

CITY OF SAN ANTONIO
Board of Adjustment
Regular Meeting Agenda

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

Monday, June 4, 2007

Board of Adjustment Board Members

Rene Balderas	District 1	Paul Klein	District 6
Edward Hardemon	District 2	Mary Rogers	District 7
Helen Dutmer	District 3	Andrew Ozuna	District 8
Gerald Yarbrough	District 4	Michael Gallagher	District 10
Laura Lizcano	District 5	Gene Camargo	District Mayor
	Mike Villyard	District 9	
	Chairman		

- I. **1:00 p.m. – Public Hearing Call to Order and Roll Call.**
- II. **Pledges of Allegiance.**
- III. **A-07-054:** The request of Leo and Jennifer Naeger for **1)** a 9-foot variance from the required minimum rear setback for this subject site, in order to build an addition to the existing residence 5 feet from the rear property line, and **2)** a 2-foot, 6-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts in order to build the same addition 2 feet, 6 inches from the east side property line, 316 West Mulberry Avenue.
- IV. **A-07-056:** The request of Francisco Segura for a 2-foot variance from the requirement that predominantly open fences in front yards be no taller than 4 feet, in order to erect a 6-foot tall predominantly open fence in the front yard, 530 Bandera Road.
- V. **A-07-057:** The request of Elva Vasquez for 1) a 3-foot variance from the requirement that solid screen fences in front yards be no taller than 3 feet, in order to erect a 6-foot tall solid screen fence on the west property line in the front yard, and 2) a 4-foot, 6-inch variance from the requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow the same 6-foot tall solid screen fence to encroach into the clear vision area for the driveway, 2621 Steves Avenue.
- VI. **Approval of the minutes from the regular meeting on March 19th, 2007.**

VII. **Staff Report.**

VIII. **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.

IX. **Adjournment.**

Note: The City of San Antonio Board of Adjustment Agenda is on the Internet at: www.sanantonio.gov/dsd

At any time prior to the meeting, you may contact a case manager at 207-6944 or 207-0132 to check the status of a case.

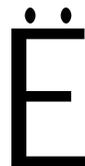
Accessibility Statement

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



Board of Adjustment

Subject Property Locations
Cases for June 4, 2007

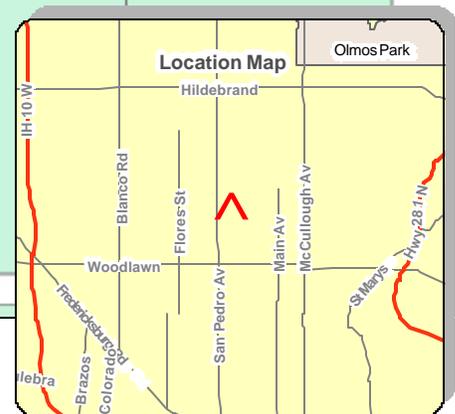




Board of Adjustment
Notification Plan for
Case A-07-054



Legend
 Subject Property ———
 200' Buffer ———



Scale: 1" approx. = 80'
 Council District 1

Produced by the City of San Antonio
 Development Services Department
 (05/15/2007)

Board of Adjustment - Case No. A-07-054

June 4, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, June 4, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Leo and Jennifer Naeger
Lots 6, 7 and the west 24 feet of 8, Block 3, NCB 3001
316 West Mulberry Avenue
Zoned: “R-5 H” Historic Residential Single-Family District

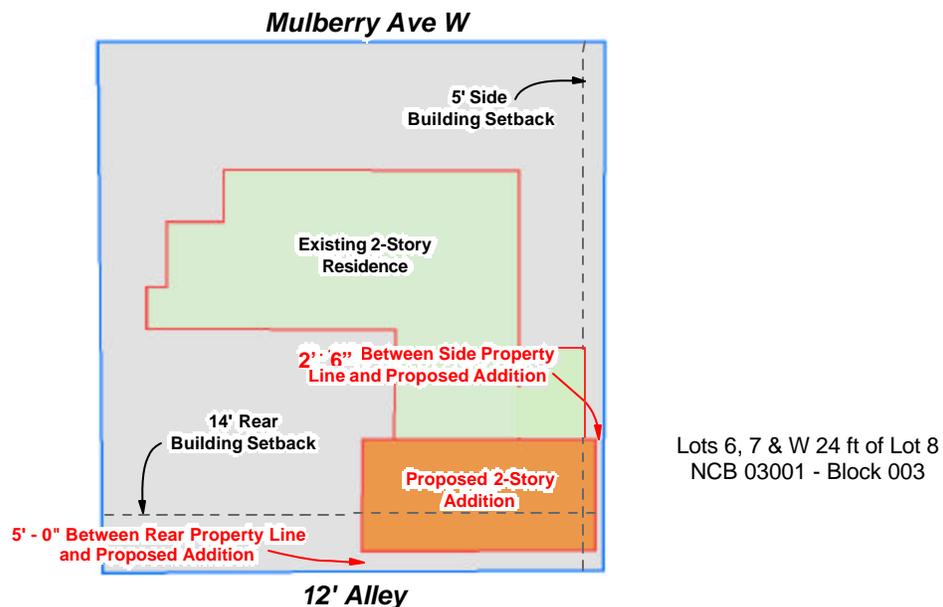
The applicant is requesting **1)** a 9-foot variance from the Unified Development Code required minimum rear setback for this subject site, in order to build an addition to the existing residence 5 feet from the rear property line (a minimum 20-foot rear setback is required in “R-5” zoning districts, however on lots that abut a public alley, one-half of the alley, up to a maximum of 15 feet, may be considered as part of the minimum required rear yard; the width of this alley is 12 feet), and **2)** a 2-foot, 6inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts in order to build the same addition 2 feet, 6 inches from the east side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Michael Taylor at (210) 207-0132. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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

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

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



Board of Adjustment

**Plot Plan for
Case A-07-054**



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

316 Mulberry Ave W

Produced by the City of San Antonio
Development Services Department
(05/14/2007)

CASE NO: A-07-054

Board of Adjustment – June 4, 2007

Applicant: Leo and Jennifer Naeger

Owner: Leo and Jennifer Naeger

Request(s): 1) a 9-foot variance from the minimum 14-foot rear setback required on this property, in order to build an addition to the existing residence 5 feet from the rear property line, and

2) a 2-foot 6-inch variance from the minimum 5-foot side setback required in “R-5” zoning districts, in order to build the same addition 2 feet 6 inches from the east side property line

Legal Description: Lots 6, 7 and the west 24 feet of 8, Block 3, NCB 3001

Address: 316 West Mulberry Avenue

Zoning: “R-5 H” Historic Residential Single-Family District

Existing Use: Single-Family Residence

Neigh. Assoc: Monte Vista Historical Association

Neigh. Plan: Monte Vista Neighborhood Plan

Sections of the City Code from which these variances are requested

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 20-foot rear setback and a minimum 5-foot side setback are required in “R-5” zoning districts.

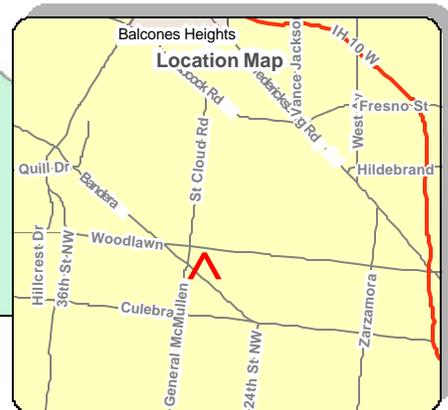
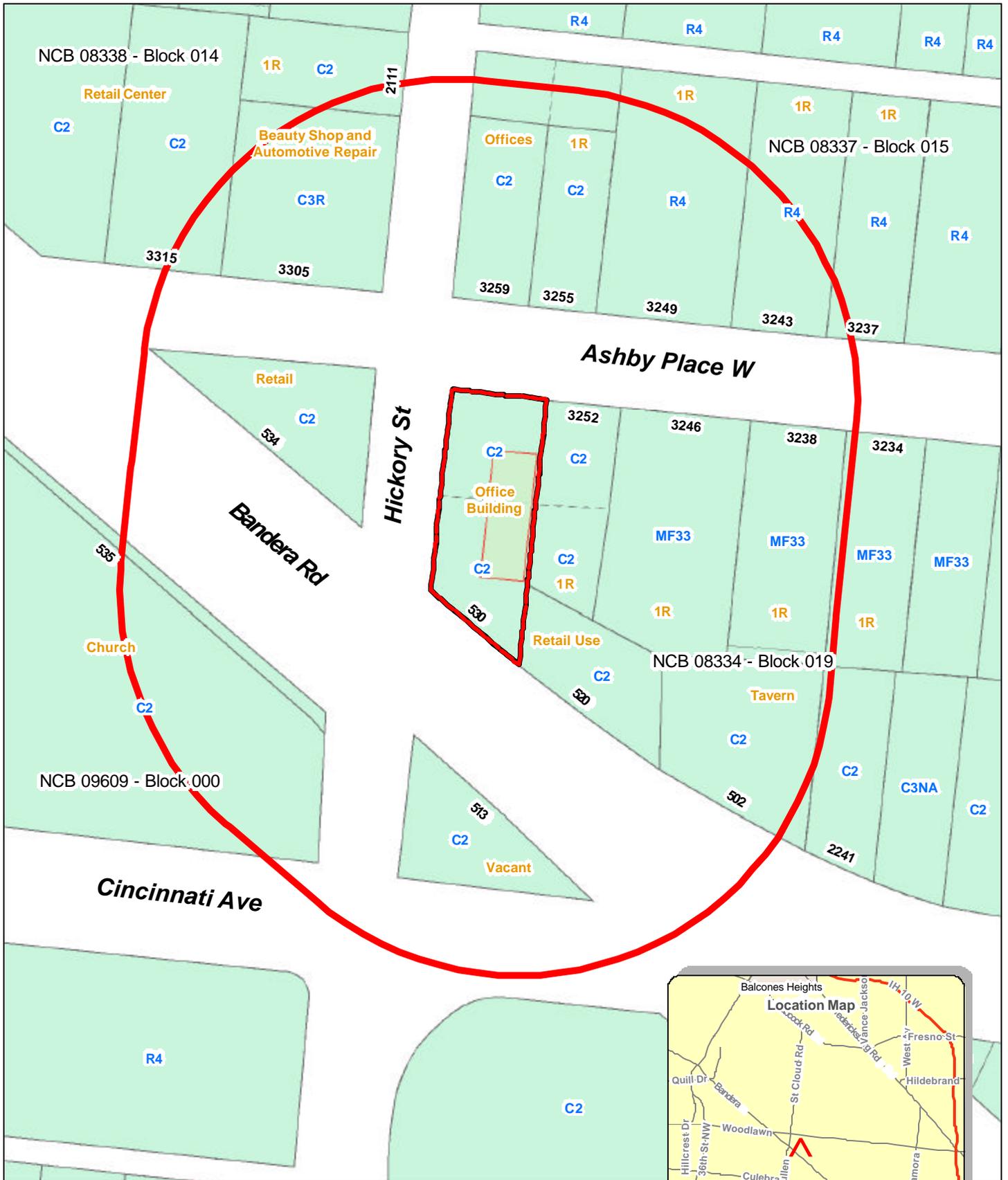
Section 35-516 Setback and Frontage Regulations: For lots that abut a public alley, one-half of such alley, up to a maximum of 15 feet, may be considered as part of the minimum required rear or side yard.

Background: The subject property is located in the Monte Vista Historical District. The subject lot is situated on the south side of West Mulberry Avenue between San Pedro Avenue and Belknap Street. Single-family residences surround on all sides. The applicant is proposing to construct an addition to the rear of the existing residence to include approximately 1400 square feet of additional living area. As planned, the new addition would encroach into the side and rear setbacks. Pursuant to Section 35-516(c) of the UDC, 6 feet of the abutting public alley situated to the rear of the subject property may be considered as part of the required rear yard, thereby reducing the required building setback to 14 feet from the rear property line.

On February 7, 2007, the applicant received a Certificate of Appropriateness for Conceptual Approval from the Historic and Design Review Commission (HDRC). Additionally, Historic Preservation Staff found the proposed changes to be architecturally and aesthetically appropriate for their setting. Should the Board elect to approve the requested variances, the applicant still must receive final design approval from the HDRC before commencing construction of the addition.

Recommendation: The intent of the side and rear setback requirements is to allow for air flow, light penetration, neighborhood uniformity, and to prevent the overcrowding of lots and help achieve a reasonable amount of open space desired in single-family residential neighborhoods. While the City encourages continued investment in existing housing stock, any improvements should be made in accordance with development regulations to protect the health, safety and welfare of the public. This parcel does not appear to be characterized by any unique terrain features where literal enforcement of the side and rear setback requirements would result in unnecessary hardship. The required rear setback is already significantly less than the normally required 20 feet because the lot abuts a public alley. Staff recommends **denial** of the requested variances.

