

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, June 20, 2011

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

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

1. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-036:** The request of Raymond M. Gutierrez, for **1)** A 2-foot variance from the 6-foot maximum fence height standard in side and rear yards, in order to allow an 8-foot fence in the side and rear yards; and **2)** a 5-foot variance from the 5-foot minimum side setback requirement of the R-5 district, in order to allow a structure on the northeast side property line, 1707 Searcy Drive. (Council District 9)
5. **A-11-038:** The request of Haven for Hope, for a 1-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow a 7-foot tall fence in the side and rear yards, 724 North San Marcos Street. (Council District 5)
6. **A-11-039:** The request of Alamo Sign Solutions, LLC, for a 212.35-square foot variance to the 150-square foot maximum area for single tenant signs in the “IH-1” Northeast Gateway Corridor, in order to allow a total sign area of 362.35 square feet, 11202 North IH-35. (Council District 10)
7. **A-11-040:** The request of Ramon Castro, Jr., for **1)** a 30-foot variance to the 80-foot minimum lot street frontage requirement of the “I-1” district, in order to allow a 50-foot wide street frontage; **2)** a 30-foot variance to the 80-foot minimum lot width requirement of the “I-1” district, in order to allow a 50-foot wide lot; and **3)** a 25-foot variance to the 30-foot minimum rear setback requirement of the “I-1” district when abutting a residential use, in order to allow a 5-foot rear setback, 1509 North Colorado Street. (Council District 1)
8. **A-11-042:** The request of Bulverde Parkway Plaza, Ltd., for **1)** A 125-foot variance to the 35-foot maximum front setback requirement of the “O-1” district, in order to allow a 160-foot front setback; and **2)** A variance to the requirement of the “O-1” district that parking lots be located to the rear of the principal building, in order to allow a parking lot to be located to the front of the principal building, 18221 Bulverde Road. (Council District 10)

Board of Adjustment Membership

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

Alternate Members

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

9. **A-11-044:** The request of Dwight Lieb, for a 6-foot variance to the 6-foot maximum fence height standard for parking lots, in order to allow a 12-foot tall fence on the east property lines, 102 Addax Drive & 107 Mink Drive. (Council District 1)
10. Approval of the minutes – May 9, 2011.
11. Adjournment.

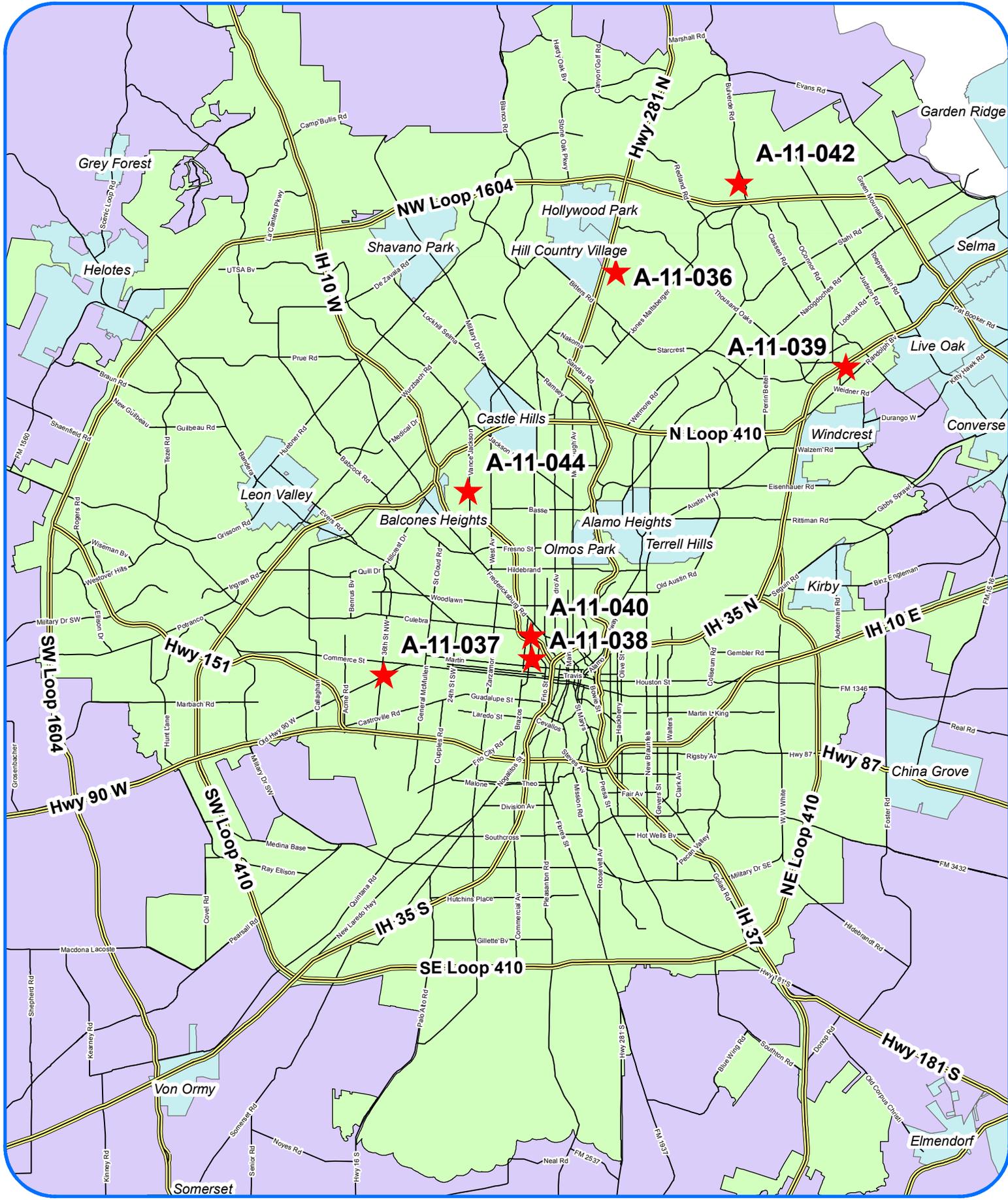
ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

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Board of Adjustment
Subject Property Locations
Cases for June 20, 2011





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-036
Date: June 20, 2011
Applicant: Raymond M. Gutierrez
Owner: Linda L. Gutierrez
Location: 1707 Searcy Drive
Legal Description: Lot 17, Block 2, NCB 14182
Zoning: "R-5 MLOD AHOD" Residential Single-Family Military Lighting Overlay
Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a 2-foot variance from the 6-foot maximum fence height standard in side and rear yards, in order to allow an 8-foot fence in the side and rear yards; and 2) a 5-foot variance from the 5-foot minimum side setback requirement of the "R-5" district, in order to allow a structure on the northeast side property line.

Procedural Requirements

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

Executive Summary

The approximately 0.21-acre property consists of a single-family residential structure in a single-family residential zoning district.

The current property owner built an 8-foot wooden privacy fence along the northeast side and northwest rear property lines without obtaining a permit. According to the submitted application, the 8-foot fence was built with the purpose of providing privacy to the property and home from adjacent properties. The applicant also states that the rear yard slopes downward from the west to the east that result in the need for a higher fence to ensure the needed privacy.

Pursuant to Section 35-514(d)(1) of the UDC, fences shall have a maximum height of six (6) feet in the side and rear yards of a single-family use property. Furthermore, per Section 35-514(d)(2) of the UDC, a fence may be built to eight (8) feet in height provided the ground floor elevation within 20 feet or less of the principal structure, on either one (1) of the two (2) adjoining lots, is at least four (4) feet higher than the elevation at the adjoining lot line. The slope of the subject property does not comply with this requirement. Consequently, the applicant is requesting a 2-foot variance from the fence height standard.

The applicant is also requesting a variance from the 5-foot minimum side setback requirement of the “R-5” zoning district. The applicant built a covered addition on the northeast side of the property to be used as a shelter for pets. The covered addition extends from the existing structure to the fence line on the northeast property line (Pictures 1 and 2, attached) rendering the property without any remaining setback. As with the fence, the covered addition was built without obtaining a building permit. Thus, a 5-foot variance is requested to maintain the new building line at the property line.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is not located within 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:

The fence height variance request is not contrary to the public interest as the 8-foot fence, where proposed, will not obstruct the view of impending traffic. However, the applicant built an attached covered addition within the northeast side setback of the subject property, placing the new building line at the property line. Due to the location of the building on the adjoining property to the northeast, there is approximately five (5) feet between the addition and the neighboring building. The placement of the addition reduces the reasonable

separation required between structures on abutting properties that is necessary to provide adequate space for fire access and prevention.

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

A strict enforcement of the regulations will not result in unnecessary hardship as the property does not present unique conditions to justify an 8-foot fence or the building line to be extended to the property line. The applicant states that the change in topography on the rear yard of the property diminishes privacy and allows for unwanted viewers to look into the home. However, the slope is only applicable to the west corner of the property. There is a 6-foot fence along the southwest side property line that connects to the 8-foot rear fence at the west corner. No variance is being sought for this fence. The subject property also has large trees in the rear yard that provide some privacy from the neighboring property to the northwest. The applicant has the option to enhance the sense of privacy by planting additional landscape along the property lines.

The attached covered addition is used as a shelter for pets, and it is not imperative for the reasonable use of the property. The approximately 2,600-square foot residential structure only covers about 29 percent of the subject property. Consequently, the property has ample space to the rear of the building that will allow the accommodation of an addition or accessory structure in compliance with the minimum setback requirements and other development standards of the UDC.

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

The variances are neither keeping with the spirit of the ordinance nor would they do substantial justice. The intent of the fence height standard is to allow openness, air flow, light penetration and neighborhood uniformity. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent on an 8-foot fence or placing an addition in the required side setback. The existing site conditions allow for the applicant to meet its need for privacy and provide shelter for pets while complying with the minimum requirements of the UDC.

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

The requested variances will not authorize the operation of a use other than those specifically authorized in the "R-5" 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.

