

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, June 2, 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-14-063:** The request of SAT Northgate Village LTD. for a 10-foot variance from the minimum 10-foot setback to allow a multi-tenant sign on the property line, located at 5500 Babcock Road. (Council District 7)
5. **A-14-064:** The request of San Antonio Palio Partners, LLC for a variance from a requirement for a 25% reduction in size for the second sign on a lot, as stated in Chapter 28-241 (c), to allow a multi-tenant sign 40 feet in height on the same lot as an existing compliant sign, located at 8438 State Hwy 151. (Council District 6)
6. **A-14-056:** The request of Ali Fahr for a 3-foot variance from the 3-foot maximum fence height to allow a solid fence 6 feet in height within the front yard, located at 9665 Oakland Road. (Council District 8)
7. **A-14-065:** The request of Raul Rodriguez for 1) a 7-foot, 6-inch variance from the 10-foot required front yard setback to allow a structure 2 feet, 6 inches from the front property line; and 2) a 4-foot, 7-inch variance to allow a structure 5 inches from the side property line, located at 8339 Beauty Oaks. (Council District 6)
8. **A-14-066:** The request of Martin Sanchez for a variance from the Woodlawn Lake Neighborhood Conservation District restrictions regarding preserving roof pitch to allow a hip roof on a building that previously had a flat roof, located at 1834 Texas Avenue. (Council District 7)
9. Approval of May 19, 2014 Board Meeting Minutes
10. 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 la reunión. Para asistencia llamar a (210) 207-7268 o al 711 (servicio de transmitir para sordos).

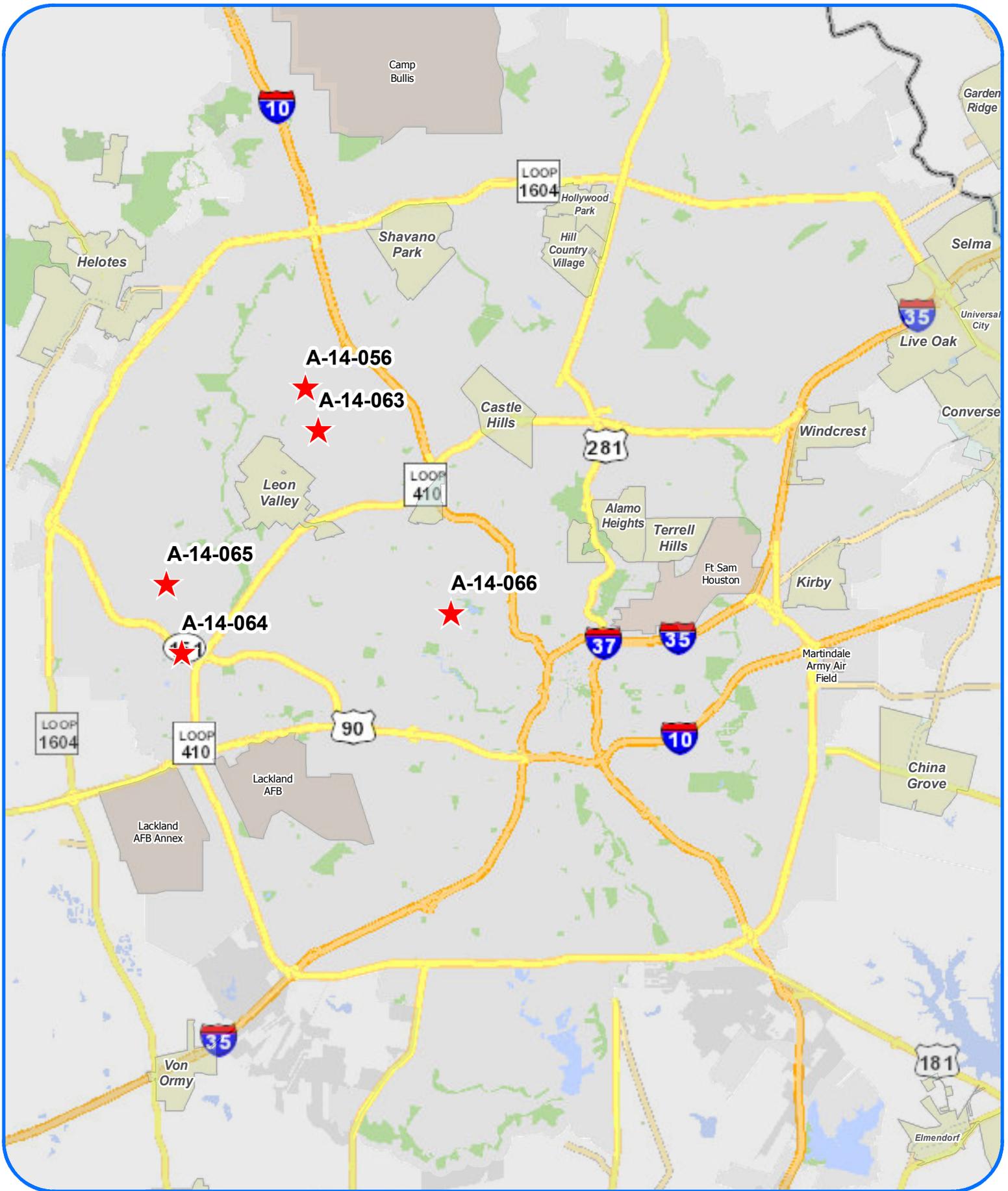
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### Board of Adjustment Membership

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 2nd June 2014**





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

To: Board of Adjustment  
Case No.: A-14-063  
Date: June 2, 2014  
Applicant: SAT Northgate Village, Ltd.  
Owner: SAT Northgate Village, Ltd.  
Location: 5500 Babcock  
Legal Description: Lot 7, Block 8, NCB 17258  
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

The applicant requests a 10-foot variance from the minimum 10-foot setback, as stated in Chapter 28-241 (c) to allow a multi-tenant sign on the property line on Eckert Road.

### **Procedural Requirements**

A variance from the requirements of the sign 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 16, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 16, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 30, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is a 7.4 acre shopping center, the Northgate Village Commercial Center, located at the corner of Babcock and Eckert. According to Bexar County Appraisal District, the center was first constructed in 1985 and the City of San Antonio records support that with the first Certificate of Occupancy issued that same year. Though staff could not locate the first sign permit, records show that the existing multi-tenant sign was "refaced" in 1997. The applicant is interested in updating it again, now 17 years later. The recent sign permit application was denied; the proposed sign was too tall, too large and did not meet the minimum setback. Section 28-241 of the City's sign code requires that signs taller than 25 feet be set back at least 10 feet from street right-of-way. The applicant has modified the height and the square footage to satisfy current sign code allowances, but is hoping to use

the original steel structure, which is very close to the property line. Therefore, they have decided to seek a setback variance.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Commercial Center

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 AHOD” Commercial Airport Hazard Overlay District	Multi-Family Residential
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Offices
East	“C-2 S AHOD” Commercial with a Specific Use Airport Hazard Overlay District	Car Wash
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Multi-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the North Sector Plan area, with a future land use designation as Mixed Use Center. The subject property is not located within the boundaries of a registered neighborhood association.

**Criteria for Review**

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

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

**The current signage has been in this location since the late 1980’s and landscaping and other area signage has been installed in the vicinity with its location in mind. Relocating the signage after 25 years could cause confusion. In addition, the applicant states that visibility from the intersection, over 300 feet away, is critical to their tenants.** Preserving the ability to use the existing steel foundation eliminates the need to dig new footings, a task that would require extended lane closures and traffic disruption.

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

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

**The applicant states that the variance does not provide a special privilege because the surrounding businesses also have non-conforming signs which exceed the current standards for maximum height.** In fact, much of the City's signage is non-conforming. A sign structure such as this one is very costly but also very sturdy; installed properly it will last more than 75 years, according to experienced sign contractors.

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

**Granting the variance will allow the applicant to update the existing multi-tenant sign, bringing it into compliance with both height and square footage allowed by Chapter 28. The owner has recently remodeled the exterior of the commercial center and would like to also improve the signage to compliment the architectural design theme.**

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

The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs. **The owner is offering to reduce the height and square footage to comply with today's standards and only needs a variance of the setback.**

### **Alternative to Applicant's Request**

The applicant can leave the sign in place, and change out tenant panels.

### **Staff Recommendation**

Staff recommends **approval of A-14-063** based on the following findings of fact:

1. The proposed signage is reduced in height and square footage to comply with current standards.

### **Attachments**

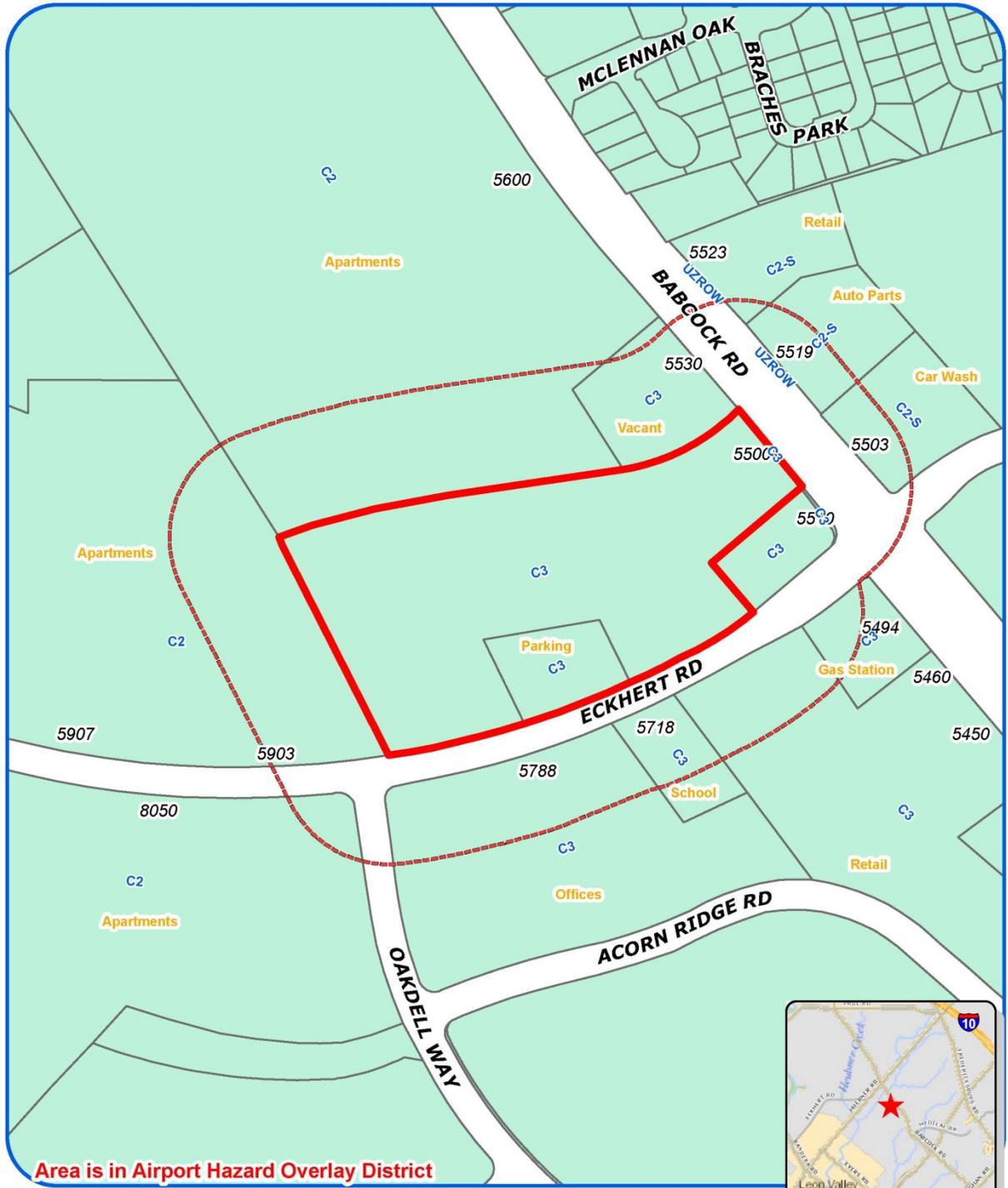
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

