

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, June 16, 2014

1:00 P.M.

Training Room, Cliff Morton Development and Business Services Center

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

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1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-14-067:** The request of Salvador F. Ramos, Jr. for a 2-foot variance from the 6-foot maximum height limit to allow a solid fence 8 feet in height in the side and rear yard, located at 5819 Sloan Drive. (Council District 7)
5. **A-11-069:** The request of Victor Rodriguez for a 1) a 26-foot variance from the 30-foot rear yard setback; 2) 26-foot variance from the 30-foot side yard setback; 3) a 21-foot variance from the minimum 25-foot south and east property bufferyard to allow a building 4 feet from the property lines; and 4) a 30-foot variance from the minimum 80-foot lot width to allow a 50-foot wide lot in an Industrial I-1 zoning district, located at 1510 Capitol. (Council District 1)
6. **A-14-068:** The request of Juan F. Villanueva for a 5-foot variance from the 5-foot side yard setback to allow a carport on the west side property line, located at 174 Brandywine Avenue. (Council District 7)
7. **A-14-069:** The request of Brown & Ortiz for a request for a 25.5 foot variance from the minimum 50-foot lot width as required in the NCD-6 Mahncke Park Neighborhood Conservation District to allow single-family residential lots no less than 24.5 feet wide, located at 150 Humphrey Avenue. (Council District 2)
8. Approval of June 2, 2014 Board Meeting Minutes
9. Announcements and Adjournment

**ACCESSIBILITY STATEMENT** - *This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7268 or 711 (Texas Relay Service for the Deaf).*

**DECLARACIÓN DE ACCESIBILIDAD** – *Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al areunión. Para asistencia llamar a (210) 207-7268 o al 711 (servicio de transmitir para sordos).*

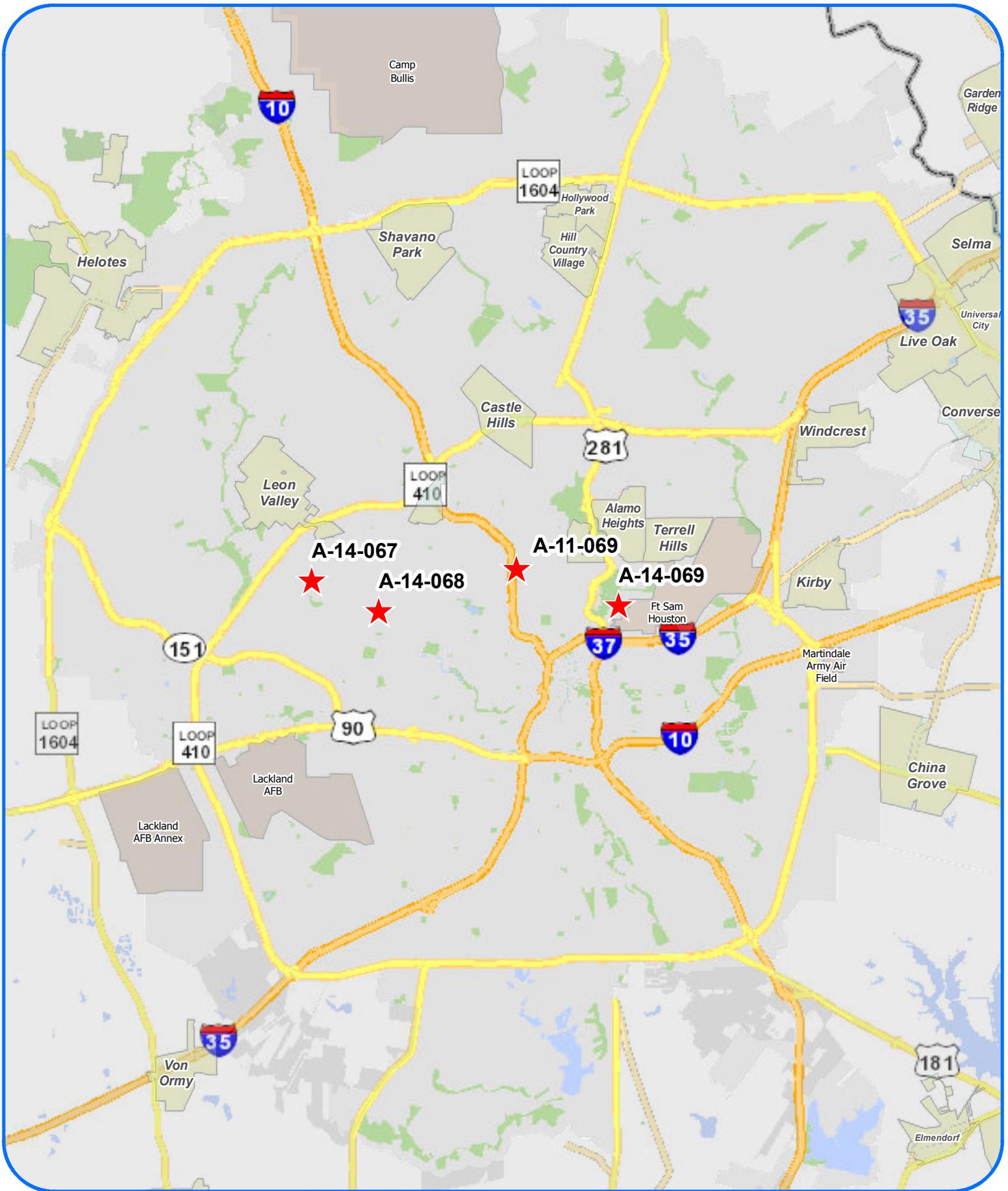
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### Board of Adjustment Membership

Andrew Ozuna, District 8, Chair      Mary Rogers, District 7, Vice Chair  
Frank Quijano, District 1 • Alan Neff, District 2 • Gabriel Velasquez, District 3 • George Britton, District 4  
Maria Cruz, District 5 • Jesse Zuniga, District 6 • John Kuderer, District 9 • Roger Martinez, District 10  
Gene Camargo, Mayor

### Alternate Members

Harold O. Atkinson • Paul E. Klein • Henry Rodriguez • Vacancy • Vacancy • Vacancy



# **Board of Adjustment**

**Subject Property Locations  
Cases for 16th June 2014**





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-14-067  
Date: June 16, 2014  
Applicant: Salvador F. Ramos, Jr.  
Owner: Salvador F. Ramos, Jr. and Joann Villareal  
Location: 5819 Sloan Drive  
Legal Description: Lot 39, Block 8, NCB 13654  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request from Section 35-514(d) for a 2-foot variance from the 6-foot maximum height limit to allow a solid fence 8 feet in height in the side and rear yard.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before May 29, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 13, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the north side of Sloan Drive, approximately 275 feet west of Darwin Drive.

The site is currently developed as a single-family residence. The applicant has installed a solid wood fence 8 feet in height along the side and rear property lines, without a permit. The fence is composed of wood, and consists of 6-foot high solid planks with an additional 2 feet of lattice on the top.

The applicant has stated that the fence is required due to thefts which have occurred at the residence, as well as to prevent the neighbor's dog from being able to jump the fence. The city's online crime tracking tool does indicate that there have been several reports of crime in the area.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family Residence

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan (designated as Suburban Tier). The subject property is located within the boundaries of Thunderbird Hills Neighborhood Association, a registered neighborhood association; as such, they were notified and asked to comment.