While there are a few properties within the neighborhood that appear to have a fence higher than six (6) feet, the majority of the houses on the same block have 6-foot fences along the side and rear yards. The 8-foot fence on the subject property may start to change the character of this district. The requested side setback variance will adversely impact the neighboring property to the northeast due to the close proximity between the addition and the neighboring building. Side setbacks and reasonable separation between buildings on

abutting properties are required in order to provide adequate separation for fire access and prevention.

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 need for the requested variances resulted from the conditions on site that were created by the applicant by building the fence and the addition without obtaining the required approvals from the City. The referenced slope on the subject property is insignificant to support the need for a higher fence on only one side of the slope. No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC.

Staff Recommendation

Staff recommends **denial of A-11-036**. The requested variances do not comply with the required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variances would provide relief from hardship caused by a literal enforcement of the fence height standards and the side setback regulation. Furthermore, the applicant will not be denied the reasonable use of the property as a single-family residence without the variances requested.

The purpose of a variance is to restore equity when, due to special circumstances or conditions, the Ordinance restricts one (1) property more severely than other properties in the same zoning district. Although the subject property has a slight slope on the west corner, this condition alone is not a sufficient cause for a variance from the zoning ordinance as the slope is common to the neighborhood. If the intent of the applicant is to augment the sense of privacy, other means may be implemented to create the desired privacy without violating the UDC regulations. One alternative solution may be to plant additional trees or a hedge along the property lines.

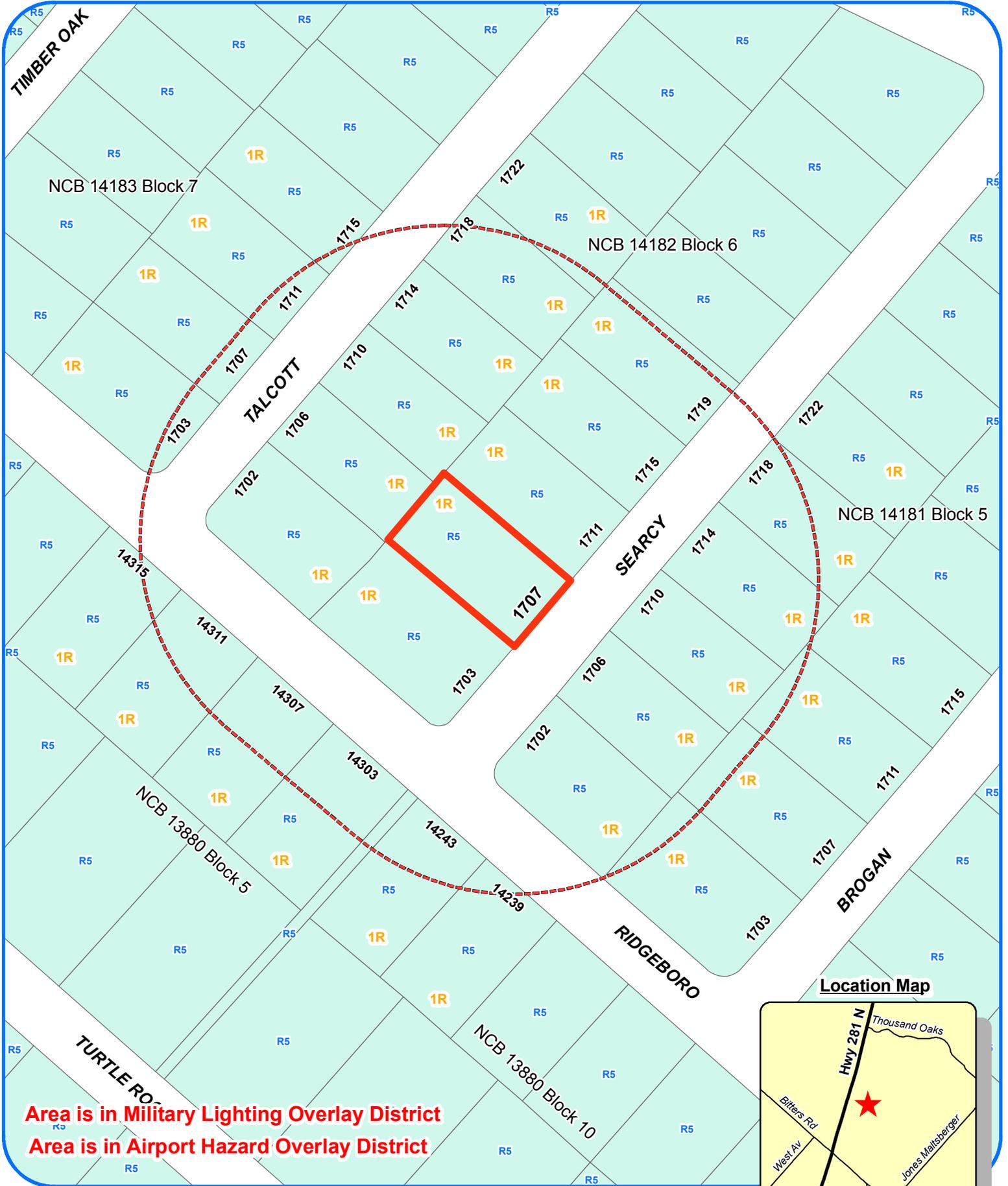
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing

Attachment 4 – Pictures of covered addition



Area is in Military Lighting Overlay District
Area is in Airport Hazard Overlay District

