

CITY OF SAN ANTONIO
Board of Adjustment
Regular Public Hearing Agenda

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

Monday, May 4, 2009
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Paul Klein – 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
George Alejos – District 5	Gene Camargo – District Mayor
Michael Gallagher – District 10 Chairman	
Maria Cruz	Mimi Moffat
Henry Rodriguez	Pete Vallone
Rollette Schreckenghost	Narciso Cano

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-09-043 cont:** The request of Esther Ponce, for a special exception to allow a one operator beauty/barber shop, 4027 Fawnridge Drive.
5. **A-09-048:** The request of Robert W. Ritchie, for **1)** a two (2) foot variance from the requirement that open fences not exceeding a height of six (6) feet may be constructed on a vacant lot, in order to keep an eight (8) foot tall solid-screen fence, **2)** A complete variance from the requirement that at such time that a house or other structure is constructed on the lot, that portion of the fence constructed in the front yard of the house or structure shall be removed or reduced in height to a maximum of three (3) feet in height for a solid fence, in order to keep an eight (8) foot tall solid-screen fence, 1527 Nacogdoches Road.
6. **A-09-049:** The request of Concepcion Robles, for a special exception to keep a 6-foot tall ornamental-iron front-yard fence, 341 and 347 Lone Star Boulevard.

7. **A-09-052:** The request of Jeremy Tietze, for a complete variance from the requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to construct an addition to the west-side property line, 202 Rilla Vista.
8. **A-09-054:** The request of Mario Garza, for a special exception to allow a 6-foot tall ornamental-iron front-yard fence, 19411 Settlers Creek.
9. **A-09-047:** The request of The First Baptist Church of San Antonio, for an appeal of the decision of the Historic Preservation Officer to concur with the Historic Design and Review Commission to deny a Certificate of Appropriateness to replace the existing steel-framed windows with windows framed with aluminum material, 515 McCullough.
10. Approval of the minutes from the regular meeting on April 20, 2009.
11. 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.
12. **Adjournment**

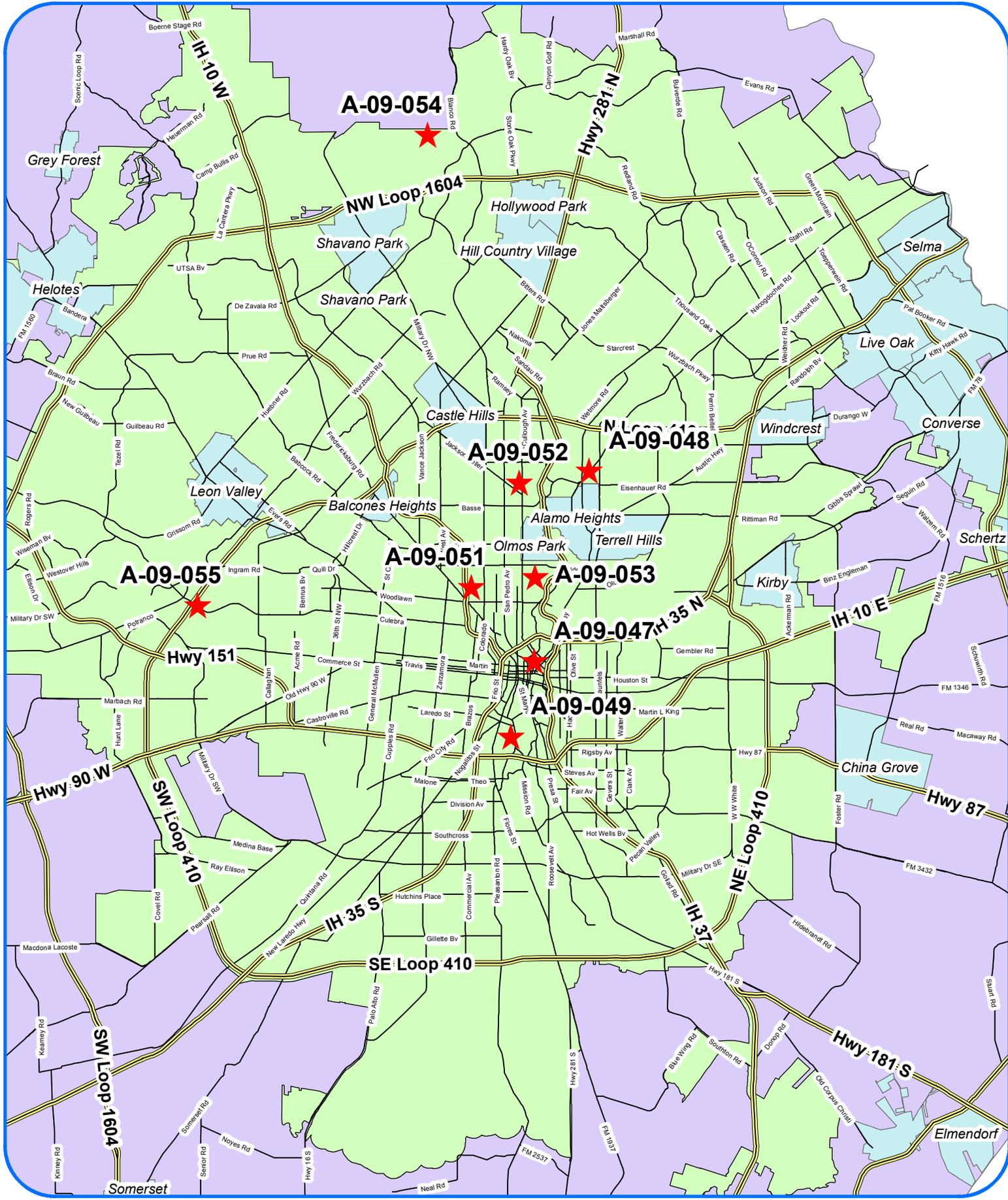
Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at:

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.

