillars or posts.
- JH (5) Any portion of the fence over three (3) feet in height shall be constructed of ornamental-iron bars, or other forged iron bars. If vertical bars/ballisters are part of the design, each shall be no wider than one (1) inch, and the design shall provide a minimum of five and one-half (5½) inches of spacing between vertical bars/ballisters. The overall design of that area of the fence above three (3) feet in height shall be a minimum of seventy percent (70%) open.
- JH (6) Columns, pillars or posts at a maximum width of eighteen (18) inches each and spaced a minimum of eight (8) feet apart, measured from center-of-post to center-of-post, are permitted. The distance between columns/pillars/posts may be less than eight (8) feet if necessary for structural soundness or to accommodate a gate. However, columns/pillars/posts shall be at least three (3) feet apart where accommodating a pedestrian gate, and at least eight (8) feet apart where accommodating a vehicle gate, both measured from the inside edges of the two columns/pillars/posts. Regardless of the space between columns/pillars/posts, the seventy percent (70%) openness criteria and the clear vision area requirements shall be maintained.
- JH (7) The applicant shall comply with all other applicable codes and ordinances.
- JH (8) Submit filing fee of \$400.00, checks made payable to "City of San Antonio".

Ornamental-Iron Front Yard Fence Special Exception

| General Requirements | | Conditions Met? (circle) |
|----------------------|--|---|
| 1. | Must <u>not</u> be zoned Historic, designated as a Historic Landmark, or located within a Historic District | <input checked="" type="radio"/> Yes / No / <input checked="" type="radio"/> NA |
| 2. | Must <u>not</u> be located within an Overlay District which includes design standards that limit the height and design of front yard fences | <input checked="" type="radio"/> Yes / No / NA |
| 3. | Tallest element of the fence shall not exceed 6 feet in height <ul style="list-style-type: none"> • Measured from the grade on the outside of the fence • Fixtures attached to the top of any column, pillar or post are not factored into height | <input checked="" type="radio"/> Yes / No / NA |
| 4. | Vertical bars/balusters shall be no wider than 1 inch | <input checked="" type="radio"/> Yes / No / NA |
| 5. | There shall be a minimum of 5 ½ inches of spacing between vertical bars/balusters | <input checked="" type="radio"/> Yes / No / NA |
| 6. | The overall design of that area of the fence above 3 feet in height shall be a minimum of 70% open | <input checked="" type="radio"/> Yes / No / NA |
| 7. | Columns, pillars, or posts shall be no wider than 18 inches each | <input checked="" type="radio"/> Yes / No / NA |
| 8. | Columns, pillars, or posts shall be spaced a minimum of 8 feet apart <ul style="list-style-type: none"> • Measured from center-of-post to center-of-post • The distance between columns/pillars/posts may be less than 8 feet if necessary for structure soundness or to accommodate a gate (see item 9 for gate requirements) | <input checked="" type="radio"/> Yes / No / NA |
| 9. | Columns/pillars/posts shall be at least 3 feet apart where accommodating a pedestrian gate and at least 8 feet apart where accommodating a vehicle gate <ul style="list-style-type: none"> • Measured from the inside edges of the two columns/pillars/posts | <input checked="" type="radio"/> Yes / No / NA |



By signing below you acknowledge that the information provided above is true and accurate, and that the fence in question does, in fact, meet the requirements to be considered under this special exception.