Case Manager: Michael Taylor, Planner II (210) 207-0132



Board of Adjustment
Notification Plan for
Case A-07-056



Legend
 Subject Property ———
 200' Buffer ———

Scale: 1" approx. = 80'
 Council District 7

Produced by the City of San Antonio
 Development Services Department
 (05/17/2007)

Board of Adjustment - Case No. A-07-056

June 4, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, June 4, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Francisco Segura
Lot 27, Block 19, NCB 8334
530 Bandera Road
Zoned: “C-2” Commercial District

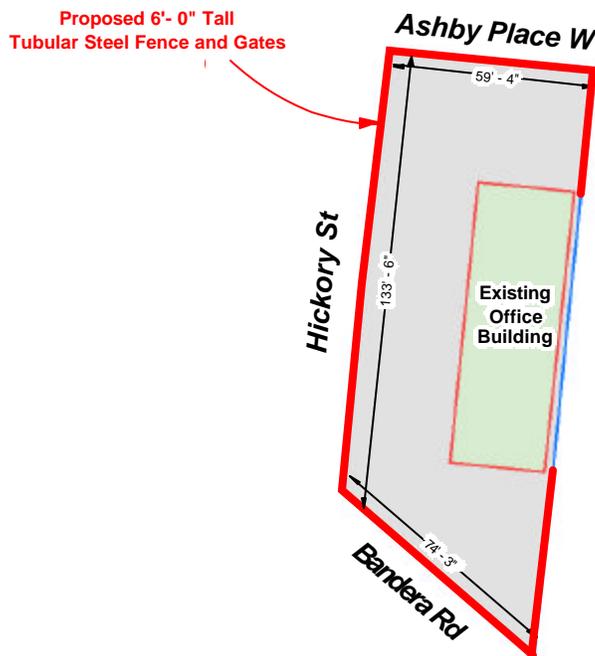
The applicant is requesting a 2-foot variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet, in order to erect a 6-foot tall predominantly open fence in the front yard.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager Michael Taylor at (210) 207-0132. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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

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Lot 27
NCB 8334 – Block 019

Board of Adjustment

**Plot Plan for
Case A-07-056**



Scale: 1" approx. = 50'
Council District 7

530 Bandera Rd

Produced by the City of San Antonio
Development Services Department
(05/14/2007)

CASE NO: A-07-056

Board of Adjustment – June 4, 2007

Applicant: Francisco Segura

Owner: Dustin Martinez

Request(s): A 2-foot variance from the requirement that predominantly open fences in the front yard be no taller than 4-feet, in order to erect a 6-foot tall predominantly open fence in the front yard

Legal Description: Lot 27, Block 19, NCB 8334

Address: 530 Bandera Road

Zoning: "C-2" Commercial District

Existing Use: Office

Neigh. Assoc: Woodlawn Lake Community Association

Neigh. Plan: Near Northwest Community Plan

Section of the City Code from which this variance is requested

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet.

Background: The subject property is located in a commercial corridor on the City's near northwest side. The subject lot is situated northeast of the intersection of Bandera Road and Hickory Street. Commercial uses lie to the north, south and west. The lot to the east is zoned for commercial uses but is currently occupied by a single-family residence. The applicant is proposing to erect a 6-foot tall ornamental iron fence around the perimeter of the subject property. The subject property has multiple front yards with frontages on West Ashby Place, Hickory Street and Bandera Road. The front yard is defined as the area extending the full width of a lot between the front lot line and the nearest principal structure.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. There do not appear to be any special physical or topographic conditions on the subject property where literal enforcement of the front yard fence height limit would result in unnecessary hardship. Furthermore, the size and scale of the applicant's fence is not consistent with general conditions in the immediate vicinity. Staff recommends **denial** of the requested variance.

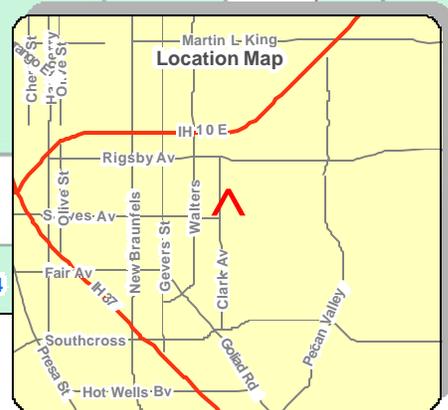
Case Manager: Michael Taylor, Planner II (210) 207-0132



Board of Adjustment
Notification Plan for
Case A-07-057



Legend
 Subject Property ———
 200' Buffer ———



Scale: 1" approx. = 80'
 Council District 3

Produced by the City of San Antonio
 Development Services Department
 (05/15/2007)

Board of Adjustment - Case No. A-07-057

June 4, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, June 4, 2007** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Elva Vasquez
Lots 29 and 30, Block 9, NCB 3184
2621 Steves Avenue
Zoned: “R-4” Residential Single-Family District

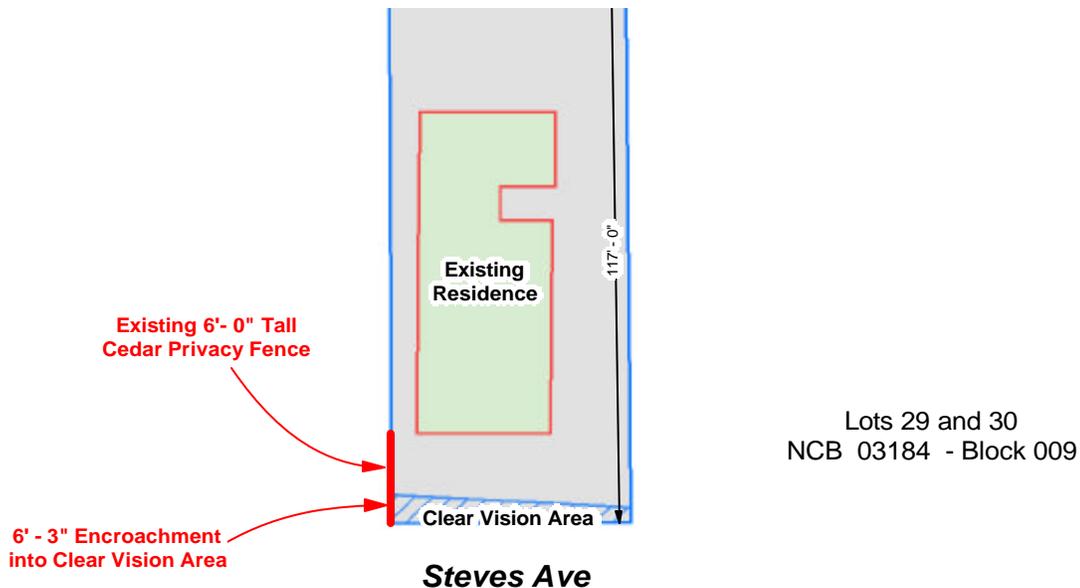
The applicant is requesting **1)** a 3-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet, in order to erect a 6-foot tall solid screen fence on the west property line in the front yard, and **2)** a 4-foot, 6-inch variance from the Unified Development Code requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow the same 6-foot tall solid screen fence to encroach into the clear vision area for the adjacent driveway.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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

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

Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, 1901 South Alamo, San Antonio, Texas 78204-3966. Thank you.



Board of Adjustment

**Plot Plan for
Case A-07-057**



Scale: 1" approx. = 20'
Council District 3

2621 Steves Ave

Produced by the City of San Antonio
Development Services Department
(05/18/2007)

CASE NO: A-07-057

Board of Adjustment – June 4, 2007

Applicant: Elva Vasquez

Owner: Elva Vasquez

Request(s): **1)** a 3-foot variance from the requirement that solid screen fences in front yards be no taller than 3 feet, in order to erect a 6-foot tall solid screen fence on the west property line in the front yard, and
2) a 4-foot, 6-inch variance from the requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow the same 6-foot tall solid screen fence to encroach into the clear vision area for the adjacent driveway

Legal Description: Lots 29 and 30, Block 9, NCB 3184

Address: 2621 Steves Avenue

Zoning: "R-4" Residential Single-Family District

Existing Use: Single-Family Residence

Neigh. Assoc: Sunny Slope

Neigh. Plan: None

Sections of the City Code from which these variances are requested

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet, and

Section 35-506 Cross Section and Construction Standards: Clear vision areas must be free of visual obstructions which are higher than 3 feet and lower than 8 feet above the pavement.

Background: The subject property is located in a residential single-family neighborhood situated on the north side of Steves Avenue between Hallie and Clark Avenue. Single-family residences surround the subject property. The applicant built a 6-foot tall solid screen fence in the front yard along the west side property line. This fence is also situated within the clear vision area of an adjacent driveway. This fence was built without the required building permit and the applicant was issued a citation on March 23, 2007. The investigation was initiated as the result of a citizen complaint.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. There do not appear to be special physical or topographic conditions on this property where literal enforcement of the fence height limitations would result in unnecessary hardship. Staff recommends **denial** of the fence height variance request.

The intent of the clear vision area requirement is to allow for motorists' safety at corners, curves and intersections of streets and driveways. This safety requirement is of paramount concern and, without any apparent physical hardship, Staff recommends **denial** of the clear vision area variance request.

Case Manager: David Arciniega, Planner II (210) 207-6944