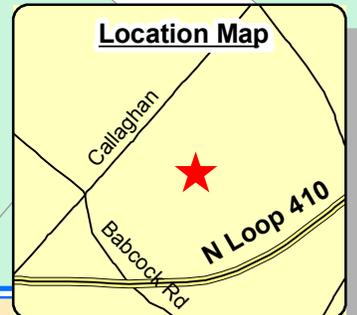
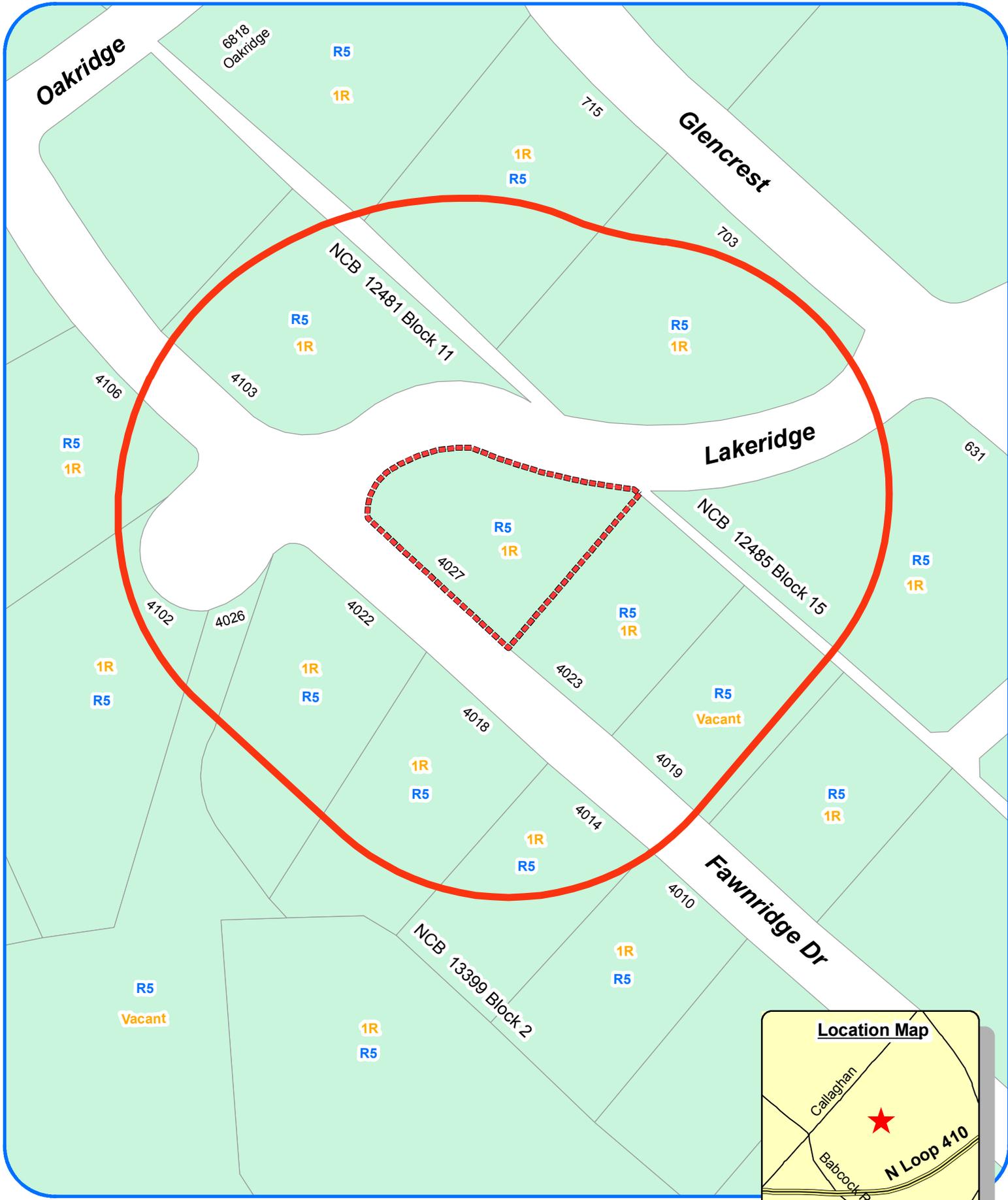
ACCESSIBILITY STATEMENT

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 4, 2009





Board of Adjustment
Notification Plan for
Case A-09-043



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 7

Planning and Development Services Dept
 City of San Antonio
 (03/23/2009 - P. Trinkle)

CASE NO: A-09-043 cont.

Board of Adjustment – May 4, 2009

Applicant: Esther Ponce

Owner: Ponce Property Management Trust

Request(s): A special exception to allow a one operator beauty/barber shop.

Legal Description: Lot 24, Block 15, NCB 12485

Address: 4027 Fawnridge Drive

Zoning: “R-5” Residential Single-Family District

Existing Use: Single-Family Residence

Neigh. Assoc: Oak Hills Citizens Association

Neigh. Plan: None

Section of the City Code from which this special exception is requested:

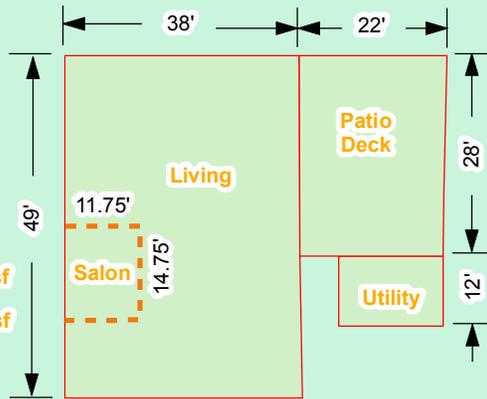
35-399.01 One Operator Beauty Shops and Barber Shops: Granting of a permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed four (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Background: The subject property is located in a single-family neighborhood east of the intersection of Callaghan and Babcock Roads, just north of Loop 410. Single-family residential uses and zoning surround the property. This is the first application for a special exception at this location, though the applicant has operated a beauty shop at the location for some time prior to receiving notice from a Code Compliance inspector on February 21, informing her of the need to comply with the zoning ordinance. The applicant’s proposed hours of operation are 7:00 a.m. to 8:00 p.m., Monday through Saturday, with approximately 10 customers per week and varying total hours of operation. The applicant has stated that per week, she would work at most 20 hours.

Recommendation: The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this Special Exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. The applicant has stated that the intent of the requested hours of operation is to allow flexibility for her customers, while still allowing her to provide full time care for her mother. Staff recommends **approval** of the requested special exception for a maximum allowable **two year period of operation** with hours of operation not to exceed 40 hours per week. A 4-year period of operation is not allowable at this time due to the provisions set forth in UDC 35-399.01(i).

