

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, March 17, 2014

1:00 P.M.

Board Room, Cliff Morton Development and Business Services Center

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 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. Review of amendments and possible action regarding changes to the Board of Adjustment’s Rules of Procedures
5. **A-14-029:** The request of the City of San Antonio for a special exception to relocate a residential structure from 319 North Olive Street to 331 North Olive Street. (Council District 2)
6. **A-14-038:** The request of Phil Lane for 1) a 14-foot variance from the maximum height of 4 feet; 2) an 8-foot variance from the maximum width of 4 feet; and 3) a 17 square foot variance from the 8 square feet maximum area to allow a monument sign 18 feet tall 12 feet wide with 25 square feet of sign area located at 1408 N. St. Mary’s Street. (Council District 1)
7. **A-14-017:** The request of Robert Lawrence for a 5-foot variance from the required 5-foot side yard setback to allow several accessory structures encroaching into the east property line, located at 7939 Viking Trail. (Council District 7)
8. **A-14-026:** The request of Lisa A. Stafford for 1) a 1-foot variance from the 6-foot maximum allowed height within the side and rear yards; 2) a variance to allow a sheet, roll or corrugated metal fence; 3) a 5-foot variance from the 5-foot minimum side yard setback to allow a garage on the east property line, located at 205 West Huff. (Council District 3)
9. **A-14-035:** The request of Javier C. Solis for a 3-foot variance from the 5-foot required side yard setback to allow a carport 2-feet from the side property line located at 758 Kirk Place. (Council District 5)
10. **A-14-036:** The request of Buck Benson for 1) a 3.5-foot variance from the 5-foot required side yard for both side yards to allow a structure 1.5 feet from each side property line, and 2) a 15-foot variance from the 20-foot rear yard setback to allow a structure on the rear property line adjacent to a 10-foot wide alley located at 1333 Santa Barbara Street. (Council District 1)

Board of Adjustment Membership

Andrew Ozuna, District 8, Chair *Mary Rogers, District 7, Vice Chair*
Frank Quijano, District 1 • Alan Neff, District 2 • Gabriel Velasquez, District 3 • George Britton, District 4
Maria Cruz, District 5 • Jesse Zuniga, District 6 • John Kuderer, District 9 • Roger Martinez, District 10
Gene Camargo, Mayor

Alternate Members

Harold O. Atkinson • Paul E. Klein • Henry Rodriguez • Vacancy • Vacancy • Vacancy

11. **A-14-037:** The request of Jesse & Edna Quintero for 1) 5-foot variance from the maximum 15-foot curb cut width and 2) an 8-foot variance from the maximum 12-foot driveway width to allow a driveway 20 feet wide, located at 142 McNeel Road. (Council District 7)
12. **A-14-039:** The request of Gilbert Menchaca for 1) a 1-foot, 6-inch variance from the 5-foot required rear yard to allow an accessory structure 3 feet, 6 inches from the rear property line, and 2) an 8-inch variance from the 5-foot required side yard to allow an accessory structure 4 feet, 4 inches from the side property line, located at 4911 Bartmer Street. (Council District 7)
13. Approval of the minutes – March 3, 2014
14. Presentation from the Department of Planning and Community Development regarding the Downtown Design Guidelines
15. Announcements and 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).

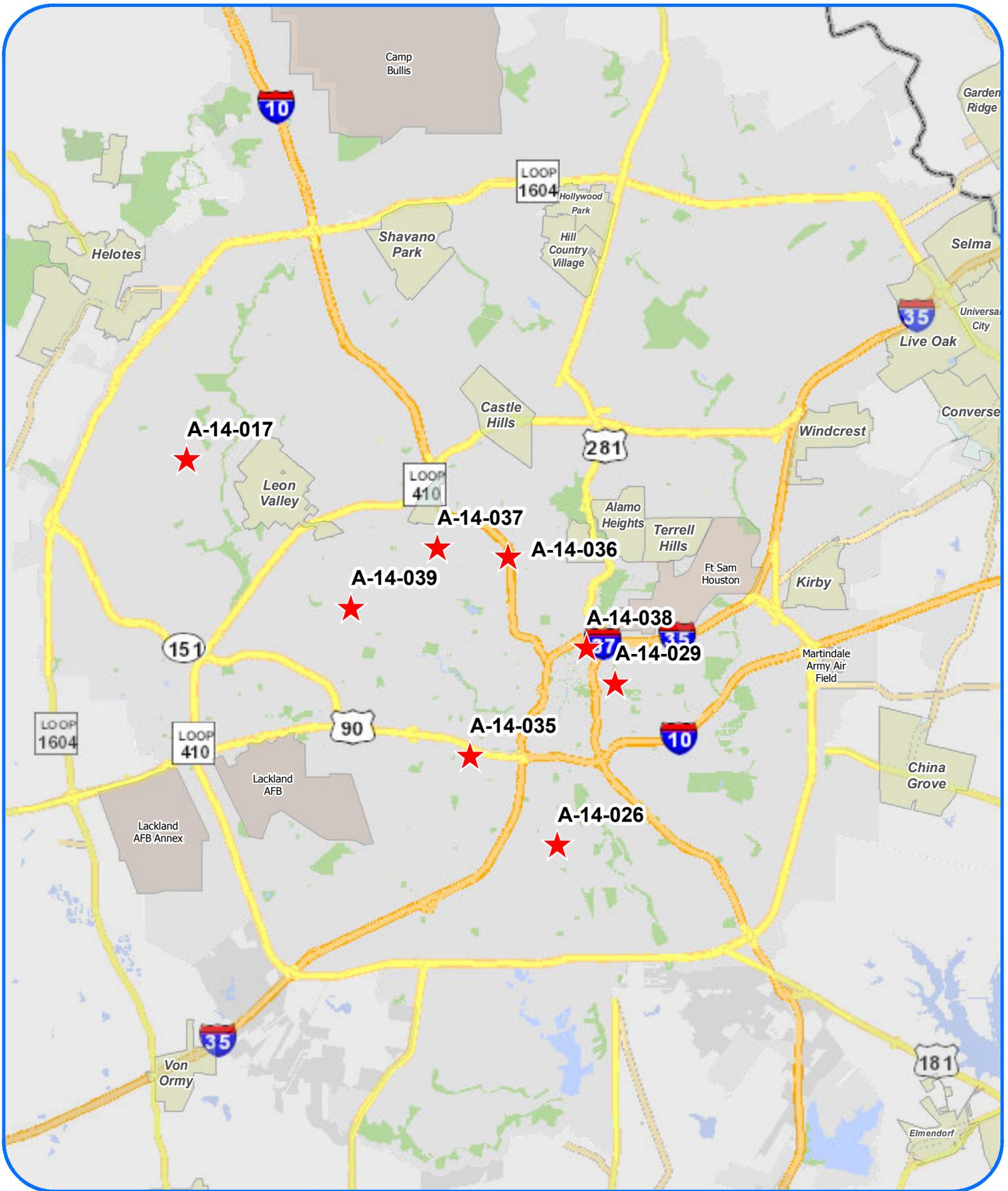
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

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Gene Camargo, Mayor

Alternate Members

Harold O. Atkinson • Paul E. Klein • Henry Rodriguez • Vacancy • Vacancy • Vacancy



Board of Adjustment

Subject Property Locations
Cases for 17th March 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-029
Date: March 17, 2014
Applicant: City of San Antonio
Owner: City of San Antonio
Location: 331 North Olive Street
Legal Description: Lot 1, Block 7, NCB 584
Zoning: "RM-4 H AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for a special exception under Section 35-399.03 of the UDC to relocate a residential structure from 319 North Olive Street to 331 North Olive Street.

Procedural Requirements

A special exception is a decision vested with the Board of Adjustment, subject to compliance with a specific set of performance criteria. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). 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 or before February 27, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 28, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before March 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at the southwest corner of North Olive Street and East Crockett Street, and is currently vacant. The subject structure, a single-family residence, is currently located at 319 North Olive Street, approximately 100 feet south of the subject property. The applicant, the City of San Antonio, has purchased the structure, and wishes to relocate the structure to the subject property in connection with a separate development project, a proposed non-commercial parking lot for the Carver Cultural Center, a 2012 bond project.

The structure is approximately 1,743 square feet in area, and was constructed, according to BCAD records, in 1940. The structure must be brought up to the residential property maintenance code after relocation.

It should be noted that the applicant applied to the Office of Historic Preservation for a permit to demolish the structure. The Historic and Design Review Commission denied the request for demolition, which is why the structure is proposed to be relocated.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|---|
| “RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District | Vacant – Proposed Single-Family Residence |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|---|-------------------------|
| North | “RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District | Single-Family Residence |
| South | “RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District | Vacant |
| East | “RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District | Single-Family Residence |
| West | “RM-4 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District | Single-Family Residence |

Relocation Compatibility Table

| Compatibility Standard | Existing Condition on Blockface | Applicant's Proposed Condition |
|------------------------|---------------------------------|--------------------------------|
| Lot Size | Mean Lot Size: 6,338 sf | 5,400 sf |
| Structure Age | Min: 74 years | 74 years |
| | Max: 84 years | |
| | Mean Age: 79 years | |
| Structure Size | Min: 688 sf | 1743 sf |

| | | |
|------------------------------------|------------------------------|-------------|
| | Max: 1743 sf | |
| | Mean Size: 1215 sf | |
| Structure Height | 1 Story | 1 Story |
| Front Entry, Porch, Walkway | Front of House | Front |
| Building Materials | Exterior siding: Wood | Wood |
| | Roofing: Shingles | Shingles |
| | Window: Wood | Wood |
| Foundation Type | Post & beam | Post & beam |
| Roof Line/Pitch | Gabled | Gabled |
| Fencing | Chain Link | None |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Dignowity Hill Neighborhood Plan (designated as Low Density Residential). The subject property is also located within the boundaries of The Enclave at Dignowity Hill Neighborhood Association, a registered neighborhood association; as such, they were notified and asked to comment.

Criteria for Review

According to Section 35-482(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 five (5) following conditions:

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

The applicant is proposing to relocate a structure of historic value to a vacant lot. **A residential use on this vacant lot is preferred, especially given the alternative of demolition of the structure.** Therefore, granting the special exception will be in harmony with the spirit and purpose of the chapter.

B. The public welfare and convenience will be substantially served.

The structure will eventually be used as a single family dwelling, making use of an undeveloped parcel within a neighborhood that could benefit from incremental revitalization. The public welfare and convenience will be substantially served by the relocation.

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

There is no indication the any adjacent property will be substantially injured by the proposed use as **the structure is proposed to be placed to meet all required yard setbacks in the district.**

D. 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.

The structure is being relocated within the same block; as such, the special exception authorizing the relocation will not alter the essential character of the district.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The special exception will not weaken the general purpose of “RM-4” base zoning district, a district designed to support residential land uses. **The site plan submitted by the applicant and the size of the parcel show the proposed placement of the home will meet the minimum front, side and rear yard setbacks of the district.**

Staff Recommendation

Staff recommends **approval of A-14-029.** The requested special exception complies with all of the review criteria for granting a special exception as presented above. The relocation of the structure will fit with the character of the existing area and will preserve a structure of historic significance.

Attachments

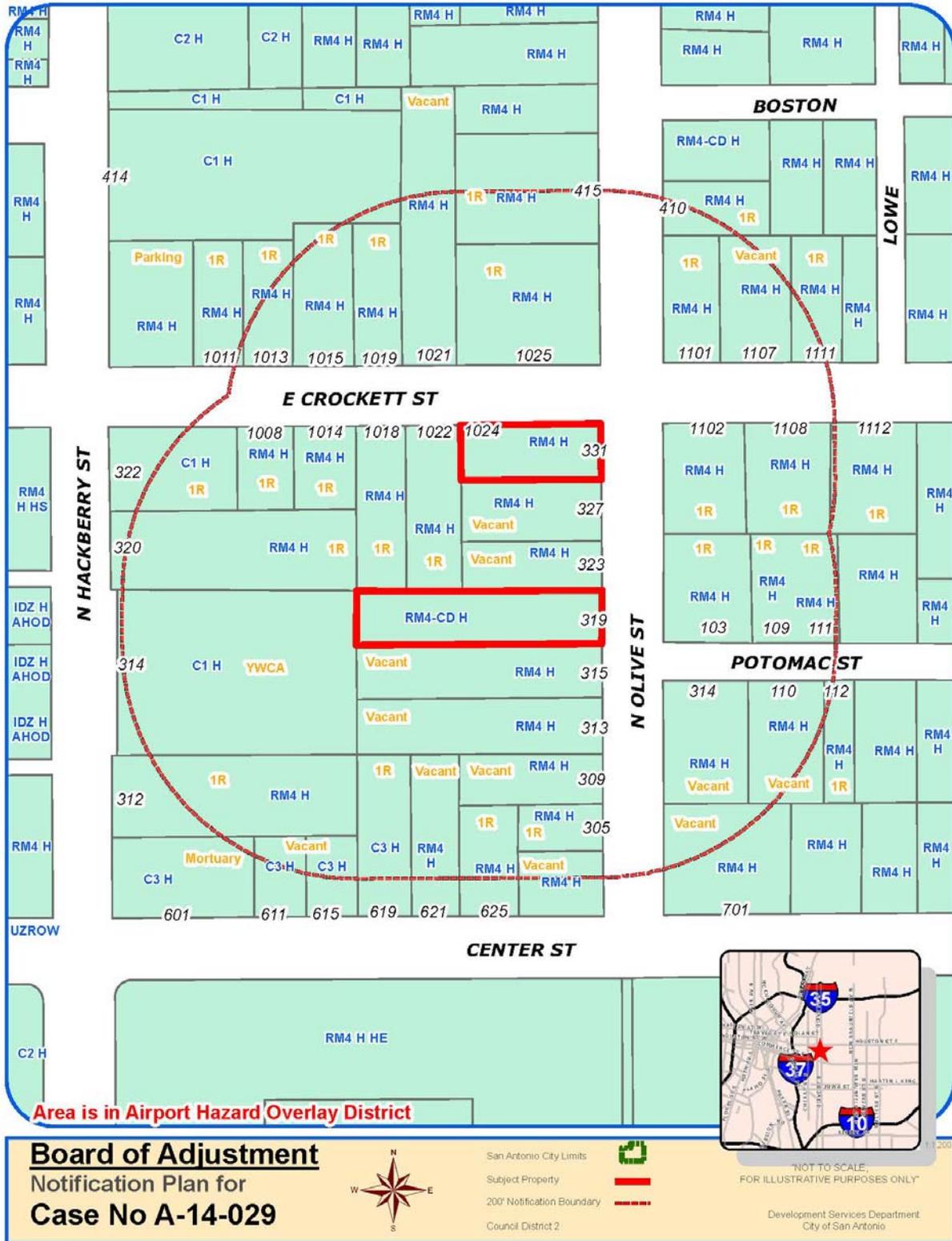
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**