Wajant E. H.
Property Owner Signature

6/18/10
Date

PLOT PLAN

FOR
BLDG PERMITS

ress 126 Hillrose

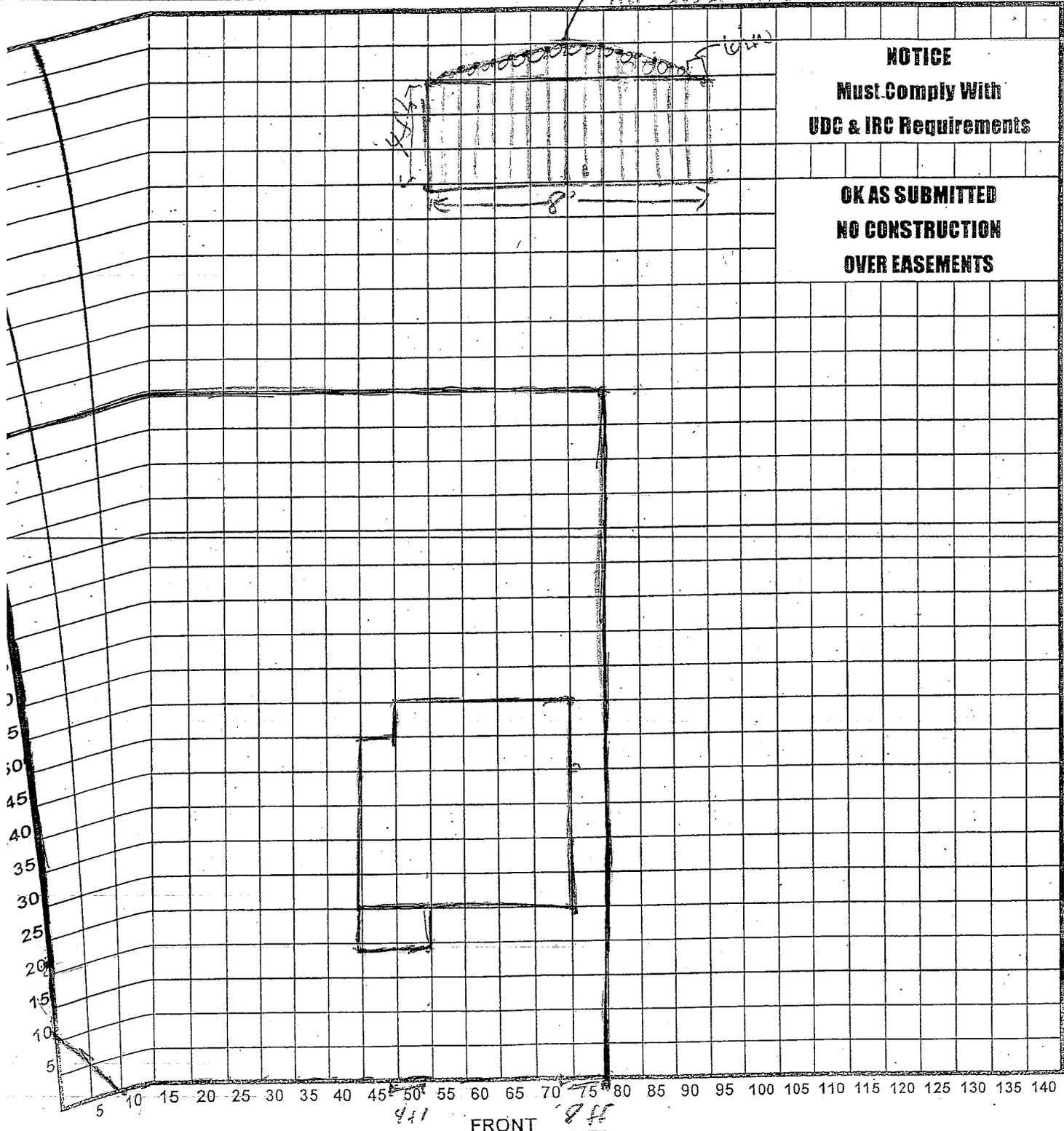
Lot 144

Block 34

NCB 31093

REAR

5' All steel fence



NOTICE
Must Comply With
UDC & IRC Requirements

OK AS SUBMITTED
NO CONSTRUCTION
OVER EASEMENTS

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

6/18/10
Date

Magistrate E. B. J.
Signature of Applicant