

**CITY OF SAN ANTONIO**  
**Board of Adjustment**  
**Regular Public Hearing Agenda**

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

**Monday, June 21, 2010**  
**1:00 PM**

**BOARD OF ADJUSTMENT MEMBERS**

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

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-10-043:** The request of Maria Ernestina Carrillo, for **1)** A 2-foot 2-inch variance from the requirement that a minimum 5-foot side setback be maintained for accessory detached dwelling units, in order to keep an existing accessory detached dwelling unit 2 feet 10 inches from the east side property line, and **2)** a 9.645 percent (108.8 square foot) variance from the requirement that the footprint of accessory detached dwelling units not exceed forty (40) percent of the footprint of the principal residence, to allow an accessory detached dwelling unit with a footprint 49.645 percent (560 square feet) of the principal residence, 1711 Santa Barbara Street.
5. **CASE NO. A-10-045:** The request of Nicholas Harris, for **1)** An 8-foot variance from the requirement that freestanding signs in nonresidential zoning districts not exceed 16 feet in height when located on a local street, to allow 24 foot tall sign, and **2)** a 39 square foot variance from the requirement that freestanding signs in nonresidential zoning districts not exceed 75 square feet in size when located on a local street, to allow a 114 square foot sign, 120 Rustleaf Drive.

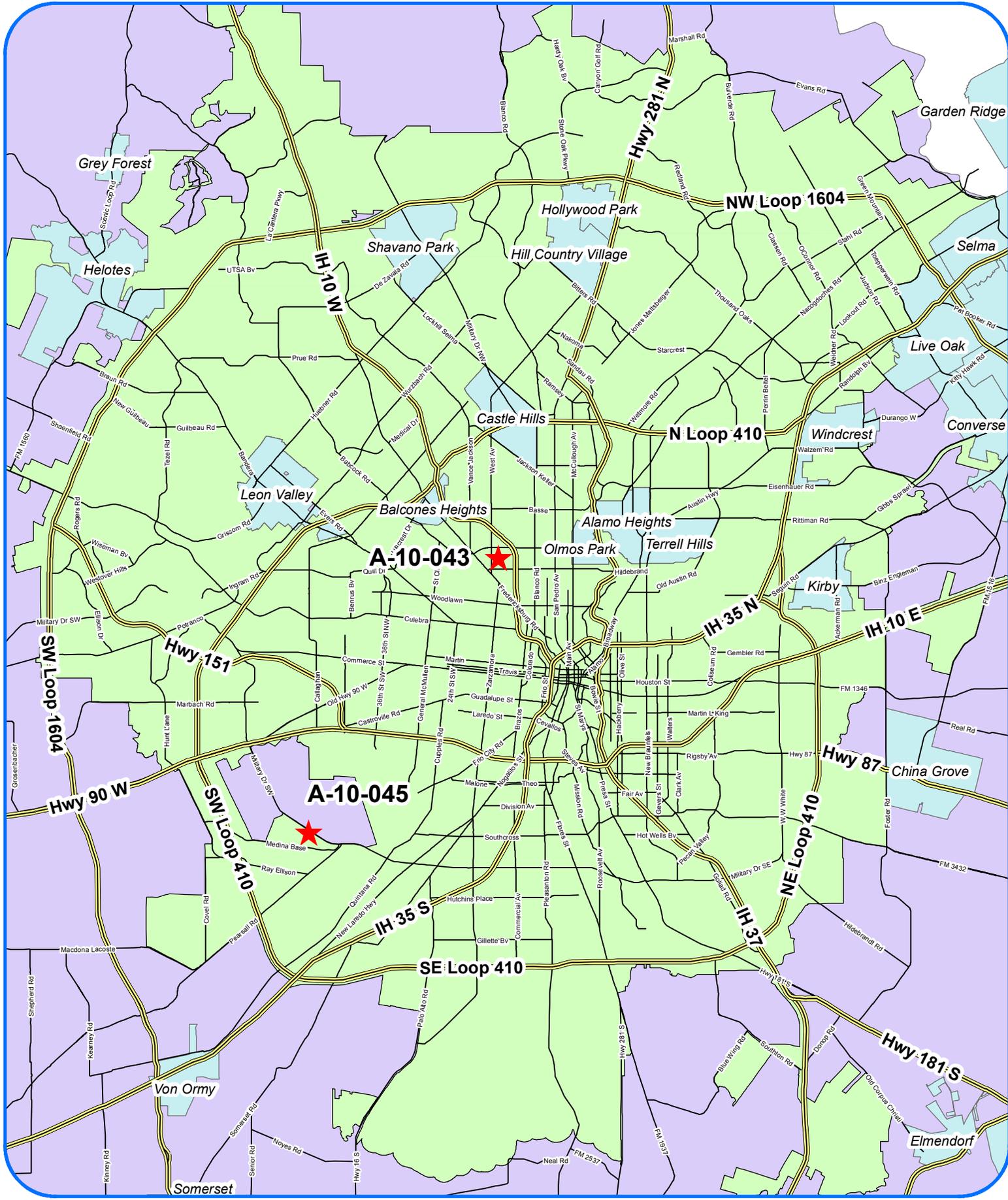
6. Approval of the minutes from the regular meeting on May 17, 2010.
7. Discussion and possible action regarding the Board of Adjustment meeting calendar.
8. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
9. **Adjournment**

**Note:** The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: [www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)

