

CITY OF SAN ANTONIO

Board of Adjustment Regular Public Hearing Agenda

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

Monday, June 2, 2008
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
Vacant – District 4	Michael Gallagher – District 10
George Alejos – District 5	Gene Camargo – District Mayor
Mike Villyard – District 9 Chairman	
Maria Cruz	Mimi Moffat
Henry Rodriguez	Pete Vallone
Rollette Schreckenghost	

1. 1:00 PM Board Room – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-08-062:** The request of Dean Design Group, PLLC, for a 20-foot variance from the minimum 30-foot rear setback required in “C-2” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 10-feet from the rear property line, 1803 Palo Alto Road.
5. **A-08-063:** The request of Jesus O. Hernandez, for a 1-foot, 10-inch variance from the Unified Development Code standard that open fences in front yards shall not exceed 4 feet in height, in order to keep an existing 5-foot, 10-inch tall open fence in the front yard, 4923 Casa Espana.
6. **A-08-065:** The request of Robert Gutierrez, for a 15-foot variance from the minimum 30-foot rear setback required in “C-3” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 15-feet from the rear property line, 1.631 acres out of NCB 14867.
- ~~7. Approval of the minutes from the regular meeting on April 21, 2008.~~

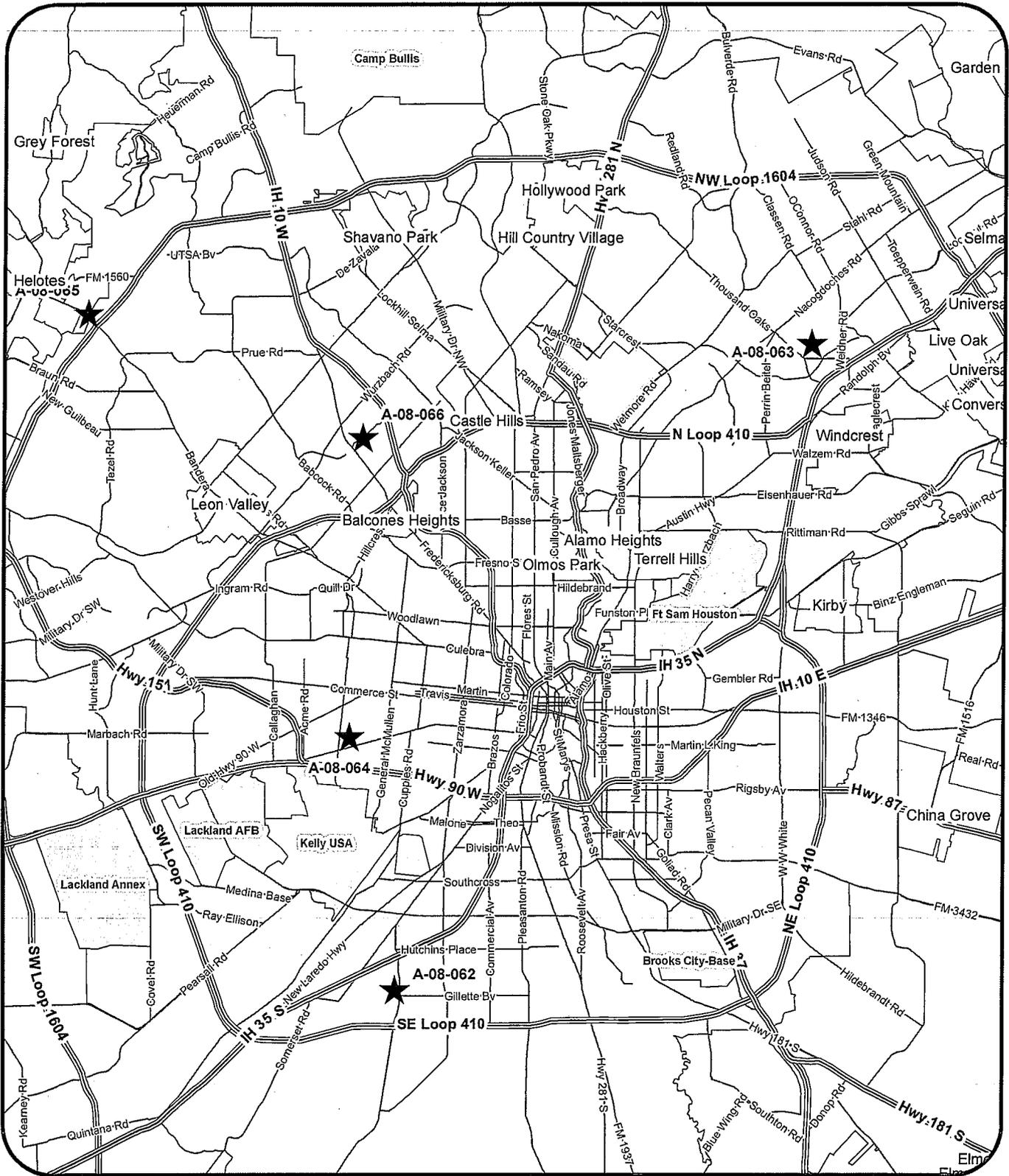
8. **Nominations, consideration, and possible election of officers for the office of Chair and Vice Chair.**
9. **Consideration and possible postponement or cancellation of the July 7, 2008 regularly scheduled meeting.**
10. Staff Report.
11. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
12. **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 207-6944 to check the status of a case.

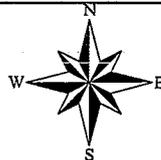
Accessibility Statement

This meeting is wheelchair accessible. The accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located in front and rear of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling (210) 207-7245.