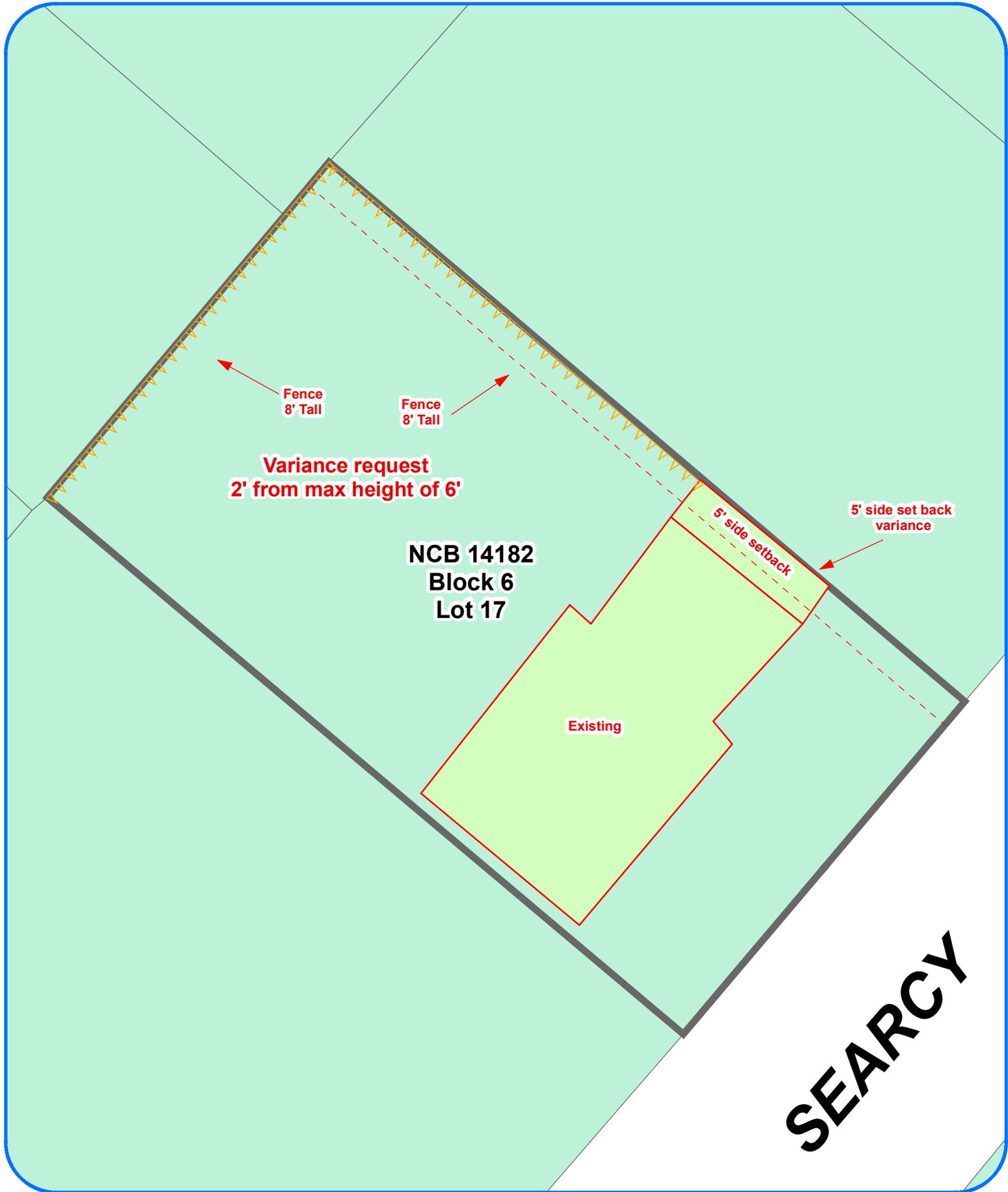


Board of Adjustment
Notification Plan for
Case A-11-036



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 9



Board of Adjustment
 Plot Plan for
Case A-11-036

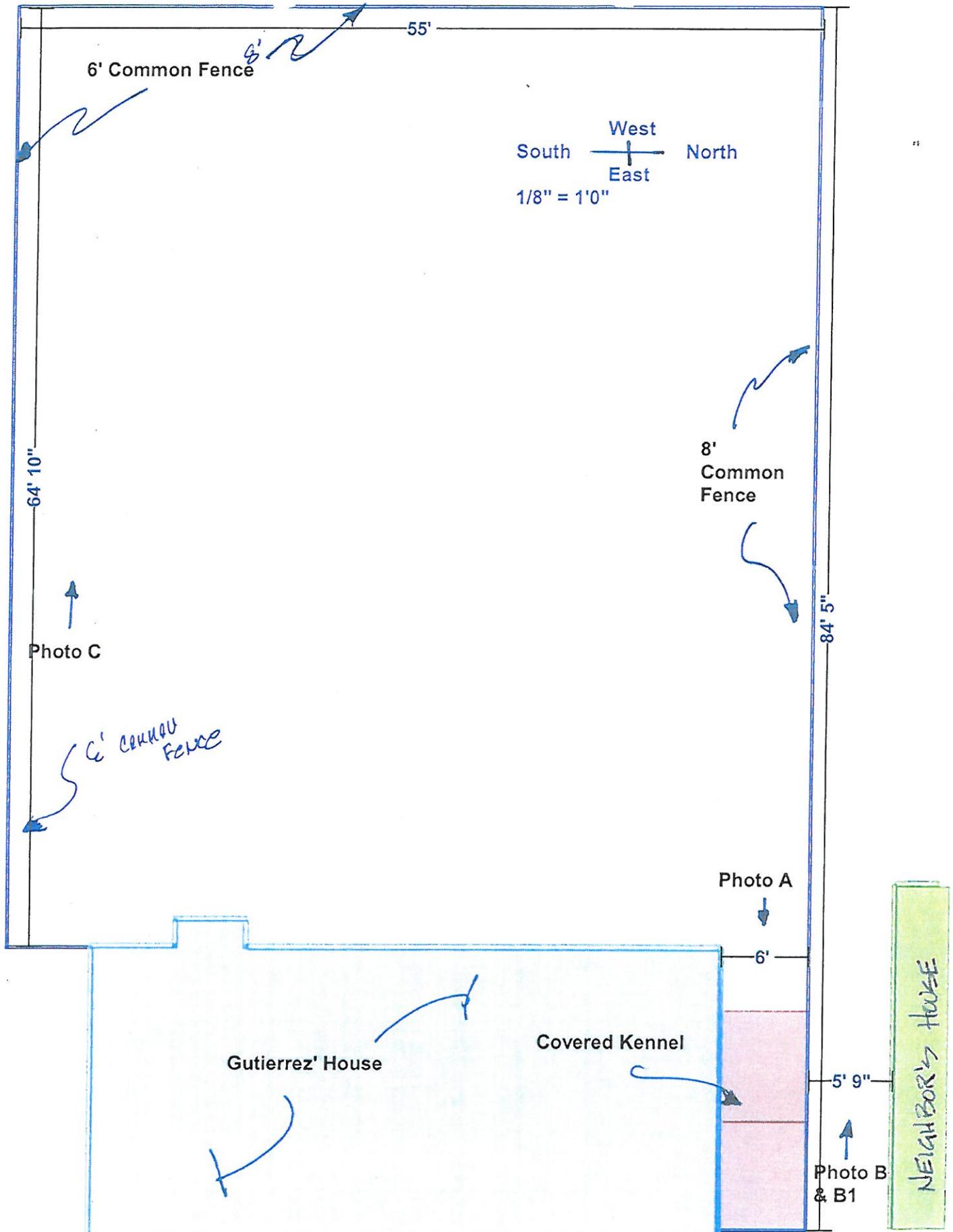


Fence ▲▲▲▲

Scale: 1" approx. = 20'
 Council District 9

1707 SEARCY DR

Development Services Dept
 City of San Antonio
 (4/26/2011)



Attachment IV – Pictures of Addition within Side Yard



Picture 1: View from front yard of subject property



Picture 2: View from rear yard of subject property



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-038
Date: June 20, 2011
Applicant: Haven for Hope
Owner: Haven for Hope of Bexar County
Location: 724 North San Marcos Street
Legal Description: Lot 25, Block 4, NCB 2211
Zoning: "MF-50 IDZ AHOD" Multi-Family Infill Development Zone Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests a 1-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow a 7-foot tall fence in the side and rear yards.

Procedural Requirements

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

Executive Summary

The approximately 3.703-acre subject property is part of the overall Haven for Hope of Bexar County campus located at 711 North Frio Street, and is currently being used as part of its parking facility. Haven for Hope plans to expand its campus by developing the subject property into an apartment complex under the name of "Terrace at Haven for Hope." The apartment complex will provide permanent supportive housing for residents at the Haven for Hope facility who have graduated from the program and are able to live independently.

The subject property is bounded by three (3) street rights-of-way to the north, south and east, and the Union Pacific railroad right-of-way to the west. Furthermore, it is surrounded by industrial, commercial and residential uses. Due to the location of the site, and the close proximity to the

Union Pacific railroad right-of-way and the Haven for Hope facility, the applicant is proposing a 7-foot perimeter fence along the side and rear yards surrounding the proposed resident’s parking lot that directly abuts the Union Pacific railroad right-of-way. The proposed 7-foot fence will be a predominantly open metal picket fence with similar design and architectural features as the existing fence surrounding the Haven for Hope property, thus maintaining neighborhood uniformity.

Pursuant to Section 35-514(d) of the UDC, fences within the side and rear yards of a multi-family use property shall have a maximum height of six (6) feet. Consequently, the applicant is requesting a 1-foot variance from this standard. As stated in the submitted application, the 7-foot perimeter fence is meant to provide better security to the future residents of the Terrace at Haven for Hope apartment complex, as well as staff and the surrounding neighborhood.

The Board of Adjustment approved a fence height of up to nine (9) feet, six (6) inches for the fence on the Haven for Hope property on December 15, 2008 (BOA Case No. A-08-069).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
MF-50 IDZ AHOD (Multifamily)	Parking

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-2 AHOD (Industrial), R-4 AHOD (Residential), R-4 IDZ AHOD (Residential)	Vacant, Parking, Single-Family
South	C-3NA S AHOD (Commercial), IDZ AHOD (Commercial & Residential), I-2 AHOD (Industrial),	Haven for Hope parking lot, Commercial, Single-Family, Railroad tracks
East	C-3NA S AHOD (Commercial)	Haven for Hope facility
West	IDZ AHOD (Commercial & Residential)	Vacant, Commercial, Railroad tracks

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Downtown Neighborhood Plan. The subject property is within the Gardendale Neighborhood Association.

Criteria for Review

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

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

The requested variance will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. Furthermore, the proposed fence will serve as a security barrier and buffer between the Union Pacific railroad right-of-way and the future residents and staff of the Terrace at Haven for Hope apartment complex.

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

The proposed location of the fence where the variance is being sought will surround the resident's parking lot to be located on the west portion of the subject property that directly abuts the Union Pacific railroad right-of-way. Due to the continuing use of the Union Pacific railroad right-of-way, the additional fence height will provide security to the future residents from the railroad lines. Additionally, the applicant has stated that there are varying grades on the property that will be altered in order to provide accessibility to the residential building. The resulting finished grade within the development will be higher than the adjacent grade outside the perimeter fence at several locations that result in the need for a higher security fence.

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

The requested variance will be in keeping with the spirit of the ordinance as the proposed fence complies with the intent of the maximum fence height standards by continuing to allow openness, air flow, light penetration and neighborhood uniformity. The proposed fence will be in character with the existing fence of the Haven for Hope main facility located across the street to the east and south of the subject property.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "MF-50 IDZ" zoning district.

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

The requested variance will not adversely impact the neighboring properties. The subject property is bounded by Leal Street, Perez Street, North San Marcos Street and the Union Pacific railroad right-of-way. In addition, the fence, as proposed, will be in character with the existing fence of the Haven for Hope facility located to the east and south of the subject property.

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.

As stated by the applicant, the request for the variance is to provide security for the future residents of the Terrace at Haven for Hope due to the unique location of the subject property

and the surrounding uses. The existing conditions are not a result of the general conditions of the zoning district or an action done by the property owner, or due to financial hardship.

Staff Recommendation

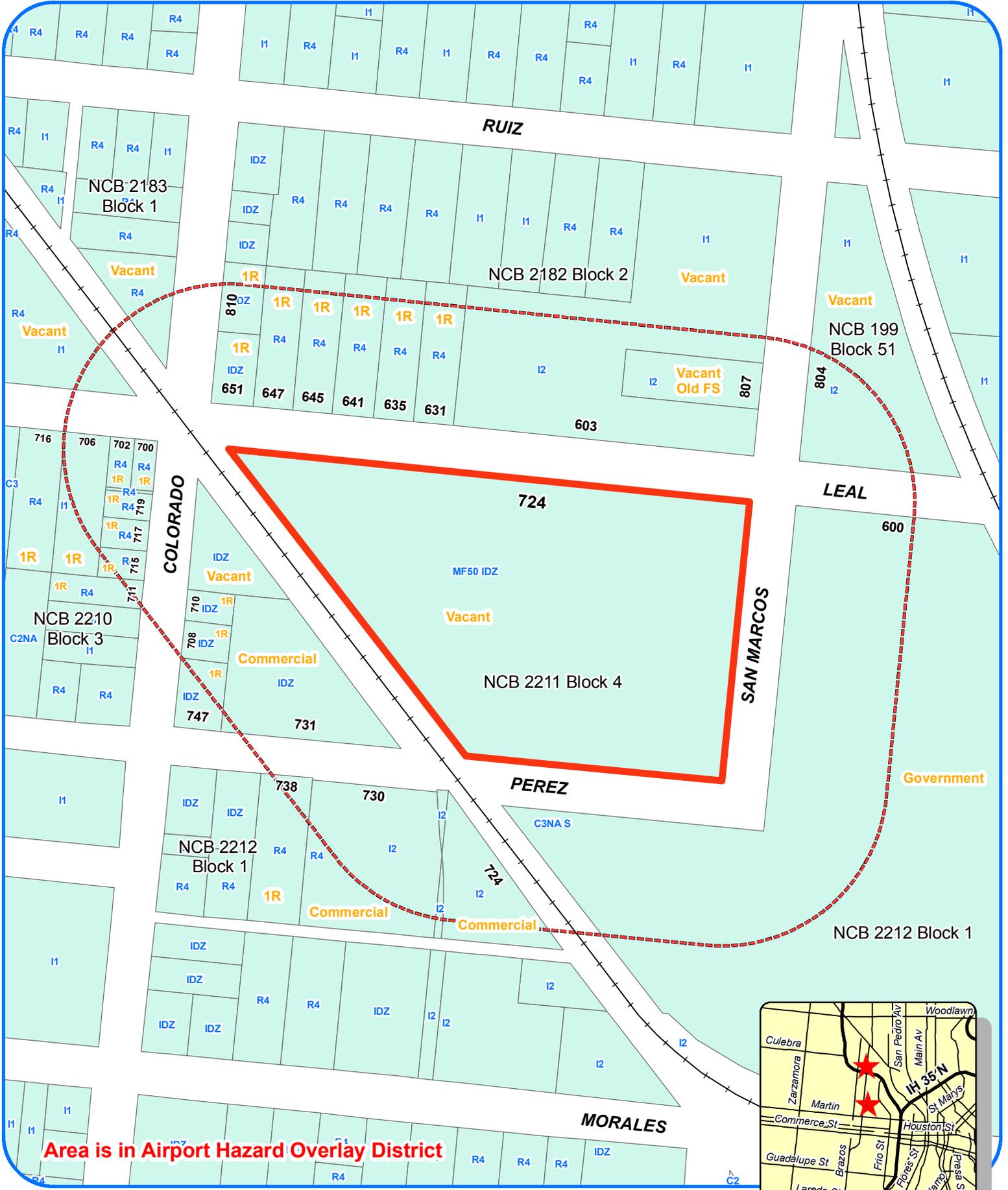
Staff recommends **approval of A-11-038**. The proposed variance complies with all required review criteria for granting a variance as presented above. The variance is needed due to the location and unique nature of the property in order to ensure the safety and welfare of the future residents of the Terrace at Haven for Hope, Haven for Hope staff and the surrounding neighborhood.