Case Manager: Jacob Floyd, Planner (210) 207-8318

Lakeridge



Living Area = 1862 sf
Salon Area = 173.3 sf

NCB 12485
Block 15
Lot 24

Fawnridge Dr

Board of Adjustment
Plot Plan for
Case A-09-043



Legend

Proposed Salon



Scale: 1" approx. = 30'
Council District 7

4027 Fawnridge Dr

Planning and Development Services Dept
City of San Antonio
(03/23/2009 - P. Trinkle)

Board of Adjustment - Case No. A-09-043

April 20, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, April 20, 2009** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Esther Ponce
Lot 24, Block 15, NCB 12485
4027 Fawnridge Drive
Zoned: “R-5” Residential Single-Family District

The applicant is requesting a special exception to allow a one operator beauty/barber shop at the property identified above.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor () In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-043

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

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property Description:

Lot 24
Block 15
NCB 12485
Zoning R5

Property Address: 4027 Fawnridge DR

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

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

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

Proposed hours of operation:

Comments:

my proposed hours would be 7:00 AM - 8:00 PM
Considering I only do an average of 10 clients
per week, I try to be flexible for them.
I take care of my mom full-time in our home.

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

Signed: Esther Ponce
(Property Owner)

Date: 3-10-09

Respectfully submitted:

Applicants Name: Esther Ponce
Mailing Address: 4027 Fawnridge
S.A.TX. 78229
Telephone: 210-836-5059

Please submit:

Filing Fee - \$400.00

Check made payable to: City of San Antonio

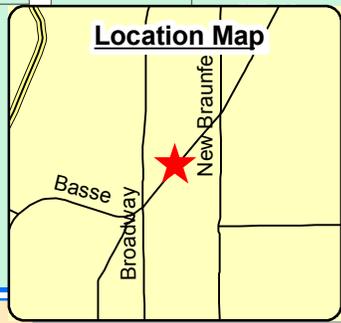
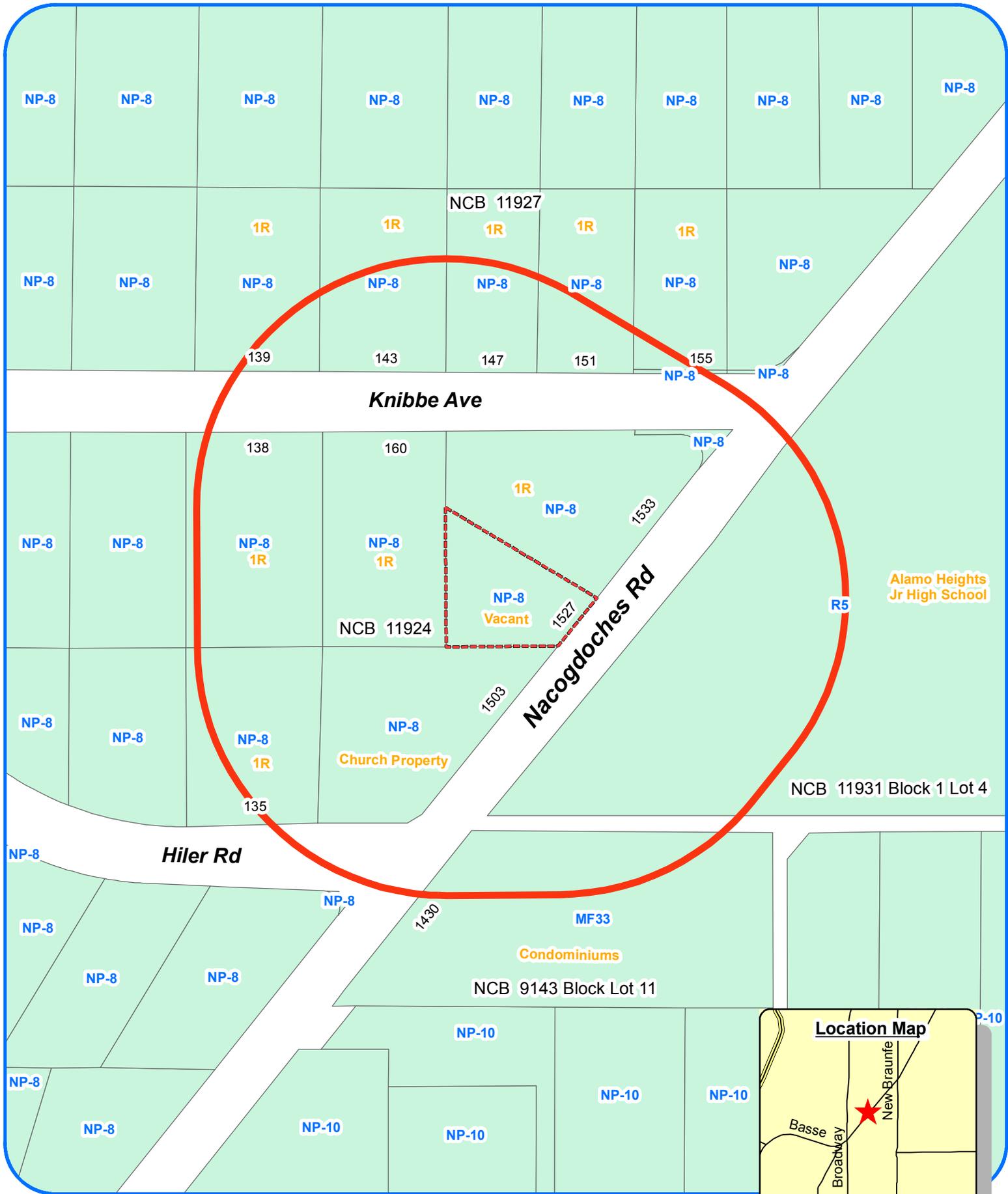
Plot Plan,

Photographs of the structure to be used,

Proposed hours of operation,

Floor plan of proposed beauty shop or barber shop operation.

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



Board of Adjustment
Notification Plan for
Case A-09-048



Legend

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

CASE NO: A-09-048

Board of Adjustment – May 4, 2009

- Applicant:** Robert W. Ritchie
- Owner:** Robert W. Ritchie
- Request(s):** 1) A two (2) foot variance from the requirement that open fences not exceeding a height of six (6) feet may be constructed on a vacant lot, in order to keep a solid-screen fence at a height of 8 feet, 2) A complete variance from the requirement that at such time that a house or other structure is constructed on the lot, that portion of the fence constructed in the front yard of the house or structure shall be removed or reduced in height to a maximum of three (3) feet in height for a solid fence, in order to keep an eight (8) foot tall solid-screen fence.
- Legal Description:** Lot 27, NCB 11924
- Address:** 1527 Nacogdoches Road
- Zoning:** “NP-8” Neighborhood Preservation District
- Existing Use:** Vacant
- Neigh. Assoc:** Oak Park-Northwood Neighborhood Association
- Neigh. Plan:** Northeast Inner Loop Neighborhood Plan

Section of the City Code from which these variances are requested:

35-514(b)(2)(B.) Fences: An open fence not exceeding a height of six (6) feet in the front yard may be constructed on a vacant lot. However, at such time that a house or structure is constructed on the lot, that portion of the fence constructed in the front yard of the house or structure shall be removed or reduced in height to a maximum of three (3) feet in height for an open fence unless said lot and fence meet the criteria of (2)A., B. and C.

