

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, May 14, 2012

12:00 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. **12:00 Noon, Tobin Room** – Work Session – discussion of policies and administrative procedures, and any items for consideration on the agenda for May 14, 2012.
2. **1:00 PM** - Public Hearing – Call to Order
3. Roll Call
4. Pledges of Allegiance
5. **A-12-021 (CONTINUED FROM APRIL 23, 2012):** The request of Taylor Collins, William D. Sutherland, VI, Patrick Kennedy, Jr. and Dana McGinnis to appeal the Development Services Department Director's decision to issue Certificates of Occupancy, which permits Trinity University to use the properties on 115, 130, 139 and 146 Oakmont Court as offices. (Council District 1)
6. **A-12-042 (CONTINUED FROM APRIL 23, 2012):** The request of Keller Signs, for **1)** A request for a 144-square foot variance from the 300-square foot maximum sign area requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to allow a 444-square foot multiple-tenant sign and **2)** a 10-foot variance from the 40-foot maximum sign height requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to allow a 50-foot tall multiple tenant sign, 23535 West IH-10. (Council District 8)
7. **A-12-043 (CONTINUED FROM APRIL 23, 2012):** The request of Sharon Quezada, for a special exception for a 6-foot Ornamental-Iron Front Yard fence in the "R-5" Residential Single-Family District, 3359 West Woodlawn. (Council District 7)
8. **A-12-046:** The request of Richard Kirschenmann, State Federal Contractors, for a 3-foot variance to allow a 6-foot solid wood fence in the front yard in the "C-2" Commercial District, 4303 Hyatt Place Drive. (Council District 8)
9. **A-12-047:** The request of Site Enhancement Services, for **1)** A 10-foot variance from the required 10-foot front setback to allow a 0-foot front setback for a pylon sign; and **2)** an 11-foot, 10-inch variance from the 50-foot maximum height for an on-premise pylon sign to allow a 61-foot, 10-inch on-premise pylon sign. (Council District 6)
10. **A-12-048:** The request of Esther Ponce, for a special exception to allow a one operator beauty or barber shop in a residential zoning district, 1220 Wyoming Street. (Council District 2)

Board of Adjustment Membership

Michael Gallagher District 10, Chair Andrew Ozuna District 8, Vice Chair

*Vacancy, District 1 • Edward Hardemon, District 2 • Helen Dutmer District 3 • George Britton, District 4
Vacancy, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • David Villyard, District 9 • Gene Camargo, Mayor*

Alternate Members

Harold O. Atkinson • Maria D. Cruz • Paul E. Klein • Marian M. Moffat • Henry Rodriguez • Steve G. Walkup

11. **A-12-049:** The request of Laborde & Associates, for 1) A 20 foot variance from the required 25 foot landscape buffer and 2) A 25 foot variance from the required 30 side yard setback in an I-1 Industrial District, to allow a new building 5 feet from the property line, 116 Clay Street. (Council District 5)
12. Approval of the minutes – April 23, 2012
13. 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).

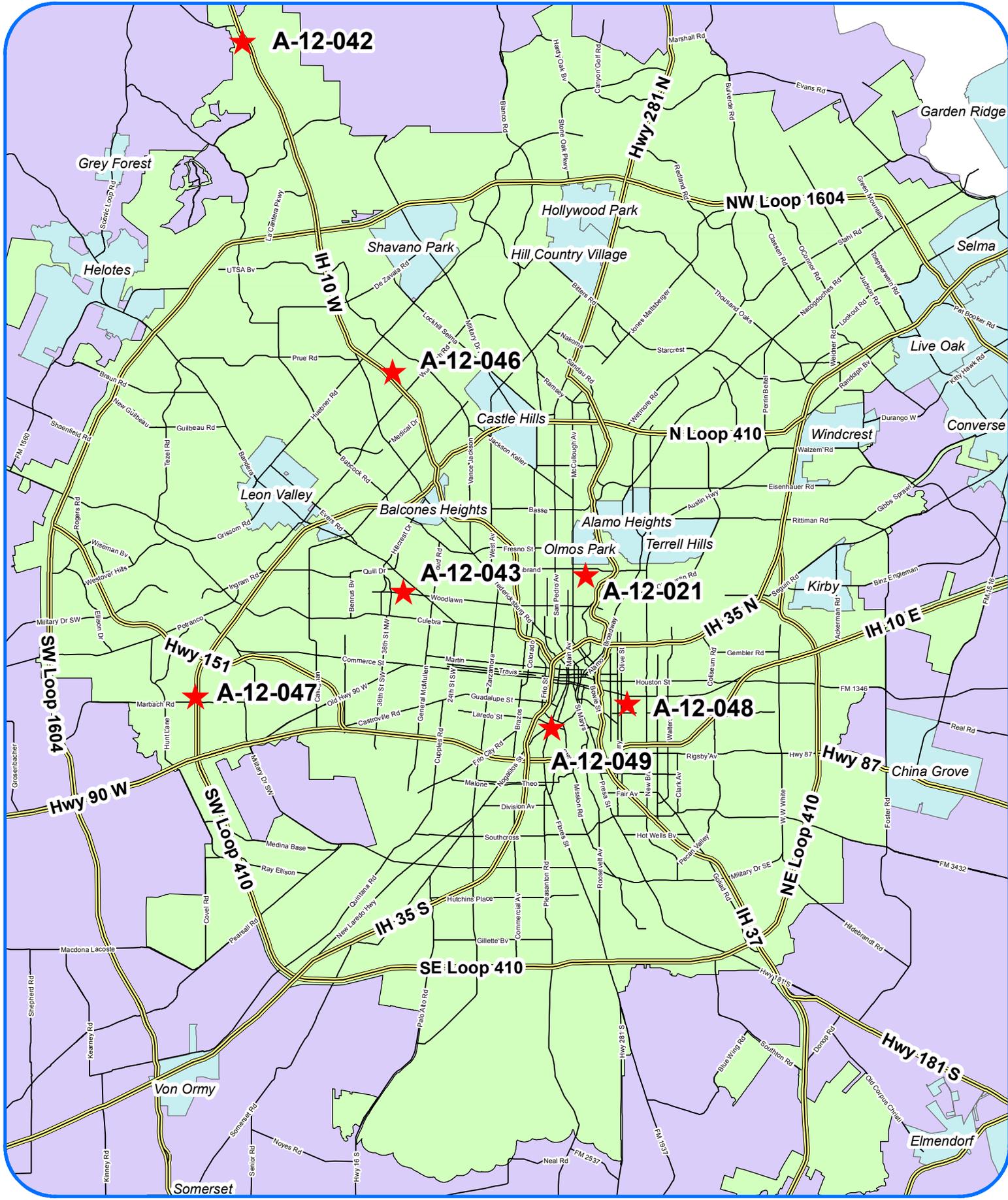
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

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Vacancy, District 1 • Edward Hardemon, District 2 • Helen Dutmer District 3 • George Britton, District 4
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Board of Adjustment
Subject Property Locations
Cases for May 14, 2012





City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment

Case No.: A-12-021

Date: May 14, 2012

Applicants: Taylor Collins, William D. Sutherland, VI, Patrick Kennedy, Jr. and Dana McGinnis

Owner: Trinity University

Location: 115, 130, 139, 146 Oakmont Court

Legal Description: Lot 2 and Lot 5 and the West 50 feet of Lot 6, Block 2, NCB 6581 and Lots 11 and 13, Block 1, NCB 6580

Zoning: "R-5 H AHOD" Residential Single-Family Monte Vista Historic Airport Hazard Overlay District

Request

An appeal of the Development Services Department Director's decision to issue Certificates of Occupancy, which permits Trinity University to use the properties on 115, 130, 139 and 146 Oakmont Court as offices.

Procedural Requirements

The Appeal 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 properties on April 5, 2012. The Appeal was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on April 20, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject properties consist of four individual properties along the north and south sides of Oakmont Court. The properties are located within the city limits as they were recognized in 1938, and were originally zoned "A" Single-Family Residence District. The "A" Single-Family Residence District zoning permitted residential as well as "college" uses. The properties were purchased by Trinity University between 1952 and 1963. Trinity has used the property for "college" purposes since that time.

In 1975, Ordinance 45504 established the Monte Vista Historic District. The Historic District includes the subject properties. The subject properties are located within the Monte Vista Neighborhood Plan that was adopted in 1988. However, this plan is not used to determine

consistency for zoning cases because it has not been reviewed or updated since its original adoption.

In 2001, the City adopted the “2001 Unified Development Code” as an amendment to Chapter 35 of the San Antonio City Code. The 2001 UDC contained a new zoning matrix that became effective in 2002. The new zoning matrix converted the previous “A” Single-Family Residence District to the current “R-5” Residential Single-Family District. The zoning matrix for the “R-5” district permits single-family residences along with Public Universities and Public or Private Schools, grades, K-12. Private “colleges” were permitted in the “A” zoning district. Private “colleges” are not permitted in the new “R-5” zoning district. Prior to the adoption of the new zoning matrix, Trinity had continuously used the subject properties for private “college” purposes. The 2002 matrix conversion was not a rezoning by the City.

The subject properties carry both Nonconforming Use Rights and Development Preservation Rights (DPRs) that allow private “college” uses, which may include, but are not limited to, faculty or student housing, administrative offices, classrooms, parking structures, athletic facilities and meeting/reception halls. Nonconforming Use Rights allow the continuation of existing uses and DPRs allow expansion of those existing non-conforming structures and uses, as well as rebuilding should the structures be removed, damaged or destroyed. There is no requirement to register DPRs. Nonconforming uses only have to be registered if the use becomes nonconforming as a result on an annexation or rezoning. The 2002 matrix conversion that adopted the “R-5” zoning was not an “annexation” or “rezoning.”

The City has recognized that the subject properties may be used for private “college” use. City Public Services has classified the properties under a commercial contract with Trinity. San Antonio Water System provides the subject properties recycled or reclaimed water services that are only permitted on commercial property. The City acknowledged Trinity University’s DPRs generally in a registration filed in 2002. The City specifically acknowledged DPRs on the subject properties in 2010 when Trinity recertified its rights.

In 2011, Trinity applied for a Specific Use Authorization for three of the subject properties and one additional adjacent lot. Under the Specific Use Authorization sought, the properties were to be used as offices. Upon submission of the proposed rezoning application, the city staff for the Zoning Commission recognized that three properties have DPRs. The fourth property was not part of the zoning application. Accordingly, staff did not evaluate the fourth property’s status. In connection with the rezoning application, staff included in its zoning report to the Zoning Commission that under DPRs the properties could be used for “University uses, which may include, but are not limited to, faculty or student housing, administrative offices, classrooms, parking structures, athletic facilities, and meeting/reception halls. DPR’s allow the expansion of existing structures and uses, as well as rebuilding should the structures be removed damaged, or destroyed.” Trinity withdrew its proposed rezoning shortly thereafter since rezoning would not be required for an office use.

The Development Services Department issued Certificates of Occupancy for the subject properties based upon DPRs and Nonconforming Use Rights.

The first Certificate of Occupancy was issued on December 16, 2011 for 130 Oakmont; the next two were issued on December 19, 2011 for 115 and 146 Oakmont; and the last was issued on December 21, 2011 for 139 Oakmont. Pursuant to the Certificates, Trinity University is now using the properties as offices.

On January 13, 2012, the Monte Vista Historical Association (“MVHA”), Taylor Collins, William D. Sutherland, VI, Patrick J. Kennedy, Jr. and Dana McGinnis filed an appeal to the Board of Adjustment regarding the issuance of these Certificates.

The appellants complain of a “failure to insure compliance with Unified Development Code, Building Code, and Local Government Code in connection with applications filed by Trinity University for certificates of occupancy for properties [...] and issuance of such certificates by City of San Antonio, including, but not limited to, reliance on prior DPR determinations (including recertifications)....”

On March 27, 2012, Trinity, the City, and the MVHA, reached an agreement in which these entities acknowledged Trinity’s right to use the subject properties for “college” uses. As a result, MVHA withdrew its appeal to the Board of Adjustment.

Section 35-702(b)(1) of the UDC recognized that if a use was legal and in existence at the time of the adoption of the UDC, then that use could continue as a legal nonconforming use. The subject properties’ nonconforming use was for private “college” purposes. Trinity can use the properties for private “college” purposes which include use as offices. There was no need to register Trinity’s nonconforming use because it was not the result of annexation or rezoning. It was the result of a change in the zoning matrix.

Subsection 35-D101(c) of the UDC states that DPRs also protect uses and activities permitted under a previous zoning classification that became nonconforming due to the adoption of the UDC. DPRs exist in addition to Nonconforming Use Rights. After the adoption of the UDC, the use of the subject properties for private “college” purposes became nonconforming. As a result, Trinity obtained DPRs for private “college” use to allow for expansion of existing structures and uses, as well as rebuilding should the structures be removed, damaged or destroyed. There is no requirement to register DPRs.

Trinity may use the properties for private “college” use, including offices. This is consistent with its prior “A” Single-Family Residence District zoning, statutory law, and common law regarding Nonconforming Use Rights and DPRs.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-5 H AHOD (Residential, Historic)	Office

Surrounding Zoning/Land Use

Orientation	Existing Base Zoning District(s)	Existing Use
North	R-5 (Single Family)	Single-family residences
South	R-5 (Single Family)	Single-family residences
West	R-5 (Single Family), “R-5 CD” with a	Single-family residences, public

West (cont.)	Conditional Use for a Library Office and “MF-33”	library and apartments
East	R-5 (Single Family)	Single-family residences and Trinity University

Comprehensive Plan Consistency/Neighborhood Association

Overlay and Special District Information: All surrounding properties carry the “AHOD” Airport Hazard Overlay District, due to their proximity to an airport or approach path. The “AHOD” does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

All surrounding properties are located within the Monte Vista Historic district, signifying the historic architectural character or cultural significance of the area. Historic Districts do not affect the possible uses of the property, but only regulate the exterior aesthetic of the structure. Work requiring building or demolition permits for properties within a Historic District are subject to review and approval by the Office of Historic Preservation and, possibly, the Historic and Design Review Commission.

Criteria for Review

Pursuant to Section 35-481 of the UDC a decision made by an administrative official may be appealed to the Board of Adjustment by any person aggrieved by such decision within thirty days of such decision. Such appeal shall be taken by filing a notice of appeal specifying the particular grounds upon which the appeal is taken.

The concurring vote of seventy-five percent of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision or determination of an administrative official.

Staff Position

Staff’s position is that the Director’s decision to issue the Certificates of Occupancy for office use, as included in a “college” use, is correct and requests that the Board of Adjustment affirm the Director’s decision to issue the Certificates of Occupancy.

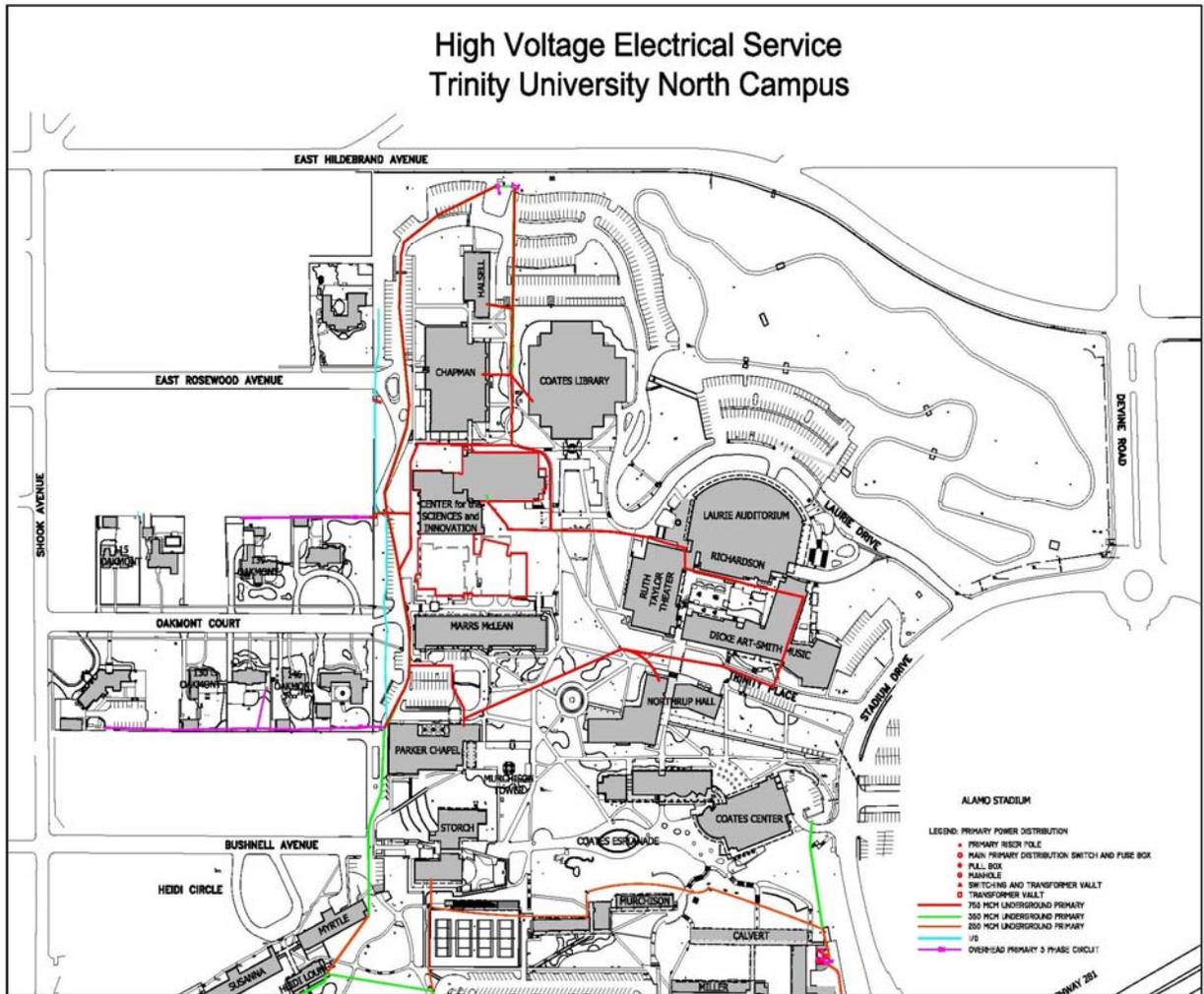
Attachments

- Attachment 1 Notification Plan (Location Map)
- Attachment 2 City Public Services Map
- Attachment 3 San Antonio Water Services Map
- Attachment 4 2002 Registration of DPRs
- Attachment 5 2010 Registration of DPRs
- Attachment 6 City Zoning Commission Staff Report
- Attachment 7 Occupancy Application and Certificate #1762341 (130 Oakmont)
- Attachment 8 Occupancy Application and Certificate #1762420 (146 Oakmont)
- Attachment 9 Occupancy Application and Certificate #1762425 (115 Oakmont)
- Attachment 10 Occupancy Application and Certificate #1762426 (139 Oakmont)