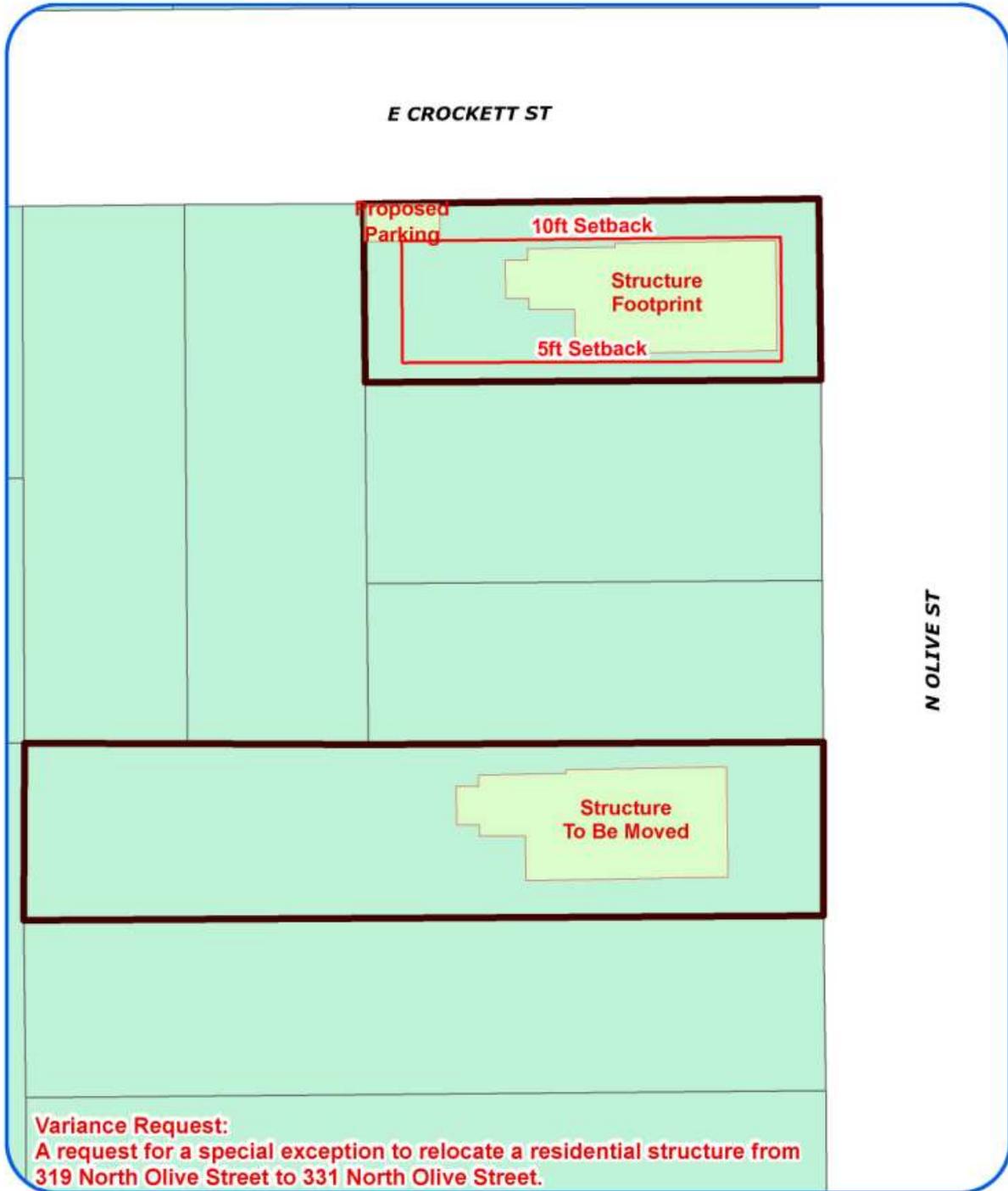


Area is in Airport Hazard Overlay District



| | | | |
|---|--|--|--|
| <p>Board of Adjustment Notification Plan for Case No A-14-029</p> | | <p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 2 </p> | <p>NOT TO SCALE FOR ILLUSTRATIVE PURPOSES ONLY</p> <p>Development Services Department City of San Antonio</p> |
|---|--|--|--|

**Attachment 2
Plot Plan**



Variance Request:
A request for a special exception to relocate a residential structure from 319 North Olive Street to 331 North Olive Street.

Board of Adjustment
Plot Plan for
Case No A-14-029



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 2

319 N. Olive
1032 E. Crockett

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-029

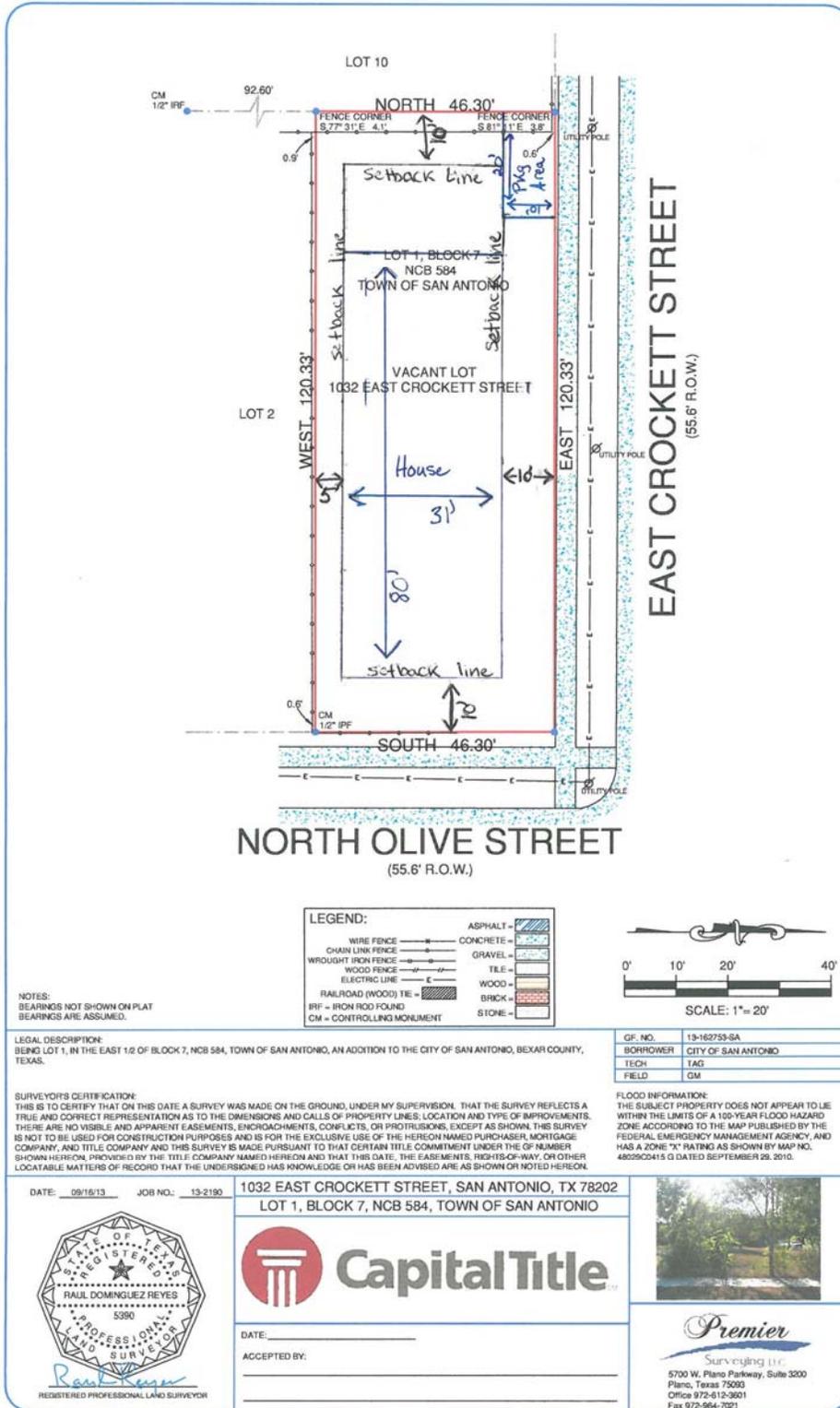


"NOT TO SCALE,
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Council District 2

319 N. Olive
1032 E. Crockett

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-038
Date: March 17, 2014
Applicant: Phil Lane
Owner: Post Newsweek Station, San Antonio, LP
Location: 1408 N. St. Mary's
Legal Description: Lot 24, Block 26, NCB 783
Zoning: "FBZ T-5 RIO-2 AHOD" Form Based Zone, River North Transect, River Improvement Overlay, Airport Hazard Overlay Districts
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 14-foot variance from the maximum height of 4 feet; 2) an 8-foot variance from the maximum width of 4 feet; and 3) a 17 square foot variance from the 8 square feet maximum area to allow a monument sign 18 feet tall 12 feet wide with 25 square feet of sign area.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on February 27, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 28, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before March 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The KSAT broadcasting studio has been operating from the subject location on St. Mary's Street since its inception in 1957. The applicant came to the Board in November of 2012 seeking variances from the Form Based Code provisions to facilitate their renovation and expansion of the broadcast studio. The Board granted their requests to allow their distant setback, parking visible from street and a tall front yard fence. Their 24 hour mission, large heritage trees and old river bottom justified the requested variances. Now they are seeking relief from the sign code

regulations adopted as a part of the form based code initiative. Unfortunately, the sign has already been constructed.

The project architect incorporated a large masonry base as one of the fence support columns, at a height of 8 feet, included in the original construction plans. This base was designed to support the eventual sign. The building permit always includes a notation that “signs require a separate permit”; this notation was included in this permit. According to the applicant, *there was a misunderstanding about which portion of the sign needed a separate permit, so construction of the sign is complete.*

The intent of the specific sign regulations within the form based code is to further enhance the pedestrian experience. Each provision of the code, including the minimal building setback, the screened parking and the low sign profile, is aimed at encouraging walkability. For it to succeed, all of the pieces are required. The previously approved variances were partially justified on a determination that this particular block did not have the components to form the shape and atmosphere to create this desired streetscape. The other uses on the block were influential and include a fire station, a high school, and a funeral home.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|---------------------|
| “FBZ T5-1 RIO-2 AHOD” Form Based Code, Transect 5-1, River Improvement Overlay, Airport Hazard Overlay District | Broadcasting Studio |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|--------------|
| North | “FBZ T5-1 RIO-2 AHOD” Form Based Code, Transect 5-1, River Improvement Overlay, Airport Hazard Overlay District | Fire Station |
| South | “FBZ T5-1 RIO-2 AHOD” Form Based Code, Transect 5-1, River Improvement Overlay, Airport Hazard Overlay District | Mortuary |
| East | “FBZ T6-2 RIO-2 AHOD” Form Based Code, Transect 6-2, River Improvement Overlay, Airport Hazard Overlay District | Vacant |
| West | “FBZ SD HE RIO-2 AHOD” Form Based Code, Specialized District, Historically Exceptional, River Improvement Overlay, Airport Hazard Overlay District | High School |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the River North Master Plan, adopted by the City Council in March, 2009. It is located within the Museum Neighborhood, due to its proximity to

the San Antonio Art Museum. The subject property is also located within the boundary of the Downtown Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment.

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 public's interest is represented by the adoption of the form-based regulations. **These regulations were created to encourage the revitalization of the neighborhood into a mixed-use walkable area. This block does not have the components to contribute to this vision, therefore the sign variance is not contrary to the public interest.**

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

The applicant has explained that the proposed sign is smaller than the existing sign had been. They also assert that it is in an appropriate scale to the building and the 8-foot tall fence. Literal enforcement would require that the sign be dismantled. The Board will have to determine if this results in an unnecessary hardship.

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

For each requested variance, the Board must determine the "spirit" of the ordinance as contrasted with the "strict letter" of the requirement. **The strict letter of the law would require a 4-foot monument sign, which may seem out of scale with the size and design of the site. Therefore, the spirit of the ordinance would be observed by granting the variance.**

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 T5-1 RIO-2 AHOD" zoning district.

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

The applicant suggests that this block has been enhanced by the renovation of their 1950's studio, their widening of the sidewalk, and their installation of the plaza pavers. Allowing the new sign, which is similar in scale to their old sign, will further enhance the revitalized block. Therefore the variance may not alter the character of the 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 owner was under the impression his consultants had arranged all of the details of the project. The sign variance was overlooked. Perhaps granting the previous variance to allow the

8-foot front fencing created the circumstance that now makes the allowed sign size seem so out of place.

Alternatives to Applicant's Request

The applicant can dismantle the sign and construct a new compliant one.

Staff Recommendation

Staff recommends **approval** based on the following findings:

1. The property is inconsistent with the walkable vision for the River North Master Plan area.
2. The requested size is appropriate in scale to the size of the property and the design of the sign observes the spirit of the ordinance.

