

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 7, 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-10-039:** The request of Cynthia Neal, for a Special Exception to allow a one operator beauty/barber shop, 103 Gazel Drive.
5. **CASE NO. A-10-040:** The request of Staglik Properties, LLC, for a 20-foot variance from the requirement that a 30-foot side setback be maintained in “I-1” zoning districts when abutting a residential use or zoning district, in order to allow a structure 10 feet from the west side property line, 524 Delgado Street.
6. **CASE NO. A-10-041:** The request of Paul Young, Gunn Automotive Group, for a 2-foot variance from the requirement that fences in side and rear-yards not exceed 6 feet in height, in order to build an 8-foot tall solid screen fence along the rear property lines, 750 North East Loop 410.

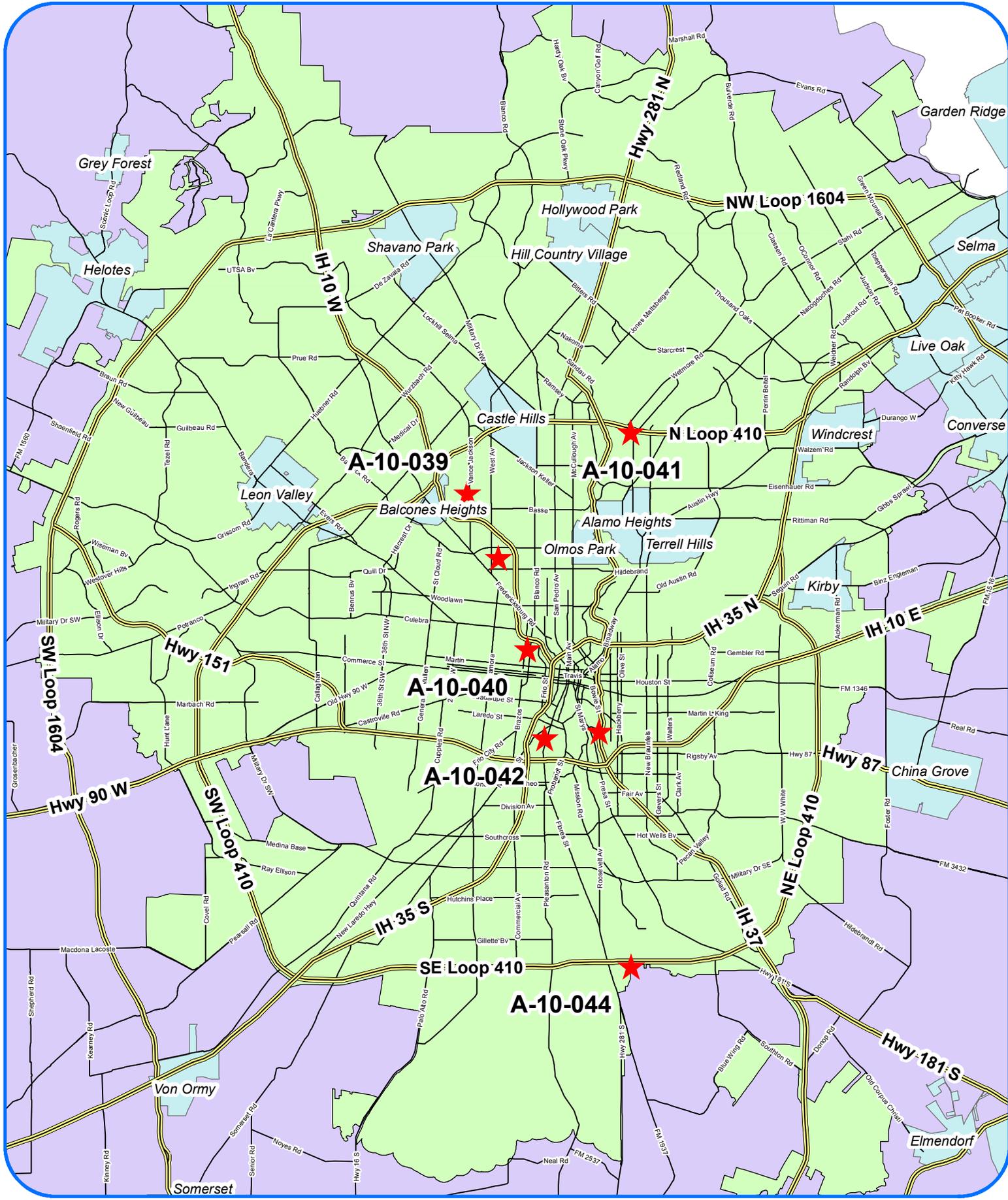
7. **CASE NO. A-10-042:** The request of Hill Country Bakery, for a 3-foot 11-inch variance from the requirement that a minimum 30-foot front setback be maintained in “I-1” zoning districts, in order to erect a structure 26 feet 1 inch from the front property line, 122 Stribling Street.
8. **CASE NO. A-10-043:** The request of Maria Ernestina Carrillo, for 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, 1711 Santa Barbara Street.
9. Approval of the minutes from the regular meeting on May 17, 2010.
10. 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.
11. **Adjournment**

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

At any time prior to the meeting, you may contact a case manager at 207-0170 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 7, 2010





Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-039



Legend

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

Planning and Development Services Dept
 City of San Antonio
 (4/21/2010)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-039
Date: June 7, 2010
Applicant: Cynthia Neal
Owner: Larry W. and Cynthia R. Neal
Location: 103 Gazel Drive
Legal Description: Lot 15, Block 5, NCB 10186
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject: One Operator Beauty/Barber Shop
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a special exception to allow a one-operator beauty or barber shop.

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 May 20. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on May 21. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 4, 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 and One-Operator Beauty/Barber Shop

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential Single-Family District)	Single-Family
South	R-4 AHOD (Residential Single-Family District)	Single-Family
East	C-2 AHOD, C-3R AHOD (Commercial Districts)	Commercial, Fire Station (Underway)
West	R-4 AHOD (Residential Single-Family District)	Single-Family

Project Description

The applicant is requesting this special exception to operate a one operator barber or beauty shop. This special exception request may be approved for a four-year period, as this is a subsequent application.