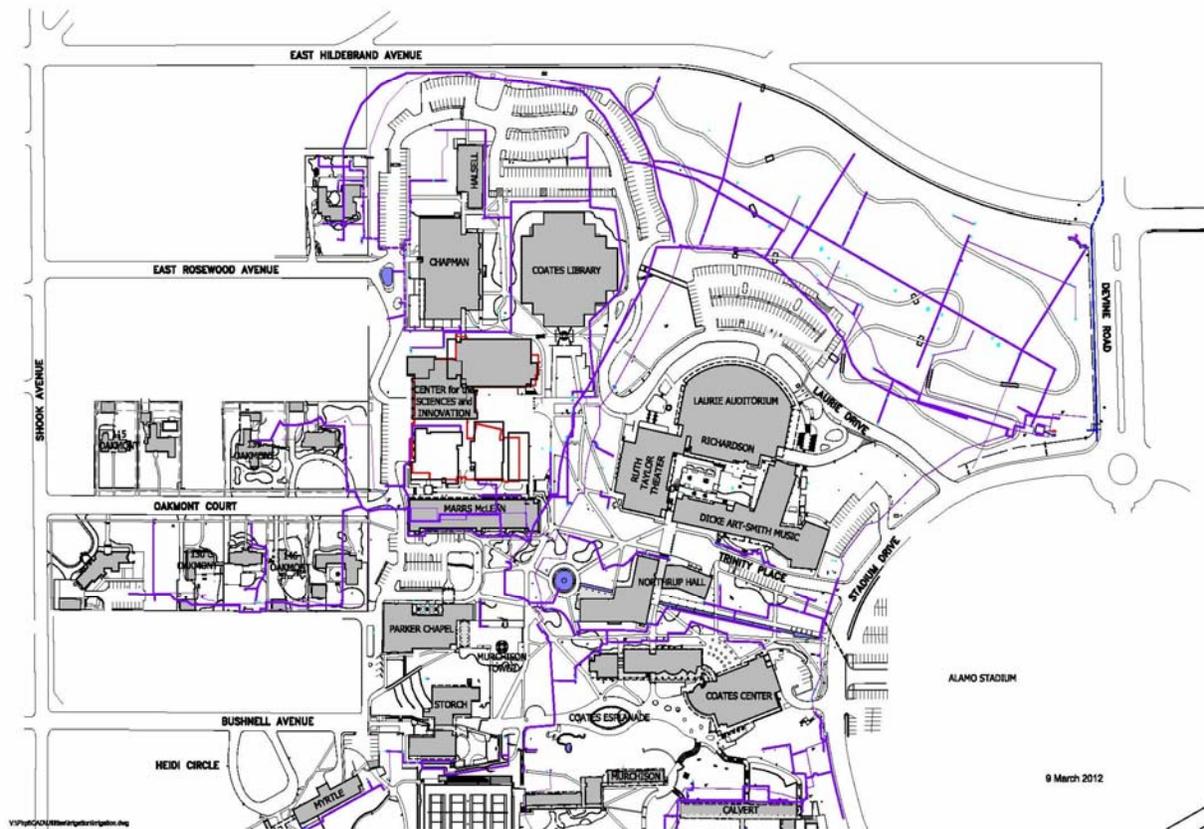
ATTACHMENT 1 – NOTIFICATION PLAN (LOCATION MAP)



ATTACHMENT 2 – CITY PUBLIC SERVICES MAP



Recycled Water Service Trinity University North Campus



ATTACHMENT 4 – 2002 REGISTRATION OF DPR

Office Use Only			
Signature	<i>[Signature]</i>	Date Verified	4/19/02 C of O needed <i>Yes</i>
Land Use	University Classroom & Administrative Building		
Zoning Equivalent	<i>R-6</i>	Type of Documentation submitted	City Zoning Documentation
<i>NC use/rights for 'A' 1938 zone</i>			

DEPARTMENT OF BUILDING INSPECTIONS
 P.O. BOX 839966
 SAN ANTONIO, TEXAS 78283-3966

REGISTRATION OF NON-CONFORMING USE

DUE TO ANNEXATION: DATE ANNEXED _____
 OR
 DUE TO ZONING DISTRICT AMENDMENT: DATE OF ORDINANCE February 17, 2002

ADDRESS OF PROPERTY 715 Stadium Drive, San Antonio, TX

LOT 47 BLOCK 1 NCB A-52
 (If unplatted attach metes and bounds description or field notes from licensed surveyor or engineer)

HOW LONG IN BUSINESS AT THIS ADDRESS 52 ± years
 (Please attach all supporting documentation)

PRESENT ZONING R-6 PREVIOUS ZONING (IF APPLICABLE) _____

HISTORIC DESIGNATION: YES OR (NO) DESCRIBE TYPE: _____

NAME OF FIRM OR CORPORATION Trinity University

OWNER OR PRESIDENT OF FIRM OR CORPORATION John Brazil, President

OTHER OWNERS OR OFFICERS _____
 (Attach written and signed statement if necessary)

DESCRIBE BUSINESS AND LAND USE IN DETAIL higher education
 (Attach written and signed statement if necessary)

OWNER OF LAND AND/OR BUILDING Trinity University Contact: John Greene

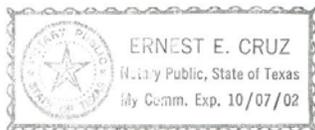
ADDRESS 715 Stadium Dr., SA TELEPHONE NUMBER 210-999-7011

- REQUIREMENTS:
1. SUBMIT A SCALED PLOT PLAN AND/OR SKETCH SHOWING THE LOCATION AND USE OF ALL STRUCTURES. (ATTACH OR DRAW ON REVERSE SIDE)
 2. APPLY FOR CERTIFICATE OF OCCUPANCY.

SIGNED *[Signature]*
 TITLE Physical Plant Director

Sworn to before me this 19 day of April 20 02

[Signature]
 Notary Public in and for the State of Texas



BOAForm12/99

ATTACHMENT 5 – 2010 REGISTRATION OF DPR

City of San Antonio
 P.O. Box 839966
 San Antonio, TX 78283-3966

DPRNCU Case

Report Date 09/10/2010 02:35 PM

Submitted By

Page 1

Case # 96699

Case Information

Stages

Stages	Date / Time	By
Processed	09/10/2010 13:37	RN12185
Resolved		
Expires	09/10/2011 00:00	

Associated Information

Case Group	DPR	DEVELOPMENT PRESERV RIGHTS	
Priority			<input checked="" type="checkbox"/> Auto Reviews
Resolution Code	CPL	COMPLETE	Bill Group
Source			
Name	NC-10-123		

Applications Affected

Building Application Project Application Use Application License Application Case

Description of Case

Development Preservation Rights recertified for a University (College was allowed in the previous "A" zoning District). CPS letter confirms continuous use since 1985. Use was previously registered in April of 2002. DPR allows expansion of non-conforming use.

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service #	Problem	Resolution Code	Resolved Date

No Customer Service Log Entries

Property Information

Address 715 STADIUM DR
 SAN ANTONIO TX 78212-0000

Location

City of San Antonio
 Development Services Department
 1901 S. Alamo
 San Antonio, TX 78204-1605
 Phone: (210) 207-0000

Owner/Tenant

09/10/2010 14:37 Trn 276007
 Cashier 0A09714

There are no contacts for this site

CASE Permit # 96699 \$75.00

A/P Linked Addresses

No Addresses are linked to this Application

Subtotal \$75.00

Tax \$0.00

Linked Addresses

No Addresses are linked to this Application

Total \$75.00

A/P Addresses

No Other Addresses are associated to this Application

Payer: NINO, RUDY

VISA

Account Number *****

Change \$0.00

Linked Parcels

507954

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

9/10/10 w/ Rudy. Whenever we apply for a building permit for any Trinity-owned property in the list of parcels included in the application, then attach a copy of this case document to the application to indicate that 'Development Preservation Rights' apply.

ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION



Zoning Case Notification Plan
Case Z-2012-017
 Council District 1
 Scale: 1" approx. = 200 ft.
 Subject Property Legal Description(s): NCB 06580 - Block 001 - Lot 13 and NCB 06581 - Block 002 - Lots 2, 3, 5 and W 50 ft of Lot 6

Legend
 Subject Properties (2.136 Acres)
 200' Notification Area
 Current Zoning (TEXT)
 Requested Zoning Change (TEXT)
 100-Year DFIRM Floodplain
 Single Family Residential 1R

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

Development Services Dept
 City of San Antonio
 (11/17/2011 - E Hart)



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

To: Zoning Commission
Zoning Case #: Z2012017 S
Hearing Date: December 06, 2011
Property Owner: Trinity University
Applicant: Kaufman & Killen, Inc.
Representative: Kaufman & Killen, Inc.
Location: 115, 119, 139, 146 Oakmont Court
Legal Description: Lots 2, 3, 5 and the west 50 feet of Lot 6, Block 2, NCB 6581 and Lot 13, Block 1, NCB 6580
Total Acreage: 2.1361
City Council District: 1
Case Manager: Micah Diaz, Interim Senior Planner
Case History: This is the first public hearing for this zoning case.

Proposed Zoning Change

Current Zoning: "H R-5 AHOD" Monte Vista Historic Residential Single-Family Airport Hazard Overlay District

Requested Zoning: "H R-5 S AHOD" Monte Vista Historic Residential Single-Family Airport Hazard Overlay District with Specific Use Authorization for a School - University or College (Private)

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on November 18, 2011. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on November 17, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 2, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

Owners of Property within 200 feet: 27

Neighborhood Associations: Monte Vista Historical Association

Planning Team Members: Monte Vista Neighborhood Plan

Applicable Agencies: Office of Historic Preservation

Property Details

Property History: The subject property consists of four individual properties along the north and south sides of Oakmont Court. The properties are located within the city limits as they were recognized in 1938, and were originally zoned "A" Single-Family Residence District. In 1975, the Monte Vista Historic District was established by

Case # Z2012017 S

Hearing Date: December 6, 2011

ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION

Ordinance 45504. Upon adoption of the 2001 Unified Development Code, the previous “A” base zoning district converted to the current “R-5” Residential Single-Family District. The subject property lot and block numbers were recorded with the Bexar County Clerk in 1923, as part of the Oakmont Addition. According to the Sanborn Maps, historic City Directory records, and recorded deed records, the houses located at 115, 119, 139 and 146 Oakmont Court were constructed in 1925, 1947, 1950, and 1930 and acquired by Trinity University in 1963, 2010, 1952, and 1958, respectively. The previous “A” zoning district allowed both public and private schools, including colleges and universities. Prior to the adoption of the 2001 Unified Development Code, the subject properties owned by the University could have been legally used for school-related purposes.

Topography: The subject property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

Adjacent Zoning and Land Uses

Direction: North and South
Current Base Zoning: “R-5”
Current Land Uses: Single-family residences

Direction: West
Current Base Zoning: “R-5”, “R-5 CD” with a Conditional Use for a Library Office and “MF-33”
Current Land Uses: Single-family residences, public library and apartments

Direction: East
Current Base Zoning: “R-5”
Current Land Uses: Single-family residences and Trinity University

Overlay and Special District Information: All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

All surrounding properties are located within the Monte Vista Historic District, signifying the historic architectural character or cultural significance of the area. Historic Districts do not affect the possible uses of the property, but do regulate the exterior aesthetic of the structure. Work requiring building or demolition permits for properties within a Historic District are subject to review and approval by the Office of Historic Preservation and, possibly, the Historic and Design Review Commission.

Transportation

Thoroughfare: Oakmont Court, Shook Avenue, East Rosewood Avenue and Bushnell
Existing Character: Local streets, one lane in each direction with sidewalks
Proposed Changes: None known

Public Transit: The nearest VIA bus lines operate along Hildebrand Avenue, approximately two blocks north of the subject properties.

Traffic Impact: A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

Parking Information: Off-street vehicle parking requirements for university uses are determined by the number of students enrolled in the school. Staff cannot calculate the parking requirements for Trinity University. The requisite site plans for the requested Specific Use Authorization do not include any additional parking on the subject properties; however, each property has some existing parking space available. The site plans indicate parking for the properties will be made available on the university’s main campus. A cooperative parking agreement may be required.

Staff Analysis and Recommendation: Approval, with conditions

Criteria for Review: According to Section 35-421, zoning amendments shall be based on the approval criteria below.

1. Consistency:

The subject properties are located within the Monte Vista Neighborhood Plan, which was adopted in 1988. However, this plan is not used to determine consistency for zoning cases because it has not been reviewed or updated since its original adoption. However, the plan document does raise concerns regarding loss of housing due to institutional expansion into the residential neighborhood.

2. Adverse Impacts on Neighboring Lands:

Three of the four subject properties carry Development Preservation Rights (DPR) that allow University uses, which may include, but are not limited to, faculty or student housing, administrative offices, classrooms, parking structures, athletic facilities and meeting/reception halls. DPR may allow expansion of existing structures and uses, as well as rebuilding should the structures be removed, damaged or destroyed.

Approval of the requested rezoning will terminate the previous registration of Development Preservation Rights. Additionally, approval of a Specific Use Authorization restricts future expansion of the specified use to what is identified on the approved site plan. Conditions may also be placed on the Specific Use Authorization to further mitigate the effects of the additional use on surrounding properties.

The location of the properties within a historic district provides an extra level of review for any demolition request or construction plan, regardless of zoning or Development Preservation Rights. Design review in the City's historic districts is an important tool to protect the character of neighborhoods such as Monte Vista; however, historic designation does not directly impact or regulated use.

3. Suitability as Presently Zoned:

The subject properties are well suited for the existing zoning.

4. Health, Safety and Welfare:

Staff has found no evidence that approval of the zoning change request will adversely affect the health, safety or welfare of the general public.

5. Public Policy:

The request does not appear to conflict with any public policy objective.

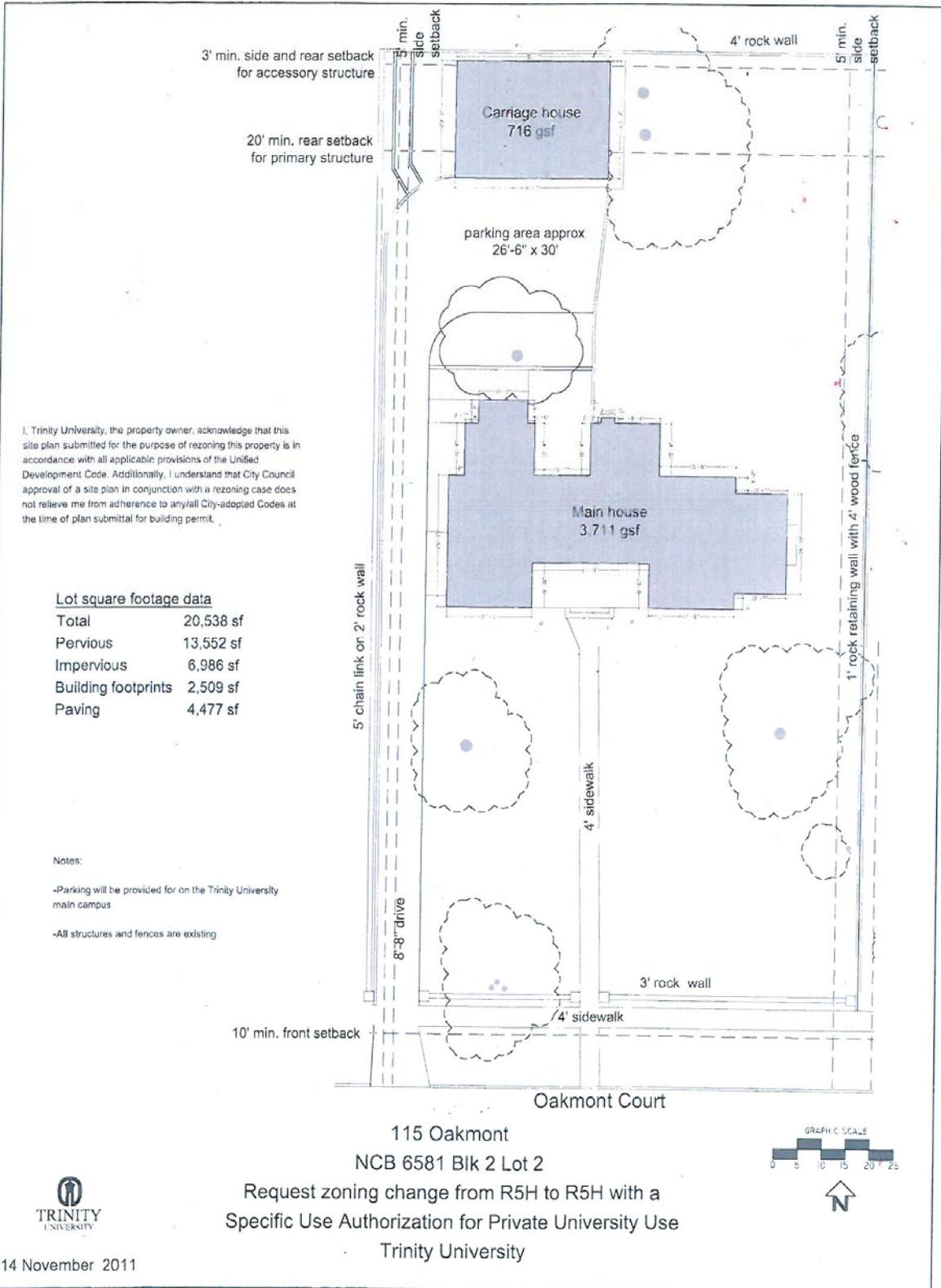
6. Size of Tract:

The site plans submitted for this zoning change request do not include any proposed new construction. The subject properties are of sufficient size to accommodate the existing development and proposed uses.

7. Other Factors:

Approval of a Specific Use Authorization and site plan for the subject properties offers a higher level of protection for the existing structures and residential character of the neighborhood than is otherwise provided by the historic district and registered Development Preservation Rights.

ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION



I, Trinity University, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permit.