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

**ACCESSIBILITY STATEMENT**

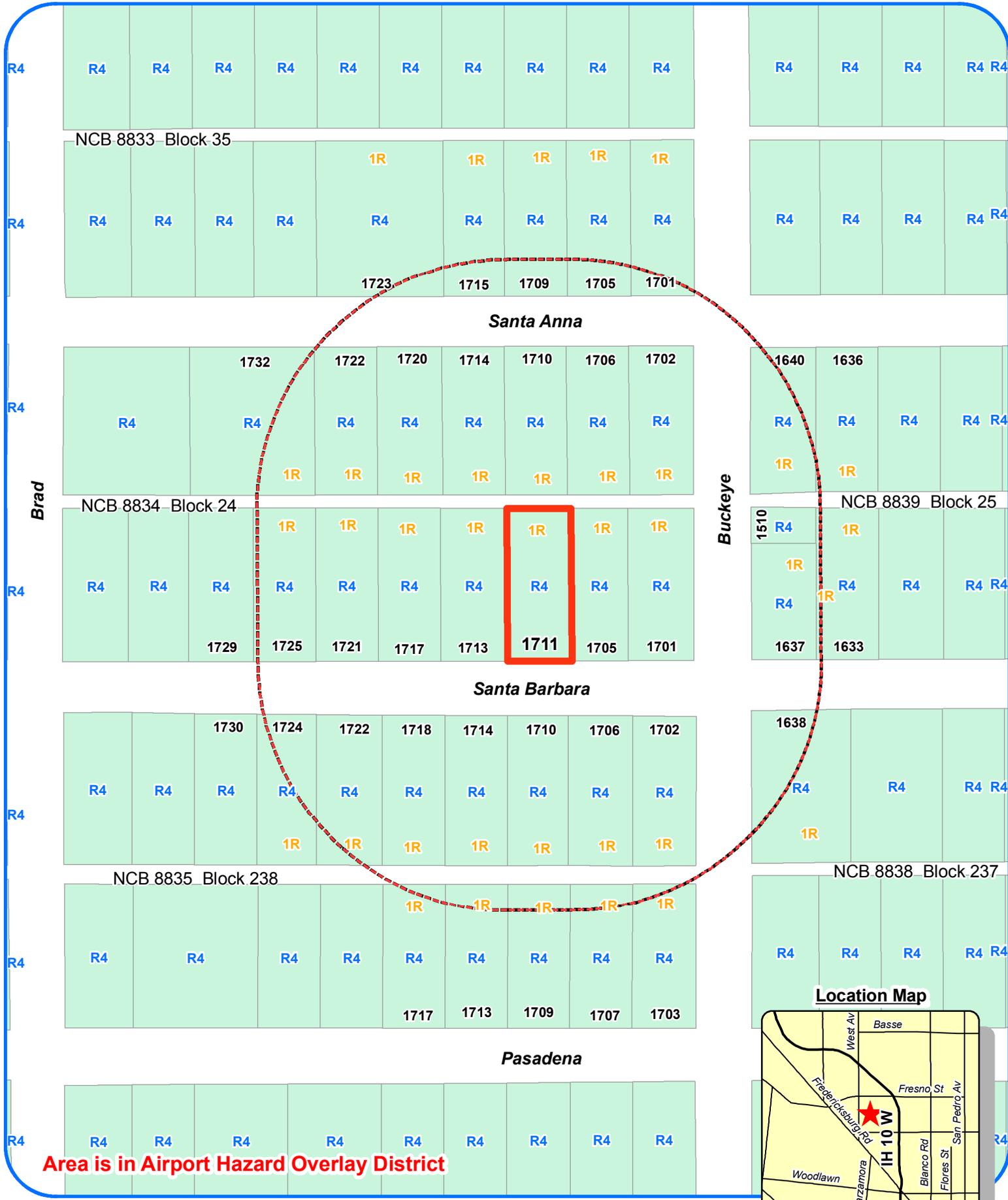
This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



# Board of Adjustment

Subject Property Locations  
Cases for June 21, 2010





**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-043**



**Legend**

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



---

# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-043  
Date: June 21, 2010  
Applicant: Maria Ernestina Carrillo  
Owner: Maria Ernestina Carrillo  
Location: 1711 Santa Barbara Street  
Legal Description: Lot 13, Block 24, NCB 8834  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
Subject: Building Footprint Area and Side Setback Variances for Accessory Detached Dwelling Unit  
Prepared By: Jacob Floyd, Planner

---

#### **Summary**

The applicant is requesting the following variances:

1. A 2-foot 2-inch variance from the requirement that a minimum 5-foot side setback be maintained for accessory detached dwelling units (ADDU), to keep an existing ADDU 2 feet 10 inches from the east side property line.
2. A 108.8 square foot variance from the requirement that the footprint of accessory detached dwelling units not exceed forty (40) percent of the footprint of the principal residence, to allow an ADDU with a footprint of 560 square feet, 49.645 percent of the principal residence.

#### **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 3. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 4. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 18, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Subject Property Zoning/Land Use**

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

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	R-4 AHOD (Residential Single-Family District)	Single-Family
South	R-4 AHOD (Residential Single-Family District)	Single-Family
East	R-4 AHOD (Residential Single-Family District)	Single-Family
West	R-4 AHOD (Residential Single-Family District)	Single-Family

## **Project Description**

The applicant is requesting these variances in order to keep a detached accessory dwelling unit 2 feet 10 inches from the east property line with a footprint 49.645 percent of the principal residence footprint. The applicant hired a contractor to convert an existing garage with the intent of allowing a family member to reside on-site. The contractor did not obtain the required permits for the work. Structures serving as detached dwelling units must maintain a minimum 5-foot side setback. The intent of the side setback is to ensure adequate space between properties to ensure sufficient air flow, light penetration, neighborhood uniformity, and to prevent the overcrowding of lots and preserve a reasonable amount of open space desired in single-family residential neighborhoods. Additionally, accessory detached dwellings must not have a footprint greater than 40 percent of the footprint of the principal residence. The principal residence in this case has a footprint of 1,128 square feet, thus the accessory detached dwelling unit would be limited to a 451.2 square feet footprint. The actual footprint of the accessory detached dwelling unit is 560 square feet, exceeding the footprint allowed by 108.8 square feet. The intent of the building footprint standard is to prevent the overcrowding of lots and to ensure that the accessory dwelling unit remains subordinate to the principal single-family dwelling.

The City of San Antonio received a complaint about the encroachment of the structure on March 5, 2010, at which time an investigation was initiated. On March 10, staff advised the applicant of the need for permits and provided information on submitting plans for review. Subsequently, it was found that the structure was in violation of the setback requirement and the property owner was advised to seek a variance. The applicant applied for the variance on May 7, 2010, though later postponed the hearing and amended their application to include a variance from the building footprint standard.

## **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within the boundaries of a neighborhood association.

The property is located within the boundaries of the Near Northwest Community Plan. As of June 14, staff has not received a response from the neighborhood association.