Attachments

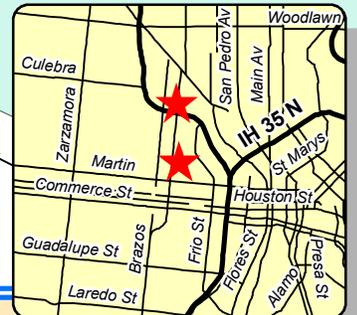
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



Area is in Airport Hazard Overlay District

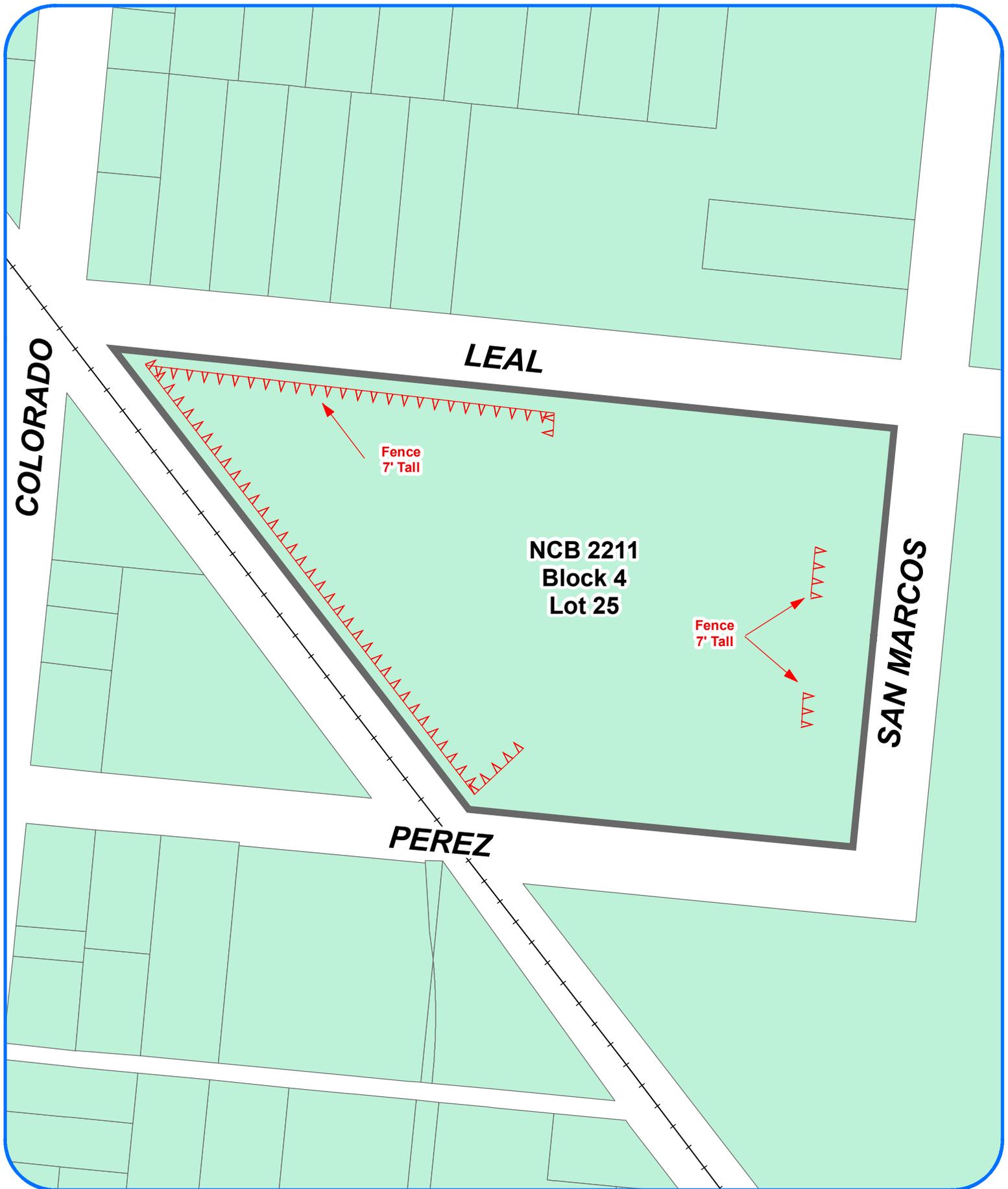


Board of Adjustment
Notification Plan for
Case A-11-038



Legend

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



Board of Adjustment
 Plot Plan for
Case A-11-038



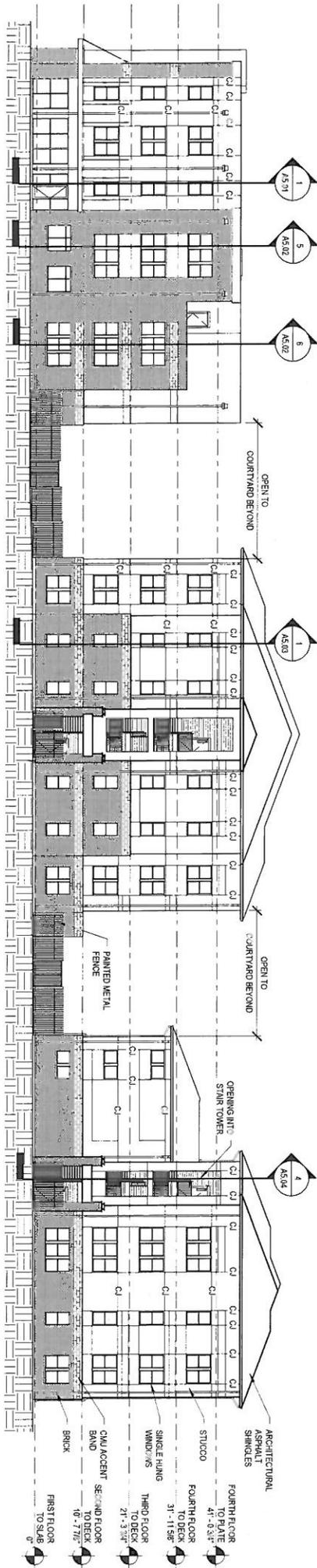
Fence ▲▲▲▲

Scale: 1" approx. = 100'
 Council District 5

724 N SAN MARCOS

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

PROPOSED 7'-0" HIGH METAL PICKET FENCE TO MATCH EXISTING CAMPUS FENCING





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment

Case No.: A-11-039

Date: June 20, 2011

Applicant: Alamo Sign Solutions, LLC

Owner: NIRU, Inc

Location: 11202 North IH 35

Legal Description: Lot 38, NCB 14946

Zoning: "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District

Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a 212.35 square foot variance to the 150 square foot maximum area for single tenant signs in the Northeast Gateway Corridor Overlay District, in order to allow a total sign area of 362.35 square feet.

Procedural Requirements

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

Executive Summary

The subject property is currently operated as a hotel and has been operated as such since 1996, according to the applicant. The site is located within the "IH-1" Northeast Gateway Corridor Overlay District, adopted by City Council on June 24, 2004 with the stated purpose of creating a more attractive, cohesive and safe environment; to preserve, protect, and enhance areas of high tourist visibility; to provide motorists and pedestrians with attractive viewing opportunities; and to reduce visual chaos and limit distractions along the heavily traveled roadway. With respect to on premises signs, the intent of the "IH-1" district is to establish consistency and uniformity in signage over time. The "IH-1" district allows a single tenant sign with a maximum sign face area of one hundred fifty (150) square feet and a maximum height of thirty (30) feet. Additionally, digital displays are permitted with an area up to twenty five (25) percent of the allowable sign area, 37.5 square feet in this instance.

The existing sign is sixty two (62) feet in height and has a total area of three hundred twenty five (325) square feet, neither of which conforms to the standards of the “IH-1” district. The applicant proposes to replace an existing incandescent time and temperature sign with an area of twelve (12) square feet with a new LED sign with an area of 37.35 square feet. The proposed LED sign is ancillary to the main sign cabinet, which will not be altered. The applicant has indicated that the proposed sign will be below a height of thirty (30) feet and therefore will not increase the nonconformity of the sign’s height. With the addition of the proposed LED sign, the total sign area will increase to 362.35 square feet, which is greater than the one hundred fifty (150) square foot maximum for the “IH-1” district.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

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

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

The variance is contrary to the public interest as the purpose of the gateway corridor overlay is to create a more attractive, cohesive and safe environment, and reduce visual chaos and driver distractions along public roadways.

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

The literal enforcement of this article does not create unnecessary hardship in the operation of a hotel on this property. The existing sign does not conform to the standards of the “IH-1” district and the proposed addition of the LED sign will increase the nonconforming sign

area by 25.35 square feet. The subject property is not extraordinary in its topography or situation such that the visibility of the sign is unusually limited.