**Criteria for Review**

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

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

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. **The applicant's side and rear yard fences serve to protect the applicant from crime issues and the intrusion into their yard from a neighbor's dog. As the fence is only within the side and rear yard of the property, it does not change the character of the neighborhood and is not contrary to the public interest.**

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

**The special conditions existing on the property are a function of criminal activity in the area and intrusion from the neighbor's dog into the applicant's yard, as such, a literal enforcement of the ordinance would likely result in an unnecessary hardship.**

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

**The spirit of the ordinance will be observed as there are special conditions apparent to warrant the granting of a variance.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-5" Residential Single-Family base zoning district.**

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

**The requested variance, if approved, will likely not injure the appropriate use of any adjacent conforming properties, and the fence will likely not have a harmful effect on the character of the area.**

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.*

**Due to crime issues in the area, there are unique circumstances readily apparent to warrant the granting of the requested variance.**

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to modify the fence to 6 feet in height within the side and rear yard.

### **Staff Recommendation**

Staff recommends **approval of A-14-067** because of the following reasons:

- The prevalence of thefts in the area.
- The fence does not detract from the character of the neighborhood.

### **Attachments**

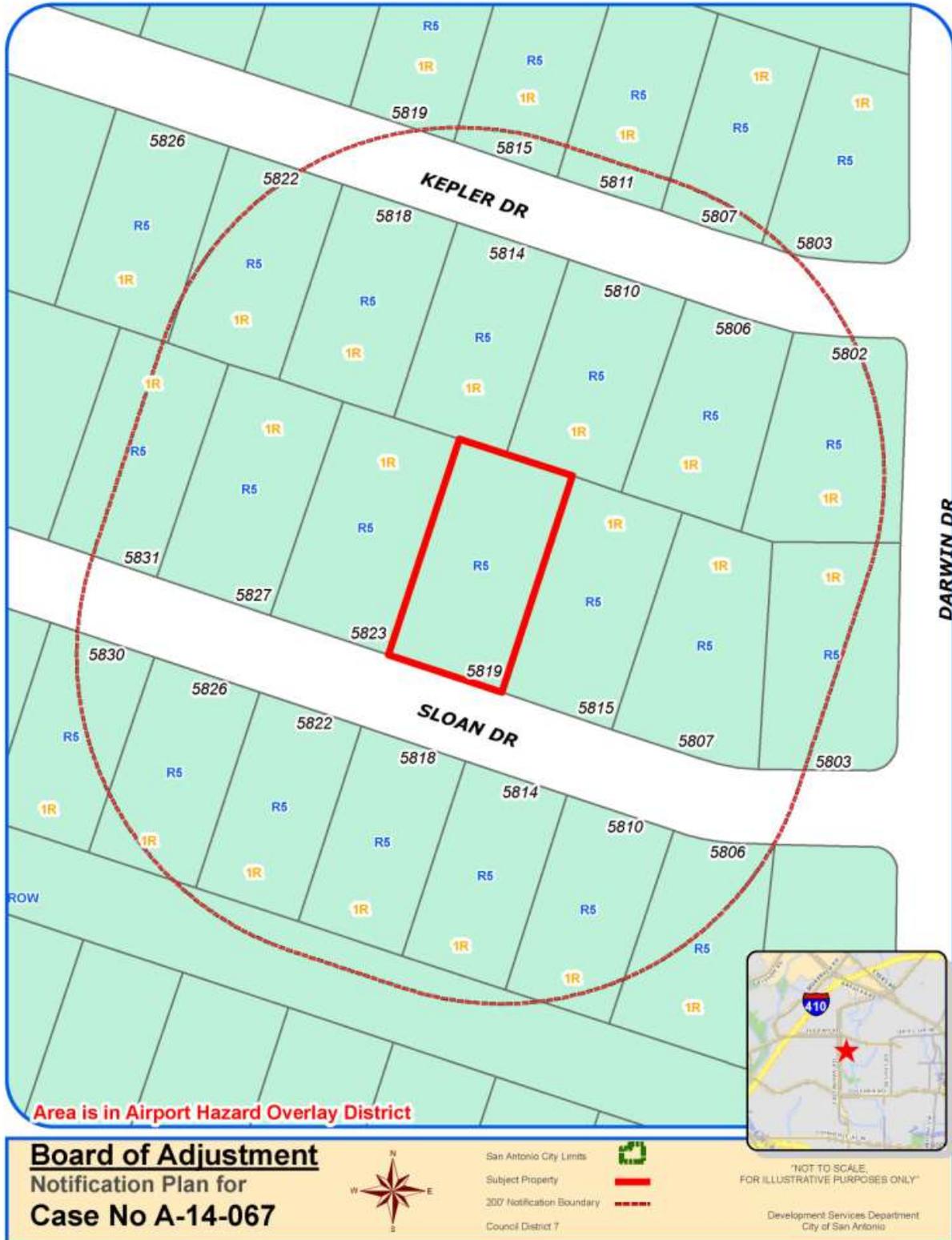
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

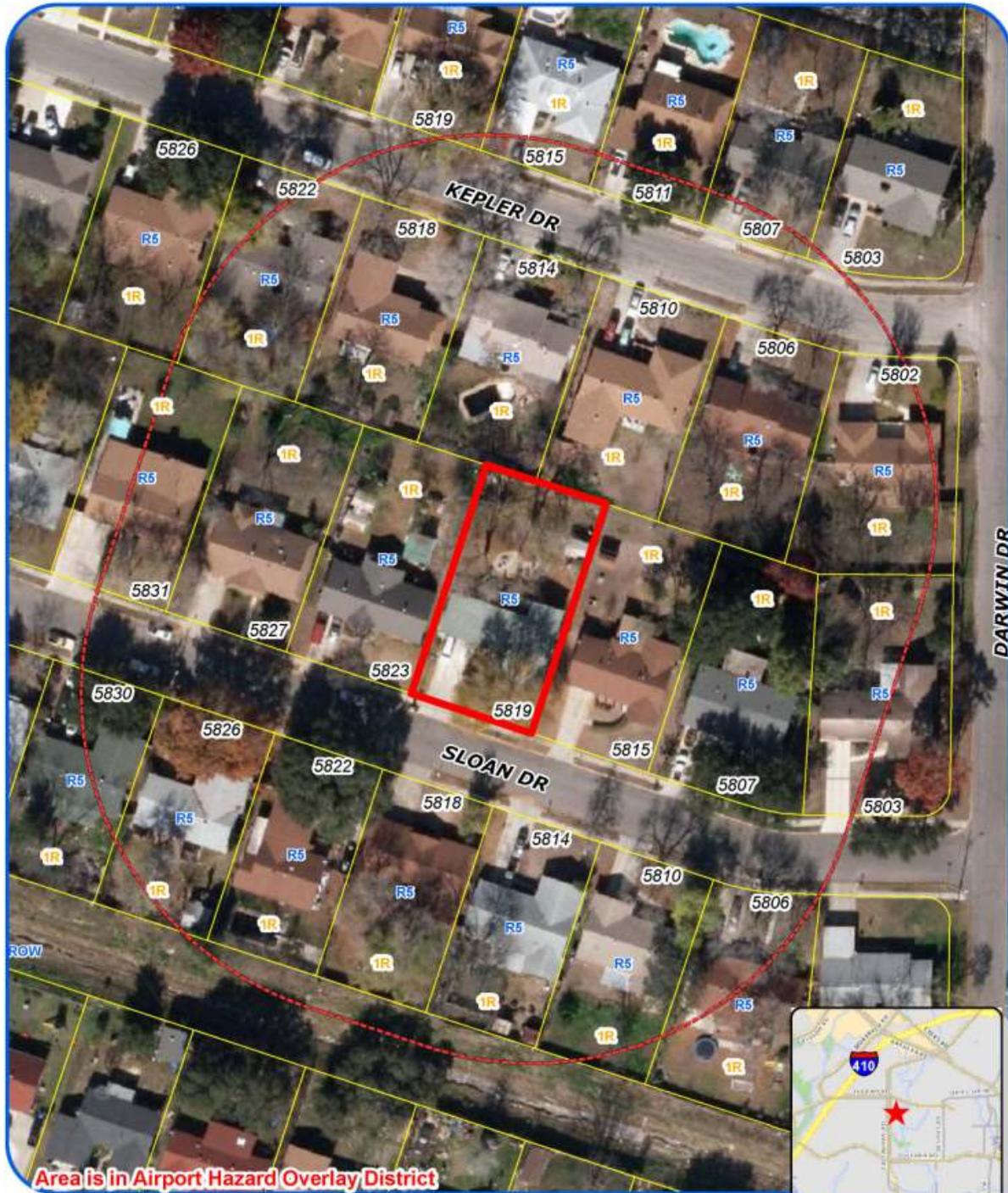
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