# Attachment 1 Notification Plan

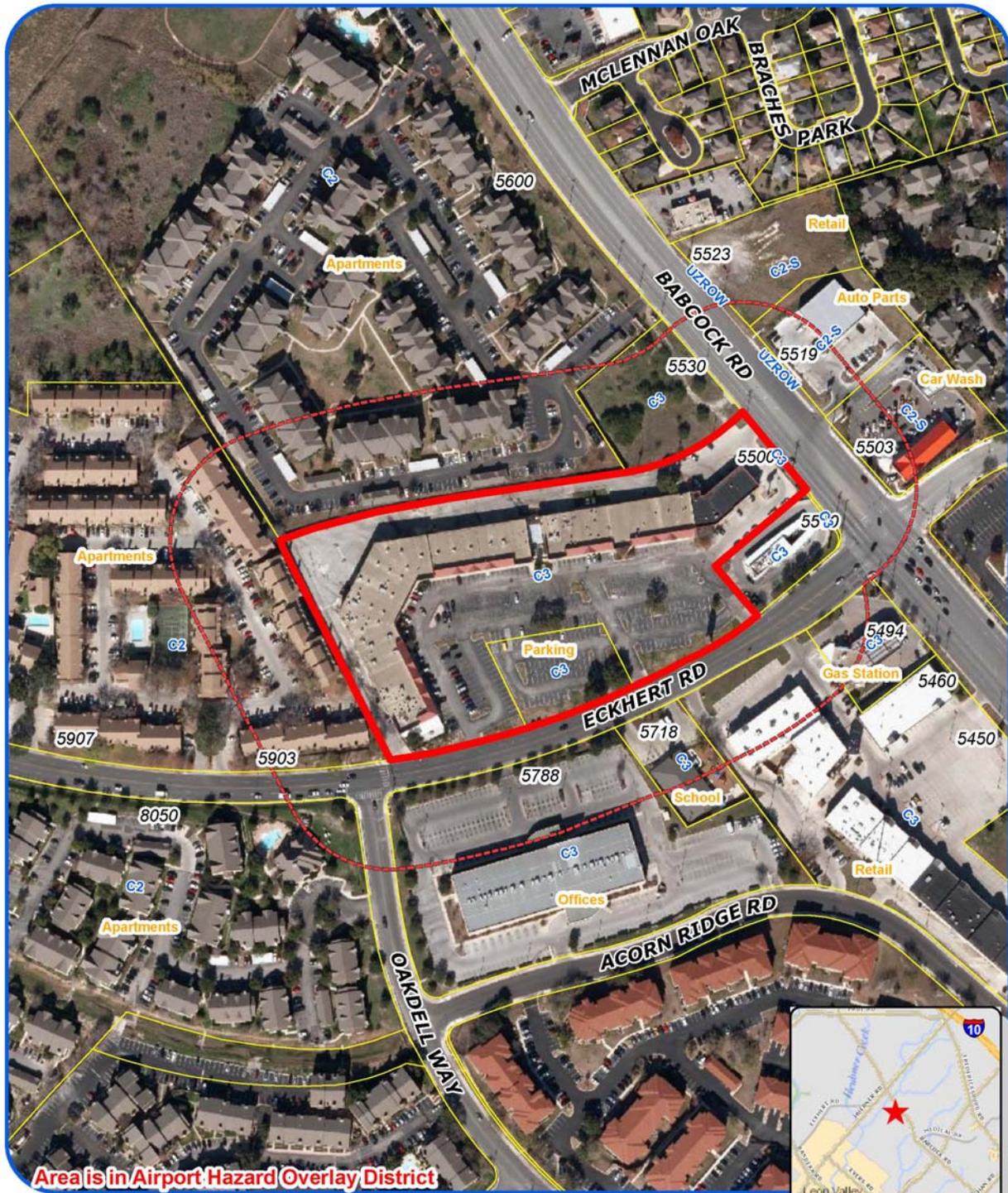


Area is in Airport Hazard Overlay District



<p><b>Board of Adjustment</b> Notification Plan for <b>Case No A-14-063</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 7</p>	<p style="text-align: center;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="text-align: center;">Development Services Department City of San Antonio</p>
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**Attachment 1  
Notification Plan (cont)**



**Board of Adjustment  
Notification Plan for  
Case No A-14-063**



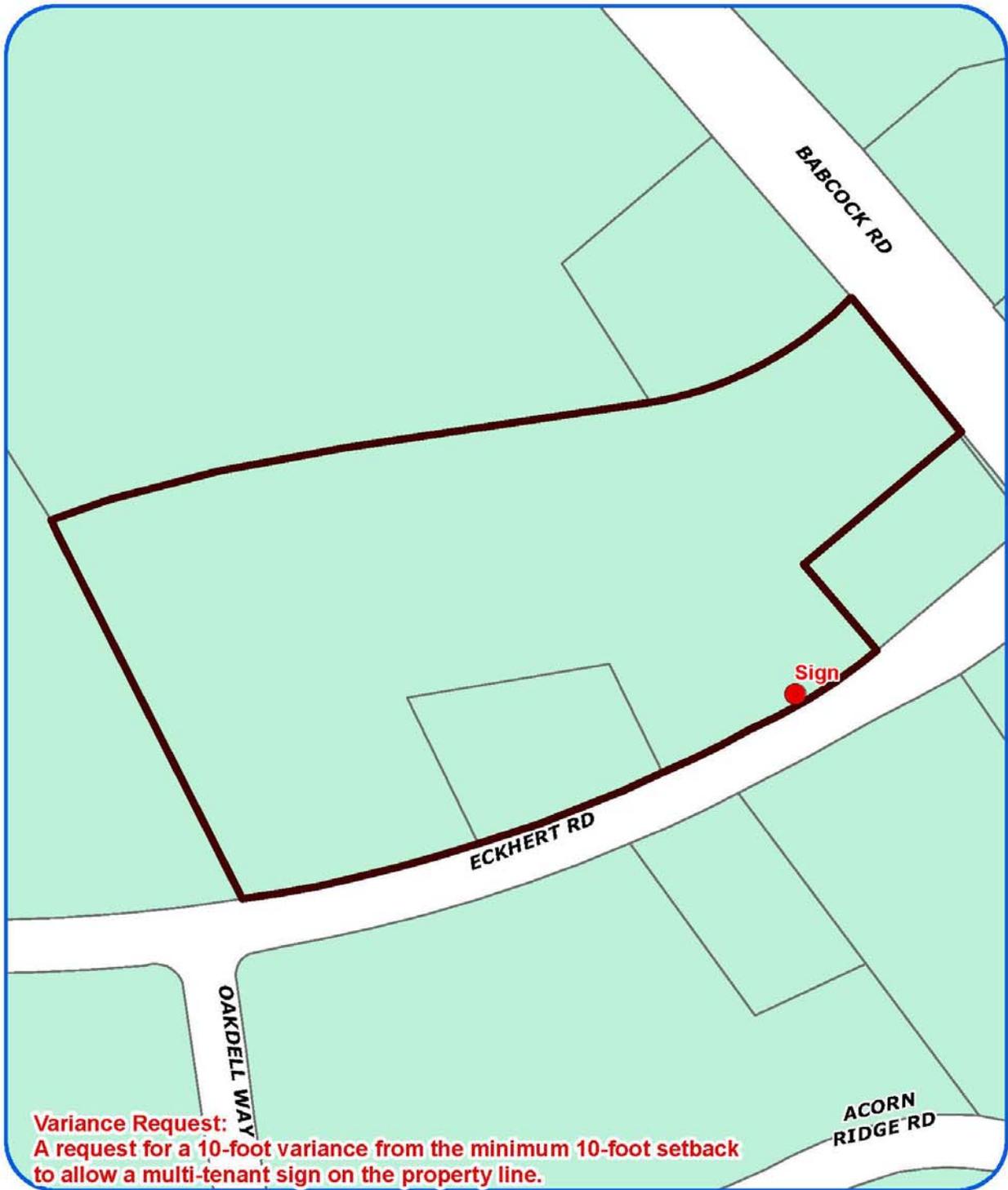
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Variance Request:**  
A request for a 10-foot variance from the minimum 10-foot setback  
to allow a multi-tenant sign on the property line.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-063**