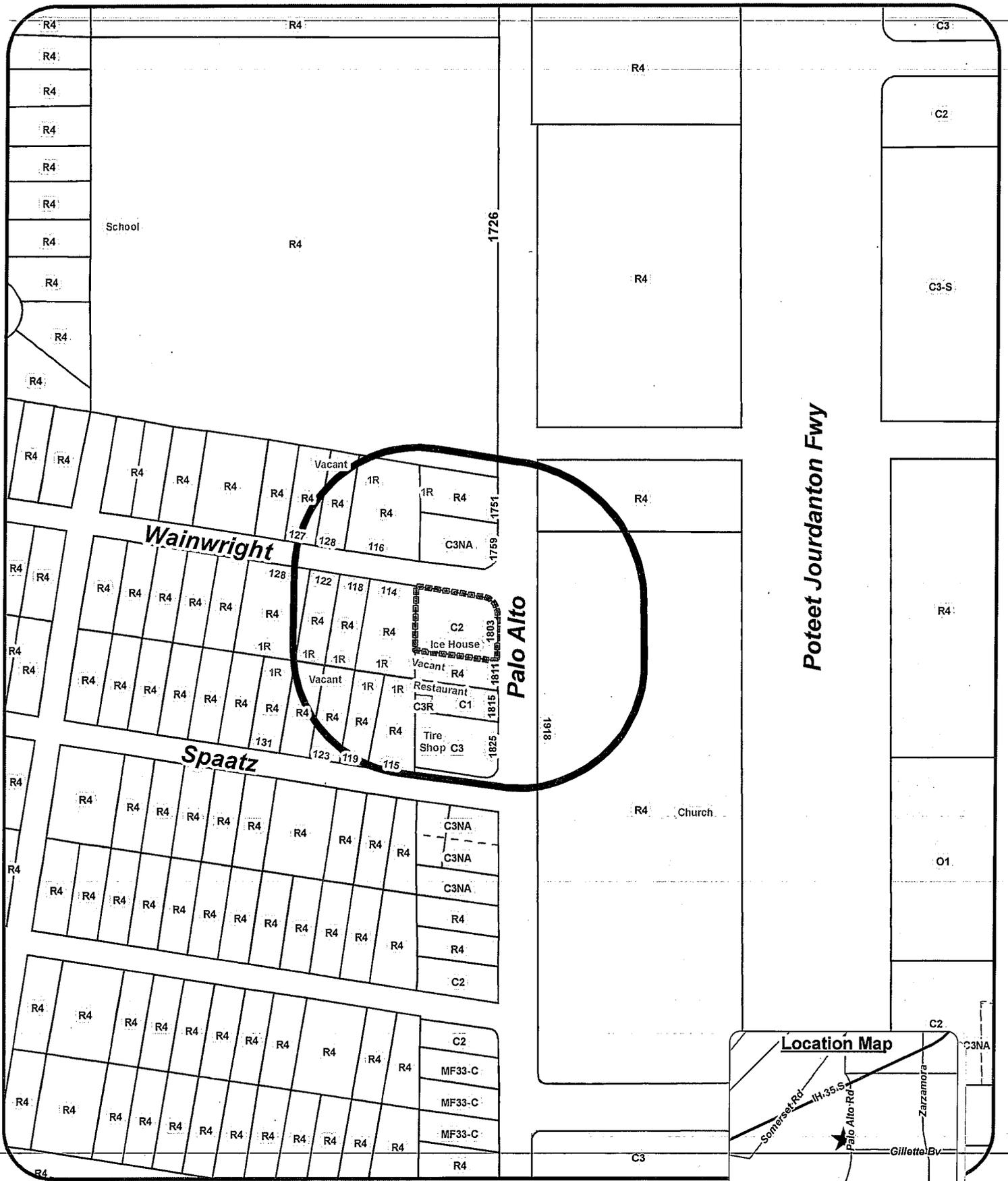


Board of Adjustment

Subject Property Locations
Cases for June 2, 2008



Produced by the City of San Antonio
Development Services Department
(05/14/2008)



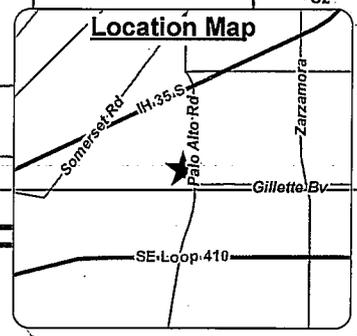
Board of Adjustment
Notification Plan for
Case A-08-062



Legend
 Subject Property [dashed line symbol]
 200' Notification Buffer [thick black line symbol]

Scale: 1" approx. = 200'
 Council District 4

Produced by the City of San Antonio
 Development Services Department
 (05/02/2008)



Board of Adjustment - Case No. A-08-062

June 2, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, June 2, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Dean Design Group, PLLC
Lot 100, Block 2, NCB 11214
1803 Palo Alto Road

Zoned: "C-2" Commercial District

The applicant is requesting a 20-foot variance from the minimum 30-foot rear setback required in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 10-feet from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

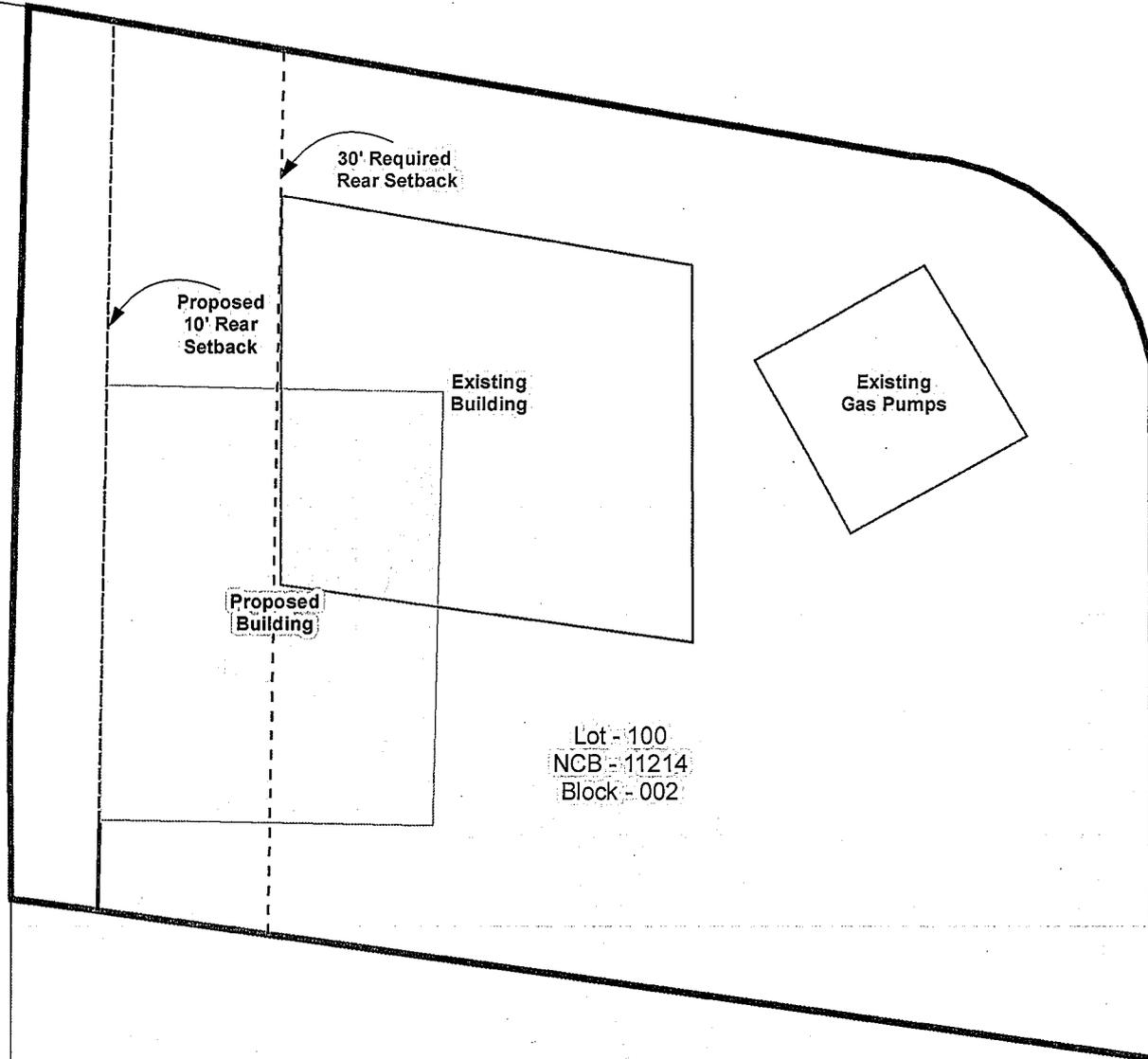
() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

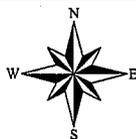
A-08-062

Wainwright St



Palo Alto

Board of Adjustment
Plot Plan for
Case A-08-062



Scale: 1" approx. = 20'
Council District 4

1803 Palo Alto

Produced by the City of San Antonio
Development Services Department
(05/13/2008)

CASE NO: A-08-062

Board of Adjustment – June 2, 2008

Applicant: Dean Design Group, PLLC
Owner: Alishba, Inc.
Request(s): The applicant is requesting a 20-foot variance from the minimum 30-foot rear setback required in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 10-feet from the rear property line.
Legal Description: Lot 100, Block 2, NCB 11214
Address: 1803 Palo Alto Road
Zoning: "C-2" Commercial District
Existing Use: Vacant
Neigh. Assoc: None
Neigh. Plan: None

Section of the City Code from which this variance is requested:

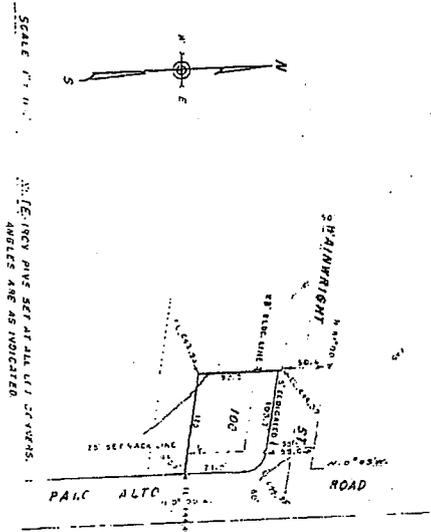
35-310 Zoning District Purpose Statements and Design Regulations: A minimum 30-foot rear setback is required in "C-2" zoning districts when abutting residential uses or residential zoning districts.