**Attachment 1 (Continued)  
Notification Plan**



**Area is in Airport Hazard Overlay District**

**Board of Adjustment  
Notification Plan for  
Case No A-14-067**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Variance Request:**  
A request for a 2-foot variance from the 6-foot maximum height limit to allow a solid fence 8 feet in height in the side and rear yard.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-067**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

**5819 Sloan**

Development Services Department  
City of San Antonio

1.306

Attachment 2 (Continued)  
Plot Plan



**Variance Request:**  
A request for a 2-foot variance from the 6-foot maximum height limit to allow a solid fence 8 feet in height in the side and rear yard.

**Board of Adjustment**  
Plot Plan for  
Case No A-14-067



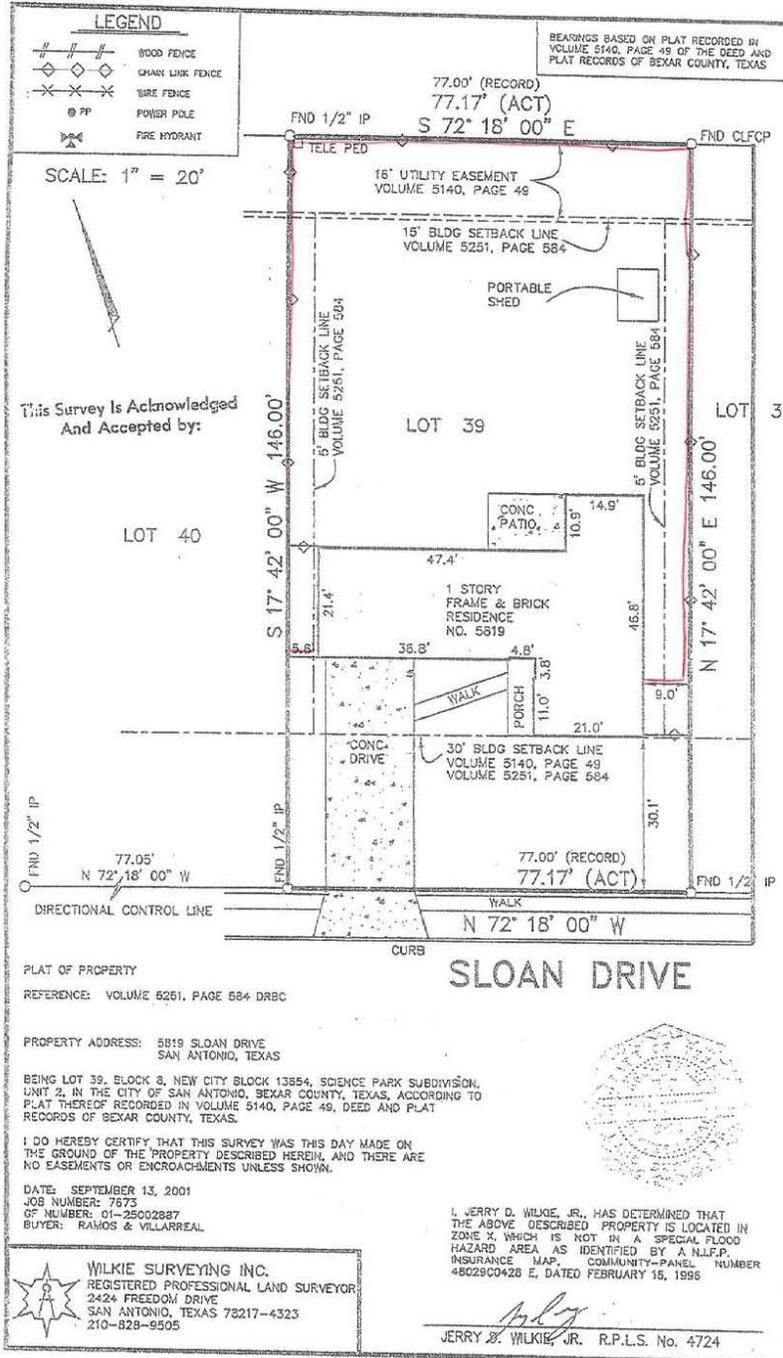
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

5819 Sloan

Development Services Department  
City of San Antonio

1.306

# Attachment 3 Applicant's Site Plan



**Attachment 4**  
**Site Photos**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-11-069  
Date: June 16, 2014  
Applicant: Victor Rodriguez  
Owner: Rodriguez Motors, Inc.  
Location: 1510 Capitol Avenue  
Legal Description: N. 50 feet of Lots 20 & 21, Block 12, NCB 3113  
Zoning: "I-1 NCD-5 AHOD" General Industrial Beacon Hill Neighborhood  
Conservation Airport Hazard Overlay Districts  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for 1) a 26-foot variance from the 30-foot rear yard setback; 2) a 26-foot variance from the 30-foot side yard setback; 3) a 21-foot variance from the minimum 25-foot south and east property bufferyards to allow a building 4 feet from the property lines; and 4) a 30-foot variance from the minimum 80-foot lot width, as required in Table 35-310-1, to allow a 50-foot wide lot in an Industrial I-1 zoning district.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on May 30, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 13, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The applicant purchased the 2,900 square foot parcel in October of 2008, as a property zoned Industrial "I-1". It is generally described as the north 50 feet of Lots 20 & 21 and was first separated from these two lots in June of 1949 by James & Ann West, who "illegally subdivided" this small portion and created the now non-conforming parcel. The 1948 City Directory shows the address housed a theatre equipment company called, Southwest Stage & Equipment, operated by E.R.Horak. It seems that the parcel separation was done to allow separate ownership of the

store by the tenant Horak. The store is also indicated on the 1952 Sanborn Maps. The property has stayed in the same configuration since that deed in 1949 and has been owned by several people in the interim. The structure was demolished by the City in 1985 as a dangerous premise. The applicant stated that the lot had a small modular building on it when he purchased it. Following the purchase, he was granted a Certificate of Occupancy in 2009 for vehicle storage, which did not trigger the setbacks.

Initially, the applicant was unfamiliar with the procedures required to develop land; he began expanding the structure without proper permits. A code investigation case was created and the applicant was directed to apply for the building permit. The building permit could not be granted for a variety of reasons, including the required setbacks and the fact that the lot had never been platted. The applicant applied for a variance in 2011, but the case was never scheduled.

The building and the property have been virtually unoccupied since 2011, despite Bexar County increasing the assessed value of the property over \$25,000 during that timeframe. The City disconnected the electricity in January of 2012. The applicant is ready to take the necessary steps to gain some “use” of the parcel. The use depends on so many factors, but ideally the applicant hopes to gain approval to retain the building in its location as a caretaker’s facility and use the property for vehicle storage as indicated in the Certificate of Occupancy. Toward that end, the applicant is requesting variances from the minimum setbacks and bufferyards.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“I-1 NCD-5 AHOD” Industrial Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Vehicle Storage

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 NCD-5 AHOD” General Commercial Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Multi-Tenant Commercial Center
South	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home
East	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home
West	“I-1 NCD-5 AHOD” Industrial Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Warehouse

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Midtown Plan, adopted by the City Council in 2000. The future land use plan designates this property as appropriate for low density residential uses. The subject property is located within the boundary of Beacon Hill, a registered neighborhood association. As such, they were notified and asked to comment.