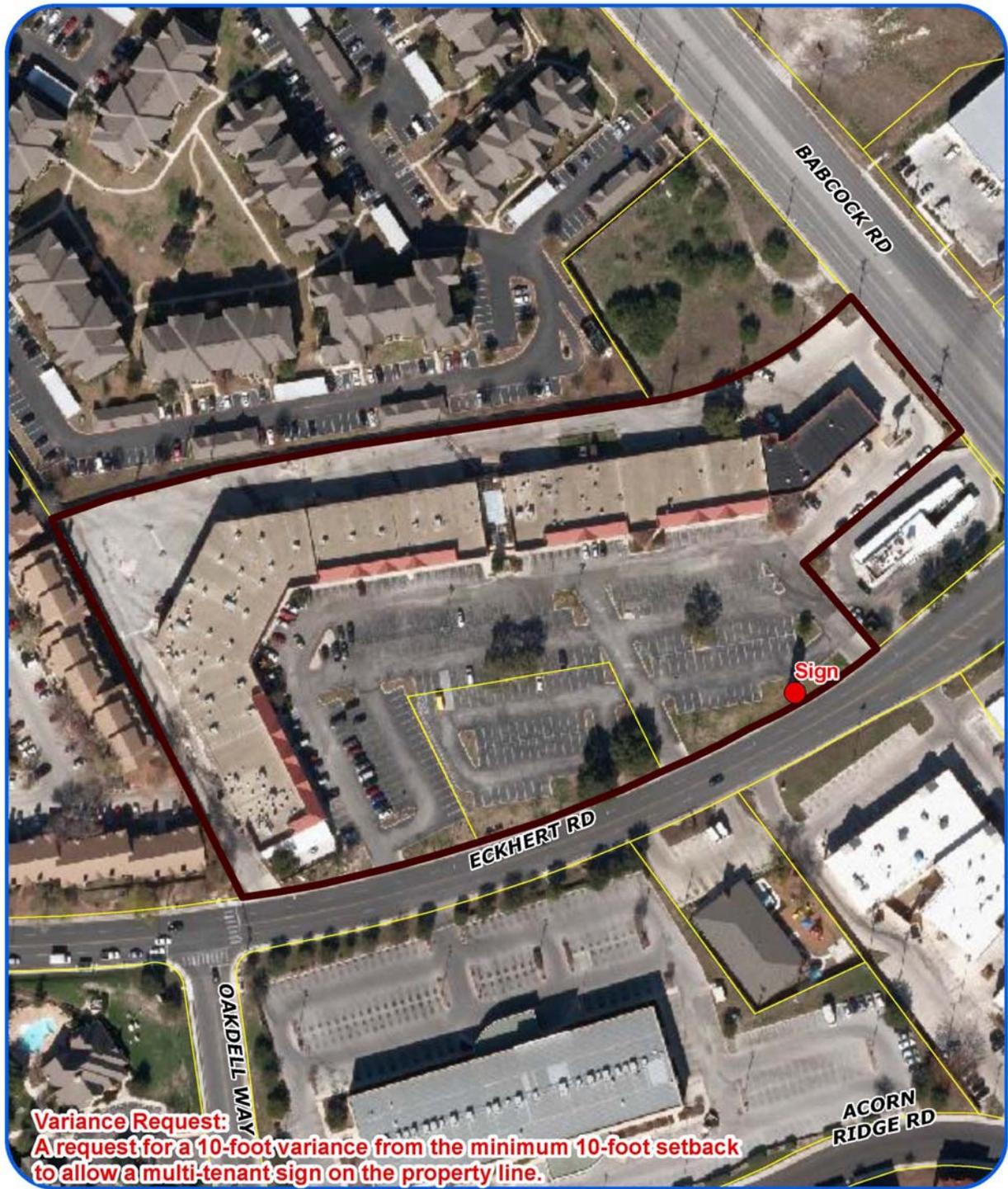


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

**5500 Babcock** 1:1,558

Development Services Department  
City of San Antonio

Attachment 2  
Plot Plan (cont)



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-063**



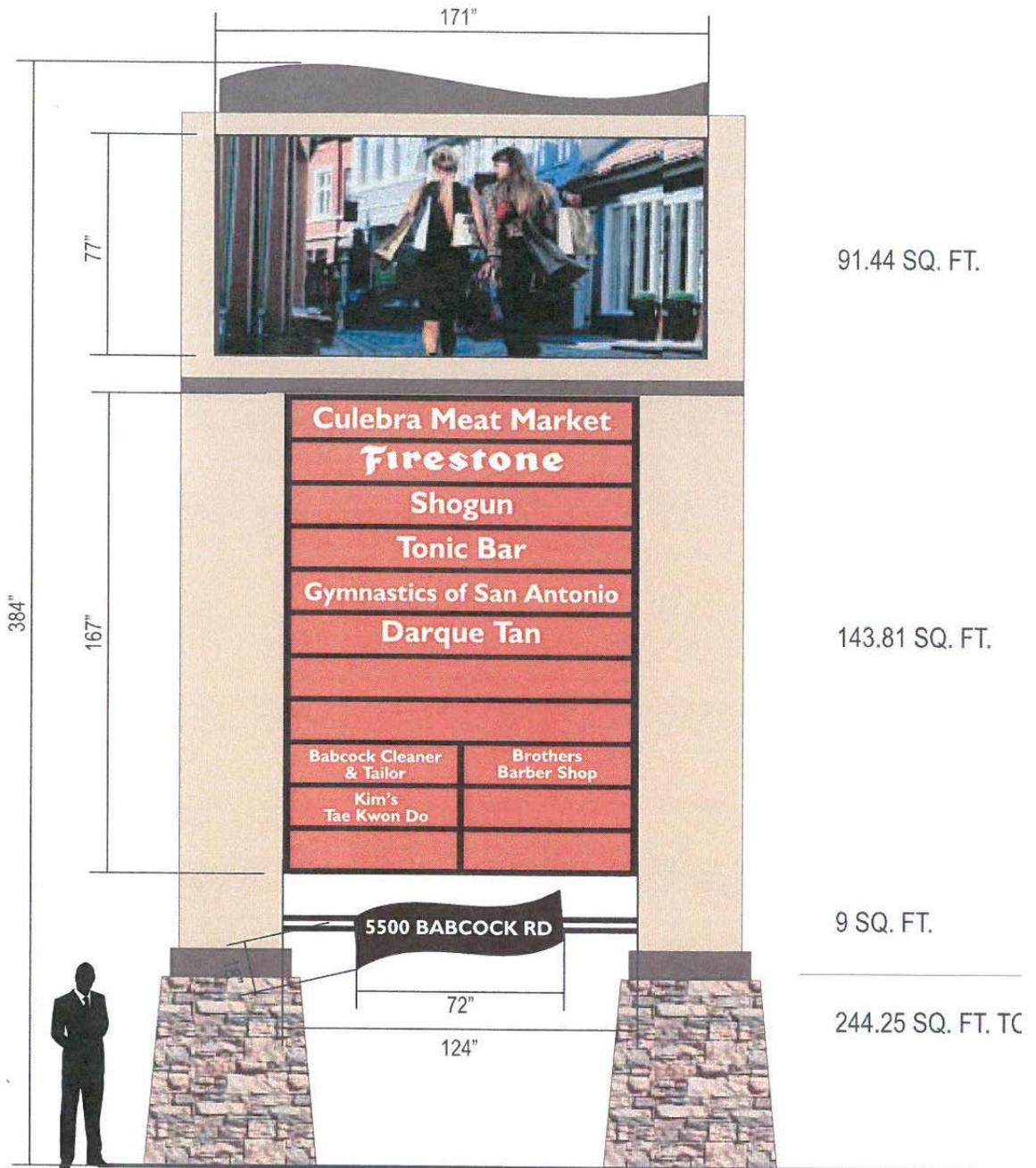
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

**5500 Babcock**

1:1,558

Development Services Department  
City of San Antonio

**Attachment 3  
Sign Elevations**



**PROPOSED**

**Attachment 4  
Site Photos**





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

To: Board of Adjustment  
Case No.: A-14-064  
Date: June 2, 2014  
Applicant: San Antonio Palio Partners, LLC  
Owner: San Antonio Palio Partners, LLC.  
Location: 8438 State Hwy 151  
Legal Description: Lot 8, Block 8, NCB 19127  
Zoning: "MPCD GC-2 AHOD" Master Planned Community District Gateway Corridor  
Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

The applicant requests a variance from a requirement for a 25% reduction in size for the second sign on a lot, as stated in Chapter 28-241 (c) to allow a multi-tenant sign 40 feet in height on the same lot as an existing compliant sign.

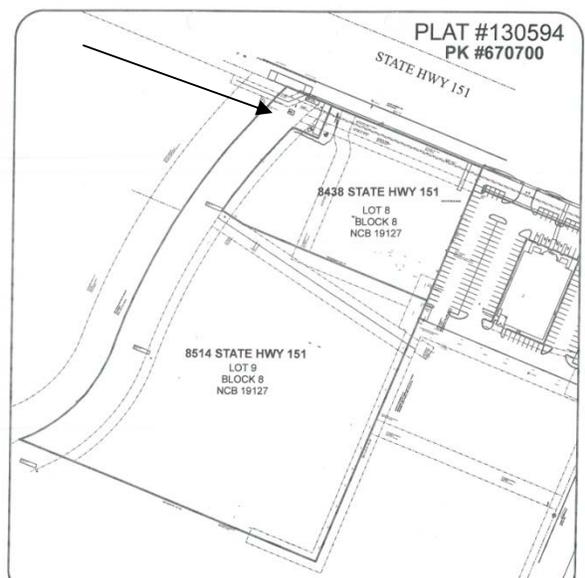
### **Procedural Requirements**

A variance from the requirements of the sign 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 16, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 16, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 30, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is part of a 200-acre Master Planned Community, located near the intersection of State Highway 151 and Loop 410. The overall project was rezoned in January of 2007 to allow a mix of office, commercial and residential uses with nearly 25% of open space set aside. Development within the master planned community has proceeded slowly with only a few projects completed to date. These include a science charter school, a nursing facility and a restaurant. More recently, two new commercial buildings are under construction and nearing completion. One is a restaurant that has already installed their freestanding sign at the maximum allowed height of 40 feet. The second project is an entertainment facility located to the rear of the restaurant and on a separate lot. The parcel was

specifically created with a privately owned driveway parcel with room for a sign near the freeway frontage access road, as shown below.



This parcel design is especially important for commercial tenants located off of the primary access road and potentially hidden from passing traffic. In addition, the sign code allowance is larger for an independent sign on a lot. Unfortunately according to the applicant, this planned sign location was eliminated when San Antonio Water Service (SAWS) selected the same spot for their meter installation. The meter location issue has forced the owners to seek an alternative location for their sign, acquiring an easement from the restaurant parcel within a few feet of their original location. This new location however, comes with a huge concession, a reduction of 25% in size for what is now considered the second sign on the parcel and an application for a sign master plan to eliminate the “off-premise sign” concern. Businesses are allowed more than

one sign per parcel with a minimum spacing of 150 feet and a reduction in sign size. The applicant is seeking a variance from this provision to allow the same size signage as was planned and designed prior to the SAWS meter issue. According to the applicant, this signage is planned to advertize multiple tenants of the site, each with less than ideal visibility.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“MPCD GC-2 AHOD” Master Planned Community District Gateway Corridor Airport Hazard Overlay District	Restaurant & Entertainment

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 GC-2 AHOD” General Commercial Hwy 151 Gateway Corridor Airport Hazard Overlay District	Commercial Strip Center
South	“MPCD GC-2 AHOD” Master Planned Community District Hwy 151 Gateway Corridor Airport Hazard Overlay District	Vacant
East	“MPCD GC-2 AHOD” Master Planned Community District Hwy 151 Gateway Corridor Airport Hazard Overlay District	Restaurant
West	“MPCD GC-2 AHOD” Master Planned Community District Hwy 151 Gateway Corridor Airport Hazard Overlay District	Vacant

## Comprehensive Plan Consistency/Neighborhood Association

The property is within the North Sector Plan area, with a future land use designation as General Urban Tier. The subject property is not located within the boundaries of a registered neighborhood association.

### Criteria for Review

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

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

**The applicant states that the variance is needed to allow travelers time to identify the tenants and exit safely. In addition, the tenants were not anticipating the reduction as required for secondary signage. Strict enforcement of the secondary signage requirements further depreciates the viability of the commercial sites located to the rear.**

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*
  - A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

The applicant states that the variance does not provide a special privilege because most of the surrounding businesses are each located on individually platted parcels with the rights associated with those lots. In addition, **the requested variance is not to allow a sign larger than would be allowed for other multi-tenant signs within the corridor or along the freeway.**

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

**Granting the variance will allow the applicant to install multi-tenant signage that would be permitted just a few feet further to the west if a utility had not needed that location.**

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

The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs. **The owner is requesting approval to install signage on an easement on an adjoining lot without reducing it by 25% as required in Section 28-241 of the Sign Code. The owner has submitted an application for a sign master plan to allow the overall project to be considered as a single premise, share signage and reduce sign clutter, consistent with the stated purpose.**

### Alternative to Applicant's Request

The applicant can reduce the multi-tenant sign by 25%, consistent with secondary sign provisions.

## **Staff Recommendation**

Staff recommends **approval of A-14-064** based on the following findings of fact:

1. The proposed signage is exactly what would have been allowed just a few feet to the west had a utility not been installed there.
2. The shared multi-tenant signage will reduce overall sign clutter.

## **Attachments**

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

**Board of Adjustment**  
Notification Plan for  
**Case No A-14-064**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 6



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 1  
Notification Plan (cont)**



**Area is in Airport Hazard Overlay District**

**Board of Adjustment  
Notification Plan for  
Case No A-14-064**



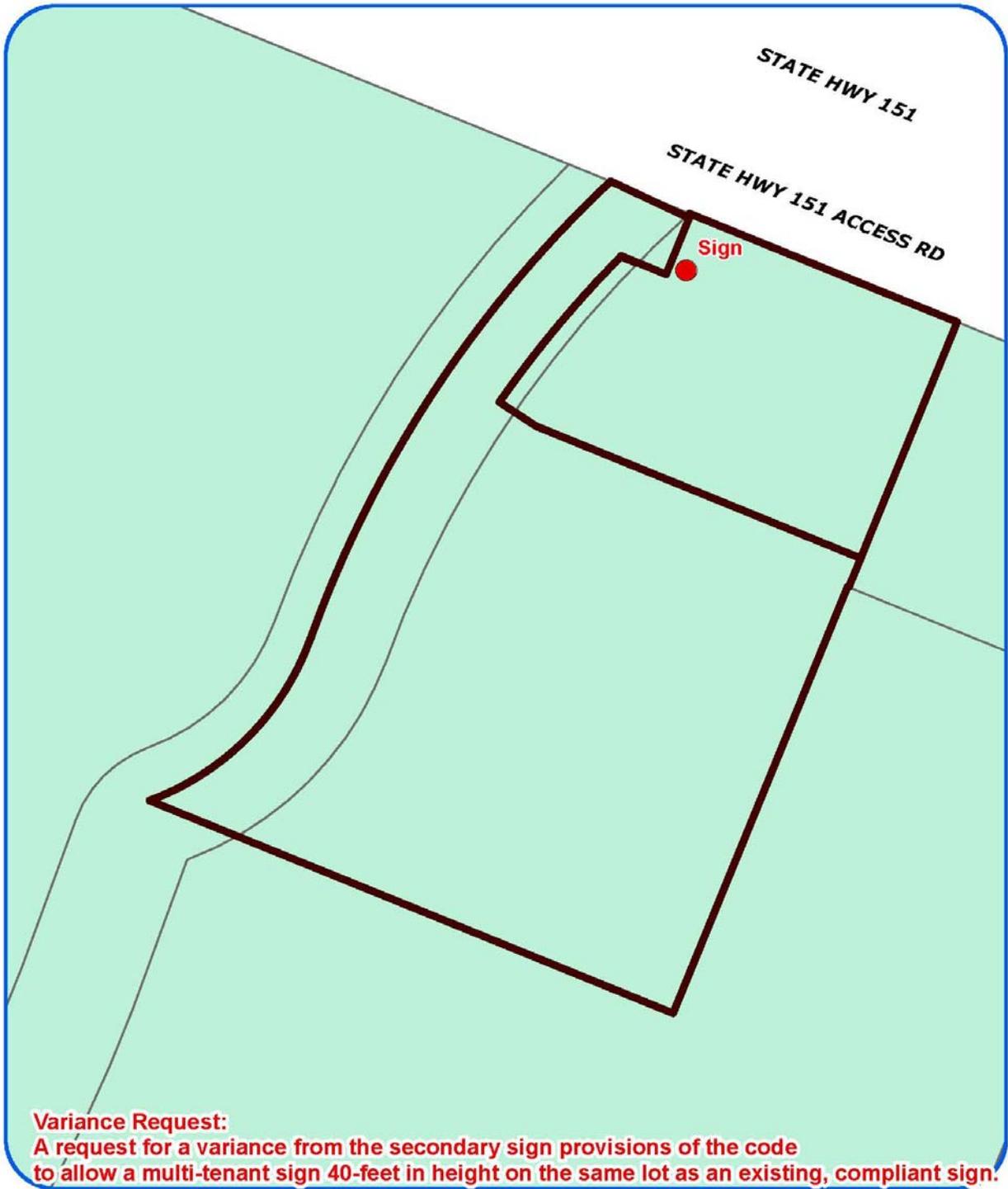
- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 6



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Variance Request:**  
A request for a variance from the secondary sign provisions of the code to allow a multi-tenant sign 40-feet in height on the same lot as an existing, compliant sign.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-064**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 6

**8438 State Hwy 151**

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan (cont)**



**Variance Request:**  
A request for a variance from the secondary sign provisions of the code to allow a multi-tenant sign 40-feet in height on the same lot as an existing, compliant sign.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-064**

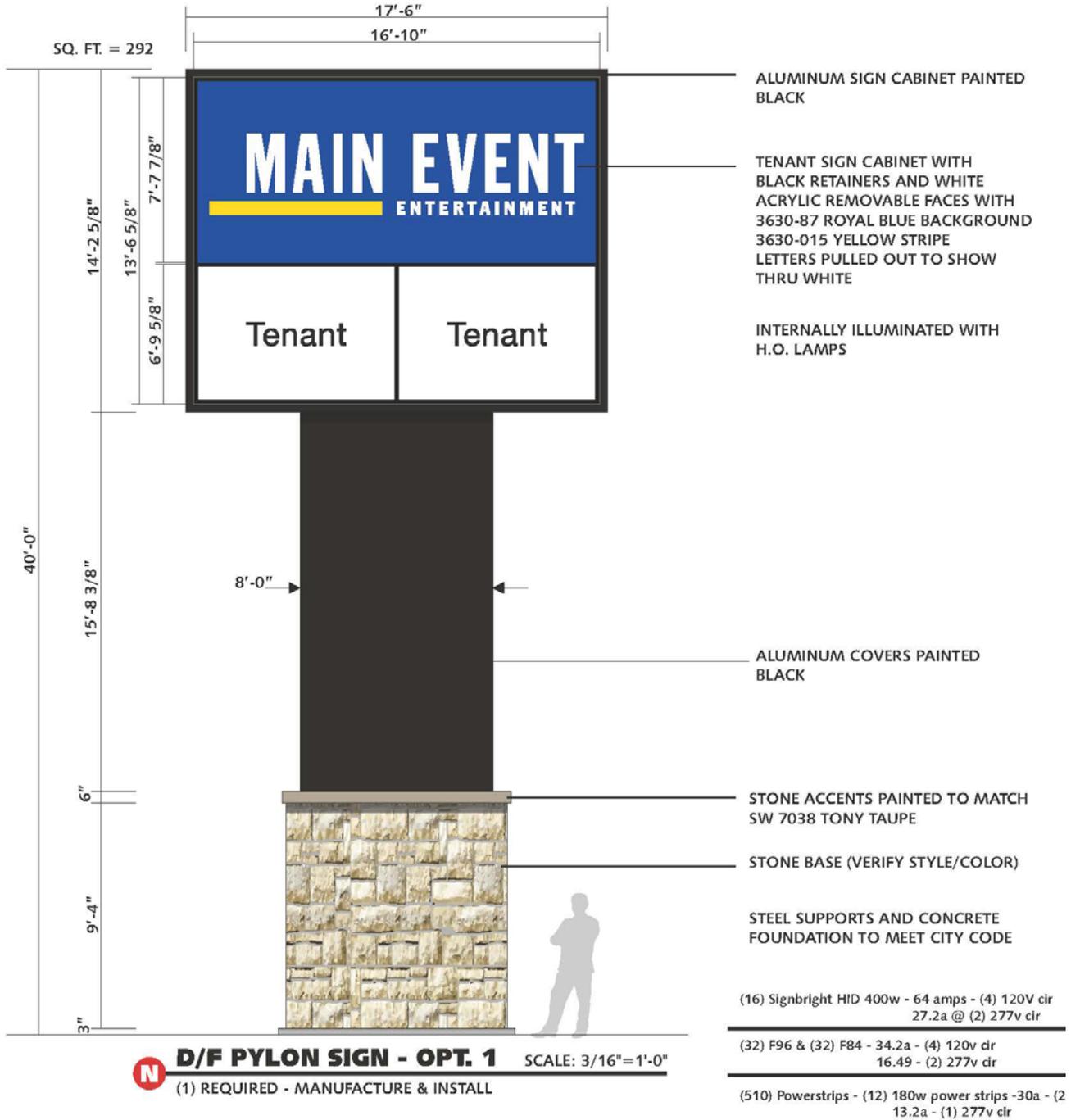


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 6

**8438 State Hwy 151**

Development Services Department  
City of San Antonio

### Attachment 3 Sign Elevations



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





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-14-056  
Date: June 2, 2014  
Applicant: Ali Fahr  
Owner: Shifteh Fahr  
Location: 9665 Oakland Road  
Legal Description: Lot 35, Block 1, NCB 14701  
Zoning: "RE" Residential Estate District  
Prepared By: Tony Felts, Planner

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### **Request**

A request from Section 35-514(d) for a 3-foot variance from the 3-foot maximum fence height to allow a solid fence 6 feet in height in the front 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 15, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 16, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 30, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the west side of Oakland Road, approximately 875 feet north of Verbena Road.

The site is currently developed as a single-family residence. The lot, as well as surrounding properties, is characterized by its large size and rural character. The applicant has installed a solid fence 6 feet in height within the front yard, without a permit.

The applicant has stated that the fence is required because of privacy and safety concerns. On a site visit, staff noted the absence of other solid front yard fences in the area. Staff, however, did note the presence of a large number of predominantly open fences within the front yard, many up

to six feet in height – an allowed fence on large lots. Additionally, it should be noted that a predominantly open front yard fence of 6 feet in height is allowed by right on the subject property under Section 35-514(b)(2) of the UDC concerning Large Lot Fencing.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“RE” Residential Estate District	Single-Family Residence

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“RE” Residential Estate District	Single-Family Residence
South	“RE” Residential Estate District	NCU – Manufactured Home
East	“RE” Residential Estate District	Single-Family Residence
West	“RE” Residential Estate District	Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Oakland Estates Neighborhood Plan (designated as Low Density Residential Estate). The subject property is located within the boundaries of Oakland Estates 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. Front yard fences of varying heights and materials are common in this area; however the most prevalent type of fence utilized is the predominantly open wrought-iron type of fence, which is consistent with the allowances for large lot fencing. Staff did not observe any other solid front yard fences of the height requested by the applicant within the area.

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

There are no special conditions existing on the site that would warrant the granting of the requested variance, especially considering that the UDC already has an allowance for higher front yard fences on large lots, with the stipulation that the fencing be predominantly open.

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 because there are no special conditions readily apparent to warrant the fence and the UDC has allowances for higher fences within the front yard for large lots with the stipulation that the fence be predominantly open.

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 Residential Estate 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 alter the essential character of the district as this requested fence is the only example of its type in the area, and is out of character with the rest of the 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.*

There are no unique circumstances existing on the site to warrant the granting of the variance.

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

The alternative to the applicant's request is to modify the fence to 3 feet in height uniformly, where the fence is in front of the front façade of the primary structure.

### **Staff Recommendation**

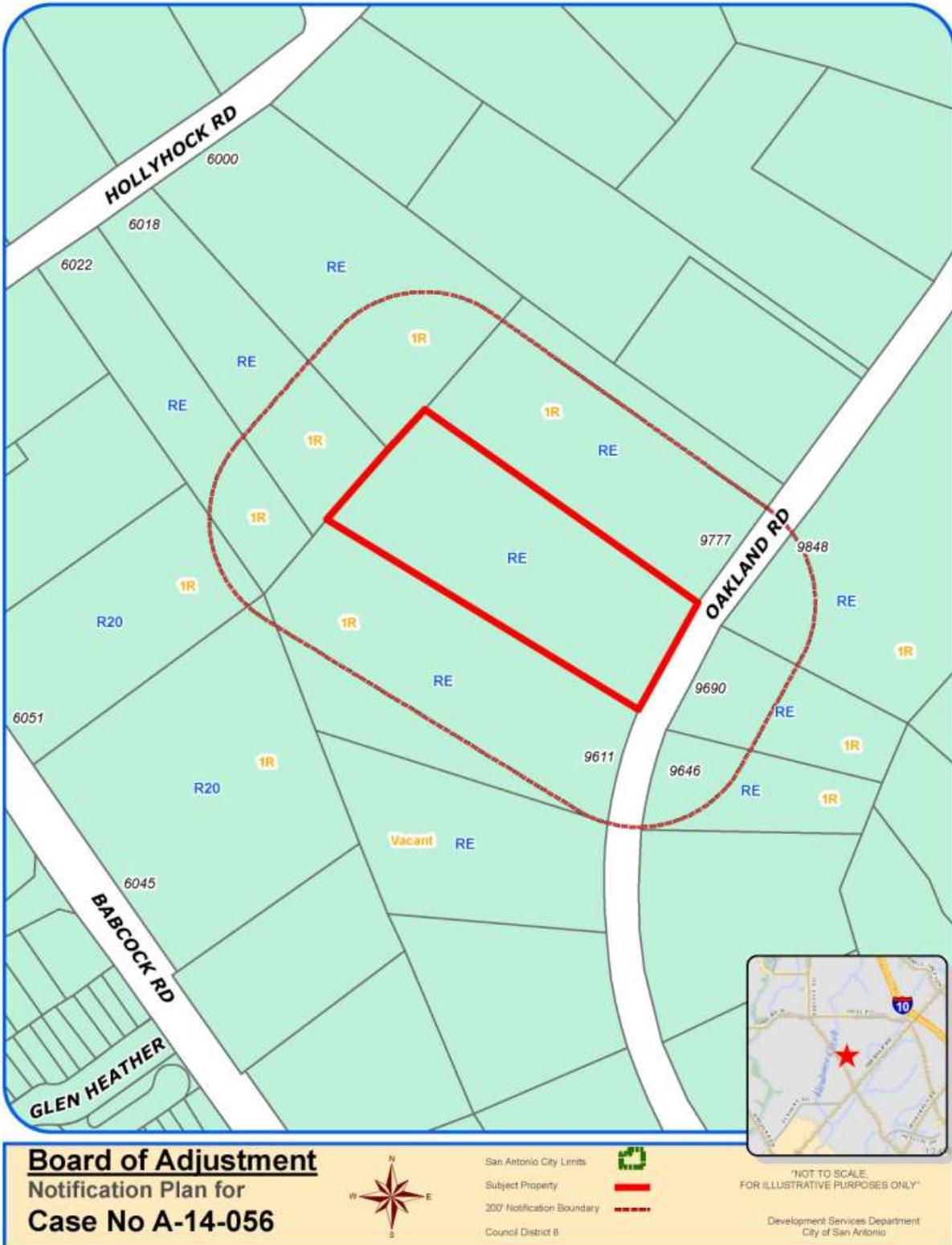
Staff recommends **denial of A-14-056** because of the following reasons:

- The fence is out of character for the area
- There are no special conditions readily apparent to warrant the granting of the variance.

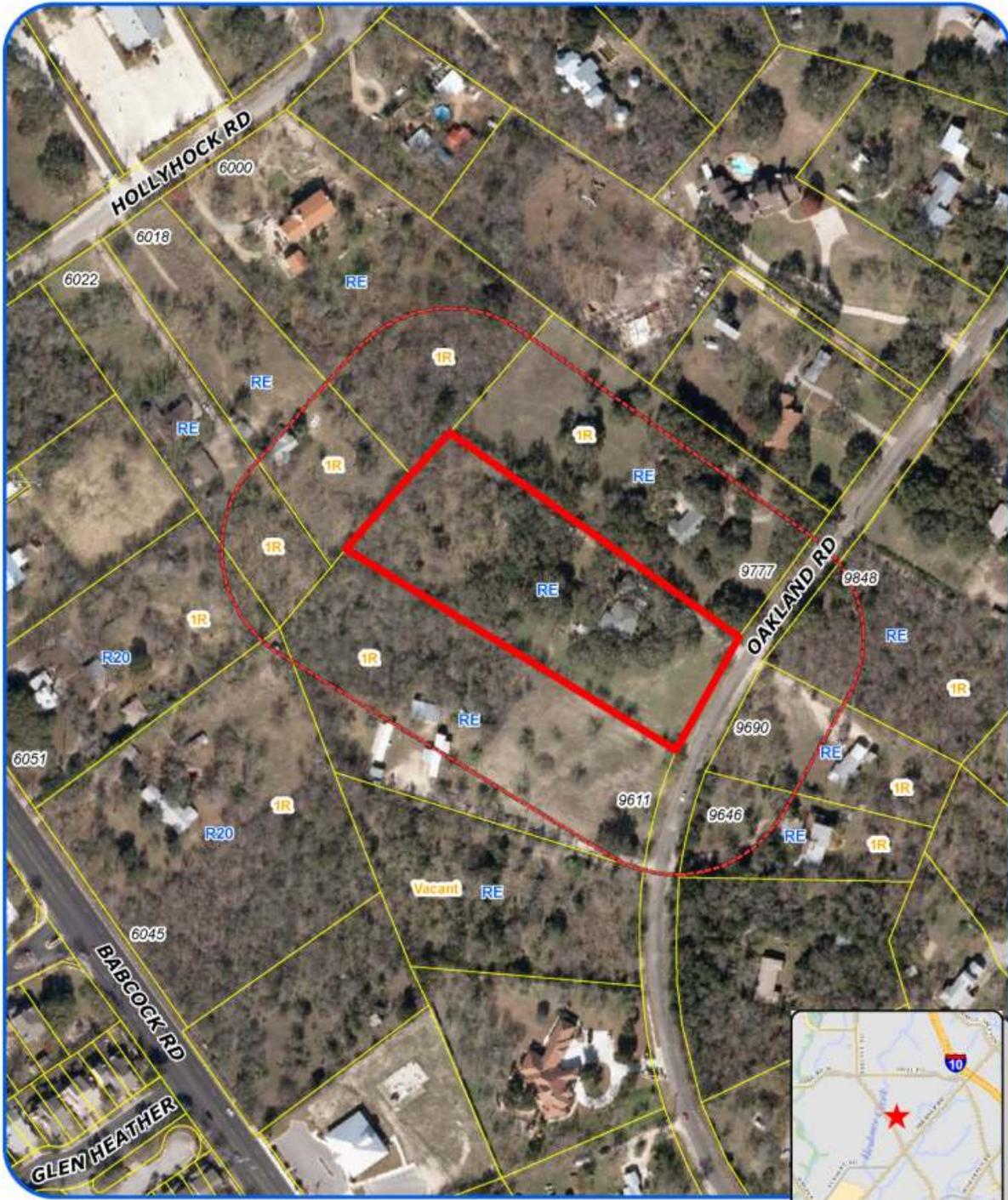
### **Attachments**

- 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**



<p><b>Board of Adjustment</b> Notification Plan for Case No A-14-056</p>		San Antonio City Limits	<p>*NOT TO SCALE. FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p>Development Services Department City of San Antonio</p>
		Subject Property	
		200' Notification Boundary	
		Council District B	

**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-056**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 8

**9665 Oakland**

Development Services Department  
City of San Antonio

1.1.031

**Attachment 2 (Continued)  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-056**



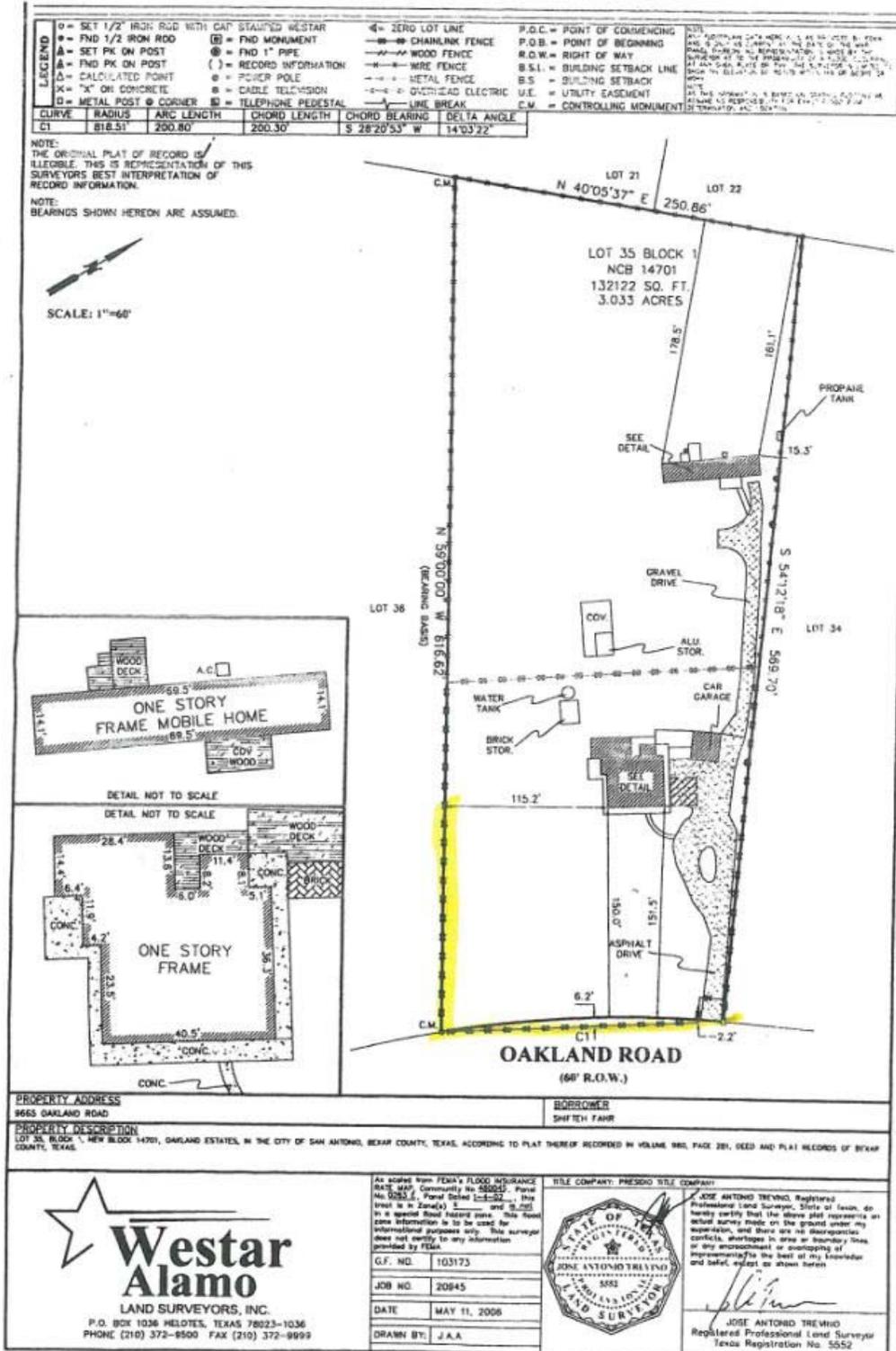
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 8

**9665 Oakland**

Development Services Department  
City of San Antonio

1.1.031

# 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-14-065  
Date: June 2, 2014  
Applicant: Raul Rodriguez  
Owner: Raul Rodriguez  
Location: 8339 Beauty Oaks  
Legal Description: Lot 40, Block 41, NCB 18820  
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 1) a 7-foot, 6-inch variance from the 10-foot required front yard setback to allow a structure 2 feet, 6 inches from the front property line; and 2) a 4-foot, 7-inch variance to allow a structure 5 inches from the 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 15, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 16, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 30, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located the northern terminus of Beauty Oaks, a cul-de-sac street which runs off of Day Creek.

The site is currently developed as a single-family residence. The applicant has constructed an attached carport with balcony on the front and east sides of the existing structure. The carport and balcony were constructed without permits and the applicant was cited by Code Compliance for the violation.

If the variance were to be approved, the Plan Review section has indicated that the applicant would be required to provide a 1 hour fire-resistance rated exterior wall without any openings on

the structure along the east side property line up to the floor of the balcony. The owner could apply for a Code Modification Request to eliminate the fire-proofing requirement; however, plan review has indicated that they would likely not support such a request.

**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-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
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 West/Southwest Sector Plan (designated as Suburban Tier). The subject property is not located within the boundaries of a registered neighborhood association.

**Criteria for Review**

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

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

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; additionally, the structure projects into the required front yard setback. There are no other examples of such extreme incursions into either the side or front setbacks on this street. By allowing the addition to remain, it may adversely affect the neighboring properties by not allowing for adequate access or separation.

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

The existing structure is equipped with an attached garage, thus there can be little argument for the need for more covered parking. Additionally, there are no special conditions readily apparent to warrant 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 spirit of the ordinance will not be observed by granting the variance as the carport and balcony structure, as constructed, do not provide for adequate separation distance between the subject property and the adjacent property. Additionally, the structure is out of place with the existing development pattern of this street.

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 adjacent properties due to inadequate separation distances; additionally, the structure may alter the development pattern 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.*

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 remove the non-permitted structure and utilize the garage for covered parking.

### **Staff Recommendation**

Staff recommends **denial of A-14-065** because of the following reasons:

- The addition does not allow for adequate separation distance between adjacent structures.
- The addition adversely alters the development pattern of the street.

### **Attachments**

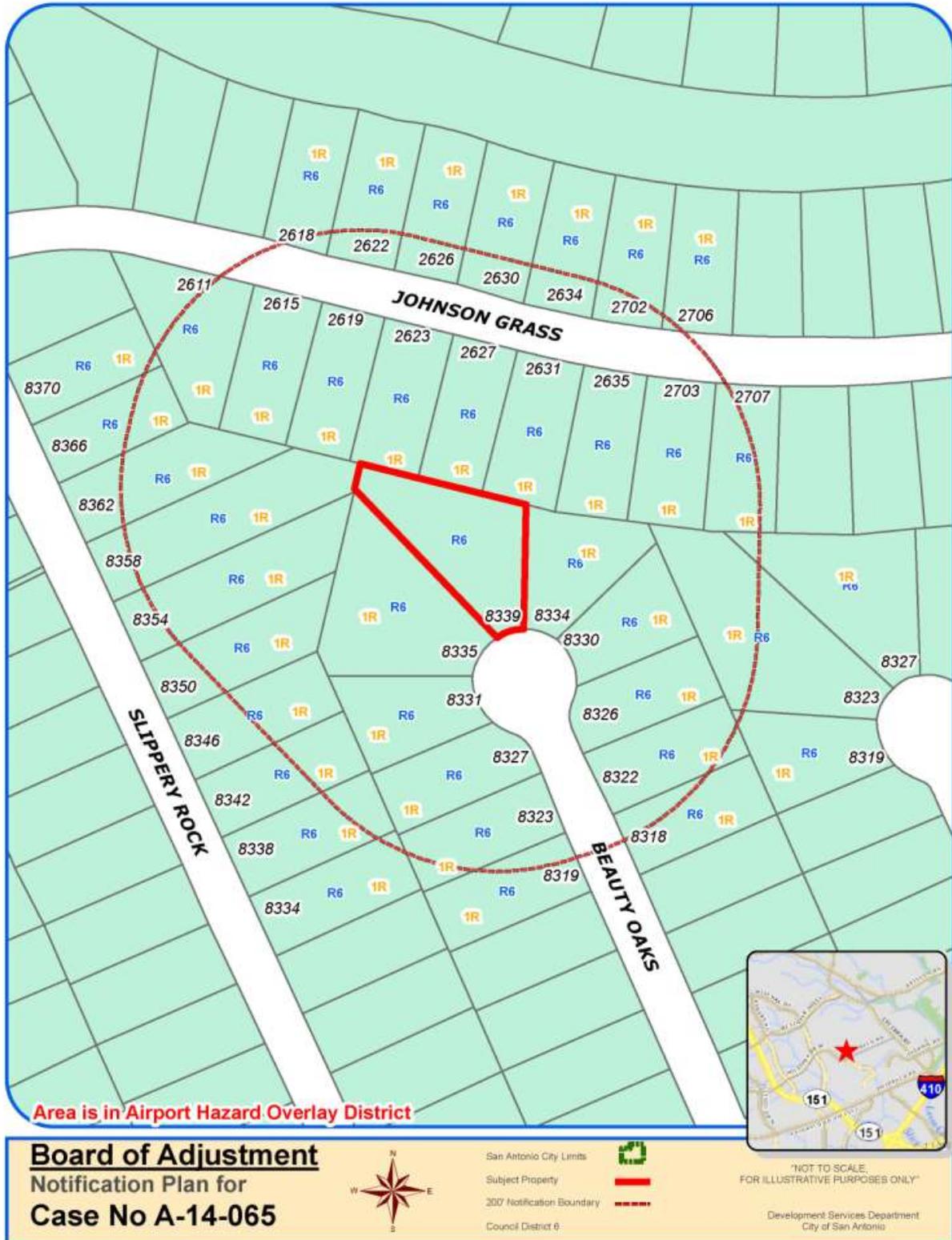
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

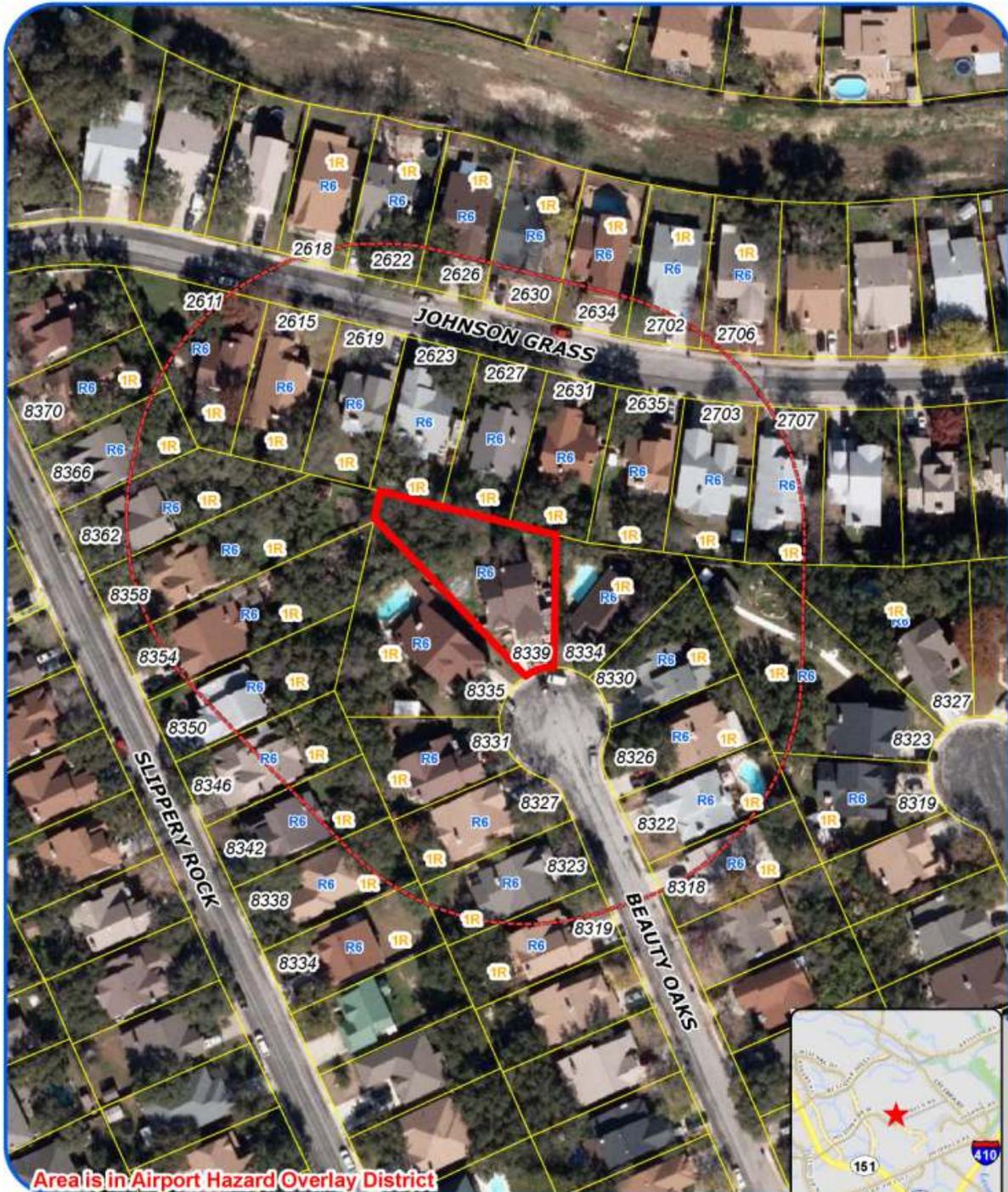
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

# Attachment 1 Notification Plan



**Attachment 1 (Continued)  
Notification Plan**



**Board of Adjustment  
Notification Plan for  
Case No A-14-065**

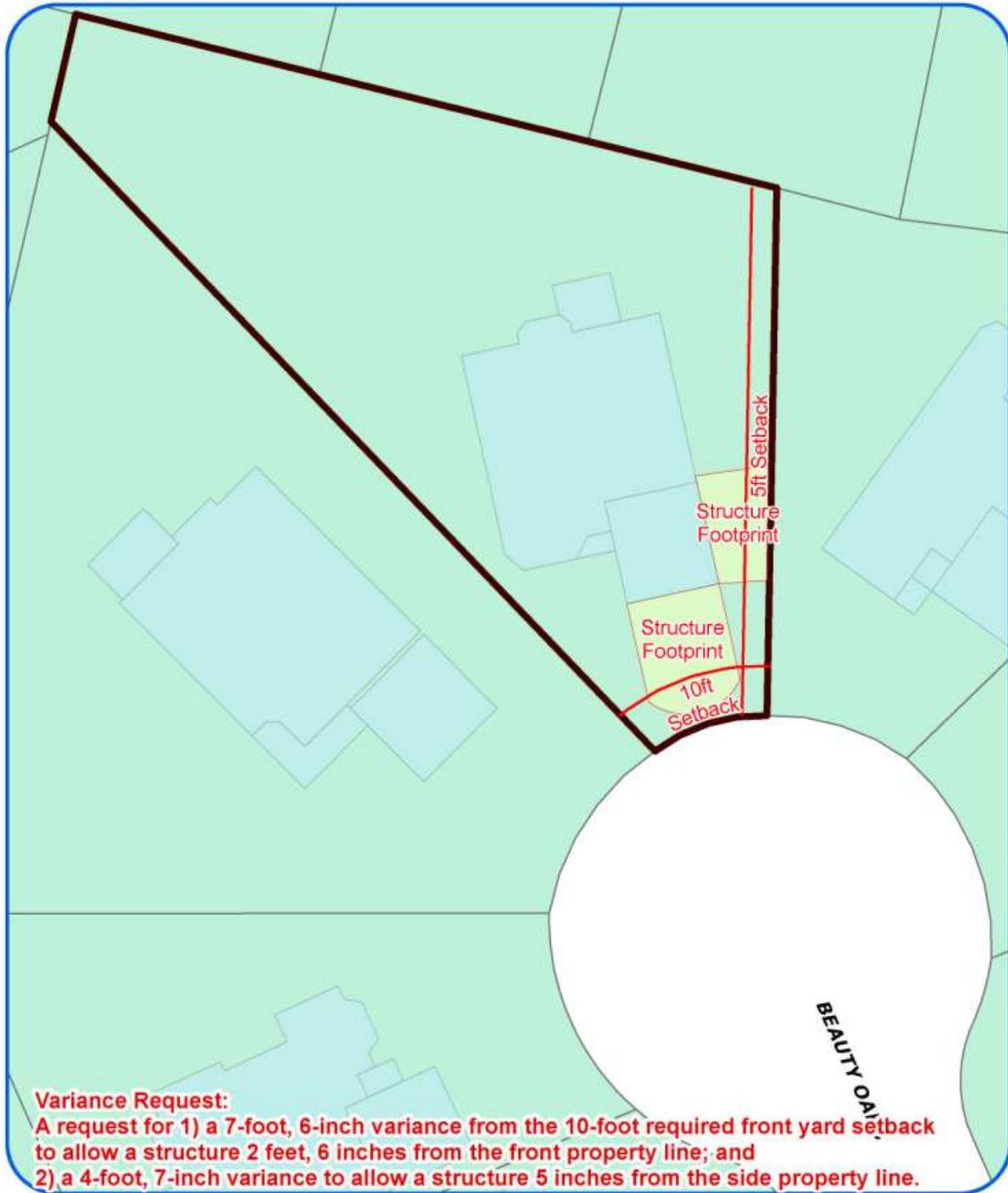


- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 6 

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-065**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 6

**8339 Beauty Oaks**

Development Services Department  
City of San Antonio

Attachment 2 (Continued)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-14-065

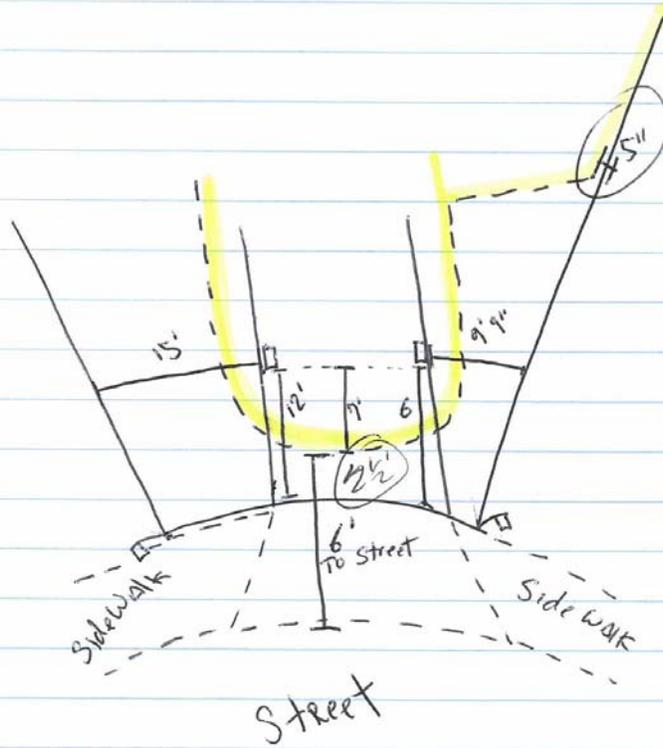


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 6

8339 Beauty Oaks

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-14-066  
Date: June 2, 2014  
Applicant: Martin Sanchez  
Owner: Martin & Rosa Sanchez  
Location: 1834 Texas  
Legal Description: Lot 5, NCB 6923  
Zoning: "R-4 NCD-8 AHOD" Residential Single-Family Woodlawn Lake  
Neighborhood Conservation Airport Hazard Overlay Districts  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for a variance from the Woodlawn Lake Neighborhood Conservation District restrictions regarding preserving roof pitch to allow a hip roof on a building that previously had a flat roof.

### **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 16, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 16, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 30, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is a 7,750 square foot lot with a single family home constructed in 1929. The home was designed and built in the Spanish Revival style with rounded archways, clay tile roofing and white stucco finish. The applicant has owned the home for 22 years and over that time has repeatedly invested in repairing the flat roof. According to the applicant, the roof has leaked so often the interior of the home has developed mold. The applicant has also replaced the sheet rock several times. Their frustration led them to decide to install a pitched roof, without proper permits. Code Compliance issued a stop work order and directed the owners to request a building permit. A building permit could not be issued because the property is located within the

boundaries of the Woodlawn Lake Neighborhood Conservation District, which prohibits changes to roof pitch. According to Section 3.3.2, *roof lines and pitch on existing structures shall be maintained*. In fact, this type of requirement is included in two-thirds of the nine conservation district overlay zones.

The ordinances creating the Neighborhood Conservation Districts provide a glimpse into the reasoning behind the requirements. Each includes the goal that the overlay district is intended to preserve, protect, enhance and perpetuate the value of distinctive residential neighborhoods. In preparing the overlay district regulations, staff and volunteers document many of the character defining features which are then coded on maps of the district boundaries. One such map of roof pitch identifies the subject parcel as one with a flat roof.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home
South	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home
East	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home
West	“R-4 NCD-8 AHOD” Residential Single-Family Woodlawn Lake Neighborhood Conservation Overlay Airport Hazard Overlay Districts	Single-Family Home

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Near Northwest Community Plan, adopted by the City Council in 2002. The future land use plan designates this property as appropriate for low density residential uses. The subject property is located within the boundary of Woodlawn Lake, 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 home is located in the boundaries of a NCD, a regulatory overlay designed to preserve and protect unique character defining features. The requested variance would irrevocably harm the original design of the home and would 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 ordinance would require that the applicant dismantle the recent roofing and replace it with a flat roof, similar to the original roof. 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 hoping that their previous failed attempts to prevent roof leaks will be sufficient to warrant a variance from the prohibition to changing roof pitch.

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-4 NCD-8 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.*

An inventory of roof pitch throughout the neighborhood was completed prior to the adoption of the conservation district regulations. While the district is eclectic with regards to roof pitch, this particular style of architecture includes the flat roof as an essential character component.

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 owned and occupied by the applicants for 22 years and according to their application has always had roof leak issues. Staff has found however that there are flat roof specialists in the area and recent technological advances to resolve flat roof issues. Therefore, the applicant has created a self-imposed hardship, by installing a roof without a permit.

## **Alternatives to Applicant’s Request**

The applicant could replace the traditional flat roof with recent technological advances.

## **Staff Recommendation**

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

1. The classic Spanish revival architecture is a treasured style that should be preserved and is defined by the flat roof.
2. Recent technological advances have solved the flat roof leaking problem.