## **Criteria for Review**

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

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

*The variances would not be contrary to the public interest as the structure in question is a converted detached garage and has existed in this location since at least 1929, as shown on dated Sanborn Insurance Maps. Additionally, the variances would not be contrary to the public interest as similarly situated properties with structures of this approximate age enjoy accessory structures situated in this manner.*

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

*It does appear that the literal enforcement of the ordinance would result in unnecessary hardship. The accessory detached dwelling unit is a remodeled detached garage structure that has been in this location since approximately 1929. Additionally, the conversion to a dwelling unit maintained the footprint of previous detached garage.*

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

*The granting of the variances would be in keeping with the spirit of the. The previous detached garage was converted into an accessory dwelling unit located on the same foundation and with identical footprints.*

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

*The granting of the variances will not authorize the operation of a use other than those uses specifically authorized in the "R-4 AHOD" zoning district. Accessory detached dwelling units are permitted in the "R-4" district in accordance with the provisions of section 35-371(b) of the Unified Development Code, including the requirements that accessory detached dwelling units not contain more than one bedroom, that the property owner occupy either the principal unit or accessory dwelling as their permanent residence, that the accessory dwelling be connected to the utilities of the principal structure, and that the total number of occupants of the accessory dwelling unit not exceed three (3) persons.*

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

*The granting of the variances will not substantially injure the appropriate use of adjacent conforming property nor will it alter the essential character of the district in which the property is located. The subject property will retain its single-family residential character and will maintain the character of the district as a single-family neighborhood with numerous similar accessory structures in rear yards.*

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 applicant is due to the location and bulk of the previous detached garage built approximately 1929. The 560 square foot footprint of the accessory detached dwelling unit is no greater than that of the earlier garage and is within the permitted total floor area for this type of structure.*

### **Staff Recommendation**

Staff recommends **approval** of **A-10-043**, because the findings of fact have been satisfied as presented above. Due to the unique circumstances of the size and location of the previous detached garage, the literal enforcement of the ordinance would require a reduction in the size of a previously conforming structure and the inability to make use of the existing foundation.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Submitted Floor Plan & Elevation Drawings

9.645 percent variance  
(108.8 square foot)

Existing  
Converted  
Garage/Apt.

Requesting 2'-2" Variance  
from side setback

NCB 8834  
Block 24  
Lot 13

Existing  
Residence

5' side setback

**Santa Barbara St.**

**Board of Adjustment**  
Plot Plan for  
**Case A-10-043**



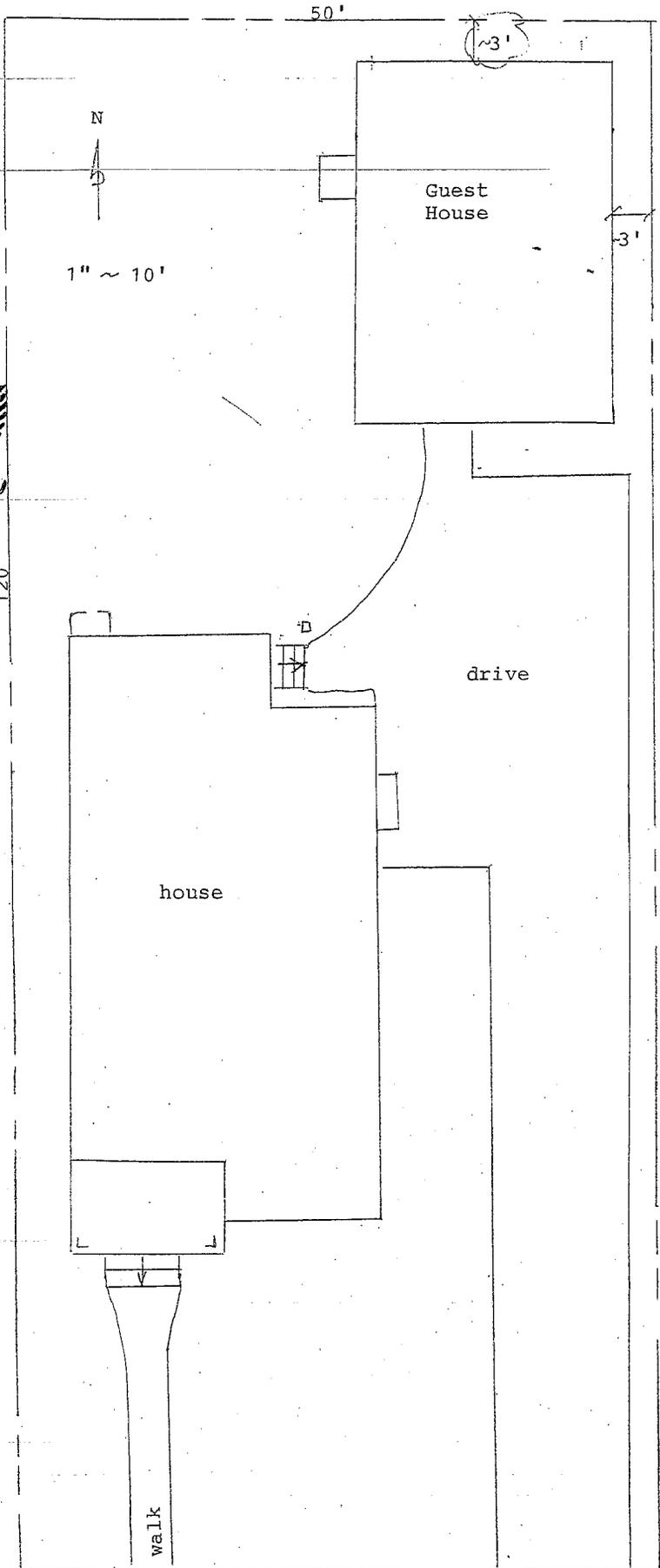
Scale: 1" approx. = 20'  
Council District 1