Attachments

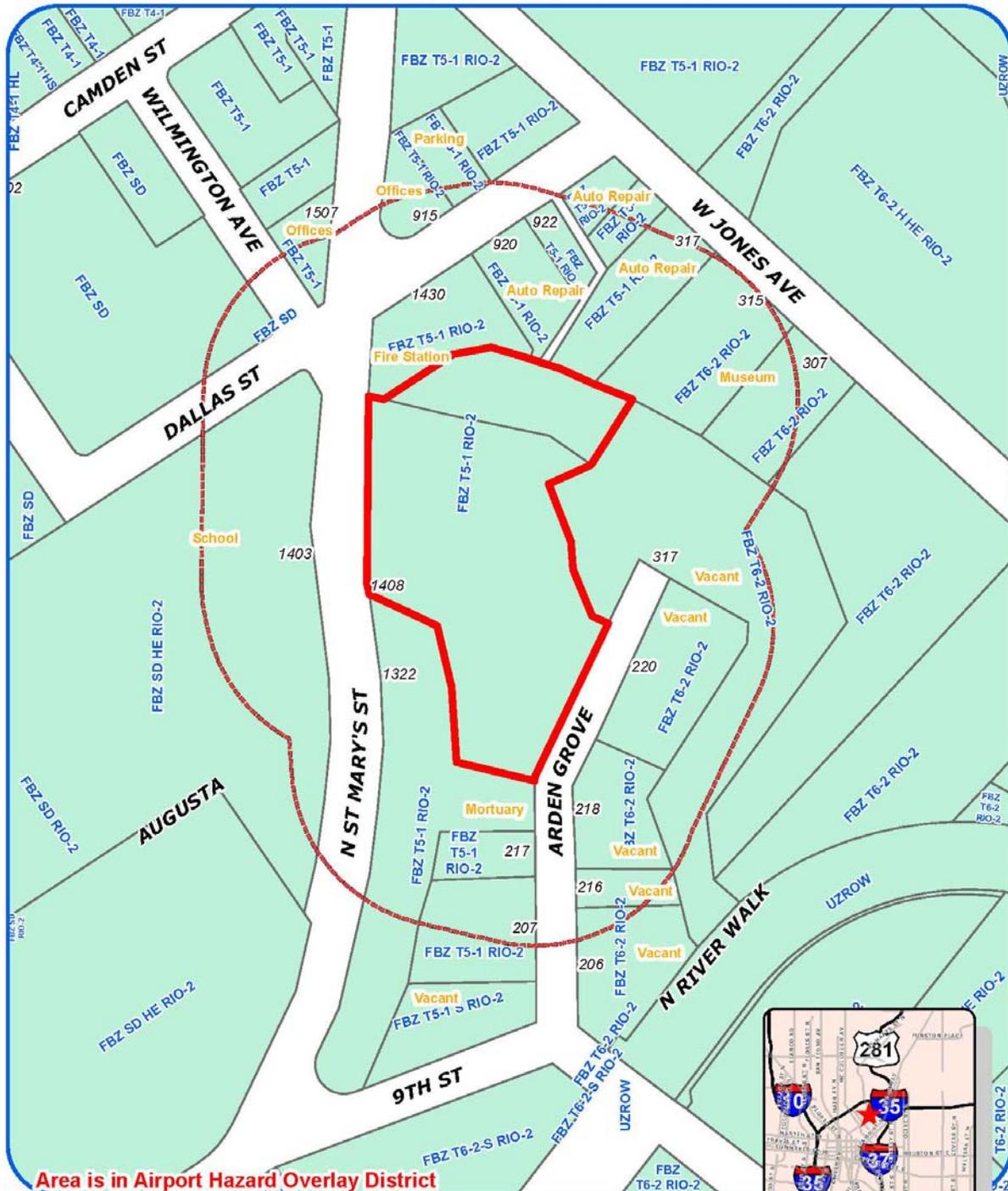
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

Board of Adjustment Notification Plan for Case No A-14-038



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 1



NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY

Development Services Department
City of San Antonio

Attachment 1 Notification Plan (continued)



Area is in Airport Hazard Overlay District



Board of Adjustment Notification Plan for Case No A-14-038

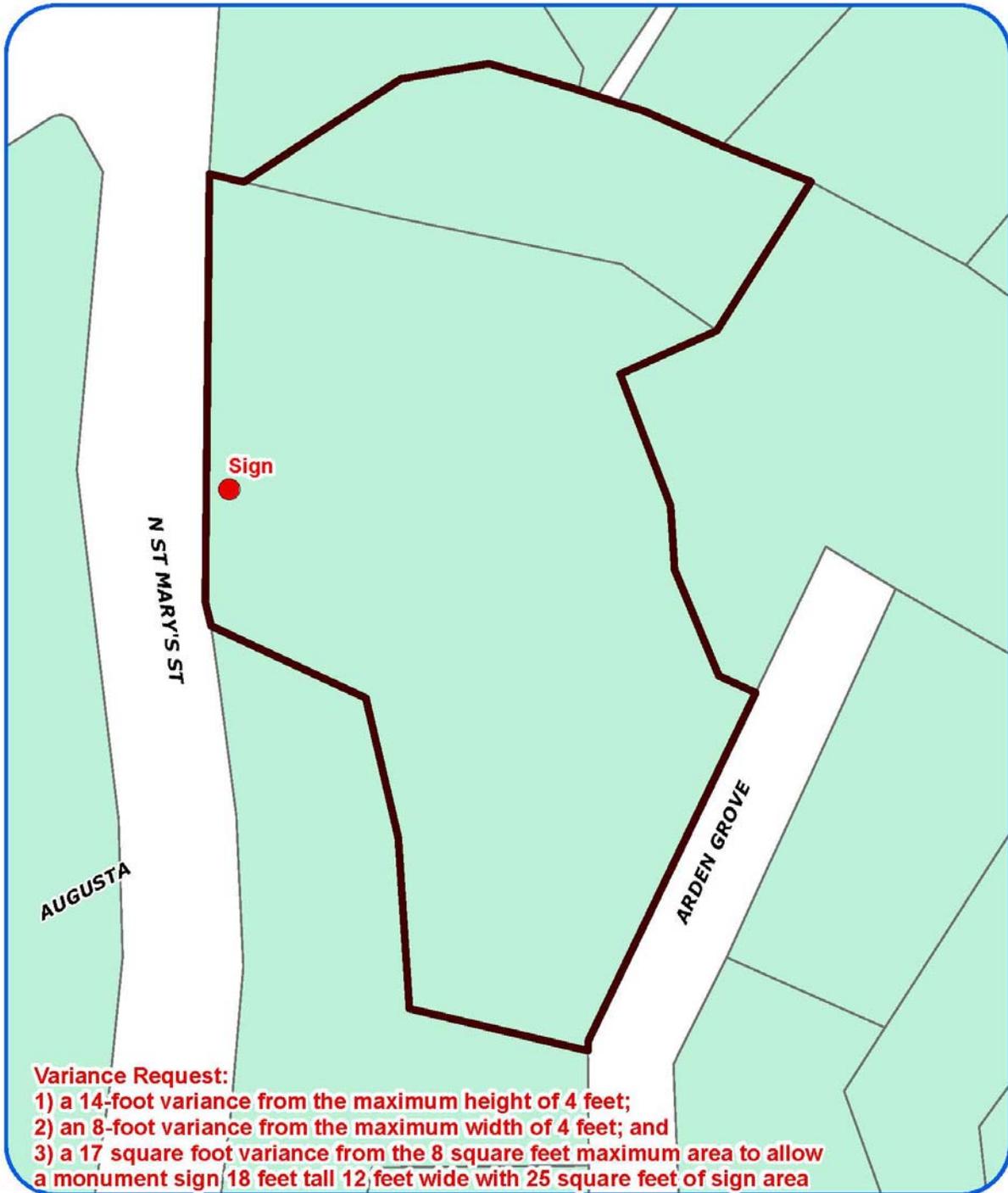


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 1

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Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:
1) a 14-foot variance from the maximum height of 4 feet;
2) an 8-foot variance from the maximum width of 4 feet; and
3) a 17 square foot variance from the 8 square feet maximum area to allow a monument sign 18 feet tall 12 feet wide with 25 square feet of sign area

Board of Adjustment
Plot Plan for
Case No A-14-038



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 1

1408 St. Mary's

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request:
1) a 14-foot variance from the maximum height of 4 feet;
2) an 8-foot variance from the maximum width of 4 feet; and
3) a 17 square foot variance from the 8 square feet maximum area to allow
a monument sign 18 feet tall 12 feet wide with 25 square feet of sign area

Board of Adjustment
Plot Plan for
Case No A-14-038



"NOT TO SCALE,
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Council District 1

1408 St. Mary's

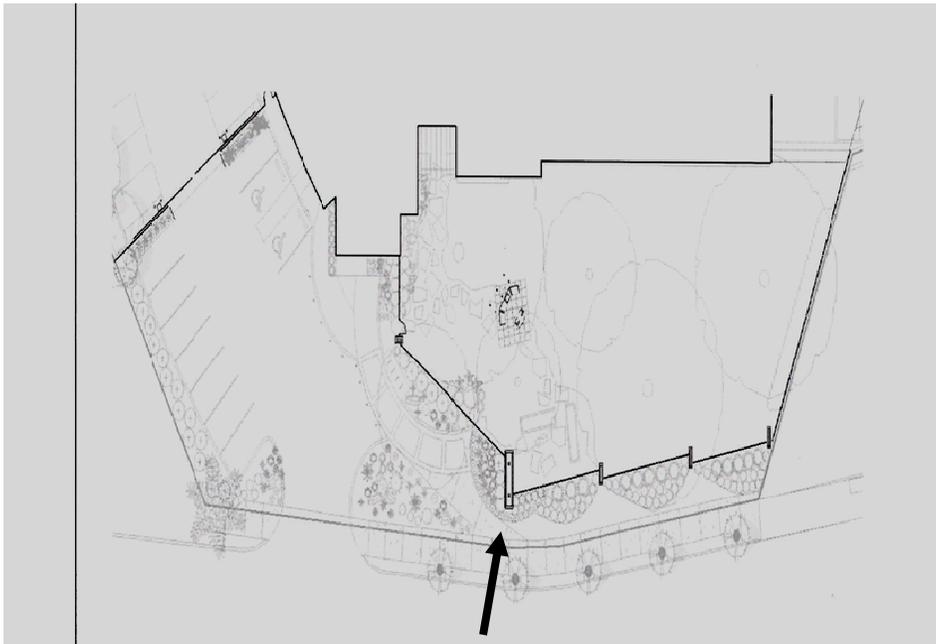
Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



bartlettcocke
ocoarchitects

KSAT Headquarters Renovation and Addition
1408 N. St. Mary's Street San Antonio, Texas 78215



Sign

Attachment 4
Site Photos





**City of San Antonio
Development Services Department
Staff Report**

To: Board of Adjustment
Case No.: A-14-017
Date: March 17, 2014 (Continued from February 3, 2014)
Applicant: Robert D. Lawrence
Owner: Robert D. Lawrence
Location: 7939 Viking Trail
Legal Description: Lot 1, Block 3, NCB 18666
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Osniel Leon, Planner

Request

A request for a 5-foot variance from the required 5-foot side yard setback, as detailed in Table 35-310-1, to allow several accessory structures encroaching into the east side yard setback.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on January 16, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on January 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on January 31, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of Viking Trail, between Mirabella Drive and Gaslamp Lane. The property is currently developed as single-family residence measuring approximately 1,666 square feet, constructed in 1993 per BCAD records. The applicant built a carport, wood shed and an elevated patio deck encroaching into the east side yard setback without first obtaining the required permits and approval from the City.

Pursuant to Table 310-1 of the UDC, buildings in the "R-6" Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line, and five (5) feet from the side property line. Furthermore, per Section 35-516(g) of the UDC, carports may be erected behind the minimum front setback required, so long as twenty (20) feet of total parking area depth is maintained within the lot.

The UDC regulates carports and garages under the identical provisions, calling them accessory structures. Accordingly, Section 35-370 (b) identifies the provisions including the required 5-foot setback from both side and rear property lines. Without any eaves or similar projections, the setback may be reduced to 3 feet.

It should be noted that if the variance request is approved, fireproofing consistent with the International Residential Code (and any other applicable building or city code) will be required. Furthermore, the applicant submitted a signed letter from the adjacent property owner in favor of the requested variance.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---------------------------|
| “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|---------------------------|
| North | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | Multi-Family Residential |
| South | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| East | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| West | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northwest Community Plan. The property is not located within the 200-foot radius of any registered neighborhood association.

Criteria for Review

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

- 1. The variance is not contrary to the public interest.*

Building setbacks are designed to maintain orderly and safe development, and ensure access to air and light. The UDC does not contemplate any situations where the side setback is covered by a structure. The public interest in this case is represented by minimum setbacks established to ensure activities on individual properties do not impact the rights of a neighboring property owner. Setbacks also allow property maintenance.

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

The subject property is not subjected to special conditions that create unnecessary hardship through the literal enforcement of the setback requirements. A literal enforcement of the side setback requirement will require the applicant to relocate the accessory structures five (5) feet from the property line.

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

The variance request is neither in keeping with the spirit of the ordinance nor would granting it do substantial justice. The UDC does not contemplate any situation where structures would be allowed to be placed within the side setback. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent upon accessory structures at the side property line. The subject property has ample space on the lot to comply with the required five (5) feet from the east side property line. The existing single-family residential structure complies with the minimum setback requirements of this district with an approximately 20-foot side yard setback and a 30-foot front setback.

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-6” 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, if approved, may injure adjacent properties and alter the character of the district. By granting this variance, it will set a precedent to more construction of this type in the neighborhood. There is another nonconforming carport on the same block which was cited by Code Compliance on January 9, 2014.

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.*

No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards including fire rated materials and this variance request would not be necessary. The result of the applicant’s action to build accessory structures within the required side yard caused the violation on the property, thus self-imposing hardship.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC setback requirements, or remove the accessory structures, which were constructed without permits.