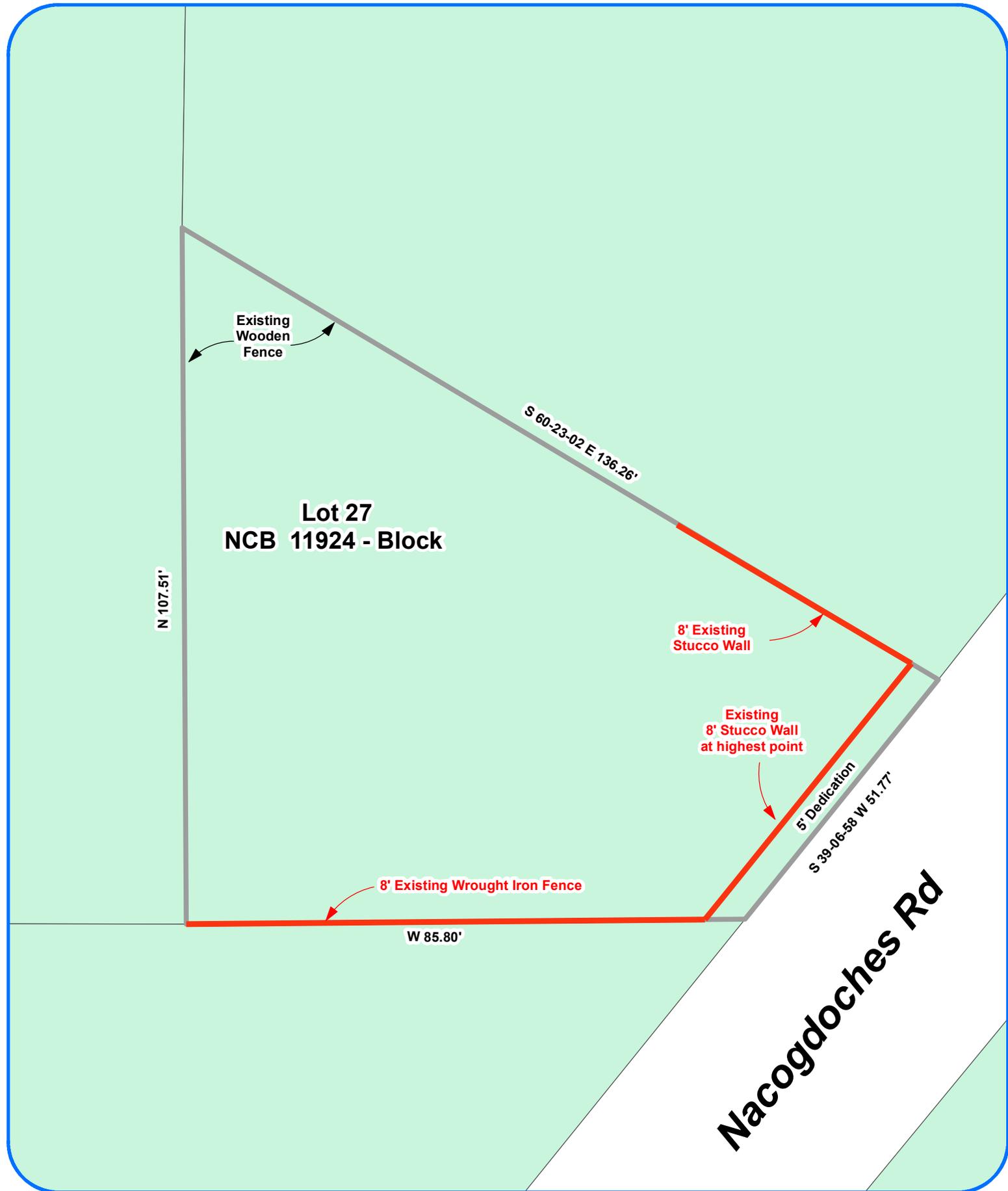
Background: The subject property is located on Nacogdoches Road, bound by Hiler Road to the south and Knibbe Avenue to the north, and just north of the intersection of Nacogdoches Road and Broadway. NP-8 zoning exists to the north, south and west, all of which being exclusively occupied by single-family residences. Alamo Heights Jr. High School sits to the east across Nacogdoches Road, and a condominium complex sits just to the south of that. The applicant is requesting the aforementioned variances in order to keep an existing 8-foot tall fence on the perimeter of the vacant lot. It appears that no permits were obtained for the construction of the existing fence. The applicant initiated this case in advance of obtaining permits for the construction of a single-family residence on the property.

Recommendation: Being as the subject property is currently vacant, save the existing fence, the request for a variance in the height of said fence differs from a typical variance request in that a front, side and rear yard cannot be defined at this point. It is unclear as to when the former primary structure was demolished, and the applicant has supplied no plans regarding the future development on the lot at this time. The applicant has indicated that the intent is indeed to erect a new single-family residence on the lot at some point.

There appears to be no physical or topographic hardships on the property that would preclude adherence to the requirement a 6-foot fence may be erected around a vacant lot (Variance request #1). Additionally, the same can be said for the request that when a house is constructed on the subject property, the fence should be lowered to three (3) feet in height in the front yard and six (6) feet in height in the side and rear yards (Variance request #2). Had the applicant attempted to obtain the necessary permits for the fence, they would have been made aware of the maximum height standards.

The hardships outlined by the applicant appear to be insufficient for the granting of the requested variances. The applicant cites security concerns and the busy character on this portion of Nacogdoches Road, both in terms of vehicular and pedestrian traffic, as the primary hardships. While there is a fence in the immediate vicinity that is comparable in terms of aesthetics and height, staff does not believe that this fact, along with the aforementioned concerns cited by the applicant, warrants the granting of the requested variances. Staff therefore recommends **denial** of the requested variances.