### Criteria for Review

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

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

The public interest is defined as the general health, safety and welfare of the public at large. **The setbacks are intended to provide separation between conflicting uses. Enforcing the minimum 30-foot setbacks on a 50-foot wide parcel would effectively reduce the lot to “unbuildable”. If the building can be used as a caretaker’s facility, it could function as a single family home.**

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

**Literal enforcement of the ordinance would require that the applicant remove the building and adapt the industrial use to a 20-foot square in the northwest corner of the parcel. A car could not legally park there because it would be forced to back out into the street.** The Board will have to determine if the literal enforcement of the ordinance results in an unnecessary hardship.

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

For each requested variance, the Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the requirement. **The applicant is prepared to bring the property into compliance with building code and platting standards, honoring the spirit of the ordinance, while addressing a neighborhood concern.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “I-1 NCD-5 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.*

**Capitol Avenue is a street that has very few homes fronting on it; most of the homes in Beacon Hill front on the east & west streets. There are several industrial uses on Capitol Avenue and as such, this request will not alter the character of the district. It would be ideal if it could function as a residential type of use.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by*

*the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The subject property has been in this tiny configuration for over 65 years. The property has never succeeded since the original tenant sold it in 1966. Sheriff sales and City liens make up the majority of the title history. It needs variances to support any use, regardless of the zoning district.**

**Alternatives to Applicant's Request**

The applicant could deed it to one of the neighboring residential lots for expanded yard, or rezone it and seek residential setback variances.

**Staff Recommendation**

Staff recommends **approval** based on the following findings:

1. The lot is too small to satisfy any setbacks, regardless of the use.

**Attachments**

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Applicant's Site Plan
- Attachment 4 – Site Photos

