

CITY OF SAN ANTONIO
Board of Adjustment
Regular Public Hearing Agenda

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

Monday, May 17, 2010
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Jesse Zuniga – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
George Britton, Jr. – District 4	Mike Villyard – District 9
Vacant – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10	
Chairman	
Maria Cruz	Paul Klein
Henry Rodriguez	Mimi Moffat
Harold Atkinson	Steve Walkup

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-10-032:** The request of Jose Lopez, for a special exception to locate a residential structure from 20387 U.S. Highway 281 South to 215 Elmhurst Avenue.
5. **CASE NO. A-10-034:** The request of Image Homes, Ltd., for a 3-foot variance from the requirement that solid-screen front-yard fences not exceed 3-feet in height, in order to erect a 6-foot solid-screen front-yard fence, 21102 West Tejas Trail.
6. **CASE NO. A-10-035:** The request of the Bar P Cattle Company, for a **1)** a 4-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to erect an 8-foot tall predominantly open front-yard fence and **2)** a 2-foot variance from the requirement that side and rear-yard fences not exceed 6 feet in height, in order to erect an 8-foot tall predominantly open side and rear-yard fence, 17189 Classen Road.

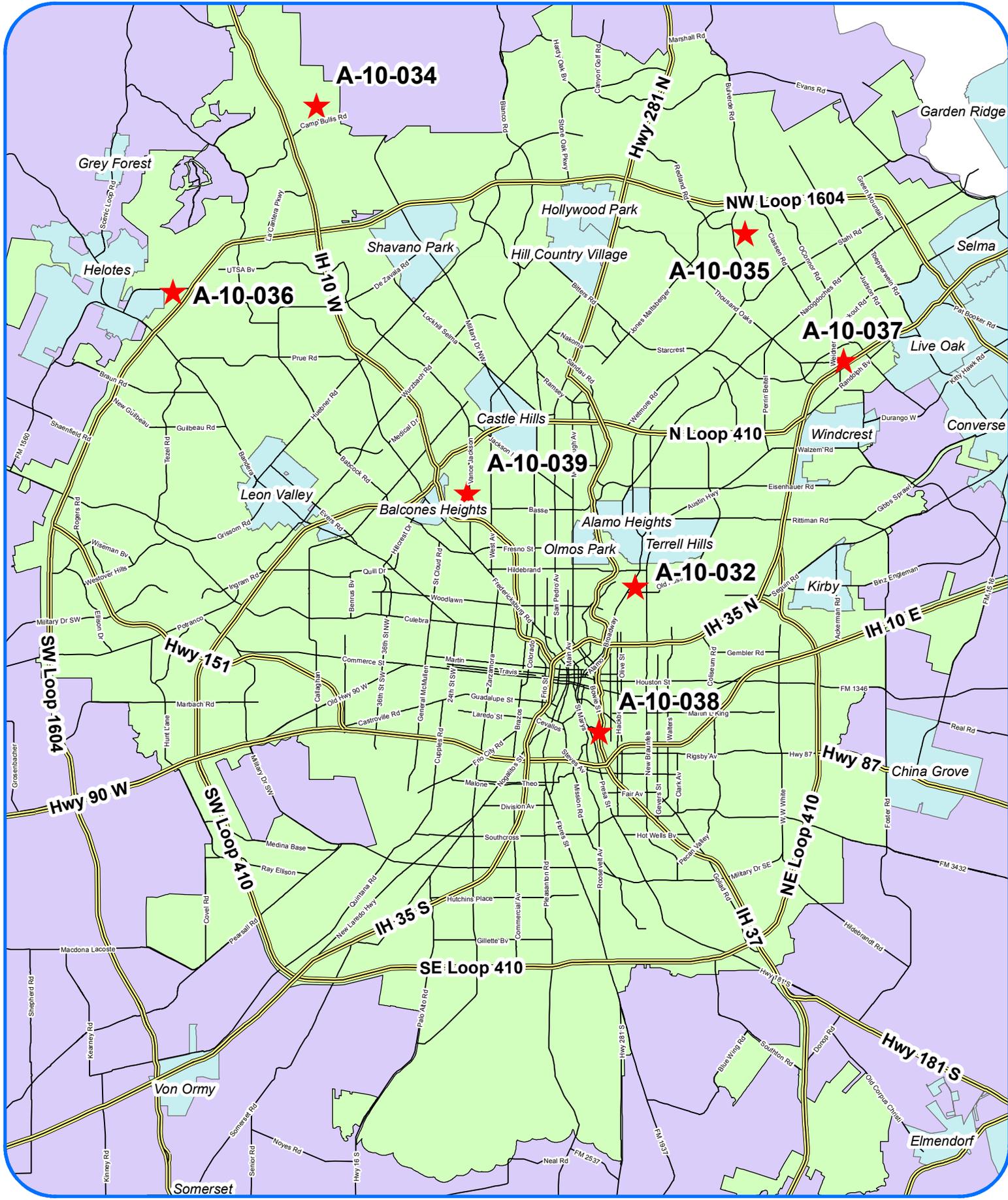
7. **CASE NO. A-10-036:** The request of RH of Texas LTD Partnership, for a 250 square-foot variance from the requirement that lots in “R-6” zoning districts maintain a minimum lot size of 6,000 square feet, in order to keep an existing lot that is 5,750 square feet, 8915 Hanover Forest.
8. **CASE NO. A-10-037:** The request of Brown & Ortiz P.C., for twenty-nine and six-tenths percent (29.6%) variance from the requirement that the window/public entry façade for buildings with a gross floor area of less than 25,000 square feet be at least fifty percent (50%) of the first floor street frontage, in order to erect a structure with twenty and four-tenths percent (20.4%) window/public entry façade on the first floor street frontage, 11100 Block of North IH-35 at Crosswinds Way.
9. Consideration of **Sign Master Plan No. 10-009**, Huebner Creek Office Park, located at 9711 Huebner Road.
10. Discussion and possible action regarding potential amendments to the Unified Development Code
11. Approval of the minutes from the regular meeting on April 19, 2010.
12. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
13. **Adjournment**

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

At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

ACCESSIBILITY STATEMENT

This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Board of Adjustment
Subject Property Locations
Cases for May 17, 2010





Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-032



Legend
 Subject Property -----
 200' Notification Boundary —————
 Scale: 1" approx. = 100'
 Council District 9

Planning and Development Services Dept
 City of San Antonio
 (4/9/2010)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-032
Date: May 17, 2010
Applicant: Jose Lopez
Owner: Jose Lopez
Location: 215 Elmhurst Avenue
Legal Description: Lot 4, Block 6, NCB 6094
Zoning: "MF-33 NCD-6 AHOD" Multifamily Mahncke Park Neighborhood Conservation Airport Hazard Overlay District
Subject: Special Exception to Relocate a Residential Structure
Prepared By: Jacob Floyd, Planner

Summary

The applicant requests a special exception to relocate a residential structure to the property located at 215 Elmhurst Avenue.

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 29. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 30. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 14, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
MF-33 NCD-6 AHOD (Multi-family District)	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	MF-33 NCD-6 AHOD (Multifamily District)	Single Family Residences
South	C-2 NCD-6 AHOD (Commercial District)	School
East	MF-33 NCD-6 AHOD (Multifamily District), RM-4 NCD-6 AHOD (Residential Mixed District)	Single Family Residences
West	MF-33 NCD-6 AHOD (Multifamily District)	Single Family Residences

Project Description

The applicant is requesting a special exception to relocate a residential structure to a vacant lot located at 215 Elmhurst Avenue, from its current location outside the City of San Antonio city limits at 20387 U.S. Highway 281 South.

Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 5819 sf	6650 sf
Structure Age	Min: 82 (1928)	Unknown/Not Provided
	Max: 25 (1985)	
	Mean Age: 58.6 (1952)	
Structure Size	Min: 948 sf Max: 1458 sf Mean Size: 1237.71 sf	936 sf
Structure Height	1 - 2 Story	1 Story
Setbacks (Front)	Average: Approx. 25 ft	25 ft
Structure Width (front facade)	Average: Approx. 34 ft	26 ft
Garage/Carport Location & Setback	No Garages or Carports Existing	Unknown/Not Provided

Front Entry, Porch, Walkway	Facing Street	Facing Street
Windows (front facade)	Number: 3-5 Type: Vertical	3 Vertical
Building Materials	Exterior siding: Horizontal Wood Siding Roofing: Composite Shingles	Horizontal Wood Siding Composite Shingles
Foundation Type	Unknown	Concrete Piers
Roof Line/Pitch	Unknown Pitch. Hipped & Gabled Roofs	Gable Front, Hip Rear
Impervious Cover %	N/A	N/A
Sidewalk Width/ Placement, Greenway	Existing Sidewalks	Existing Sidewalks
Curb Cut & Driveway Width	Single and Double Width Curb Cuts. 10-20 ft wide driveways.	Unknown/Not Provided
Fencing	No existing front-yard fences.	Unknown/Not Provided

Comprehensive Plan Consistency/Neighborhood Association

The subject property is proposed to be located within the Mahncke Park Neighborhood Plan. The property is also within the boundaries of the Mahncke Park Neighborhood Association. As of May 10 staff has not received an official response from the 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 just 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 granting of the special exception will be in harmony with the spirit and purpose of the chapter. The applicant is proposing to relocate a structure to a vacant lot and intends to repair the house to meet city code.

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

The public welfare and convenience will be substantially served. The structure proposed to be relocated is to be used as a single-family residence and populate an undeveloped parcel with a single-family residential structure

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

The neighboring property will not be substantially injured by the proposed use, as the use proposed is single-family residential.

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

The special exception will not alter the essential character of the district in which it is sought as the single-family residential use is consistent with the predominant character of the district.

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

The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district. The community plan calls for the development of this parcel for Urban Single-Family Residential use. This request is consistent with that land use designation. Additionally, the structure proposed to be relocated is of similar style and construction as the existing structures on adjacent lots. Any exterior repairs proposed by the applicant would be required to be consistent with the NCD-6 design standards.