The applicant has proposed hours of operation to be 9:00 am to 3:00 pm Monday, 9:00 am to 6:00 pm Wednesday, 9:00 am to 11:00 am Thursday, 8:00 am to 3:00 pm Friday, 8:00 am to 2:00 pm Saturday, and closed Tuesday and Sunday. Weekly proposed hours of operation total 30 hours.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Greater Dellview Area Community Plan. The property is located within the boundaries of the Dellview Area Neighborhood Association. As of June 1, staff has not received a response from the Dellview Area Neighborhood Association.

Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.01):

1. The special exception will be in harmony with the spirit and purpose of the chapter:

The requested special exception is in harmony with the spirit and purpose of this chapter in that the existing one-operator beauty/barbershop follows the specified criteria established in Section 35-399.01 of the Unified Development Code.

2. The public welfare and convenience will be substantially served:

The requested special exception will further serve the public welfare in that this beauty/barbershop has continuously operated within the parameters set forth by Section 35-399.01 and has served as a public convenience within a residential area.

3. The neighboring property will not be substantially injured by such proposed use:

The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain a single-family residence.

4. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought:

It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that the existing beauty/barbershop has and will remain confined to 25% or less of the gross floor area of the primary residence.

5. The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:

The purpose of the district is to promote the public health, safety, morals, or general welfare. The granting of this special exception will not weaken this purpose, nor will it weaken the regulations established for this district.

Staff Recommendation

The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this special exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. The Board of Adjustment has granted previous special exceptions for this beauty shop on:

- December 15, 1997
- January 10, 2000
- March 4, 2002
- March 15, 2004
- April 17, 2006

It appears that the applicant has operated at this location since the previous special exception was granted on December 7, 2005 with no recorded violations. Staff recommends that **A-10-039, 103 Gazel Drive, be approved for a four-year period** with hours of operation not to exceed 30 hours.

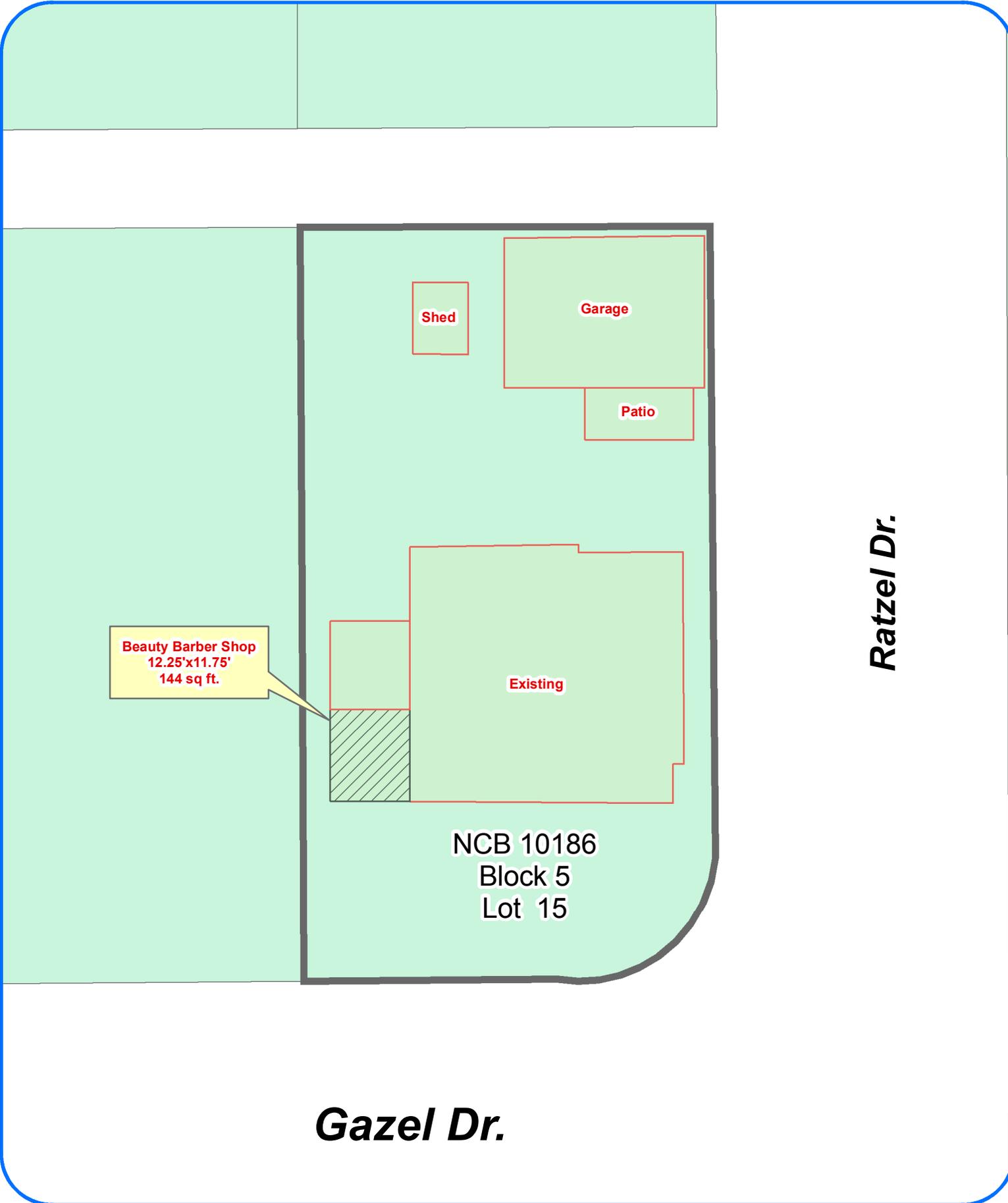
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Floor Plan

Attachment 4 – Copy of Application



Board of Adjustment
 Plot Plan for
Case A-10-039



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

103 Gazel Dr.

Planning and Development Services Dept
 City of San Antonio
 (3/24/2010 - P Trinkle)

REQUEST FOR A SPECIAL EXCEPTION
to the
SAN ANTONIO BOARD OF ADJUSTMENT
for a
ONE OPERATOR BEAUTY/BARBER SHOP

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property Description:

Lot 15
Block 5
NCB 10186
Zoning R-4

Property Address: 103 Gazel Dr. SATX.
78213

The Applicant, Cynthia Neal, of Bexar County, requests the San Antonio Board of Adjustment consider a special exception to allow the operation of a one operator beauty shop or a one operator barber shop at the property identified above, pursuant to Section 35-399.01 of the Unified Development Code (UDC).