Background: The subject property is located on southern corner of Wainwright Street and Palo Alto Road. The property is occupied by a vacant convenience store which is to be demolished in order to accommodate a new retail structure on the property. Residential zoning exists to the south and west of the subject property, with the parcel to the west being occupied by a single-family residence. The applicant is requesting a variance in order to erect the aforementioned new structure, which, as designed, would encroach into the rear setback.

Recommendation: The intent of the rear setback requirement for commercial uses is to provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. The submitted site plan shows that the proposed structure will encroach into the rear setback, adjacent to the single-family residence to the west. This parcel does not appear to be characterized by any unique terrain features where literal enforcement of the side and rear setback requirements would result in unnecessary hardship. Furthermore, it appears that alternative designs for the proposed structure should be explored that will enable the proposed structure to comply with the rear setback standards set forth by the Unified Development Code. For these reasons, Staff recommends **denial** of the requested variance.

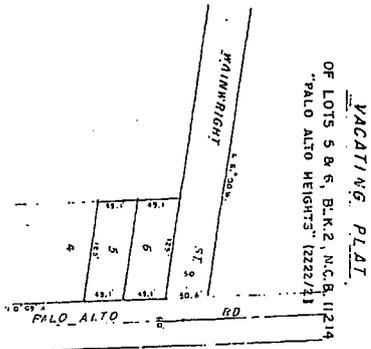
Case Manager: Mike Farber, Planner (210) 207-3074

SUBDIVISION PLAT
LOT 100, BLK. 2, N. C. B. 11214
 BEING A SUBDIVISION OF LOTS 4, 5, 6, BLK. 2, N.C.B. 11214
 "PALO ALTO HEIGHTS" (VOL. 2222, PG. 2)



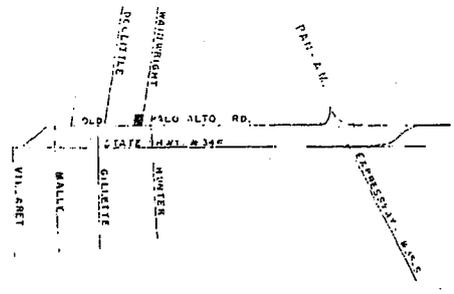
SCALE 1" = 100'
 ALL DIMENSIONS ARE AS INDICATED

DATE FILED
 11-01-57
 11-21-57
 11-21-57



VACATING PLAT
 OF LOTS 5 & 6, BLK. 2, N.C.B. 11214
 "PALO ALTO HEIGHTS" (2222/11)

LOCATION DIAGRAM



Wynne E. Blum

Ernest B. Noyes &

R. S. Black

Ernest B. Noyes &

W. D. ...

Ernest B. Noyes &

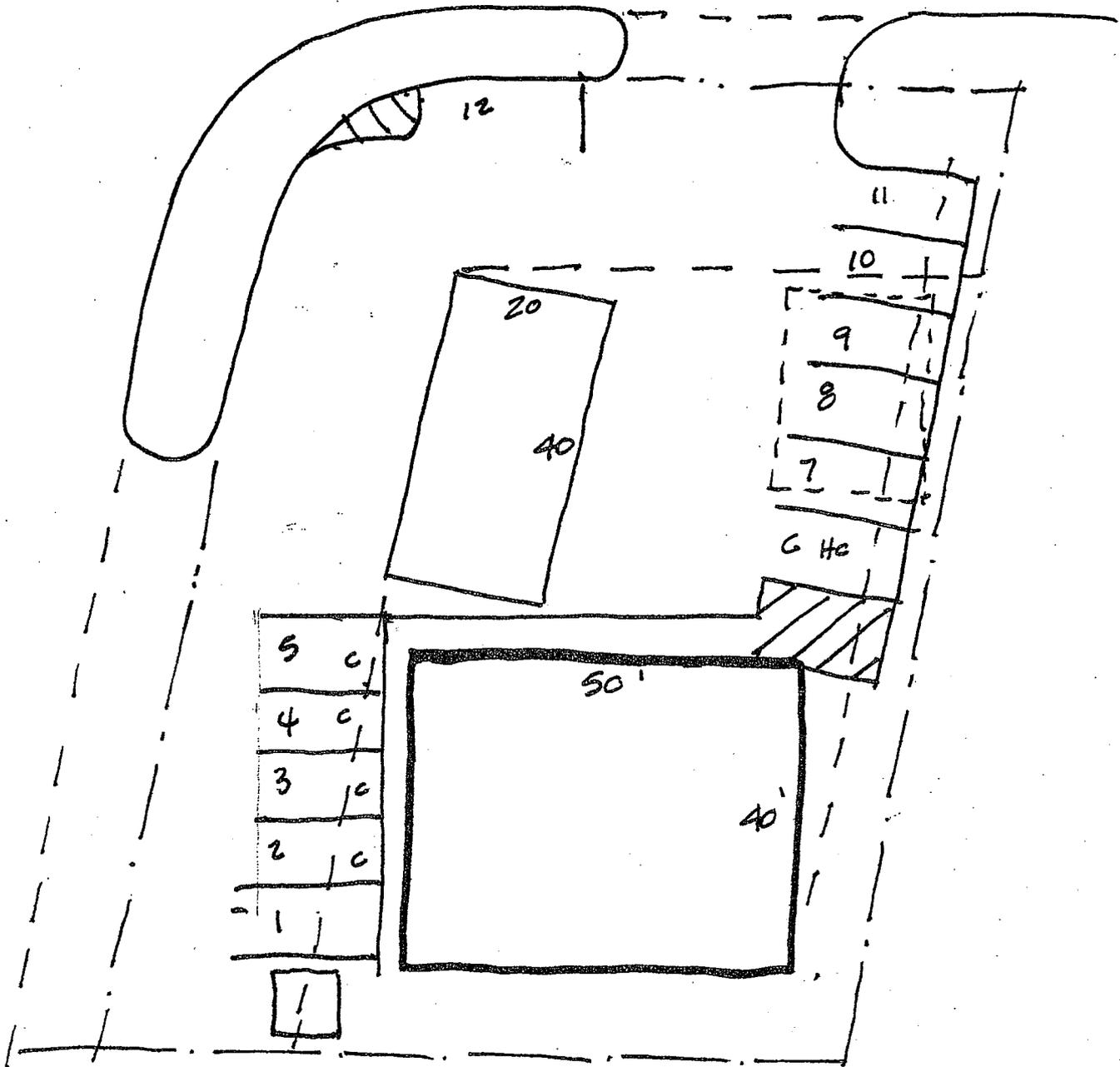
Jan 11 63 8:15 P

J. J. Magallon

47-1675

VOL 4900

49



1803 PKO ALTO

SITE PLAN - OPT. A



5/2/08

1" = 20'

PALO ALTO ROAD

(60' R.O.W.)

(C.M.)

CURB

(C.M.)

(BEARING BASIS)
S 00°09'00" E 71.90'

(C.M.)