Case Manager: Mike Farber, Planner (210) 207-3074



Board of Adjustment
 Plot Plan for
Case A-09-048



Scale: 1" approx. = 30'
 Council District 9

**1527
 Nacogdoches Rd**

Planning and Development Services Dept
 City of San Antonio
 (04/09/2009 - P. Trinkle)

Board of Adjustment - Case No. A-09-048

May 4, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, May 4, 2009** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant- Robert W. Ritchie
Lot 27, NCB 11924
1527 Nacogdoches Road
Zoned: "NP-8" Neighborhood Preservation District

The applicant is requesting **1)** a two (2) foot variance from the requirement that open fences not exceeding a height of six (6) feet may be constructed on a vacant lot, in order to keep an eight (8) foot tall solid-screen fence and **2)** a complete variance from the requirement that at such time that a house or other structure is constructed on the lot, that portion of the fence constructed in the front yard of the house or structure shall be removed or reduced in height to a maximum of three (3) feet in height for a solid fence, in order to keep an eight (8) foot tall solid-screen fence.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor () In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-048

**NEIGHBORHOOD AND URBAN DESIGN SECTION
BOARD OF ADJUSTMENT CASE REVIEW FORM**

CASE INFORMATION

Case #: **A-09-048**

Property Address: 1527 Nacogdoches Road

Zoning: NP-8

Hearing Date:

Type / Scope of BOA Request:

Applicant is requesting a variance for an 8 foot front yard fence from the UDC Sec 35-514 requirement that front yard fencing within residential zoning areas not exceed 6-feet in height. Applicant is seeking to erect an 8-foot front yard fence due to heavy vehicular and pedestrian traffic along Nacogdoches Road.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): Oak Park - Northwood

Neighborhood or Community Plan: Northeast Inner Loop Neighborhood Plan

Neighborhood Conservation District: N/A

Corridor Overlay District (name or n/a): N/A

ANALYSIS STATEMENT

The subject property is zoned NP-8 and is within the Oak Park-Northwood Neighborhood Association, an area dominated by low density residential houses. Alamo Heights Jr. High School is located immediately to the east of the subject property.

The applicant is preparing this vacant parcel for construction of a new residence, and is seeking to build an 8 foot front yard fence that will separate the property from the primary street; Nacogdoches Road.

The neighborhood plan does not specifically address fences or fence height. However, the property does not appear to exhibit any extenuating topographical constraints or other related issues that would satisfy the intent of this request. Therefore, staff finds the enforcement of Sec 35-514 of the UDC would not result in unnecessary hardship for the applicant.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information ____

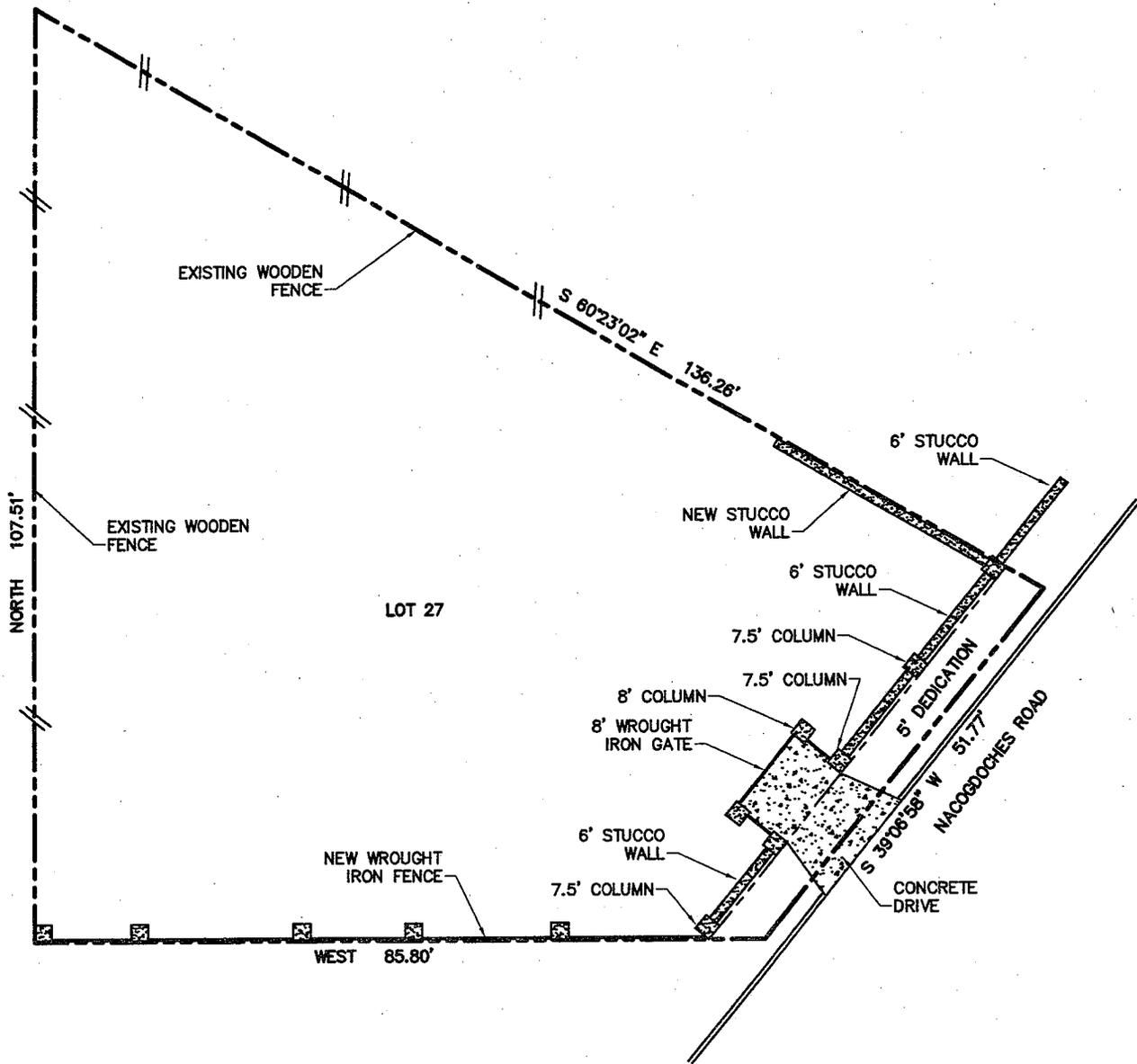
Support Request _____

Deny Request X

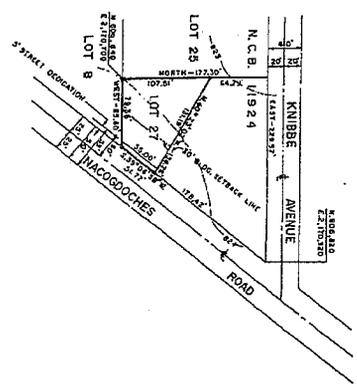
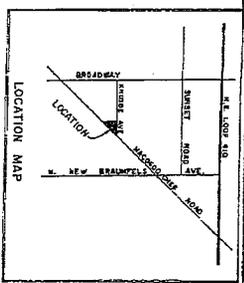
REVIEWER INFORMATION