Section 35-399.01 Barber Shops and Beauty Shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions, and restriction (please initial):

- CN 1. A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the barbershop or beauty shop is to be located shall be submitted.
- CN 2. The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the barber shop or beauty shop shall be permitted.
- CN 3. Signs advertising the barbershop and beauty shop are not permitted, but a name plate not to exceed one (1) square foot is permitted, when attached flat to the main structure.
- CN 4. The barber shop or beauty shop shall be located within the main structure of the lot and not utilize more than 25% of the gross floor area of the first floor. In case of a barber shop or beauty shop in a duplex, the 25% gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a barber shop or beauty shop in an apartment unit, the Board of Adjustment shall determine the area to be used for said operations.
- CN 5. The barbershop or beauty shop shall be limited to one (1) operator shop.
- CN 6. No person not residing in the premises may be employed in the operation of the barber shop or beauty shop.
- CN 7. Hours of operation shall be regulated by the Board and shall be specified in the minutes of the case.
- C-N 8. The Barber/Beauty Shop shall not be contrary to the public interest.
- C-N 9. Granting of the permit for a barber shop or beauty shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Proposed hours of operation:

Monday 9:30 Tuesday closed Wednesday 9-6:00; Thursday 9:00-11:00 Friday 8:00-3:00
Sat. 8:200 Sunday closed

Comments:

I would like to renew Beauty shop again. Thank you

I, applicant, hereby authorize _____ of _____
to represent me in the matters to this case.

Signed: _____ Date: _____
(Property Owner)

Respectfully submitted:

Applicants Name: _____

Mailing Address: _____

Telephone: _____

Please submit:

Filing Fee - \$400.00

Check made payable to: City of San Antonio

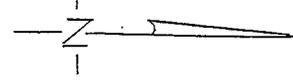
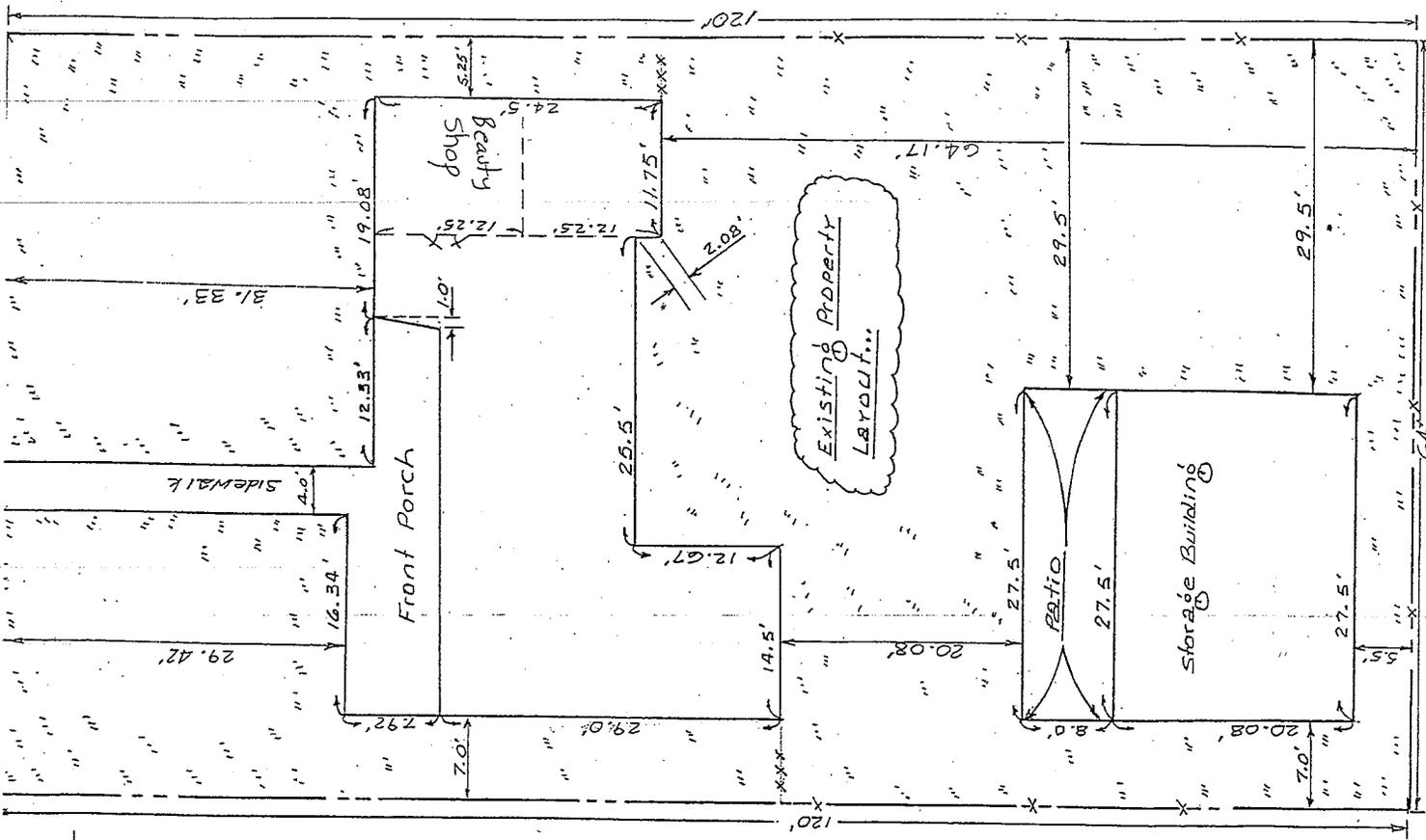
Plot Plan,

Photographs of the structure to be used,

Proposed hours of operation,

Floor plan of proposed beauty shop or barber shop operation.