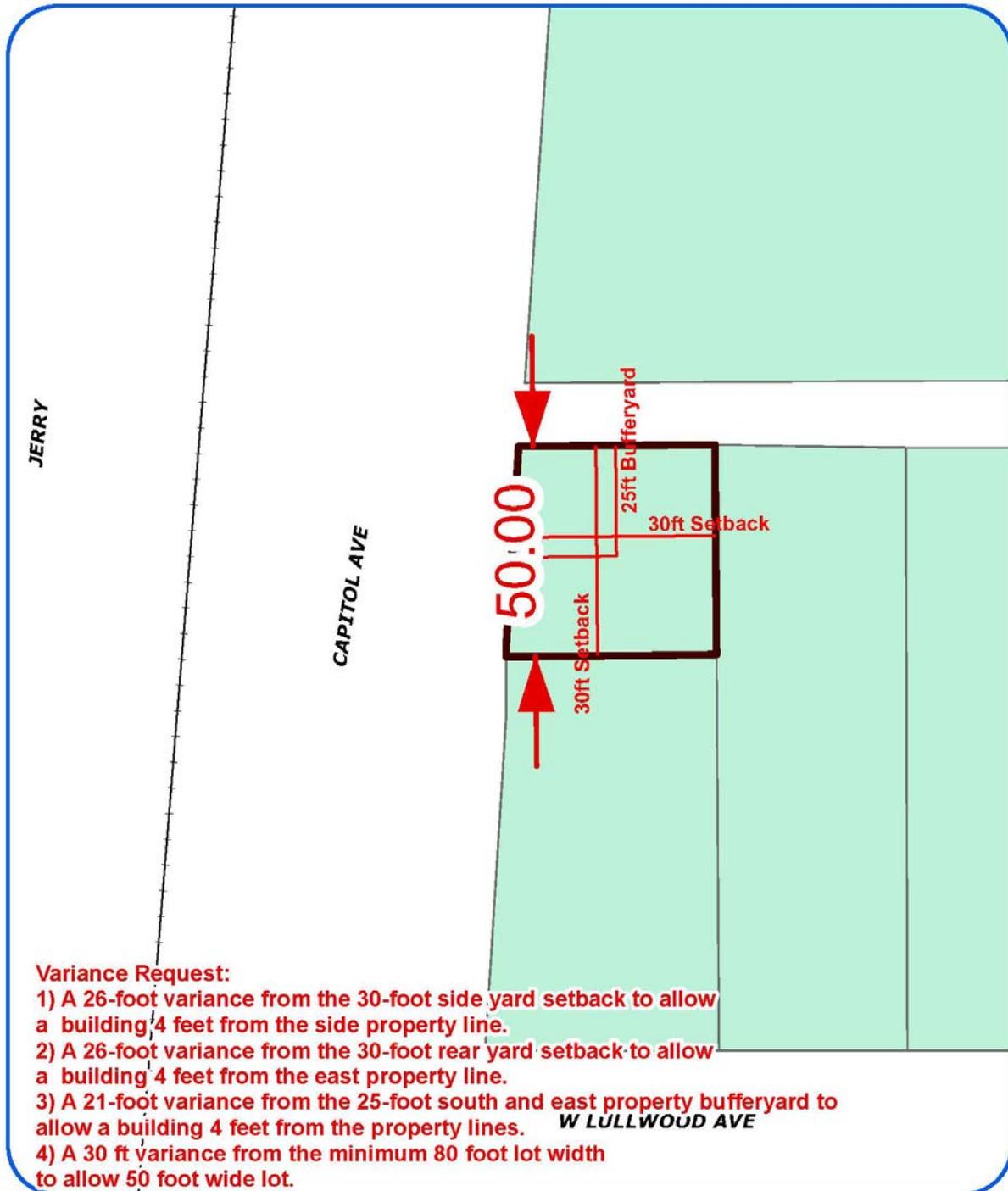
# Attachment 1 Notification Plan



**Attachment 1  
Notification Plan (continued)**



**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-11-069**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 1

**1510 Capitol**

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan (continued)**



**Board of Adjustment**  
Plot Plan for  
**Case No A-11-069**



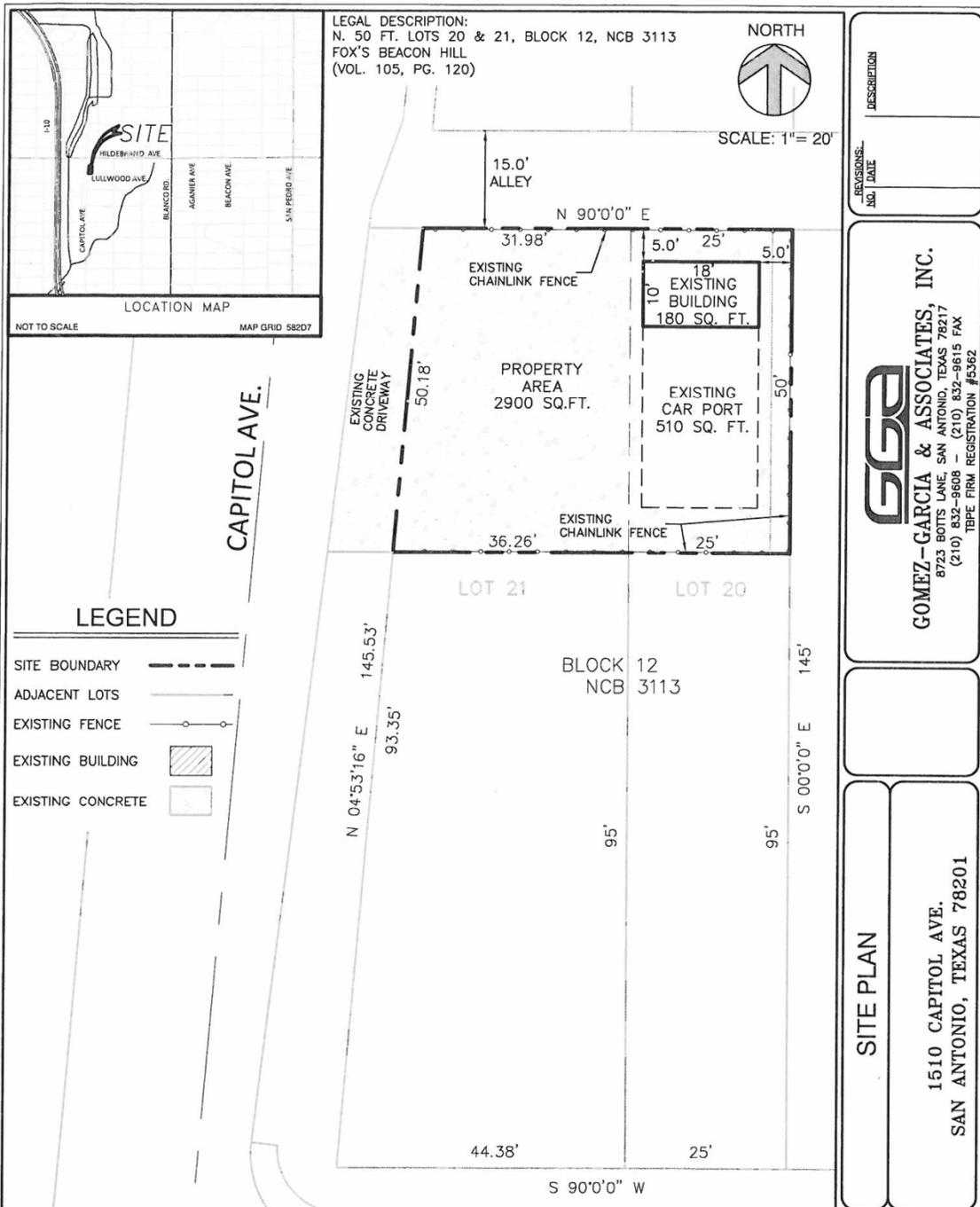
"NOT TO SCALE,  
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Council District 1

**1510 Capitol**

Development Services Department  
City of San Antonio

1.375

# Attachment 3 Applicant's Site Plan



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**Attachment 4  
Site Photos**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-14-068  
Date: June 16, 2014  
Applicant: Juan F. Villanueva  
Owner: Juan F. Villanueva  
Location: 174 Brandywine Avenue  
Legal Description: Lot 38, Block 1, NCB 9645  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request from Table 310-1 for a 5-foot variance from the 5-foot side yard setback to allow a structure on the west side property line.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before May 29, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 13, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the south side of Brandywine Avenue, approximately 100 feet east of Hillcrest Drive.

The site is currently developed as a single-family residence. The applicant has constructed a detached metal carport in front of the dwelling. The carport was constructed without permits and the applicant was cited by Code Compliance for the violation. The carport meets the front setback requirement as well as the parking area depth requirement; however the carport is constructed on the west property line.

If the variance were to be approved, the Plan Review section has indicated that the applicant would be required to provide a one-hour fire-resistance rated wall without any openings, or apply

for a code modification request. Plan review also has stated that a code modification request for a setback of at least 3 feet would have a better chance of approval.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family residence

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	"C-2 AHOD" Commercial Airport Hazard Overlay District	Health Care Center
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan (designated as General Urban Tier). The subject property is located within the boundaries of University Park Neighborhood Association, a registered neighborhood association; as such, they were notified and asked to comment.

**Criteria for Review**

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

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

Building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings. The structure abuts the neighboring property's required side yard area. By allowing the addition to remain, it may adversely affect the neighboring property by not allowing for adequate access.

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

The subject property is sufficiently wide enough to allow an open carport that meets the side yard setback requirement. As such, no special conditions exist on the property to warrant to granting of a variance.

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

The spirit of the ordinance will not be observed by granting the variance as the carport, as constructed, does not provide for adequate room to access the structure for maintenance and there are adequate alternatives to the structure's current placement.

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

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

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

The requested variance, if approved, may injure the appropriate use of the adjacent property to the west because there is not adequate space to maintain the structure.

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.*

There are no unique circumstances readily apparent to warrant the granting of the requested variances.

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to construct the carport in the rear of the main structure.

### **Staff Recommendation**

Staff recommends **denial of A-14-068** because of the following reasons:

- The addition does not allow enough room to be maintained and does not meet the spirit of the ordinance.

### **Attachments**

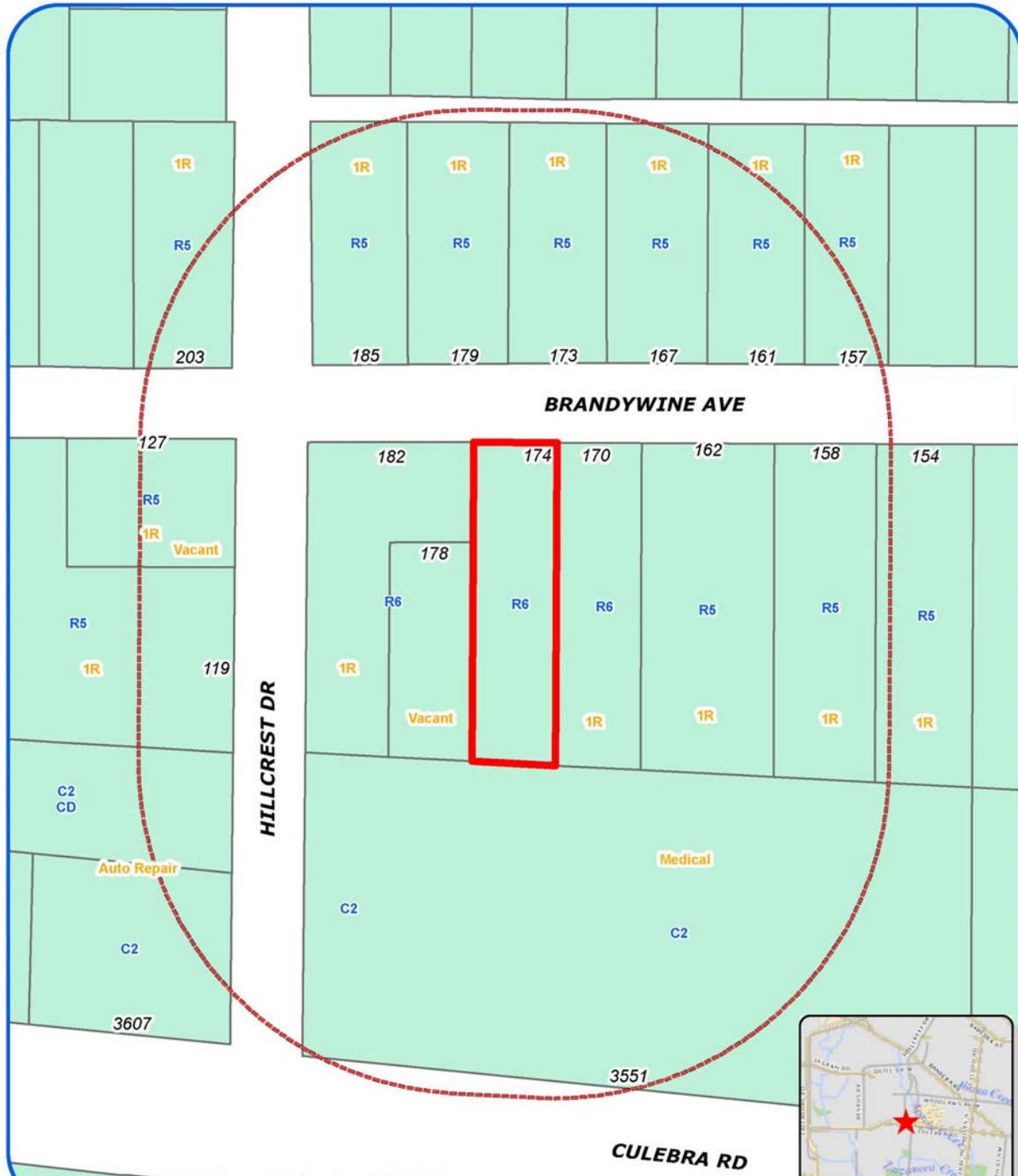
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