CURB

S 81°00'00" E 103.70'

25' B.S. PER
(PLAT)
(4687/491)

FENCE OUT
2.5'

N 81°00'00" W 125.00'

LOT 4

(R4)

ONE STORY
CINDER BLOCK

LOT 100, BLOCK 2
NCS 11214
11410 SQ. FT.
0.262 ACRES

FENCE OUT
2.4'

30'
REAR
SETBACK

10' D.E. PER
(4687/491)

N 00°09'00" W 93.20'

LOT 7

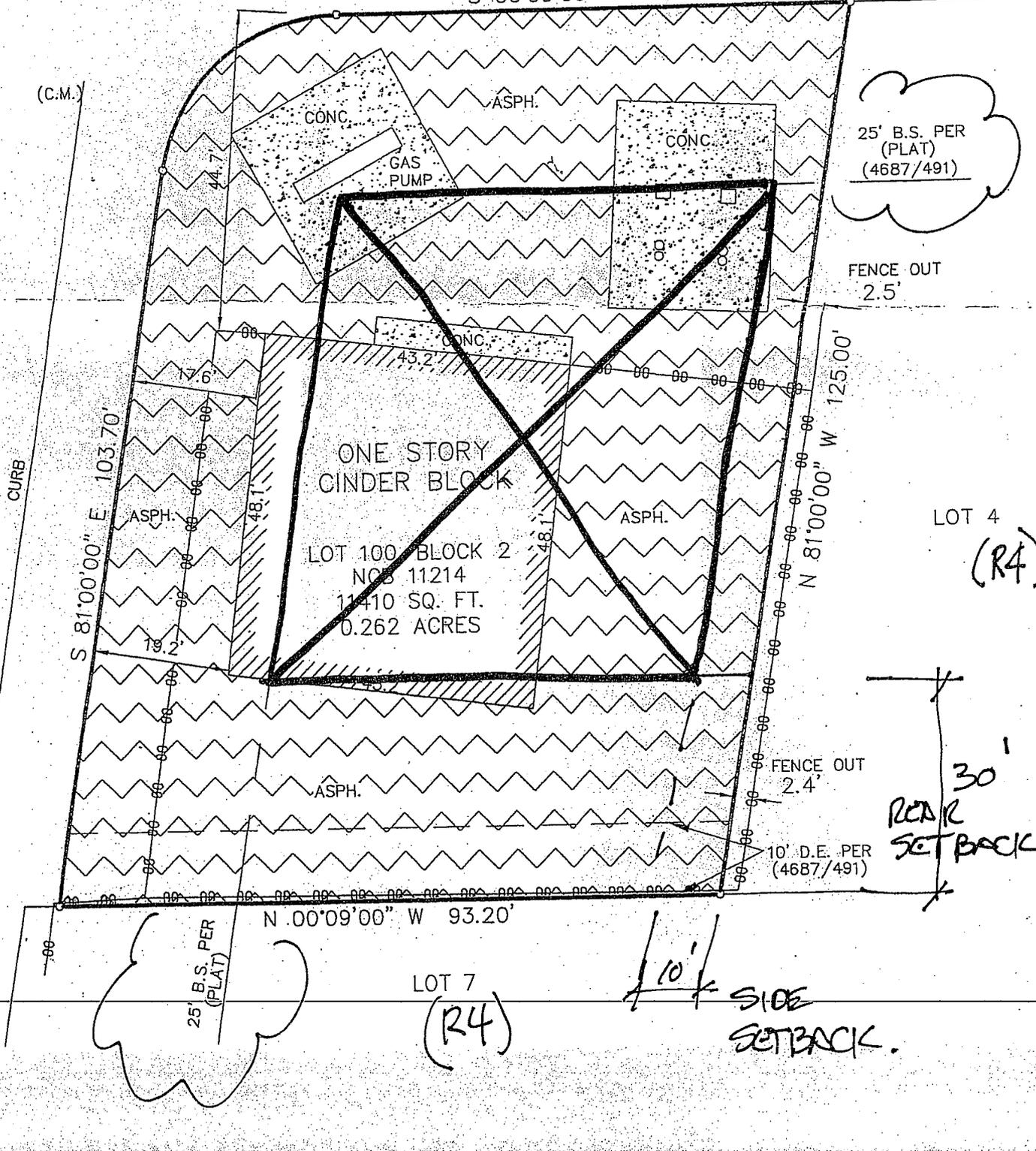
(R4)

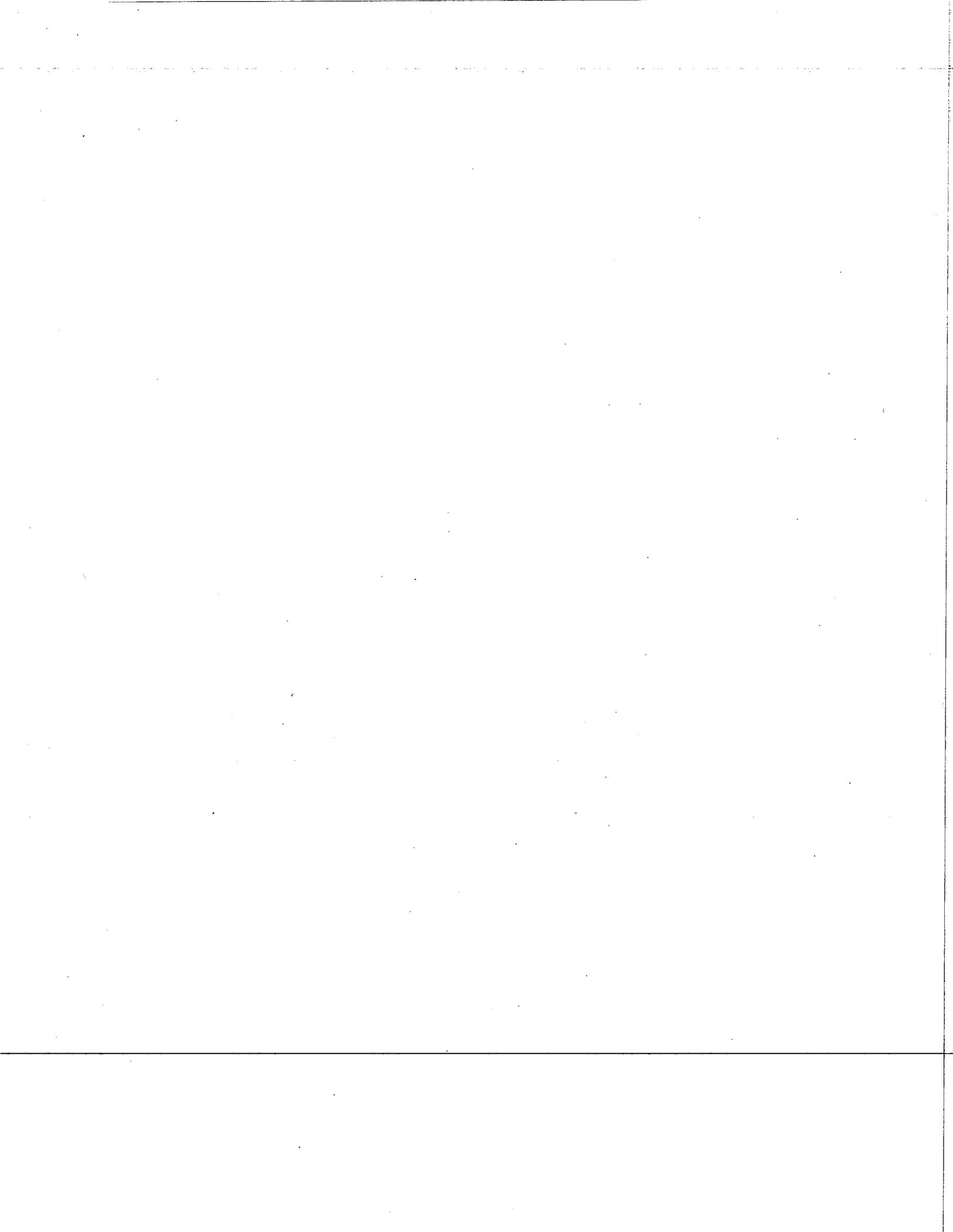
10'
SIDE
SETBACK.

25' B.S. PER
(PLAT)

WRIGHT STREET
(55.6' R.O.W.)

(C.M.)





Board of Adjustment - Case No. A-08-063

June 2, 2008

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, June 2, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application

Applicant – Jesus O. Hernandez

Lot 8, Block 11, NCB 14418

4923 Casa Espana

Zoned: "R-6" Residential Single-Family

The applicant is requesting a 1-foot, 10-inch variance from the Unified Development Code standard that open fences in front yards shall not exceed 4 feet in height, in order to keep an existing 5-foot, 10-inch tall open fence in the front yard.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-063

Lot - 8
NCB - 14418
Block - 011

Existing
Residence

Existing
5'.10" Fence

Case Espana

Board of Adjustment
Plot Plan for
Case A-08-063



Scale: 1" approx. = 20'
Council District 10

4923 Casa Espana

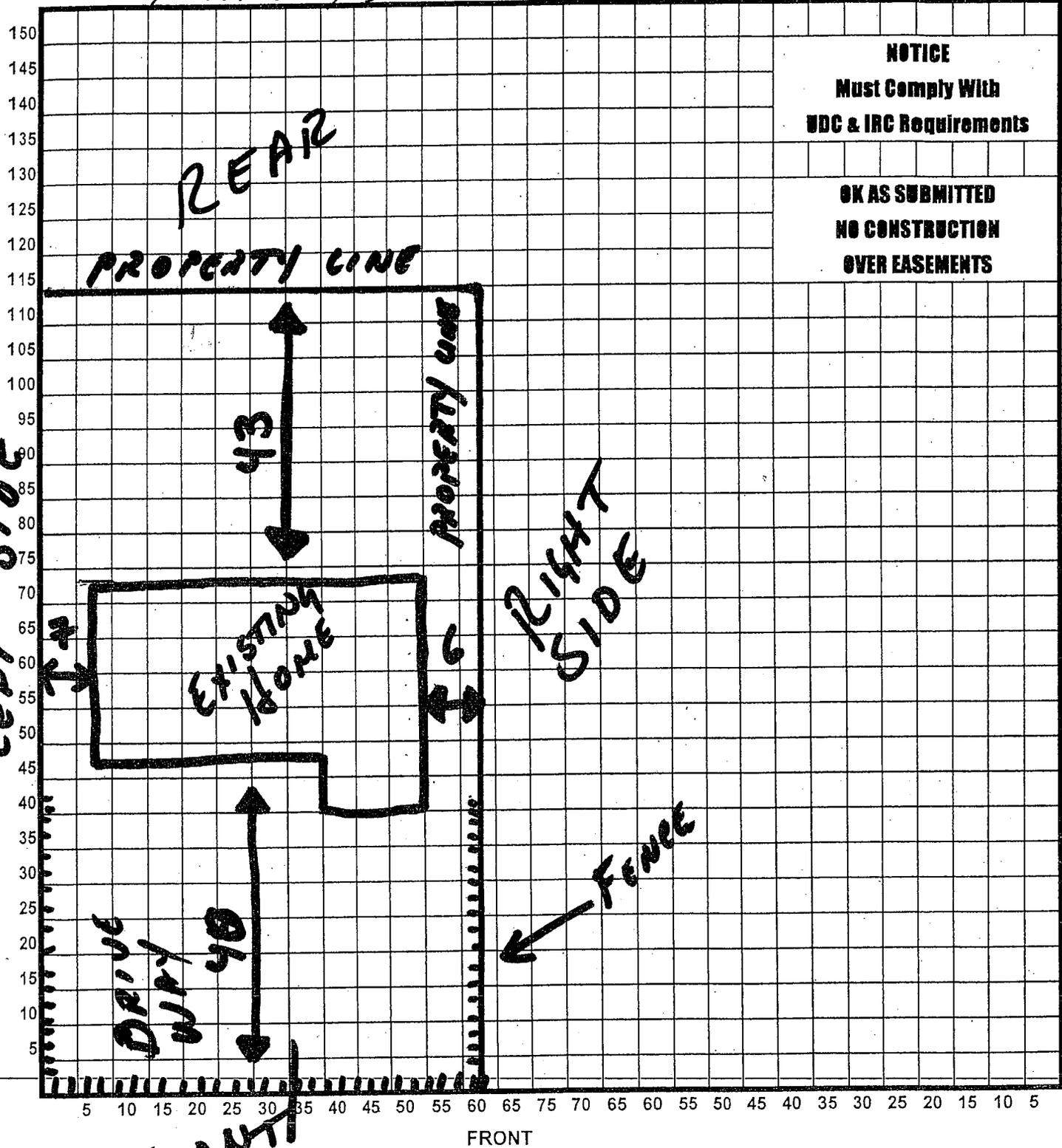
Produced by the City of San Antonio
Development Services Department
(05/16/2008)

PLOT PLAN

FOR
BLDG PERMITS

Address 4923 CASA
ESPARA, SAN
ANTONIO TX

Lot _____ Block _____ NCB _____
REAR



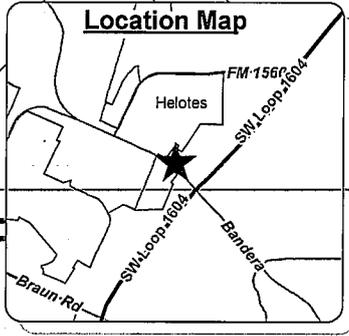
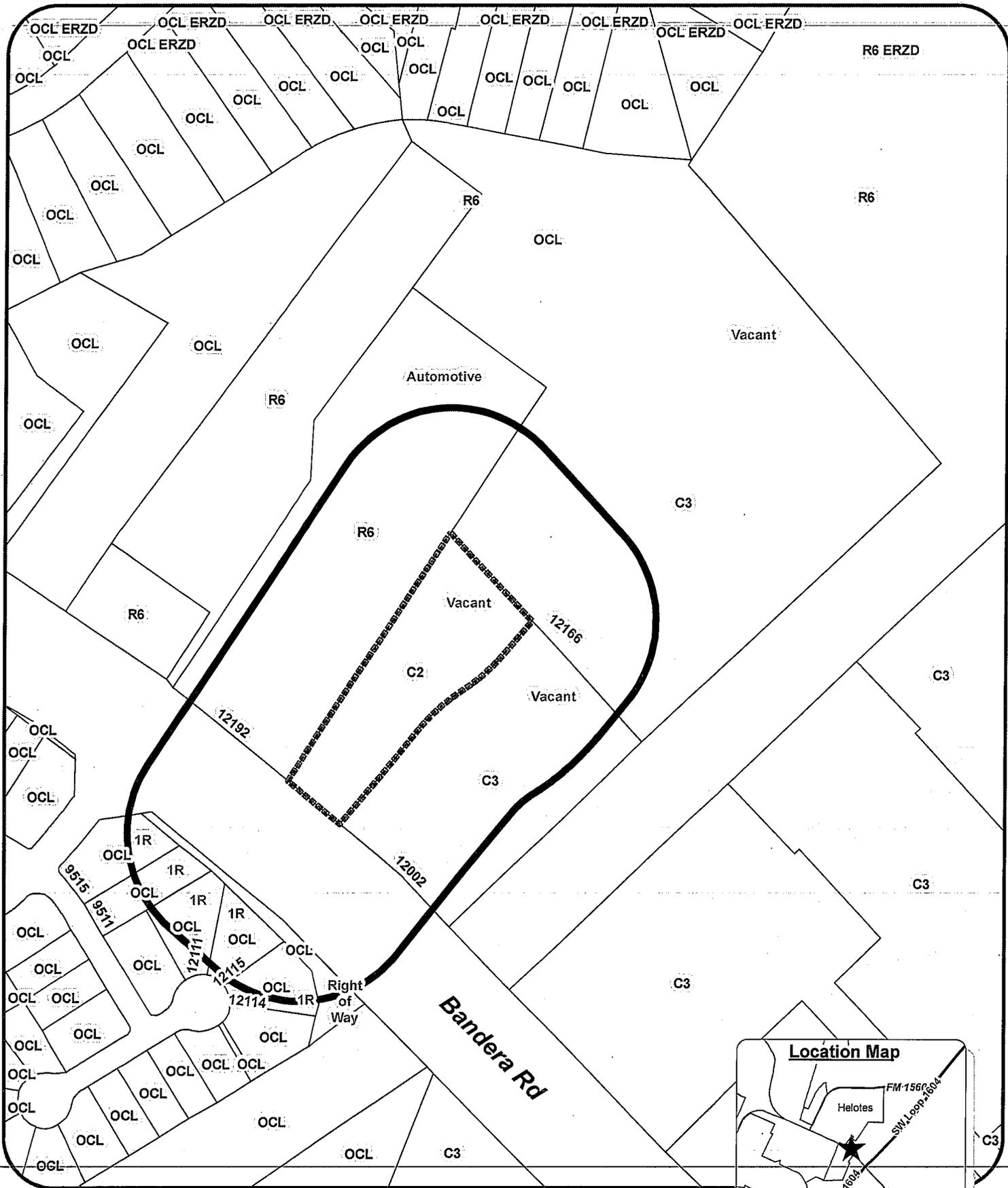
NOTICE
Must Comply With
WDC & IRC Requirements

OK AS SUBMITTED
NO CONSTRUCTION
OVER EASEMENTS

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

5-1-08
Date

[Signature]
Signature of Applicant



Board of Adjustment
Notification Plan for
Case A-08-065



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 200'
 Council District 8

Produced by the City of San Antonio
 Development Services Department
 (05/02/2008)

CASE NO: A-08-065

Board of Adjustment – June 2, 2008

Applicant: Robert Gutierrez

Owner: Dominion Building Systems, Inc.

Request(s): The applicant is requesting a 15-foot variance from the minimum 30-foot rear setback required in "C-3" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 15-feet from the rear property line.

Legal Description: 1.631 acres out of NCB 14867

Address: N/A

Zoning: "C-3" General Commercial District

Existing Use: Vacant

Neigh. Assoc: None

Neigh. Plan: None

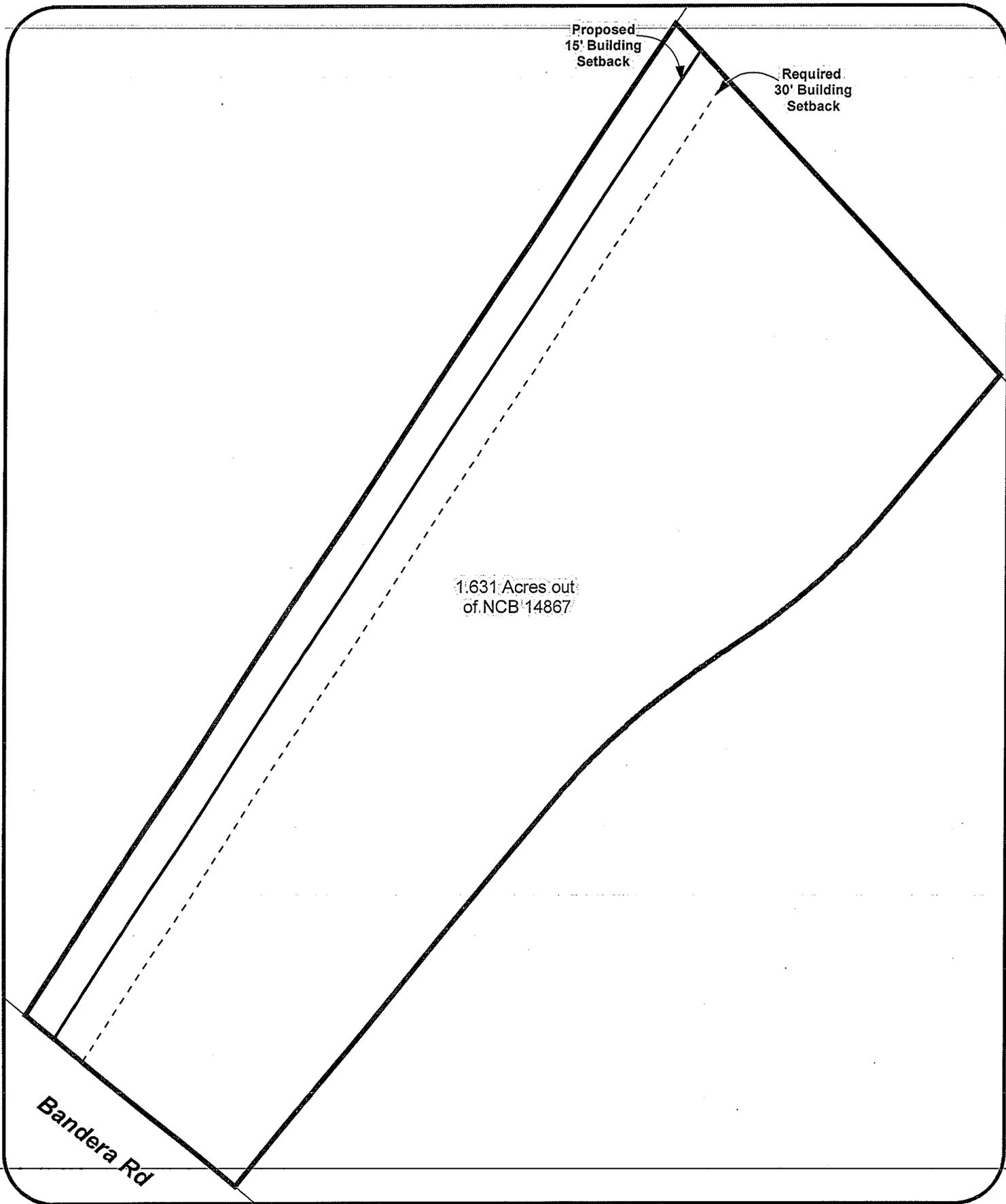
Section of the City Code from which this variance is requested:

35-310 Zoning District Purpose Statements and Design Regulations: A minimum 30-foot rear setback is required in "C-3" zoning districts when abutting residential uses or residential zoning districts.

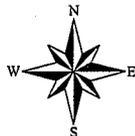
Background: The subject property is located on Bandera Road, north of North Loop 1604 West, and just south of the Helotes city limits. The subject property is currently vacant and abuts a residentially zoned property to the north, which is being utilized as a trailer sales and garage business. The applicant is requesting a variance in order to construct a retail structure that will sit 15-feet from the rear setback.

Recommendation: The intent of the side setback requirement for commercial uses is to provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. Commercial uses and zoning surround the subject property, save the lot to the immediate northwest, which is currently zoned R-6 and houses a commercial garage service. Although the subject property does abut said residentially zoned lot, the uses on that lot are commercial. Construction of the existing commercial garage service on the lot to the northwest of the subject property commenced in 1982. The property itself was annexed as a residentially zoned lot in 1997, therefore the use predates annexation and is non-conforming. The addition of a retail structure that will sit 10 feet away from the rear property line of the subject property would not negatively impact the use to the northwest, as its use is also commercial. Had the property to the northwest been zoned for the current use, there would be no requirement for a rear setback on the subject property. For these reasons, Staff recommends **approval** of the requested variance.

Case Manager: Mike Farber, Planner (210) 207-3074



Board of Adjustment
Plot Plan for
Case A-08-065



Scale: 1" approx. = 50'
Council District 8

Bandera Rd

Produced by the City of San Antonio
Development Services Department
(05/16/2008)

Northstar Land Surveying, Inc.

*9033 Aero St., Suite 207
San Antonio, Texas 78217
(210) 826-6228*

FIELD NOTES FOR

A 1.631 ACRE TRACT OF LAND OUT OF THE REMAINING PORTION OF A 14.57 ACRE TRACT OF LAND RECORDED IN VOLUME 9181, PAGE 21, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS; BEING ALSO OUT OF THE WILLIAM ALEXANDER SURVEY NUMBER 416, ABSTRACT NUMBER 33, AND THE PERRY DAVIS SURVEY NUMBER 267, ABSTRACT NUMBER 189, NEW CITY BLOCK 14867, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING:** At a found 1/2 inch iron rod on the northeast right-of-way line of Bandera Road (State Highway 16), the west corner of Lot 1, Block 2, New City Block 14867, Falcon Professional Center recorded in Volume 9561, Page 112, Deed and Plat Records of Bexar County, Texas, the south corner of the herein described tract, from which the cutback right-of-way line joining the northeast right-of-way line of Bandera Road with the northwest right-of-way line of Loop 1604 is in a southeasterly direction 777.91 feet;
- THENCE:** North 51 degrees 01 minutes 54 seconds West, (Bearings are based on The recorded plat of Falcon Professional Center), 105.40 feet coincident with the northeast right-of-way line of Bandera Road to found TxDOT Type II Monument, the south corner of a 4.073 acre tract of land recorded in Volume 3016, Page 1721, Official Public Records of Real Property of Bexar County, Texas, the west corner of the herein described tract;
- THENCE:** North 32 degrees 42 minutes 46 seconds East, 473.63 feet coincident with the southeast line of the above mentioned 4.073 acre tract to a set 1/2 inch iron rod, the north corner of the herein described tract;
- THENCE:** South 43 degrees 39 minutes 08 seconds East, 200.47 feet to a set 1/2 inch iron rod, the north corner of the above mentioned Lot 1, Block 2, New City Block 14867, Falcon Professional Center, the east corner of the herein described tract;
- THENCE:** South 38 degrees 58 minutes 06 seconds West, 67.75 feet coincident with the northwest line of the above mentioned Lot 1, Block 2, New City Block 14867, Falcon Professional Center, to a set 1/2 inch iron rod, the beginning of a curve to the right;

Continued

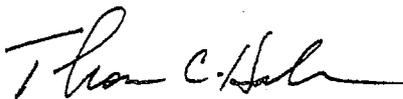
THENCE: 81.00 feet coincident with the northwest line of Lot 1 and a curve to the right, concave to the northwest, having a central angle of 17 degrees 11 minutes 19 seconds, a radius of 270.00 feet, and a chord bearing and length of South 47 degrees 33 minutes 45 seconds West, 80.70 feet to a set ½ inch iron rod, the end of this curve;

THENCE: 99.00 feet coincident with the northwest line of Lot 1 and a curve to the left, concave to the southeast, having a central angle of 17 degrees 11 minutes 19 seconds, a radius of 330.00 feet, and a chord bearing and length of South 47 degrees 33 minutes 45 seconds West, 98.63 feet to a found ½ inch iron rod, the end of this curve;

THENCE: South 38 degrees 58 minutes 06 seconds West, 185.00 feet coincident with the northwest line of Lot 1 to a found ½ inch iron rod, the beginning of a curve to the right;

THENCE: 23.56 feet coincident with the north line of Lot 1 and a curve to the right, concave to the north, having a central angle of 90 degrees 00 minutes 00 seconds, a radius of 15.00 feet, and a chord bearing and length of South 83 degrees 58 minutes 06 seconds West, 21.21 feet to the **POINT OF BEGINNING**, containing 1.631 acres.

These Field Notes are based on a survey made on the ground and a survey map prepared by employees of Northstar Land Surveying, Inc. who were working under my supervision.



Thomas C. Haberer
Registered Professional Land Surveyor #4350

December 18, 2007
Job No. 1-06-004(1.631 acres)

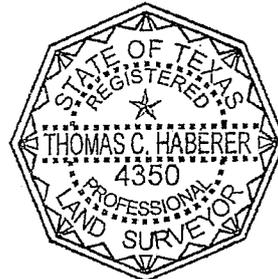
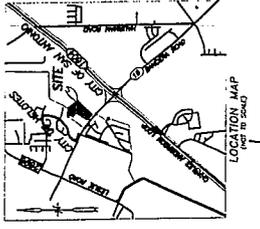


EXHIBIT "B" CONDITION B

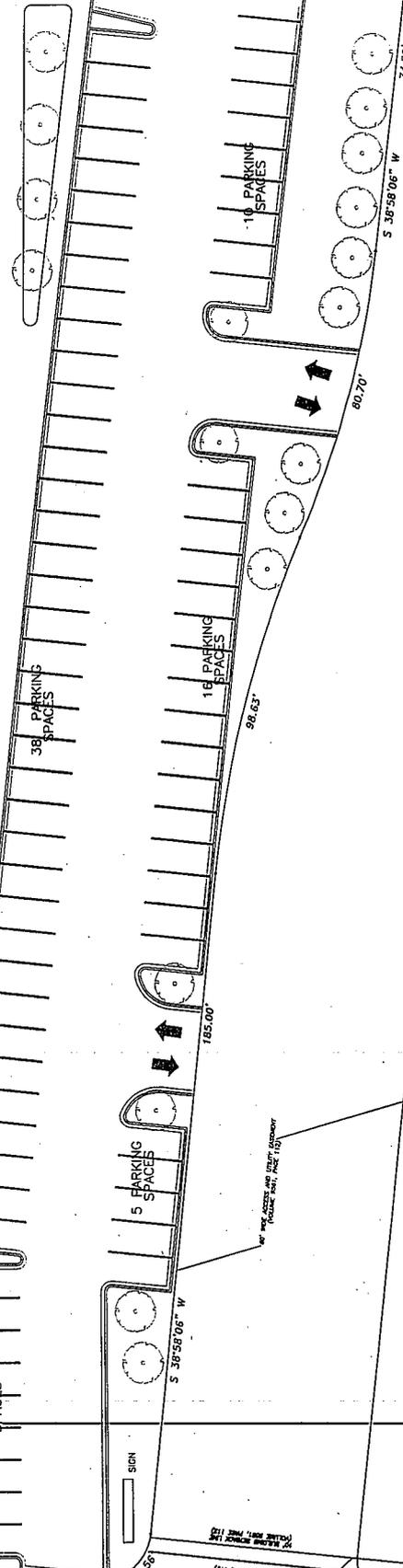
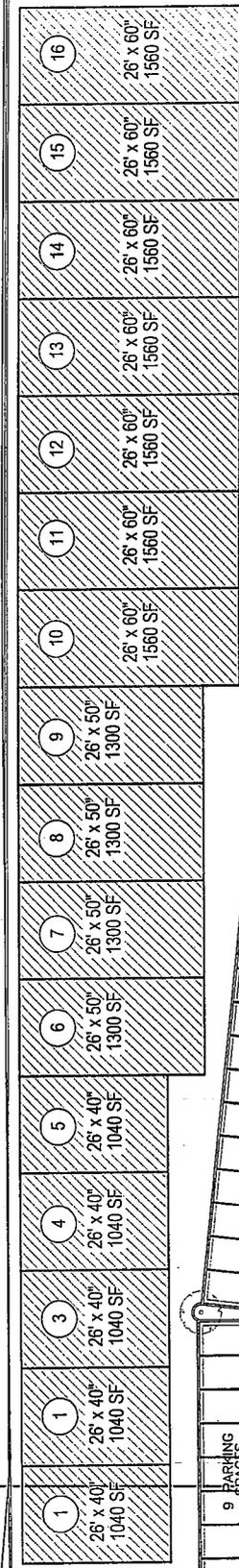


N 32°42'46" E 473.63' UNIT FASE

UNIT FASE

OPENDO UNITAS

UNIT FASE



SCALE: 1:600

PARKING REQUIREMENTS		
CONCEPT	MIN.	MAX.
RETAIL	1x300sf	1x200sf
MEDICAL OFFICE	1x300sf	1x200sf
BAR	1x100sf	1x75sf
RESTAURANT	1x100sf	1x40sf

21, 320GSF
16 COMMERCIAL UNITS
76 PARKING SPACES

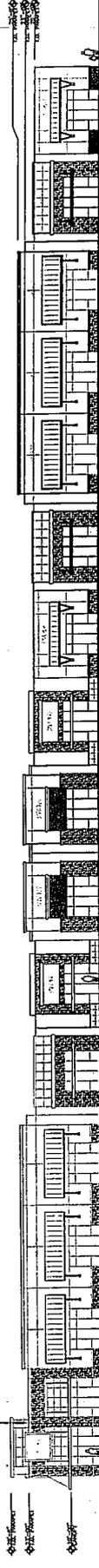
S.A BANDERA

BANDERA COMMERCIAL UNITS
OPTION 2-REV

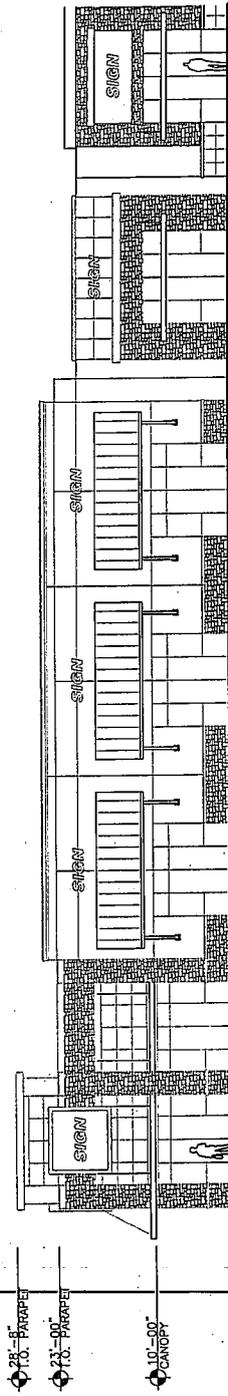
PROPOSED SITE PLAN
9 FEBRUARY 2008



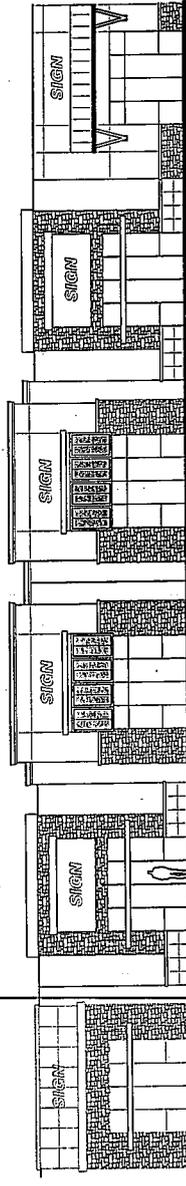
ARCHITECTURE
121 CALLE DEL NORTE, STE 103 LAREDO, TX 78041
956.727.5391 PHONE
956.727.1551 FAX



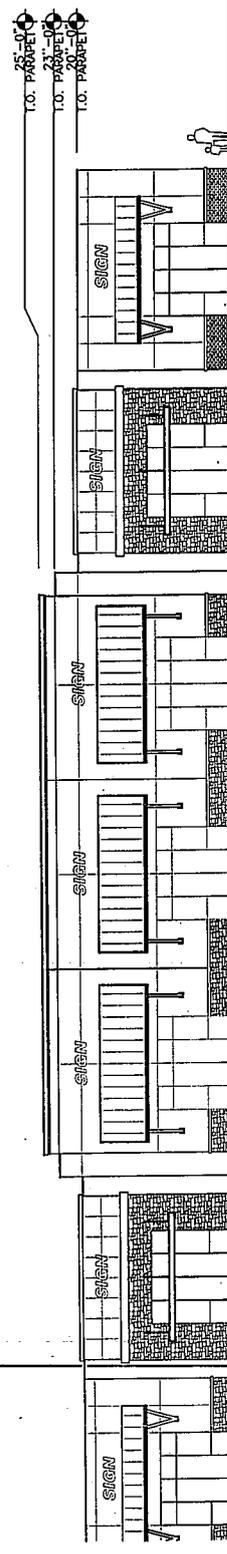
MAIN ELEVATION (SOUTH-EAST)



PARTIAL ELEVATION (SOUTH-EAST)

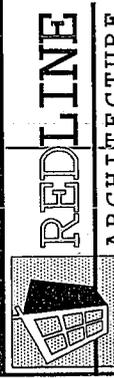


PARTIAL ELEVATION (SOUTH-EAST)



PARTIAL ELEVATION (SOUTH-EAST)

SCALE: 1:300



ARCHITECTURE
121 CALLE DEL NORTE, STE. 103 LAREDO, TX 78041
956.727.5391 PHONE 956.727.1551 FAX

S.A BANDERA

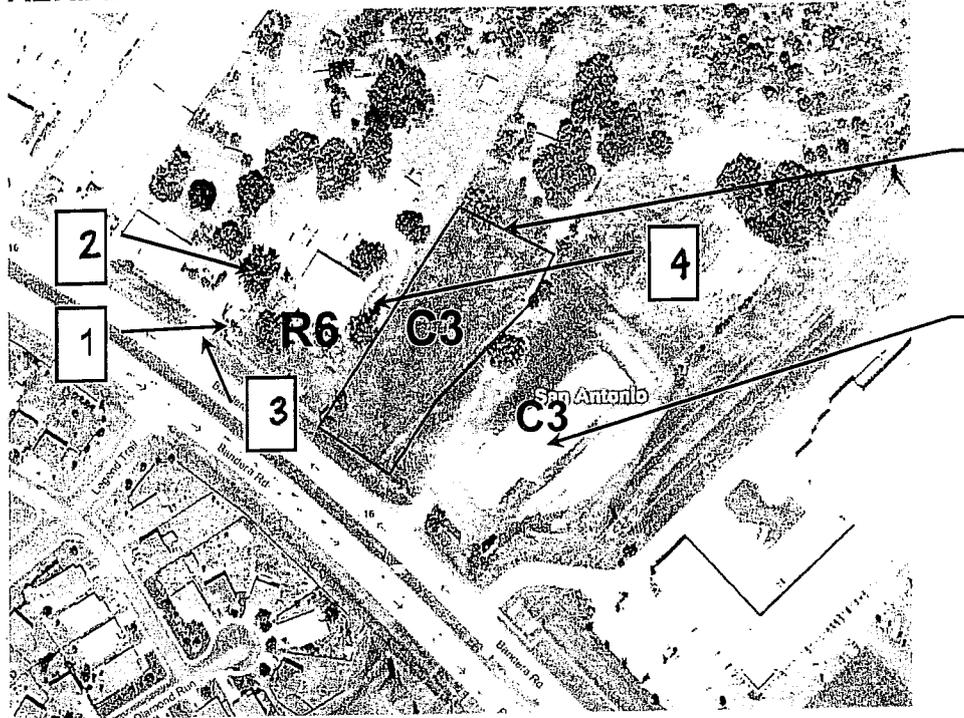
BANDERA COMMERCIAL UNITS
OPTION 3-REV/ELEVATIONS

PROPOSED ELEVATIONS
7 APRIL 2008

SAN ANTONIO, TEXAS

Request for a Zoning Variance to the San Antonio Board of Adjustment

AERIAL



Property with Zoning Variance Request

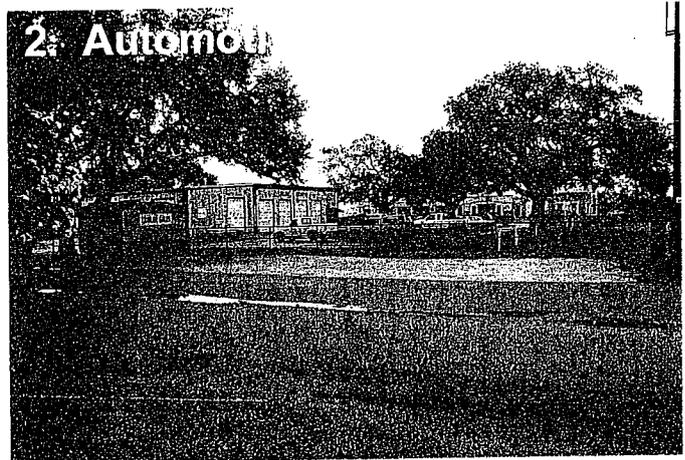
Falcon Bank
12002 Bandera

PICTURES

1. Automotive Business



2. Automotive



3. Day Care



**4. View from Falcon Bank towards
Automotive Business**