Neighborhood Planner Reviewing: Gary Edenburn, Sr. Planner

Date Review Completed: April 9, 2009



EXISTING SITE PLAN
1527 NACOGDOCHES ROAD



Filed for record *Open* A.D. 19 *78* at *1:36* o'clock *P.*
 Recorded & Indexed *Open* A.D. 19 *78* at *1:36* o'clock *P.*
 ROBERT D. GREEN
 County Clerk, Behar County, Texas
 By *John A. Green* Deputy

W. F. CASTELLA & ASSOCIATES
 Consulting Civil Engineers & Surveyors
 5476 MIDWAY
 SAN ANTONIO, TEXAS 78201
 PHONE 781-2311
 FAX 781-2311
 MAILING ADDRESS: BOX 118, SAN ANTONIO, TEXAS 78201

STATE OF TEXAS
 COUNTY OF BEHAR
 I, *John A. Green*, County Clerk, do hereby certify that the above and foregoing plat was filed for record in my office on this *21* day of *NOVEMBER*, A.D. 19 *78* at *1:36* o'clock *P.*
 My commission expires on the *21* day of *NOVEMBER*, A.D. 19 *78*.

STATE OF TEXAS
 COUNTY OF BEHAR
 I, *John A. Green*, County Clerk, do hereby certify that the above and foregoing plat was filed for record in my office on this *21* day of *NOVEMBER*, A.D. 19 *78* at *1:36* o'clock *P.*
 My commission expires on the *21* day of *NOVEMBER*, A.D. 19 *78*.

THE PLAT OF PALMCRE SUBDIVISION, BEING 0.186 ACRE OF LAND IN N.C.B. 1924, SAN ANTONIO, TEXAS, WAS FILED FOR RECORD IN MY OFFICE ON THIS *21* DAY OF *NOVEMBER*, A.D. 19 *78*.
 THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, HAS REVIEWED AND APPROVED SAID PLAT.
 BY *John A. Green* SECRETARY
 COUNTY CLERK, BEHAR COUNTY, TEXAS

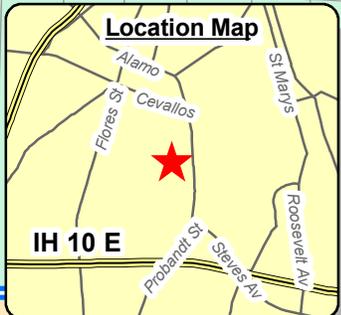
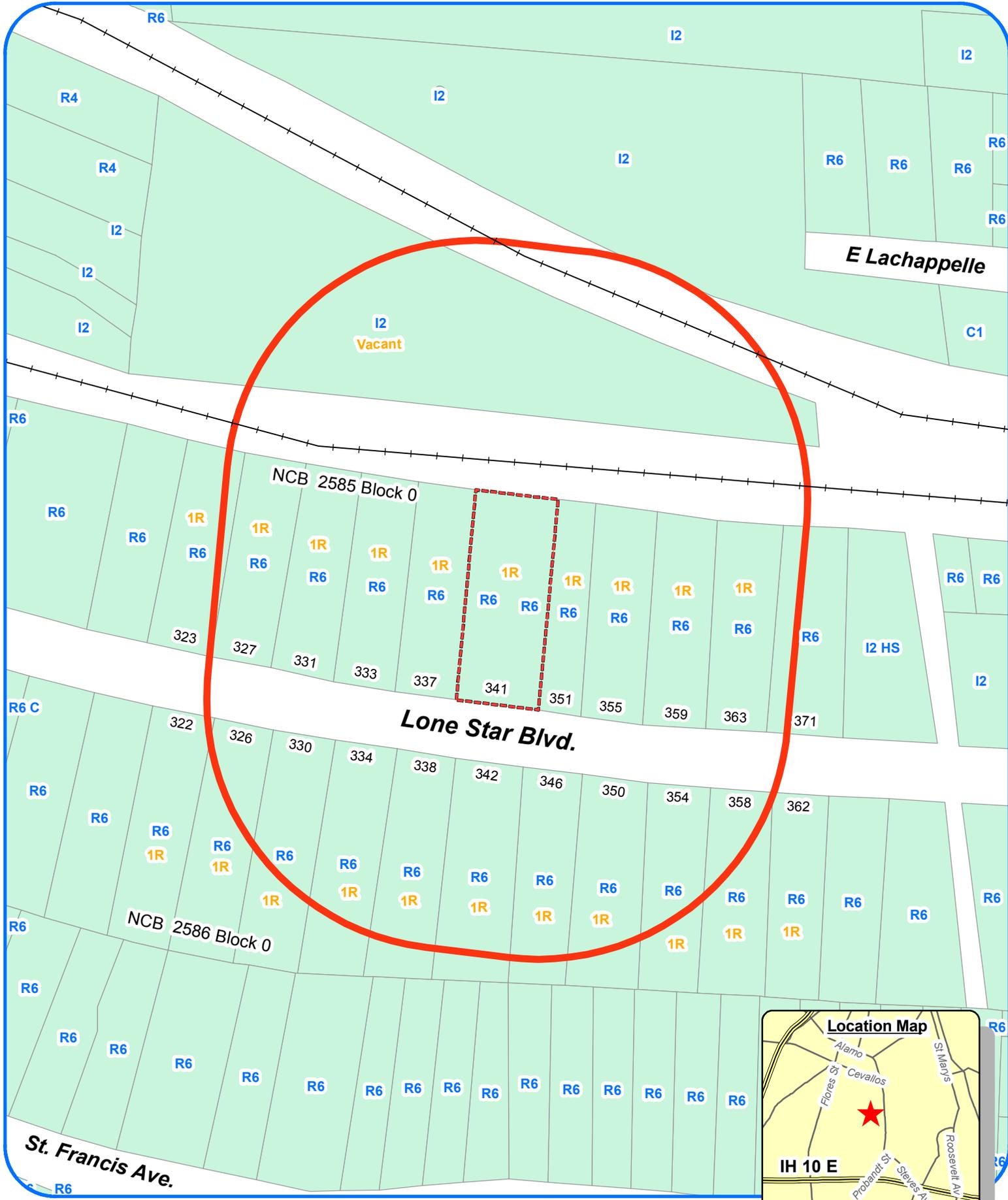
STATE OF TEXAS
 COUNTY OF BEHAR
 I, *John A. Green*, County Clerk, do hereby certify that this plat was filed for record in my office on this *21* day of *NOVEMBER*, A.D. 19 *78* at *1:36* o'clock *P.*
 My commission expires on the *21* day of *NOVEMBER*, A.D. 19 *78*.