**Area is in Airport Hazard Overlay District**



**Board of Adjustment  
Notification Plan for  
Case No A-14-068**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7

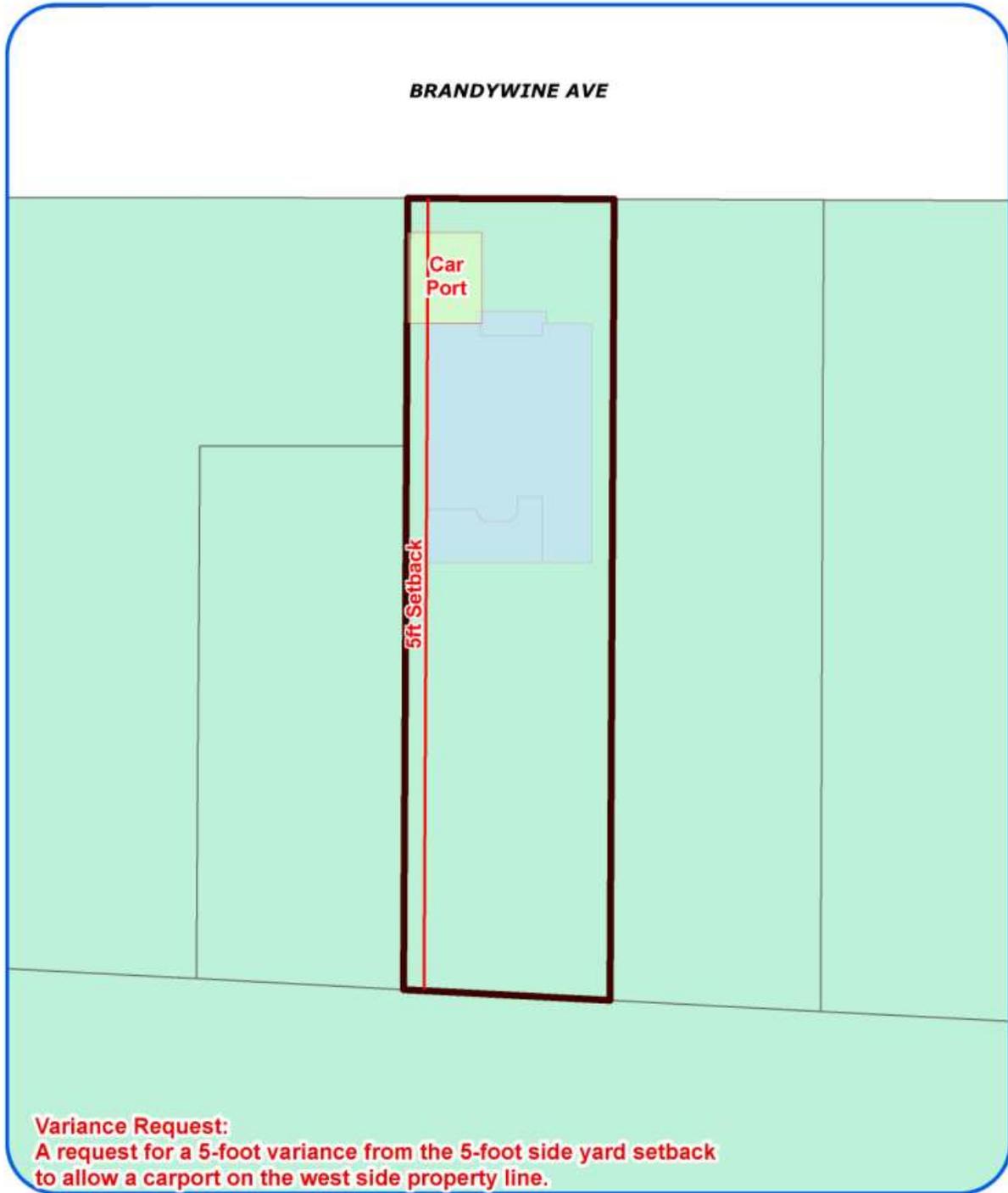
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 1 (Continued)  
Notification Plan**



**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-068**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

**174 Brandywine**

Development Services Department  
City of San Antonio

**Attachment 2 (Continued)  
Plot Plan**



**Variance Request:**  
A request for a 5-foot variance from the 5-foot side yard setback to allow a carport on the west side property line.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-068**

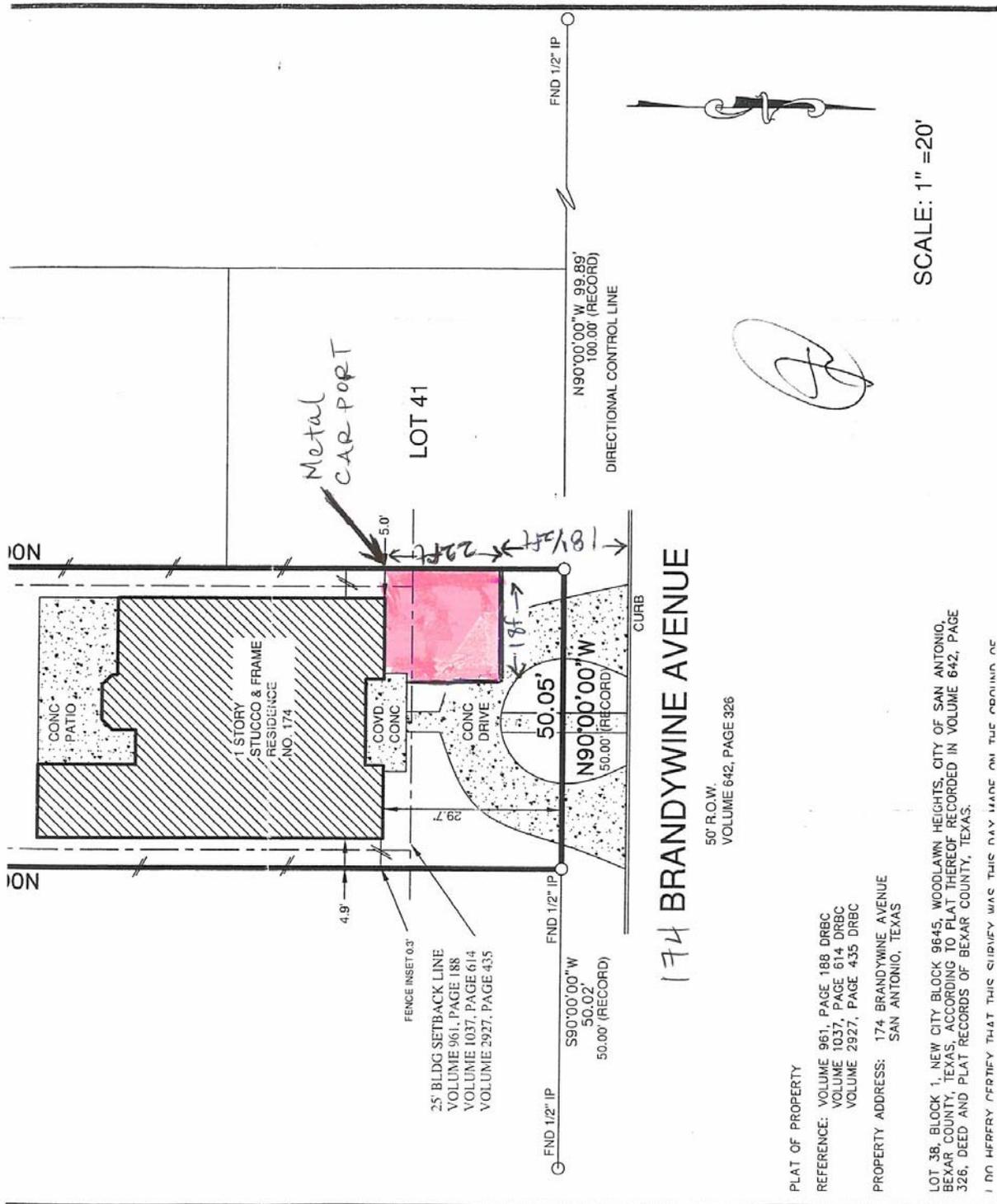


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

**174 Brandywine**

Development Services Department  
City of San Antonio

**Attachment 3  
Applicant's Site Plan**



**Attachment 4  
Site Photos**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-14-069  
Date: June 16, 2014  
Applicant: Brown & Ortiz.  
Owner: Everest Lodging LLC  
Location: 150 Humphrey Avenue  
Legal Description: E. 150 ft. Lot 15, Block 15 and the E. 135 ft. Lot 14, Block 14, NCB 1067  
Zoning: "IDZ NCD-6 AHOD" Infill Development Zone, Mahncke Park  
Neighborhood Conservation District, Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for a 25.5-foot variance from the minimum 50-foot lot width to allow new single family lots at least 24.5 feet wide.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on June 4, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 13, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is the site of the Oak Motor Lodge, a classic 1960s motel with multiple single-story cottages clustered around mature trees. The one acre parcel is located on the southern edge of the Mahncke Park neighborhood. In 2008, a conservation overlay district (NCD) was adopted to maintain compatible infill within Mahncke Park as the residential structures aged beyond 60 years. These design standards have succeeded in preserving many defining features of the neighborhood on a lot by lot basis.

The motel property was recently the subject of a rezoning application to approve "IDZ" Infill Development Zoning. This process included a site plan and building elevations shown throughout the review. The project garnered support from the neighborhood association and the

City Council. Though the rezoning requires a site plan, the approval did not vest the design shown in the site plan. The Board of Adjustment granted 6 requested variances in March necessary to construct the project as shown on the approved site plan. During that hearing, the Board granted a lot width variance to allow 26-foot wide lots.

Since that time, the applicant has been working toward recording a subdivision plat and designing the necessary infrastructure. As the plan became more detailed, with engineering and utility companies studying the specifics of the site, minor modifications were required. A ten-foot sewer easement was required on the northwest corner of the site, and resulted in shrinking the width of the neighboring 5 lots. At the southwest edge of the property, CPS demanded minimum setbacks from their transformer and utility box. Finally, a tree expert provided detailed setbacks required to protect the heritage trees, a primary goal of the applicant and a marketing essential for the project. The applicant is requesting a reduction of 1.5 feet from the previously granted modification to lot width.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
<p>“IDZ NCD-6 AHOD” Infill Development Zone, Mahncke Park Neighborhood Conservation District, Airport Hazard Overlay District</p>	<p>Vacant pending demolition</p>

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	<p>“C-3 NCD-6 AHOD” Commercial Neighborhood Conservation District-6 Airport Hazard Overlay</p>	<p>Multi-family Residential</p>
South	<p>“MR AHOD” Military Reservation Airport Hazard Overlay</p>	<p>Various military activities</p>
East	<p>“C-2 NCD-6 AHOD” Commercial AND “MF-33 NCD-6 AHOD” Multi-Family 33, Neighborhood Conservation District-6 Airport Hazard Overlay</p>	<p>Apartment Project under construction</p>
West	<p>“C-2 NCD-6 AHOD” Commercial Neighborhood Conservation District-6 Airport Hazard Overlay</p>	<p>Multi-family Residential</p>

**Comprehensive Plan Consistency/Neighborhood Association**

The Mahncke Park Neighborhood Plan was adopted in September 2001. In its land use component, the subject property is designated as appropriate for mixed uses. The subject property is located within the boundary of the Mahncke Park Neighborhood Association, and

within 200 feet of the Westfort Alliance group, registered neighborhood associations. As such, they were both notified and asked to comment.

### **Criteria for Review**

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

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

**The property is surrounded by taller, high-density housing and is located on the fringe of the neighborhood conservation district. Many provisions of the NCD have been modified, with the support of the Neighborhood Association, to allow the project to be constructed. The requested variance will not be contrary to the public interest.**

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

Literal enforcement of the NCD provisions would result in a series of 50 foot wide lots with a bungalow similar to those found on local streets throughout the neighborhood. The applicant purchased the property for a different type of project not typical in this area. A site design was prepared for review and approval of a zoning map amendment. In addition, **the Board already granted six variances to assist this project to reach completion. As details were finalized, lot width consistent with the previous variance was 1.5 feet too wide.** The Board will have to determine if denying this request results in an unnecessary hardship.

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

For each requested variance, the Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the requirement. **The spirit of the NCD is based on preserving the continuity of the single-family home on a 50 foot wide lot found on most of the blocks in the neighborhood. This characteristic is not present in this part of the neighborhood.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “IDZ-NCD-6 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 variances are requested to facilitate construction of a residential infill project. **In this isolated location, surrounded by three and four story apartment buildings, the project will not alter the essential character of the district.**

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

The property includes some heritage trees that are proposed for protection. The site improvement plan was designed to satisfy as many of the NCD goals as possible, orienting homes toward the public streets, hiding the garages in the back and providing pedestrian connectivity.

### **Alternatives to Applicant's Request**

The applicant could reduce the density and satisfy the conservation district standards.

### **Staff Recommendation**

Staff recommends **approval** based on the following findings:

1. The property was rezoned to facilitate the proposed infill project.
2. The conservation district standards were not designed for infill situations.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

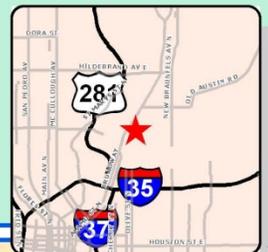
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District



## Board of Adjustment Notification Plan for Case No A-14-069



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 2

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 1  
Notification Plan (continued)**



**Board of Adjustment  
Notification Plan for  
Case No A-14-069**

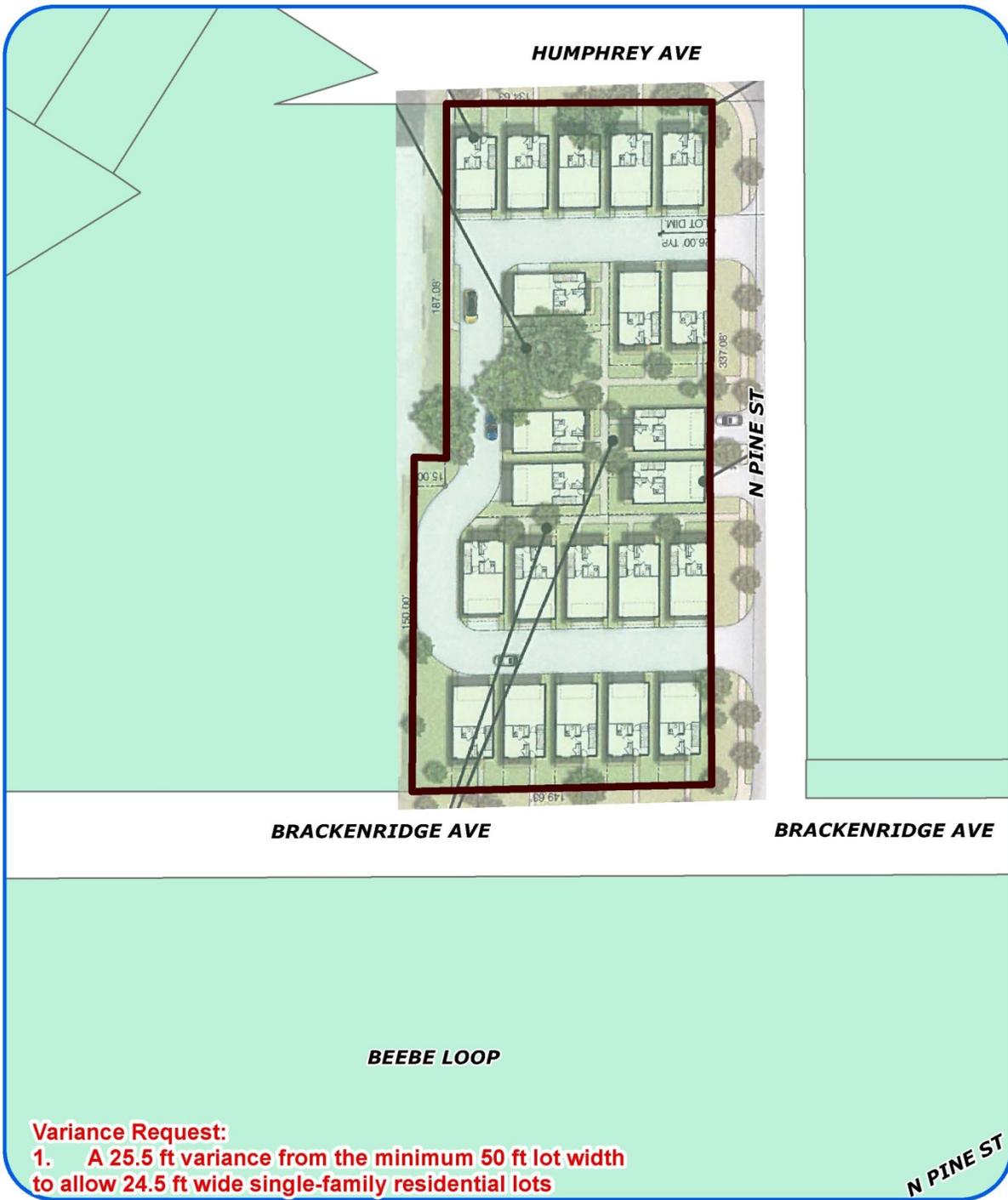


- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 2

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Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Variance Request:**  
**1. A 25.5 ft variance from the minimum 50 ft lot width to allow 24.5 ft wide single-family residential lots**

**Board of Adjustment**  
 Plot Plan for  
**Case No A-14-069**



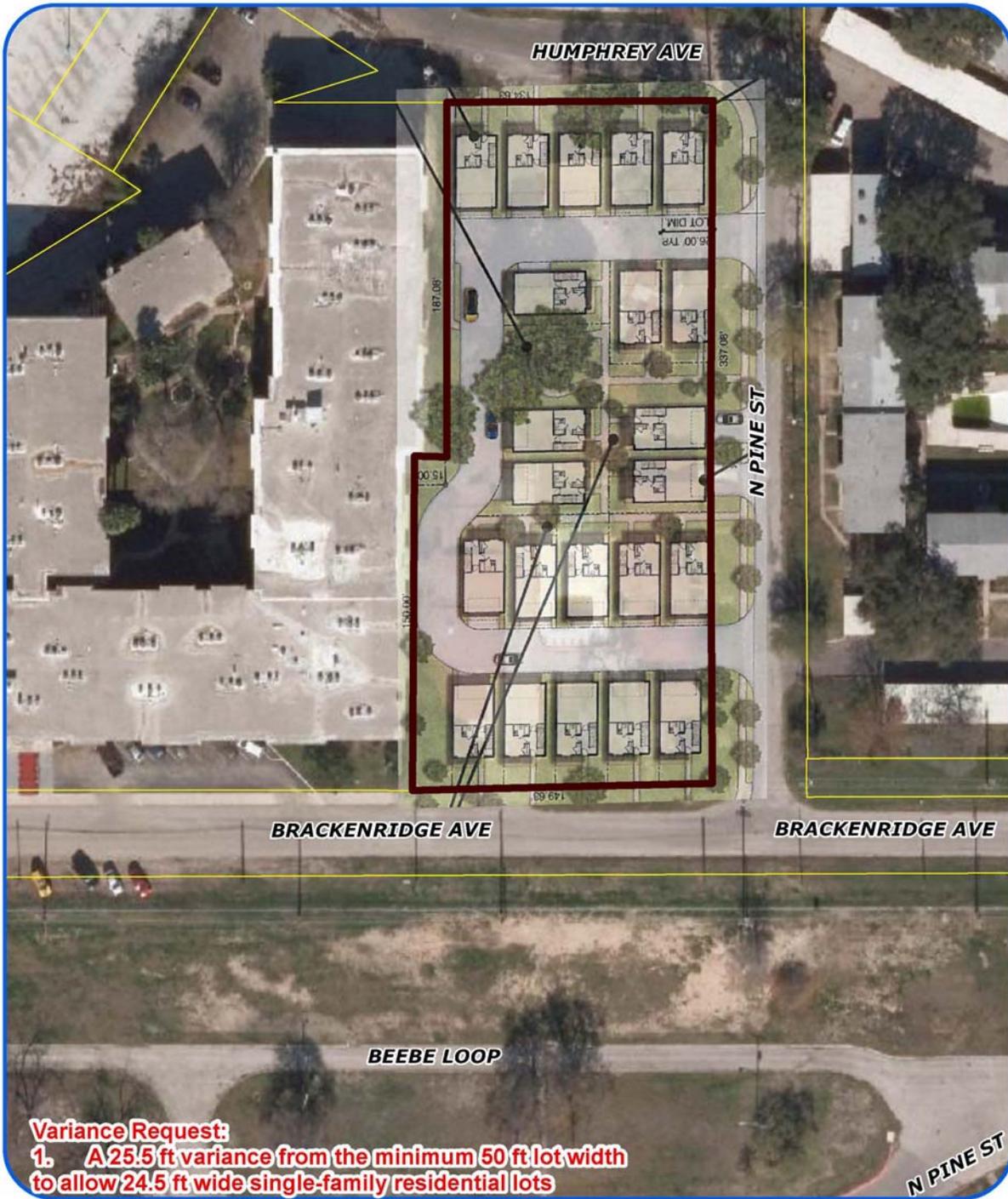
"NOT TO SCALE,  
 FOR ILLUSTRATIVE PURPOSES ONLY"  
 Council District 2

**150 Humphrey**

Development Services Department  
 City of San Antonio

**N PINE ST**

Attachment 2  
Plot Plan (continued)



**Variance Request:**  
1. A 25.5 ft variance from the minimum 50 ft lot width to allow 24.5 ft wide single-family residential lots

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-069**



"NOT TO SCALE,  
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Council District 2

**150 Humphrey**

Development Services Department  
City of San Antonio



**Attachment 4  
Site Photos**