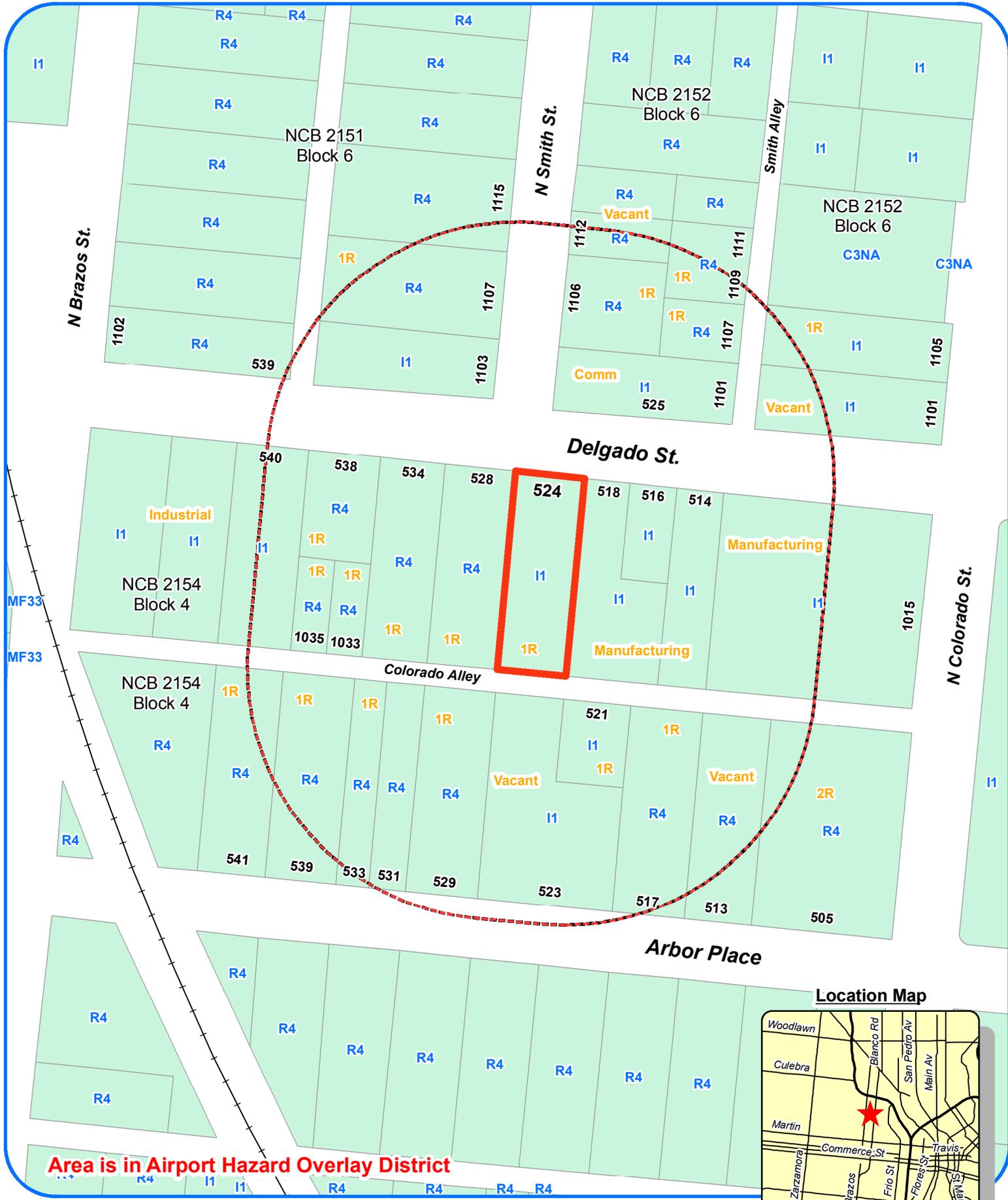
AN APPLICATION CAN ONLY BE ACCEPTED BY MAIL IF COMPLETE. INCOMPLETE APPLICATIONS, ALONG WITH THE REQUIRED FEES, WILL BE MAILED BACK TO THE APPLICANT IN ACCORDANCE WITH CITY CASH HANDLING POLICIES.



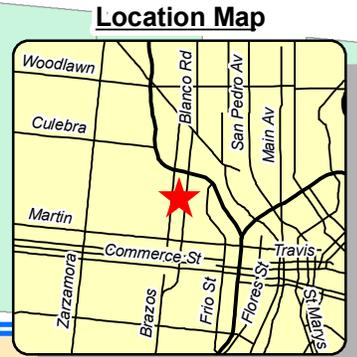
Puls Shopping Center
Ratcl DR

Scale: 1" = 10'
 --- = Property Line
 --- = Property

Alley



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-040



Legend
 Subject Property ———
 200' Notification Area - - - - -
 Scale: 1" approx. = 100'
 Council District 5



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-040
Date: June 7, 2010
Applicant: Staglik Properties, LLC
Owner: Staglik Properties, LLC
Location: 524 Delgado Street
Legal Description: Lot 7, Block 4, NCB 2154
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Subject: Side Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 20-foot variance from the 30-foot side setback requirement of the "I-1" zoning district when abutting a residential use or zoning district, in order to allow a structure 10 feet from the west 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 and registered neighborhood associations within two hundred (200) feet of the subject property on May 20. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on May 21. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 4, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Single-Family District), I-1 AHOD (Industrial District)	Residential, Commercial
South	R-4 AHOD (Single-Family District), I-1 AHOD (Industrial District)	Residential, Vacant
East	I-1 AHOD (Industrial District)	Manufacturing
West	R-4 AHOD (Single-Family District), I-1 AHOD (Industrial District)	Residential, Industrial

Project Description

The applicant is requesting a variance from the side setback requirement of the “I-1” zoning district for the purpose of building an addition to the existing industrial structure at a distance of 10 feet from the west property line, abutting a single-family residence on a lot zoned “R-4”. The zoning of subject property was changed from “R-4” to “I-1” on March 18, 2010.