STATE OF TEXAS
 COUNTY OF BEHAR
 I, *John A. Green*, County Clerk, do hereby certify that this plat was filed for record in my office on this *21* day of *NOVEMBER*, A.D. 19 *78* at *1:36* o'clock *P.*
 My commission expires on the *21* day of *NOVEMBER*, A.D. 19 *78*.

SUBDIVISION PLAT
 OF
PALMCRE SUBDIVISION
 BEING 0.186 ACRE OF LAND IN N.C.B. 1924, SAN ANTONIO, TEXAS
 COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEHAR
 I, *John A. Green*, County Clerk, do hereby certify that the above and foregoing plat was filed for record in my office on this *21* day of *NOVEMBER*, A.D. 19 *78* at *1:36* o'clock *P.*
 My commission expires on the *21* day of *NOVEMBER*, A.D. 19 *78*.

STATE OF TEXAS
 COUNTY OF BEHAR
 I, *John A. Green*, County Clerk, do hereby certify that the above and foregoing plat was filed for record in my office on this *21* day of *NOVEMBER*, A.D. 19 *78* at *1:36* o'clock *P.*
 My commission expires on the *21* day of *NOVEMBER*, A.D. 19 *78*.



Board of Adjustment
Notification Plan for
Case A-09-049



Legend

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

Planning and Development Services Dept
 City of San Antonio
 (04/09/2009 - P. Trinkle)

CASE NO: A-09-049

Board of Adjustment – May 4, 2009

Applicant: Concepcion Robles
Owner: Concepcion Robles
Request(s): A special exception to allow a 6-foot tall ornamental-iron front-yard fence.
Legal Description: 40 and the West 16.2 feet of Lot 41, NCB 2585
Address: 341 Lone Star Boulevard
Zoning: “R-6” Residential Single-Family
Existing Use: Single-Family Residence
Neigh. Assoc: None
Neigh. Plan: South Central Neighborhood Plan

Section of the City Code from which this special exception is requested:

35-399.04 Ornamental-Iron Front Yard Fences: Ornamental-iron fences between four (4) and six (6) feet in height may be allowed in front yards of residential lots, but only after consideration and approval of a Special Exception by the Board of Adjustment.

Background: The subject property is located near the intersection of Lone Star Boulevard and Probandt Street, in a primarily single-family residential neighborhood. Single-family residential zoning exists to the south, east, and west of the subject property, while the property to the north is zoned heavy industrial. As observed by staff during the site visit, it appears that the existing fence meets all of the criteria required for the special exception. A number of similar fences can be found throughout the area. It appears that the fence was constructed without the proper permits being obtained.

Recommendation: It does not appear that the granting of this special exception would alter the character of the neighborhood, as several fences of this type can be found within a short distance, nor would it impose a hardship to neighboring properties. The fence appears to meet all of the limitations, conditions and restrictions set forth in Section 35-399.04 of the UDC. (A copy of the application indicating this is attached with this packet). Staff recommends **approval** of the requested special exception. Were the Board to approve this exception, it should be noted that the applicant would be required to obtain the proper permits.

Case Manager: Jacob Floyd, Planner (210) 207-8318

NCB 2585
Lot 40 & W 16.2 FT OF 41

Existing
Residence

6' Ornamental Iron
Fence

Lone Star Blvd

Board of Adjustment
Plot Plan for
Case A-09-049



Legend

Requested Special Exception



Scale: 1" approx. = 20'
Council District 5

341 Lone Star Blvd

Planning and Development Services Dept
City of San Antonio
(04/09/2009 - P. Trinkle)

Board of Adjustment - Case No. A-09-049

May 4, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, May 4, 2009** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant-Concepcion Robles
Lot 40 and the West 16.2 Feet of Lot 41, NCB 2585
341 and 347 Lone Star Boulevard
Zoned: "R-6" Residential Single-Family District

The applicant is requesting a special exception to allow a 6-foot tall ornamental-iron front yard fence at the property identified above.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-049

**NEIGHBORHOOD AND URBAN DESIGN SECTION
BOARD OF ADJUSTMENT CASE REVIEW FORM**

CASE INFORMATION

Case #: **A-09-049**

Property Address: 341 Lone Star

Zoning: R6

Hearing Date: 5/4/2009

Type / Scope of BOA Request:

Applicant is requesting a special exception for an ornamental-iron front yard fence.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): None

Neighborhood or Community Plan: South Central San Antonio Community Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

ANALYSIS STATEMENT

The future land use for the subject property is designated low density residential in the South Central San Antonio Community Plan. The low density residential land use category includes single-family houses on individual lots. Low-density residential can include a limited number of duplexes and granny flats or garage apartments that are developed to address family needs.

The community plan does not specifically address front yard fences. However, the plan does speak to maintaining the architectural character of area neighborhoods. Many of the residences on the 300 block of Lone Star have front yard fences. While the majority of these fences are constructed of chain link and are 4-feet in height, there are others that are taller and constructed of ornamental iron and other materials. It does not appear the granting of this special exception would alter the character of the district or otherwise cause injury to neighboring properties.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information