## **Attachments**

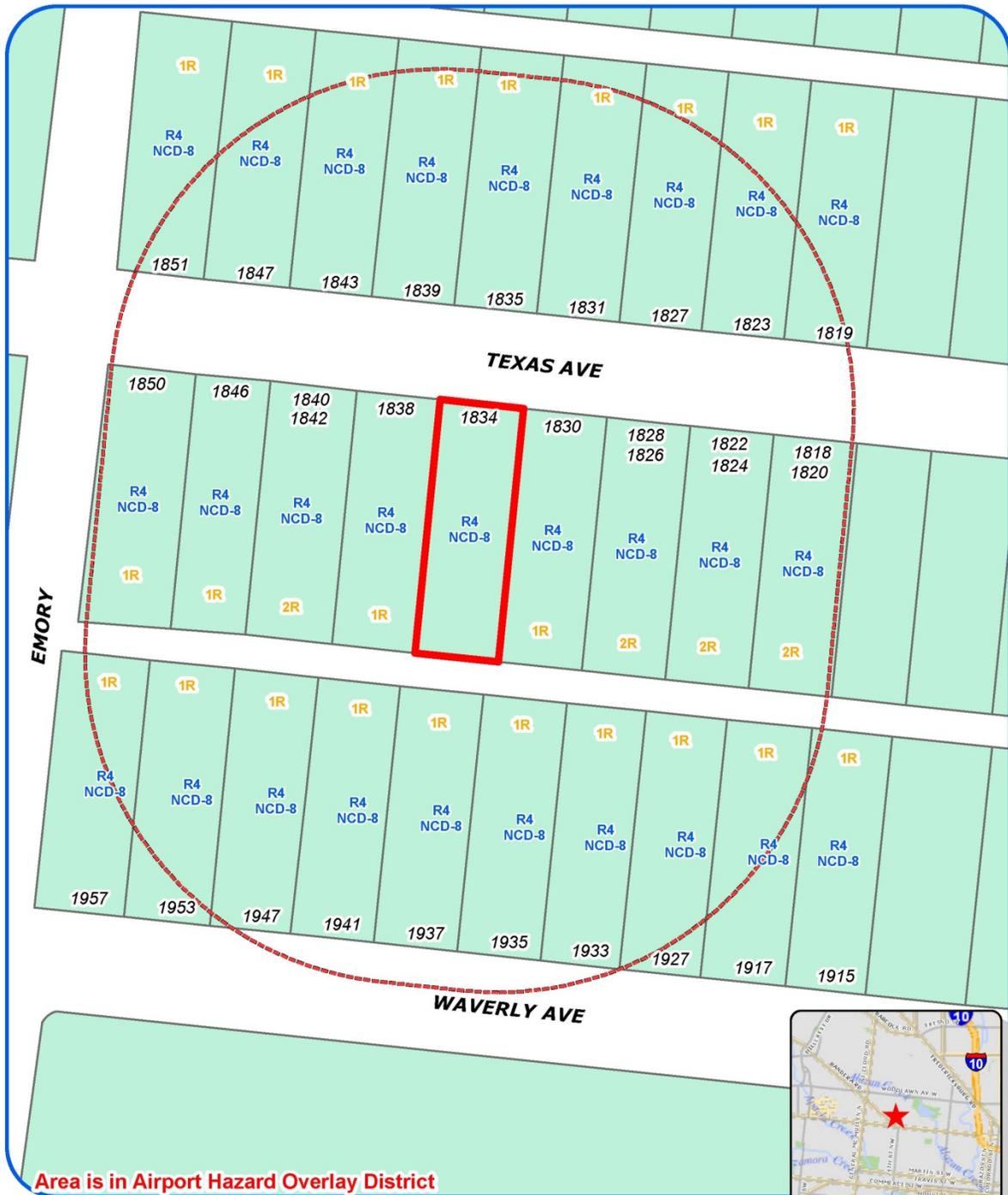
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

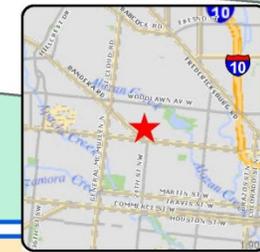
# Attachment 1 Notification Plan



**Board of Adjustment**  
**Notification Plan for**  
**Case No A-14-066**



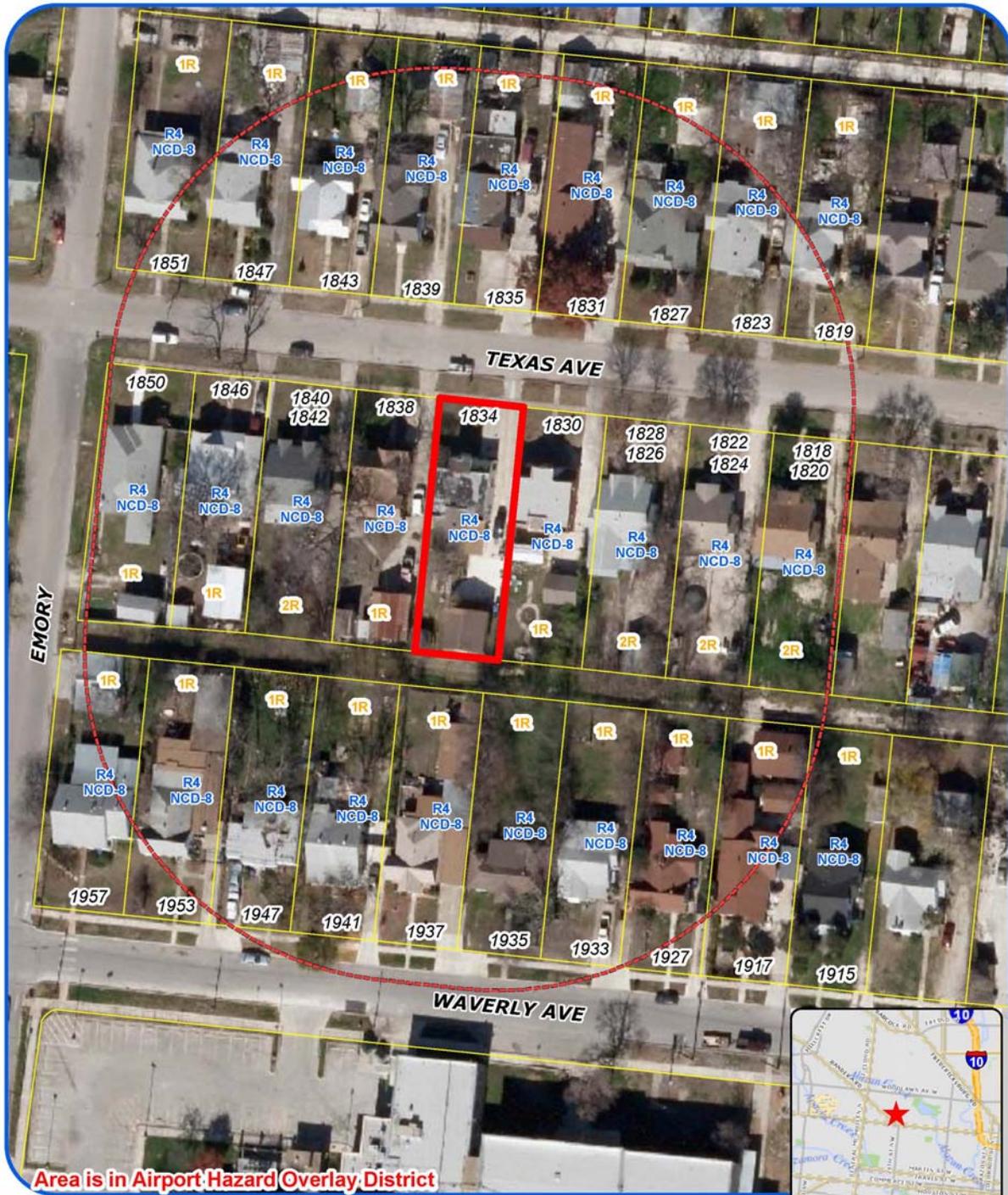
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7



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 FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
 City of San Antonio

# Attachment 1 Notification Plan (continued)



Area is in Airport Hazard Overlay District



<p><b>Board of Adjustment</b> Notification Plan for <b>Case No A-14-066</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 7</p>	<p style="font-size: small;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="font-size: x-small;">Development Services Department City of San Antonio</p>
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**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-066**



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

**1834 Texas**

Development Services Department  
City of San Antonio

1:380

**Attachment 2  
Plot Plan (continued)**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-066**



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

**1834 Texas**

1:360

Development Services Department  
City of San Antonio

**Attachment 3  
Applicant's Site Plan**

**PLOT PLAN  
FOR  
BLDG PERMITS**

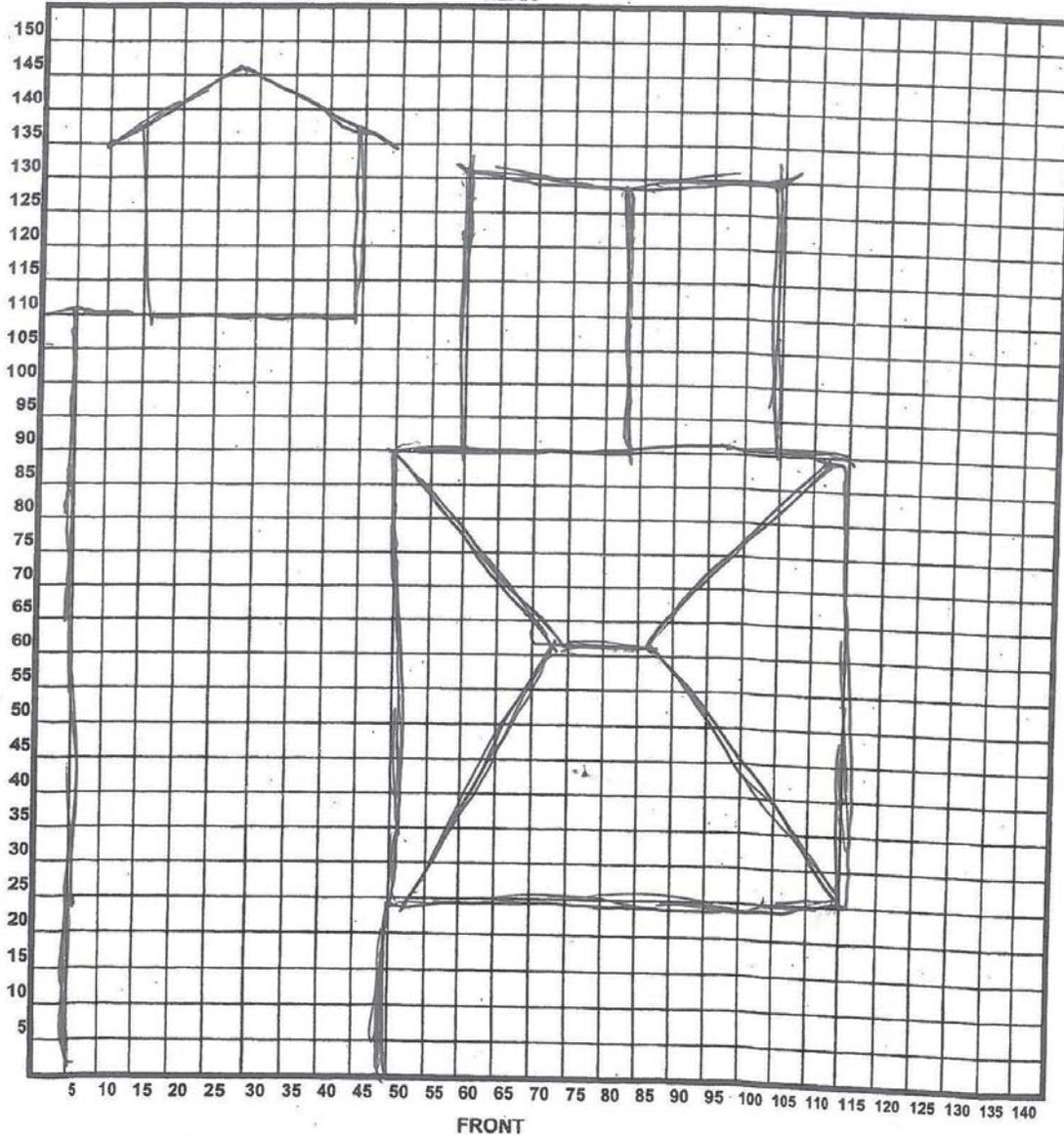
Address 1834 Texas

Lot 5

Block \_\_\_\_\_

NCB 6923

REAR



I certify that the above plot plan shows all improvements on this property and that there will be no construction over easements. I also certify that I will build in compliance with the UDC and the 2012 IRC

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



Address 1834 Texas Ave  
Address is approximate