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

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

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

The variance will not authorize the operation of a use other than those permitted in the "I-1 IH-1 AHOD" zoning districts.

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

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

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

The subject property is not subject to unique circumstances from which a plight may arise. The variance is sought to replace a portion of a nonconforming sign with a sign of greater nonconformity and not to find relief from a unique oppressive condition.

Staff Recommendation

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

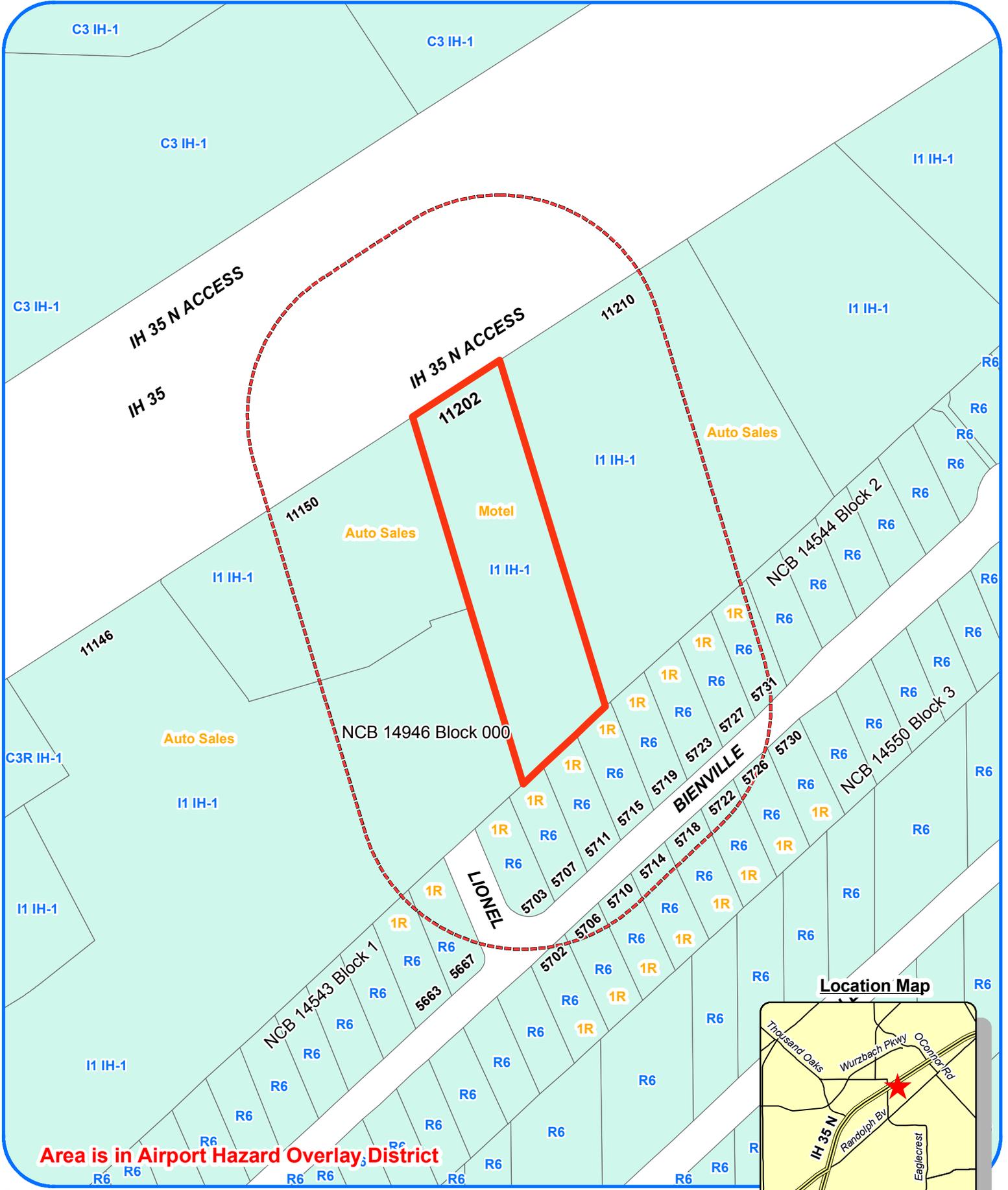
The applicant has provided no evidence that the requested variance would provide relief from unnecessary hardship instituted by the physical conditions of the property, instead citing the inadequacies of the existing incandescent sign and the desire of the property owner to replace the sign with a newer version. Additionally, the proposed sign is 211.25 percent (25.35 square feet) larger than the existing incandescent sign and would increase the nonconformity of the existing sign on the subject property.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



Area is in Airport Hazard Overlay District



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



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

IH 35 N

IH 35 N Access Rd.

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

**NCB 14946
Block 000
Lot 38**



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



 **Sign Location**

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

11202 N IH 35

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



4'5" X 8'3" 25mm



4'2" X 9'7" 35mm

4'5" X 8'3" 25mm

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FOR DEMONSTRATION PURPOSES ONLY





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-040
Date: June 20, 2011
Applicant: Ramon Castro, Jr.
Owner: Ramon Castro, Jr.
Location: 1509 North Colorado Street
Legal Description: N 50 feet Lot 84, Block 2, NCB 1015
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a 30-foot variance to the 80-foot minimum lot street frontage requirement of the "I-1" district; 2) a 30-foot variance to the 80-foot minimum lot width requirement of the "I-1" district, in order to allow a 50-foot wide lot; and 3) a 25-foot variance to the 30-foot minimum rear setback requirement of the "I-1" district when abutting a residential use, in order to allow a 5-foot rear setback.

Procedural Requirements

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

Executive Summary

The subject property is approximately 50 feet wide by 56 feet deep, and is currently vacant. The subject property was created in its current configuration circa 1934 when the owner at the time sold the north fifty (50) feet of the original Lot 84 without going through the platting process.

The current property owner purchased the property in November 2010, and wishes to build an approximately 270-square foot building that will be used as the repair and storage area of a mobile heating and air conditioning business. In order to develop the property, the property

owner is required to plat the property according to the City’s UDC. A Plat application was submitted to the Development Services Department on April 11, 2011. To the present, the applicant has complied with all applicable requirements of the UDC with the exception of the two (2) for which variances are requested.

Pursuant to Table 310-1 of the UDC, lots in the “I-1” zoning district shall have a minimum width and frontage of eighty (80) feet. Due to the existing 50-foot width that was created at the time the property was subdivided, the current property owner is requesting a 30-foot variance from this requirement. It should be noted that the 80-foot minimum lot width and frontage requirement came into effect when the City’s UDC was amended in 2001. The City’s 1938 and 1965 UDC had a minimum lot width and frontage requirement of fifty (50) feet for lots within the “I-1” district. Had the subject property been platted prior to 2001, it would have complied with the minimum lot width and frontage requirements, and this variance would not be necessary.

The other variance requested is the minimum rear setback requirement when abutting a residential use or zoning district. Per Table 310-1 of the UDC, buildings in the “I-1” zoning district shall be set back a minimum of thirty (30) feet when abutting a residential use or district. According to City records and the Bexar County Appraisal District, the property to the west is a single-family residence. Due to the depth of the subject property (56 feet) and the required front setback of the “I-1” zoning district (30 feet), the enforcement of the required rear setback would prohibit construction of buildings on the property, as both required setbacks envelop the lot in its entirety. As a result, the applicant is requesting a 25-foot variance to allow the proposed structure at five (5) feet from the rear property line.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD (Industrial)	Contractor facility
South	I-1 AHOD (Industrial)	Welding Shop
East	I-1 AHOD (Industrial)	Manufacturing
West	I-1 AHOD (Industrial)	Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Midtown Neighborhood Plan. The subject property is located within the Gardendale Neighborhood Association.

Criteria for Review

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

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

The variances requested will not create any adverse impact on the wellbeing of the general public. The requested variances, if approved, will allow the use and development of a vacant property in an industrial zoned area with lots of similar width dimensions and uses.

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

The subject property is a 50-foot by 56-foot parcel of land that was created when the north fifty (50) feet of Lot 84 was subdivided without a plat in 1934. In 2001, the minimum lot width and frontage requirement of the "I-1" zoning district increased from fifty (50) feet to eighty (80) feet. Additionally, per Section 35-310.01 of the UDC, buildings shall have a front setback of thirty (30) feet, and a rear setback of thirty (30) feet when abutting a residential use or district. Due to the time when the property was created and the change in the minimum lot width and frontage requirements, the depth of the property (56 feet), and the residential use located to the west, the enforcement of the current "I-1" development standards result in unnecessary hardship on the currently vacant property.

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

The granting of the variance will allow for the subject property to be developed with a use similar to those permitted in the vicinity by the UDC, and thus substantial justice will be done. Failure to grant these variances would result in the property becoming undevelopable.

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

The requested variances will allow the currently vacant property to be developed with an approximately 270-square foot structure that will be used as a repair and storage area for a mobile A/C and heating business. Pursuant to Table 311-2, Nonresidential Use Matrix of the UDC, Air Conditioning/Refrigeration – Service and repair is a use permitted by right in the "I-1" 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 requested will allow the development of a currently vacant property in an industrial area with similar uses, and will not injure the conforming uses of the adjacent properties. The residential use currently located to the west of the property is a nonconforming use that was established prior to the current zoning designation. The applicant is proposing to place the building a minimum of five (5) feet from the west property line, which would allow for the provision of a buffer between the proposed use and the residential 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 requested variances are due to the unique conditions of the subject property that were created at the time that the original Lot 84 was subdivided and due to the nonconforming use

to the west. These conditions were not created by the current owner, and are not merely financial or due to the general conditions of the “I-1” district.