Staff Recommendation

Staff recommends **denial of A-14-017**, based on the following findings:

1. There are no special conditions or circumstances on the property that warrant the granting of the requested variance.

Attachments

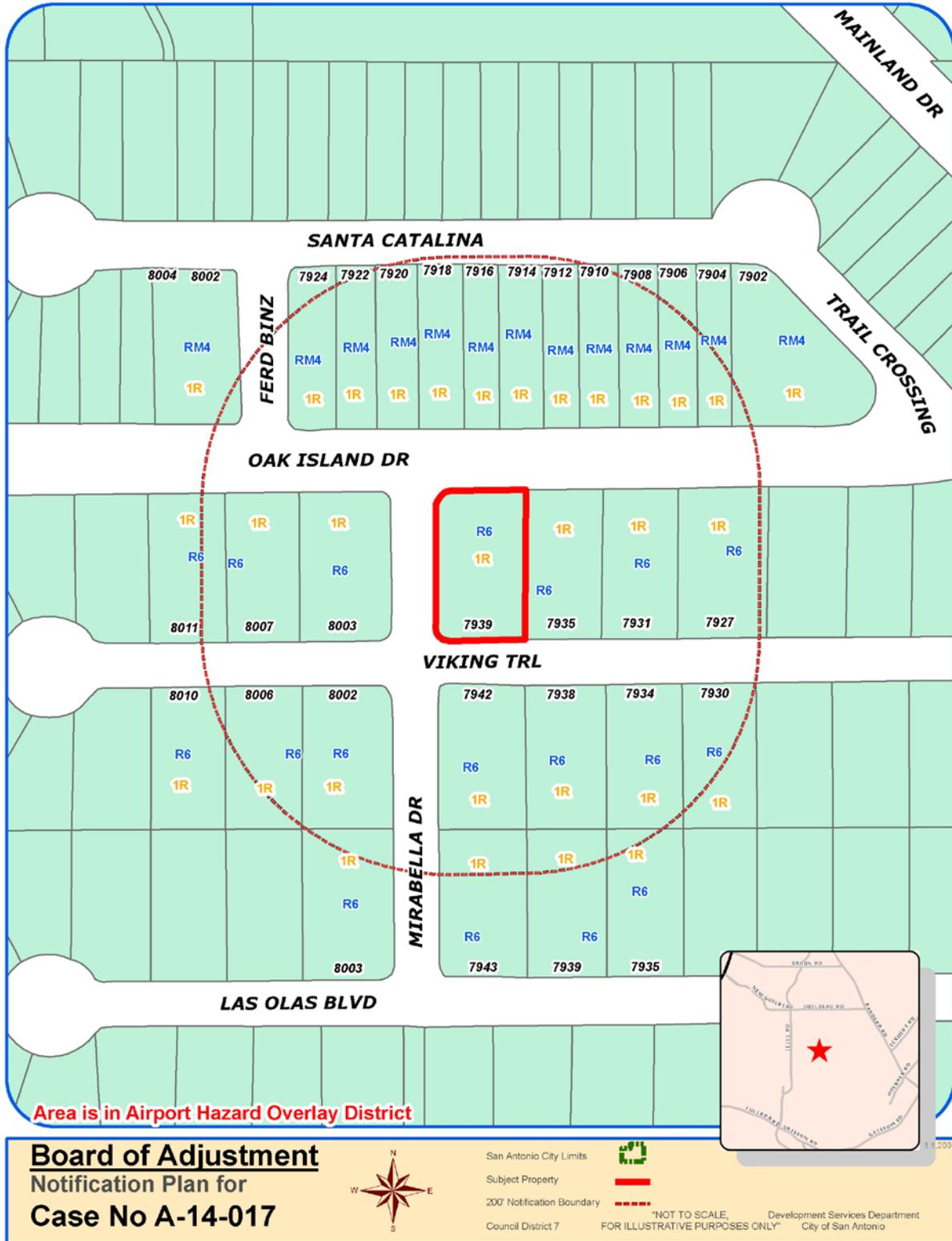
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 –Applicant’s Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 2
Plot Plan**



Variance Request:
A request for a 5-foot variance from the required 5-foot side yard setback to allow several accessory structures encroaching into the east side yard setback.

Board of Adjustment
Plot Plan for
Case No A-14-017

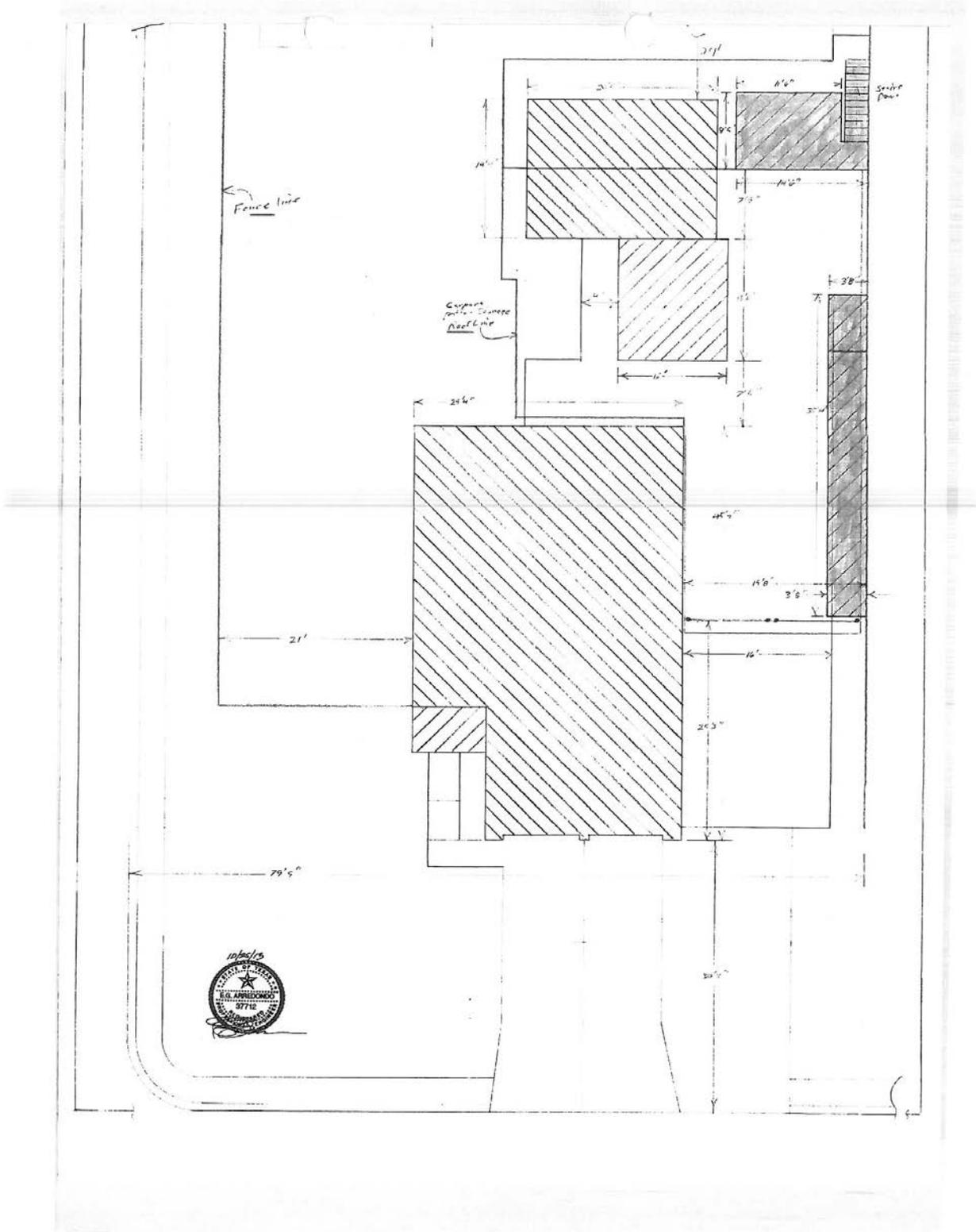


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 7

7939 Viking Trail¹³⁰⁰

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



Attachment 4
Site Photos





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-026 (Continued from March 3, 2014)
Date: March 17, 2014
Applicant: Lisa A. Stafford
Owner: Lisa A. Stafford & Juan Olguin
Location: 205 West Huff
Legal Description: Lot 14, Block 38, NCB 7820
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Osniel Leon, Planner

Request

A request for 1) a 1-foot fence variance from the 6-foot maximum height to allow a 7-foot fence along the side and rear property lines; 2) a variance to allow a sheet, roll or corrugated metal for use as fencing material; 3) a 5-foot variance from the 5-foot minimum side yard setback to allow a garage on the east property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on February 13, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of West Huff Avenue between Ramsdell Street and Sedalia Lane. The property is currently developed as a single-family residence measuring approximately 1,024 square feet, and constructed as of 1926 per BCAD records. A 7-foot corrugated metal fence and a carport that encroaches into the east side yard setback were built without first obtaining the required permits.

Pursuant to Table 310-1 of the UDC, principal structures in the "R-6" Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line and five (5) feet from the side property line. Furthermore, per Section 35-516(g) of the UDC, carports

may be erected within the front yard so long as twenty (20) feet of total parking area depth is maintained within the lot.

The UDC regulates carports and garages under the identical provisions, calling them accessory structures. Accordingly, Section 35-370 (b) identifies the provisions including the required 5-foot setback from both side and rear property lines. Without any eaves or similar projections, the minimum setback for accessory structures may be reduced to 3 feet.

If the variance request is approved, fireproofing consistent with the International Residential Code (and any other applicable building or city code) will be required.

According to Section 35-514 of the UDC, sheet, roll or corrugated metal shall not be used for fencing. Additionally, no fence or wall shall be erected or altered in any side or rear yard to exceed a height of six (6) feet. All solid screen fences allowed to be constructed in excess of six (6) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---------------------------|
| "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|---------------------------|
| North | "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| South | "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| East | "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| West | "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central San Antonio Community Plan. The property is not located within the boundaries or within 200 feet of any registered neighborhood association.

Criteria for Review

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

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

Building setbacks are designed to maintain orderly and safe development and ensure access to air and light. The UDC does not contemplate any situations where the side setback is covered by a

structure. The public interest in this case is represented by minimum setbacks established to ensure activities on individual properties do not impact the rights of a neighboring property owner. Setbacks also allow property maintenance. The variance would be contrary to the public interest.

Fence and wall restrictions are put into place in order to provide orderly development and encourage a sense of community. The UDC does contemplate that sometimes higher fences than that which are normally allowed are sometimes necessary in order for security or to reduce negative visual or noise-related impacts on the enjoyment of one's property. In this request for a variance of an additional foot, the impact to these goals is minimal. Therefore, the variance would not be 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 not subjected to special conditions that create unnecessary hardship through the literal enforcement of the setback requirements. A literal enforcement of the side setback requirement will require the applicant to relocate the carport five (5) feet from the property line, and reduce the height of the fence by 1-foot with city approved materials. The Board will have to determine if this requirement creates an unnecessary hardship for the applicant. Further, the existing fence provisions do not prevent the applicant from developing and using their property in a manner similar to that of other property owners with properties in the same zoning district.

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

The variances requests are neither in keeping with the spirit of the ordinance nor would granting it do substantial justice. The UDC does not contemplate any situation where structures would be allowed to be placed within the side setback. The subject property is not uniquely influenced by oppressive conditions.

Perimeter fencing is a common and generally accepted improvement to one's property. In addition to security, fencing serves as a visual delineation between properties and property boundaries. In this case, substantial justice is done by encouraging the applicant to comply with the existing regulations.

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-6" 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, if approved, may injure adjacent properties and alter the character of the district. By granting this variance, it will set a precedent to more construction of this type in the neighborhood.

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.*

No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards including fire rated materials and the requested variances would not be necessary. The result of building a carport within the required side yard caused the violation on the property, thus self-imposing a hardship.

Fencing is more difficult to justify as a variance than the special exception process; there has to be a property-related feature that distinguishes it from others in the area. In this case, no unique characteristics have been identified. Instead, the applicant has invested in construction of a metal fence above the maximum height of 6-feet, a self-imposed hardship.

Alternatives to Applicant's Request

The alternative to the applicant's request is to comply with the UDC setback requirements, or remove the carport, and reduce the fence height to 6-feet with approved materials to maintain rear and side yard fencing consistent with what is allowed by right; or remove the fence.

Staff Recommendation

Staff recommends **denial of the request for 1) to allow a sheet, roll or corrugated metal for use as fencing material 2) a 5-foot minimum side yard setback to allow a garage on the east property line. Approval of the request for a 1-foot fence variance from the 6-foot maximum height to allow a 7-foot fence along the side and rear property lines** based on the following findings:

1. There are no special conditions or circumstances on the property that warrant the granting of the requested side yard setback variance.
2. There are no unique property-related circumstances which warrant a modification to the prohibition against metal as appropriate fencing material.
3. In this request for a fence height variance of an additional foot, the impact is minimal. Therefore, the variance would not be contrary to the public interest.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

**Attachment 2
Plot Plan**



Variance Request:
1) a 1-foot fence variance from the 6-foot maximum allowed height within the side and rear yards;
2) a variance to allow a sheet, roll or corrugated metal fence;
3) a 5-foot variance from the 5-foot minimum side yard setback to allow a garage on the east property line.

Board of Adjustment
Plot Plan for
Case No A-14-026



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 3

205 W Huff

1:300

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**

PLOT PLAN

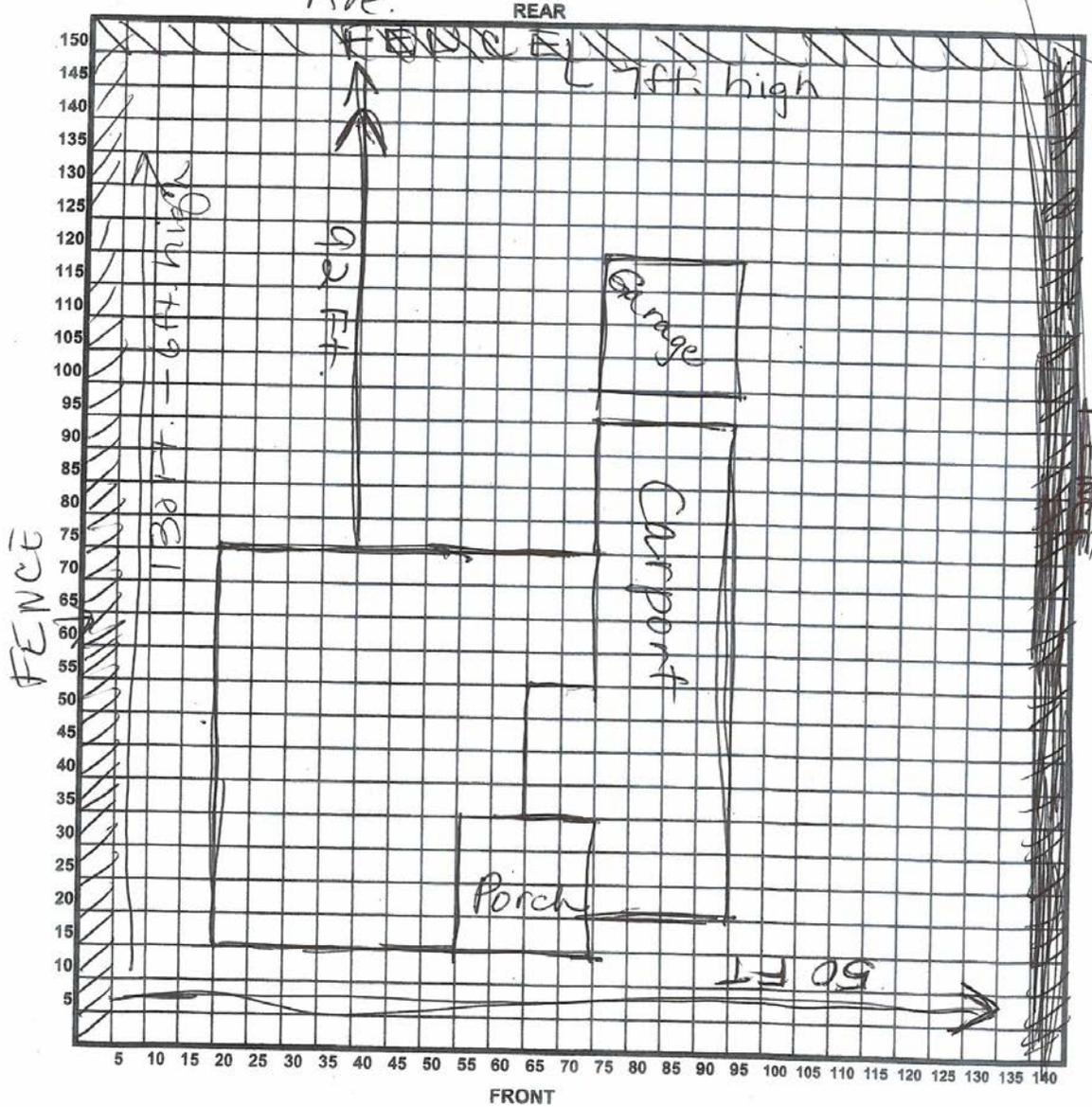
FOR
BLDG PERMITS

Address 205 W. Huff
Ave.

Lot 14

Block 38

NCB 7820



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 2012 IRC

_____ Date

_____ Signature of Applicant

Attachment 4
Site Photos





**City of San Antonio
Development Services Department
Staff Report**

To: Board of Adjustment
Case No.: A-14-035
Date: March 17, 2014
Applicant: Javier C. Solis
Owner: Javier C. & Rosa Maria Solis
Location: 758 Kirk Place
Legal Description: Lot 6, Block 7, NCB 6774
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Osniel Leon, Planner

Request

A request for a 3-foot variance from the 5-foot required side yard setback to allow a carport 2-feet from the side property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on February 27, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 28, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on March 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the south side of Kirk Place, between Carolyn Street and South Zarazamora. The property is currently developed as a single-family residence measuring approximately 954 square feet, constructed in 1925 per BCAD records. The applicant built a carport encroaching into the east side yard setback without first obtaining the required permits and approval from the City.

Pursuant to Table 310-1 of the UDC, buildings in the "R-6" Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line, and five (5) feet from the side property line. Furthermore, per Section 35-516(g) of the UDC, carports may be erected behind the minimum front setback required, so long as twenty (20) feet of total parking area depth is maintained within the lot.

The UDC regulates carports and garages under the identical provisions, calling them accessory structures. Accordingly, Section 35-370 (b) identifies the provisions including the required 5-foot setback from both side and rear property lines. Without any eaves or similar projections, the setback may be reduced to 3 feet.

If the variance request is approved, fireproofing consistent with the International Residential Code, gutters (and any other applicable building or city code) will be required.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---------------------------|
| “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|---------------------------|
| North | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| South | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Salvage yard |
| East | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |
| West | “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Kelly/South San Pueblo Community Plan. The property is not located within the 200-foot radius of any registered neighborhood association.

Criteria for Review

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

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

Building setbacks are designed to maintain orderly and safe development, and ensure access to air and light. The UDC does not contemplate any situations where the side setback is covered by a structure. The public interest in this case is represented by minimum setbacks established to ensure activities on individual properties do not impact the rights of a neighboring property owner and allow for property maintenance.

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

The subject property is not subjected to special conditions that create unnecessary hardship through the literal enforcement of the setback requirements. A literal enforcement of the side setback requirement will require the applicant to relocate the carport three (3) feet to maintain the minimum side yard setback from the property line. The Board will have to determine if this requirement creates an unnecessary hardship for the applicant.

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

The variance request is neither in keeping with the spirit of the ordinance nor would granting it do substantial justice. The UDC does not contemplate any situation where structures would be allowed to be placed within the side setback. The subject property is not uniquely influenced by oppressive conditions. In this case, substantial justice is done by encouraging the applicant to comply with the existing regulations.

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-6” 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, if approved, may injure adjacent properties and alter the character of the district. By granting this variance, it will set a precedent to more construction of this type in the neighborhood.

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.*

No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards including fire rated materials and this variance request would not be necessary. The result of the applicant’s action to build a carport within the required side yard caused the violation on the property, thus self-imposing the hardship.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC setback requirements, or remove the carport.

Staff Recommendation

Staff recommends **denial of A-14-026**, based on the following findings:

1. There are no special conditions or circumstances on the property that warrant the granting of the requested variance.

Attachments

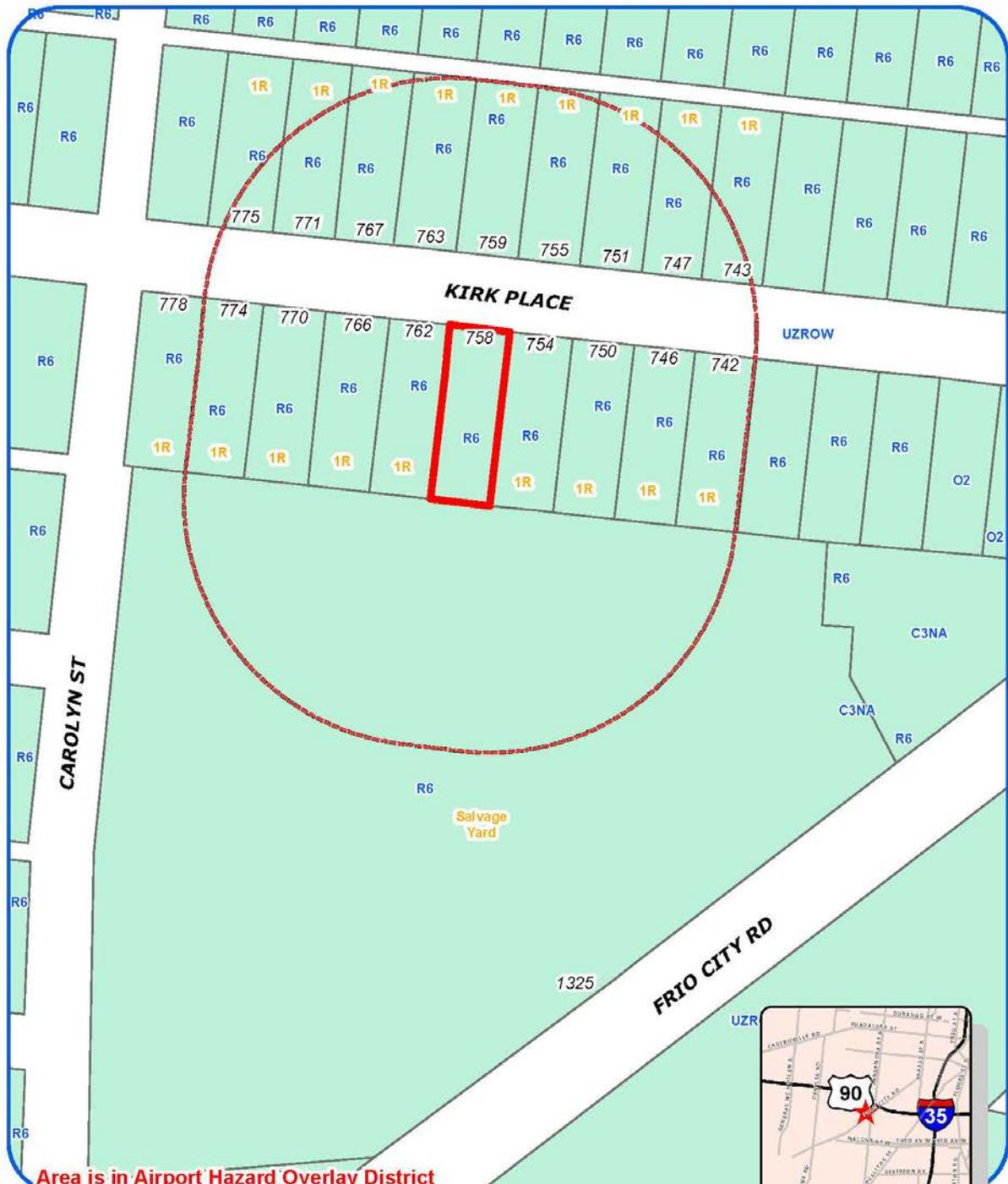
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

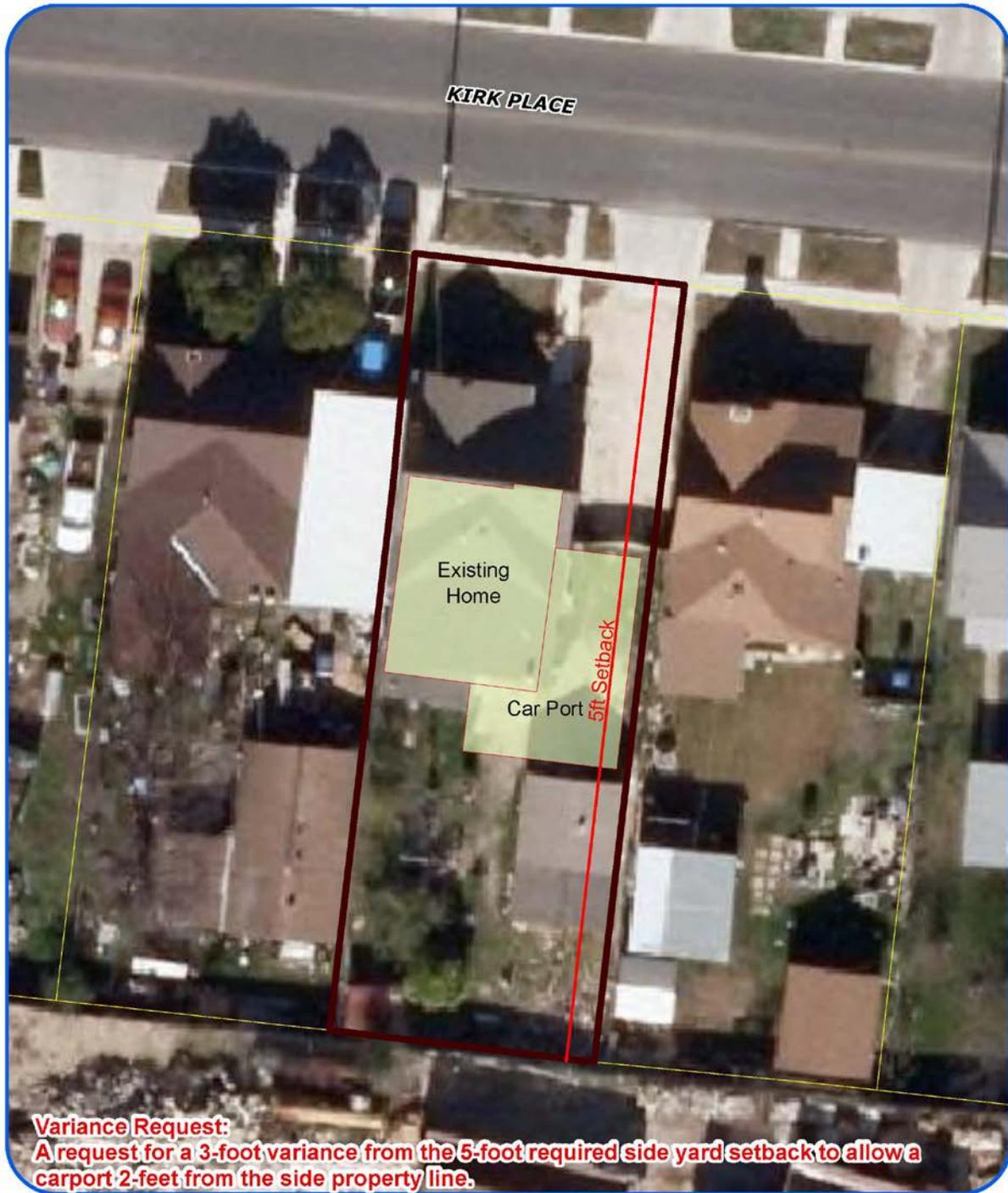
Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

| | | | |
|---|--|---|--|
| <p>Board of Adjustment Notification Plan for Case No A-14-035</p> | | <p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 5</p> | <p></p> <p style="font-size: small;">NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY</p> <p style="font-size: x-small;">Development Services Department City of San Antonio</p> |
|---|--|---|--|

**Attachment 2
Plot Plan**



Variance Request:
A request for a 3-foot variance from the 5-foot required side yard setback to allow a carport 2-feet from the side property line.

Board of Adjustment
Plot Plan for
Case No A-14-035



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 5

758 Kirk

1 270

Development Services Department
City of San Antonio

**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-036
Date: March 17, 2014
Applicant: Buck Benson
Owner: Arroyo Management, LLC
Location: 1333 Santa Barbara Street
Legal Description: Lot 19, Block 28, NCB 7151
Zoning: "MF-18 AHOD" Limited Density Multi-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) a variance from Table 310-1 of the UDC for a 3.5-foot variance from the 5-foot required side yard for both side yards to allow a structure 1.5 feet from each side property line and 2) a variance from Table 310-1 of the UDC for a 15-foot variance from the 20-foot rear yard setback to allow a structure on the rear property line adjacent to a 10-foot wide alley.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. 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 or before February 27, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 28, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before March 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of Santa Barbara Street, approximately 56 feet east of Catalina Avenue. The site is currently developed with a non-conforming single-family residential structure. The structure was built without proper permits, and was originally intended to be an accessory dwelling unit. Since its construction, however, the other main structure on the property has been demolished, and the subject structure is now the only structure on the property.

The applicant is requesting to keep the current structure in its present form. Because the structure is a single dwelling unit, and because it is the only dwelling unit on the subject property, the applicable setbacks are those of the “R-4” base zoning district, not the “MF-18” base zoning district.