Support Request X

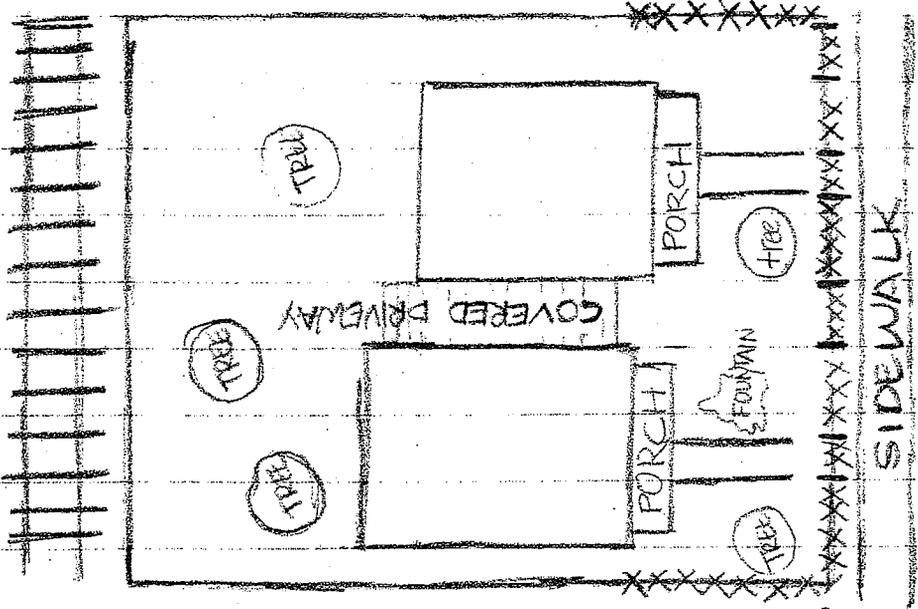
Deny Request

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Michael Taylor, Sr. Planner

Date Review Completed: April 14, 2009

TRAIN TRACKS



X = FENCE

Case: A-09-049

Planner: J. Floyd



REQUEST FOR A SPECIAL EXCEPTION
to the
SAN ANTONIO BOARD OF ADJUSTMENT
for an
ORNAMENTAL-IRON FRONT YARD FENCE

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. 40 40
Block No. 300-1
NCB 2585
Zoning ~~R-6~~ R-6

Property Address: 341 Lone Star

The Applicant, Concepcion Robles of Bexar County, requests the San Antonio Board of Adjustment consider a special exception to allow an ornamental-iron front yard fence, at the property identified above, pursuant to Section 35-399.04 of the Unified Development Code (UDC).

In order to be considered as a special exception rather than a variance, the following criteria, outlined in the UDC, must be met (please initial acknowledging adherence):

CR (1) Application for a Special Exception for an ornamental-iron front yard fence over four (4) feet in height shall be filed by the owner or authorized agent with the Planning and Development Services Department.

CR (2) A site plan drawn to scale shall be submitted with the application indicating the size, design, construction materials and location of the fence on the property.

CR (3) On a corner lot, or near a drive-way junction with a street, the fence shall be erected in back of the area designated by this chapter for clear vision area/intersection sight distance.

CR (4) The tallest element of the fence shall not exceed six (6) feet in height, as measured from the grade on the outside of the fence. For the purposes of this condition, the tallest element shall include the top of any column, pillar or post, but shall not include any fixtures or other decorative features attached to the top of any columns, pillars or posts.

CR (5) Any portion of the fence over three (3) feet in height shall be constructed of ornamental-iron bars, or other forged-iron bars. If vertical bars/ballisters are part of the design, each shall be no wider than one (1) inch, and the design shall provide a minimum of five and one-half (5½) inches of spacing between vertical bars/ballisters. The overall design of that area of the fence above three (3) feet in height shall be a minimum of seventy percent (70%) open.

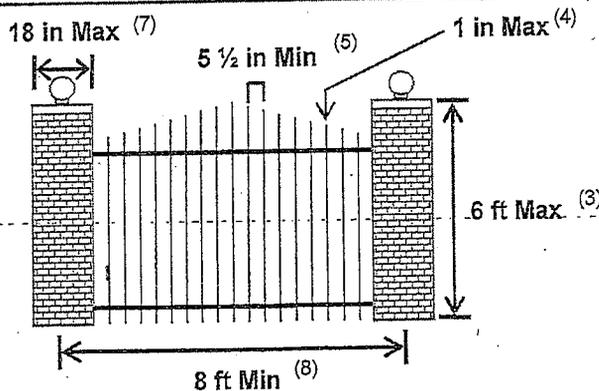
CR (6) Columns, pillars or posts at a maximum width of eighteen (18) inches each and spaced a minimum of eight (8) feet apart, measured from center-of-post to center-of-post, are permitted. The distance between columns/pillars/posts may be less than eight (8) feet if necessary for structural soundness or to accommodate a gate. However, columns/pillars/posts shall be at least three (3) feet apart where accommodating a pedestrian gate, and at least eight (8) feet apart where accommodating a vehicle gate, both measured from the inside edges of the two columns/pillars/posts. Regardless of the space between columns/pillars/posts, the seventy percent (70%) openness criteria and the clear vision area requirements shall be maintained.

CR (7) The applicant shall comply with all other applicable codes and ordinances.

CR (8) Submit filing fee of \$400.00, checks made payable to "City of San Antonio".

Ornamental-Iron Front Yard Fence Special Exception

	General Requirements	Conditions Met? (circle)
1.	Must <u>not</u> be zoned Historic, designated as a Historic Landmark, or located within a Historic District	<input checked="" type="radio"/> Yes / No / NA
2.	Must <u>not</u> be located within an Overlay District which includes design standards that limit the height and design of front yard fences	<input checked="" type="radio"/> Yes / No / NA
3.	Tallest element of the fence shall not exceed 6 feet in height <ul style="list-style-type: none"> • Measured from the grade on the outside of the fence • Fixtures attached to the top of any column, pillar or post are not factored into height 	<input checked="" type="radio"/> Yes / No / NA
4.	Vertical bars/balusters shall be no wider than 1 inch	<input checked="" type="radio"/> Yes / No / NA
5.	There shall be a minimum of 5 ½ inches of spacing between vertical bars/balusters	<input checked="" type="radio"/> Yes / No / NA
6.	The overall design of that area of the fence above 3 feet in height shall be a minimum of 70% open	<input checked="" type="radio"/> Yes / No / NA
7.	Columns, pillars, or posts shall be no wider than 18 inches each	<input checked="" type="radio"/> Yes / No / <input checked="" type="radio"/> NA
8.	Columns, pillars, or posts shall be spaced a minimum of 8 feet apart <ul style="list-style-type: none"> • Measured from center-of-post to center-of-post • The distance between columns/pillars/posts may be less than 8 feet if necessary for structure soundness or to accommodate a gate (see item 9 for gate requirements) 	<input checked="" type="radio"/> Yes / No / <input checked="" type="radio"/> NA
9.	Columns/pillars/posts shall be at least 3 feet apart where accommodating a pedestrian gate and at least 8 feet apart where accommodating a vehicle gate <ul style="list-style-type: none"> • Measured from the inside edges of the two columns/pillars/posts 	<input checked="" type="radio"/> