

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, March 12, 2012

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. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-023:** The request of Ricardo Rodriguez, for **1)** an 8-foot, 6-inch variance from the 20-foot minimum front setback requirement, in order to allow an 11-foot, 6-inch front setback for the new addition; and **2)** a 1-foot, 4-inch variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow the roof eave of the new addition to project up to one (1) foot, eight (8) inches from the west side property line, 151 Knibbe Avenue. (Council District 9)
5. **A-12-025:** The request of Connie Grizzard, for a 5-foot variance from the 5-foot minimum side setback requirement of the “R-5” Residential Single-Family District, in order to allow a carport on the southeast side property line, 14706 Turkey Ridge. (Council District 9)
6. **A-12-026:** The request of Speedco, Inc., for **1)** a 40-foot variance from the 40-foot maximum sign height standard for single-tenant signs when located on an Arterial Type A, in order to allow an 80-foot tall sign, and **2)** a 78-square foot variance from the 240-square foot maximum sign area standard for single-tenant signs when located on an Arterial Type A, in order to allow a 318-square foot sign, 1855 North Foster Road. (Council District 2)
7. **A-12-030:** The request of Brian Moczygamba, for **1)** a 4-foot variance from the 4-foot maximum predominantly open fence height standard in the front yard, in order to allow an 8-foot tall predominantly open fence along the west front property line in the front yard, and **2)** a 5.5-foot variance from the 4-foot maximum predominantly open fence height standard in the front yard, in order to allow a 9.5-foot tall predominantly open fence along the north side property line in the front yard, 4404, 4408 and 4412 West Avenue. (Council District 1)
8. **A-12-031:** The request of Sue Ann Pemberton, for **1)** a variance from the requirement that sixty percent (60%) of the façade must be set back a minimum of 10 feet and a maximum of 15 feet from the front property line, in order to allow the façade a 16-foot, 10-inch setback; **2)** a 2-foot, 1-inch variance from the maximum 7-foot side setback requirement, in order to allow a 9-foot, 1-inch side setback from the west property line; **3)** a 7-foot, 7.5-inch variance from the maximum 7-foot side setback requirement, in order to allow a 14-foot, 7.5-inch side setback from the east property line; and **4)** a variance from the requirement

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

prohibiting a common yard private frontage in transect 4-1, in order to permit a common yard private frontage, 511 Dallas Street. (Council District 1)

9. Approval of the minutes – February 20, 2012

10. Consideration of the Rules and Procedures of the Board of Adjustment

11. Adjournment.

ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7245 or 711 (Texas Relay Service for the Deaf).

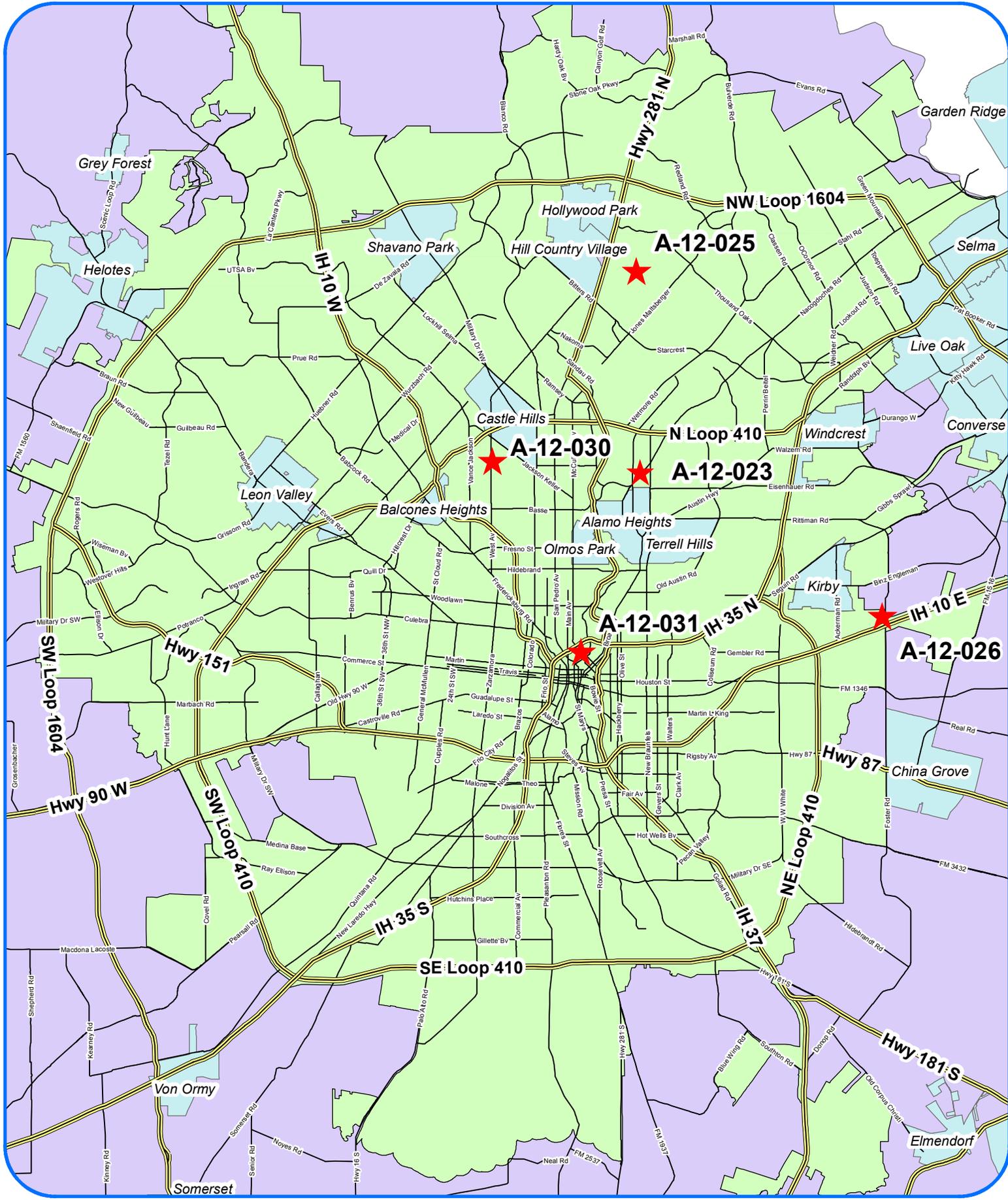
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7245 o al 711 (servicio de transmitir para sordos).

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



Board of Adjustment
Subject Property Locations
Cases for March 12, 2012





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-023
Date: March 12, 2012 (*This case was continued from the February 20, 2012 Board of Adjustment Public Hearing*)
Applicant: Ricardo R. Rodriguez
Owner: Ricardo R. and Rosa C. Rodriguez
Location: 151 Knibbe Avenue
Legal Description: Lot 34, NCB 11927
Zoning: "NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Senior Planner

Request

The applicant requests 1) an 8-foot, 6-inch variance from the 20-foot minimum front setback requirement, in order to allow an 11-foot, 6-inch front setback for the new addition; and 2) a 1-foot, 4-inch variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow the roof eave of the new addition to project up to one (1) foot, eight (8) inches from the west side property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 2, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 3, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 17, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.26-acre property is located on the north side of Knibbe Avenue, approximately one hundred fifteen (115) feet west of Nacogdoches Road. It is a 75-foot wide by 150-foot deep lot, and consists of an approximately 2,319-square foot single-family residential structure. The current property owner wishes to convert the existing two-car garage into living space, and add on towards the rear and front of the subject property in order to increase the living area of the structure (**Attachments 3 and 4**). The new addition will include a new two-car garage in the front yard of the subject property.

Pursuant to Section 35-353(c) of the UDC, structures within the “NP-8” Neighborhood Preservation District shall be set back a minimum of twenty (20) feet from the front property line, five (5) feet from the side property line, and twenty (20) feet from the rear property line. Section 35-516(b) of the UDC states that the building line for an existing residence having a side yard of three (3) or more feet may be maintained on any addition to the residence, but in no instance shall the side yard be less than three (3) feet. In addition, per Section 35-516(j) of the UDC, every part of the required yard shall be open and unobstructed from the ground to the sky except for the ordinary projection of eaves provided that such projection shall extend closer than three (3) feet to any property line.

The proposed addition towards to rear of the existing structure will be set back approximately twenty-nine (29) feet, eight (8) inches from the north rear property line. Towards the front, the proposed addition will be set back approximately eleven (11) feet, six (6) inches from the south front property line. The proposed side setback will be a minimum of three (3) feet from the west side property line to follow the existing building line that was established when the structure was built in 1960. The proposed additions will have a roof overhang of one (1) foot, four (4) inches. Consequently, the applicant is requesting an 8-foot, 6-inch variance from the minimum front setback standards, and a 1-foot, 4-inch variance from the roof overhang projection requirement.

According to the submitted application, the requested variances are to 1) increase the living space of the existing structure to accommodate family growth; 2) allow for the addition of a two-car garage on the front of the property; 3) access new sanitary sewer lines that will be installed on the property; and 4) provide a more pleasing break in the building’s façade along the west property line with the varying side setbacks.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
NP-8 AHOD (Residential)	Single-Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	NP-8 AHOD (Residential)	Single-Family
South	NP-8 AHOD (Residential)	Single-Family
East	NP-8 AHOD (Residential)	Single-Family
West	NP-8 AHOD (Residential)	Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northeast Inner Loop Neighborhood Plan. The subject property is located within the Oak Park Northwood 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 to allow a new addition to be set back a minimum of eleven (11) feet, six (6) inches from the south front property line, and a roof overhang to project up to one (1) foot, eight (8) inches from the west side property line. Minimum setbacks are required in order to provide reasonable separation between structures on abutting properties, and a sense of openness on street frontages and along rights-of-way. The proposed setbacks will still provide adequate separation between the structures on the abutting property to the west for fire access and prevention, as well as maintain a sense of openness along the right-of-way. Thus, the requested variances are not contrary to the public interest.

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

The subject property is a 75-foot wide by 150-foot deep lot. The existing structure was built up to three (3) feet from the west side property line, and seven (7) feet from the east side property line, limiting the space available for new construction on the sides of the property. However, due to the depth of the lot, the existing front and rear setbacks [approximately forty (40) and sixty-two (62) feet, respectfully], and the minimum required setbacks, the subject property has sufficient space towards to rear and front to accommodate new additions in compliance with the minimum development standards of the “NP-8” Neighborhood Preservation base zoning district. Furthermore, while staff understands the need of installing new sanitary sewer lines due to the conditions of the existing lines, these lines are installed underground and do not pose any conflicts in regards to the possible location of a new structure or addition. Therefore, a literal enforcement would not result in unnecessary hardship as there are no special conditions on site that prevent the applicant from placing a new addition in compliance with the minimum front setback standards of the UDC.

In regards to the roof overhang projection, a small portion of the new addition will be setback a minimum of three (3) feet from the west side property line to follow the building line of the existing structure, as well as provide relief and break along the west building façade. Due to the existing conditions of the structure, the UDC provides allowances for the proposed 3-foot west side setback. However, this standard conflict with the projecting architectural feature requirement as it would prohibit any sort of roof overhangs on this portion of the addition. Thus, a literal enforcement of the projecting architectural feature requirement would result in unnecessary hardship.

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

The “NP” Neighborhood Preservation Districts were created in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, and prevent overcrowding of land, among others. The requested variances, if approved, will allow the placement of a building over eleven (11)

feet from the south front property line, and a roof overhang to project up to one (1) foot, four (4) inches into the required 3-foot side yard setback. The proposed setbacks will still provide the minimum separation required between structures, as well as maintain light, air and a sense of openness along the street frontage. Thus, by granting these variances the spirit of the UDC will still be observed.

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 “NP-8” Neighborhood Preservation 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 substantially injure the appropriate use of the adjacent conforming properties. However, the requested front setback variance, if approved, will alter the character of the district, particularly of the immediate area along Knibbe Avenue. With the exception of two (2) lots, the majority of the principal structures along Knibbe Avenue are set back behind the 20-foot minimum front setback requirement of the “NP-8” Neighborhood Preservation District. The average front setback of the properties located on the north side of Knibbe Avenue is approximately twenty-seven (27) feet. The requested front setback variance, if approved, will allow the placement of an addition closer to the street than the other existing structures, thus altering the character of this 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 requested variances are due to the existing conditions of the structure that was built in 1960, as well as the need for additional living space. While the conditions of the existing structure were not a result of an action done by the property owner, the desire to place the additions where proposed is not a condition unique to the land or a viable reason for the front setback variance requested. Due to the size of the lot, the applicant has the option of adding more living area to the home in compliance of the minimum development standards of the “NP-8” Neighborhood Preservation District.

Staff Recommendation

Staff recommends **partial approval of A-12-023.**

The requested 8-foot, 6-inch front setback variance does not comply with three (3) of the six (6) approval criteria for granting a variance as presented above. The applicant failed to provide sufficient evidence to justify the need for this variance. According to the submitted application, the front setback variance is requested due to the need for additional living space that will result in the new two-car garage encroaching into the required 20-foot minimum front setback. However, this is not a condition unique to the land. Due to the size of the lot, alternative options exist on the subject property that allows for the placement of new additions in compliance with the minimum development standards of the UDC. Therefore, staff recommends **denial** of this request.

The requested 1-foot, 4-inch variance from the roof overhang projection requirement complies with all required criteria for granting a variance. This variance is needed due to the conflict between two (2) sections of the code. The UDC allows for the new addition to follow the established building line, allowing a 3-foot west side setback. However, due to the projecting architectural feature requirements of the UDC, this addition would not be allowed any roof eaves to overhang beyond the building line. Therefore, staff recommends **approval** of this request.

Attachments

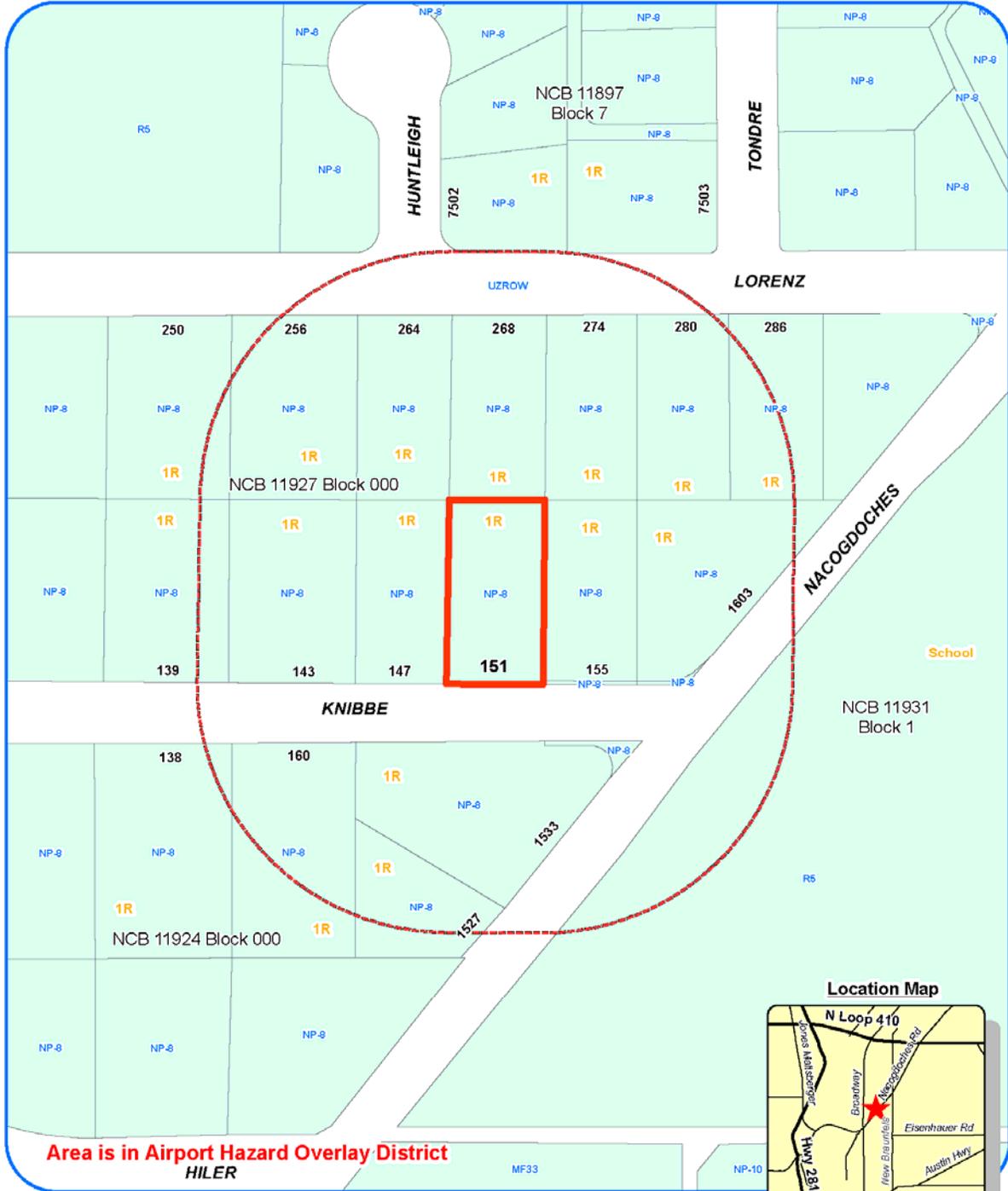
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

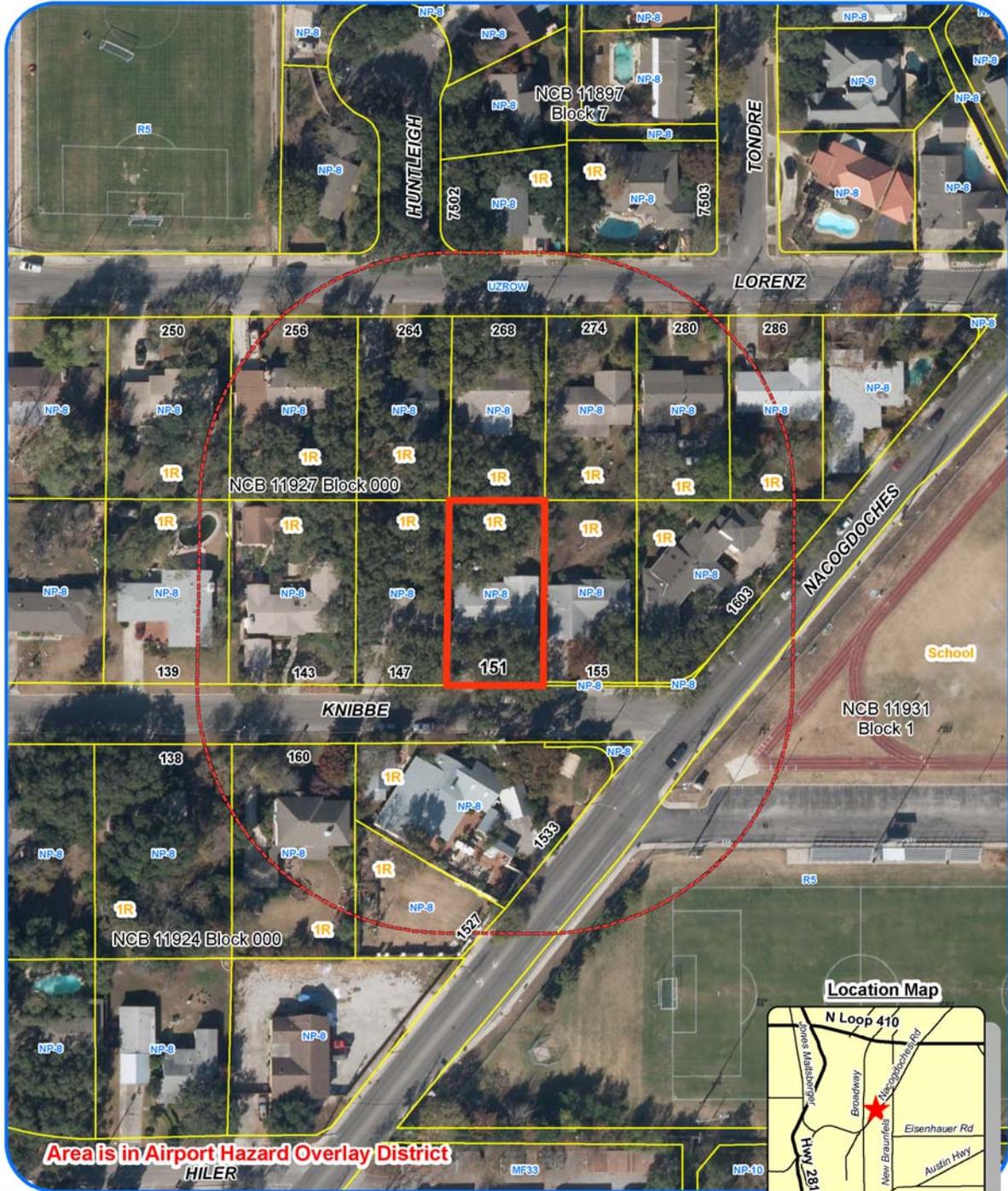
Attachment 4 – Renderings

Attachment 1 Notification Plan



<p>Board of Adjustment Notification Plan for Case A-12-023</p>		<p>Legend</p> <p>Subject Property</p> <p>200' Notification Boundary</p> <p>Council District 9</p>	<p>0 12.5 25 50 Feet</p>	<p>Planning and Development Services Dept City of San Antonio (1/19/2012)</p>
--	--	--	--------------------------	---

**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District



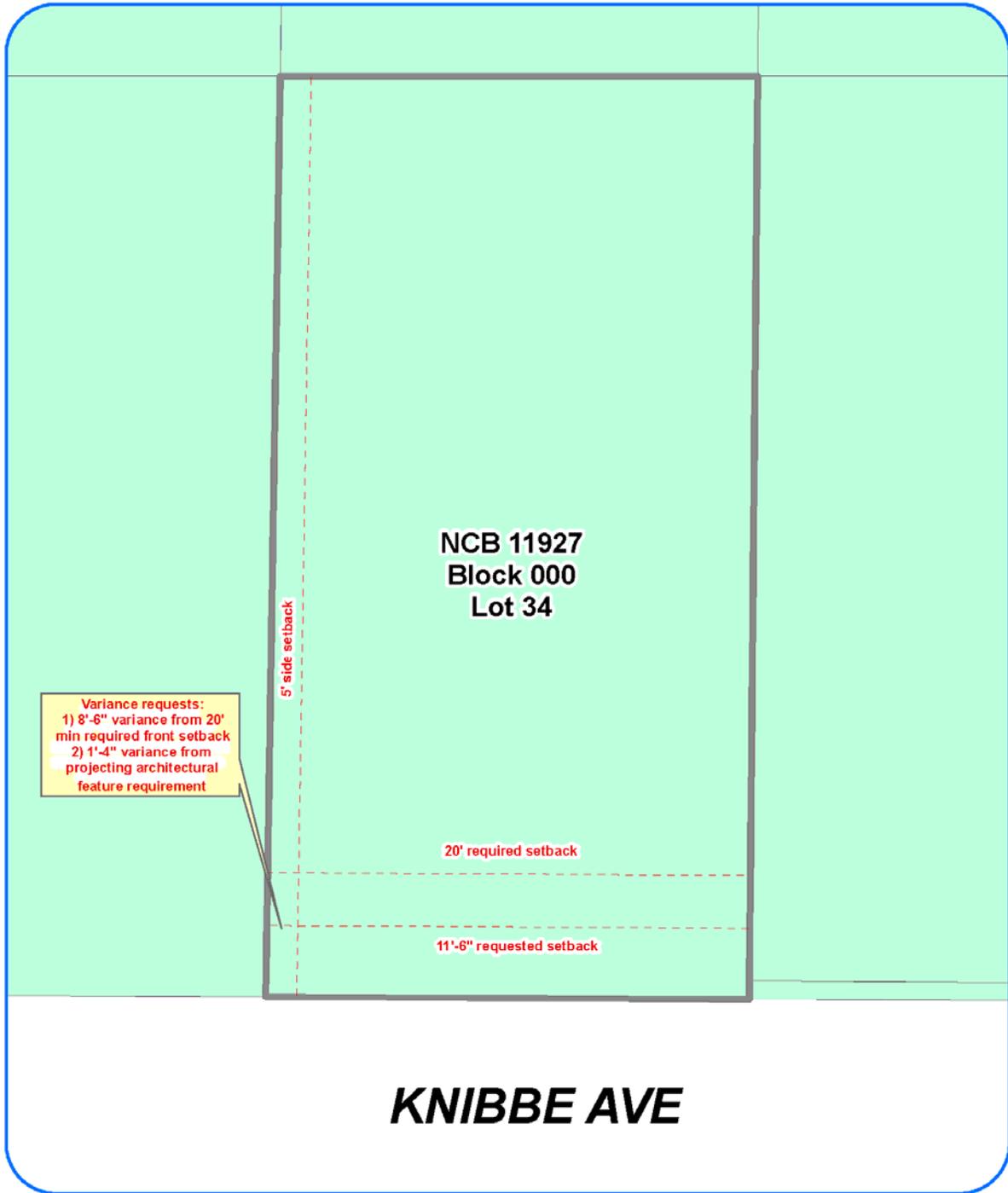
**Board of Adjustment
Notification Plan for
Case A-12-023**



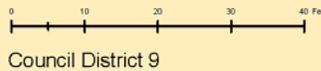
Legend
 Subject Property
 200' Notification Boundary
 Council District 9

0 12.5 25 50 Feet
 Planning and Development Services Dept
 City of San Antonio
 (1/19/2012)

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-023



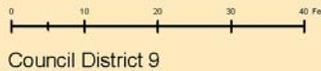
151 KNIBBE AVE

Development Services Dept
City of San Antonio
(1/30/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-023

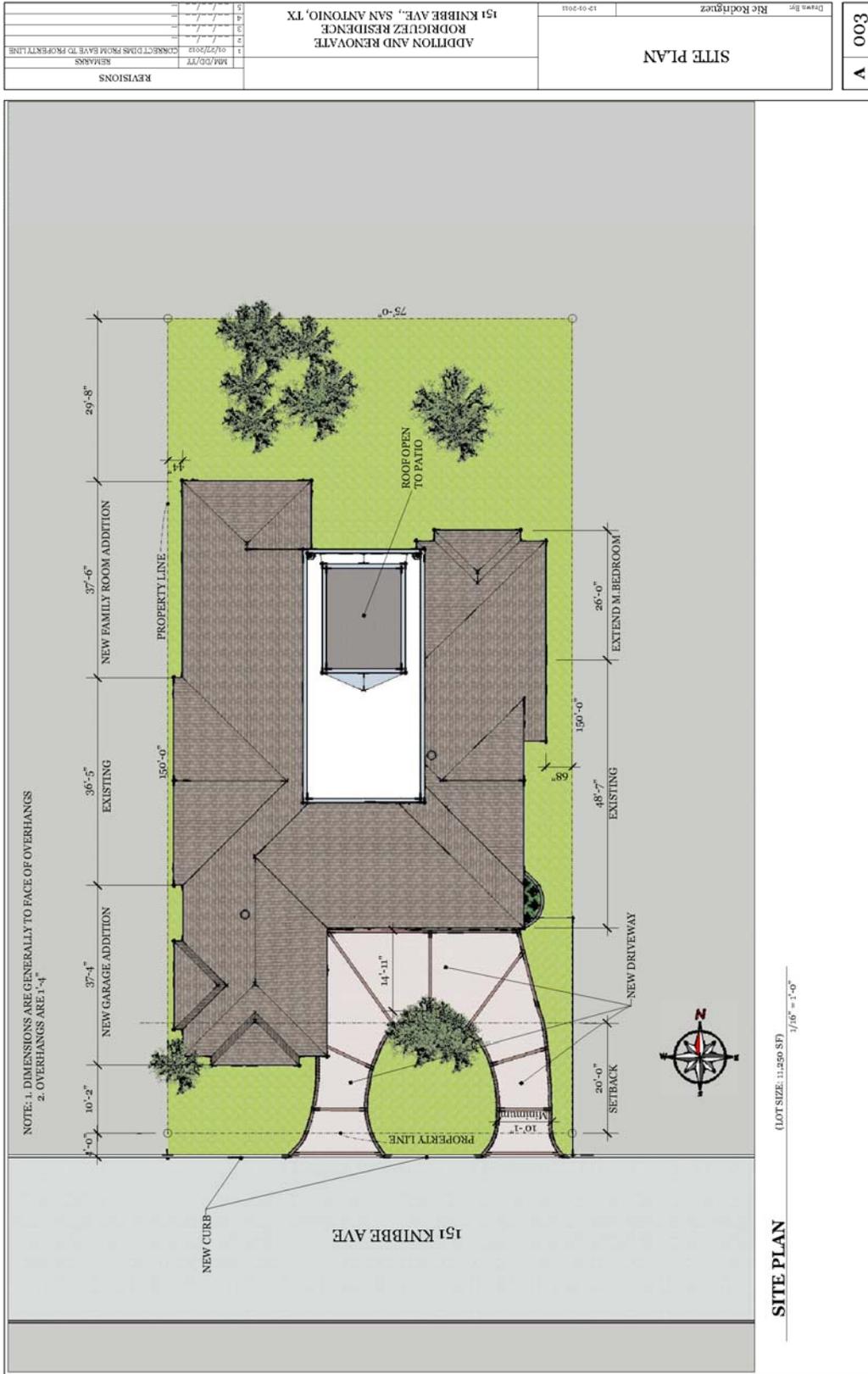


151 KNIBBE AVE

Development Services Dept
City of San Antonio
(1/30/2012)

Council District 9

Attachment 3 Site Plan





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-025
Date: March 12, 2012
Applicant: Connie Grizzard
Owner: Connie Grizzard
Location: 14706 Turkey Ridge
Legal Description: Lot 12, Blk.16, NCB 14584
Zoning: "R-5 AHOD MLOD-1" Residential Single Family Airport Hazard Overlay
Military Lighting Overlay District
Prepared By: Ernest Brown, Planner

Request

The applicant is requesting a 5-foot variance from the 5-foot minimum side yard setback requirement of the "R-5" Residential Single-Family District, in order to allow a carport on the south side property line.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 23, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 24, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on March 9, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.24 acre property consists of an approximately 2,235 square foot single family residential structure. The property is located on the west side of Turkey Ridge, east of Chimney Way, north of Oak Mountain, and south of Deer Ridge. The property was platted in the San Pedro Hills Unit-2 subdivision located east of Hwy 281, west of Jones Maltsberger, north of Bitters Road and south of Thousand Oaks. The irregular shaped lot is approximately 88 feet wide by 119-feet deep. The current property owner built a carport on the south property line without obtaining the required permits and approval from the City. The illegal structure stands well over 15-feet tall and can be seen by the immediate surrounding neighbors as well as those viewing from Oak Mountain Street.

Pursuant to Section 35-310.01 of the UDC, no building permit shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. The subject property is zoned “R-5” Residential Single Family as mentioned above. The minimum setback requirements are 5-feet for the side yards, 10-feet for the front yard and 20-feet for the rear yard. The irregular lot shape, in relation to the existing residential structure, results in an irregularly shaped side yard with approximately 15-feet in the front narrowing itself to approximately 10-feet in the rear. Pursuant to Section 35-516(j) of the UDC, every part of the required yard shall be open and unobstructed from the ground to the sky except for the ordinary projection of eaves. The built structure does not comply with the letter or the intent of the UDC.

According to the submitted application, the applicant built the carport citing the following reasons: “We need to build on the property line to have enough room to build the carport for our motor home. The property is larger in the front than in the back. The carport improves the value of our property and of the others homes around us. It will not hurt value of others.”

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is located within the Lorrence Creek 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 is to allow an existing carport built without permits to remain set on the south side property line. Minimum setbacks are required in order to provide reasonable separation between structures on abutting properties, and adequate separation for fire access and prevention. The violation of the required setback will not provide adequate separation between the structures on the abutting property to the southeast or fire access and prevention. Therefore, the requested variance is contrary to the public interest.

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

The literal enforcement of the side setback would not result in unnecessary hardship as there are no special conditions on site that prevent the applicant from being in compliance with the minimum setback standards of the UDC.

The irregular shaped subject property is approximately eighty eight feet (88) wide in the front, eighty feet (80) wide in the rear and one hundred nineteen feet (119) deep. The rear of the existing residential structure was built approximately ten feet (10) from the south side property line. The front of the existing residential structure was built approximately fifteen feet (15) from the south side property line. The requested variance is not responsive to a need of additional living space but to allow the storage of the property owner's recreational vehicle (RV). The reasonable use of the property is not contingent upon the approval of this request.

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

The minimum standards of the Residential Single Family Districts were created in order to prevent safety hazards, protect the health and general welfare of subdivision residents, and provide adequate light and air. The approval of this request would not meet the intent of the UDC. The width, length and height of the built carport addition lends itself to being enclosed causing a totally closing of the side yard that will violate the intent 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 variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-5" Residential Single Family base zoning district.

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

The requested variance will substantially injure the appropriate use of the adjacent conforming properties. If approved, it will alter the character of spacing uniformity, and separation character of the district, in addition to compromising the minimum standards for fire safety and separation of structures.

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 variance is not due to any existing conditions of the property or existing structure. The desire to place the carport where it is located is not a condition unique to the land or a viable reason for the violation of the side yard set back requirement. The carport addition was built without first obtaining approval from the city and is in violation of the UDC development standards. The plight of the owner is a self imposed hardship.

Staff Recommendation

Staff recommends **denial of A-12-025**. The requested variance does not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the front setback requirement.

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. The subject property has no special circumstances or conditions that would result in the need of the variance requested. The hardship is a direct result of the owner's action to construct a carport without the approval of the City. The owner's actions caused the property to be in violation of the UDC. Reasonable use of the property may still be accomplished in compliance with the minimum requirements of the UDC.

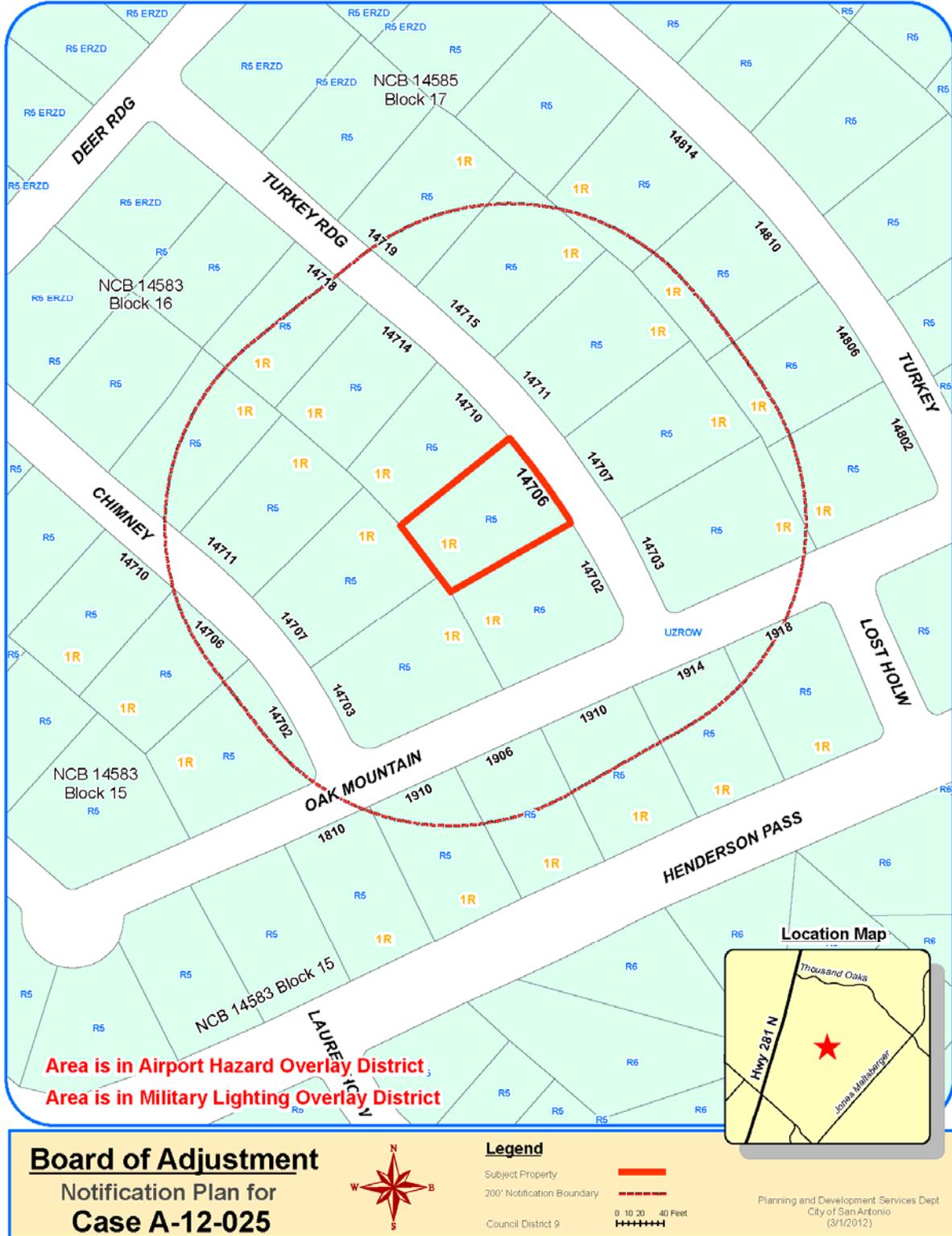
Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 1 Notification Plan



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

Board of Adjustment
Notification Plan for
Case A-12-025

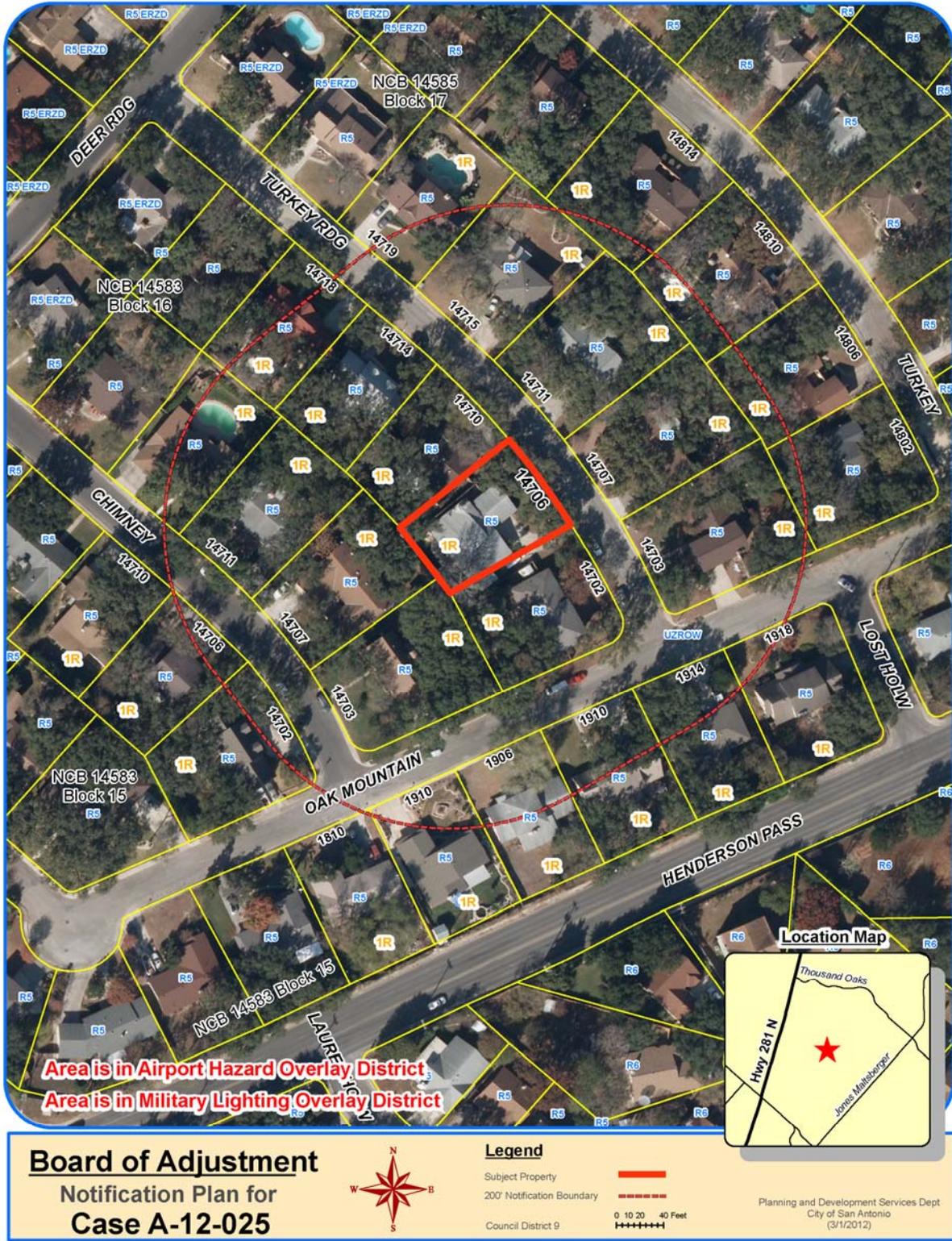


Legend

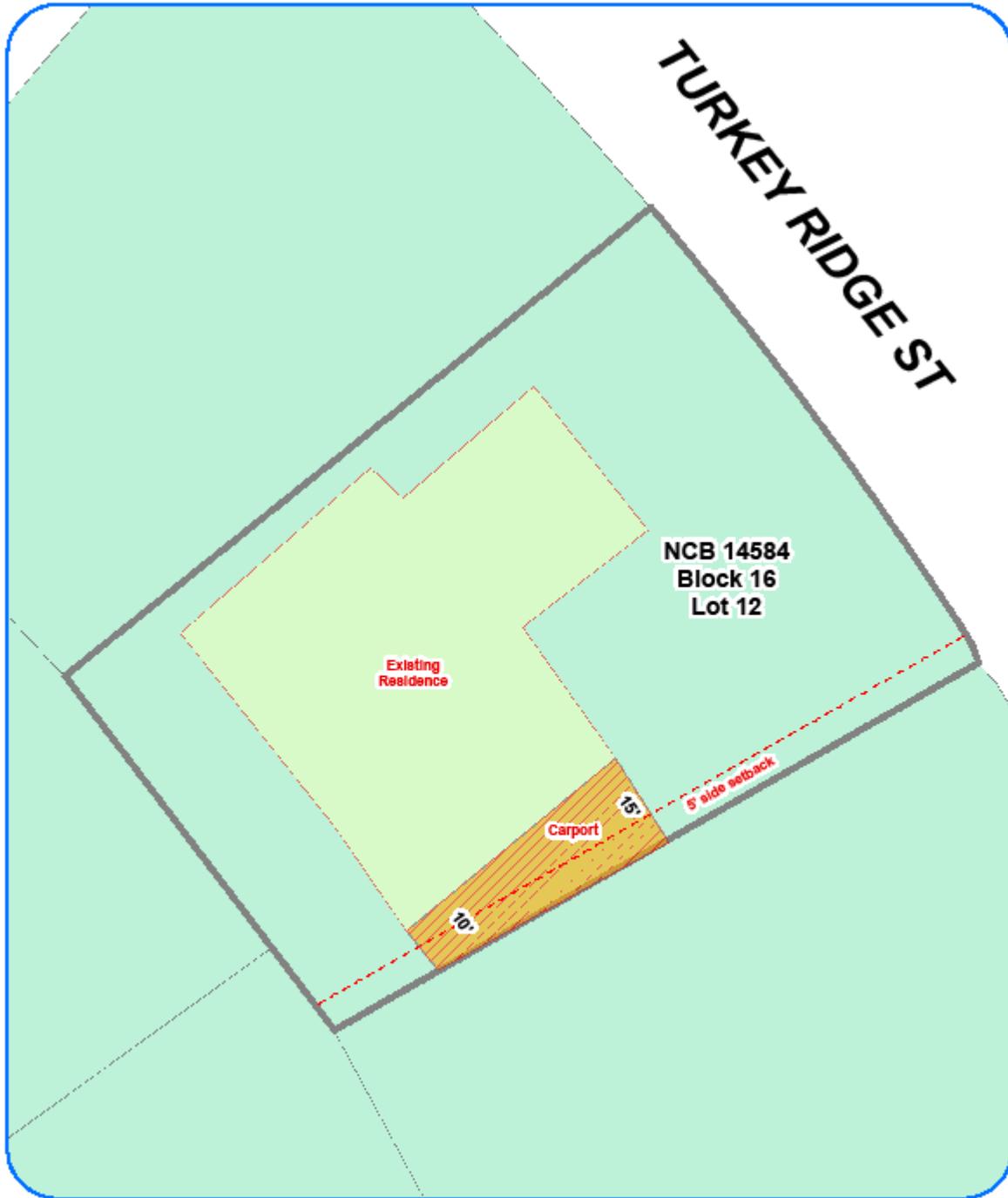
- Subject Property
- 200' Notification Boundary
- Council District 9

Planning and Development Services Dept
City of San Antonio
(3/1/2012)

**Attachment 1 (Continued)
Notification Plan**



Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-025

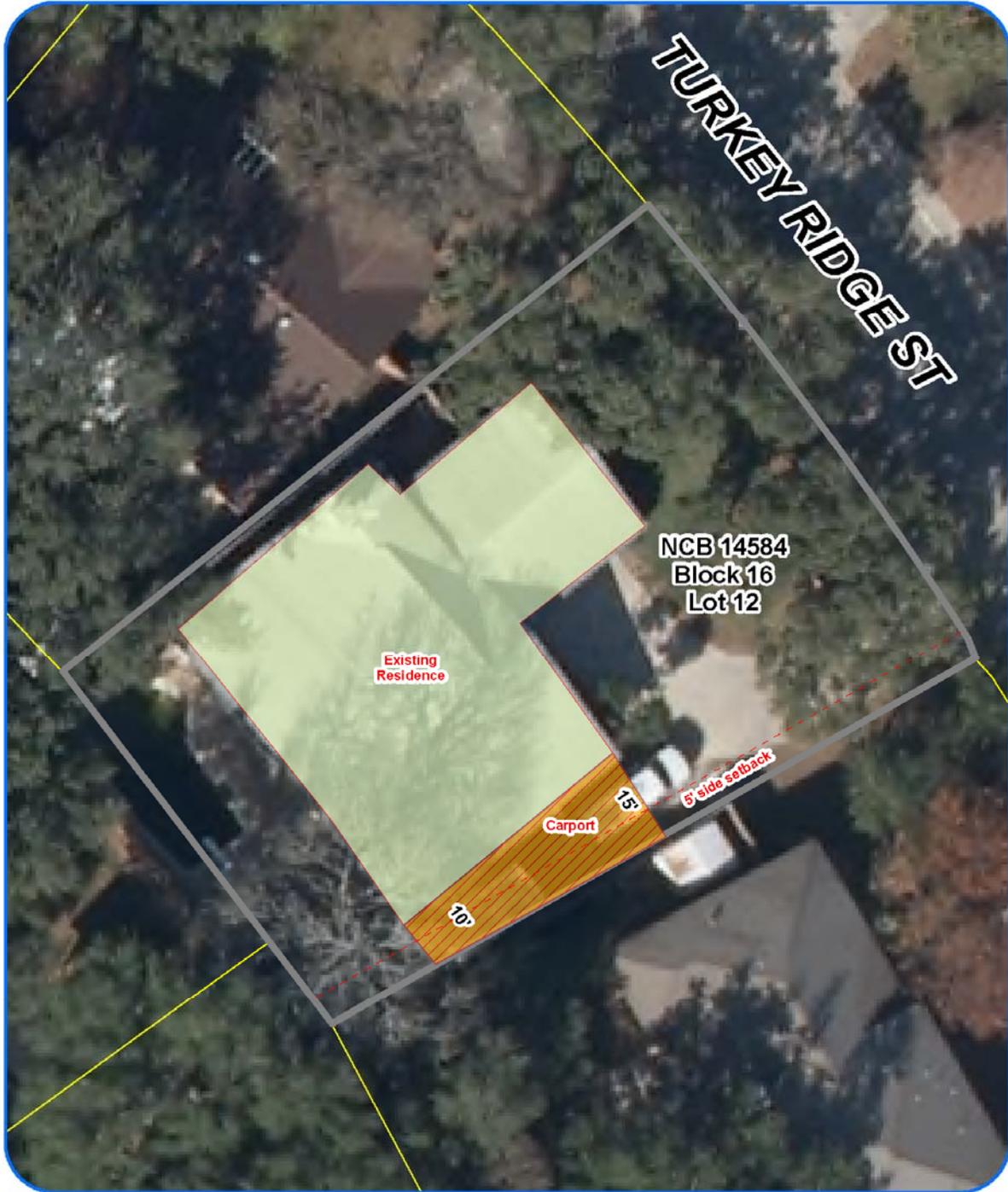


Council District 9

14706 TURKEY RIDGE ST

Development Services Dept
City of San Antonio
(3/1/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-025



0 5 10 15 20 Feet
Council District 9

14706 TURKEY RIDGE ST

Development Services Dept
City of San Antonio
(3/1/2012)

Attachment 3 Site Plan

PLOT PLAN

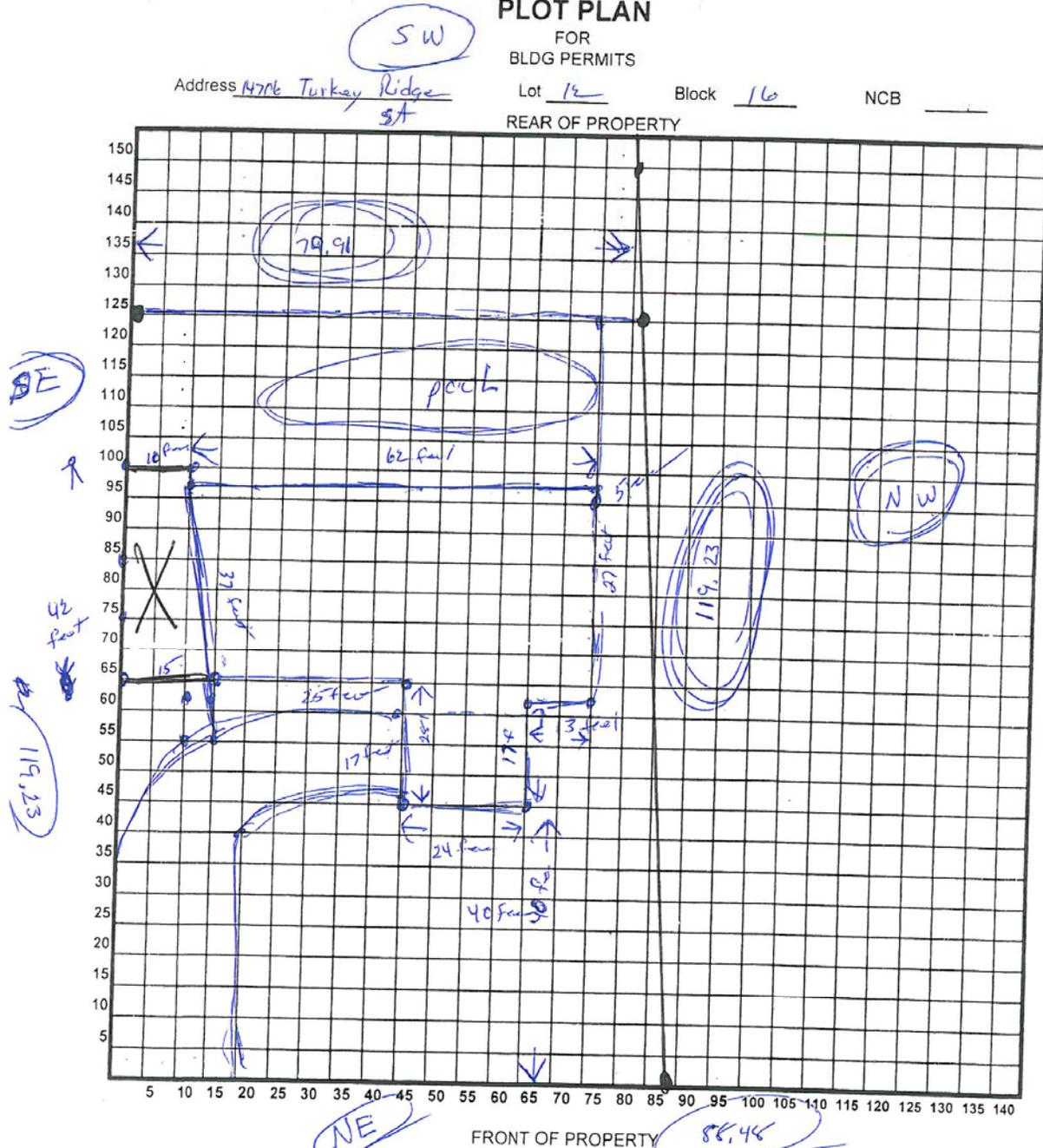
FOR
BLDG PERMITS

Address 14706 Turkey Ridge St

Lot 12

Block 16

NCB _____



I certify that the above plot plan shows all improvements on this property and that there will be no construction over easements. I also certify that I will build in compliance with the UDC and the 2009 IRC

1-20-12
Date

Rolie Grizzard
Signature of Applicant



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-026
Date: March 12, 2012
Applicant: Speedco, Inc.
Owner: Speedco, Inc.
Location: 1855 North Foster Road
Legal Description: Lots 13 and 14, Block 1, NCB 17978
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Senior Planner

Request

The applicant requests 1) a 40-foot variance from the 40-foot maximum sign height standard for single-tenant signs when located on an Arterial Type A, in order to allow an 80-foot tall sign, and 2) a 78-square foot variance from the 240-square foot maximum sign area standard for single-tenant signs when located on an Arterial Type A, in order to allow a 318-square foot sign.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 23, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 24, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on March 9, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 7.00-acre property is located on the west side of North Foster Road, approximately seven hundred sixty (760) feet north of Interstate Highway 10. It consists of the Speedco truck lube and tires service. There is an existing freestanding sign on the subject property that the applicant wishes to replace with a new, larger freestanding sign. The proposed sign will be eighty (80) feet in height, and will have a sign area of approximately three hundred eighteen (318) square feet (**Attachment 3**). The proposed sign will also include a dual rotor wind turbine to be located on each side of the sign cabinet (**Attachment 4**).

According to the City’s Major Thoroughfare Plan, North Foster Road is a Secondary Arterial Type A. Pursuant to Section 28-239(c) of the Sign Regulations, the maximum height and area allowed for single-tenant signs on properties adjacent to an Arterial Type A is forty (40) feet and two hundred forty (240) square feet, respectively. Consequently, the applicant is requesting two (2) variances from these standards.

According to the submitted application, the variances are needed due to the existing trees located on the property to the south. The applicant states that these trees block all visibility of the existing sign, and restrict the view of any new sign built on a different location in conformance with the Sign Regulations. Thus, the additional height is needed to address the obstructed site line caused by the trees, and to account for future growth of the trees. In addition, the applicant states that the additional height is needed due to the proposed wind turbines attached to the sign, which need to be placed above the tree line for optimal performance.

It is important to note that there are overhead power lines along the west side of the North Foster Road right-of-way (**Attachment 5, Picture 1**). The existing trees located on the property to the south of the subject property were planted beneath these power lines (**Attachment 5, Picture 2**). Due to the overhead power lines, these trees are required to be maintained trimmed and at a height that will not conflict with the overhead power lines, thus future growth of the trees will be limited and discouraged.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 AHOD (Commercial), I-1 AHOD (Industrial)	Truck oil lube and service

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 AHOD (Commercial), I-1 AHOD (Industrial)	Vacant
South	C-3 AHOD (Commercial), I-1 AHOD (Industrial)	Truck Stop/Restaurant
East	I-1 AHOD (Industrial), OCL (Outside City Limits)	Vacant
West	I-1 AHOD (Industrial)	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the IH-10 East Corridor Perimeter Plan. The subject property is not located within two hundred (200) feet of a registered 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**
2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

The subject property is located on the west side of North Foster Road, north of Interstate Highway 10. On this side of the right-of-way, trees were planted that have grown to a significant size restricting the visibility of freestanding signs on this side of the right-of-way. However, the height and placement of these trees are not to the extent that justifies the magnitude of the variance requested. The applicant is requesting a 40-foot variance to allow an 80-foot tall sign, which one hundred (100) percent taller than what is allowed per code. A bigger sign cabinet is also proposed due to the 80-foot height. While the existing trees may potentially grow further limiting visibility of new and existing conforming freestanding signs, it should be noted that overhead power lines exist along the same side of the right-of-way where the trees are planted. The overhead power lines significantly limit the future growth of these trees as conflict between the trees and power lines is highly discouraged.

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.

*Pursuant to Section 28-246(a) of the Sign Regulations, no variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The proposed 80-foot tall sign is not allowed anywhere in the City limits per the current code. Additionally, the proposed sign area is only proposed due to the 80-foot height. The subject property is located on an Arterial Type A that limits sign height to forty (40) feet for single-tenant signs, and fifty (50) feet for multiple-tenant signs. Properties fronting an **expressway** may erect a sign up to sixty (60) feet for single-tenant signs and seventy (70) feet for multiple-tenant signs when a street grade separation of ten (10) feet exists. The proposed height directly violates Section 28-246(a) of the Sign Regulations as approval of this variance would permit a sign that is not allowed on a different street classification or zoning district. Thus, approval of these variances will provide the applicant with special privileges not enjoyed by others.*

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

Granting the variance will not adversely impact the neighboring properties. The subject property is surrounded by other similar commercial and service type uses, and undeveloped land. Furthermore, the proposed sign will be required to be set back a minimum of ten (10) feet from the right-of-way line per Section 28-241(c)(1)(c) of the Sign Regulations.

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

The City's Sign Regulations establishes specific requirements for different sign types depending on the property's zoning district, number of tenants, location and street classification. The applicant is proposing to erect a sign that is approximately one hundred percent (100%) taller and thirty-three percent (33%) bigger than what is permitted on this street classification. There are no properties or street classification within the city limits that allow an 80-foot tall sign. The elimination of sign type by street classification is expressly prohibited by Section 28-246(a) of the Sign Regulations. Therefore, granting of these variances will substantially conflict with the stated purpose of signs along an Arterial Type A and the Sign Regulations.

Staff Recommendation

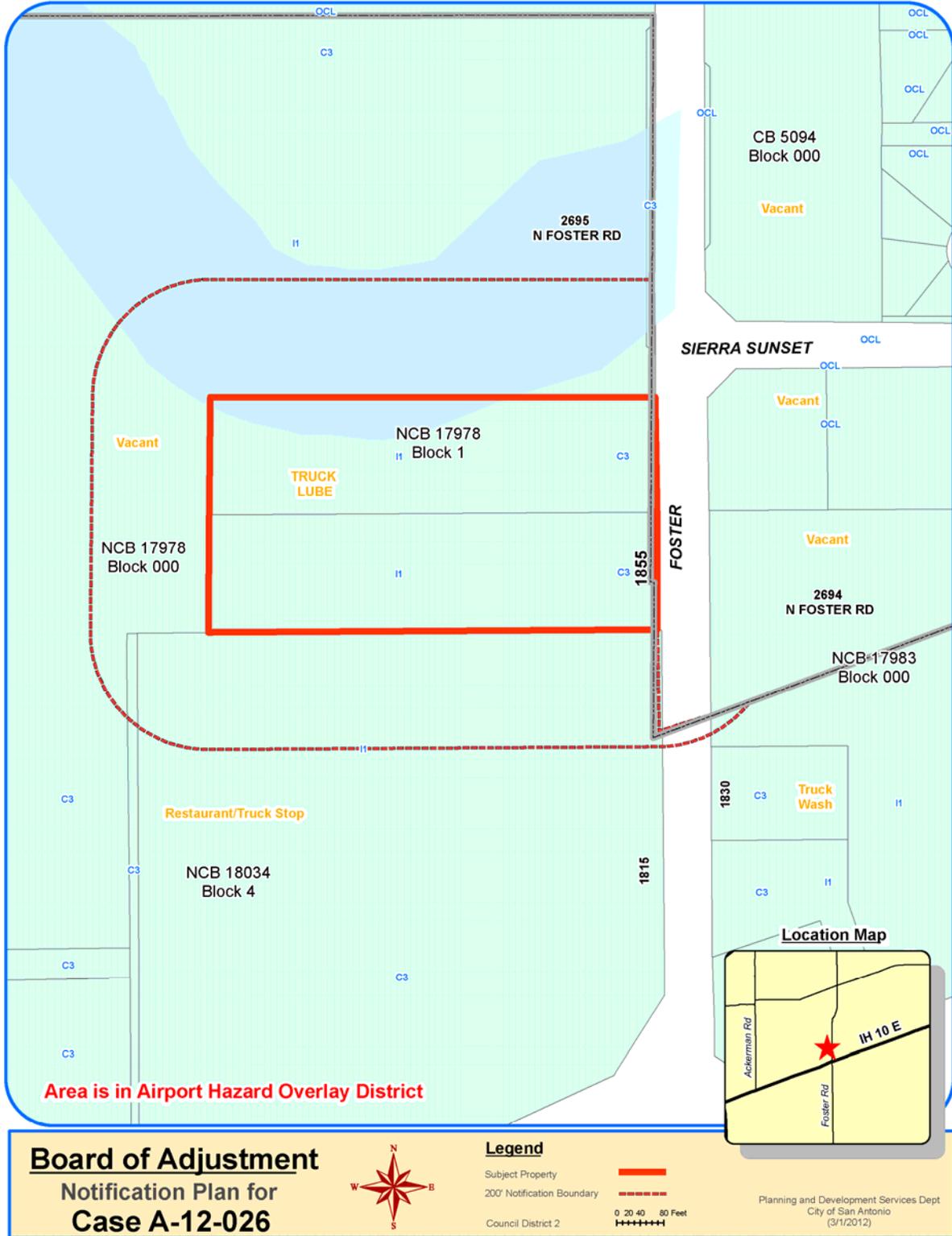
Staff recommends **denial of A-12-026 with an alternative recommendation for a sign height variance**. The requested variances do not comply with the three (3) of the four (4) required approval criteria for granting a variance as presented above. The applicant did not present evidence that the requested variances would provide relief from a hardship caused by a literal enforcement of the sign standards for properties located on an Arterial Type A. The sign height variance is requested due to the existing trees along the west side of the North Foster Road right-of-way, and the desire to install wind turbines to the sign that result in the need of significant height to ensure the effective performance of the turbines. The sign area variance is requested due to the proposed 80-foot height to install a sign cabinet that is of similar scale.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphic communication problems. Section 28-246(a) of the Sign Ordinance prohibits the granting of a variance that would eliminate the distinction between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The proposed 80-foot tall sign is not allowed within the city limits regardless of the zoning district or street classification. While staff recognizes that the existing trees do restrict the visibility of freestanding signs along this side of the right-of-way, it is not to the extent that justifies an 80-foot tall sign. Thus, staff recommends **denial of the variances as requested, and approval of a 10-foot variance to allow a 50-foot tall sign**. It is staff's opinion that the additional 10-foot height will allow better visibility of the sign above the existing tree lines. Additionally, staff would like to point that while a sign may be limited to forty (40) or fifty (50) feet, the wind turbines may be install at the proposed height in conformance with Section 35-398 of the UDC.

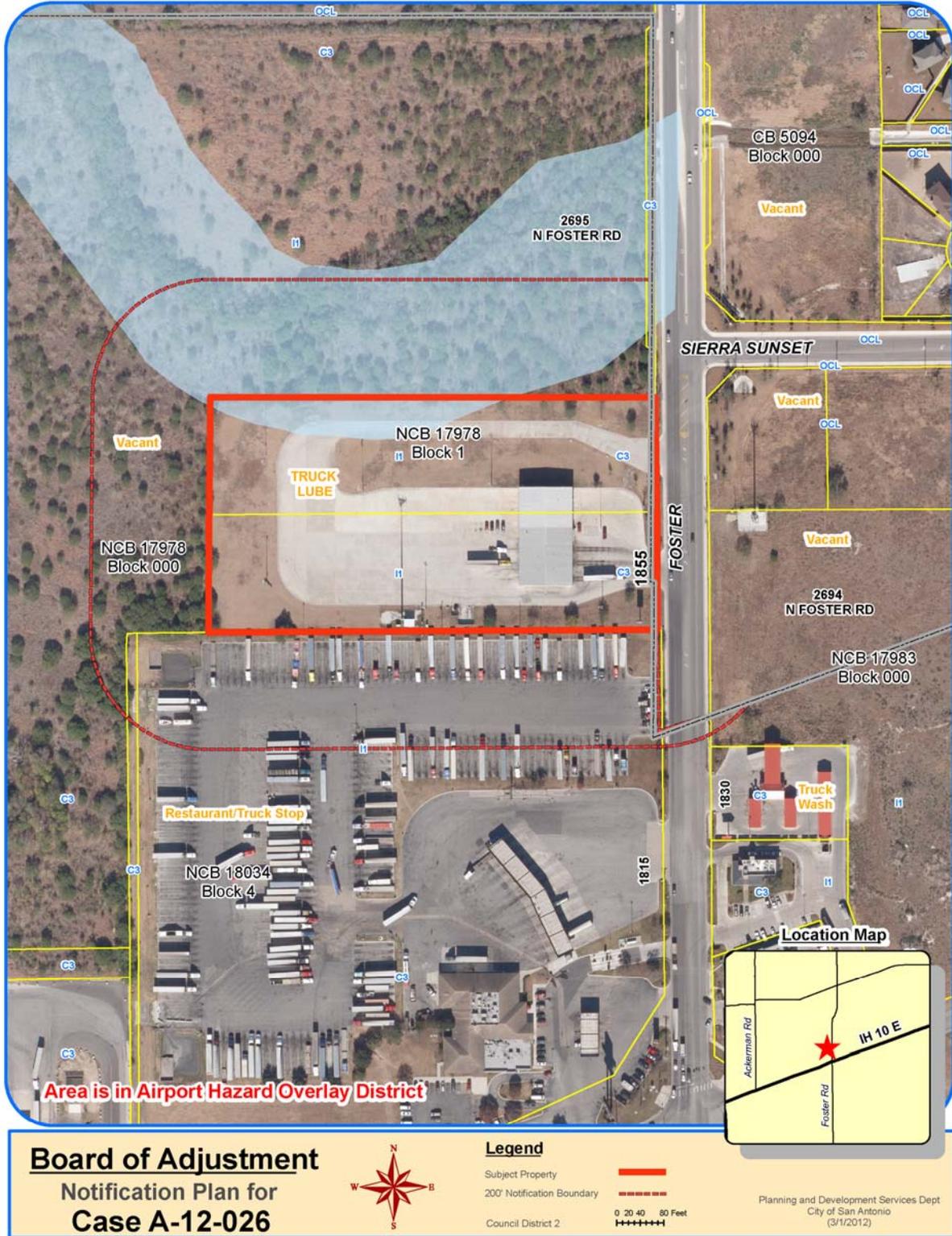
Attachments

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Proposed Sign
- Attachment 4 – Wind Turbine Details
- Attachment 5 – Pictures of North Foster Road

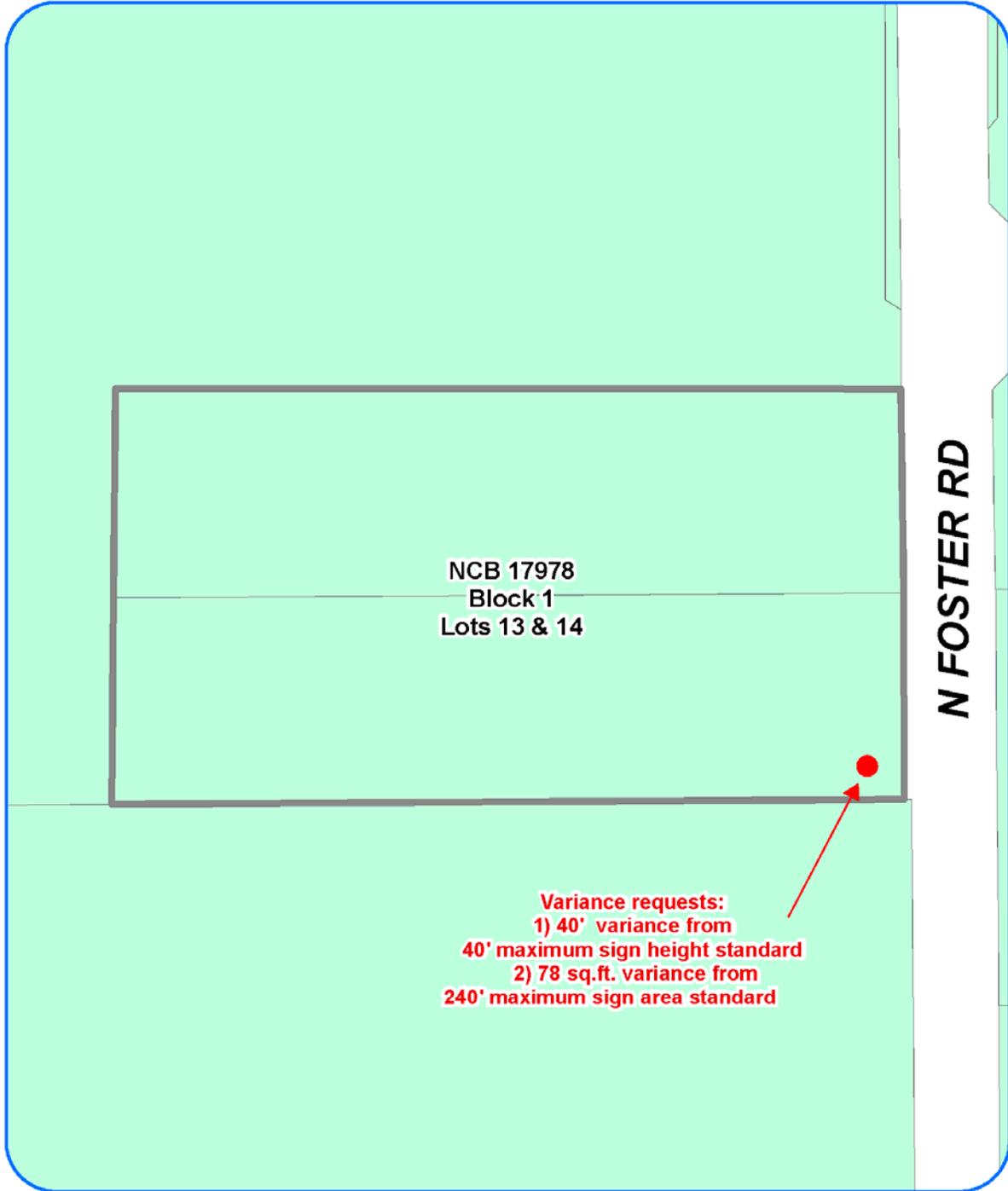
Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Attachment 2
Plot Plan**



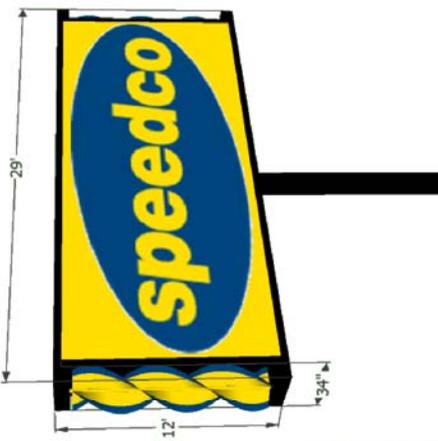
Board of Adjustment Plot Plan for Case A-12-026		Sign Location ● 0 20 40 60 80 Feet Council District 2	1855 N FOSTER RD <small>Development Services Dept City of San Antonio (3/1/2012)</small>
---	---	--	--

Attachment 2 (Continued)
Plot Plan



Board of Adjustment Plot Plan for Case A-12-026		Sign Location ●	1855 N FOSTER RD
		0 20 40 60 80 Feet 	Development Services Dept City of San Antonio (3/1/2012)
		Council District 2	

Attachment 3 Proposed Sign



*Sign turbine design patent protected by United States Provisional Patent #61252631.

Pylon Sign with Dual Side Rotors: Sign turbine shown at 80 ft. overall height. Sign faces to be flex-face with 2500-2580 blue vinyl applied over 2500-15 Show-Thru yellow vinyl. Faces shown with 4" retainers painted black. Sign faces and rotors to be illuminated with 800ma HO fluorescent lamps. Rotors are .114 clear polycarbonate with 2500-2580 blue vinyl and yellow paint to match 2500-15 Show-Thru yellow vinyl. Cabinet and pole to be painted black.



Scope of Work: Remove and replace existing pylon sign. New location for pylon sign to be determined.

Power Wall Systems
11253 Tall Trees Drive
Fishers, IN 46038



Design Number: S10-0117-002 Project Manager: _____
 Date: February 1, 2012 Designer: _____
 Account Executive: Keith Tully Phone: 317-348-1260

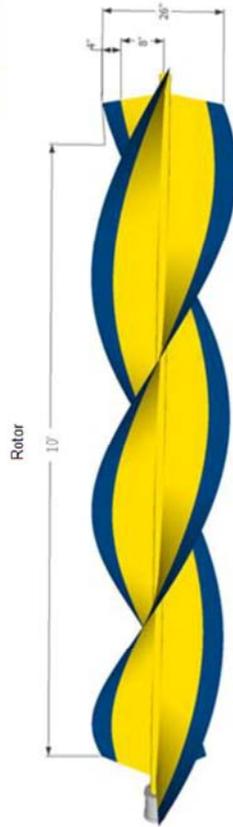
Revisions: _____
 Location: 1855 North Foster Road
 San Antonio, TX 78244-1915

Client Approval Date: _____
 Landlord Approval Date: _____

Page 1 of 3

Attachment 4 Wind Turbine Details

Pylon Sign with Dual Side Rotors



System Requirements: Two (2) three-bladed rotors with a diameter of 26" and a blade length of 10'. Rotor blades are .114 polycarbonate with yellow paint to match 2500-15 Show-Thru yellow vinyl. 4" blue stripes to be both first and second surface 2500-2580 blue vinyl. Each rotor to be mounted with one (1) Ginlong GL-PMG-5k 5,000 watt generator. Each generator to connect to a Ginlong Dump Load and Controller. Power then routed through Ginlong GLC-5000 UL rated grid-tied inverter to dedicated circuit. The system is capable of generating a peak of 10 kilowatts of power.



Dump Load



Inverter



Controller



Generator



Power Wall Systems
11253 Tail Trees Drive
Fishers, IN 46038

Page 3 of 3

Design Number: S10-0117-002

Date: February 1, 2012

Project Manager:

Account Executive:

Phone: 317-348-1280

Revisions

speedco
TRUCK LUBE & TIRES

Location:

1855 North Foster Road
San Antonio, TX 78244-1915

Client Approval Date: _____
Landlord Approval Date: _____

**Attachment 5
Pictures of North Foster Road**



Picture 1 – North Foster Road



Picture 2 – Existing trees of west side of North Foster Road



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-030
Date: March 12, 2012
Applicant: Brian Moczygemba
Owner: Elite Ventures Investment Group, LLC
Location: 4404, 4408 and 4412 West Avenue
Legal Description: Lots 6A and 7A, NCB 11690
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District and "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for an Auto Repair Facility
Prepared By: Andreina Dávila-Quintero, Senior Planner

Request

The applicant requests 1) a 4-foot variance from the 4-foot maximum predominantly open fence height standard in the front yard, in order to allow an 8-foot tall predominantly open fence along the west front property line in the front yard, and 2) a 5.5-foot variance from the 4-foot maximum predominantly open fence height standard in the front yard, in order to allow a 9.5-foot tall predominantly open fence along the north side property line in the front yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 23, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 24, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on March 9, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.31-acre property is located on the east side of West Avenue, south of Loop 410. Currently, it consists of a church and restaurant. The current property owner wishes to erect an 8-foot to 9-foot, 6-inch tall wrought iron fence within the front yard of the subject property (**Attachment 3**).

According to the submitted Site Plan, the proposed fence will on the north side property line, and will be set back approximately five (5) feet from the sidewalk along the west front property line.

The height of the proposed fence will vary between eight (8) feet and nine (9) feet, six (6) inches along the north side property line due to a slope that exists on this portion of the property. The applicant is also proposing a 32-foot wide manual sliding gate that will be recessed approximately seventeen (17) feet from the sidewalk along the west front property line.

There is an existing wrought iron fence on the property to the south that extends along the south side property line of the subject property. The proposed fence will allow the property owner to enclose the front yard of the subject property to address safety concerns. A planting strip is proposed between the sidewalk and proposed fence as mitigation for the variances requested.

Pursuant to Section 35-514(d) of the UDC, predominantly open fences within the front yard shall not exceed four (4) feet in height. Consequently, the applicant is requesting two (2) variances from this standard. According to the submitted application, the variances are needed to provide security to the property from the surrounding uses and burglary activities within the area.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial), C-2 CD AHOD (Commercial, Auto Repair Facility)	Church, restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 CD AHOD (Commercial, Nightclub)	Commercial, Bar
South	C-2 CD AHOD (Commercial, Office Warehouse)	Office Warehouse
East	R-5 AHOD (Residential)	Single-Family, Railroad Tracks
West	C-1 CD AHOD (Commercial)	Gas station, carwash

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Greater Dellview Community Plan. The subject property is located within the North Central Neighborhood Association, and within two hundred (200) feet of 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 requested fence height variances will not adversely impact the well-being of the general public as it will not obstruct visibility for impending traffic. The subject property is an interior lot with approximately one hundred sixty (160) feet of frontage. The fence, where proposed, will be located along the front and side property lines, and will be set back

approximately five (5) feet from the edge of the sidewalk. The proposed 5-foot setback will allow a wider separation between the edge of pavement and the fence.

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

The subject property is not uniquely influenced by oppressive conditions that prevent the applicant from erecting a 4-foot tall predominantly open fence within the front yard of the property. The property is an interior commercial lot with buildings set back approximately one hundred eighteen (118) feet from the west front property line with a parking lot in front of the buildings. It is surrounded by other commercial and service type uses. According to the submitted application, the additional fence height is needed due to the crime activity of the area, and the nature of the surrounding businesses. These are not special conditions particular to the land, and other existing, similar commercial uses within the area may not be used as justification for the variances requested. Thus a literal enforcement of the ordinance will not result in unnecessary hardship.

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

The applicant is proposing to erect a fence that is up to one hundred thirty seven (137%) percent taller than allowed by code in the front yard of a commercial property. Furthermore, the proposed fence height exceeds the maximum 6-foot height allowed by right within the side and rear yards. While the proposed predominantly open fence will continue to allow air flow and light penetration, the proposed height of (8) feet to nine (9) feet, six (6) inches limits the sense of openness along the street frontage. The fence, as proposed, blocks the interconnectivity between vehicular and pedestrian traffic and the commercial uses on site.

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 on the subject property other than those specifically permitted in the "C-2" Commercial or "C-2 CD" Commercial with the conditional use of Auto Repair Facility base 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.

Fence heights are restricted within the front yard of commercial properties to maintain the interconnectivity and relationship between the right-of-way, pedestrians and commercial uses. The subject property is surrounded by other similar commercial and service type use properties, the majority of which do not have fences within the front yard. Other properties within the area are limited to the 3-foot or 4-foot maximum fence height standard as established by the UDC. While staff recognizes that the property to the south has a legal nonconforming fence within the front yard, the proposed fence height, if approved, will deviate from the recommended character of the district. In 2009, City Council approved the downzoning of property along West Avenue to a more appropriate zoning district that will encourage neighborhood to community commercial uses.

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 sought due to the crime activity and the other existing uses within the area. While these conditions were not caused by the applicant or are merely financial, they are not unique to the land. Commercial and service type uses are permitted by right or by the conditional use zoning districts of the area. No special conditions exist of the subject property that results in the requested variances.

Staff Recommendation

Staff recommends **denial of A-12-030**. The requested variances do not comply with four (4) of the six (6) approval criteria for granting a variance as presented above. The applicant failed to provide sufficient evidence to justify the need for these variances.

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 the other properties in the same zoning district. The subject property does not have any special conditions that result in the need of the variances requested. According to the submitted application, the additional height is needed due to the crime activities and the nature of other businesses within the area. However, these are not conditions unique to the land, and all properties within the area are restricted to a 3-foot solid or 4-foot predominantly open fence within the front yard.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case A-12-030**



Legend

- Subject Property
- 200' Notification Boundary
- Council District 1



Planning and Development Services Dept
City of San Antonio
(3/1/2012)

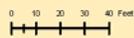
**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-030



Fence ▲▲▲▲



Council District 1

**4404, 4408 &
4412 WEST AVE**

Development Services Dept
City of San Antonio
(3/1/2012)

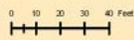
Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-030



Fence ▲▲▲▲



Council District 1

**4404, 4408 &
4412 WEST AVE**

Development Services Dept
City of San Antonio
(3/1/2012)



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-031
Date: March 12, 2012
Applicant: Sue Ann Pemberton
Owner: Bear Rock, LLC
Location: 511 Dallas Street
Legal Description: Lot 8, Block 20, NCB 822
Zoning: "HS FBZ T4-1 AHOD" Historic Significant Form Based Zoning Transect 4-1 Airport Hazard Overlay District
Prepared By: Jacob T. Floyd, Senior Planner

Request

The applicant requests 1) a variance from the requirement that sixty percent (60%) of the façade must be set back a minimum of 10 feet and a maximum of 15 feet from the front property line, in order to allow the façade a 16-foot, 10-inch setback; 2) a 2-foot, 1-inch variance from the maximum 7-foot side setback requirement, in order to allow a 9-foot, 1-inch side setback from the west property line; 3) a 7-foot, 7.5-inch variance from the maximum 7-foot side setback requirement, in order to allow a 14-foot, 7.5-inch side setback from the east property line; 4) a variance from the requirement prohibiting a common yard private frontage in Transect Zone 4-1, in order to permit a common yard private frontage.

Procedural Requirements

The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on February 23, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on February 24, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on March 9, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.34-acre property is located on the north side of Dallas Street, approximately one hundred twenty (120) feet east of McCullough Avenue in the River North Neighborhood. It is an approximately 92-foot wide by 168-foot deep lot, and is being redeveloped for medical office use. The existing house on the subject property is a designated historical landmark and is being incorporated into the redevelopment of the site by rehabilitation and the construction of an addition.

Pursuant to Section 35-209, Table 209-18A1 (G) of the UDC, sixty percent (60 %) of the lot frontage must be occupied by building façade located a minimum of ten (10) feet and a maximum of fifteen (15) feet from the front property line. Additionally, Table 209-18A1 (G) allows a maximum side setback of seven (7) feet for principle structures. Table 209-18A1 (J) also indicates that a common yard is not a permitted private frontage in Transect Zone T4-1. In the context of form based development, a common yard is a frontage wherein the building façade is substantially set back from the primary frontage and the front yard remains unfenced and is visually continuous with adjacent yards.

The existing building and proposed addition will be set back approximately sixteen (16) feet, ten (10) inches from the front (south) property line at the furthest extent, and will have approximately fourteen (14) feet, or twenty-five percent (25%), of the façade within the minimum ten (10) foot and maximum fifteen (15) foot front setbacks. On the sides, the existing building and proposed addition will be set back nine (9) feet, one (1) inch from the west property line and fourteen (14) feet, seven (7) inches from the east property line. The front yard of the subject property is proposed as a common yard private frontage, unenclosed by a fence and visually continuous with the yards of adjacent properties. Consequently, the applicant is requesting a two (2) foot, one (1) inch variance from the maximum side setback and a seven (7) foot, seven and one-half (7.5) inch variance from the maximum side setback. The applicant also requests variances to the requirement that sixty percent (60%) of the lot frontage be occupied by building façade located between a minimum of ten (10) feet and a maximum of fifteen (15) feet and to the permitted private frontage types within Transect Zone T4-1.

According to the submitted application, the requested variances are to 1) physically distinguish the historic building from the proposed addition; 2) protect and compliment the historic nature of the project and historic character of the adjacent property; 3) meet the requirements for vehicular circulation on site; 4) provide visual assurance about vehicular access on and off of the site; and 5) comply with the direction of the Historic and Design Review Commission (HDRC).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
FBZ T4-1 (Form Based – Neighborhood Stabilization Zone)	Vacant (Proposed Office)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	FBZ T4-1 (Form Based – Neighborhood Stabilization Zone)	Single-Family
South	FBZ T5-1 (Form Based – Neighborhood Regeneration Zone)	Commercial, Parking
East	FBZ T4-1 (Form Based – Neighborhood Stabilization Zone)	Vacant, Medical Office
West	FBZ T5-1 (Form Based – Neighborhood Regeneration Zone)	Medical Offices, Parking, Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Downtown Neighborhood Plan. The subject property is located within the Downtown 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 will allow the subject property to be redeveloped to include the rehabilitation of the historic building and the construction of an addition to this building which emphasizes and distinguishes the new construction from the historic structure. The proposed addition will set back approximately two (2) feet from the existing façade in order to visually differentiate the new construction from the historic building, as directed by the HDRC. The proposed side setbacks will provide adequate separation between the abutting properties to avoid providing additional fire resistance rated protective openings along the west elevation, which would have led to alterations of the original windows, and to provide adequate vehicular access along the east side of the property. Additionally, the provision of the proposed common yard will allow the front yard to blend with the surrounding frontage types within the block. Thus, the requested variances are not contrary to the public interest.

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

The existing historic building is positioned approximately fourteen (14) feet three (3) inches from the front property line and nine (9) feet one (1) inch from the west property line. The proposed addition will be set back approximately two (2) feet from the existing facades in order to differentiate between the existing historic building and the new construction, as directed by the HDRC. Additionally, the proposed fourteen (14) foot seven and one half (7.5) inch east setback is necessary to comply with vehicular access requirements. Consequently, a literal enforcement of the ordinance will create unnecessary hardship due to the orientation of the historic building on the site and the vehicular circulation requirements. Furthermore, were the addition built to comply with the front setback standard, the root protection zone of an existing heritage tree may be compromised.

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

One objective of the "FBZ" Form Based Development is that the preservation and renewal of historic buildings shall be facilitated to affirm the continuity and evolution of society. The proposed redevelopment of the site and addition to the historic building are observant of this objective and follow the Transect Zone T-4 development standards to the greatest extent practical while preserving and rehabilitating the historic structure. The proposed addition will match the existing historic building in building materials, window and door proportions, roof slopes, and site features as nearly as possible and is intended to protect and compliment the historic nature of this project. Thus, by granting these variances the spirit of the UDC will still be observed and substantial justice will be done.

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 “FBZ T4-1” Form Based Zoning Transect 4-1 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 substantially injure the appropriate use of the adjacent conforming properties nor alter the essential character of the district. The proposed setbacks will allow the addition to be located in a way that will emphasize the historic building on the site, as well as the historic structure located on the property abutting to the west. The proposed common yard will further the historic character of the area as well, as the front yards of this block face are consistently without a fence enclosure.

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 position and orientation of the existing historic building on the site and the need to comply with vehicular circulation requirements. The existing building does not comply with the maximum setbacks within Transect Zone 4-1 and in order to adhere to the direction given by the HDRC the proposed addition must be set back from the existing façade to clearly differentiate between the existing and new construction. The incorporation of a historic building in the redevelopment of this site is a unique condition and not general to the district as a whole. It is admirable that the property owner has chosen to preserve and integrate the historic building into their plans and compliment the historic character of the area with the new addition.

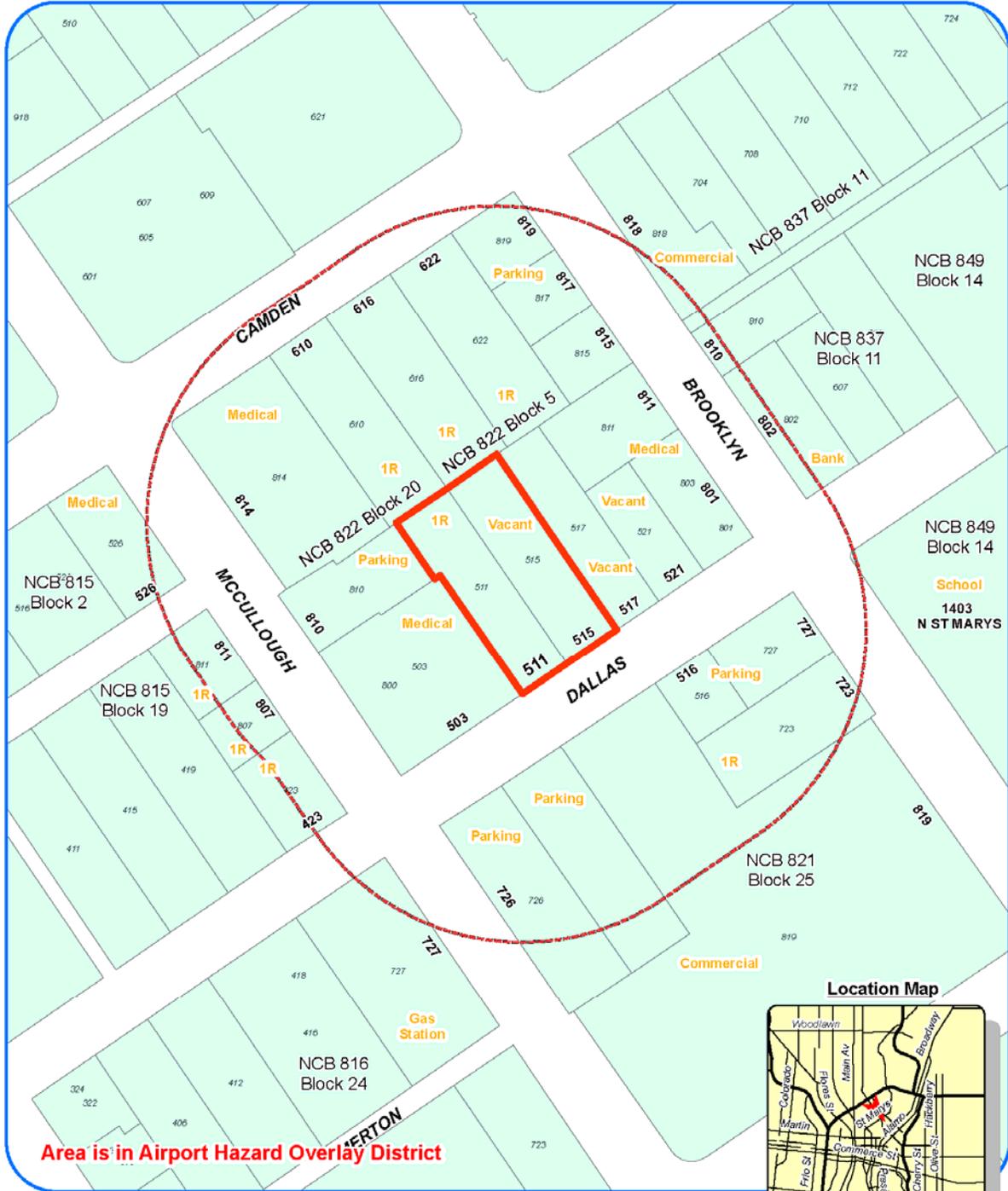
Staff Recommendation

Staff recommends **approval of A-12-031**. The requests comply with all required approval criteria for granting a variance as presented above. The requested variances will allow the subject property to be redeveloped to include the rehabilitation of the historic building and an addition to this building which emphasizes and distinguishes the new construction from the historic. The granting of these variances will be consistent with the Form Based Development Pattern objective that the preservation and renewal of historic buildings shall be facilitated to affirm the continuity and evolution of society. Likewise, the applicant has made significant efforts to adhere as greatly as possible to the standards of Transect Zone 4-1 while complying with the direction of the HDRC and preserving the historic building.

Attachments

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Site Plan

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District



<p>Board of Adjustment Notification Plan for Case A-12-031</p>		<p>Legend</p> <ul style="list-style-type: none"> Subject Property 200' Notification Boundary Council District 1 	<p>0 10 20 40 Feet</p>
		Planning and Development Services Dept City of San Antonio (3/1/2012)	

**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case A-12-031**



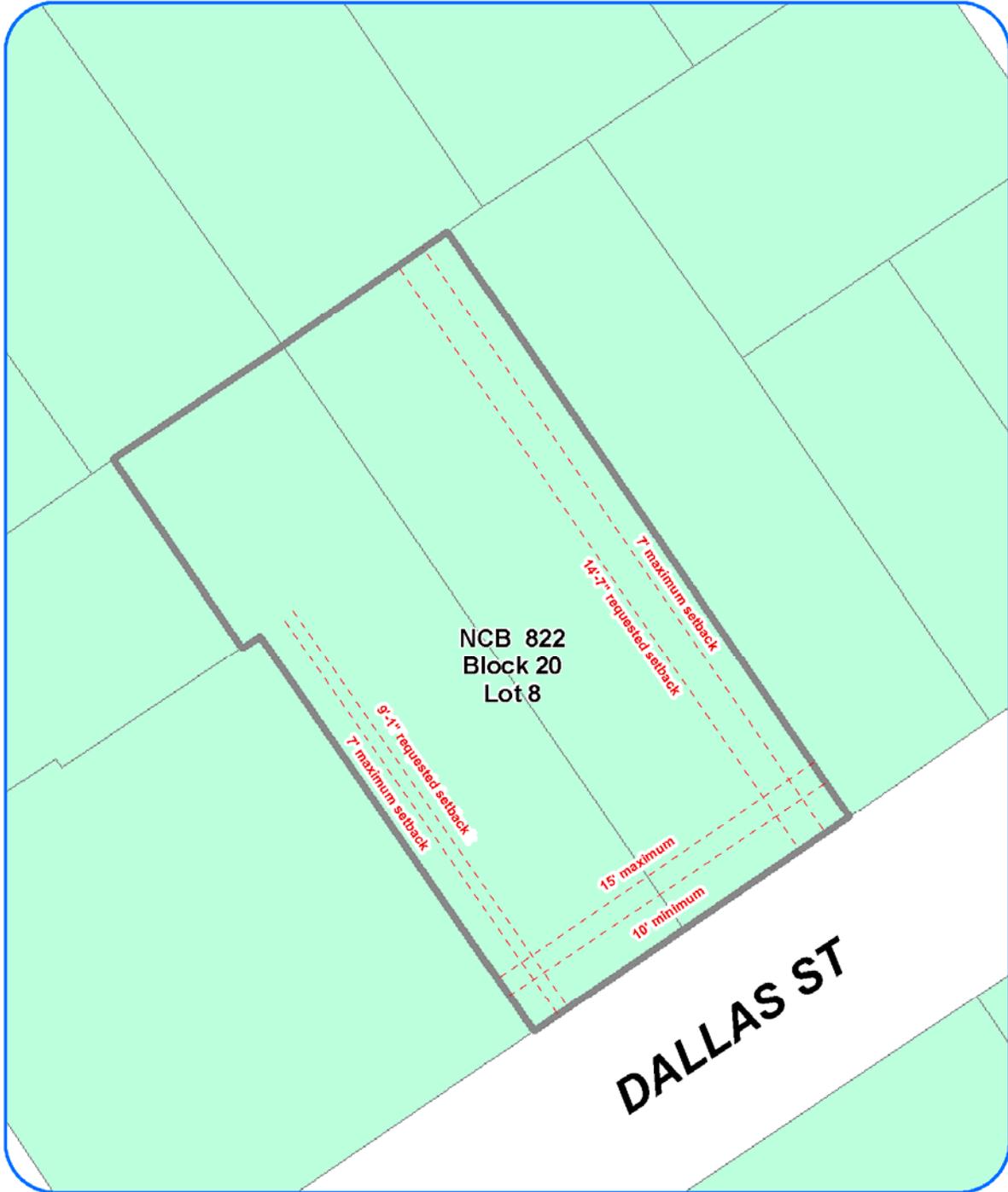
Legend

- Subject Property
- 200' Notification Boundary
- Council District 1



Planning and Development Services Dept
City of San Antonio
(3/1/2012)

**Attachment 2
Plot Plan**



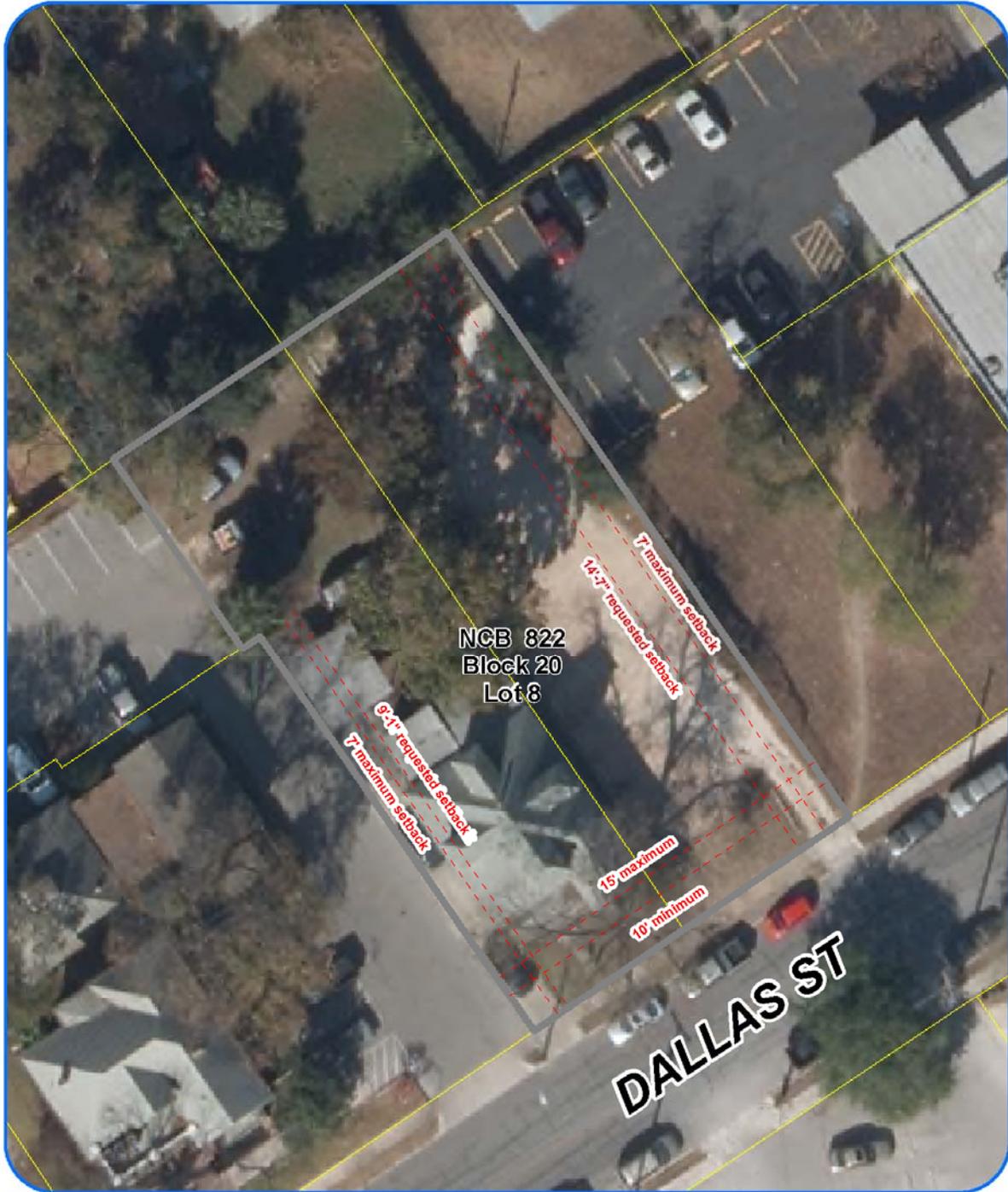
Board of Adjustment
Plot Plan for
Case A-12-031



0 5 10 15 20 Feet
Council District 1

511 DALLAS ST
Development Services Dept
City of San Antonio
(3/1/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-031



0 5 10 15 20 Feet



Council District 1

511 DALLAS ST

Development Services Dept
City of San Antonio
(3/1/2012)