It should be noted that the lot to the west of the subject property, developed with a duplex, is under common ownership with the subject property. It is the intent of the applicant for the two lots to function as a single development. Further, the structure abuts an open alley to the rear – were this an accessory dwelling unit or accessory structure, a rear yard setback would not be needed, due to the width of the alley.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|-------------------------|
| “MF-18 AHOD” Limited Density Multi-Family Airport Hazard Overlay District | Single-Family Residence |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|-------------------------|
| North | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |
| South | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |
| East | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |
| West | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Duplex |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Near Northwest Community Plan (designated as Medium Density Residential). The subject property is also located within the boundaries of the Los Angeles Heights Neighborhood Association, a registered neighborhood association; as such, they were notified and asked to comment.

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:

- The variance is not contrary to the public interest:*

Building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings. **Because of the common**

ownership of the adjacent lot, and because of the alley to the rear, the requested variance is not contrary to the public interest.

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

Because of the common ownership of the adjacent lot, and because of the width of the alley directly adjacent to the rear of the structure, a special condition exists on the property to warrant 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 spirit of the ordinance will be observed because of the function and use of the subject property as well as the function and use of the adjacent property to the west as well as the depth of the alley.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “MF-18” Limited Density Multi-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, if approved, will not substantially injure adjacent conforming properties, because of the common ownership of the adjacent property and use of the adjacent property.

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

The unique circumstances existing on the property were not caused by the applicant, but are rather due to the function and appropriate use of the property.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to demolish the existing single-family structure and construct a compliant structure.

Staff Recommendation

Staff recommends **approval** because of the following reasons:

- The adjacent property is under common ownership with the subject property and is developed as a duplex.

- The subject property abuts a platted alley to the rear which provides sufficient building separation.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

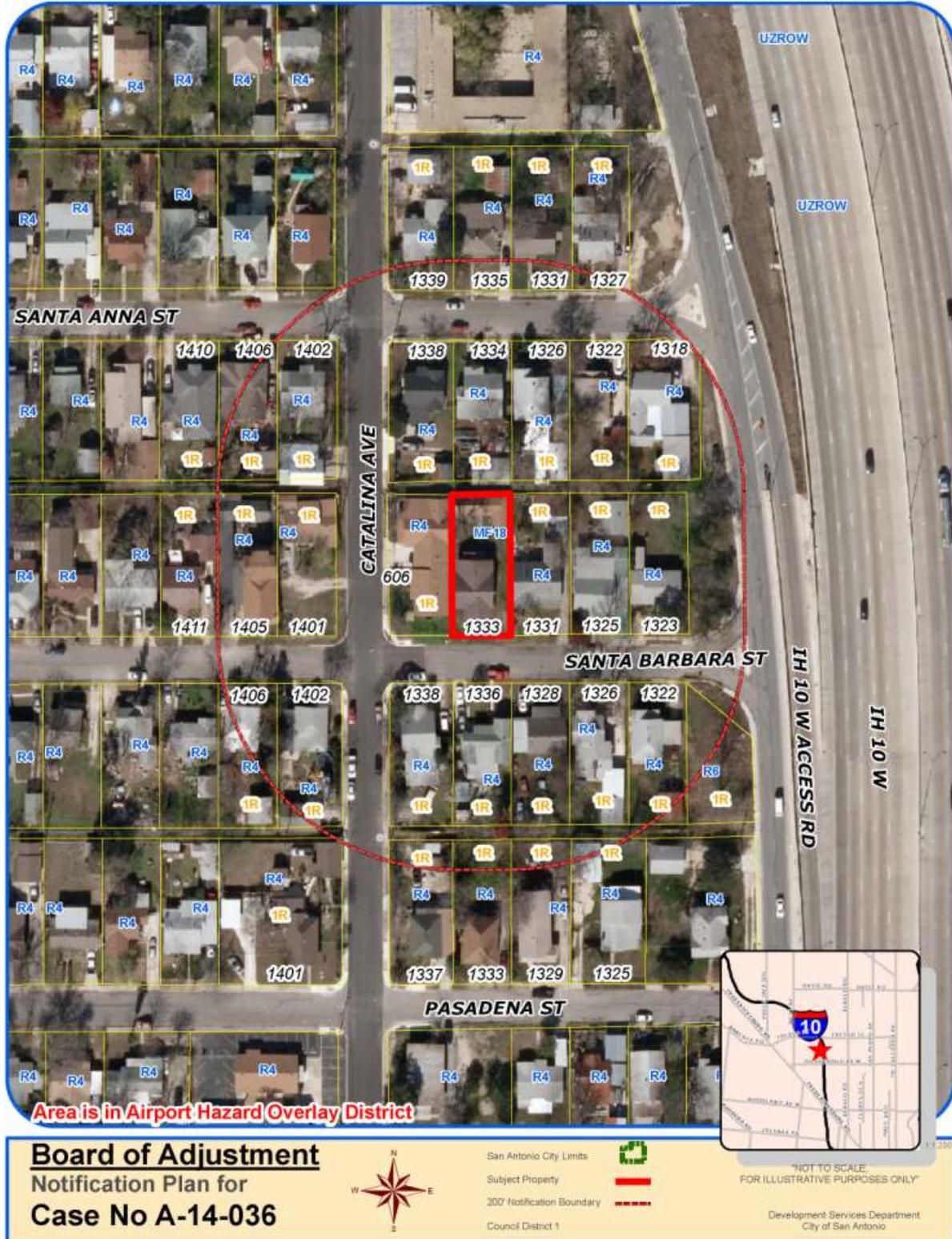
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

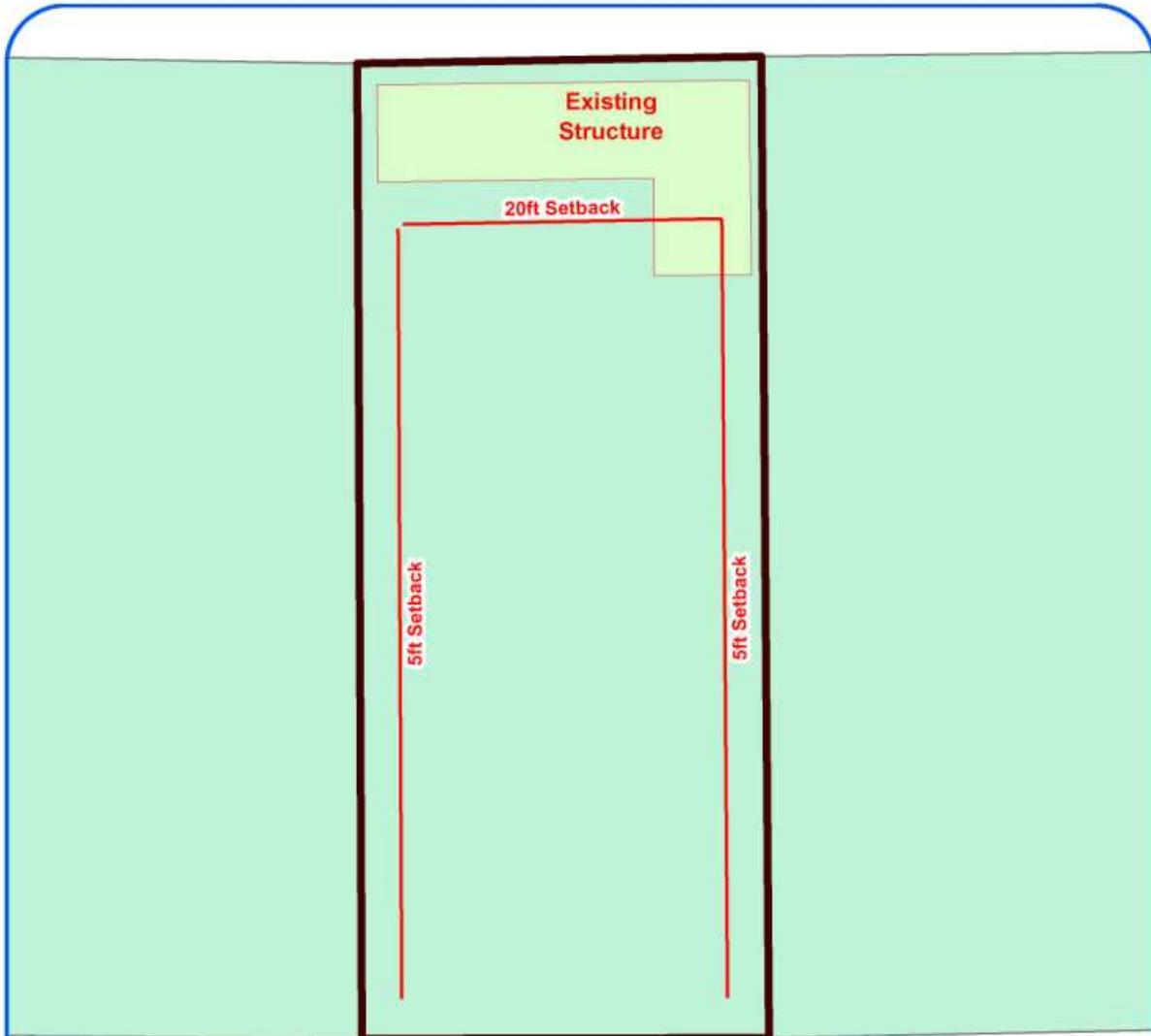
Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Attachment 2
Plot Plan**



SANTA BARBARA ST

Variance Request:

- 1) a 3.5-foot variance from the 5-foot required side yard for both side yards to allow a structure 1.5 feet from each side property line,
- 2) a 15-foot variance from the 20-foot rear yard setback to allow a structure on the rear property line adjacent to a 10-foot wide alley.

Board of Adjustment
Plot Plan for
Case No A-14-036



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 1

1333 Santa Barbara

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-036



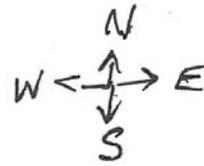
"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 1

1333 Santa Barbara

Development Services Department
City of San Antonio

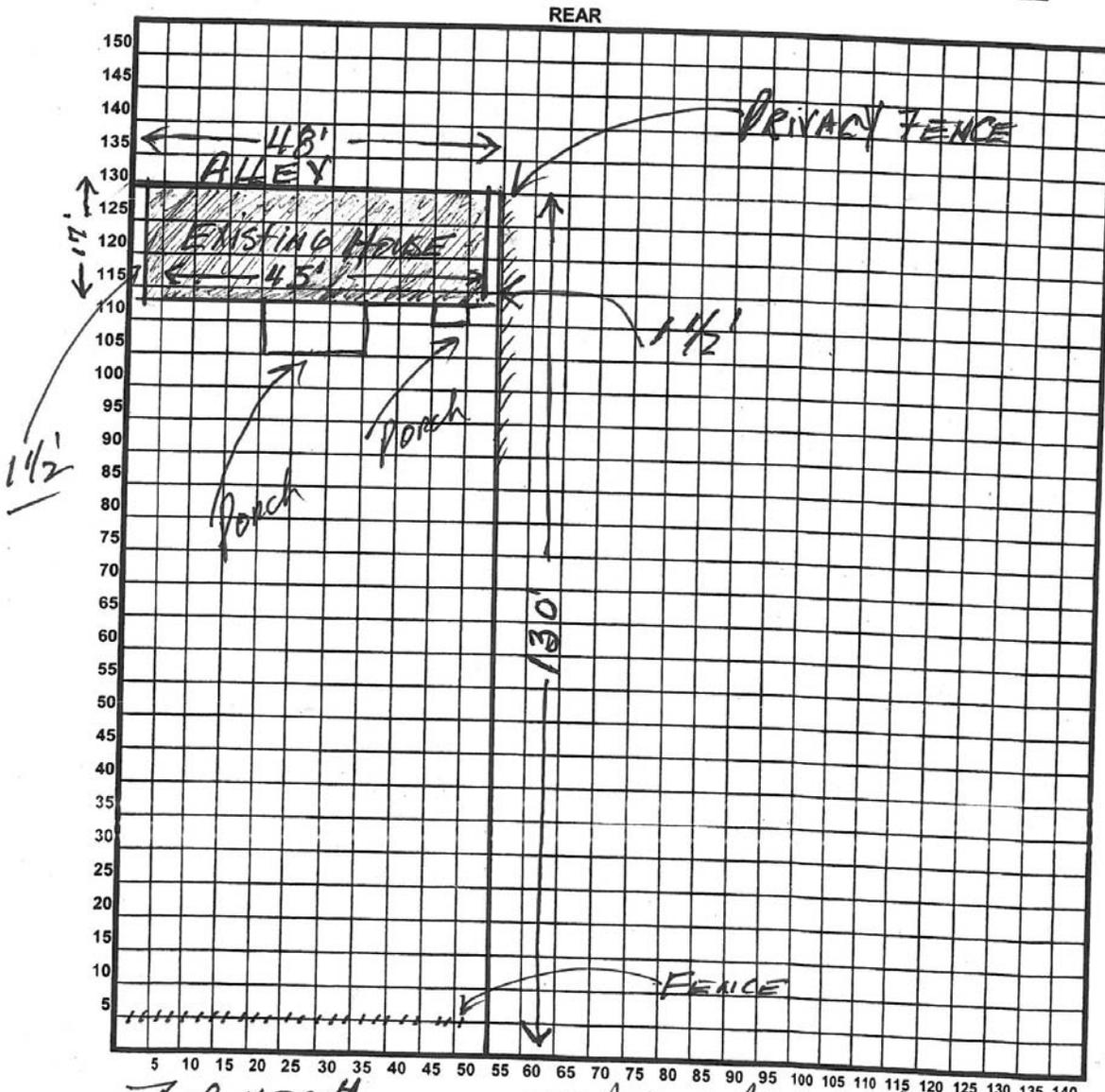
**Attachment 3
Applicant's Site Plan**

*ATTACHMENT 3
APPLICANT'S SITE PLAN*



**PLOT PLAN
FOR
BLDG PERMITS**

Address 1333 SANTA BARBARA Lot _____ Block _____ NCB _____



Feb 11, 2014

Applicant *Arroyo Mont LLC*
Arroyo Mont LLC

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 2012 IRC

**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-037
Date: March 17, 2014
Applicant: Jesse & Edna Quintero
Owner: Jesse & Edna Quintero
Location: 142 McNeel
Legal Description: E. 60 ft of the W. 70 ft of Lot 13, Block 1, NCB 8101
Zoning: "R-6 NCD-7 AHOD" Residential Single-Family Jefferson Neighborhood Conservation District Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) 5-foot variance from the maximum 15-foot curb cut width and 2) an 8-foot variance from the maximum 12-foot driveway width to allow a driveway 20 feet wide.

Procedural Requirements

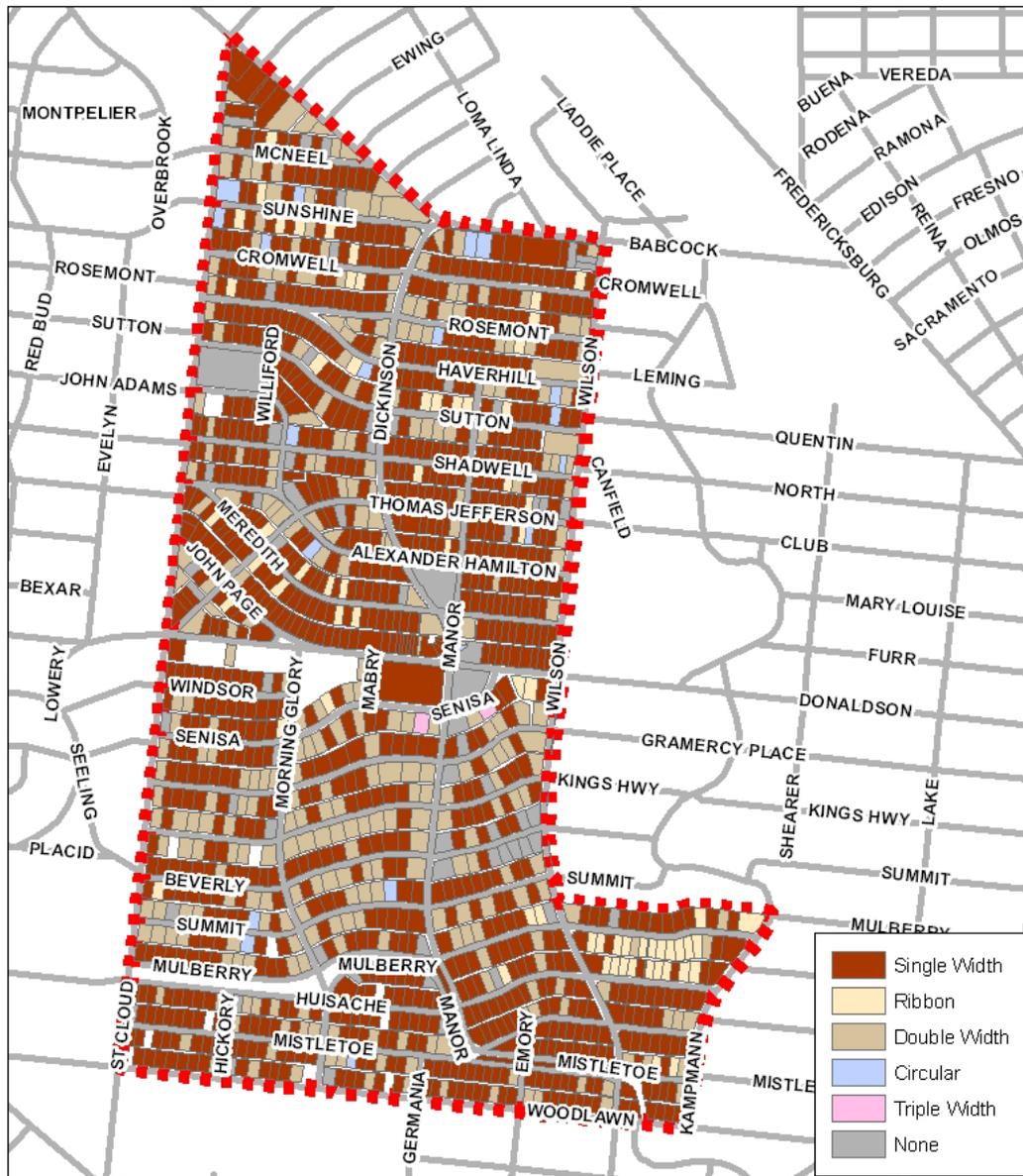
A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on February 27, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 28, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before March 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property measures 60 feet in width and 160 feet in depth for a lot area of 9,600 square feet. The home was constructed in 1950. It had the ribbon driveway, likely installed when the home was built. The applicant has owned the home for over 35 years and recently decided to install a new driveway. He accepted bids and hired a contractor who claimed to have taken care of everything. Unfortunately, the requirements of the Neighborhood Conservation District were not considered. A Code compliance officer cited the homeowners for their non-compliant driveway. Though there are several other similar driveways on their block, theirs appeared to have been recently installed.

Jefferson Neighborhood Conservation District (NCD)

The Jefferson Neighborhood Conservation District was adopted in 2009 as the seventh conservation district. Between the adoption of the first conservation district in 2002 and Jefferson, the regulations became more specific and more comprehensive. The intent however remained the same, to preserve the unique features and characteristics of the neighborhood as the homes age. To that end, an inventory of styles was compiled and identifying features cataloged. Driveway width was one of these features and was limited to a 15-foot wide curb cut and a 12-foot wide driveway.



City of San Antonio Planning & Development Services
1000 S. Alamo
San Antonio, TX 78205

Jefferson NCD Driveway Configuration City of San Antonio



0 500 1,000 2,000 Feet

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---------------------|
| “R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District | Residential |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|---------------------|
| North | “R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District | Residential |
| South | “R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District | Residential |
| East | “R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District | Residential |
| West | “R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District | Residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Near Northwest Community Plan, adopted by the City Council in February 2002. The future land use plan designates this property as appropriate for low-density residential uses. The subject property is also located within the boundary of The Jefferson Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment.

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 public’s interest is represented by the adoption of the NCD regulations. These regulations were created to prohibit the proliferation of wide driveways.

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

The applicant has explained that the width of the driveway is necessary because of the age and ability of the residents and neighbors. Literal enforcement would require that a portion of the driveway be destroyed. The Board will have to determine if this results in an unnecessary hardship.

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

For each requested variance, the Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the requirement. This is sometimes determined by the percentage of the requested modification. In this case, the applicant is requesting a 66% increase in the allowed width of the driveway. Therefore, the spirit of the ordinance would not be observed by granting the variance.

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-6 NCD-7 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 applicant submitted six examples of non-conforming driveways out of the 25 homes on this block of McNeel Road. This block however is not within a heavily traveled portion of the neighborhood and is somewhat isolated. Therefore the variance may not alter the character of the 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.*

There seem to be no unique circumstances existing on the property which warrant a modification of the regulations. The applicant is requesting the variance to assist in transporting his family and friends with limited abilities; the extra width reduces the stress of transferring from a wheelchair to the car.

Alternatives to Applicant’s Request

The applicant can ask the original contractor to make the driveway consistent with allowances in the district.

Staff Recommendation

Staff recommends **denial** based on the following findings:

1. The lot is a typical, rectangular lot, with no apparent unique property-related features.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

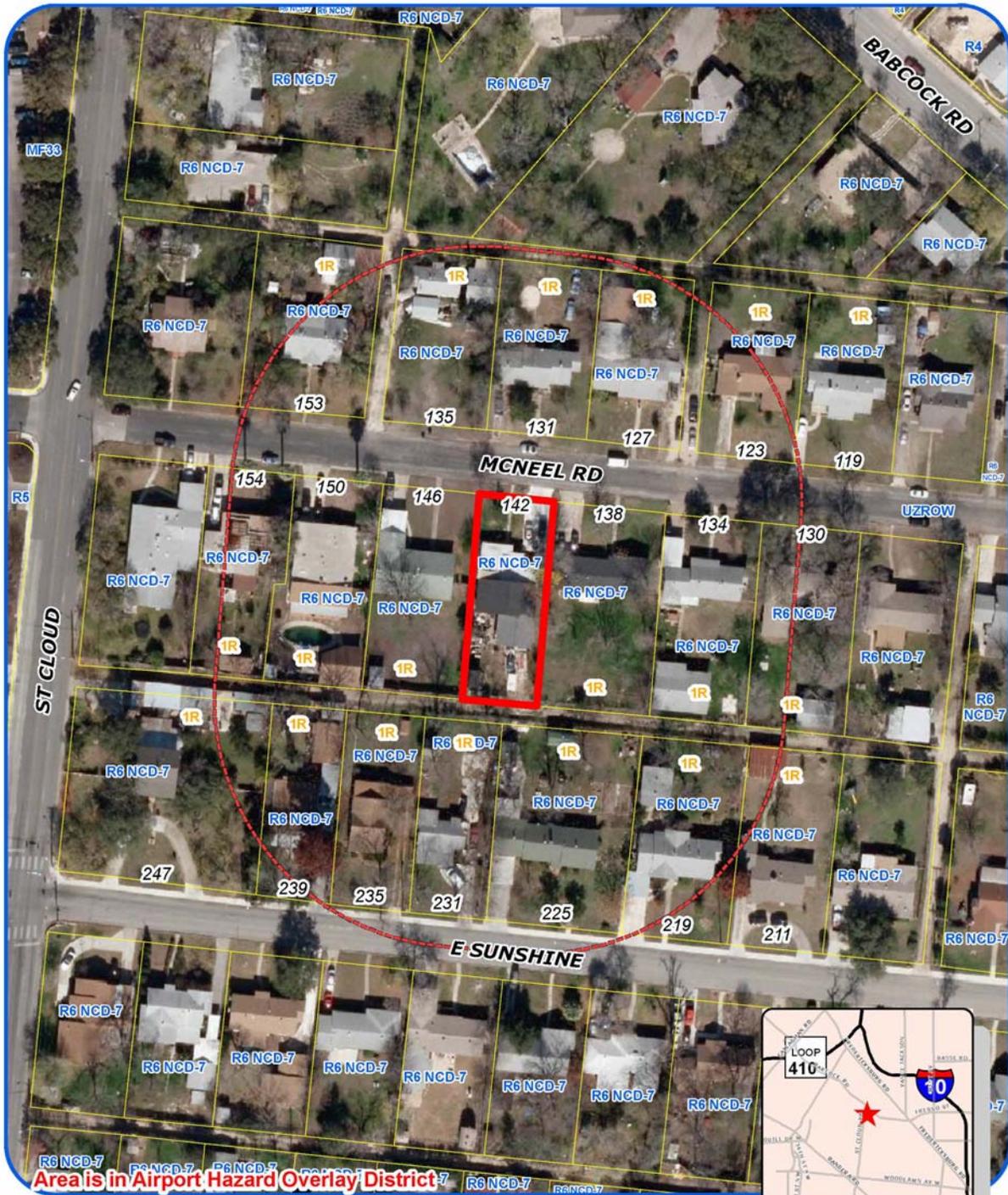
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



Attachment 1 Notification Plan (continued)



Board of Adjustment
Notification Plan for
Case No A-14-037



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Variance Request:
1) 5-foot variance from the maximum 15-foot curb cut width and
2) an 8-foot variance from the maximum 12-foot driveway width to allow a driveway 20 feet wide.

Board of Adjustment
Plot Plan for
Case No A-14-037



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 7

142 McNeel

Development Services Department
City of San Antonio

1.270

Attachment 2
Plot Plan (continued)



Variance Request:

- 1) 5-foot variance from the maximum 15-foot curb cut width and
- 2) an 8-foot variance from the maximum 12-foot driveway width to allow a driveway 20 feet wide.

Board of Adjustment
Plot Plan for
Case No A-14-037



*NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY*
Council District 7

142 McNeel

Development/Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

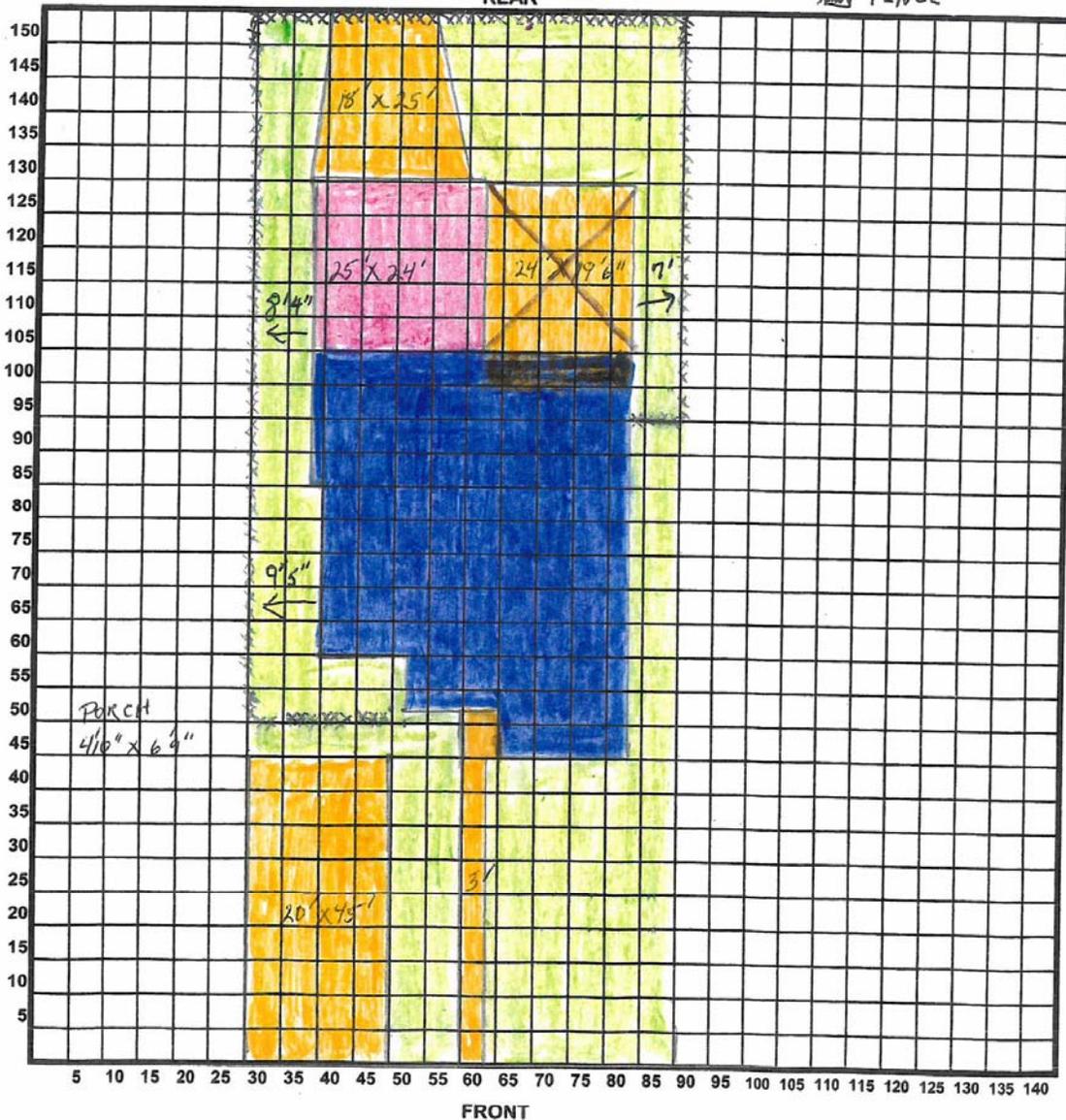
PLOT PLAN FOR BLDG PERMITS

Address 142 McNEEL RD

Lot E 60 FT OF
WEST 70 FT OF 13
REAR

Block 1

- CEMENT SURFACE
- COVERED PATIO
- YARD
- LIVING QUARTERS
- GARAGE
- NCB 8101
- FENCE



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 2012 IRC

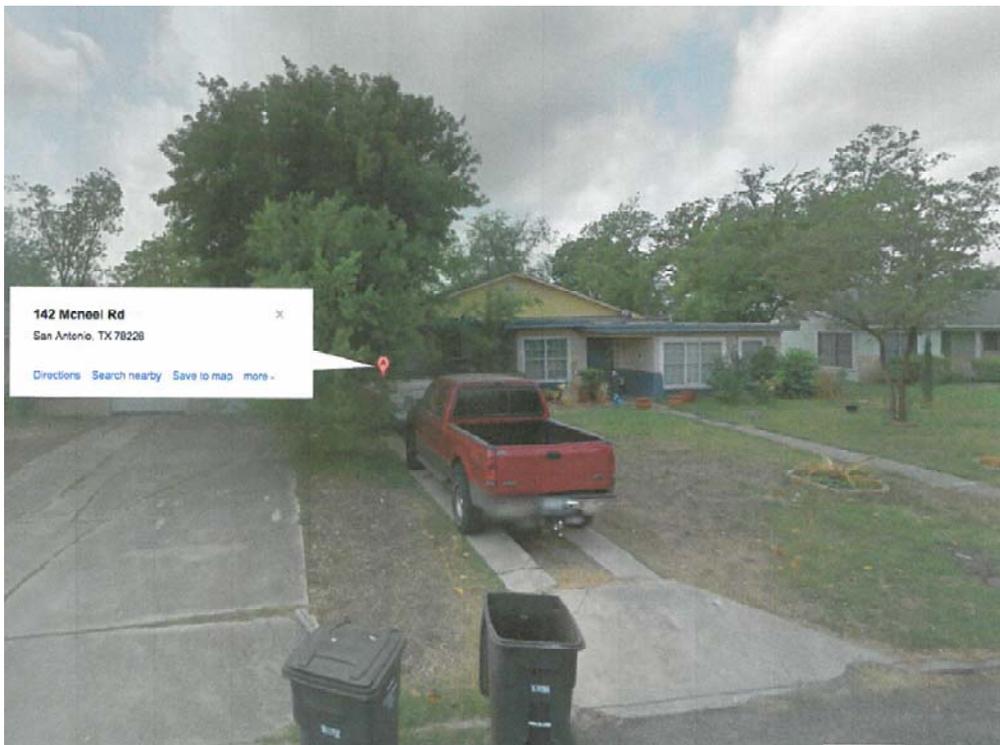
Date

Signature of Applicant

**Attachment 4
Site Photos**



ATTACHMENT C





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-039
Date: March 17, 2014
Applicant: Gilbert Menchaca
Owner: Gilbert Menchaca
Location: 4911 Bartmer Street
Legal Description: Lot 22, Block 29, NCB 11469
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) a variance from Table 310-1 of the UDC for a 1-foot, 6-inch variance from the 5-foot required rear yard to allow an accessory structure 3 feet, 6 inches from the rear property line and 2) a variance from Table 310-1 of the UDC for an 8-inch variance from the 5-foot required side yard to allow an accessory structure 4 feet, 4 inches from the side property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. 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 or before February 27, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 28, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before March 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of Bartmer Street, approximately 50 feet west of the end of the street. The site is currently developed with a single-family residential structure and an accessory detached dwelling unit (ADDU). The ADDU is connected to another structure which serves as a garage and storage, and was constructed without proper permits and does not meet rear or side setbacks. The applicant requests to keep the constructed dwelling unit as is.

Should the variances be approved, the applicant would still need to obtain proper permits for the structure.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---|
| "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residence with Accessory Detached Dwelling Unit |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|-------------------------|
| North | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |
| South | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |
| East | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |
| West | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Residence |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan (designated as General Urban Tier). The subject property is also located within the boundaries of the Culebra Park Neighborhood Association, a registered neighborhood association; as such, they were notified and asked to comment.

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:*

Building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings. **The side yard setback encroachment is very slight, only 8 inches. The rear yard abuts the rear yard of the single-family residential properties to the north, and the 3.5-foot separation should be adequate for building separation. As such, the application is not contrary to the public interest.**

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

Due to the slight nature of the encroachments, absence of any easements, and the abutment to the north of a rear yard, a special condition exists that could warrant the granting of the requested variance.

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

The spirit of the ordinance will be observed because of the slight nature of the setback encroachment and the adequate building separation.

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, if approved, will not substantially injure adjacent conforming properties, because of the slight encroachment of the structures and the provision of adequate building separation.

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 unique circumstances existing on the property are a function of the location of the structures in the rear yard and the provision of utilities for the accessory detached dwelling unit.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to demolish the encroachments into the setbacks and construct a compliant structure.

Staff Recommendation

Staff recommends **approval** because of the following reasons:

- The encroachment into the side and rear yards are slight and still provides for adequate building separation.

Attachments

- Attachment 1 – Notification Plan (Location Map)
- Attachment 2 – Plot Plan
- Attachment 3 – Applicant’s Site Plan
- Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-14-039**



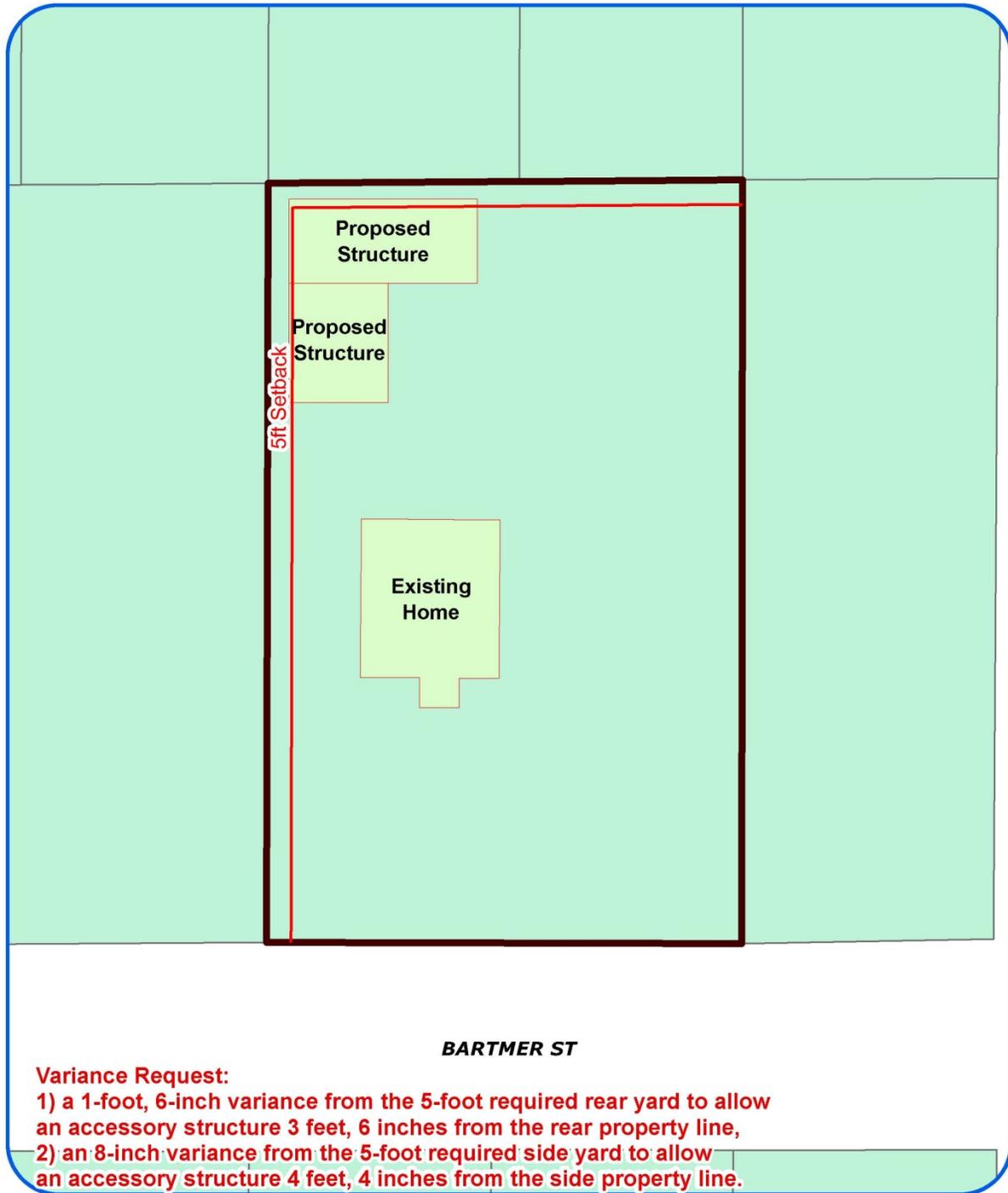
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7



"NOT TO SCALE.
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:

- 1) a 1-foot, 6-inch variance from the 5-foot required rear yard to allow an accessory structure 3 feet, 6 inches from the rear property line,
- 2) an 8-inch variance from the 5-foot required side yard to allow an accessory structure 4 feet, 4 inches from the side property line.

Board of Adjustment
Plot Plan for
Case No A-14-039



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 7

4911 Bartmer

Development Services Department
City of San Antonio

1:300

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-039



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 7

4911 Bartmer

Development Services Department
City of San Antonio

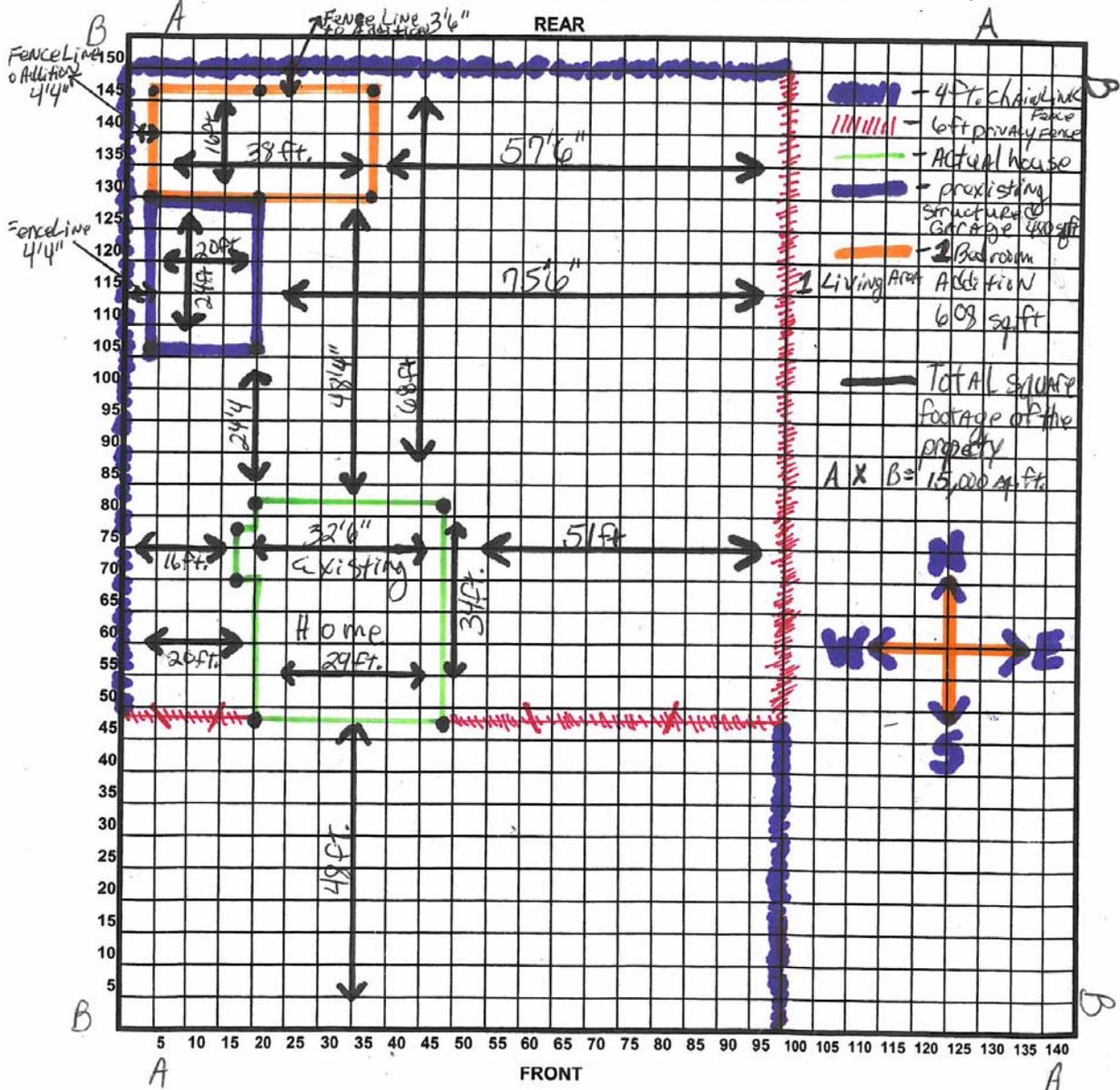
1:300

Attachment 3 Applicant's Site Plan

PLOT PLAN

FOR
BLDG PERMITS

Address 4911 Bartmer St. Lot 22 Block 29 NCB 11,469



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 2012 IRC

12/20/13
Date

[Signature]
Signature of Applicant

Attachment 4
Site Photos