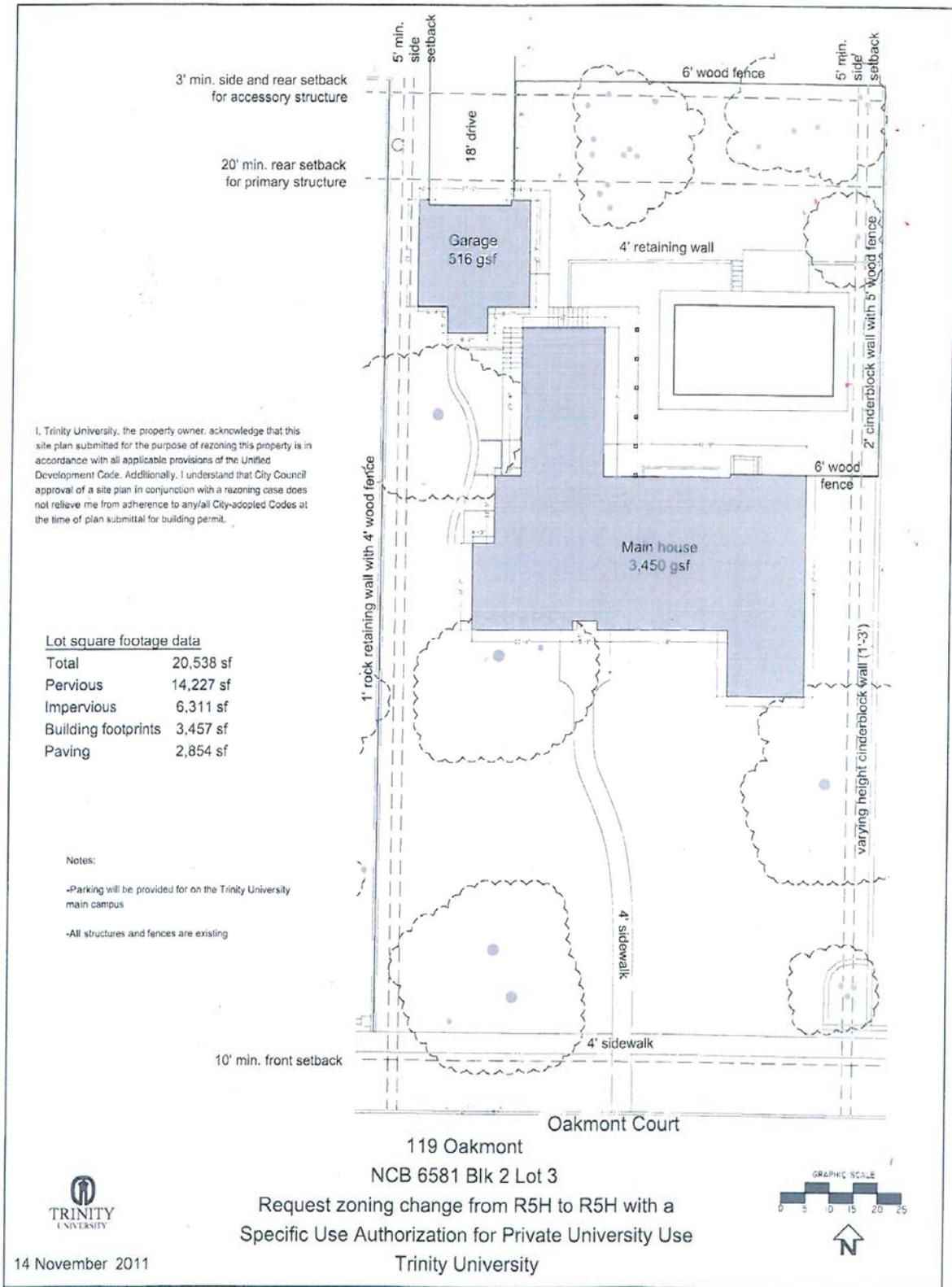
Lot square footage data

Total	20,538 sf
Pervious	13,552 sf
Impervious	6,986 sf
Building footprints	2,509 sf
Paving	4,477 sf

Notes:

- Parking will be provided for on the Trinity University main campus
- All structures and fences are existing

ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION



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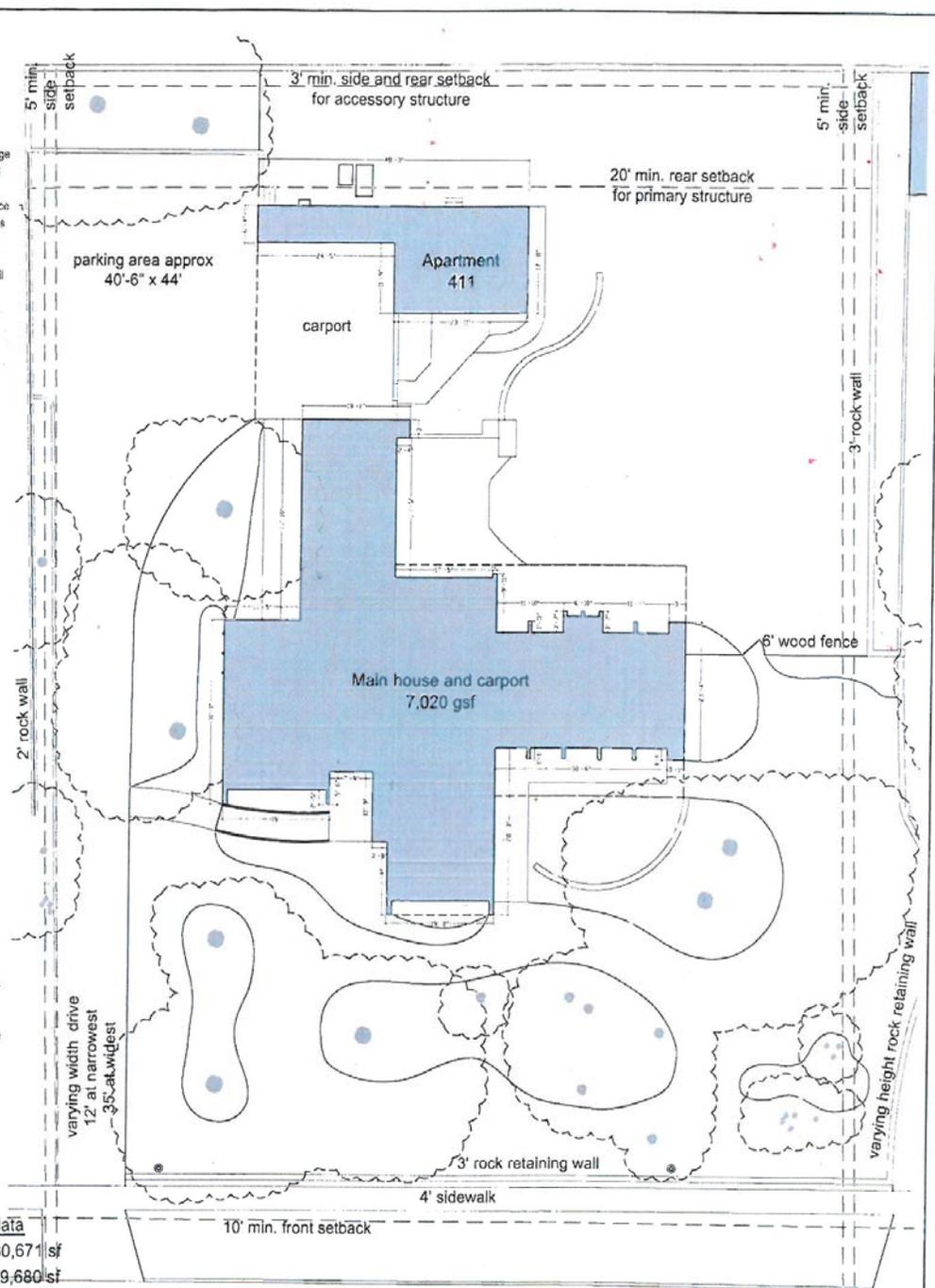
- Notes:
- Parking will be provided for on the Trinity University main campus
 - All structures and fences are existing

Lot square footage data

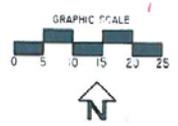
Total	30,671 sf
Pervious	19,680 sf
Impervious	10,991 sf
Building footprints	4,674 sf
Paving	6,317 sf



14 November 2011



139 Oakmont
 NCB 6581 Blk 2 Lot 5
 and w. 50' of Blk 6
 Request zoning change from R5H to R5H with a
 Specific Use Authorization for Private University Use
 Trinity University



ATTACHMENT 6 – CITY STAFF REPORT TO ZONING COMMISSION

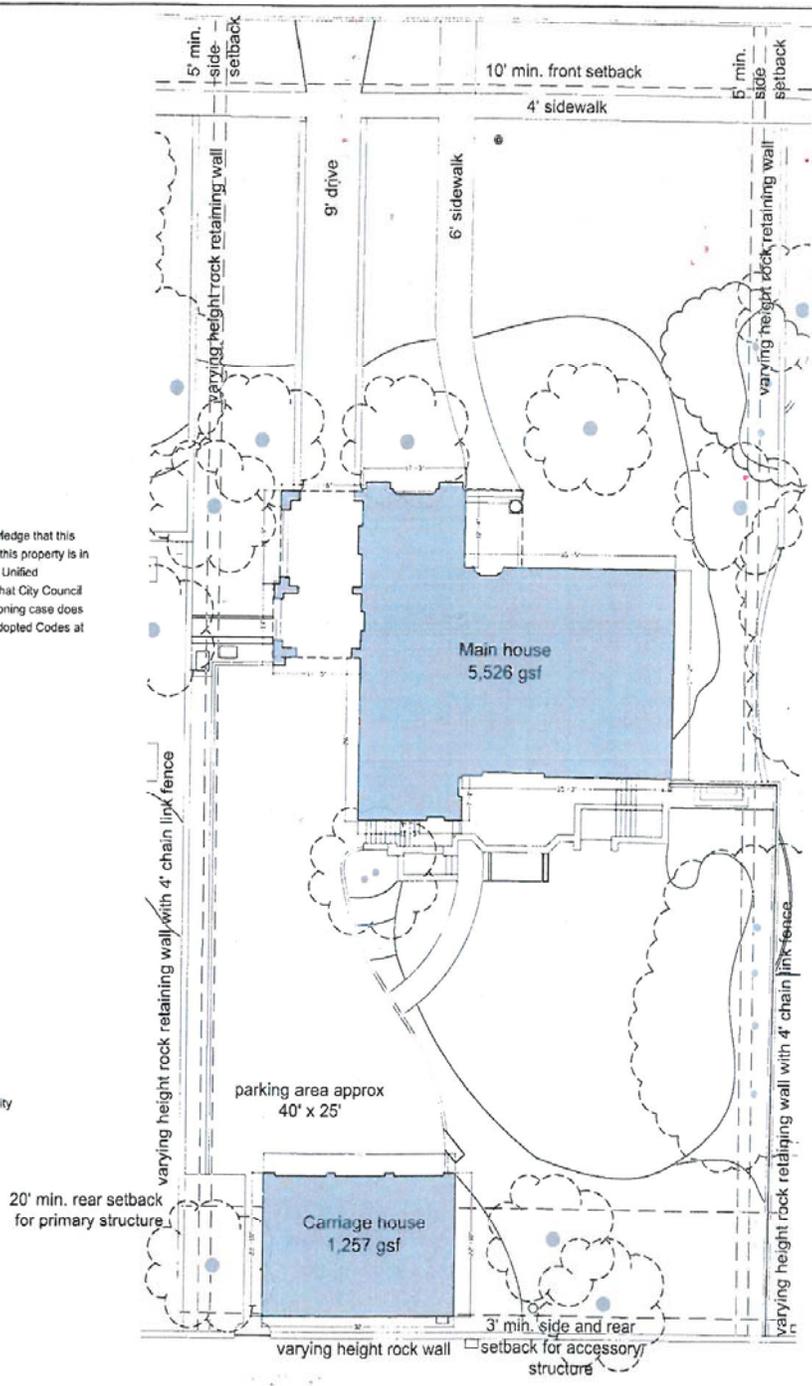
I, Trinity University, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permit.

Lot square footage data

Total	20,857 sf
Pervious	12,182 sf
Impervious	8,675 sf
Building footprints	2,801 sf
Paving	5,874 sf

Notes:

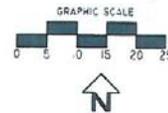
- Parking will be provided for on the Trinity University main campus
- All structures and fences are existing



14 November 2011

146 Oakmont
NCB 6580 Blk 1 Lot 13

Request zoning change from R5H to R5H with a
Specific Use Authorization for Private University Use
Trinity University



1762341

		City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd	
Certificate of Occupancy Application **Must be processed in person**					
Name of Business		Trinity University			
Address of Business		130 Oakmont Court 78212		Bldg No.:	Suite No.:
Owner of Business		Trinity University			
Contact Name (Primary Contact)		John Greene		Telephone Number	210-999-8452
Applicant Name		Trinity University			
Description of Business (be specific)		higher education			
Function of Space (be specific)		office			
Is the business currently in operation?		<input checked="" type="radio"/> Y <input type="radio"/> N		Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	
				<input checked="" type="radio"/> Y <input type="radio"/> N	
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)		<input checked="" type="radio"/> Y <input type="radio"/> N			
Related Building Permits					
<input checked="" type="radio"/> Y <input type="radio"/> N		Is a Building Permit required in conjunction with this application? If yes, please list the AP No.			
<input checked="" type="radio"/> Y <input type="radio"/> N		Are there any open permits at the location? Any "open" permit will require clearance.			
<input checked="" type="radio"/> Y <input type="radio"/> N		If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?			
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.					
Type of Business					
	TYPE OF BUSINESS	REQUIRED ITEMS		REQUIRED ITEMS	
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be food or drink?	Health Inspection		Parking Site Plan if a change of use	
<input checked="" type="radio"/> Y <input type="radio"/> N	Childcare, school or nursing home?	Health Inspection		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC		Parking Site Plan	
<input checked="" type="radio"/> Y <input type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey		Parking Site Plan	

ATTACHMENT 7 – CO APPLICATION FOR 130 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer "yes" to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 4526 sq. ft

	Type of Live Entertainment	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	P	*	P
Y <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P – business use is permitted

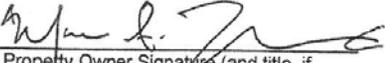
Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec 6, 2011 Owner/Authorized Agent Signature: [Signature]

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204 (210) 207-1111 www.sanantonio.gov/dsd
Authorization by Property Owner (Required if Applicant is not the owner of the subject property)	
Property Owner	Trinity University
Address of Business	130 Oakmont Court
Proposed Use of Property	offices
By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give <u>John Greene</u> permission to submit all necessary documentation in support of a Certificate of Occupancy Application for the above-listed proposed use of the property and to serve as my representative for this request. I further affirm that any violation may result in suspension and or revocation of the Certificate of Occupancy.	
<u>12-06-2011</u> (Date)	 Property Owner Signature (and title, if Signing for a Partnership, Corporation or Trust)
STATE OF TEXAS COUNTY OF BEXAR	§ § §
Before me, the undersign authority, on this day personally appeared <u>MARK DETTERICK</u> , the affiant who, after being duly sworn on oath, deposed and states the facts herein set forth are true and correct.	
Sworn to and subscribed before me on this the <u>06</u> day of <u>DECEMBER</u> , 201 <u>1</u> .	
 MARY T LOPEZ My Commission Expires February 9, 2015	 NOTARY PUBLIC, STATE OF TEXAS

NO. 1762341

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

DATE: 12/16/2011

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 130 OAKMONT COURT

Lot: 11

Block: 1

NCB: 6580

has been inspected and the following occupancy thereof is hereby authorized:

Occupant Group: B

Occupant Load: 20

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES

ATTACHMENT 8 – CO APPLICATION FOR 146 OAKMONT

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd 1762420
	Certificate of Occupancy Application **Must be processed in person**		
Name of Business	Trinity University		
Address of Business	146 Oakmont Court, 78212	Bldg No.:	Suite No.:
Owner of Business	Trinity University		
Contact Name (Primary Contact)	John Greene	Telephone Number	210-999-8452
Applicant Name	Trinity University		
Description of Business (be specific)	higher education		
Function of Space (be specific)	office		
Is the business currently in operation?	<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	<input checked="" type="radio"/> Y <input type="radio"/> N
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)			<input checked="" type="radio"/> Y <input type="radio"/> N
Related Building Permits			
<input checked="" type="radio"/> Y <input type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.		
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.		
<input checked="" type="radio"/> Y <input type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?		
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.			
Type of Business			
	TYPE OF BUSINESS	REQUIRED ITEMS	REQUIRED ITEMS
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be food or drink?	Health Inspection	Parking Site Plan if a change of use
<input checked="" type="radio"/> Y <input type="radio"/> N	Childcare, school or nursing home?	Health Inspection	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey	Parking Site Plan

ATTACHMENT 8 – CO APPLICATION FOR 146 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer “yes” to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 5526 sq. ft.