Staff Recommendation

Staff recommends that **A-10-032, 215 Elmhurst Avenue, be approved** because the findings of fact have been satisfied as presented above. The structure proposed to be relocated is of similar style and construction as the existing structures in the district, and while in not currently in a comparable condition to the average of the other homes in the area, the applicant has demonstrated the intent to make the repairs necessary to meet applicable codes.

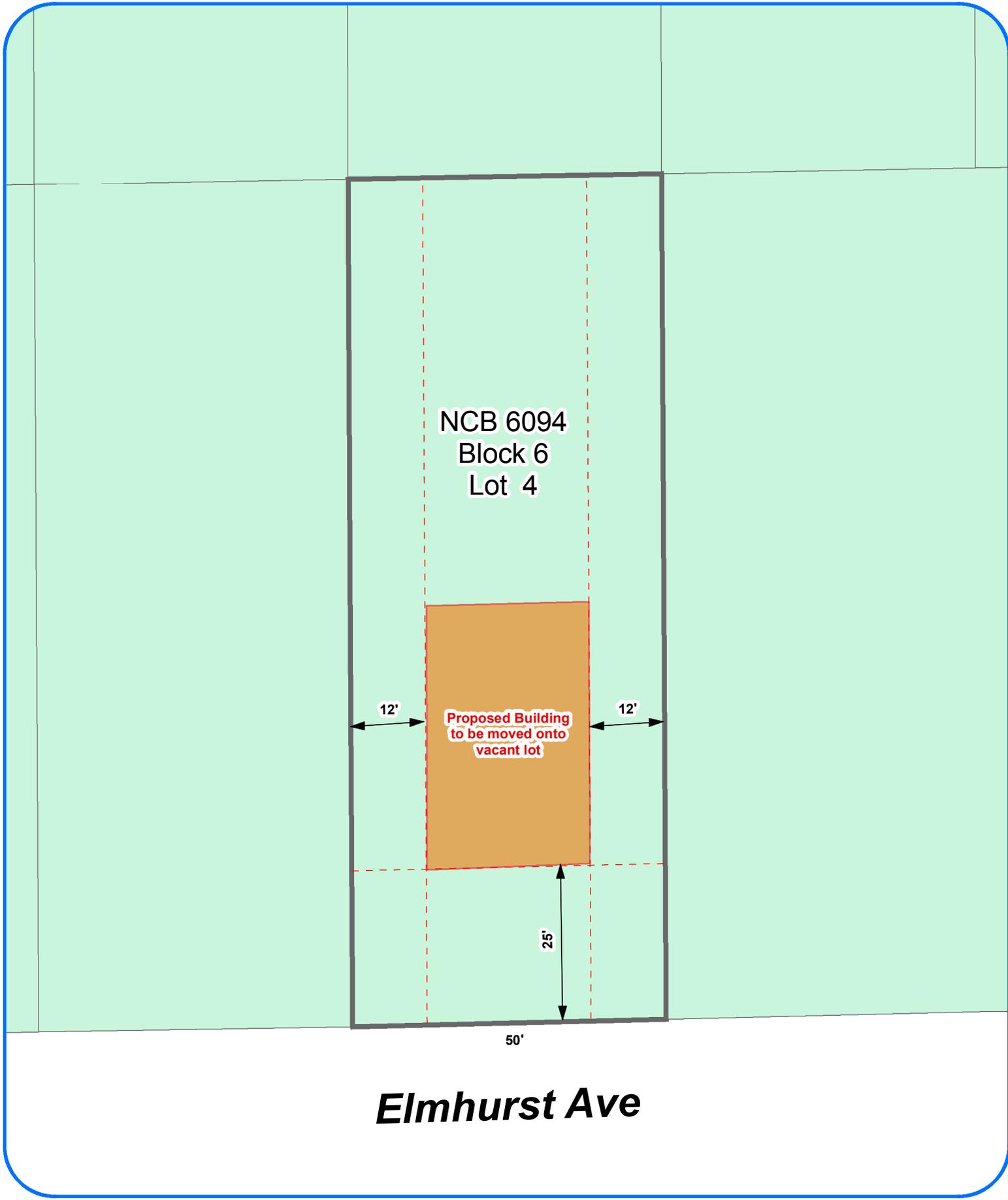
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – Applicant's Proposed Plan of Development



Board of Adjustment
Plot Plan for
Case A-10-032



Scale: 1" approx. = 20'
Council District 9

215 Elmhurst Ave

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

215 ELMHURD

50

1,044 sq FT



61

- 26 -

150

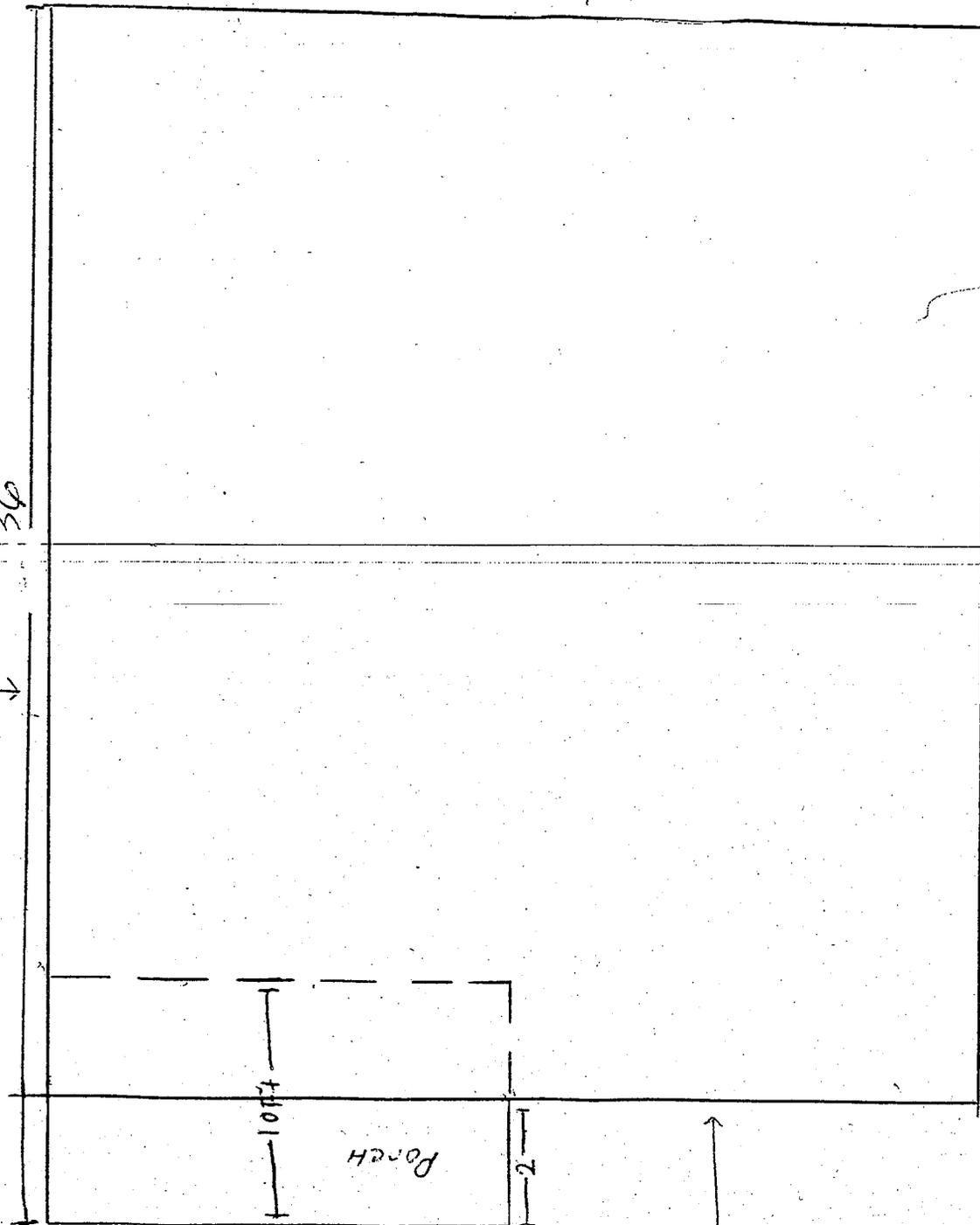
36

12 Typ

42

130 Typ

12



Porch

1074

2

13

50

Typ

25

Front of House

BOARD OF ADJUSTMENT
CITY OF SAN ANTONIO, TEXAS
PLAN OF DEVELOPMENT

NAME: Jose Lopez

STREET ADDRESS AND ZIP CODE (PROPOSED): 215 Elmhurst

STREET ADDRESS AND ZIP CODE (CURRENT): 20387 281 South

SIZE OF STRUCTURE (Square Footage): 936 sq. ft.

CURRENT TYPE OF CONSTRUCTION:

INTERIOR WALLS: Sheetrock Panel Other _____

SIDING: Wood Vinyl Other _____

CEILING: Sheetrock Other _____

ROOF: Shingles Other _____

WINDOWS: Wood Aluminum Other _____

INSULATION: Walls Ceiling Floor

HEATING & COOLING: Window Units Heaters Central

FLOOR JOIST: 2x8 SILLS: 4x8 STUDS: 2x4

PROPOSED CHANGES:

WINDOWS: Replace with Energy efficient ROOF: _____

SIDING: repeined + restored SKIRTING TYPE: _____

INSULATION: _____ PORCH: _____

DOORS: _____ HEATING & COOLING: central unit

ELECTRICAL: _____ PLUMBING: _____

CONSTRUCTION OF DRIVEWAY: located on right side of property

FOUNDATION: concrete piers supported with engineers letter

COMMENTS: to relocate my elderly and chronically ill
parents for close supervision.

**Plans of Development
City of San Antonio
Board of Adjustment**

Applicant: Jose Lopez, Jr
From: 20387 Hwy 281 South
To: 215 Elmhurst
Residential use for elderly parents

CURRENT CONSTRUCTION

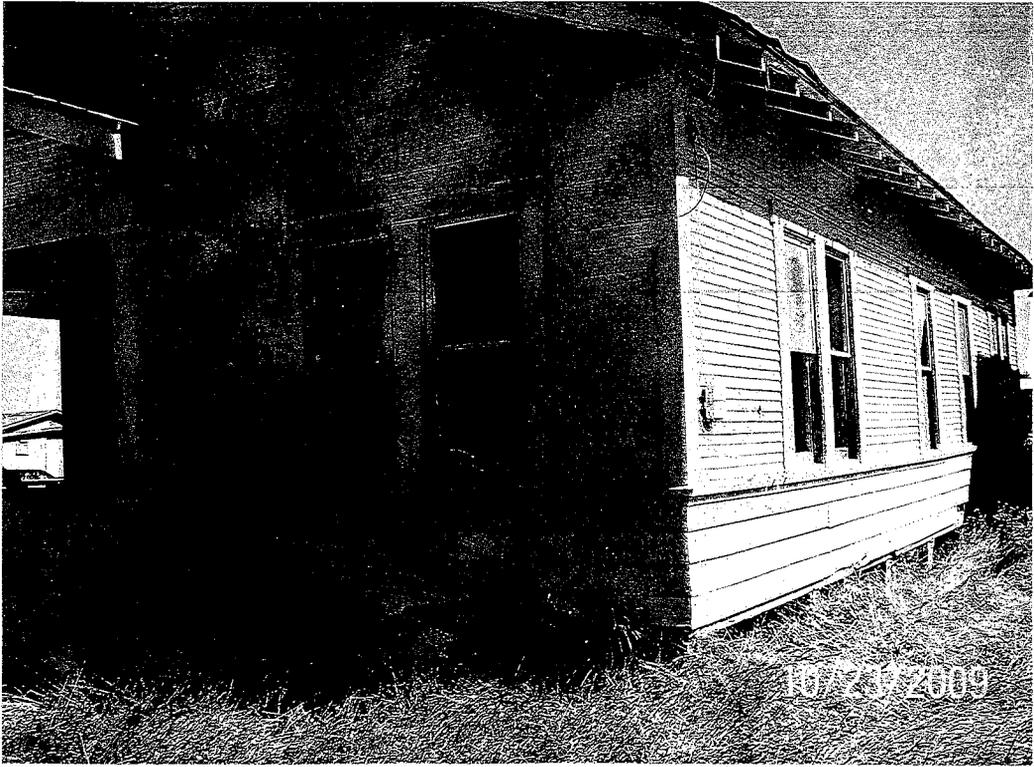
- Interior walls sheetrock
- Ceiling sheetrock
- Composition shingle roof
- Wood siding

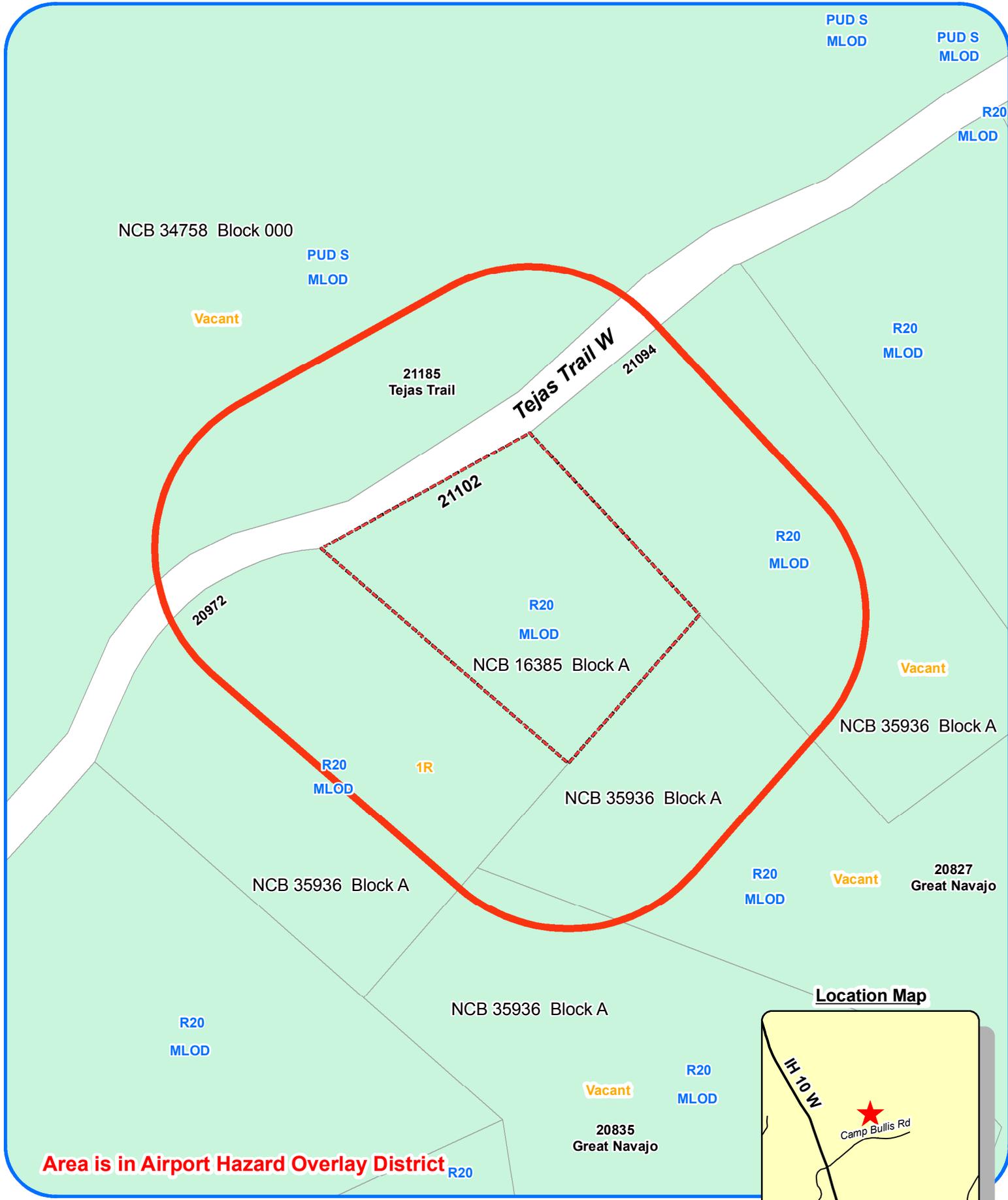
PRESENT CONSTRUCTION

2" x 8" Floor joist
4" x 8" Sills
2" x 4" Studs

IMPROVEMENTS

- Interior: walls sheetrock repair and painted
- Exterior: painted and some windows replaced
- Skirting: will be lumber and painted to match home
- Foundation: concrete piers
- Electrical and plumbing will be completed by a licensed and bonded contractor to meet city code.





Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-034



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 8

Planning and Development Services Dept
 City of San Antonio
 (4/9/2010)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-034
Date: May 17, 2010
Applicant: Image Homes, Ltd.
Owner: Winthrop Downs Corporation
Location: 21102 West Tejas Trail
Legal Description: Lot 39, Block A, NCB 16385
Zoning: "R-20 MLOD-1 AHOD" Residential Single-Family Military Lighting Overlay Airport Hazard Overlay District
Subject: Fence height variance
Prepared By: Mike Farber, Planner

Summary

The applicant requests a 3-foot variance from the requirement that predominantly open front-yard fences not exceed 3 feet in height, in order to erect a 6-foot tall solid-screen front-yard fence.

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 29. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 30. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 14, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-20 MLOD-1 AHOD, Single-Family District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-20 MLOD-1 AHOD, Single-Family District	Vacant
South	R-20 MLOD-1 AHOD, Single-Family District	Single-Family Residence
East	R-20 MLOD-1 AHOD, Single-Family District	Vacant
West	R-20 MLOD-1 AHOD, Single-Family District	Vacant

Project Description

The applicant is requesting a variance from the maximum fence height standards in order to erect a 6-foot tall fence in the front yard. The applicant cites privacy concerns, along with the noted prevalence of similarly constructed fences in the vicinity, as the primary hardships in this case. The applicant's request does not qualify for a special exception.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Forest Crest Neighborhood Association. The subject property is not located within the boundaries of a Neighborhood or Community Plan.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

It does not appear that the requested variance would be contrary to the public interest. There are a number of similarly constructed fences on nearby lots. The construction of the fence as proposed would appear to be in keeping with the character of the area.

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

It does not appear that literal enforcement of the ordinance would result in unnecessary hardship. There does not appear to be a physical or topographic condition existing on the property that would warrant the construction of the fence as proposed

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

The lack of this fence would not cause a cessation of use for the property owner. It appears that alternatives exist that would allow the applicant to make reasonable use of the property while still meeting the required fence height requirements, such as

eliminating the solid-screen portion of the fence. Were this to be done, the property owner could still erect a 6-foot tall front-yard fence, as it is permitted in "R-20" zoning districts.

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

The granting of this variance would not authorize a use other than those specifically permitted in "R-20" zoning districts.

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

It appears that the granting of this variance would not alter the character of the neighborhood, in that there appear to be other similarly constructed fences near the subject property.

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

The plight of the owner is entirely self-created. Additionally, there do not appear to be any unique circumstances existing on the property itself. The applicant cites financial and privacy concerns as the primary hardships. This justification is not sufficient grounds on which to request a variance and does not provide ample justification for the construction of the fence.

Staff Recommendation

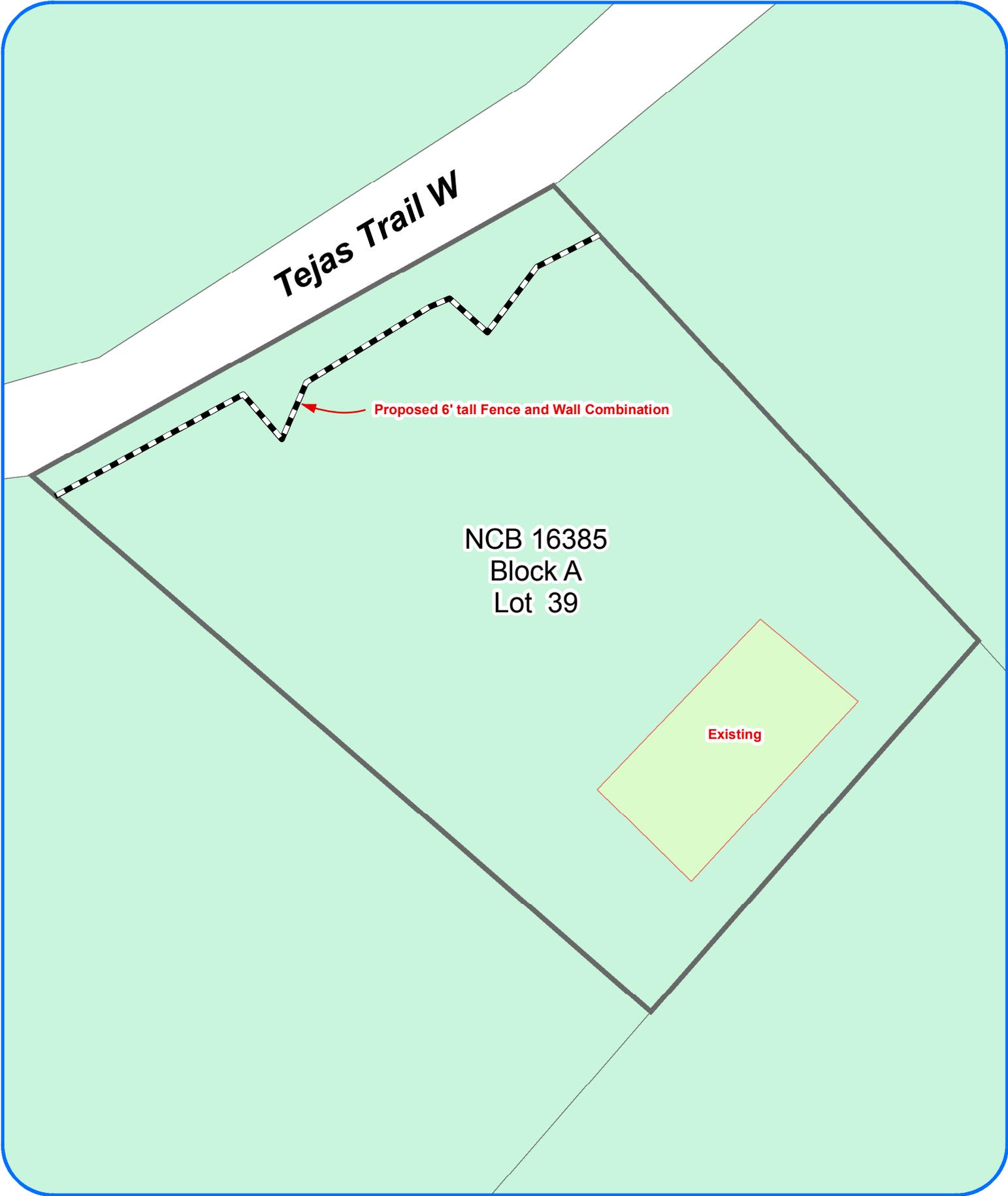
Staff recommends that **A-10-034. 21102 West Tejas Trail, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not appear to have any unique characteristics that would create an undue hardship due to literal enforcement of the front-yard fence height requirements. The applicant has not provided sufficient evidence to warrant a variance based on the criterion stated above.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan



Board of Adjustment
Plot Plan for
Case A-10-034



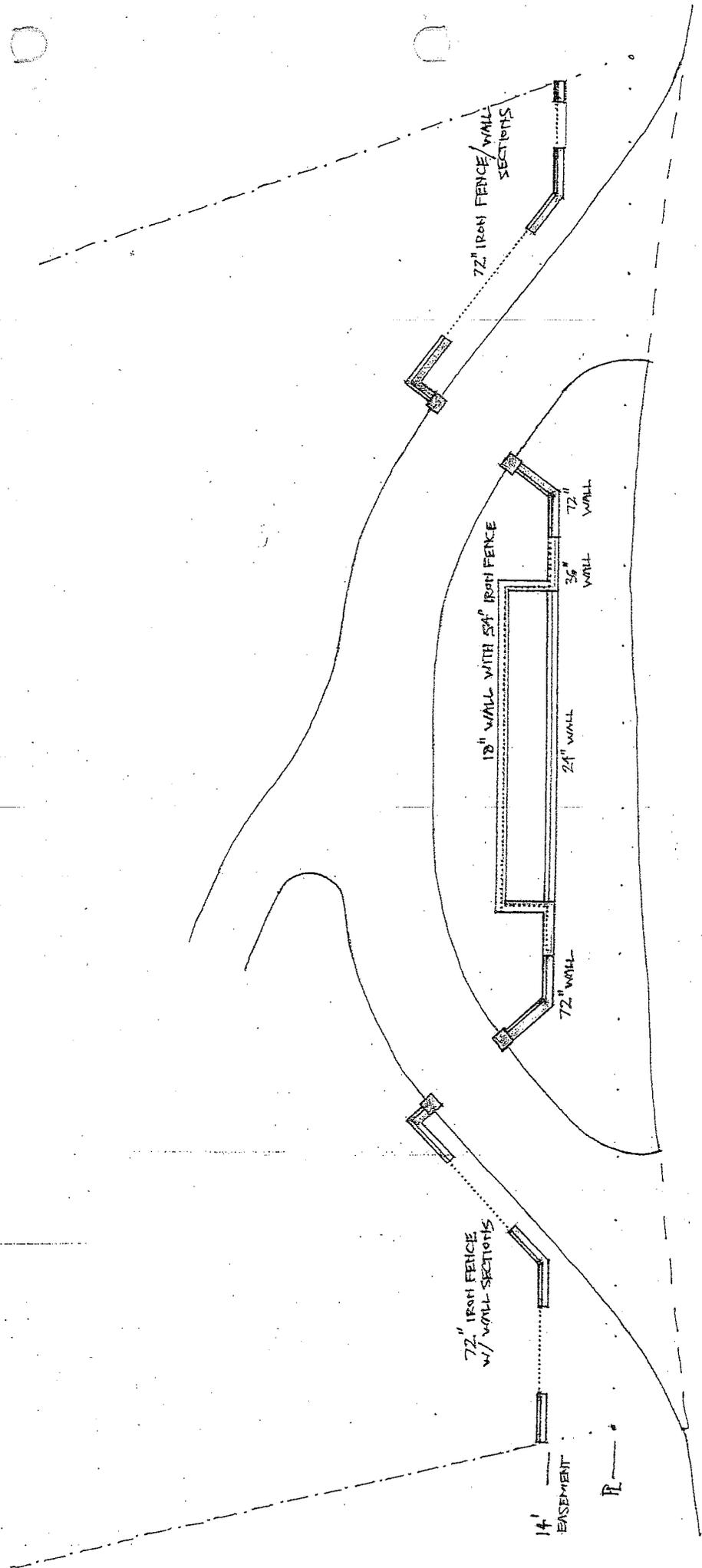
Scale: 1" approx. = 60'
Council District 8

21102 Tejas Trail W

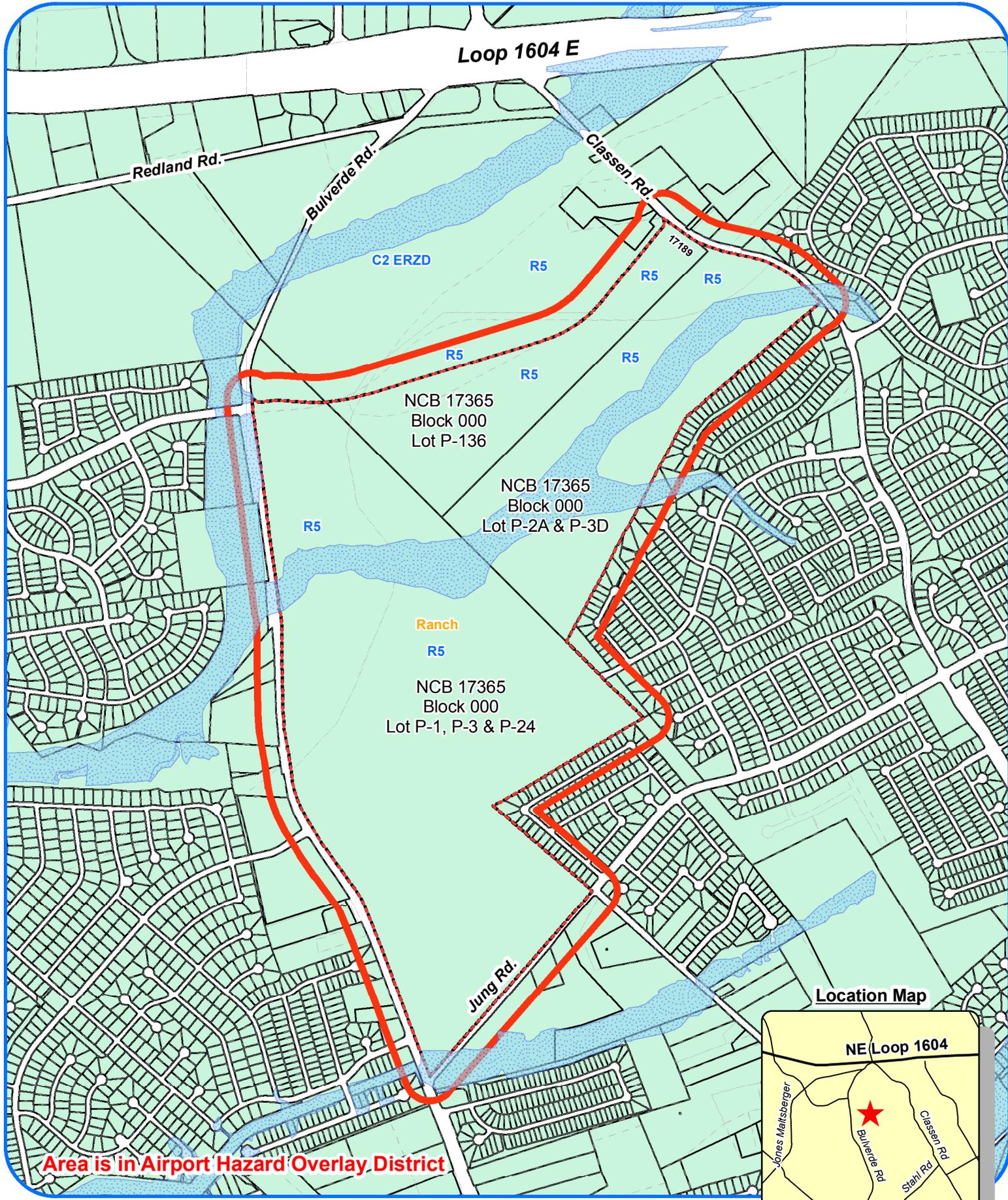
Planning and Development Services Dept
City of San Antonio
(4/12/2010)

Attachment A

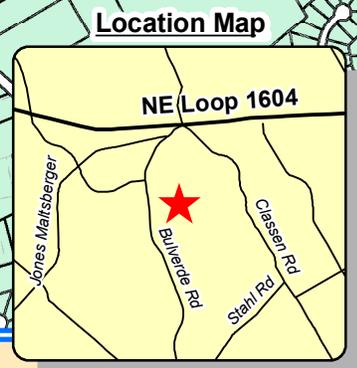
FRONT FENCE/WALL PROPOSAL
4/1/2010



2110Z TEJAS TRAIL WEST



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case A-10-035



Legend

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 1000'
- Council District 10

Planning and Development Services Dept
 City of San Antonio
 (4/9/2010)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-035
Date: May 17, 2010
Applicant: Bar P Cattle Company
Owner: Frances O. Pape
Location: 17189 Classen Road
Legal Description: Lots P-2A, P-2D, P-3D P-1, P-3, P-24, and P-136, NCB 17365
Zoning: "C-2 ERZD AHOD" Commercial Edwards Recharge Zone Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District and "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject: Fence height variances

Summary

The applicant requests **1)** A 4-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to erect an 8-foot tall predominantly open front-yard fence and **2)** a 2-foot variance from the requirement that side and rear-yard fences not exceed 6 feet in height, in order to erect an 8-foot tall predominantly open side and rear-yard fence. Staff recommends denial of the request and approval of an alternate recommendation.

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 29. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 30. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 14, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 ERZD AHOD, C-2 AHOD, R-5 AHOD	Single-Family Residence, Cattle Ranch

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	Multiple Zoning Districts	Multiple uses
South	Multiple Zoning Districts	Multiple uses
East	Multiple Zoning Districts	Multiple uses
West	Multiple Zoning Districts	Multiple uses

Project Description

The applicant is requesting variances from the maximum allowable fence height standards in order to erect an 8-foot tall fence around the entirety of the subject property. The applicant states that the fence is necessary in order to both secure the property from potential trespassers and to keep wild game and cattle within the confines of the subject property.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of both the Knoll Creek Neighborhood Association and the Eden Roc Maintenance Association. The subject property is not located within the boundaries of a Neighborhood or Community Plan.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

It does not appear that the granting of the variances will be contrary to the public interest. The property is currently totally enclosed by a barbed wire fence that is approximately 4 feet tall. Staff does not believe that the fence height as recommended by staff would pose a significant visual blight for neighboring properties given the existing rural character of the general area.

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

It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. A 6-foot tall predominantly open fence would be allowed by-right around the entirety of the subject property now, save the portion that sits in front of the primary dwelling unit. Staff believes that a 6-foot fence would be appropriate in this case both because it is allowed per code already, and the property would enjoy a greater security feature with the addition of the fence.

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

It does not appear that the granting of the variance would observe the spirit of the ordinance. The applicant would not be denied the reasonable use of the property without the granting of the requested variance.

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

The granting of these variances would not authorize a use other than those specifically permitted in the zoning districts that encompass the subject property.

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.

It does not appear that the granting of this variance as recommended would injure the appropriate use of adjacent conforming property. The majority of the property line on which the proposed fence would be constructed does not directly abut the residential properties that surround the subject property. Further, it appears that in those areas where there are adjacent residential properties, the applicant would not be erecting the fence, as the fences are already in place.

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.

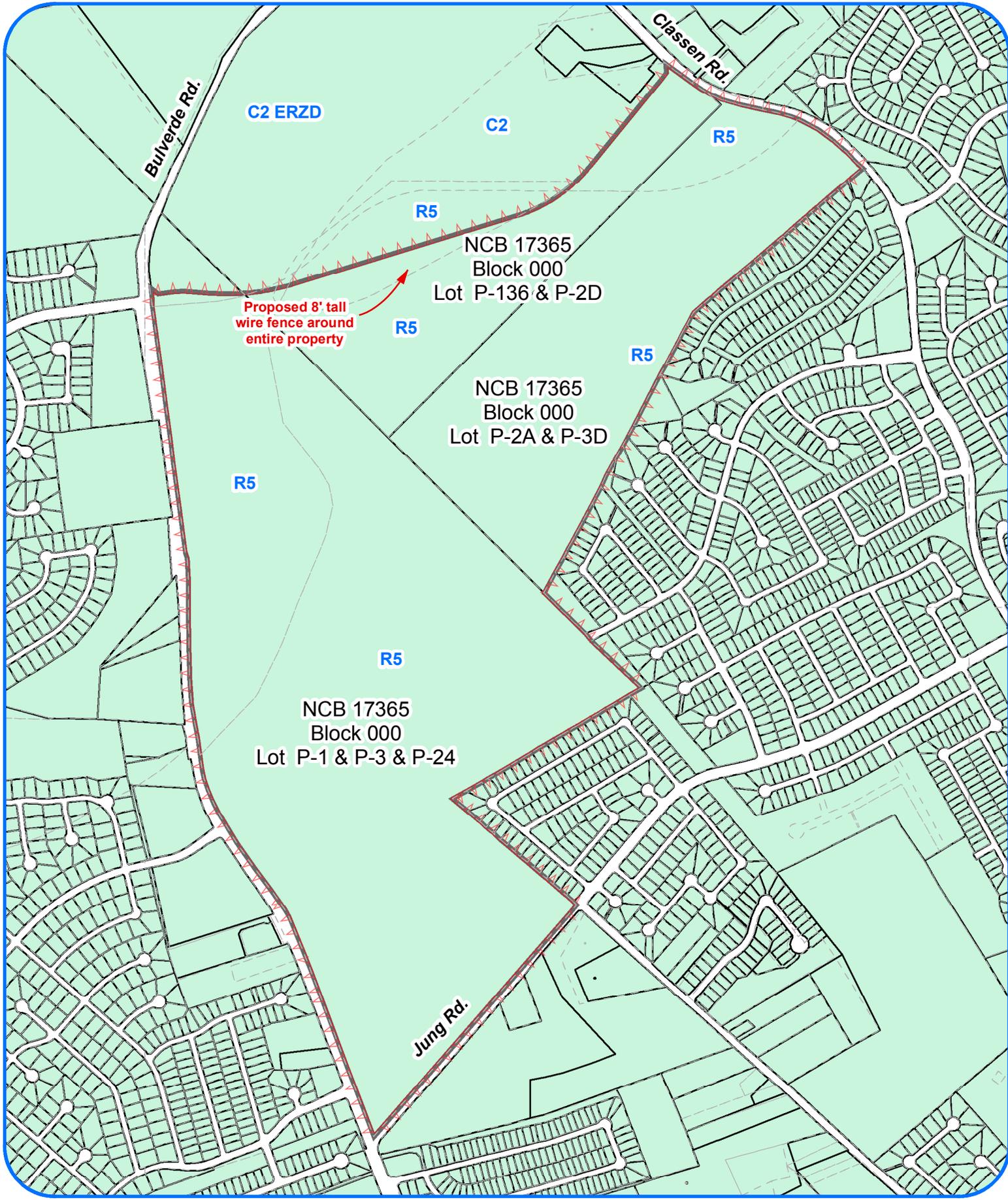
There do not appear to be unique physical or topographic circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. Staff believes that a 6 foot tall fence, which would be allowed per the stipulations of the UDC, would be sufficient in securing the property. The hardships presented by the property owner appear to be mainly financial in nature, and are not due to unique characteristics of the property itself, save the rural character of the property.

Staff Recommendation

Staff recommends that **A-10-035, be denied**, as submitted, because the findings of fact have not been satisfied as presented above. The subject property does not possess any unique characteristics that would create an undue hardship due to literal enforcement of the fence height standards. Furthermore, the applicant has cited only difficulties of a financial and personal nature and did not seek to obtain permits prior to constructing the portion for the fence that is already up. Staff would, however support a 6-foot tall predominantly open fence around the entirety of the property as an alternative, to include the front-yard.

Attachments

- Attachment 1 – Location Map
- Attachment 2 – Plot Plan
- Attachment 3 – Applicant's Proposed Site Plan



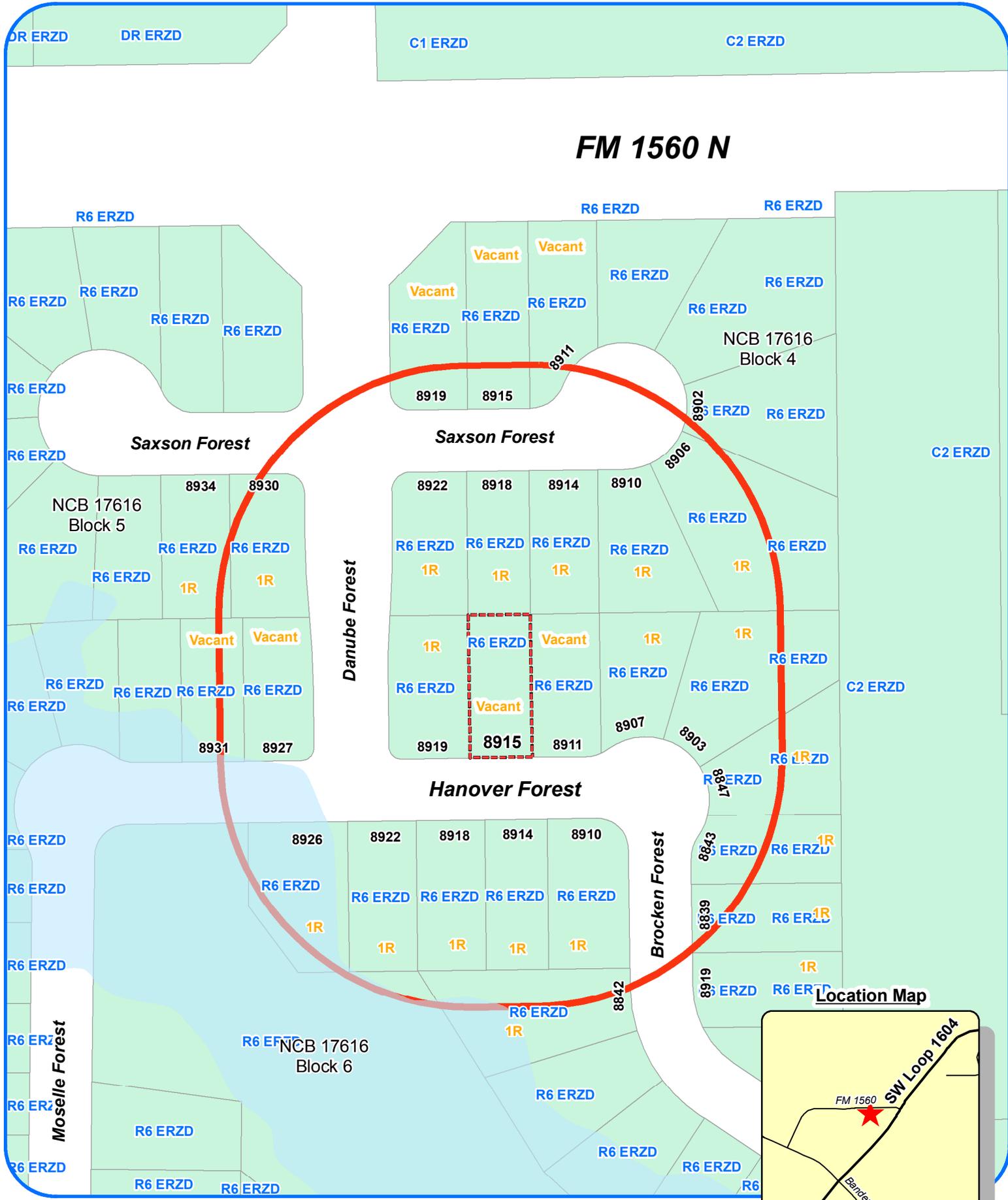
Board of Adjustment
Plot Plan for
Case A-10-035



Proposed 8' Tall Fence ▲▲▲▲▲
 Scale: 1" approx. = 800'

17189 Classen Rd.

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



Board of Adjustment
Notification Plan for
Case A-10-036



- Legend**
- Subject Property
 - 200' Notification Boundary
 - Scale: 1" approx. = 100'
 - Council District 8



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-036
Date: May 17, 2010
Applicant: RH of Texas LTD Partnership
Owner: RH of Texas LTD Partnership
Location: 8915 Hanover Forest
Legal Description: Lot 13, Block 4, NCB 17616
Zoning: "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District
Subject: Minimum lot size variance
Prepared By: Mike Farber, Planner

Summary

The applicant requests a 250-foot variance from the requirement that lots in "R-6" zoning districts maintain a minimum lot size of 6,000 square feet, in order to keep an existing lot that is 5,750 square feet.

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 29. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 30. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 14, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 Residential Single-Family District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 Residential Single-Family District	Single-Family Residence
South	R-6 Residential Single-Family District	Single-Family Residence
East	R-6 Residential Single-Family District	Single-Family Residence
West	R-6 Residential Single-Family District	Vacant

Project Description

The applicant is requesting a variance from the minimum lot size standards in "R-6" zoning districts in order to build a single-family residence on a lot that measures 5,750 square feet. According to the applicant, the sub-standard lot size was overlooked by both the engineer in charge of preparing the plat for the property, and city staff during the platting process. The applicant states that the lot would be unusable without the granting of the requested variance.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a neighborhood association. The subject property is not located within the boundaries of a Neighborhood or Community Plan.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

It does not appear that the granting of the variance will be contrary to the public interest. The property's dimensions are consistent with the general dimensions of the properties of the adjacent lots.

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

It appears that the literal enforcement of the ordinance would result in unnecessary hardship. The current dimensions of the lot were adopted along with the rest of the plat for the neighborhood. The discrepancy in the lot size was not noticed until after the plat was adopted and development of the neighborhood had occurred. Thus, the lot would be rendered unusable if not for the granting of the requested variance.

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

It appears that the granting of the variance would observe the spirit of the ordinance. The applicant would be denied the reasonable use of the property without the granting of the requested variance.

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

The granting of these variances would not authorize a use other than those specifically permitted in the "R-6" 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.

It does not appear that the granting of this variance would injure the appropriate use of adjacent conforming property. The size of the subject property does not alter the character of the neighborhood since the variance requested is minor.

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 do appear to be unique circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. This property is unique in that it is one of the few properties in the neighborhood that is both vacant and was platted in such a way that it became sub-standard. The granting of the requested variance would simply result in the perpetuation of the existing conditions of the neighborhood.

Staff Recommendation

Staff recommends that **A-10-036, be approved** because the findings of fact have been satisfied as presented above. The subject property appears to have unique characteristics that would create an undue hardship due to literal enforcement of the maximum lot size standards.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Proposed Residential
Lot less than 6000 sq ft

NCB 17616
Block 4
Lot 13

Hanover Forest

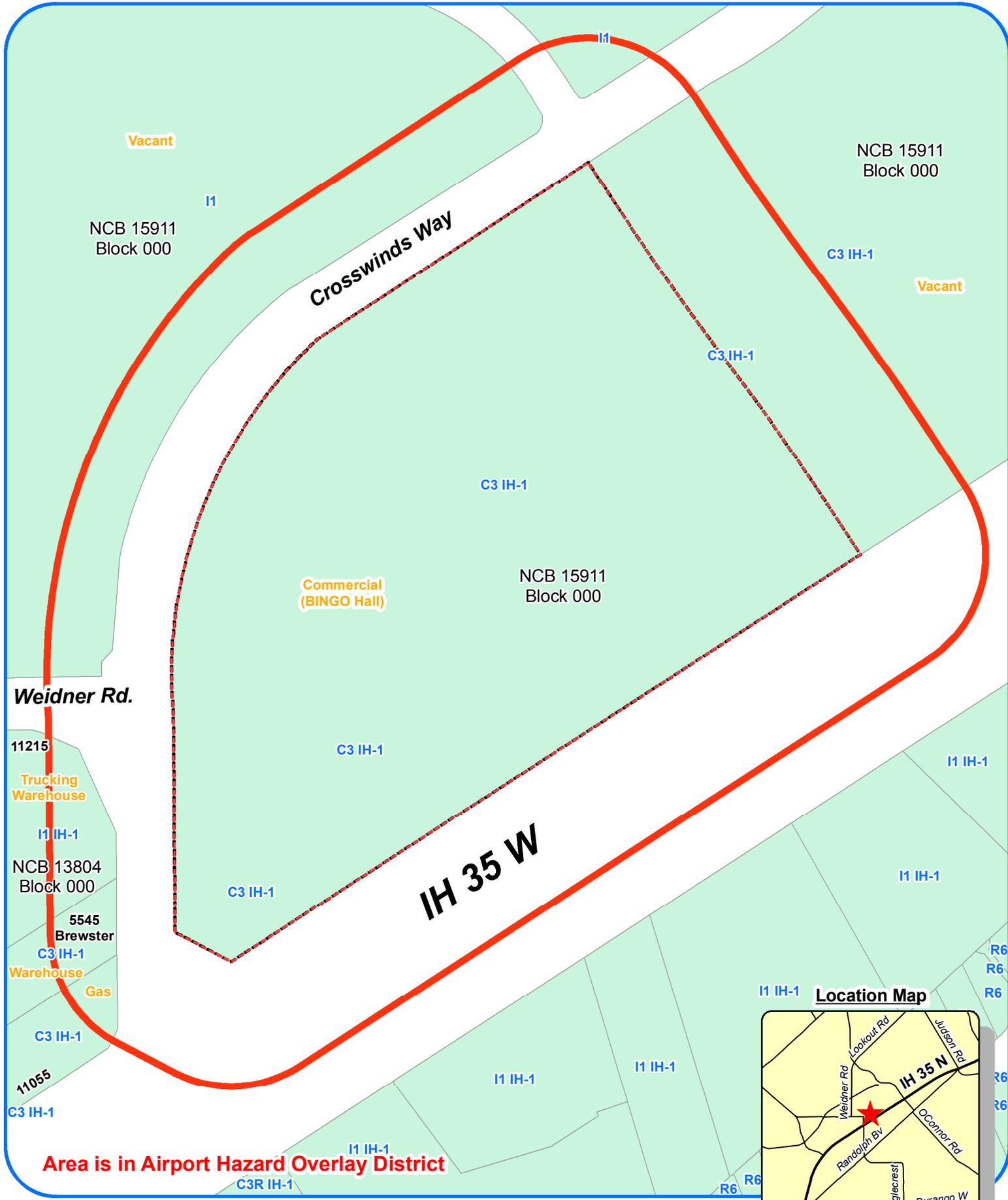
Board of Adjustment
Plot Plan for
Case A-10-036



Scale: 1" approx. = 20'
Council District 8

8915 Hanover Forest

Planning and Development Services Dept
City of San Antonio
(4/12/2010)



Board of Adjustment
Notification Plan for
Case A-10-037



Legend
 Subject Property -----
 200' Notification Boundary —————
 Scale: 1" approx. = 200'
 Council District 10



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-10-037
Date: May 17, 2010
Applicant: Brown and Ortiz, P.C.
Owner: Flame Drive-Inns, Inc.
Location: North IH-35 & Crosswinds Way
Legal Description: Lot P-3, NCB 15911
Zoning: "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor
Airport Hazard Overlay District
Subject: Northeast Gateway Corridor Design Standard Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant requests a 29.6 percent (29.6%) variance from the requirement that the window/public entry façade for buildings with a gross floor area of less than 25,000 square feet be at least fifty percent (50%) of the first floor street frontage, in order to have 20.4 percent (20.4%) window/public entry façade of the first floor street frontage.

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 29. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 30. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 14, in accordance with Section 551.043(a) of the Texas Government Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 IH-1 AHOD (Commercial District)	Vacant (Under Development)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD (Industrial District)	Vacant
South	I-1 IH-1 AHOD (Industrial District)	Commercial, Industrial
East	C-3 IH-1 AHOD (Commercial District)	Vacant
West	C-3 IH-1 AHOD (Commercial District), I-1 IH-1 AHOD (Industrial District)	Commercial, Industrial

Project Description

The applicant is requesting a variance from the front façade window and/or public entry requirements of the Northeast Gateway Corridor Overlay District in order to allow for a structure that would accommodate a bingo parlor. The applicant indicates that the requirement is not practical or appropriate for the floor plan proposed and that requiring the owner of the business to change a "proven, successful" floor plan would result in unnecessary hardship. Additionally, the applicant indicates that the required percentage of window/public entry façade would expose the business to crime and other safety hazards.

The applicant was issued a permit for construction of the subject structure, a bingo parlor with a caretaker residence on the second floor, on April 5 based on revised building plans that complied with the window/public entry façade requirements through the addition of a glass vestibule to the front of the building with transparent glass from 0 feet to 10 feet in height.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Neighborhood Association boundary, nor is it within a Neighborhood or Community Plan.

Criteria for Review

According to Section 482(e) of the Unified Development Code, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The purpose of the Northeast Gateway Corridor design standards are to create a more attractive, cohesive, and safe environment for visitors, freight traffic and area residents, and to enhance the appearance and economic viability of areas along IH-35. The granting of the variance would be contrary to the public interest, as the reduction of the window/public entry façade area would reduce the ability of the corridor standards to preserve and enhance the aesthetic value of the area adjacent to the interstate.

Additionally, should the bingo parlor business relocate, this building would not lend itself to a future contributing use.

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

The subject property does not appear to possess, nor does the applicant identify, and special conditions that create an unnecessary hardship through the literal enforcement of the ordinance. Rather, the applicant cites only financial hardships and an unwillingness to modify a structural design that has already been drafted. Additionally, potential crime is also cited as a hardship. The applicant has met with staff on numerous occasions. Viable alternatives have been developed in these discussions, yet the applicant has chosen to request a variance from the standards instead of modifying the structures design in order to comply with the corridor standards.

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

The granting of the variance will not observe the spirit of the ordinance nor provide substantial justice. The granting of the variance would be in direct conflict with the stated purpose of the ordinance to enhance the appearance and economic viability of areas along the interstate and create a more attractive and cohesive environment.

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

The granting of the variance will not authorize the operation of a use other than those specifically authorized in the "C-3 IH-1 AHOD" zoning district.

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

The granting of the variance will not injure the appropriate use of adjacent conforming property nor will it alter the essential character of the immediate area. However, it will be injurious to the desired character of the gateway corridor.

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

The plight of the property owner is not due to unique circumstances existing on the property, but rather is due to business preferences in terms of building design and perceived vulnerability to crime. The business owner has demonstrated that it is possible to comply with the window/public entry façade requirements, indicated in the revised plans for which a building permit was issued.

Staff Recommendation

Staff recommends that **A-10-037, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not possess any unique characteristics that would create an undue hardship due to literal enforcement of window/public entry façade requirement of the Northeast Gateway Corridor Overlay District. Furthermore, the applicant has cited only difficulties of a financial and personal nature and has been issued a building permit based on designs that demonstrate compliance with requirements from which the variance is requested.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Façade Elevation

Crosswinds Way

NCB 15911
Block 000
Lot P-3

Requesting Variance to
50% Window coverage on
1st floor of Building

IH 35 N

Board of Adjustment
Plot Plan for
Case A-10-037

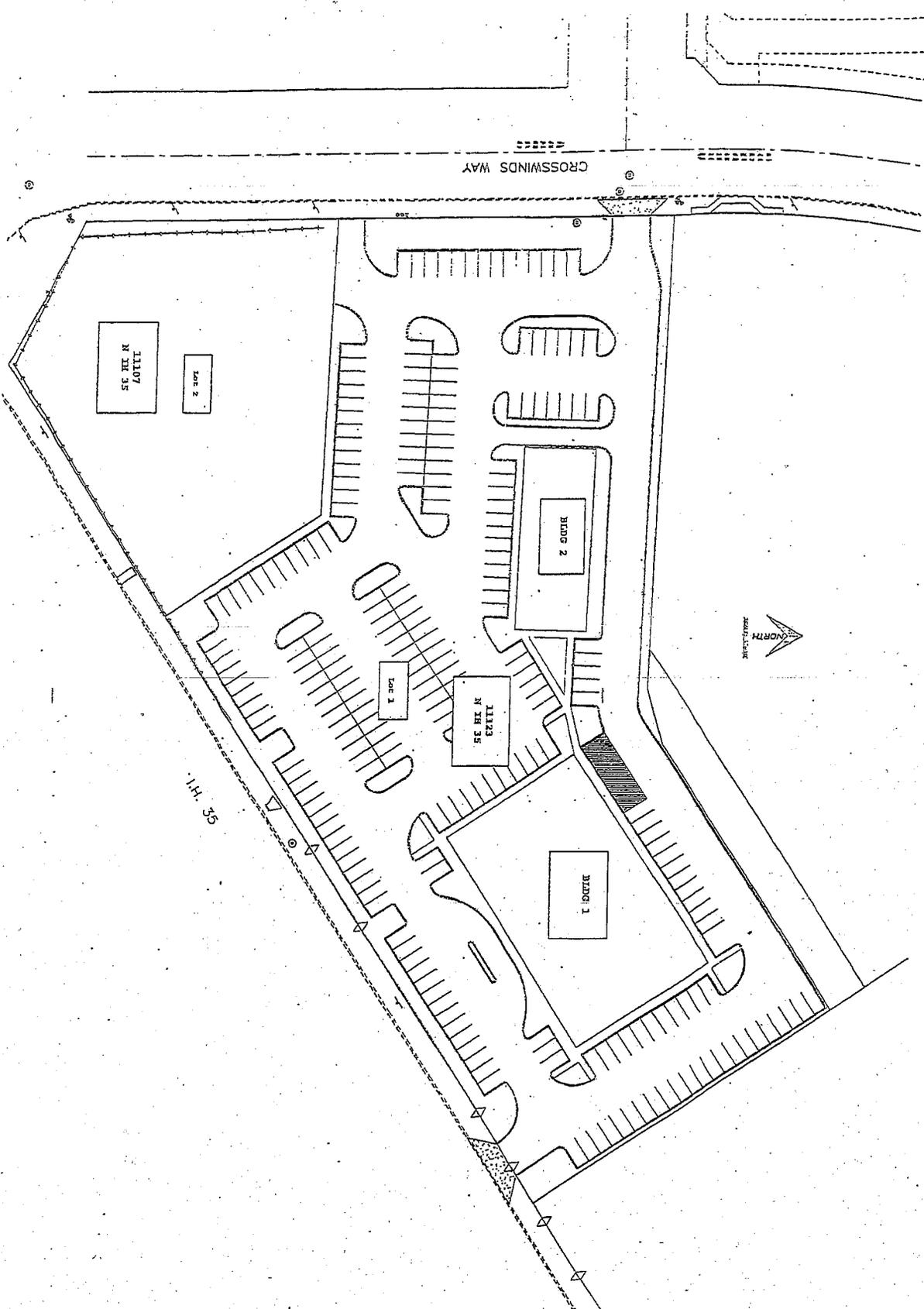


Scale: 1" approx. = 150'
Council District 10

IH 35 & Crosswinds Way

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

DATE: 10/14/2008, 2:10 PM, 147 W. GARDY STREET
 SAN ANTONIO, TEXAS 78202



14.35

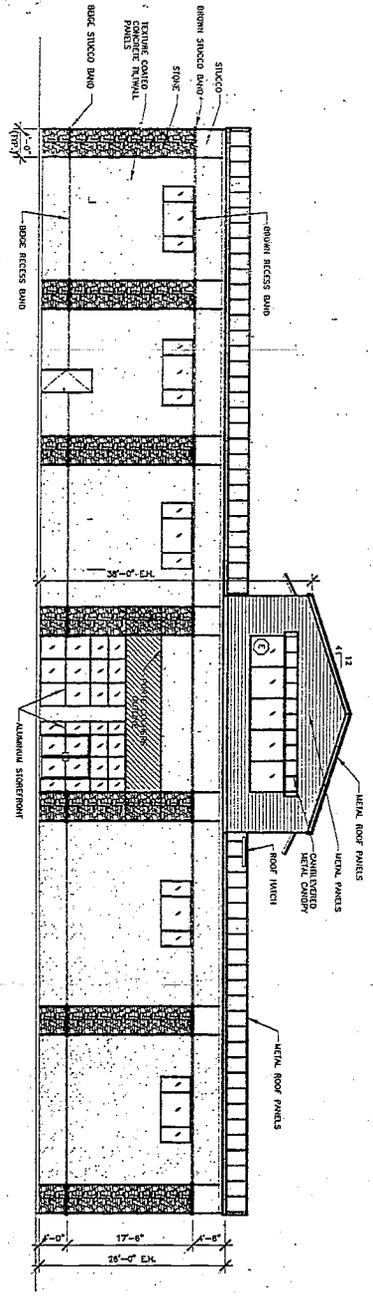


REVISIONS	
DATE	DESCRIPTION

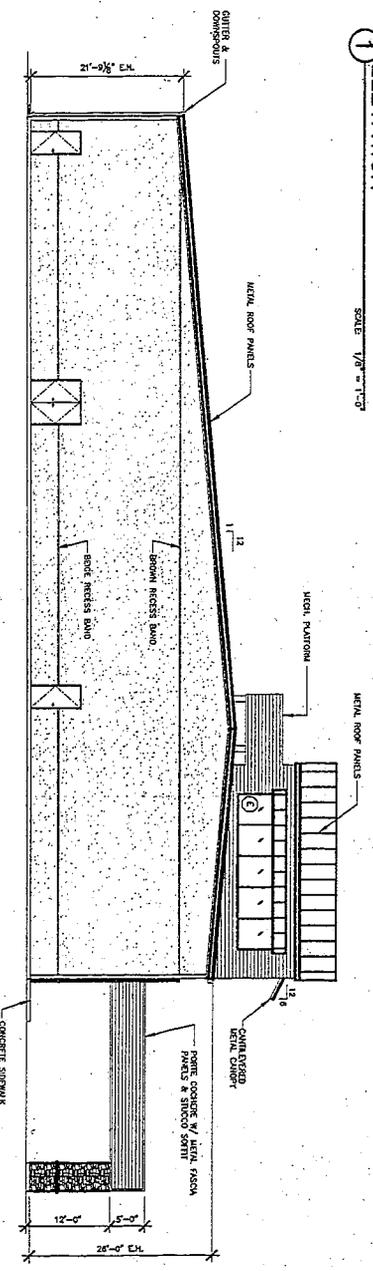
**BINGO PARLOR
 SAN ANTONIO, TEXAS
 SITE PLAN**



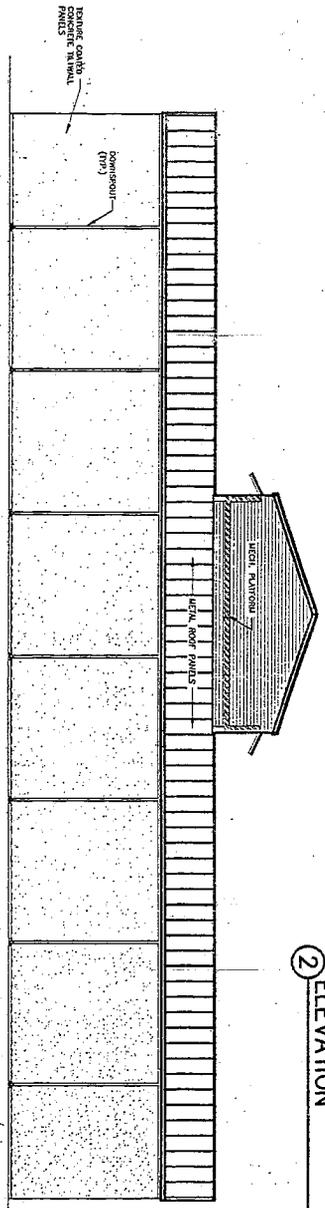
MACINA • BOSE • COPELAND & ASSOC., INC.
 CONSULTING ENGINEERS AND LAND SURVEYORS
 1035 Central Parkway North, San Antonio, Texas 78222
 (214) 545-1122 Fax (214) 545-5302 www.mcaengineers.com



① ELEVATION
SCALE 1/8" = 1'-0"



② ELEVATION
SCALE 1/8" = 1'-0"



③ ELEVATION
SCALE 1/8" = 1'-0"

Report Date: 05/14/2010 09:18 AM

Submitted By

Page 1

Act # 722008 A/P # 1600353 Act Type NEIGHBORHD PLANNING DEPT-NEIGHBORHD REVIEW

Property Information

Address 11123 N IH 35
SAN ANTONIO TX 78233-0000

Location BLDG 1 (TO INCLUDE CARETAKER RESIDENCE ON 2ND FLR)

Application Information

Type COMBLDGGENCOMMERCIAL SINGLE BUILDING Priority 35 Type of Work NEW Dept of Commerce COMMER
Square Footage 21764.00 Declared Valuation 1704000.00 A/P Name CROSSWINDS BINGO PARLOR
Desc of Work PAST DUE LETTER SENT 03/07/2010
PE SEAL APPROVED 3-29-10 GK.
PAST DUE LETTER SENT 02/28/2010

NEW STRUCTURE, BINGO PARLOR W/CARETAKE RESIDENCE ON 2ND FLOOR

REFERENCE SITE WORK AP #1556919 AND FOUNDATION ONLY AP #1596505 Reviewed under the 2009 IBC ** See OLE for Determination of Required Special Inspections, Envelope Compliance Certificate, Prelim #3793 Meeting Notes, Address Plat, Site Plan, Zoning Maps, Permit/Application ** Total calculated occupant load - 1,089 ** 02/04/10 PS: Release of Certificate of occupancy is contingent upon the completion of the site development, detention pond completion and acceptance by the engineer of record, and the release of the certificate of occupancy referenced to AP#1556919. Storm Water Engineering Point of Contact: Priscilla Satarain @ 207-0501. ** Energy Star Certified Roofing required at roofs with 2/12 slope or less - Sustainable Building Code Section 1502.1 and amended IBC Section 1506.1. **

Initial Review

Issued Date/Time 01/13/2010 11:07 Issued By MC06996 System Generated
Scheduled Date/Time Scheduled By Waived 04/02/2010MT13587
Department PLN Assigned To MT13587

Review Results

Reviewed By MT13587 Denied Suspense Date 01/23/2010
Start Date/Time 01/22/2010 12:36 Completed Date/Time 01/22/2010 12:36 Actual Time 0.00

Comments

No Comments

Problems

Violation BLDGGENERAL **Description** BUILDING GENERAL COMMENTS
Recorded Date 01/22/2010 00:00 **Recorded By** MT13587 **Recorded Version**
Resolved Date 01/22/2010 00:00 **Resolved By** MT13587 **Resolved Version**
Status CLOSED **Status Date** 01/22/2010 00:00
Comments The following comments pertain to the Northeast High Priority Corridor Overlay District (IH-1). For questions regarding these comments or the IH-1 standards, please contact Michael Taylor @ 210-207-0145 or michael.taylor@sanantonio.gov
Violation Text - None -
Violation BLDGGENERAL **Description** BUILDING GENERAL COMMENTS
Recorded Date 01/22/2010 00:00 **Recorded By** MT13587 **Recorded Version**
Resolved Date 02/04/2010 00:00 **Resolved By** MT13587 **Resolved Version**
Status CLOSED **Status Date** 02/04/2010 00:00
Comments NATURAL AREAS - PROPERTY FRONTAGE - A type "B" bufferyard is required along I-35 frontage. It does not appear planting meets type "B" requirements. **Planting meets requirements for type "B"***
Violation Text - None -
Violation BLDGGENERAL **Description** BUILDING GENERAL COMMENTS
Recorded Date 01/22/2010 00:00 **Recorded By** MT13587 **Recorded Version**
Resolved Date 04/02/2010 00:00 **Resolved By** MT13587 **Resolved Version**
Status COMPLIED **Status Date** 04/02/2010 00:00
Comments ELEVATION FEATURES - WINDOWS & OPENINGS - The window/ public entry requirement for buildings with a gross floor area of less than 25,000 square feet shall be at least 50% of the first floor street frontage. The first floor street frontage is the area of the facade that faces the public street between the finished floor level and 10 feet above the finished floor level. I-35 elevation does not include sufficient windows/ public entries. **Revisions submitted 3/26/10. Glass vestibule with transparent glass from 0-10 feet in height added to front elevation. Building meets 50% window/public entry requirement.**
Violation Text - None -

Report Date 05/14/2010 09:18 AM

Submitted By

Page 1

Act # 733154 A/P # 1600353 Act Type NEIGHBORHD PLANNING DEPT-NEIGHBORHD REVIEW

Property Information

Address 11123 N IH 35
SAN ANTONIO TX 78233-0000

Location BLDG 1 (TO INCLUDE CARETAKER RESIDENCE ON 2ND FLR)

Application Information

Type COMBLDGGENCOMMERCIAL SINGLE BUILDING Priority 35 Type of Work NEW Dept of Commerce COMMER
Square Footage 21764.00 Declared Valuation 1704000.00 A/P Name CROSSWINDS BINGO PARLOR
Desc of Work PAST DUE LETTER SENT 03/07/2010
PE SEAL APPROVED 3-29-10 GK.
PAST DUE LETTER SENT 02/28/2010

NEW STRUCTURE, BINGO PARLOR W/CARETAKE RESIDENCE ON 2ND FLOOR
REFERENCE SITE WORK AP #1556919 AND FOUNDATION ONLY AP #1596505 Reviewed under the 2009 IBC ** See OLE for
Determination of Required Special Inspections, Envelope Compliance Certificate, Prelim #3793 Meeting Notes, Address Plat, Site Plan, Zoning
Maps, Permit/Application ** Total calculated occupant load - 1,089 ** 02/04/10 PS: Release of Certificate of occupancy is contingent upon the
completion of the site development, detention pond completion and acceptance by the engineer of record, and the release of the certificate of
occupancy referenced to AP#1556919. Storm Water Engineering Point of Contact: Priscilla Satarain @ 207-0501. ** Energy Star Certified Roofing
required at roofs with 2/12 slope or less - Sustainable Building Code Section 1502.1 and amended IBC Section 1506.1. **

Initial Review

Issued Date/Time 03/26/2010 14:58 Issued By AB04128 System Generated
Scheduled Date/Time Scheduled By Waived
Department DSDPLN Assigned To MT13587

Review Results

Reviewed By MT13587 Approved Suspense Date 04/02/2010
Start Date/Time 04/02/2010 11:19 Completed Date/Time 04/02/2010 11:19 Actual Time 0.00

Planning COC issued 04/02/10. See neighborhood review #1 for closed denial comments and responses.

Problems

No Problems

History

Review # 733151 Act Type BUILDING # 2 Department DSDPLN Status Approved Waived
Scheduled Started 03/29/2010 10:54 Completed 03/29/2010 13:04 04/02/2010 00:00
Comments