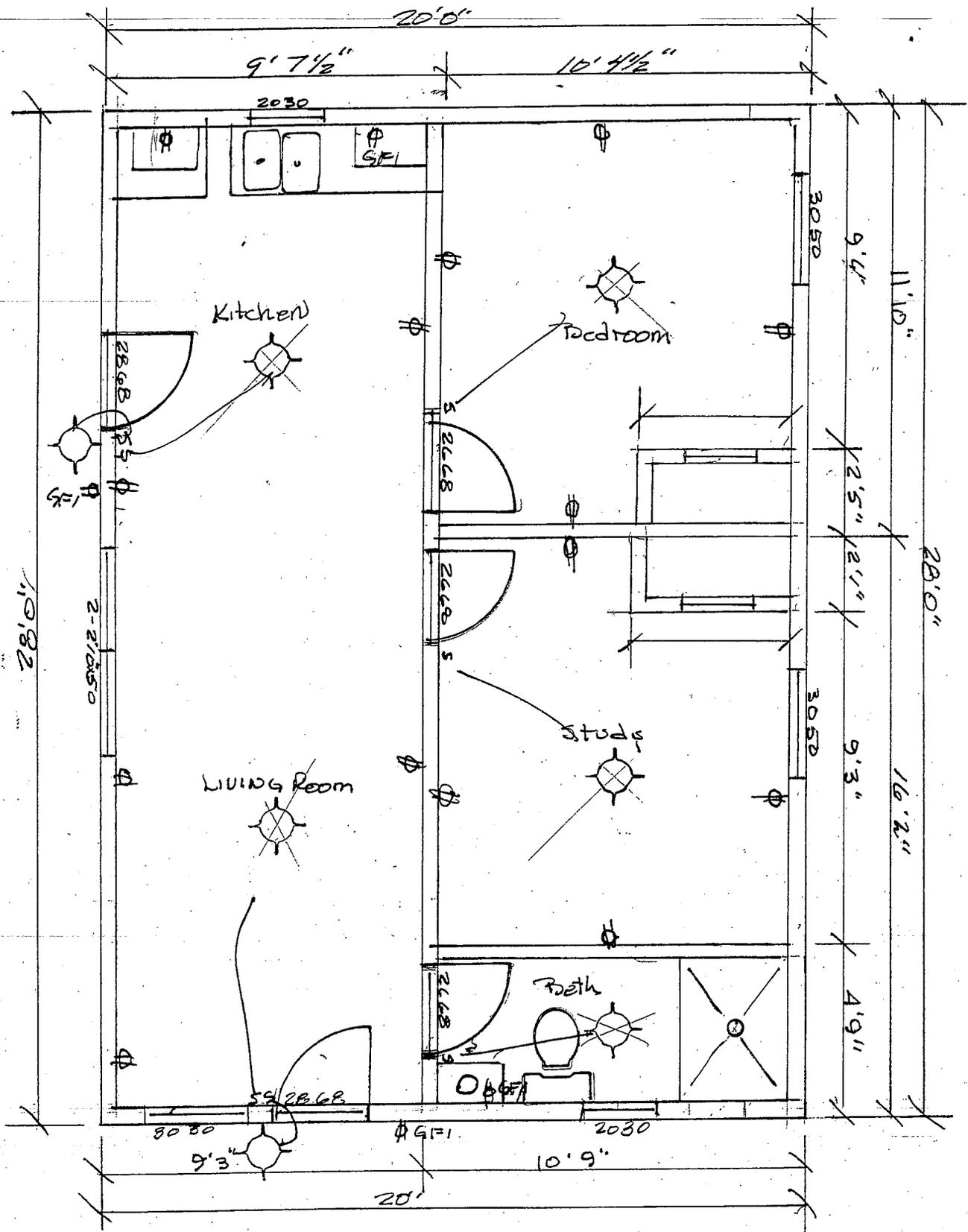
**1711 Santa Barbara**

Planning and Development Services Dept  
City of San Antonio  
(5/17/2010)