	Type of Live Entertainment	O-1 & O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P - business use is permitted

Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec 6, 2011 Owner/Authorized Agent Signature: 

NO. 1762420

DATE: 12/19/2011

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 146 OAKMONT COURT

Lot: 13

Block: 1

NCB: 6580

has been inspected and the following occupancy thereof is hereby authorized:

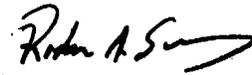
Occupant Group: B

Occupant Load: 26

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES

ATTACHMENT 9 – CO APPLICATION FOR 115 OAKMONT

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd
	1702425		
Certificate of Occupancy Application **Must be processed in person**			
Name of Business	Trinity University		
Address of Business	115 Oakmont Court 78212	Bldg No.:	Suite No.:
Owner of Business	Trinity University		
Contact Name (Primary Contact)	John Greene	Telephone Number	210.999-8452
Applicant Name	Trinity University		
Description of Business (be specific)	office higher education		
Function of Space (be specific)	office		
Is the business currently in operation?	<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	<input checked="" type="radio"/> Y <input type="radio"/> N
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)			<input checked="" type="radio"/> Y <input type="radio"/> N
Related Building Permits			
<input checked="" type="radio"/> Y <input type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.		
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.		
<input checked="" type="radio"/> Y <input type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?		
Any violation noted during the Certificate of Occupancy inspection will need to be corrected prior to the issuance of the Certificate of Occupancy. Once a Certificate of Occupancy has been issued, Development Services does not make annual inspections. However, if it is determined that permits were required for work performed, there is a possibility that the Certificate of Occupancy may be revoked.			
Type of Business			
	TYPE OF BUSINESS	REQUIRED ITEMS	REQUIRED ITEMS
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will there be food or drink?	Health Inspection	Parking Site Plan if a change of use
<input checked="" type="radio"/> Y <input type="radio"/> N	Childcare, school or nursing home?	Health Inspection	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC	Parking Site Plan
<input checked="" type="radio"/> Y <input type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey	Parking Site Plan

ATTACHMENT 9 – CO APPLICATION FOR 115 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate Issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer “yes” to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 3772
sq. ft

	Type of Live Entertainment	O1 & O2	NC	C1	C2	C3	D	L	H1	H2	ERZD
		Y <input checked="" type="radio"/> N	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	*
Y <input checked="" type="radio"/> N	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	P
Y <input checked="" type="radio"/> N	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	*	*	*
Y <input checked="" type="radio"/> N	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*
Y <input checked="" type="radio"/> N	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	P
Y <input checked="" type="radio"/> N	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	P
Y <input checked="" type="radio"/> N	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	*	P
Y <input checked="" type="radio"/> N	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P – business use is permitted

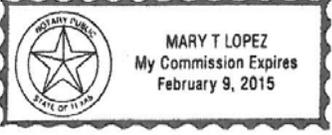
Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y N Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec 6, 2011 Owner/Authorized Agent Signature: 

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204 (210) 207-1111 www.sanantonio.gov/dsd
Authorization by Property Owner (Required if Applicant is not the owner of the subject property)	
Property Owner	Trinity University
Address of Business	115 Oakmont Court
Proposed Use of Property	offices
By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give <u>John Greene</u> permission to submit all necessary documentation in support of a Certificate of Occupancy Application for the above-listed proposed use of the property and to serve as my representative for this request. I further affirm that any violation may result in suspension and or revocation of the Certificate of Occupancy.	
<u>12-06-2011</u> (Date)	 Property Owner Signature (and title, if Signing for a Partnership, Corporation or Trust)
STATE OF TEXAS COUNTY OF BEXAR	§ § §
Before me, the undersign authority, on this day personally appeared <u>MARK DETTERRICK</u> , the affiant who, after being duly sworn on oath, deposed and states the facts herein set forth are true and correct.	
Sworn to and subscribed before me on this the <u>06</u> day of <u>DECEMBER</u> , 2011.	
	 NOTARY PUBLIC, STATE OF TEXAS

NO. 1762425

DATE: 12/19/2011

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 115 OAKMONT COURT

Lot: 2

Block: 2

NCB: 6581

has been inspected and the following occupancy thereof is hereby authorized:

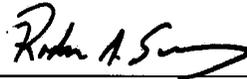
Occupant Group: B

Occupant Load: 19

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES

	City of San Antonio Development Services 1901 S. Alamo San Antonio, Texas 78204		(210) 207-1111 www.sanantonio.gov/dsd
	<i>1762426</i>		
Certificate of Occupancy Application **Must be processed in person**			
Name of Business	Trinity University		
Address of Business	139 Oakmont Court 78212	Bldg No.:	Suite No.:
Owner of Business	Trinity University		
Contact Name (Primary Contact)	John Greene	Telephone Number	210.999.8452
Applicant Name	Trinity University		
Description of Business (be specific)	higher education		
Function of Space (be specific)	office		
Is the business currently in operation?	<input checked="" type="radio"/> Y <input type="radio"/> N	Is this a change of "use" of the building or site? If yes, a traffic review of a parking site plan may be required.	<input type="radio"/> Y <input checked="" type="radio"/> N
Is there an existing shared parking agreement? (Parking must comply with UDC section 35-526)			<input type="radio"/> Y <input checked="" type="radio"/> N
Related Building Permits			
<input type="radio"/> Y <input checked="" type="radio"/> N	Is a Building Permit required in conjunction with this application? If yes, please list the AP No.		
<input checked="" type="radio"/> Y <input type="radio"/> N	Are there any open permits at the location? Any "open" permit will require clearance.		
<input type="radio"/> Y <input checked="" type="radio"/> N	If open permits exist, do you want the inspectors to inspect the work performed as part of the Certificate of Occupancy inspection process?		
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Type of Business			
	TYPE OF BUSINESS	REQUIRED ITEMS	REQUIRED ITEMS
<input type="radio"/> Y <input checked="" type="radio"/> N	Will there be any gaming devices?	Gaming Device Affidavit	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Will there be food or drink?	Health Inspection	Parking Site Plan if a change of use
<input type="radio"/> Y <input checked="" type="radio"/> N	Childcare, school or nursing home?	Health Inspection	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Will alcohol be sold?	Locational Affidavit and Survey - Chapter 4 City Code	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Is this a Bed and Breakfast?	Locational Affidavit and Survey - Section 35-374 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Community Home or Assisted Living Facility?	Locational Affidavit and Survey - Section 35-376 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Headshop?	Locational Affidavit and Survey - Section 35-377 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Transitional Home?	Locational Affidavit and Survey - Section 35-390 UDC	Parking Site Plan
<input type="radio"/> Y <input checked="" type="radio"/> N	Sexually Oriented Business?	SOB Affidavit with Survey	Parking Site Plan

ATTACHMENT 10 – CO APPLICATION FOR 139 OAKMONT (CONT.)

NOTE: For existing businesses, Applicant has the option of submitting a Verification of Operation Certificate issued by Land Development (Zoning) in lieu of the Affidavit.

Live Entertainment – If you answer “yes” to any of the following items, you must have the applicable zoning listed in the following table to apply for a Certificate of Occupancy.

In addition, traffic review of site plan are required.

To determine whether your business could be considered a nightclub, indicate square footage of building (excluding kitchen, restrooms and storage area) 7020 sq. ft

	Type of Live Entertainment	O-1A	O-2	NC	C-1	C-2	C-3	D	F	H-1	H-2	ERZD
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern without cover charge 3 or more days per week	*	*	S	S	S	P	P	P	*	*	P
Y <input checked="" type="radio"/>	Alcohol – bar and/or tavern with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Alcohol – nightclub without cover charge 3 or more days per week	*	*	*	*	*	P	P	P	*	*	*
Y <input checked="" type="radio"/>	Alcohol – nightclub with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	*
Y <input checked="" type="radio"/>	Live entertainment without cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Live entertainment with cover charge 3 or more days per week (not including food service establishments)	*	*	*	*	*	S	P	*	*	*	P
Y <input checked="" type="radio"/>	Food service establishments without cover charge 3 or more days per week	*	P	P	P	P	P	P	P	P	*	P
Y <input checked="" type="radio"/>	Food service establishments with cover charge 3 or more days per week	*	*	*	*	*	S	P	*	*	*	P

* - Zoning does not allow the business use S- Specific use authorization is required P – business use is permitted

Chapter 35, Appendix A., Definition and Rules of Interpretation

Bar	See "Tavern"
Cover Charge	A fee levied by a food service establishment, nightclub or tavern in addition to the charge for food and/or drink.
Live Entertainment	A use which includes any and all of the following activities, either principal or accessory: performance by musicians, dancers, stand-up comedians or other performance artists, karaoke, live bands or musical actions; or the amplification of recorded music/entertainment by live disk jockeys.
Nightclub	A tavern with more than two thousand (2,000) square feet of the building area excluding kitchen, restrooms and storage areas. A nightclub use may include, in addition to the provisions of alcohol, a dance hall and/or live entertainment as an accessory use.
Tavern	Any use in which seventy-five (75) percent or more of its gross revenue is derived from the on-premises sale and consumption of alcoholic beverages. A tavern use may include, in addition to the provision of alcohol, food services, and/or live entertainment as an accessory use.

Y Will this proposed business have any of the following uses?
 Restaurant, Fast Food, Grocery Store, Bar, Liquor store, Bingo Parlor, Bowling Alley, Convenience Store, Child Care Facility, School (public or private), Swimming Pool, Paint and Body Shop, Hotel or Motel, or any type of retail establishment that sells or serves food or drinks whether open, or pre-packaged or pre-bottled. If yes, a health inspection is required to obtain a Certificate of Occupancy.

The information included in this application is true and accurate.

Date: Dec. 6, 2011 Owner/Authorized Agent Signature: 

NO. 1762426

**CITY OF SAN ANTONIO, TEXAS
DEVELOPMENT SERVICES DEPARTMENT**

DATE: 12/21/2011

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 139 OAKMONT COURT

Lot: 5

Block: 2

NCB: 6581

has been inspected and the following occupancy thereof is hereby authorized:

Occupant Group: B

Occupant Load: 25

Occupant: TRINITY UNIVERSITY

Description of Business: OFFICE

DBA Name: TRINITY UNIVERSITY



DIRECTOR OF DEVELOPMENT SERVICES



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-042
Date: May 14, 2012
Applicant: Keller Signs
Owner: LS Boardwalk, LLC/ The San Antonio Boardwalk LLC
Location: 23535 W. IH 10
Legal Description: Lots 6, Block 1, NCB 16391
Zoning: "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Military Lighting Overlay District
Prepared By: Trenton Robertson, Planner

Request

1) A request for a 144-square foot variance from the 300-square foot maximum sign area requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to allow a 444-square feet multiple-tenant sign; and 2) a 10-foot variance from the 40-foot maximum sign height requirement for multiple-tenant signs of the "GC-1" Hill Country Gateway Corridor District, in order to maintain a 50-foot tall multiple tenant 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 April 4, 2012. The application was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 11, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 3.83-acre property is located on the west side of Interstate Highway 10 (IH-10). It consists of a small shopping center with variety of different businesses. There is an existing on-premise multiple tenant free standing sign on the subject property that the applicant wishes to add another sign cabinet to, increasing the total area of the sign. The proposed sign will maintain fifty (50) feet in height, and will have a sign area of approximately four hundred forty four (444) square feet.

In accordance to the Hill Country Gateway Corridor District, the on-premise multiple tenant free standing sign on this property is adjacent to an Expressway. Pursuant to Ordinance 97656 of the Hill Country Gateway Corridor District, the maximum height and area allowed for multiple-tenant signs on properties adjacent to an Expressway is forty (40) feet for maximum height and three hundred (300) square feet for total area. Consequently, the applicant is requesting two (2) variances from these standards.

According to the submitted application, the variances are needed to 1) maintain the existing fifty (50) feet height, 2) maintain the current area of the sign, three hundred ninety five (395) square feet, and add an additional forty nine (49) square feet to allow the addition of another cabinet on the bottom of the sign. The requested variances would permit a new business to the center, Double Dave’s, to have signage on the sign which currently can not be enlarged since it is nonconforming in size. If granted, the variance would first make the existing sign conforming and second authorize the additional cabinet for the new tenant.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 GC-1 MLOD-1 (Commercial)	Retail, Services

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 GC-1 MLOD-1 (Commercial)	Medical Facility
South	R-6 GC-1 MLOD-1 (Single-Family Residential)	Vacant
East	UZROW	Interstate Highway 10 (IH-10)
West	O-2 GC-1 MLOD-1 (Office)	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Hill Country Gateway Corridor District Plan. The subject property is located within two hundred (200) feet of the Cielo Vista neighborhood association, an association registered with the City. The neighborhood association was notified of the request, but no concerns were submitted.

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:*

Granting the variance is contrary to the public interests. The Hill Country Gateway Corridor serves as a gateway to the city and is considered an asset of great value to the city, its inhabitants and its economy. The City Council aims to preserve, enhance, and perpetuate the

value of these roadway corridors and authorized the establishment of corridor overlay zoning districts in accordance with Section 35-339.01 of the UDC. In implementing these goals, Ordinance Number 97656 allows free standing multiple-tenant signs adjacent to an expressway to have a maximum sign area of three hundred (300) square feet and be at a height of no greater than forty (40) feet tall. The existing sign exceeds the maximum height and square footage allowed in this district and should not be enlarged as requested by the applicant. The increase of sign area would erode goals and objectives of the Hill Country Gateway Corridor.

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

The subject property sits on the west side of IH-10. The sign sits above the grade of both IH-10 and its frontage road. The topography of the subject property does not prevent or limit the applicant from having adequate signs on the site. In accordance to Ordinance 97656, free standing multiple tenant signs located within the Hill Country Gateway Corridor adjacent to an expressway are permitted to have a maximum sign area of three hundred (300) square feet and be at a height of no greater than forty (40) feet tall. Currently, the area of the sign is three hundred ninety five (395) square feet and is fifty (50) feet tall exceeding the development standards set forth in Ordinance 97656. By denying the variance and not allowing for the area of the sign to increase by forty nine (49) square feet, it would not cause an unnecessary hardship. The owner of the property can find other methods to allow the applicant to have signage on the property by refacing the non-conforming sign.

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

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 maintain and add to a sign that is approximately twenty five percent (25%) taller and forty eight percent (48%) bigger than what is permitted in the Hill Country Gateway Corridor. Due to the increase in area that is being proposed the request would conflict with the stated purposes of Section 35-482(e) of the Unified Development code as well as Ordinance 97656 which adopted site development standards for the Hill Country Gateway Corridor District Plan. Therefore the spirit of the ordinance would not be upheld through granting the applicant's request for a 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.*

Granting this 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 variance is requesting to enlarge the sign by increasing the area and height of the sign. This request will not alter any use on the subject property for which it is currently zoned for.

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.*

Granting the variance will significantly alter the character of the district. The goal of the Hill Country Corridor District plan regarding signage is to enhance San Antonio's image as a progressive, scenic, and livable community in accordance with Section 35-339.01 of the

UDC. The standards adopted to further this goal include limiting height to forty (40) feet and area to three hundred (300) square feet. The goal of the District is to have all signs come into conformance over time, reinforcing the character of the District.

Granting the variance would also injure adjacent conforming properties with businesses whose signs are limited to forty (40) feet in height and three hundred (300) square feet and potentially give an unfair advantage to competition within the surrounding area.

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 are no existing unique circumstances on the property that would cause an unnecessary hardship. The subject property is located on the frontage road for IH-10 and sits at a higher grade than the Interstate Highway which increases visibility of the sign. Additionally, the hardship the applicant is presenting is self inflicted. The owner of the sign can request other tenants to decrease their sign cabinets in order to allow additional tenants to have space on the sign to advertise their business.

Staff Recommendation

Staff recommends **denial of A-12-042 of increasing the area of the sign by one hundred forty four (144) square feet with an alternative recommendation for the sign height and sign area variances.** The requested variances do not comply with the required approval criteria for granting a variance as presented above, based on the following findings:

1. 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 Expressway in the Hill Country Gateway Corridor District Plan. The hardship has been self imposed and does not fall under the requirements of being granted a sign variance in accordance with Section 28-246(b) of the UDC.
2. The variance will substantially injure the appropriate use of adjacent conforming property by offering the applicant an unfair advantage over those businesses whose signs comply with the Code.
3. The additional square footage added to the existing sign alters the essential character of the Gateway Corridor district in which the property is located.
4. The spirit of the Ordinance would not be served by allowing the applicant to create unique standards that apply just to this property. It is similar to all other commercial centers in the area and does not warrant special consideration.

Alternative to Applicant's Request

The alternative recommendation from staff would be to **retain the nonconforming sign as it currently exists.** The current sign is fifty (50) feet tall, which is ten (10) feet taller than the maximum standard allotted in the Hill Country Gateway Corridor District Plan (Ordinance 97656). In addition, the current area of the sign at three hundred ninety five (395) square feet, is ninety five (95) square feet greater than allotted in the Hill Country Gateway Corridor District (Ordinance 97656).

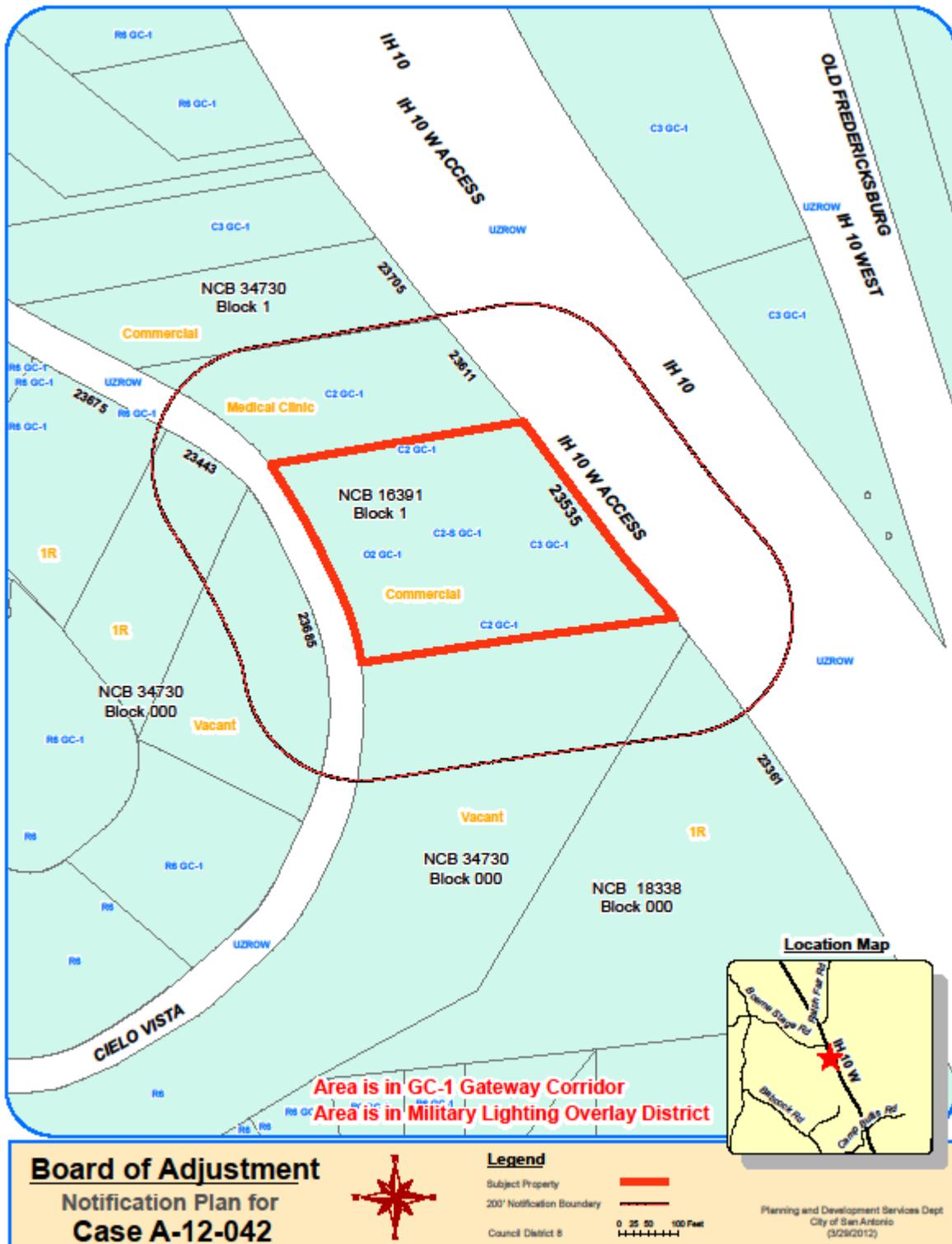
Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Proposed Sign

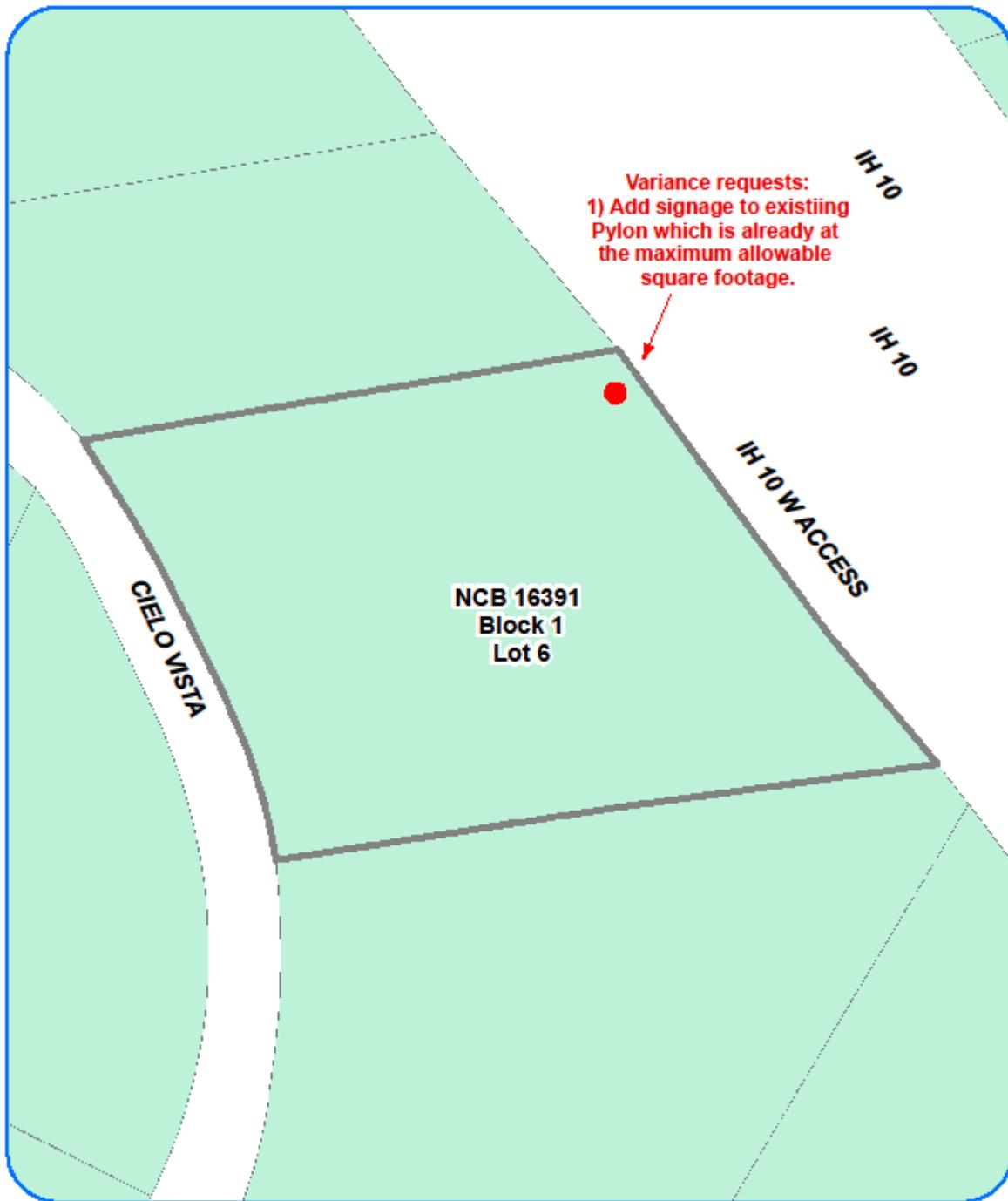
Attachment 1 Notification Plan



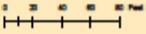
**Attachment 1 (Continued)
Notification Plan**



**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case A-12-042



Council District 8

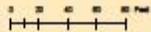
23535 W IH 10

Development Services Dept
City of San Antonio
(3/19/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-042



Council District 8

23535 W IH 10

Development Services Dept
City of San Antonio
(3/19/2012)



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-043
Date: May 14, 2012
Applicant: Sharon Quezada
Owner: Maria M. Morales
Location: 3359 West Woodlawn Avenue
Legal Description: Lot 45, Block B, NCB 11508
Zoning: "R-5 AHOD" Residential Single Family Airport Hazard Overlay District
Prepared By: Trenton Robertson, Planner

Request

A request for a special exception to erect a 6-foot Ornamental-Iron Front Yard fence in the "R-5" Residential Single-Family District.

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 April 4, 2012. The application was published in The San Antonio Express-News, an official newspaper of general circulation on April 6, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 11, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 1-acre subject property is located on the North side of Woodlawn Avenue. The parcel is currently zoned "R-5 AHOD" Residential Single-Family uses Airport Hazard Overlay District. The property is surrounded by single-family residential to the north, south, east and west. The applicant has already installed an ornamental iron fence in the front yard that exceeds the height limitations of four (4) feet stated in Section 35-514 of the UDC. Due to the height of the fence, the applicant is requesting a special exception for an ornamental iron front yard fence not to exceed six (6) feet in height in accordance to Section 35-399.04 of the UDC. Currently, the fence has been constructed with the height of seven (7) feet. The applicant has been made aware that they need to lower the height of the fence from (7) feet to six (6) feet in order to qualify for a special exception from the Board of Adjustment in conjunction with Section 35-399.04 of the UDC.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan. The subject property is not located within two (200) hundred feet of a registered Neighborhood Association.

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 special exception is not in harmony with the spirit and purpose of Chapter 35, UDC. The proposed fence doesn't meet the height requirements established in Section 35-399.04(a) of the UDC. The plans submitted by the applicant shows the fence to be six (6) feet tall, but when staff conducted a site visit the fence measured at approximately seven (7) feet in height. Pursuant to Section 35-399.04, ornamental-iron front yard fences shall not exceed six (6) feet in height, in order for a special exception to be granted. The applicant would need to lower the height of the fence down to six (6) feet in order for a special exception to be granted.

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

The public welfare and convenience will be substantially granted by allowing the applicant to securely protect their property if the fence met the height requirement of six (6) feet as mandated by Section 35-399.04 of the UDC.

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

The neighboring properties will not be substantially injured by granting the special exception for a six (6) foot tall ornamental- iron front yard fence pursuant to Section 35-399.04 of the UDC. The design of the fence will not encroach on the neighboring properties or cause any undo hardship. Due to the fence exceeding six (6) feet in height, the design of the fence does encroach on the neighboring properties and cause an undo hardship on adjacent property owners.

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.

There are no other properties within the neighborhood which have an ornamental-iron front yard fence. Additionally, there are few properties within two hundred (200) feet of the subject property that have a front yard fence. By granting the applicant's request for a special exception, the proposed fence and the encompassing property will not maintain the harmony and character of the surrounding neighborhood.

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

The requested special exception would not weaken the general purpose of the "R-5" Residential Single Family zoning district. The fence, as proposed in the plans submitted with the application would comply with the additional standards set forth in Section 35-399.04(a) of the UDC. As the fence stands now with a height of seven (7) feet, the fence does not comply with all the criteria of Section 35-399.04(a).

Staff Recommendation

Staff recommends **denial of A-12-043**. The request complies with zero of the five required criteria for a special exception as established in Section 35-482(h) of the UDC, based on the following findings:

1. The current height of the fence is seven (7) feet; it does not qualify for a special exception. Therefore, the request does not meet any of the required criteria for a special exception.
2. The design of the fence submitted by the applicant is not in accordance with the design criteria specified in Section 35-399.04(a) of the UDC.

If the fence height were to be brought into compliance of six (6) feet pursuant to Section 35-399.04 of the UDC, staff would still recommend **denial of A-12-043**. The request would comply with four of the five required criteria for a special exception as established in Section 35-482(h) of the UDC, based on the following findings:

1. The six (6) foot ornamental-iron front yard fence will not maintain the harmony and character of the surrounding neighborhood.

Alternatives to Applicant's Request

Staff has identified the following alternatives which would eliminate the need for a variance:

1. Take down the front and side yard fence.

2. Bring the fence into compliance by decreasing it's height to four (4) feet.

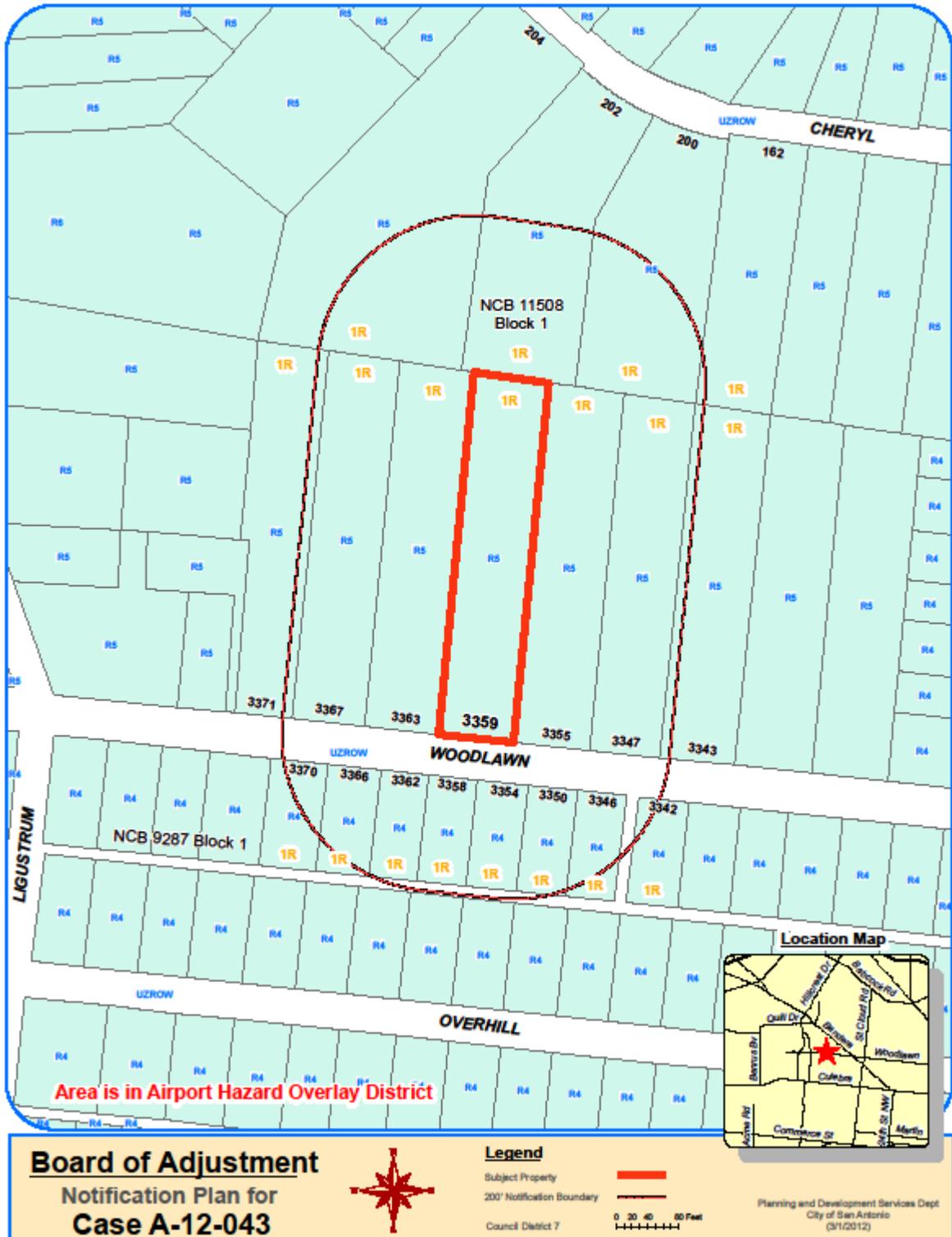
Attachments

Attachment 1 – Notification Plan (Location Map)

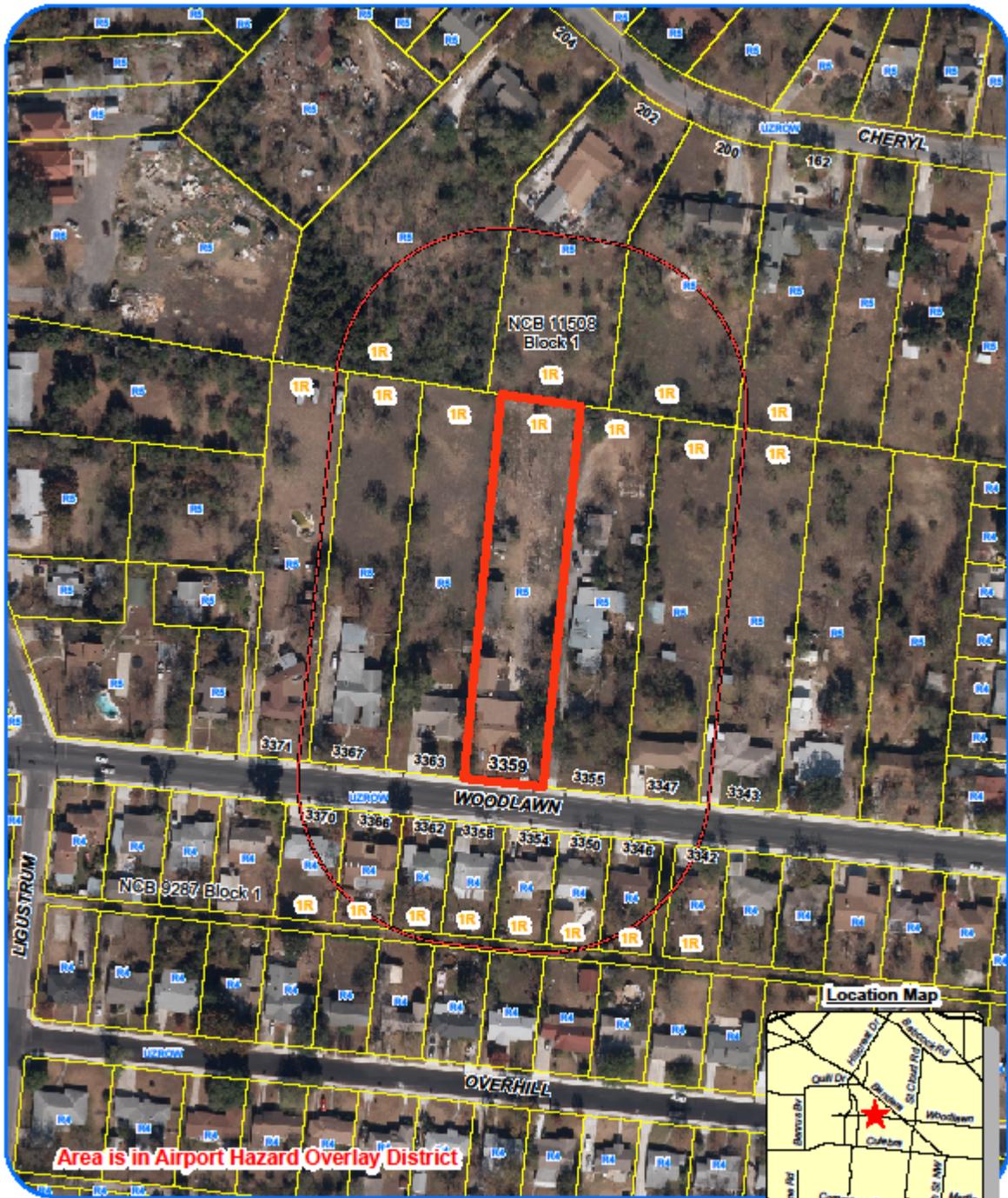
Attachment 2 – Plot Plan

Attachment 3 – Fence Elevation

Notification Plan Attachment 1



**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case A-12-043**



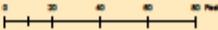
Legend
 Subject Property ————
 200' Notification Boundary ————
 Council District 7 ————
 0 20 40 60 Feet
 ————



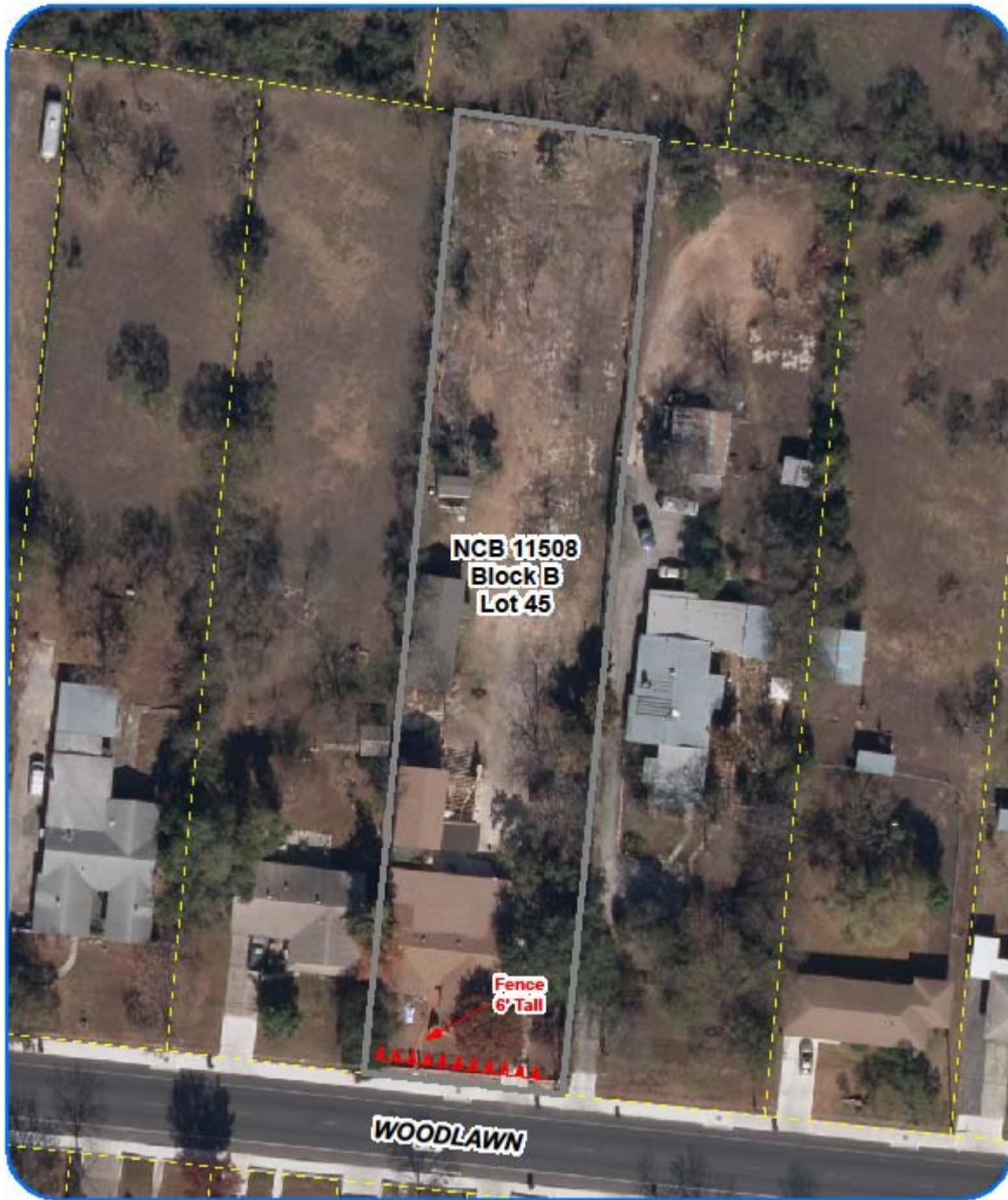
Planning and Development Services Dept
 City of San Antonio
 (3/1/2012)

**Attachment 2
Plot Plan**



Board of Adjustment Plot Plan for Case A-12-043		Fence 	3359 W WOODLAWN AVE
			Development Services Dept City of San Antonio (3/19/2012)
		Council District 7	

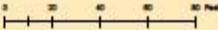
Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-043



Fence **AAAAA** 3359 W WOODLAWN AVE

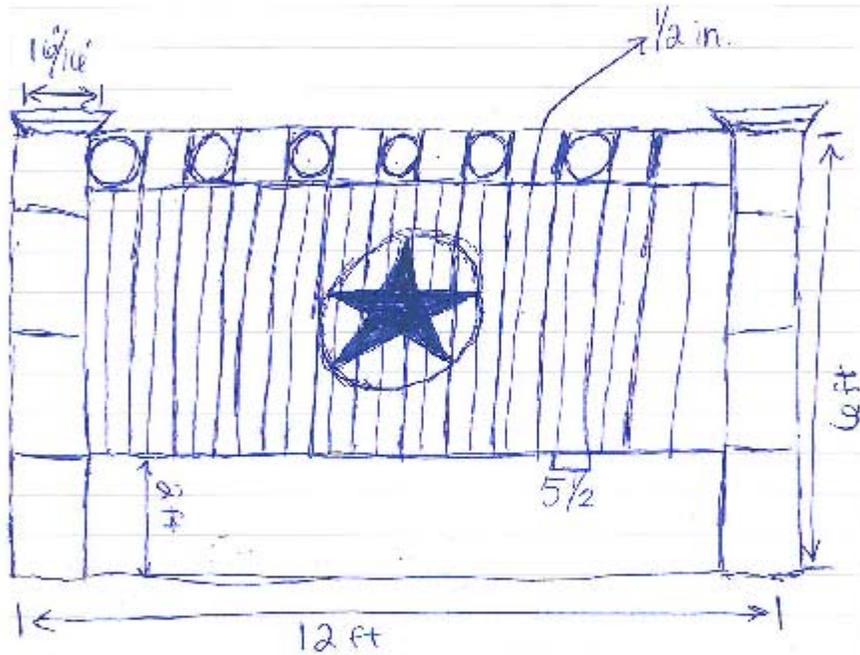


Council District 7

Development Services Dept
City of San Antonio
(3/19/2012)

**Attachment 3
Fence Elevation**

3339. W Woodlawn
San Antonio TX, 78278



from fence to street : 7 ft.

I, Sharon Querada understand that the
fence bars will be changed from 5 inches
to 5 1/2 inches.

Sharon Querada



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-12-046
Date: May 14, 2012
Applicant: Richard Kirschenmann, State Federal Contractors
Owner: BRE/AmeriSuites TXNC Properties LP, a Delaware Limited Partnership
Location: 4303 Hyatt Place Drive
Legal Description: Lot 13, Block 19, NCB 14035
Zoning: "C-2" Commercial District
Prepared By: Tony Felts, Planner

Request

The applicant requests a 3-foot variance in order to allow a 6-foot solid wood fence 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 April 25, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 26, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on May 10, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 2.91-acre property is located at the Northeastern terminus of Hyatt Place Drive, approximately 550 feet east of IH 10 West. It is an irregular lot approximately 414 feet wide and 324 feet deep, and is currently developed with a hotel with associated amenities and parking. The owner wishes to construct a six (6) foot high solid, wooden privacy fence around the perimeter of the property; the purpose of the fence is to improve security. The applicant claims that there have been vehicle break-ins, as well as the parking lot being used for overflow parking for nearby restaurants without owner permission.

Pursuant to Section 35-514(d)(1) of the UDC, the maximum height allowed for a solid fence within the front yard area is three (3) feet. In the side and rear yard areas, the maximum allowed fence height is six (6) feet.

Appendix A of the UDC defines a front yard as “[a]n area extending the full width of a lot between the front lot line and the nearest principal structure.” As such, the front yard is determined in large part by the orientation of the building on the lot to the lot line. In this case, the building is oriented diagonally from and facing the street cul-de-sac at the terminus of Hyatt Place Drive. Taking the definition of a front yard and the existing building orientation into account, the result is a front yard that extends approximately half-way down the side property lines, and, as previously stated, the UDC prohibits the applicant from constructing a fence higher than three (3) feet in the front yard.

The applicant has stated in the submitted application that the purpose of the fencing is to prevent vehicle break-ins and unauthorized overflow parking from nearby restaurants.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 (Commercial)	Hotel

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 (Residential Single-Family)	Single-Family Residential
South	C-3 (Commercial)	Restaurant
East	C-3 (Commercial)	Vacant
West	O-2 (Office) and C-3 (Commercial)	Parking / Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan Area. The subject property is not located within a registered Neighborhood Association Area.

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:*

The requested variance is to allow the construction of a six (6) foot-high solid, wooden privacy fence within the front yard area. The purpose of the fence is to protect the personal property of patrons of the hotel from break-ins as well as to discourage the unauthorized use of the parking lot by the adjacent restaurant patrons for parking. The granting of the variance would not be contrary to the public interest as public safety and access to enjoyment of open air, space, and light of adjacent properties would not be adversely impacted.

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

The definition of front yard requires that the entire area between the property line and the nearest principal structure wall be considered. Because of the orientation of the building and the irregular shape of the lot, an unusually large portion of the lot is considered as a “front yard.” In fact, approximately 55 feet of the 280-foot side property line would be considered to be within the front yard, which allows a maximum fence height of three (3) feet. The allowed 3-foot height is not sufficient for the applicant’s stated purpose. Due to the unique lot shape as well as the existing building orientation, a literal enforcement of the ordinance would result in an unnecessary hardship.

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

The UDC regulates fence design in order to ensure that unnecessarily high fences do not impact public safety or the enjoyment of property by adjacent property owners. These goals also further the Statement of Purpose of Division 3 of Article V of the UDC. The current use of the subject property as a hotel is a more intensive use than is currently allowed by the UDC in a “C-2” zoning district as, per Table 311-2 of the UDC, a hotel is only allowed as a specific use in a “C-2” district. The hotel was constructed under the previous “B-2” zoning from the 1965 code, which allowed a hotel, thus making the current use legal non-conforming. As such, the spirit of the ordinance will be observed and substantial justice done due to the non-conforming use of the property and the surrounding land uses.

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 “C-2” Commercial 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.*

As stated in Item 3, the fence abuts existing commercial properties consisting of parking and overflow parking for restaurants and businesses to the South. Parking lots and vacant lots are allowed to have a 6-foot high solid fence in the front yard, unless they abut a use which requires a lower fence. In this case, as the subject property would ordinarily only allow a 3-foot solid fence, the adjacent properties would be able to more fully enjoy the benefit of a higher fence allowed by the UDC under other circumstances. As such, the variance would not substantially injure the appropriate use of adjacent conforming properties or alter the essential 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 requested variance is due to the unique configuration of the lot combined with the existing building’s layout on the lot. While the argument could be made that the unique circumstances are partially created by the owner due to the construction of the building, staff believes that the lot layout is the circumstance that contributes to the uniqueness. In this

case, staff believes that a reasonable person would not consider the proposed fence area to be a part of the front yard, but rather would perceive only the immediate area between the building and the cul-de-sac to be the front yard. Further, the circumstances do not appear to be financial in nature but rather a measure to increase enjoyment of the subject property and improve security.

Alternatives to Applicant's Request

There are two possible alternatives to the applicant's request. The first would be to build the fence according to Section 35-514 of the UDC; the second alternative would be the "no build" alternative in which the applicant did nothing, and the property remained in its current condition. Building the fence to code could result in an awkward fence design which would be visually unappealing and would not accomplish the stated goals of separating the property from the parking lots and improving security. Neither of the alternatives improves security and enjoyment of the property.

Staff Recommendation

Staff recommends **approval of A-12-046**.

The requested 3-foot fence height variance appears to comply with all six of the required criteria for granting a variance. This variance is needed due to the unique layout of the lot and the existing structures on the lot, as well as the uses of the properties immediately adjacent to the proposed fence. Therefore, staff recommends **approval** of this request based on the following findings:

1. The request is not contrary to the public interest as public safety, access, and enjoyment of property are not adversely affected. The adjacent properties to the South are commercially zoned and developed as parking lots.
2. A literal enforcement of the ordinance would result in unnecessary hardship due to the irregular shape of the lot and the existing building orientation.
3. The spirit of the ordinance will be observed and substantial justice will be done by allowing the increased fence height as a reasonable person would not perceive the subject fence as being in the front yard.

Attachments

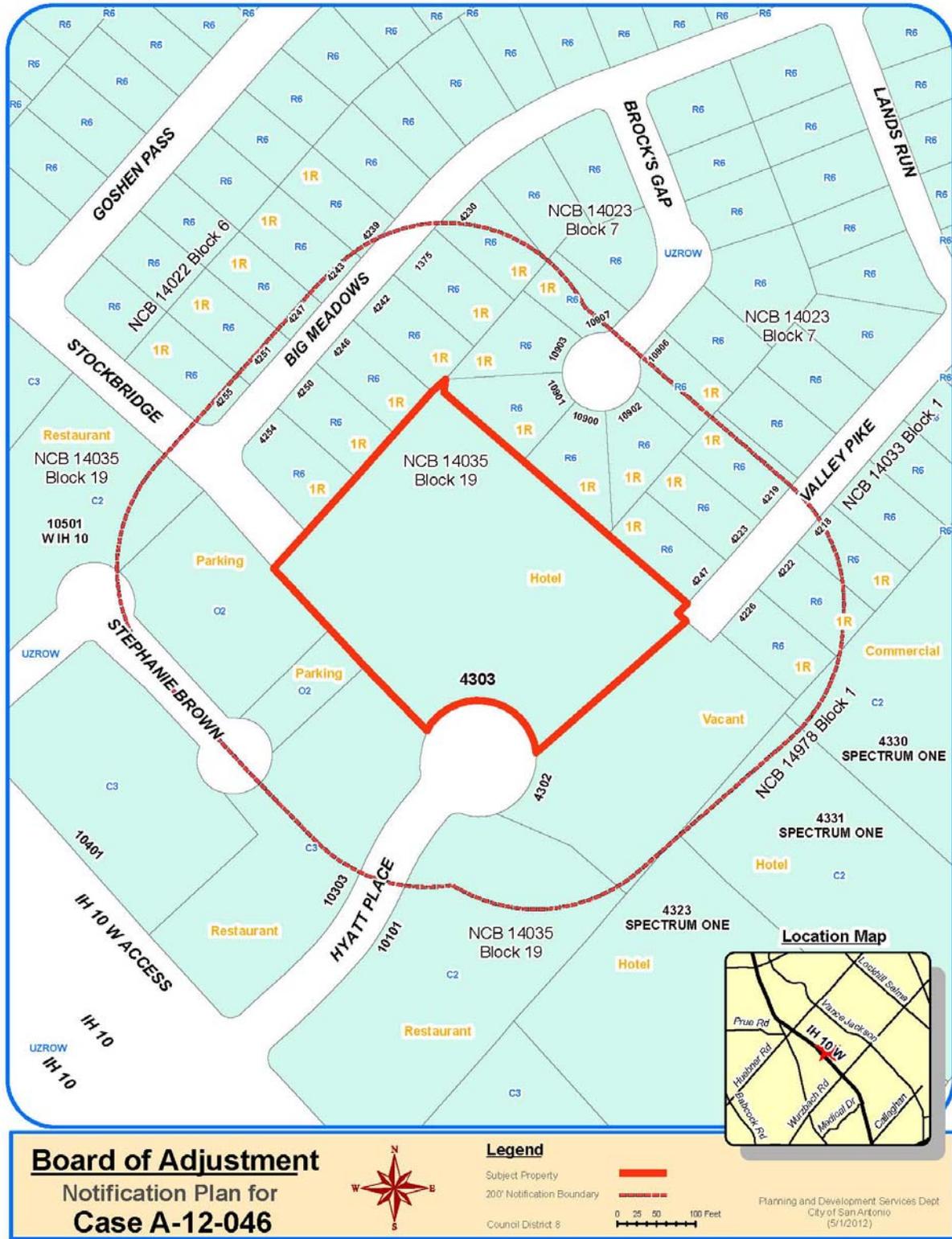
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

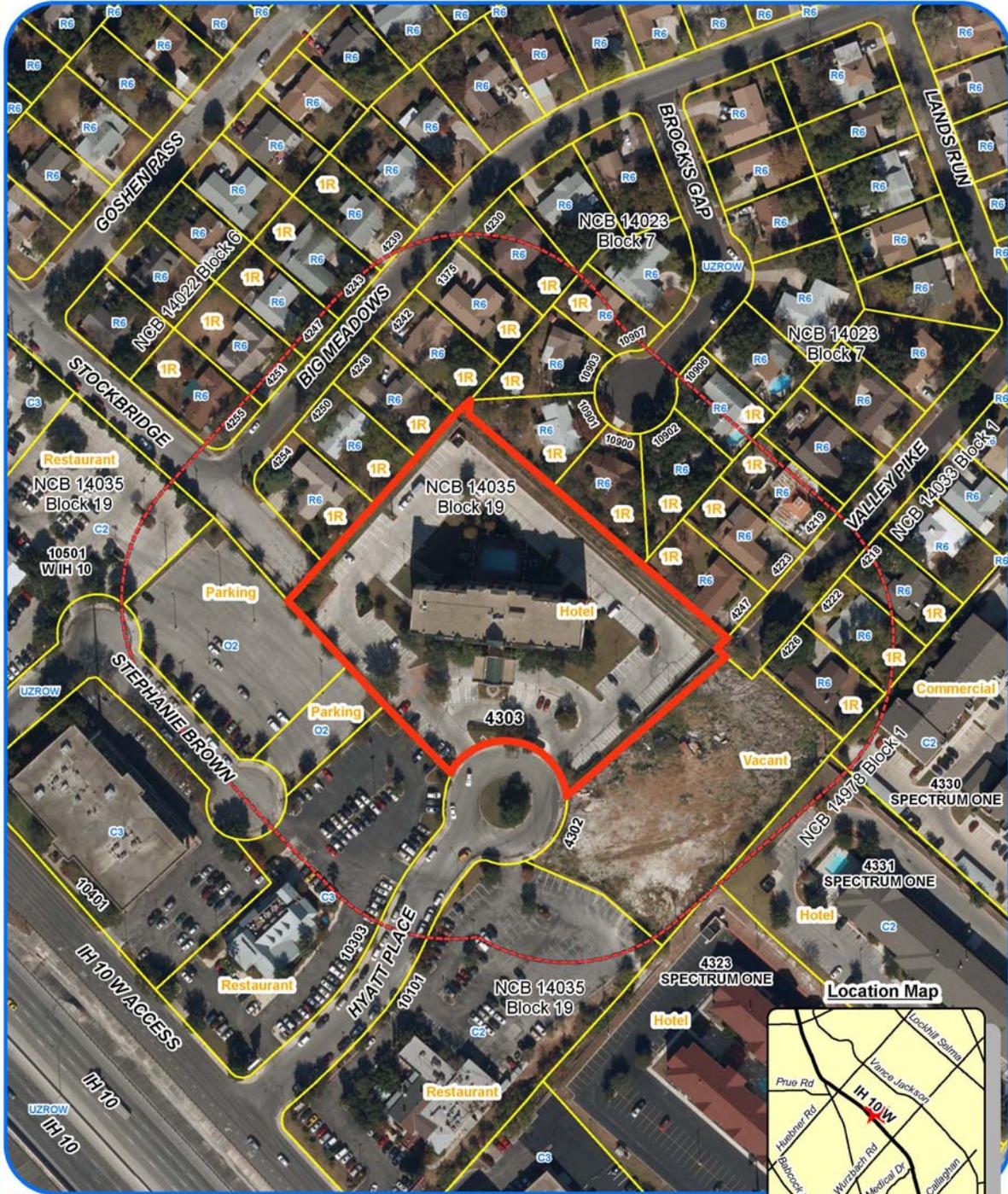
Attachment 3 – Site Plan

Attachment 4 – Renderings

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**

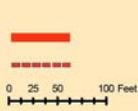


**Board of Adjustment
Notification Plan for
Case A-12-046**



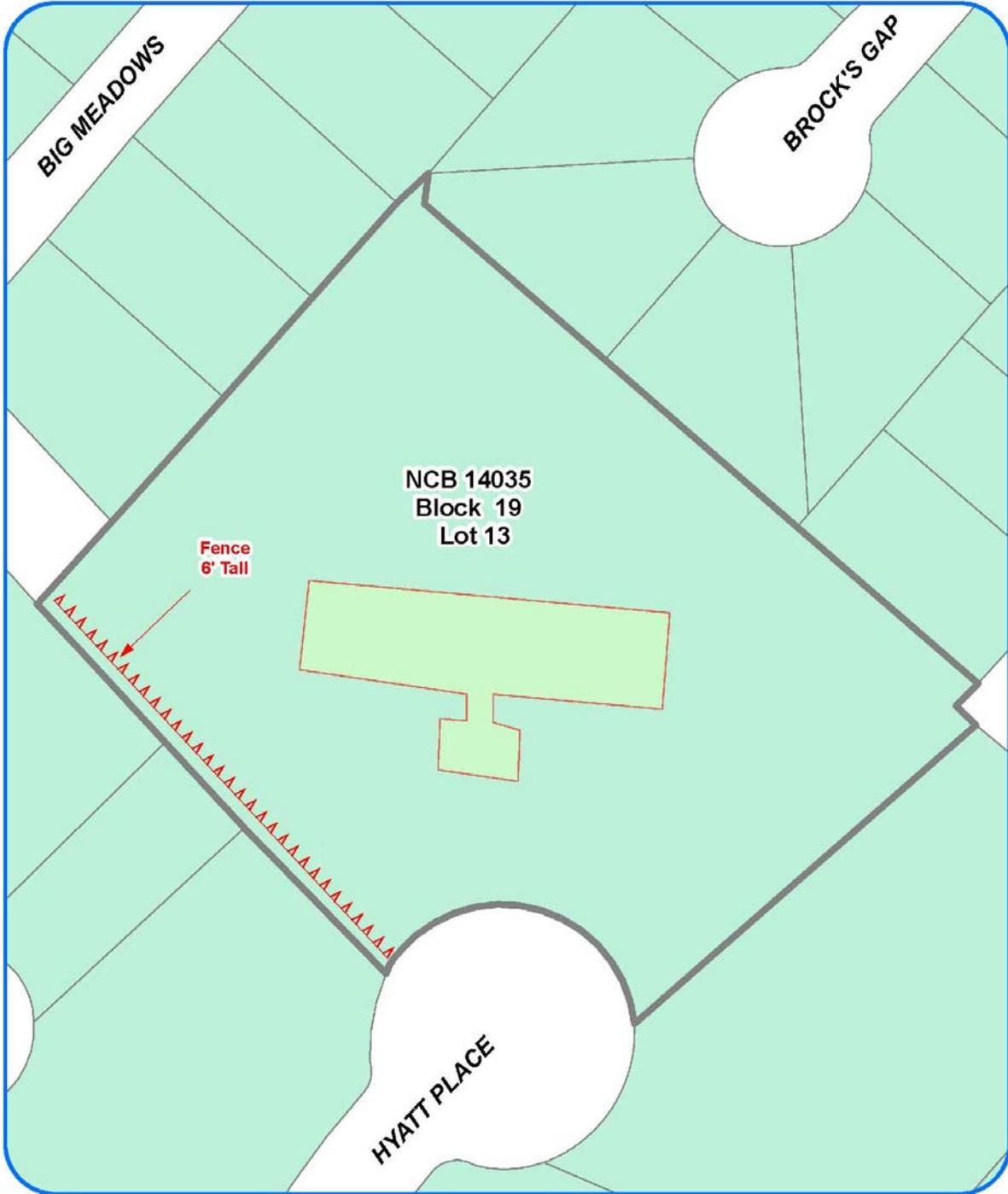
Legend

- Subject Property
- 200' Notification Boundary
- Council District 8



Planning and Development Services Dept
City of San Antonio
(5/1/2012)

Attachment 2
Plot Plan

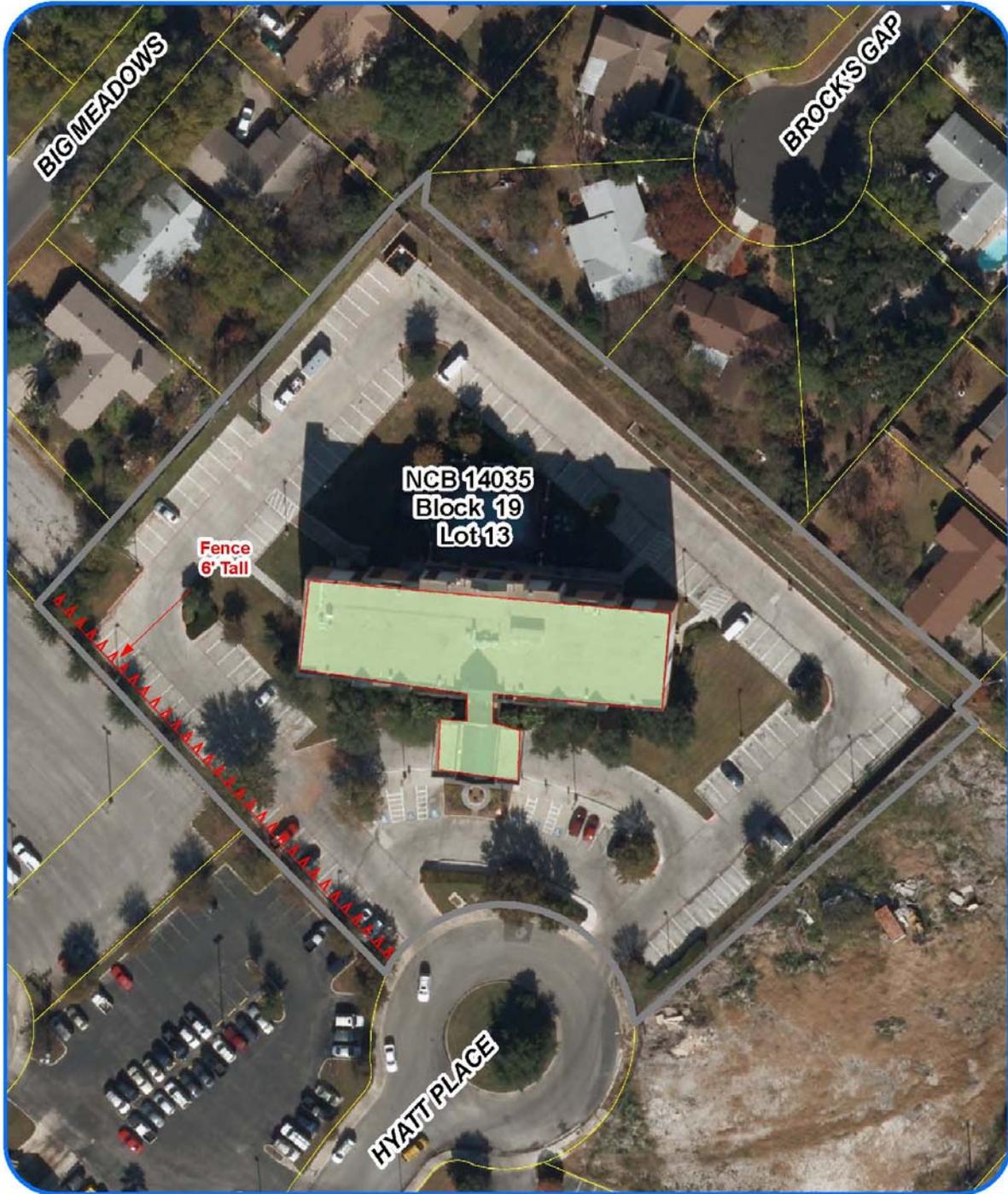


Board of Adjustment
Plot Plan for
Case A-12-046

0 20 40 60 80 Feet
Council District 8

4303 HYATT PLACE DR
Development Services Dept
City of San Antonio
(4/19/2012)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-046



0 20 40 60 80 Feet
Council District 8

4303 HYATT PLACE DR

Development Services Dept
City of San Antonio
(4/19/2012)



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-047
Date: May 14, 2012
Applicant: Site Enhancement Services
Owner: GMRI, Inc.
Location: 1381 Southwest Loop 410
Legal Description: Lot 8, Block 1, NCB 17172
Zoning: "C-3" AHOD General Commercial Airport Hazard Overlay District
Prepared By: Matthew Taylor, Senior Planner

Request

The applicant requests 1) A 10-foot variance from the required 10-foot front setback to allow a 0-foot front setback for an on-premise freestanding pylon sign, and 2) An 11-foot, 10-inch variance from the 50-foot maximum expressway height standard to allow a 61-foot, 10-inch on-premise freestanding pylon 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 April 25, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 26, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's Internet website on May 10, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property totals about three-fourths of one-acre and has an existing restaurant. The restaurant building is approximately 8,000 square feet in size and has a construction date of 1984 per the Bexar County Appraisal District. In addition to the freestanding on-premise pylon sign, the restaurant building has existing wall signage.

The property is located just north of the intersection of Southwest Loop 410 and Marbach Road. Numerous existing businesses are present in this area and range from restaurants and convenience stores to banks and grocery stores. Many of these businesses, including the restaurant on the subject property, were established during the mid-1980's. Since the explicit

standards for height, area and setbacks were not codified for on-premise signs until December of 1994, some of the older, existing signs in this area do not conform to one or more of the standards established in Chapter 28 (*Signs and Billboards*) of the City Code. For example, the existing pylon sign on the subject property meets the allowable square footage; however, it is presently nonconforming as it exceeds the maximum height allowance for signs along expressways and does not meet the minimum front setback requirement. The sign was installed following the opening of the restaurant and was re-faced at least once, in 1998, per City permitting records. A nonconforming sign may be re-faced indefinitely. The replacement of a sign cabinet causes a loss of nonconforming status pursuant to Section 28-245, requiring full compliance with the current standards of Chapter 28.

The existing pylon sign cabinet measures 375-feet in area, has a height of 66-feet above ground level and is setback from the front property line about 1-foot, 9-inches. Although the existing sign does not exceed the maximum square footage (375-feet), it exceeds the maximum height standard (50-feet) and encroaches into the minimum required front setback (10-feet). Therefore, the applicant is requesting to *decrease* the level of nonconformity for height by 4-feet, 2-inches but is requesting to *increase* the nonconforming setback by 8-feet, 3-inches. Of the three standards in play, the applicant is requesting a variance from two of these standards, height and setback.

To clarify the height allowance for both the existing and proposed pylon sign, Table 2 in Section 28-239 of the City Code identifies a maximum height along expressways of 50-feet; however, the Table also notes:

Not to exceed fifty (50 feet in height above the adjacent street grade, not to exceed a maximum of sixty (60) feet above ground level.

Since street grades may physically exceed the heights of properties that front them, especially along expressways, the Code allows an additional 10-feet for freestanding signs provided the overall height of the sign does not exceed 60-feet above the property’s actual grade. In this case, city sign inspectors have identified a grade difference of 5-feet, 6-inches as the grade of Loop 410 increases along the frontage of the subject property due to the presence of the overpass at Marbach Road. This allowance enables the applicant to modify the sign to an actual height of 55-feet, 6-inches above ground level without requiring a variance; however, the proposed sign is 61-feet, 10-inches, which is 6-feet, 4-inches more than is allowed without a variance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 (Commercial)	Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 (Commercial)	Automobile Repair
South	C-3 (Commercial)	Bank and Convenience Store
East	None	Expressway
West	C-3 (Commercial)	Grocery Store, Retail

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West Sector Area Plan and designated for Regional Center land uses; however, the property is not located within the boundary or within 200 feet of a neighborhood association registered with the City.

Criteria for Review

Pursuant to Section 28-247 of Chapter 28 of the City Code, 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 along a well-established major commercial corridor. Several other businesses are located in the vicinity, most having excellent visibility from Southwest Loop 410. Other than the change in grade that occurs due to the Marbach Road overpass, there are no apparent conditions unique to the subject property or to the area in general that warrant relief from the applicable sign regulations. Further, it is improbable that a denial of the requested variance would prove fatal to the long-standing restaurant use in place. Staff believes that neither of these two criteria can be adequately demonstrated or proven by the applicant.

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.*

At present, the applicant does enjoy a special privilege – a nonconforming sign privilege that allows indefinite re-facing. However, this same privilege extends to many other existing signs in this general area. Overall, the degree of nonconformity will be largely unchanged if the requested variances are granted.

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

Granting the requested variance will not adversely impact neighboring properties. The subject property is just one of several properties along Southwest Loop 410 in the vicinity of Marbach Road with existing businesses and freestanding signage. Although some of these businesses have had modifications done to their signage, several existing signs were originally constructed prior to the effective date of the City's on-premise sign regulations and possess various degrees of nonconformity.

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

Staff recognizes the importance of advertising to the business community and that prominent on-premise advertising can assist in securing the long term viability of any given business. Part of this consideration is also to recognize that copyrighted and/or trademarked images change over time, creating circumstances that require alterations to or the outright replacement of existing signage. In accordance with Section 28-245 (Nonconforming Sign Abatement), the existing sign may remain in its current state or undergo modifications to the sign face, as has happened in the past. The most substantial portion of the applicant's request is to increase the nonconformity of the front setback because of the increased width of the new sign cabinet.

Chapter 28 of the City Code is explicit in its purpose and function. Generally, the sign regulations are intended to promote safety and efficiency by ensuring safe construction and placement, limiting confusion or distraction due to proliferation and enhancing the aesthetic and economic attributes the City currently possesses. Staff's position is that, whether the requested variance is granted or whether the sign remains in its current state, the overall intent of the City's sign regulations is compromised.

Alternatives to Applicant Request

The applicant is willing to reduce the height of the sign and conceivably can reduce the height further to ensure the sign does not exceed the maximum height allowed (50-feet plus a grade allowance of 5-feet, 6-inches). Further, the existing pylon is about 14-feet from the edge of right-of-way. A new cabinet can be structurally offset in a manner that prevents any portion of the sign from projecting into the required 10-foot setback if not outright reduced in width. While the reduction in square footage of the cabinet assembly is not unnoticed by Staff, this trade-off in conditions does not replace the findings necessary to support the applicant's request.

Staff Recommendation

Staff recommends **denial of A-12-047** based on the following findings:

1. Since the variance is for modifications to an existing sign, strict enforcement of Chapter 28 is not prohibiting a use or imposing more restrictive standards than those otherwise allowed by the zoning district or because of the property's location along an expressway. Additionally, the property has no unique features and the difference in grade between the property and Southwest Loop 410 is compensated for by the additional height allowance (up to 10-feet above ground level) identified in Section 28-239 of the City Code.
2. The existing use of the subject property is long-standing and is not proposed to change. The existing sign is highly visible from the adjacent expressway in its current form and a denial of the variance will not place the survival of the existing use in jeopardy. The sign may be brought into full conformance with Chapter 28 and still retain excellent visibility from the expressway.
3. The requested variances will not have adverse impact on neighboring properties though the variances are by nature in conflict with the stated purposes of Chapter 28. Specifically, variances for height and setback do provide the applicant with privileges not enjoyed by others in the vicinity. Several signs in the area are pre-ordinance legal nonconforming for height, setback or square footage or some combination of these standards but this nonconformity restricts modifications to sign re-facing only, prohibiting any increase in existing nonconformities.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

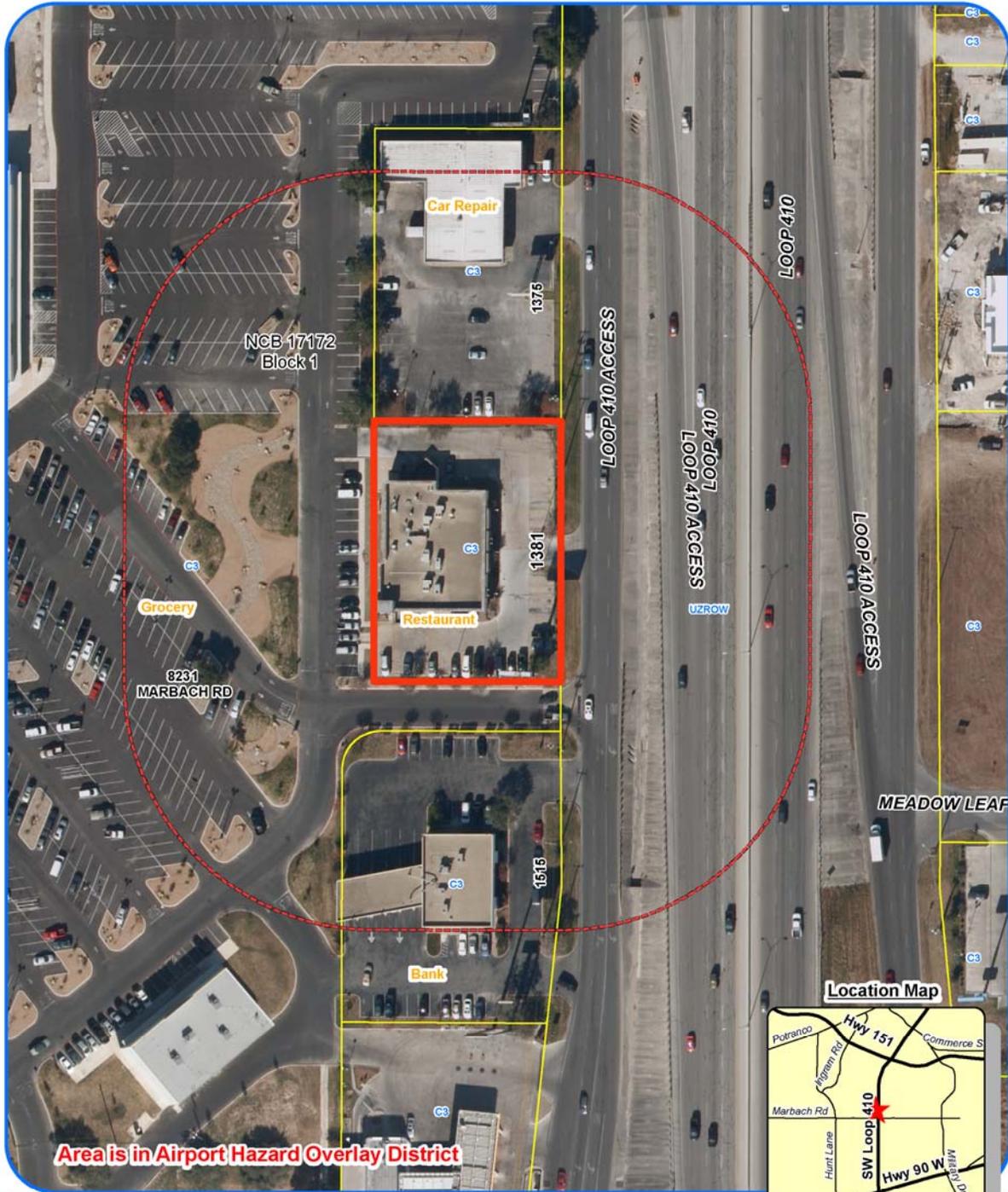
Attachment 3 – Applicant Site Plan

Attachment 4 – Elevation of Proposed Sign (Applicant Rendering)

Attachment 5 – Comparison of Existing and Proposed Signs (Applicant Rendering)

Attachment 6 – Detail of Proposed Sign Cabinet (Applicant Rendering)

Attachment 1 Notification Plan (Aerial Map)



<p>Board of Adjustment Notification Plan for Case A-12-047</p>		<p>Legend</p> <p>Subject Property</p> <p>200' Notification Boundary</p> <p>Council District 6</p>	<p>0 12.5 25 50 Feet</p> <p style="font-size: small;">Planning and Development Services Dept City of San Antonio (5/1/2012)</p>
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Attachment 2
Plot Plan (Aerial Map)



Board of Adjustment
Plot Plan for
Case A-12-047



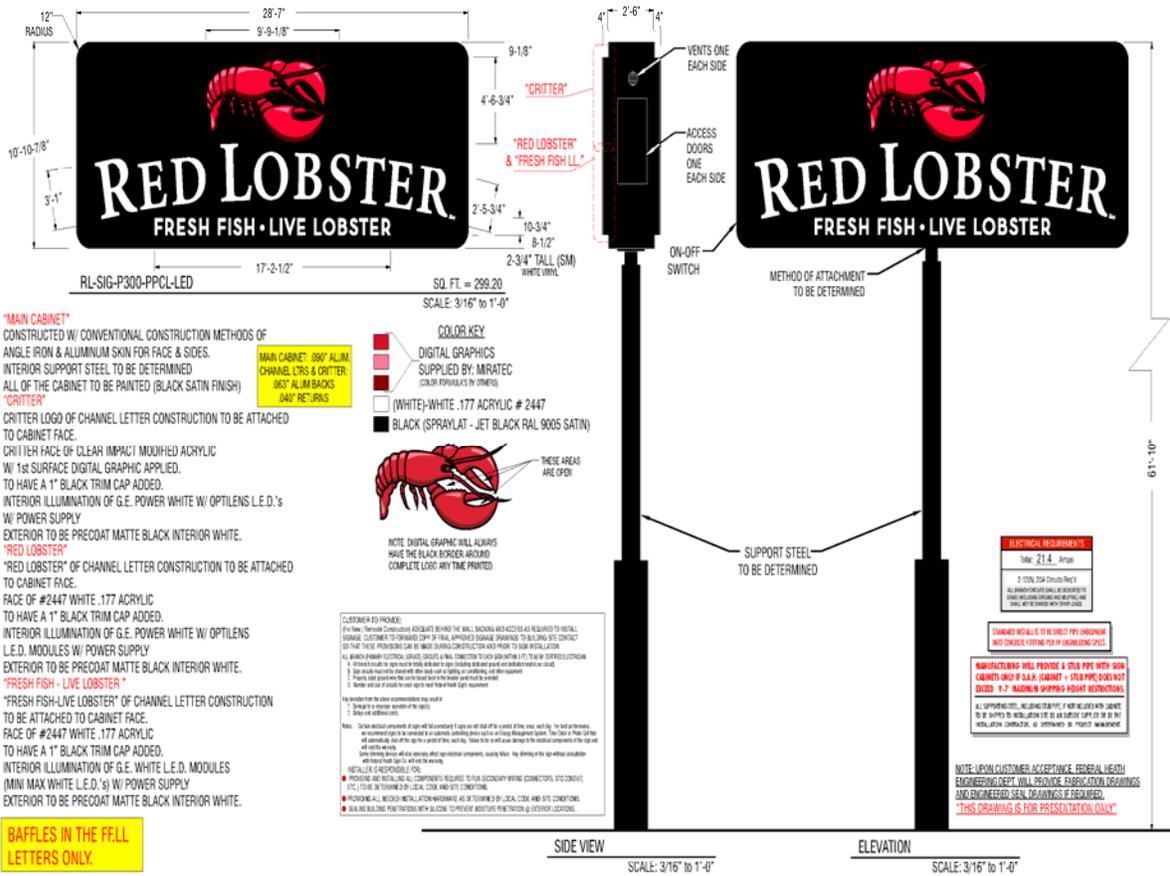
Sign Location ●
0 10 20 30 40 Feet
Council District 6

1381 SW LOOP 410

Development Services Dept
City of San Antonio
(4/19/2012)

Attachment 4 Elevation of Proposed Sign

RL-SIG-P300-PPCL-LED



RL-SIG-P300-PPCL-LED

Attachment 5 Comparison of Existing and Proposed Signs

Pylon Overlay
Store #0386

Existing: 15'-0" x 25'-0" Pylon at 66'-0" OAH: 375 SF



Proposed: 10'-10 7/8" x 28'-7" Pylon at 61'-10" OAH: 311.74 SF
Proposed pylon is 63.26 SF smaller and 4'-2" shorter than existing pylon



Attachment 6 Detail of Proposed Sign Cabinet

RL-SIG-P300-PPCL-LED

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City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-048
Date: May 14, 2012
Applicant: Esther Ponce
Owner: Esther Ponce
Location: 1220 Wyoming Street
Legal Description: The East 61.5 feet of Lot 16, Block 111, NCB 45
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District
Subject: One Operator Beauty/Barber Shop
Prepared By: James A. Cramer, Planning Technician

Summary

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on April 25, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 26, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 10, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The applicant is requesting a special exception to operate a one operator beauty or barber shop within a residential district. This special exception may be approved by the Board of Adjustment for a period of up to four (4) years, as this is a subsequent application. The applicant received a two (2) year approval period on March 1, 2010 to operate a one operator beauty or barber shop and has had no recorded violations throughout this duration.

A proper site plan and structure photographs have been submitted to staff indicating the size and location of the proposed beauty shop. There have been no alterations to the architectural integrity of the property as well as no advertisement signs. The proposed beauty shop is below twenty-five (25) percent of the unit's floor area and will remain a one operator beauty shop with no additional staff requested.

The applicant has proposed hours of operation to be 9:00am to 7:00pm on Tuesday, Wednesday, Thursday, Friday and Saturday with no operating hours Monday or Sunday. Weekly proposed hours of operation total 50 hours.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
MF-33 AHOD (Multi-Family District)	Multi-Family Residence and One-Operator Beauty/Barber Shop

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	RM-4 AHOD (Residential Mixed)	Single Family Residences
South	RM-4 HS AHOD (Residential Mixed)	Single Family Residences
East	MF-33 AHOD (Multi-Family)	Vacant
West	MF-33 AHOD (Multi-Family)	Duplex

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Downtown Neighborhood Plan. The property is located within the boundaries of the Denver Heights Neighborhood Association.

Criteria for Review

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

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

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

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

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

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

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

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

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

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

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

Staff Recommendation

The applicant has indicated that she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this Special Exception will allow the applicant to use a portion of this property as a beauty shop without altering the residential character of the neighborhood.

The applicant has operated at this location since the previous special exception was granted on March 1, 2010 with no recorded violation. Staff recommends that **A-12-048, 1220 Wyoming Street, be approved for a four (4) year period** with hours of operation not to exceed 50 hours. A 4-year period of operation is the maximum allowable time due to the provisions set forth in UDC 35-399.01(i).

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Submitted Site Plan



City of San Antonio

Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-12-049
Date: May 14, 2012
Applicant: Laborde & Associates, PC
Owner: Laborde & Associates, PC
Location: 116 Clay Street
Legal Description: NCB A-16, Lot 12 & 13 of the Laborde Development Subdivision
Zoning: "I-1 AHOD", General Industrial Airport Hazard Overlay District
Prepared By: Margaret Pahl, Senior Planner

Request

The applicant requests 1) a twenty (20) foot variance from the required twenty five (25) foot buffer yard, and 2) a twenty five (25) foot variance from the required thirty (30) foot side yard setback to allow a new structure to be built five (5) feet from the side property line abutting a residential zoning district.

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 April 25, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 26, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on May 10, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The applicant purchased the industrially zoned property in 2001 and has spent the last ten years renovating and improving the site to accommodate his offices and his home. The applicant owns and operates an accounting firm and subleases office space to other small office tenants. The businesses on site currently support approximately 11 employees. Professional office is a permitted use in the "I-1" zoning district. In 2003, a two-lot subdivision plat was recorded creating Lots 12 and 13 of the Laborde Development Subdivision. The two existing buildings were platted on Lot 12. Lot 13 was left vacant and undeveloped.

Lot 13 is the subject of this application. The lot area is less than ten thousand (10,000) square feet and measures approximately sixty eight (68) feet by one hundred forty three (143) feet. The subject property abuts a residentially zoned (R-6 AHOD) property (120 Clay Street) to the east. It is this shared property line and variation in zoning districts that trigger the requirement for a wide landscape buffer. The applicant is requesting approval to construct a 2,500 square foot building (five) 5 feet from this shared property line. The proposed building measures fifty (50) feet by fifty (50) feet.

In accordance with Section 35-510 of the UDC the purpose of buffers is defined as *“The intent of buffering is to implement Policy 3c of the Neighborhoods Element of the Master Plan to provide landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction.”* Recent trends in both planning and development have relaxed the traditional requirements geared toward separating uses and instead focused on reducing impacts to allow cooperative coexistence. Buffers are a tool frequently used to ease this transition between potentially conflicting uses. They can be based on the use, but are more often based on the district because uses can and will change. The buffer yard on the subject property, as depicted in the matrix on Table 510-1 of the UDC, for areas between residentially zoned properties and industrially zoned properties, is twenty five (25) feet in width. Table 510-2 of the UDC in this same section describes the required plantings within this area. The applicant is requesting relief from this requirement and approval to reduce the buffer from twenty five (25) feet to five (5) feet.

In addition, the applicant would like a variance from the required side yard setback along the same property line as well. Table 310-1 of the UDC establishes a minimum thirty (30) foot side yard setback in the I-1 district when it abuts either a residential district or a residential use. The UDC defines setbacks as *“a line parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.”* The applicant is requesting a twenty five (25) foot variance from the setback to allow construction of the building five (5) feet from the property line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 AHOD General Industrial	Office Uses with a Caretaker’s Quarters

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	IDZ HS AHOD (Infill Development-Historic)	Office
South	I-1 AHOD(General Industrial)	Warehouse
East	R-6 AHOD (Single-Family Residential)	Single-Family
West	I-1 AHOD (General Industrial)	Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central Neighborhood Plan. This plan identifies the future land use goal for this general area to be *Mixed Use*. The current “I-1” district is not consistent with the future land use designation. In addition, the industrial zoning allows for a range of intense uses incompatible with single family residential uses. By indicating the area as targeted for Mixed-Use Development, the plan recognizes the variety of existing businesses that have been functioning in the neighborhood for decades. Many of these businesses are located in historic buildings that contribute to the character of the neighborhood. Sometimes, as in this case, the uses within the buildings have changed, but the buildings have been preserved. The reinvestment in this property has been consistent with the goals of the South Central Neighborhood Plan in many respects. The goals that have been neglected are screening the parking and buffering from the existing residential. The subject property is located within the Lone Star 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 applicant asserts that “granting the variance is not against the public interest in that the structure does not require the relocation of employees and clients parking spaces or the demolition of an existing accessory structure on lot 12.” Public interest however has been long recognized as meaning the common well-being or general welfare of the citizens as a whole, rather than a temporary personal inconvenience. In this particular application, the public is served by requiring screening and buffering between industrial uses and residential uses. The minimum side yard setback is a regulation approved to ensure protection for the abutting residential use from noise, odors and similar impacts from a building and the allowed uses in a conflicting zoning district. Therefore, the potential permitted uses in the I-1 zoning district necessitate the need for both the setback and the buffer and reducing both to five (5) feet at this location would be contrary to the public interest.

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

The applicant asserts that “the enforcement of the ordinance would require the removal of the existing storage building and landscaping and the reduction in parking” as evidence in support of this factor. Staff notes no circumstance associated with the vacant lot other than its small size. It is difficult to construct a fifty (50) foot wide building on a sixty eight (68) foot wide lot, but this is neither special nor unique. Every property owner is restricted in building options by the size of a parcel.

The reduction in available parking stalls is also lamented by the applicant. An evaluation of the existing parking on the subject property determined the improvements were constructed without City review and approval. An estimated 18 parking stalls on the neighboring property satisfy the required minimum number of stalls described in Table 526-3(a) of the UDC. This calculation establishes a minimum number of stalls of 15, but also limits the maximum number of stalls to 32.

To grant a variance, evidence must show an attribute of the property that is unique and warrants special consideration. There is no special feature in this rectangular lot that warrants the severe reduction in setback and buffer as requested by the applicant.

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

Justice and the spirit of the ordinance typically focus on the equal application of the rules to all property owners facing the same type of situation. Every property owner whose land is zoned for industrial uses and abuts a residential parcel is required to install this buffer and respect this minimum setback. These requirements reduce the buildable area of each similar property. Reducing this requirement for only one of these parcels without substantial property-related evidence to warrant this reduction provides an unfair advantage to this owner and disregards the spirit of the code.

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 I-1 District. The current use of the property is office, but the list of uses allowed in the “I-1” district include heavy equipment repair, outdoor flea market, or a carpentry shop. The applicant asserts that the building will be used for storage, but the use will not be restricted and, if permitted by Table 311-2 of the UDC, could not be denied.

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.*

Reducing the landscape buffer by twenty (20) feet (80% of the code requirement) and the side setback by twenty five (25) feet (83% of the code requirement) would allow the construction of a building within five (5) feet of the shared property line. The building is proposed to be fifty (50) feet long along this property line and will reduce or eliminate the potential plants that could survive in this remaining area. Height of the building can be as tall as thirty five (35) feet and thus will shade the neighboring property for most of the afternoon. The neighboring property owner, who does not live in the house, has written a letter in support of the request. The regulation is geared toward both protecting the current owner and the future owners as well as the integrity of the residential character of the transition between zones. Therefore, the variance would injure the use of the adjacent property and 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 applicant asserts that “removal of all or portions of the parking area, accessory building and landscaping would affect the overall character of the complex” but identifies no unique circumstances or conditions that are not financial or self-imposed to justify the variance. The existing accessory structure and landscaping are on Lot 12 and not part of this lot. An amending plat would be required to combine the two lots into one parcel for site consideration. Designing a site plan around existing buildings and zoning constraints is typical and expected from all property owners who seek a building permit. Therefore, staff

has not identified any conditions or circumstances that are not financial or self-imposed which would justify the severe reduction in both the setback and the buffer.

Alternatives to Applicant's Request

Staff has identified an alternative which would eliminate the need for either variance; the property could be rezoned to "IDZ" Infill Development Zone, given the current office uses on site do not require industrial zoning. This district is one of the zones consistent with the Mixed Use land use designation and could be supported without a plan amendment. The purpose of the district is also ideal for this property and is stated "to encourage and facilitate development on vacant bypassed lands within existing built-up areas." This "IDZ" district requires a five foot side and rear setback, consistent with the applicant's proposed site plan. Staff presented this option to the applicant, offering a refund for the variance fee. The applicant declined this alternative and elected to move forward with the application.

Staff Recommendation

Staff recommends **denial of the variances as proposed in application A-12-49**, based on the following findings:

1. The potential range of permitted uses in the "I-1" zoning district necessitate the need for both the minimum setback and buffer yard and reducing such requirement to 5 feet would be contrary to the public interest.
2. Literal enforcement of the ordinance would not result in unnecessary hardship and there are no special features in this rectangular lot that warrant the severe reduction in setback and buffer as requested by the applicant.
3. By granting the variance, the spirit of the ordinance would not be observed and substantial justice would not be done; reducing this requirement for only one parcel without substantial property-related evidence to warrant this reduction provides an unfair advantage to this owner.
4. The variance would injure the use of the adjacent property and alter the character of the district. A building setback and buffer yard provide a valuable transition between conflicting uses allowed in the different zoning districts. The current uses and ownership cannot be the only ones evaluated pursuant to this request.
5. No unique conditions or circumstances have been presented that are not financial or self-imposed which would justify the severe reduction in both the setback and the buffer.

Attachments

Attachment 1 – Notification Plan (Location Map)

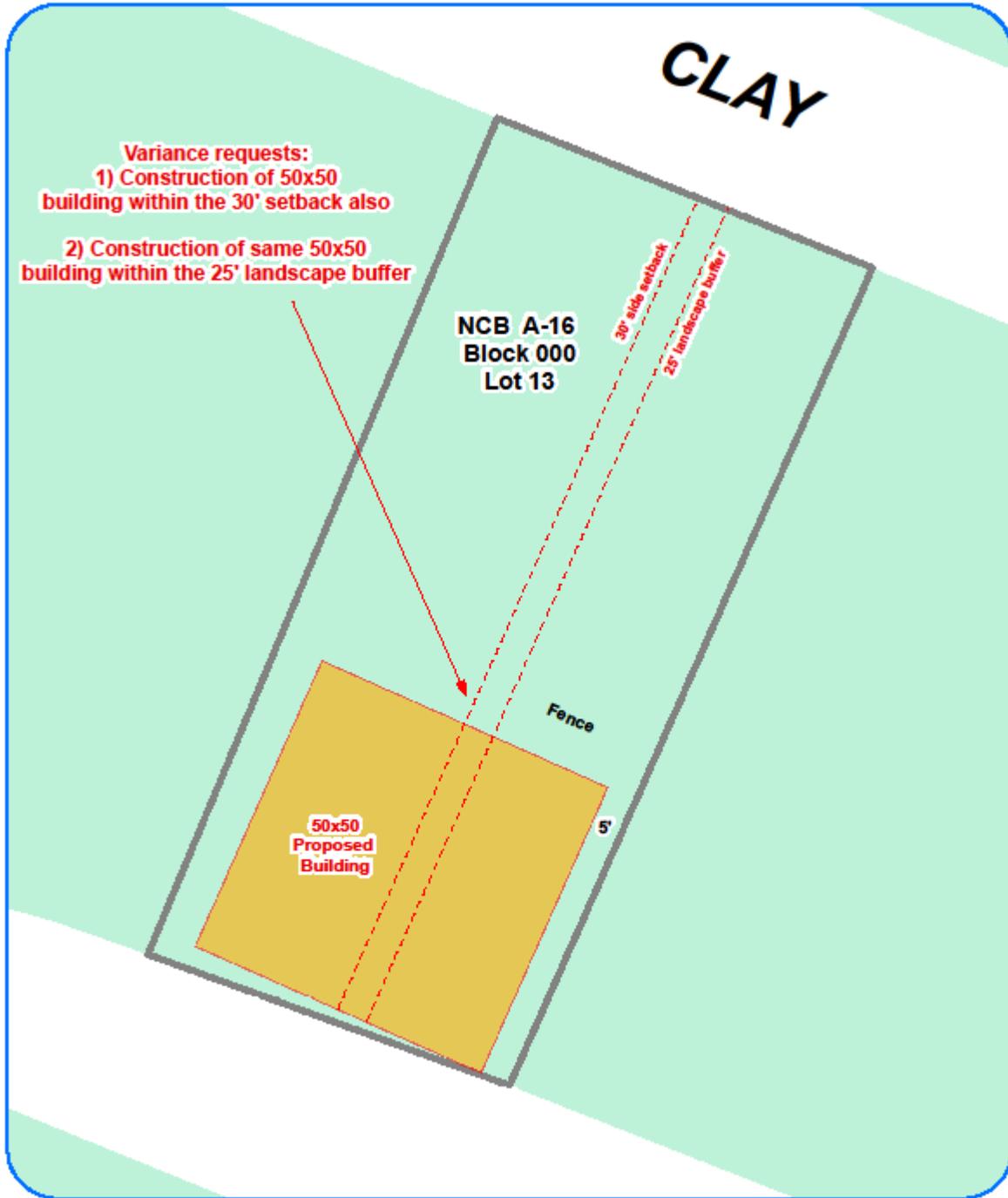
Attachment 2 – Plot Plan

Attachment 3 – Photo of property line

**Attachment 1 (Continued)
Notification Plan**



Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case A-12-049



0 10 20 30 40 Feet
Council District 5

116 CLAY ST
Development Services Dept
City of San Antonio
(4/19/2012)

Attachment 2 (Continued)
Plot Plan



- Variance requests:**
- 1) Construction of 50x50 building within the 30' setback also**
 - 2) Construction of same 50x50 building within the 25' landscape buffer**

NCB A-16
Block 000
Lot 13

30' side setback

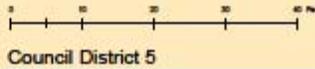
25' landscape buffer

Fence

50x50
Proposed
Building

5'

Board of Adjustment
Plot Plan for
Case A-12-049



Council District 5

116 CLAY ST

Development Services Dept
City of San Antonio
(4/19/2012)

Attachment 3
Photo of the Subject Property Line