Staff Recommendation

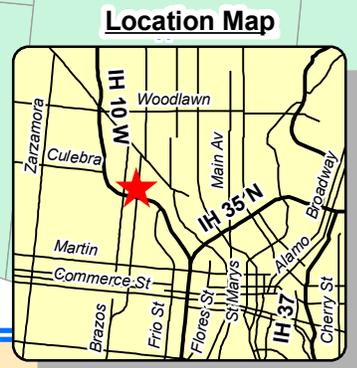
Staff recommends **approval of A-11-040**. The requested variances comply with all the review criteria for granting a variance as presented above. The applicant has demonstrated evidence that the property presents unique conditions that, when strictly enforced, the current “I-1” development standards create undue hardship as it would not allow for the property to be developed.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



Area is in Airport Hazard Overlay District

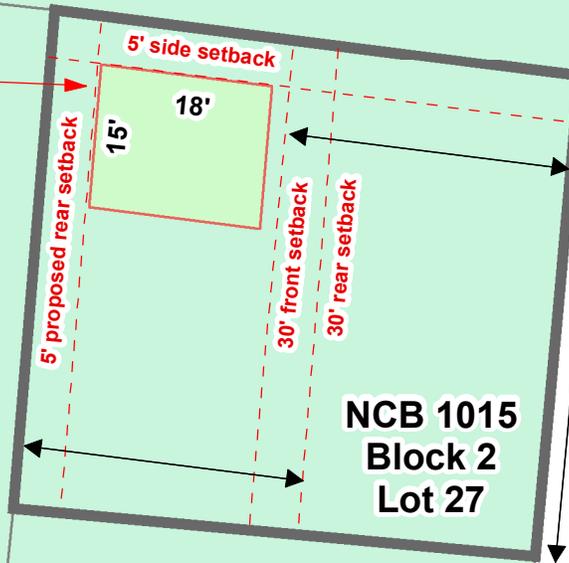
Board of Adjustment
Notification Plan for
Case A-11-040



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

COLORADO ST

Variance Request:
25'



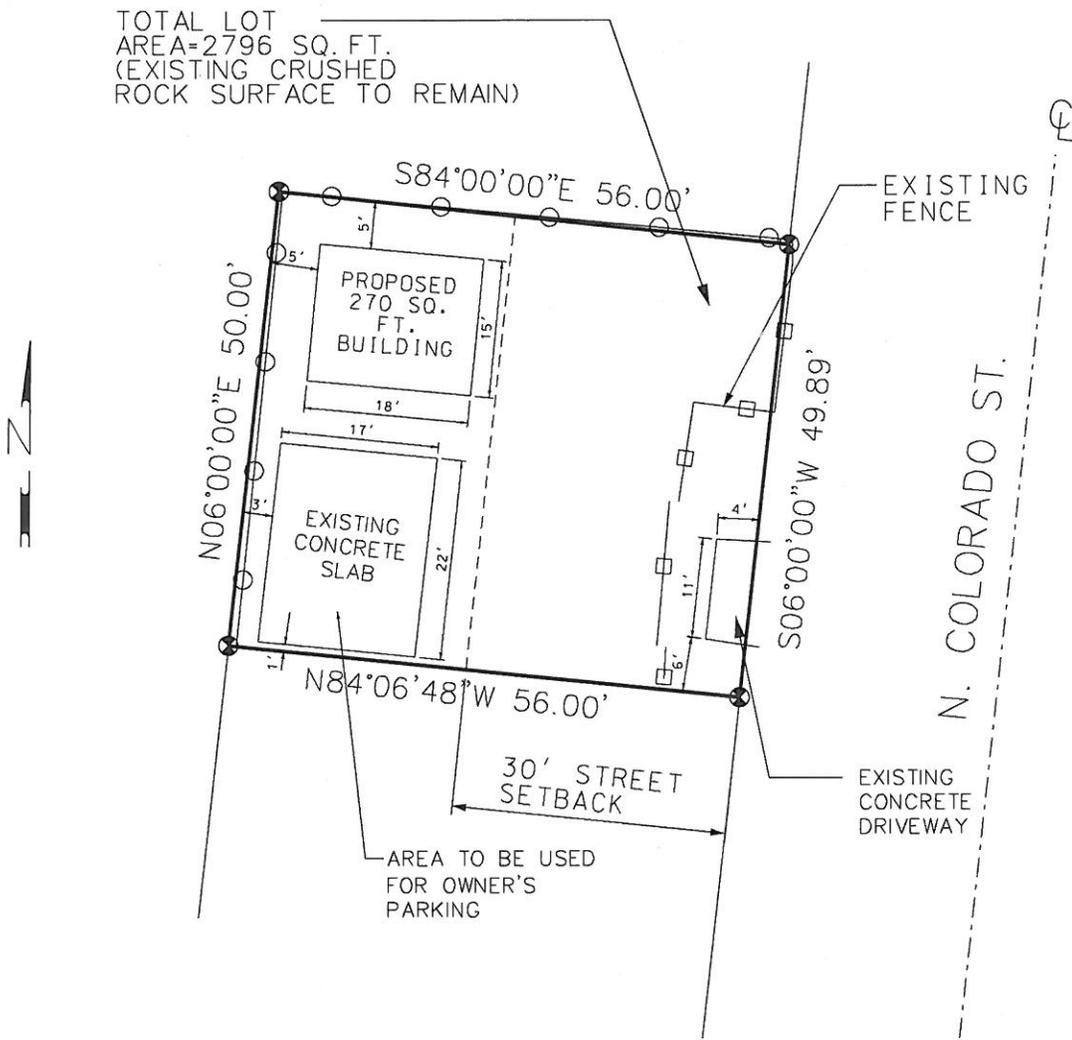
Board of Adjustment
Plot Plan for
Case A-11-040



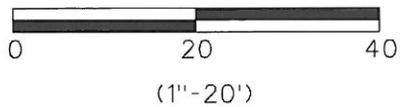
Scale: 1" approx. = 20'
Council District 1

1509 COLORADO ST

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



SITE PLAN OF 1509 N. COLORADO





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-042
Date: June 20, 2011
Applicant: Bulverde Parkway Plaza, Ltd.
Owner: Jack H. Anderson, Tangiers Holdings, LLC
Location: 18221 Bulverde Road
Legal Description: Lot 8, NCB 34955
Zoning: "O-1 PC-1 ERZD" Office Bulverde Road Preservation Corridor Edwards Recharge Zone District and "O-1 ERZD" Office Edwards Recharge Zone District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests 1) a 125-foot variance to the 35-foot maximum front setback requirement of the "O-1" district, in order to allow a 160-foot front setback; and 2) a variance to the requirement of the "O-1" district that parking lots be located to the rear of the principal building, in order to allow a parking lot to be located to the front of the principal building.

Procedural Requirements

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

Executive Summary

The approximately 4.25-acre property consists of Phase IV of the Tuscan Ridge Community Master Development Plan (MDP-853) that was accepted by the City in 2005. Currently, it has a single-family dwelling with several accessory structures. The current property owner wishes to convert the existing structures into a medical office complex and build an approximate 26,000-square foot addition that will consist of three (3) medical office buildings.

In 2010, the City established the Bulverde Road Preservation Corridor Overlay District (“PC-1”) to ensure future development is compatible with the existing residential neighborhoods, to preserve the natural character of the area, and to protect the corridor from visual blight. Specific building and design standards were included in the adoption of the “PC-1” overlay district to preserve, enhance and perpetuate the value of the roadway corridor. The eastern 300 feet of the subject property is within this “PC-1” overlay district.

The development standards of the “O-1” base district and the “PC-1” overlay district establish a conflict in the front setback and parking lot design standards. The “O-1” base district has a maximum front setback, whereas the “PC-1” overlay district has a minimum front setback. The “O-1” base district requires parking lots to be located to the rear of the principal building, whereas the “PC-1” overlay district allows parking lots to be located in the front yard. As Section 35-330 of the UDC and the Bulverde Road Preservation Corridor Overlay District standards state that the most restrictive standards shall apply when conflict exists, the applicant requires two (2) variances from the development standards of the “O-1” base zoning district to meet the goals of the preservation corridor district.

In addition, the applicant states that the requested variances are needed to preserve the existing large significant and heritage trees located on the front and rear yards of the property as required by Section 35-543 of the UDC.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
O-1 PC-1 ERZD, O-1 ERZD (Office)	Single-Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	PUD R-6 ERZD (Residential)	Single-Family
South	MF-25 ERZD (Residential), MF-25 PC-1 ERZD (Residential), PUD R-6 ERZD (Residential)	Vacant, Single-Family
East	R-6 PC-1 ERZD (Residential)	Vacant
West	PUD R-6 ERZD (Residential)	Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is not within a neighborhood association.

Criteria for Review

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

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

The requested variances are not contrary to the public interest as they do not adversely impact the well-being of the general public. The variances are needed in order to comply with the regulations and intent of the “PC-1” Bulverde Preservation Corridor overlay district, which covers the eastern half of the subject property where the variances to the “O-1” base zoning district are being requested.

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

The eastern half of the subject property has a base (“O-1”) and an overlay (“PC-1”) zoning district. These two (2) districts conflict in the requirements for which the variances are being sought. The “O-1” base zoning district requires a maximum front setback of thirty-five (35) feet; whereas the “PC-1” overlay zoning district requires a minimum front setback of thirty-five (35) feet. The enforcement of both regulations results in buildings being placed at thirty-five (35) feet from the front property line to comply with these requirements. Parking lots located in the “O-1” base zoning district are to be located behind the principal building; whereas parking lots in the “PC-1” overlay zoning district may be located to the front of the building provided they are screened from the Bulverde Road right-of-way. The enforcement of both districts causes undue hardship as complying with the standards of the “PC-1” overlay zoning district result in violation of the “O-1” base zoning district.

Furthermore, there are existing significant and heritage trees on the property that limit the placement of new buildings and parking areas on the property. If the applicant is forced to locate the parking lot the rear of the building, it would result in the removal of some of these trees.

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

The “PC-1” Bulverde Road Preservation Corridor Overlay District was established to ensure future development is compatible with the existing residential neighborhoods, preserve the natural character of the area, and protect the corridor from visual blight. By granting the variances, the subject property will comply and meet the intent of this preservation corridor overlay district. Additionally, the granting of the variances will ensure that the existing significant and heritage trees on site are preserved, thus meeting the tree preservation requirements of the City.

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

The requested variances will not allow the operation of a use that is not permitted within the “O-1” base zoning district.