The applicant indicates that the development pattern of the area establishes a precedent by which other nonresidential structures have little or no setbacks, and thus the literal enforcement of the setback requirement would result in unnecessary hardship if compliance was required.

In addition to the 30-foot setback requirement for which this variance is requested, the applicant’s proposed building would conflict with the following additional zoning standards:

- 30-foot front setback requirement of the “I-1” zoning district.
- The requirement that sites zoned “I-1” shall not be accessed from residential streets.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Gardendale Neighborhood Association, but is not within a Neighborhood or Community Plan.

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 granting of the variance would be contrary to the public interest as the purpose of the 30-foot setback is to provide a reasonable separation between the incompatible industrial and residential land uses.

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

The conditions of the subject property would not result in unnecessary hardship. The circumstances identified by the applicant are self created and unexceptional, as the width of the lot is not adequate to accommodate the development proposed without the granting of the variance.

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

The granting of the variance would not be in observation of the spirit of the ordinance and would not do justice to the purpose of the zoning ordinance. The effective separation of incompatible uses is necessary to foster compatibility, light, air flow, and privacy, and to mitigate the negative effects of noise, odors, and other industrial by-products. Additionally, the granting of the variance would be in direct conflict with the requirement that a 25-foot wide landscape buffer be installed between the "I-1" and "R-4" zoning districts.

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 variance will not authorize the operation of a use other than those specifically authorized in the "I-1 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 granting of the variance will substantially injure the residential use of the property abutting to the west, as the separation proposed is not adequate to effectively mitigate the negative effects of the noise, light, and traffic typically generated by industrial uses and would impose an undue hardship on the abutting single-family residence.

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 property owner is not due to unique circumstances existing on the property, but rather is due to circumstances created by the property owner through a zoning change and failure to account for the space needed to comply with the provisions of the UDC in their designs. The width of the lot is typical of this district, a condition resulting from its historically residential nature.

Staff Recommendation

Staff recommends **denial of A-10-040**, because the findings of fact have not been satisfied as presented above. The literal enforcement of the setback requirement would not result in unnecessary hardship, as the failure of the applicant to account for the space requirements

of their proposed building with respect to the requirements of the UDC is entirely a self created dilemma and the subject property itself possesses no unique or oppressive conditions. Moreover, the granting of the variance would deny the owner of the abutting residence the right to enjoy effective separation between their home and the industrial use of the subject property that the required 30-foot setback would afford them. Additionally, the granting of the variance would conflict with the additional requirement for the installation of a 25-foot wide landscape buffer between the proposed building and the residential property to the west and this is contrary to the public interest.

The applicant's claim that the pattern of commercial and industrial development in the area, with little or no setbacks adjacent to residential lots, creates a precedent is questionable and of little consequence as one might also argue that the widespread residential zoning and uses are being encroached upon by these nonresidential developments. Additionally, staff has been unable to find record of a building permit, inspection, or certificate of occupancy for existing manufacturing space on the lots abutting to the east, suggesting that the building was constructed without permits. Evidence supporting this possibility is found in the approximately 5-foot separation between the existing building and the subject property, which until recently was a single-family residence, and the absence of record of the existing improvements in the Bexar County Appraisal District data.

Until the applicant can document proper construction of the existing building and provide justification of all of the variances necessary to accomplish the buildings indicated in the submitted site plan, it would be improper for the Board to act on the variance request in this case.

Attachments

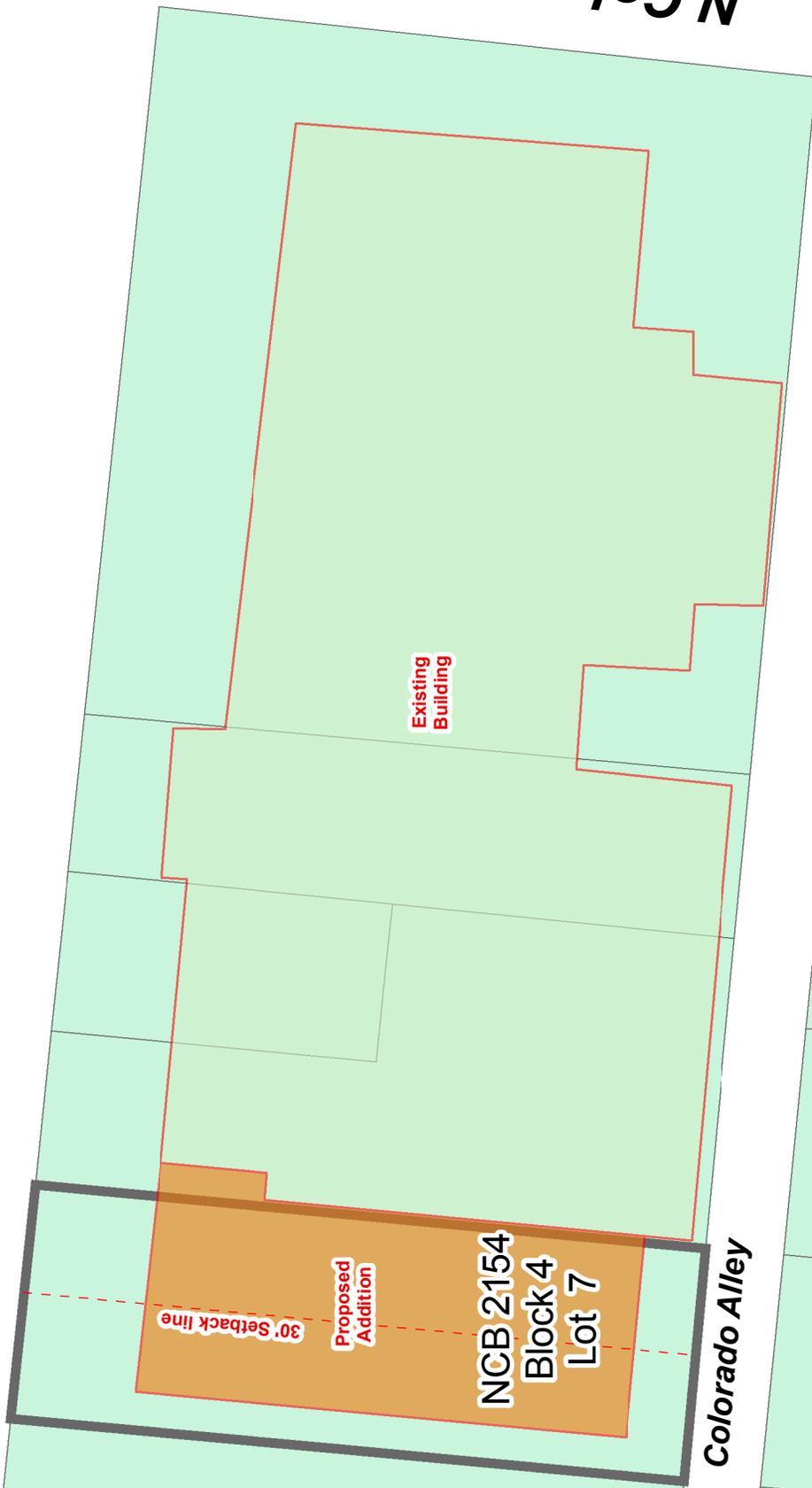
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Site Plan-S.A. Armature Works

Delgado St.

N Colorado St.

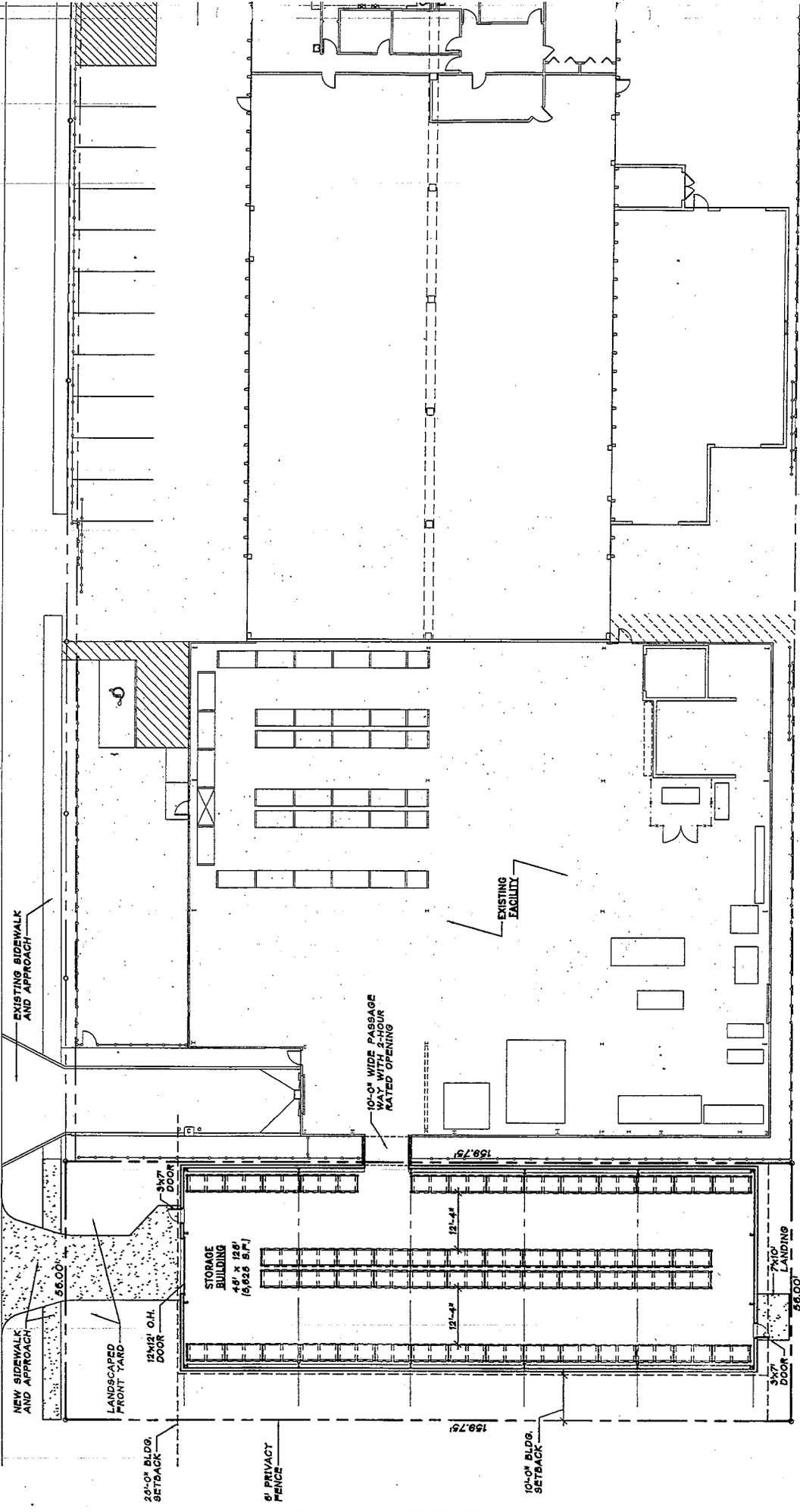


Board of Adjustment
Plot Plan for
Case A-10-040

524 Delgado St.
Planning and Development Services Dept
City of San Antonio
(5/19/2010)

Scale: 1" approx. = 40'
Council District 5

DELGADO ST.



NEW SIDEWALK AND APPROACH

56.00'

LANDSCAPED FRONT YARD

12x12 O.H. DOOR

3x7 DOOR

24'-0" BLDG. SETBACK

STORAGE BUILDING
48' x 128'
(19,625 S.F.)

6' PRIVACY FENCE

10'-0" WIDE PASSAGE WAY WITH 2-HOUR RATED OPENING

EXISTING FACILITY

10'-0" BLDG. SETBACK

159.75'

159.75'

12'-4"

12'-4"

3x7 DOOR

TRUCK LANDING

56.00'

ALLEY

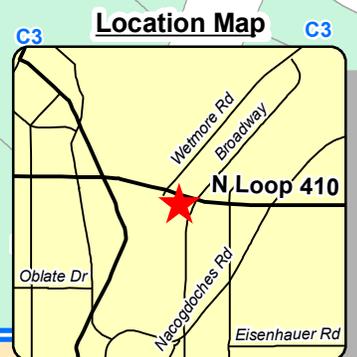
1 SITE PLAN - S.A. ARMATURE WORKS

A1

SCALE 1" = 30'-0"



c Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-041



Legend

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

Planning and Development Services Dept
 City of San Antonio
 (5/10/2010)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-041
Date: June 7, 2010
Applicant: Paul Young, Gunn Automotive Group
Owner: TWC Associates
Location: 750 North East Loop 410
Legal Description: Lot 5, Block 3, NCB 13596
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Subject: Side and Rear-Yard Fence Height Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 2-foot variance from the requirement that fences in side and rear-yards not exceed 6 feet in height, in order to build an 8-foot tall solid screen fence along the rear 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 May 20. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on May 21. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 4, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 AHOD (Commercial)	Motor Vehicle Sales – Full Service (Proposed)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD (Industrial District)	Commercial, Industrial
South	MF-33 AHOD (Multifamily), C-3 AHOD (Commercial), C-1 AHOD (Light Commercial), I-1 AHOD (Industrial)	Apartments, Commercial
East	C-2 AHOD (Commercial), I-1 AHOD (Industrial District)	Vacant, Commercial
West	MF-33 AHOD (Multifamily), I-1 AHOD (Industrial District)	Apartments, Billboard

Project Description

The applicant is requesting a variance from the standard that side and rear-yard fences on property with commercial uses not exceed 6 feet. The fence proposed by the applicant is 8 feet in height, constructed of concrete, and would replace an existing wood and chain-link fence with razor wire (razor wire is prohibited by City Code) approximately 8 feet in height.

The applicant indicates that the fence is necessary to provide the level of security required for the proposed automotive dealership, as a 6-foot fence would be inadequate. Additionally, the applicant states that the proposed fence would be more visually appealing to the general public and would provide noise abatement for the residents of the adjacent multi-family development.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Neighborhood Association, but is within the San Antonio International Airport Vicinity Land Use Plan.

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 granting of the variance would not be contrary to the public interest. The proposed fence will provide an added measure of separation between two incompatible uses.

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

The subject property does not appear to possess special conditions that would impose an undue hardship through the literal enforcement of the ordinance. The topography of the property is unexceptional.

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

It does not appear that the granting of the variance would do justice to the spirit of the Unified Development Code, as the property owner would not be denied the reasonable utilization of the subject property without the construction of an 8-foot tall fence.

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 variance will not authorize the operation of a use other than those specifically authorized in the "C-3 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 granting of the variance will not injure the appropriate use of adjacent conforming property nor alter the essential character of the district in which the subject property is located. The current fence has been in existence for a number of years and several fences of similar height are present in the adjacent industrial districts.

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 property owner is not due to unique circumstances existing on the property, but rather is due to the concern that a fence of a height permitted by-right would not provide the level of security needed for the proposed use.

Staff Recommendation

Staff recommends that **A-10-041, be denied** because the findings of fact have not been satisfied as presented above. While the proposed fence would provide improved screening of the subject property from the adjacent multifamily development, this condition alone is insufficient to justify the granting of the variance. The Unified Development Code requirements do not prevent the reasonable use of this property. Furthermore, while the height of the existing fence is in excess of the 6 feet allowed, it appears that the portion over 6 feet in height is that comprised of razor wire atop a chain link fence. The use of razor wire in fence construction is prohibited by the UDC. Consequently, the granting of the variance on basis that doing so would allow the continued enjoyment of an existing fence would be inappropriate, as the excess height is derived from a prohibited material.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

NE Loop 410

Lynette

**NCB 13596
Block 3
Lot S 599 of 4**

Gault

Board of Adjustment
Plot Plan for
Case A-10-041

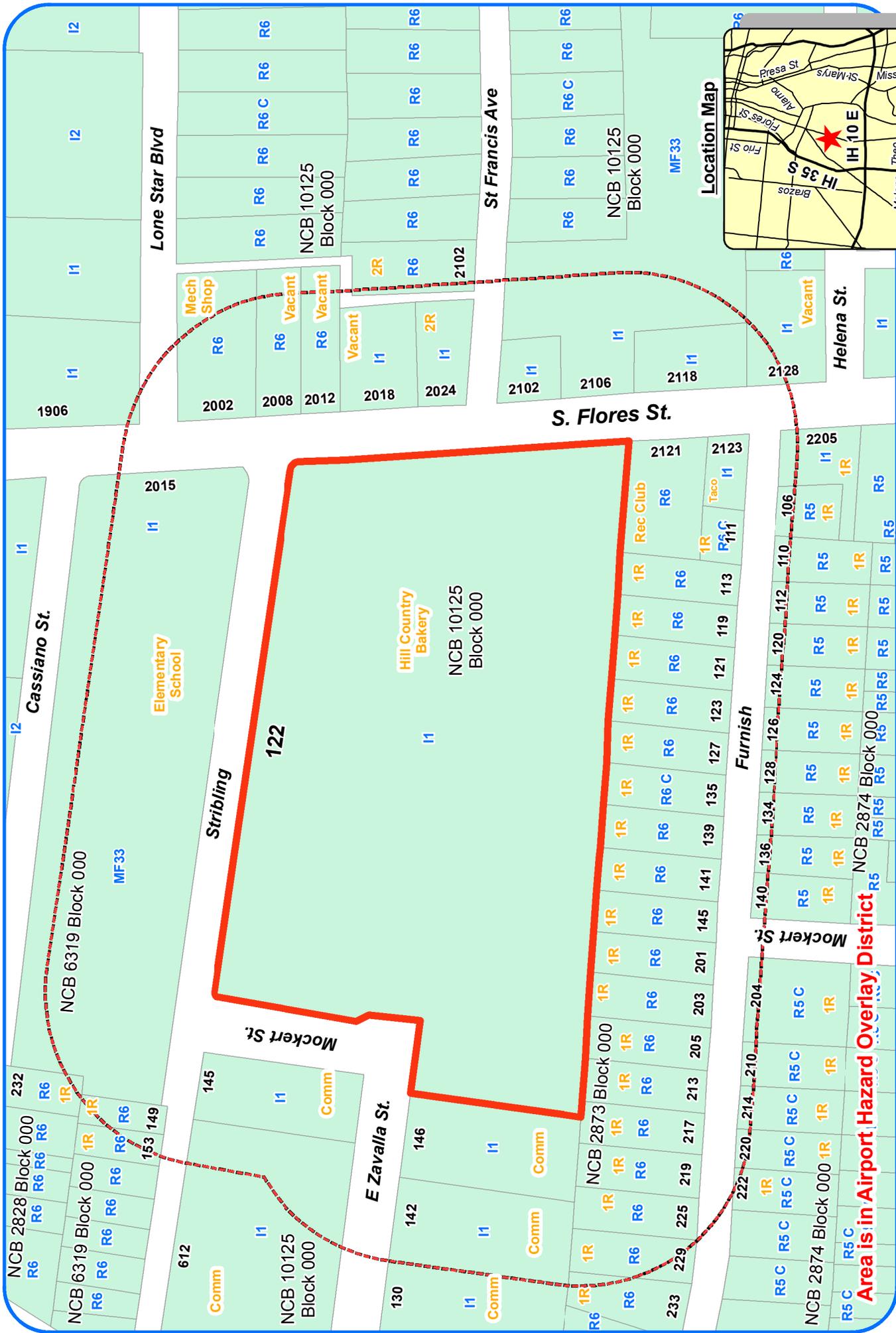


8' Tall Fence ▲▲▲▲▲

Scale: 1" approx. = 120'
Council District 9

750 N.E. Loop 410

Planning and Development Services Dept
City of San Antonio
(5/10/2010)



Legend
 Subject Property
 200' Notification Area
 Scale: 1" approx. = 150'
 Council District 5

Board of Adjustment
Notification Plan for
Case A-10-042

Area is in Airport Hazard Overlay District



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-042
Date: June 7, 2010
Applicant: Hill Country Bakery
Owner: Hill Country Bakery, LLC
Location: 122 Stribling Street
Legal Description: Lot 14, NCB 10125
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Subject: Front Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 3-foot 11-inch variance from the 30-foot front setback requirement of the "I-1" zoning district, to allow a structure 26 feet 1 inch from the front 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 and registered neighborhood associations within two hundred (200) feet of the subject property on May 20. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on May 21. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 4, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 AHOD (Industrial)	Wholesale Bakery

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	MF-33 AHOD (Multifamily)	Briscoe Elementary School
South	R-6 AHOD (Single Family), R-5 AHOD (Single Family)	Single Family Residences
East	I-1 AHOD (Industrial), R-6 AHOD	Vacant, Commercial, Residential
West	I-1 AHOD (Industrial)	Commercial, Industrial

Project Description

The applicant is requesting a variance from the front setback required in “I-1” zoning districts to allow an addition to be located 26 feet 1 inch from the property line along Stribling Street. The layout of subject property and arrangement of the surrounding area is such that the subject property possesses a “front” on both South Flores Street and Stribling Street, though the variance requested is only from the setback measured from the Stribling Street “front”. The total area of the proposed addition that would encroach into the setback would be 90 square feet of a total 18,833 square feet.

The applicant indicates that the variance is necessary to allow proper arrangement of the interior mechanical rooms and baking line equipment, as is dictated by the location of existing equipment. The applicant also explains that the proposed addition would be screened from view from the right-of-way by the existing decorative security fencing and established landscaping.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Collins Garden Neighborhood Association Boundary and within 200 feet of the Lone Star Neighborhood Association. It is also located within the South Central San Antonio Community Plan. As of June 1 staff has not received a response from either 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 granting of the variance would not be contrary to the public interest. The proposed addition would be in line with the existing building and would be screened from view by existing landscaping. Additionally, the request is very diminutive considering the overall development of the site.

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

The literal enforcement of the ordinance would result in unnecessary hardship in this situation, as the siting of the building in conformity with the setback would not allow an efficient operation of the additional proposed baking lines. Additionally, if the addition were offset to meet the setback it would not be able to perform as required and would make an existing mechanical room inaccessible. Furthermore, the property lines are not parallel and cause the subject property to become gradually narrower toward the east. This condition results in the inability to match the existing building line, or situate a building of a shape conducive to the proposed baking line expansion outside the setback, without also hindering operations in the nearby shipping area.

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

The granting of the variance would be in keeping with the spirit of the ordinance and would do justice to the intent of the setback requirement, as the variance requested is minor in scale and the minimum necessary to allow the reasonable utilization 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 granting of the variance will not authorize the operation of a use other than those specifically authorized in the "I-1 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 granting of the variance will not injure the appropriate use of adjacent conforming property nor alter the essential character of the district in which the subject property is located. The proposed addition will continue the established building line.

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 property owner is due to the somewhat unique layout of the subject property, as it is characterized by fronts on both Stribling and South Flores Streets. This condition is not commonly experienced by similar properties in the district and is not merely financial in nature, as the reasonable use of the property will be denied through the literal enforcement of the setback requirement.

Staff Recommendation

Staff recommends that **A-10-042, 122 Stribling Street, be approved** because the findings of fact have been satisfied as presented above. The literal enforcement of the setback

requirement would not permit the addition to perform as required and would hinder the ability to perform maintenance on existing mechanical equipment. Additionally, the shape of the subject property causes it to become gradually narrower toward the east, thus limiting the useable area in the part where the variance is sought. The minor extent of the variance request is in keeping with the spirit of the ordinance as it is the least amount necessary to allow the continued reasonable use of the subject property.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 –Submitted Site Plan

Attachment 4 – Floor Plan of Proposed Bakery Line Expansion



Board of Adjustment
 Plot Plan for
Case A-10-042



Scale: 1" approx. = 120'
 Council District 5

122 Stribbling

Planning and Development Services Dept
 City of San Antonio
 (5/19/2010)