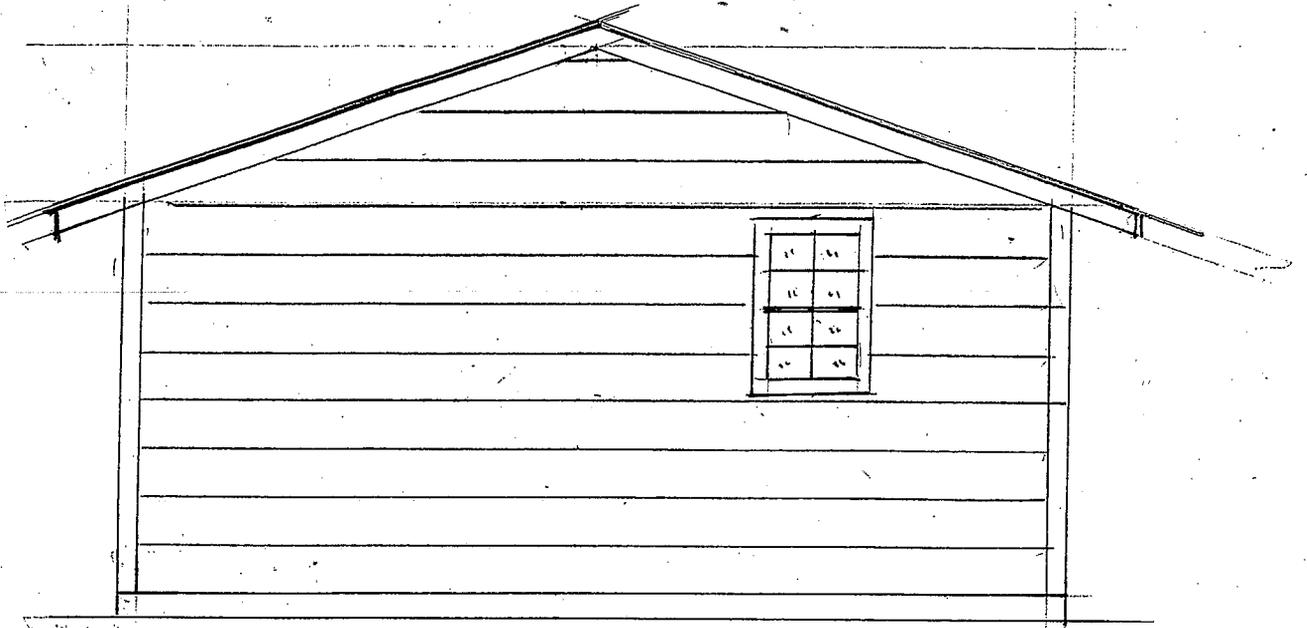


*Gregory SETHNESS*  
4-1-10



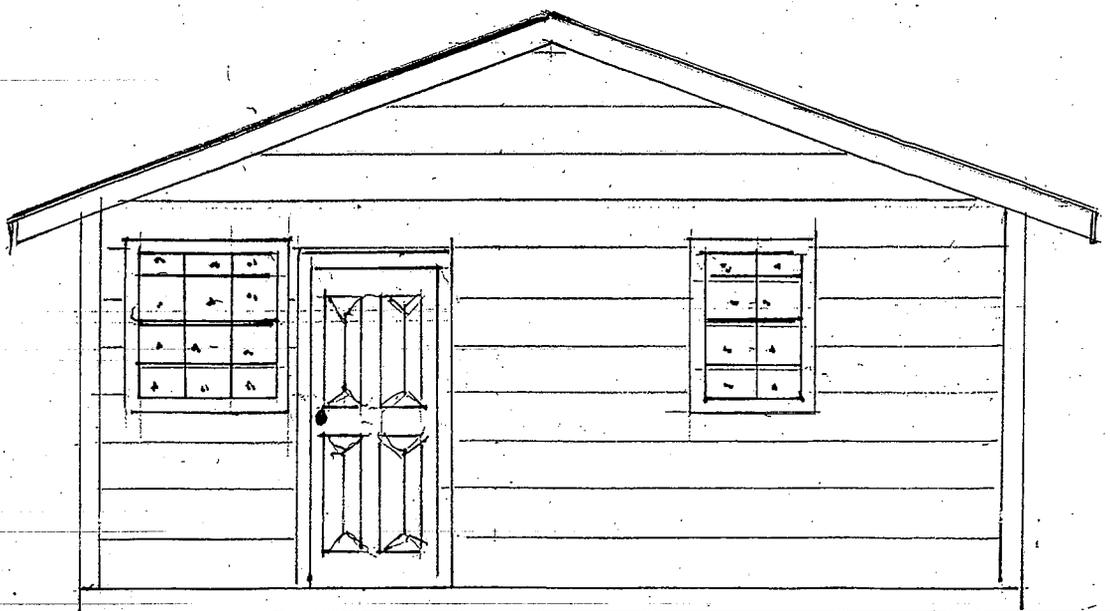


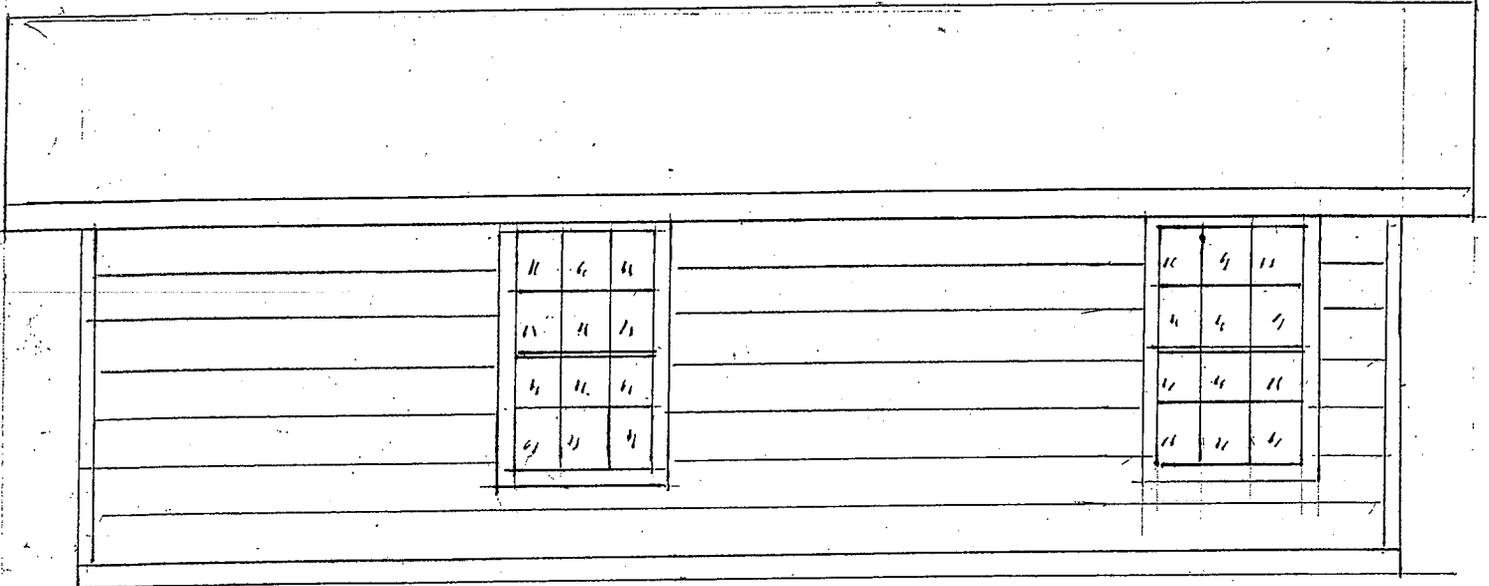
Floor Layout  
 Scale 1/4" = 1'



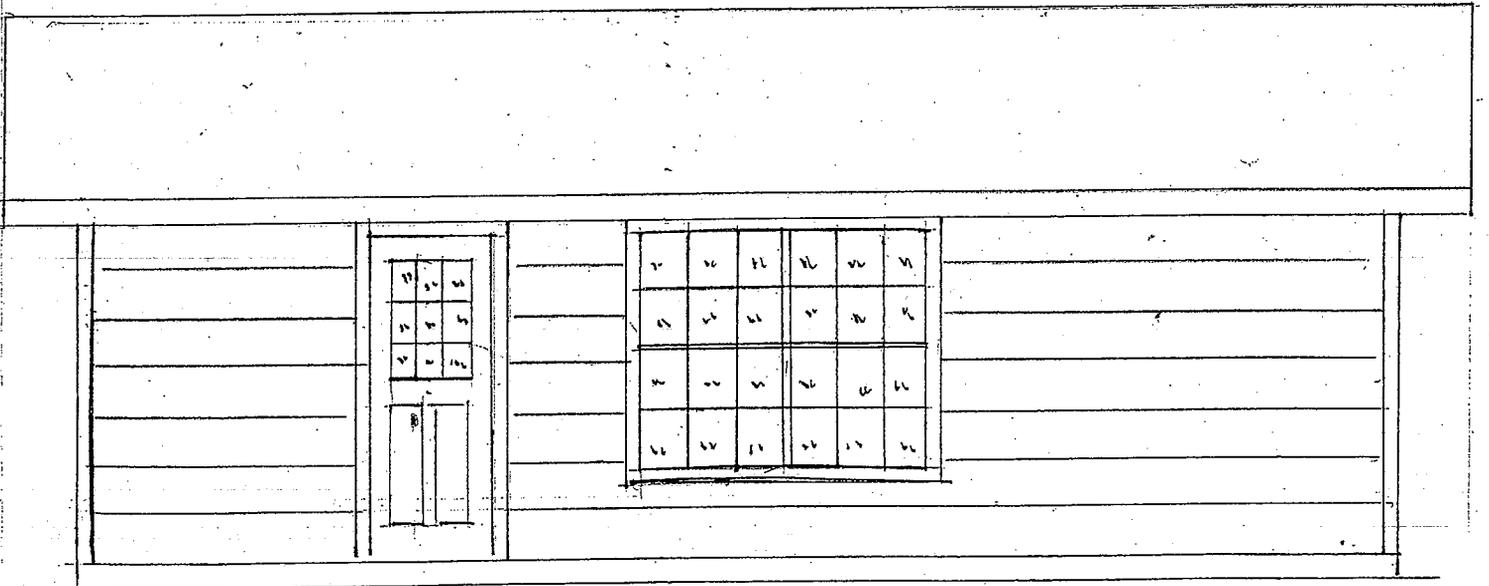
NORTH VIEW

1711 SANTA BARBARA





EAST VIEW

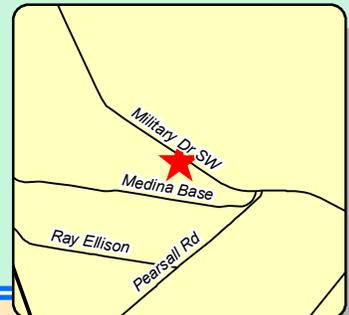


WEST VIEW



**Area is in Airport Hazard Overlay District**

**Location Map**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-045**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 3