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

The requested variances will not injure the appropriate use of the adjacent conforming properties or alter the essential character of the district. The variances are needed in order

to meet the intent and preserve the character of the “PC-1” Bulverde Road Preservation Corridor Overlay 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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, such as the existing significant and heritage trees on site, and the base and overlay zoning districts on the property that conflict with one another. Neither of these conditions was created by the owner of the property, nor are they merely financial in nature.

Staff Recommendation

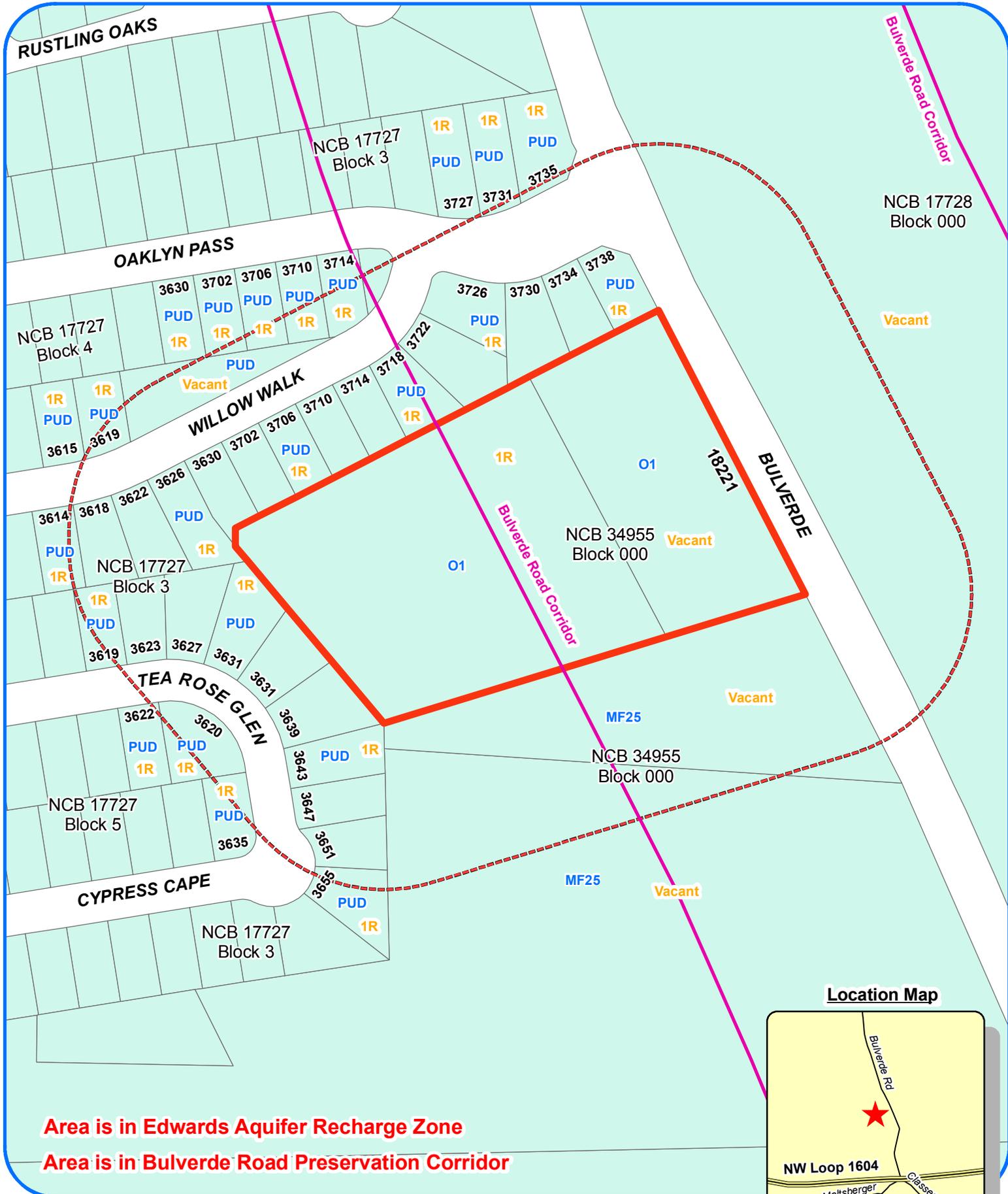
Staff recommends **approval of A-11-042**. The requested variances comply with all the required approval criteria for granting a variance, as presented above. The applicant has presented evidence that the requested variances would provide relief from the hardship caused by a literal enforcement of the “O-1” base zoning district standards. In addition, the granting of the variances will allow the applicant to meet the goals of the “PC-1” Bulverde Road Preservation Corridor Overlay District while preserving the significant and heritage trees on site.

Attachments

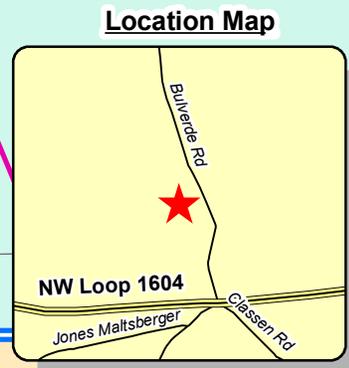
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing



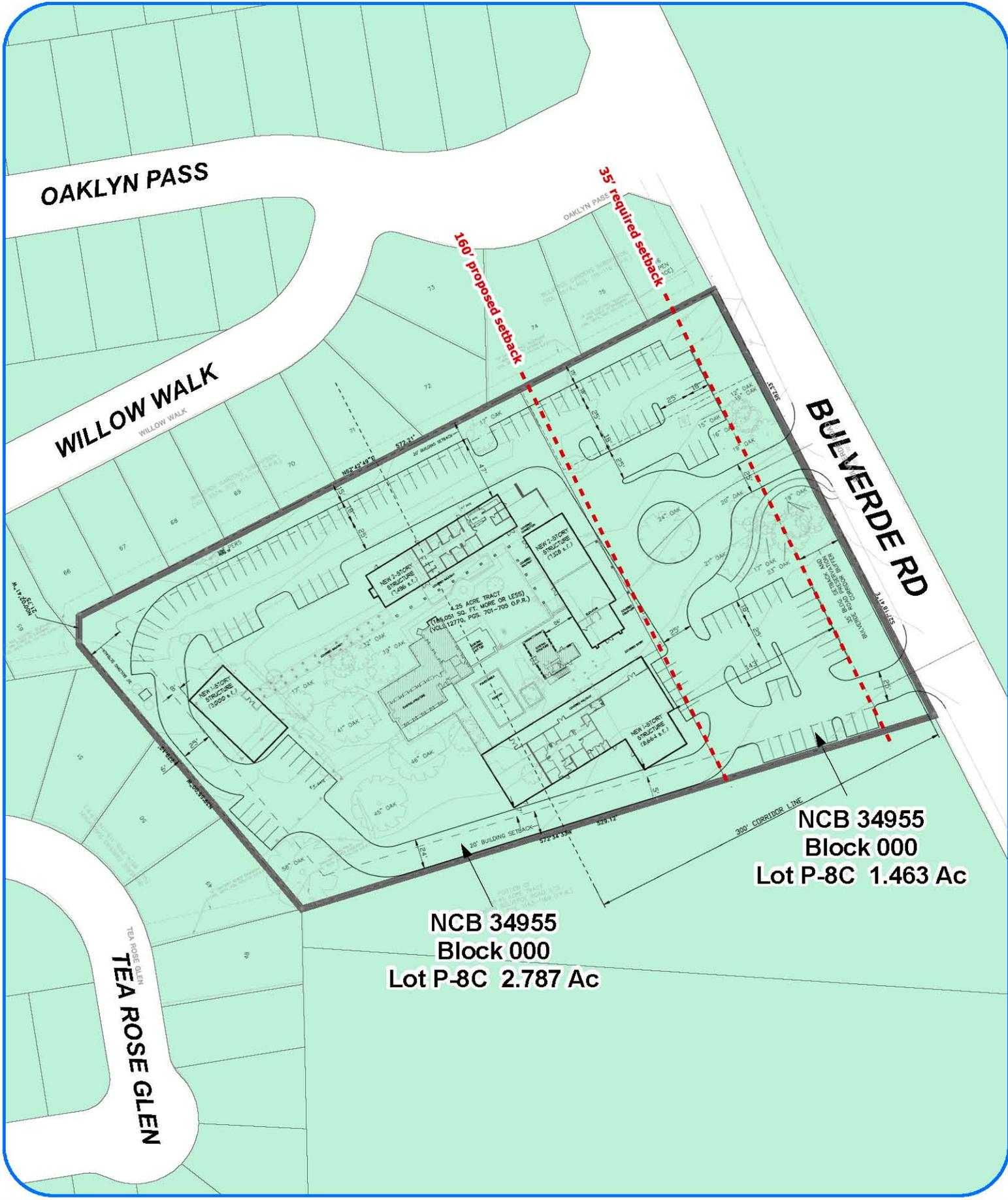
Area is in Edwards Aquifer Recharge Zone
Area is in Bulverde Road Preservation Corridor



Board of Adjustment
Notification Plan for
Case A-11-042



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



**NCB 34955
Block 000
Lot P-8C 1.463 Ac**

**NCB 34955
Block 000
Lot P-8C 2.787 Ac**

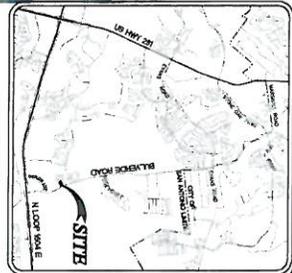
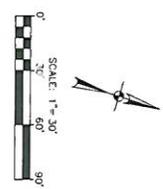
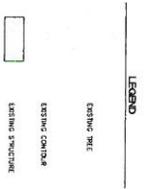
Board of Adjustment
Plot Plan for
Case A-11-042



Scale: 1" approx. = 100'
Council District 10

18221 BULVERDE RD

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



JOB NO. 110210
 DATE: MAY 2011
 DRAWING NO. 110210
 CHECKED BY: D. BURPALO
 DATE: 5/19/11

BULVERDE ROAD PLAZA
 SAN ANTONIO, TEXAS
EXHIBIT

PAPE-DAWSON ENGINEERS

555 EAST RANGELY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.8000
 2424 ST. JOE | SAN ANTONIO, TEXAS 78204 | FAX: 210.375.8070
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 410

REVISIONS



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-044
Date: June 20, 2011
Applicant: Dwight Lieb
Owner: La Flama, LLC
Location: 102 Addax Drive & 107 Mink Drive
Legal Description: Lots 27, 29, and the West 3 Feet of Lot 28, Block 3, NCB 10184
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Jacob Floyd, Senior Planner

Request

The applicant requests a six (6) foot variance to the six (6) foot maximum fence height standard for parking lots, in order to allow a twelve (12) foot tall fence on the east property lines.

Procedural Requirements

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

Executive Summary

The subject property is mostly unimproved and is used as off-site parking for the La Fogata restaurant, located to the north across Addax Drive. The property is located west of Vance Jackson Road, bound by Addax Drive to the north, Mink Drive to the south, and Ratzel Drive to the west. The properties addressed 2415 and 2403 Vance Jackson Road abut the site to the east and are occupied by commercial uses. The applicant plans to improve the subject property as off-site parking for the adjacent restaurant, to include landscaping featuring a wall along the east property lines. The proposed fence varies between ten (10) feet in height and twelve (12) feet in height. Additionally, the applicant states that the proposed wall will comprise a "water wall" feature and decorative fountains.

The applicant indicates that the variance is necessary to create a visual block from Vance Jackson Road, to have better security from crime in the area, and to create an appealing atmosphere for the restaurant customers.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial)	Parking, Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 AHOD (Commercial), R-6 CD AHOD (Residential; Conditional Use for Parking), R-4 AHOD (Residential)	Commercial, Parking, Single-Family Residences
South	C-2 AHOD (Commercial)	Commercial
East	MF-33AHOD (Multi-Family)	Multi-Family Residences
West	R-4 AHOD (Residential)	Single-Family Residences

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Greater Dellview Community Plan. The subject property is within the Dellview Area Neighborhood Association.

Criteria for Review

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

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

The variance is not contrary to the public interest as the proposed wall abuts the rear of two (2) commercial properties and will be located so as not to obstruct the vision of drivers and pedestrians, as shown on the submitted site plan.

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

The literal enforcement of this article does not create unnecessary hardship on the reasonable use of the subject property as an off-site parking lot for the adjacent restaurant. The proposed fence is not an essential component of a parking lot; rather its primary function is to achieve a desired aesthetic effect. While the applicant cites security from crime in the area as a hardship, this condition is not unique to the subject property and is insufficient to justify a variance from City Code.

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

The variance is not in keeping with the spirit of the ordinance nor would the variance do substantial justice. The subject property is not uniquely influenced by oppressive conditions that may be relieved through a fence of the proposed height. The aesthetic ambitions of a commercial use are inappropriate grounds on which to grant a variance from the zoning ordinance.

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

The variance will not authorize the operation of a use other than those permitted in the "C-2 AHOD" zoning district.

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

The variance will not substantially injure the use of adjacent property; however, the variance may alter the essential character of the district in which the subject property is located. Walls of the height proposed are not found elsewhere in the district and the majority of nearby commercial properties are characteristically open with minimal fencing.

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

The subject property is not affected by unique, oppressive circumstances that deny the reasonable use of the subject property as off-site parking for an adjacent restaurant. The security conditions cited by the applicant are a general condition of the district rather than specific to the subject property. Additionally, the aesthetic goals of the applicant are personal circumstances and are not inherent to the use of the subject property for parking.

Staff Recommendation

Staff recommends **denial of A-11-044**. The application fails to satisfy the conditions required to grant a variance, as presented above. The applicant has not presented evidence that the requested variances would provide relief from hardship caused by a literal enforcement of the fence height standards.

The purpose of a variance is to restore equity when, due to special circumstances or conditions, the Ordinance restricts one (1) property more severely than other properties in the same zoning district. While the area in which the subject property is located may experience crime, this is a general condition of the area that does not affect the site more than other properties in the area. Additionally, although the applicant points to the design of the wall as contributing to an overall aesthetic, the design features of the wall are requirements of the UDC and should not be relied upon in determination of the required findings.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plans



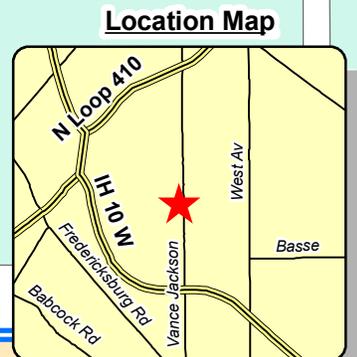
Area is in Airport Hazard Overlay District

Board of Adjustment
Notification Plan for
Case A-11-044



Legend

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



ADDAX

RATZEL

VANCE JACKSON

**NCB 10184
Block 3
Lot 29**

**Variance request
6' variance from
fence/wall height
standard**

**NCB 10184
Block 3
Lot 27 & W
3' of 28**

MINK

Board of Adjustment
Plot Plan for
Case A-11-044

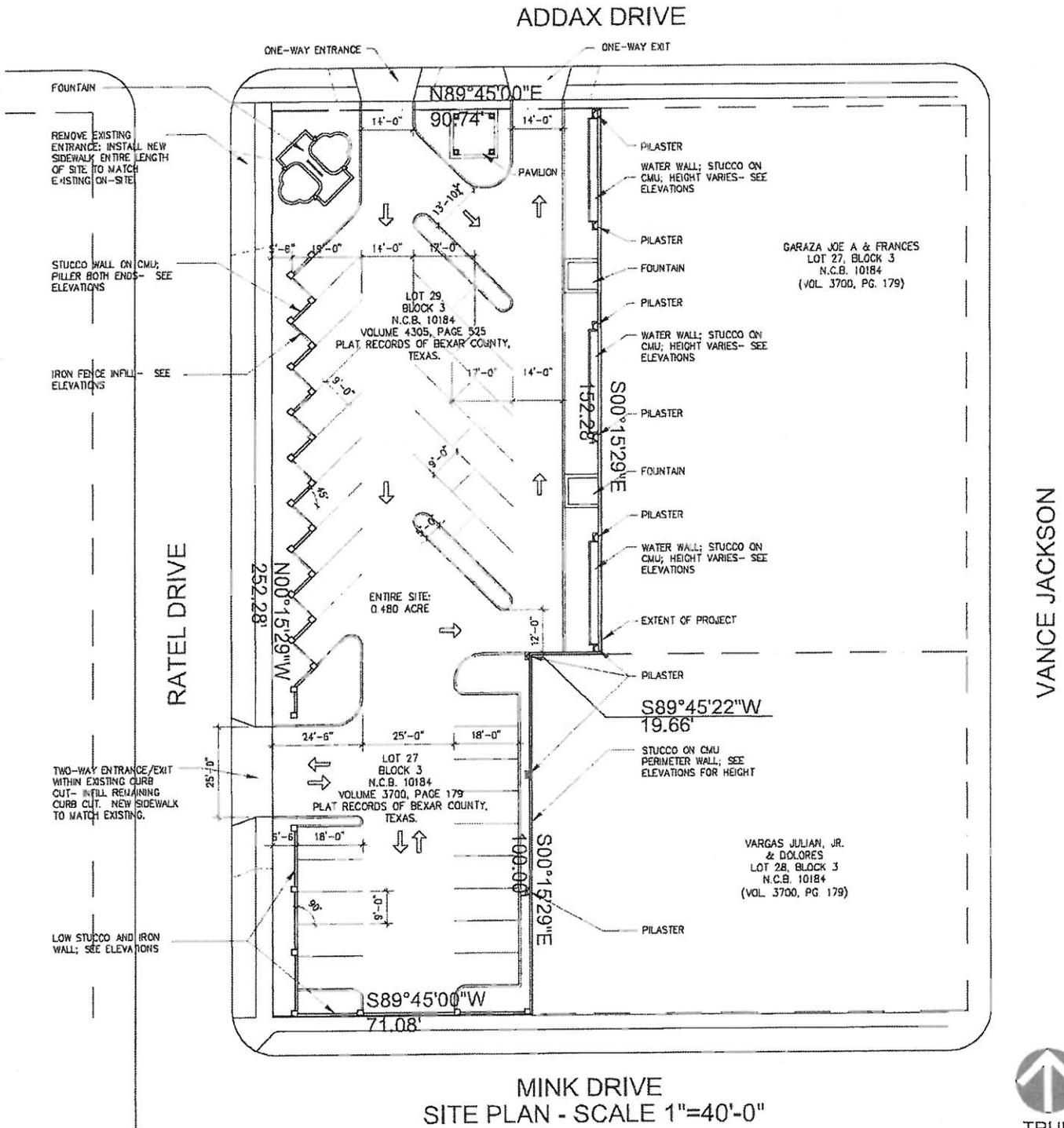
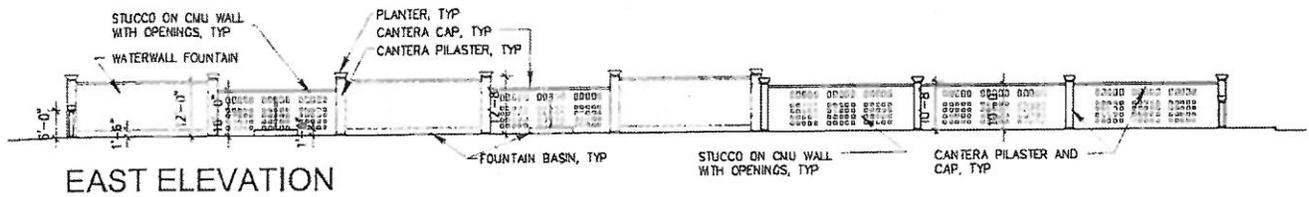


Wall

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

**102 ADDAX DR &
107 MINK DR**

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



LA FOGATA RESTAURANT SK1

ADDITIONAL PARKING - 107 ADDAX DRIVE, SAN ANTONIO, TX