Planning and Development Services Dept  
 City of San Antonio  
 (5/24/2010)



---

# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-045  
Date: June 21, 2010  
Applicant: Nicholas Harris  
Owner: Durga M. Hospitality, Inc.  
Location: 120 Rustleaf Drive  
Legal Description: Lot 19, Block 1, NCB 15318  
Zoning: "C-3 NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District  
Subject: Sign Height & Area Variances  
Prepared By: Jacob Floyd, Planner

---

### **Summary**

1) An 8-foot variance from the requirement that freestanding signs in nonresidential zoning districts not exceed 16 feet in height when located on a local street, to allow 24 foot tall sign, and 2) a 39 square foot variance from the requirement that freestanding signs in nonresidential zoning districts not exceed 75 square feet in size when located on a local street, to allow a 114 square foot sign.

### **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 3. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on June 4. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 18, in accordance with Section 551.043(a) of the Texas Government Code.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-3 NA AHOD (Commercial District)	Motel

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3R AHOD, C-3 AHOD (Commercial Districts), OCL (Unincorporated Land)	Motor Vehicle Sales, Convenience Store, Lackland AFB
South	R-6 AHOD (Residential Single-Family District)	Multi-Family Residences
East	C-3 AHOD, C-2 AHOD (Commercial District)	Offices
West	R-6 AHOD (Residential Single-Family District)	Multi-Family Residences

## Project Description

The applicant proposes to erect a freestanding sign 24 feet in height with a sign face area of 114 square feet along a street classified as a local street. The maximum allowed height and size for freestanding signs on streets classified as local streets is 16 feet in height and 75 square feet in area. The applicant explains that the variance is necessary due to the topography of the site and the visibility of the subject property from Military Drive.

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the United Southwest Community Plan. The subject property is located within the People Active in Community Effort (P.A.C.E.) neighborhood association. As of June 14 staff has not received a response from the neighborhood association.

## Criteria for Review

According to Section 28-247 of Chapter 28: Signs and Billboards, 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**

*It does not appear that the strict enforcement of the sign regulations prohibits the reasonable provision of adequate signs on the site. The subject property is not characterized by unique or exceptional features, but rather is typical of the area in terms of topography. Additionally, the subject property is situated above the abutting lot, higher on the slope and elevated approximately 10 feet above the level of Military Drive, awarding it additional visibility from traffic.*

2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

*A denial of the variances would not cause a cessation of the longstanding use of the subject property as a motel. The signage attached to the building provides sufficient identification of the business without the need of a freestanding sign of excess height or size. Additionally, the topography of the site results in greater visibility of the motel building and the signage attached to it from Military Drive.*

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 granting of the variances would provide the applicant with a privilege not enjoyed by others located on local streets, as it would allow the installation of a freestanding sign that otherwise would only be allowed on streets classified as Arterial "Type B" or Commercial Collector.*

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

*It does not appear that the granting of the variances will have a substantially adverse impact on neighboring properties. The majority of the properties neighboring the proposed sign location have frontage on Military Drive, which is classified as an Arterial "Type A", and have signs exceeding the height and size of that proposed. Additionally, there is "R-6" zoning along Rustleaf, south of the subject property, with low density multi-family uses with front doors opening onto Rustleaf. This arrangement imparts a residential character on the area that would be diminished by the introduction of a large sign.*

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

*The granting of the variances will be in substantial conflict with the purposes of the sign regulations. The variances requested would allow a sign of a height that is the maximum allowed for the next higher street classification, allowing a sign that would normally be restricted to property with frontage on Arterial "Type B" streets or Commercial Collectors. Additionally, a sign of this size is inappropriate for a property located on a local street.*

### **Staff Recommendation**

Staff recommends **denial of A-10-045, 120 Rustleaf Drive**, because the findings of fact have not been satisfied as presented above. The variances requested would allow the installation of a freestanding sign of a size that is inappropriate for frontage on a local street and of a height that would be the maximum permitted for a street with a higher classification. Additionally, it does not appear that the subject property possesses any unique features in terms of its shape or topography that would prohibit the reasonable provision of signage on the site. The development pattern of the area adjacent to the south is residential in character and the introduction of a sign such as that proposed would detract from the residential quality currently enjoyed.

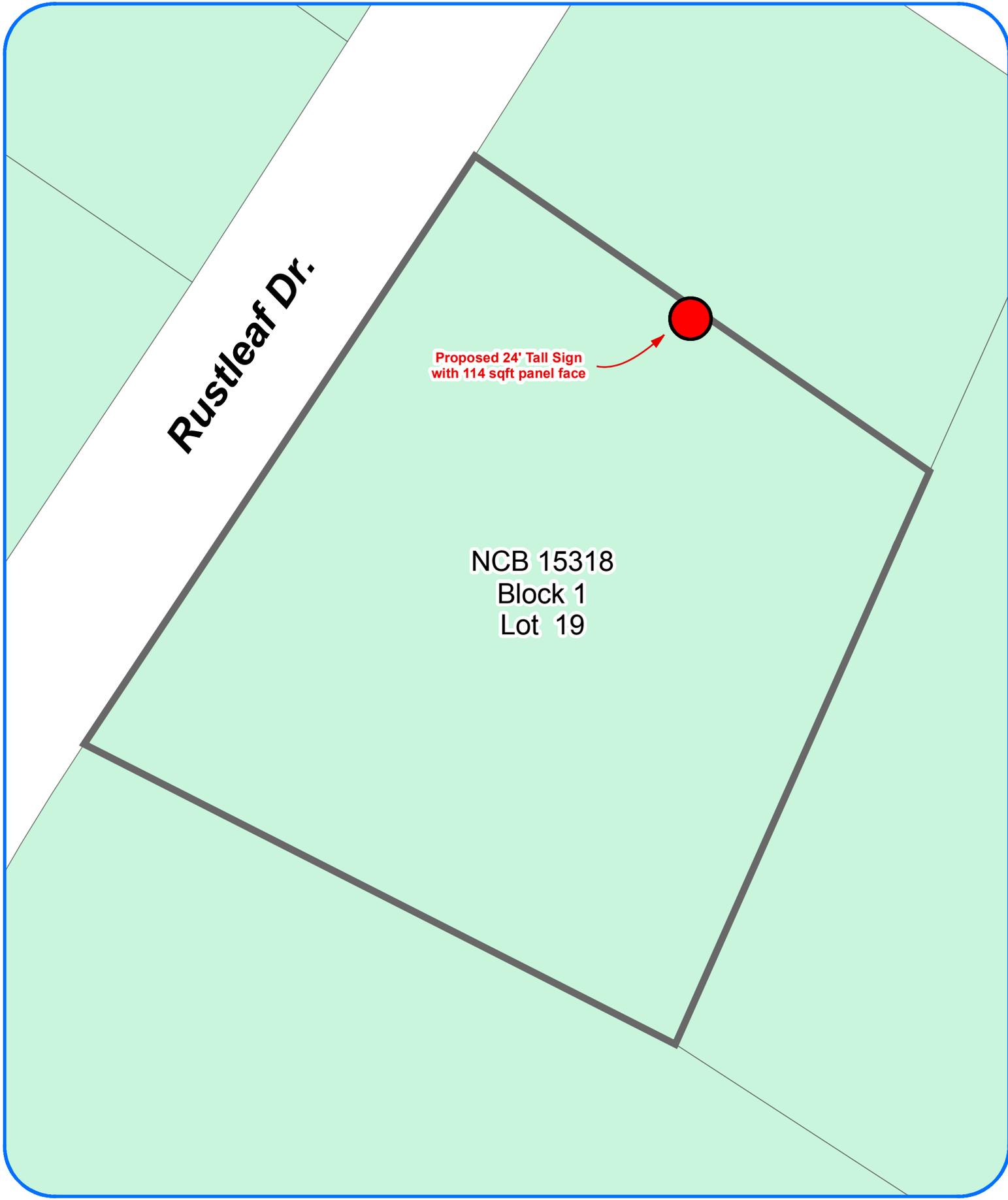
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Drawings

Attachment 4 – Two Foot Contour Map



**Board of Adjustment**  
Plot Plan for  
**Case A-10-045**



 Sign location  
Scale: 1" approx. = 40'  
Council District 4

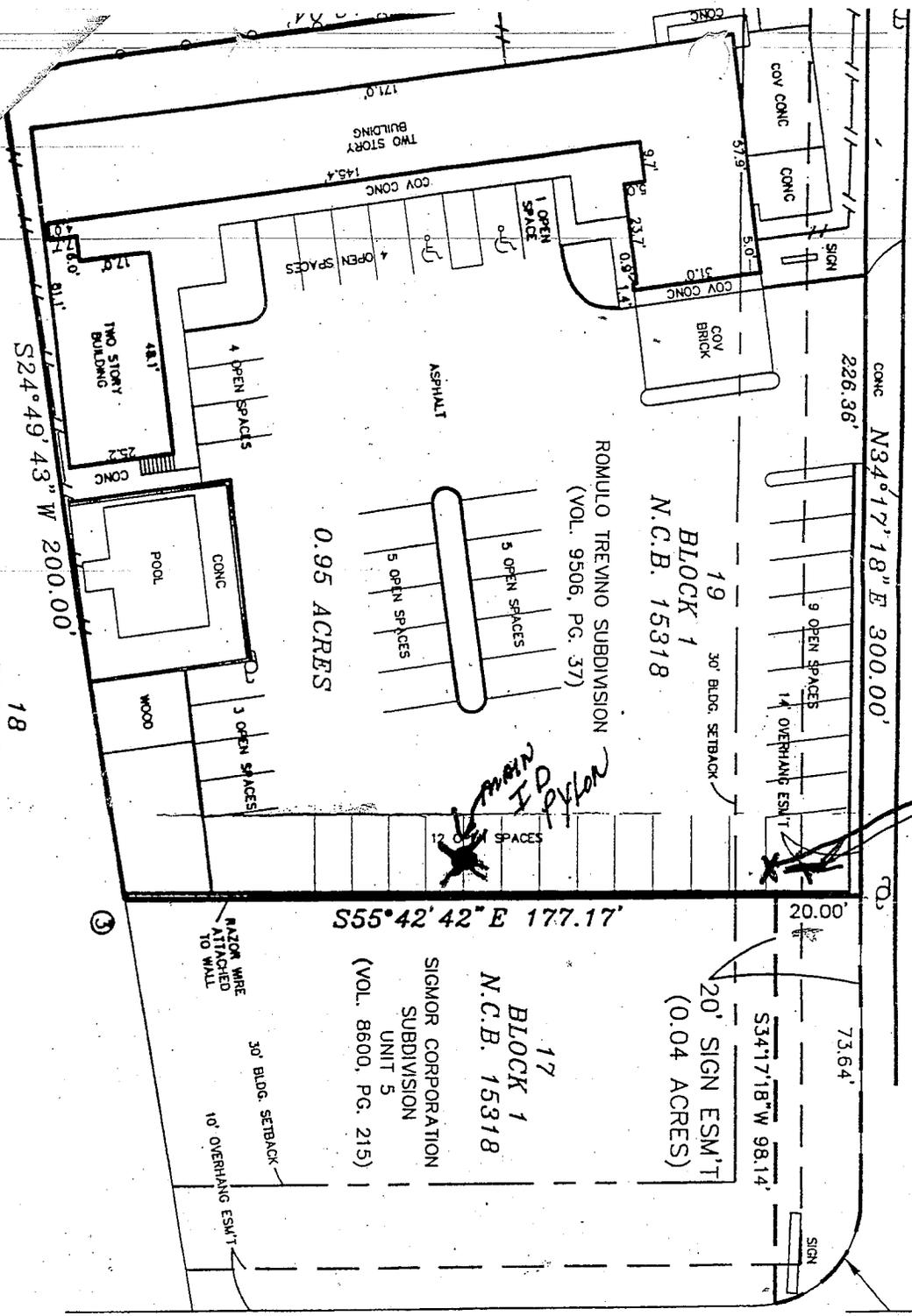
**120 Rustleaf Dr.**

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

RUSTLEAF DRIVE  
(60' R.O.W.)

4x8  
Directional  
Sign 8'0" H

Δ=7827'47"  
R=25.00'  
T=20.41'  
L=34.24'



ROMULO TREVINO SUBDIVISION  
(VOL. 9506, PG. 37)

SIGMOR CORPORATION  
SUBDIVISION  
UNIT 5  
(VOL. 8600, PG. 215)

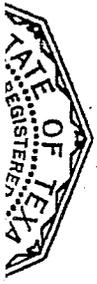
18  
BLOCK 1  
N.C.B. 15318

19  
BLOCK 1  
N.C.B. 15318

17  
BLOCK 1  
N.C.B. 15318

S.W. MILITARY DRIVE  
(130' R.O.W.)

HOFFMAN'S RESTAURANT SUBDIVISION  
(VOL. 9400, PG. 141)



STATE OF TEXAS  
COUNTY OF BEVAR

SURVEY OF  
LOT 19, BLOCK 1, NEW CITY BI  
ROMULO TREVINO SUBDIVISION,  
ANTONIO, BEVAR COUNTY, TEXA  
IN VOLUME 9506, PAGE 37, DE  
RECORDS OF BEVAR COUNTY, 1  
WITH A 20' SIGN EASEMENT, 0  
BLOCK 1, NEW CITY BLOCK 153  
CORPORATION SUBDIVISION, UN  
SAN ANTONIO, BEVAR COUNTY,  
RECORDED IN VOLUME 8600, P  
AND PLAT RECORDS OF BEVAR

①  
②  
③

**Travelodge**

client: Travelodge

location: San Antonio, TX

Page 1 of 1

designer: Nick Harris

date: 5-20-10

scale: AS NOTED

contractor: BEN TRAVELodge, IA

approved by:

approved  
 approved as noted  
 revise & resubmit  
by:

date:

notes:

notes:  
20 Amp circuits  
required

drawn by: Ben Garza

comments:

THIS DOCUMENT IS THE PROPERTY OF COMET SIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF COMET SIGNS.



www.cometsigns.com

235 West Turbot  
SAN ANTONIO, TX 78216

ph: (210) 341-7244

fax: (210) 341-7279

PYLON

19'



114 SQ. FT.

6'-0"

18'-0"

24'-0"

DIRECTIONAL

8'-0"

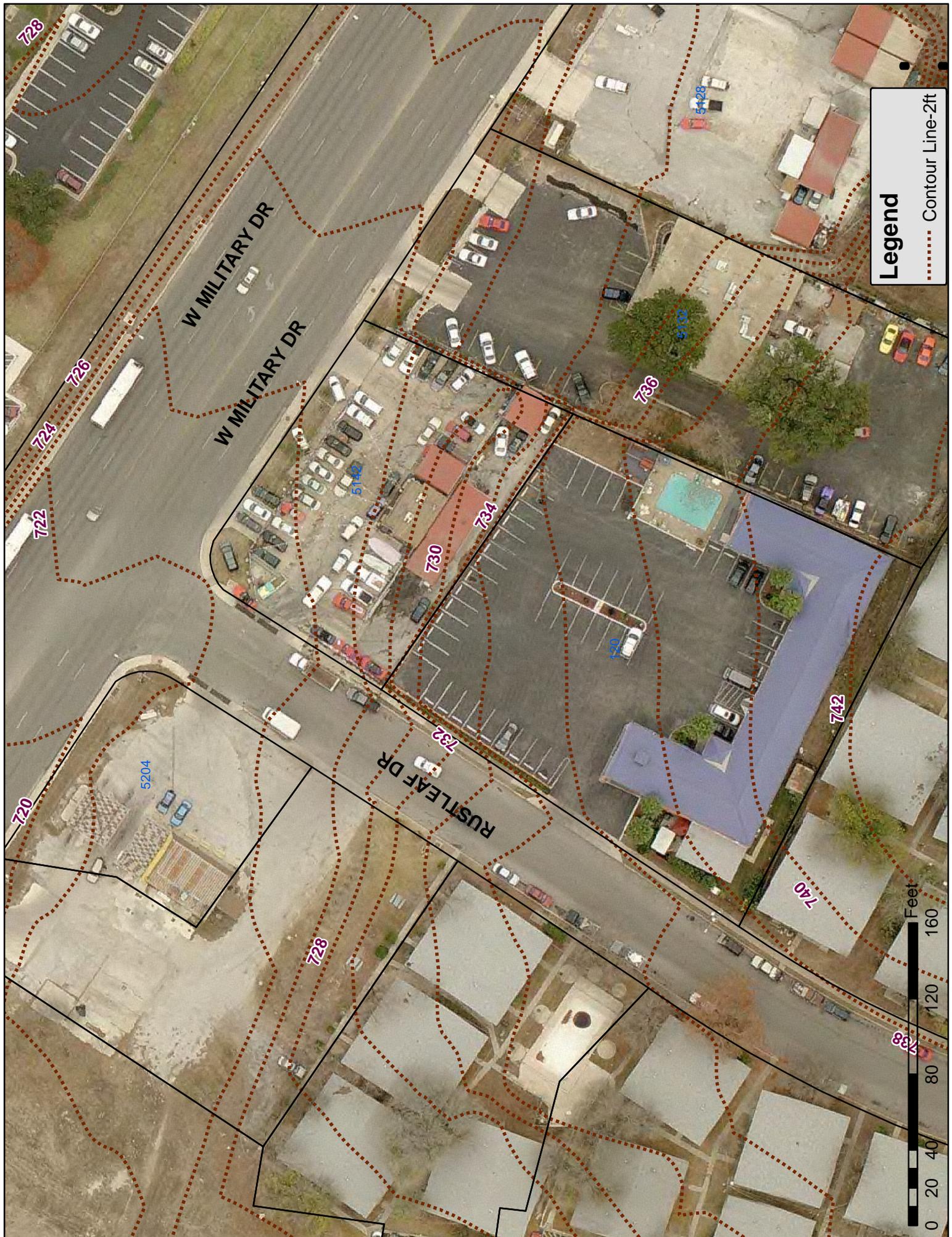


4'

3'

32 SQ. FT.

- FABRICATE AND INSTALL (1) DOUBLE FACE INTERNALLY ILLUMINATED PYLON
- FABRICATE AND INSTALL (1) DOUBLE FACE INTERNALLY ILLUMINATED DIRECTIONAL



**Legend**  
..... Contour Line-2ft

0 20 40 80 120 160 Feet

W MILITARY DR

W MILITARY DR

RUSTLEAF DR

5204

728

724

726

722

720

728

730

734

732

736

740

742

738

5428

5332

532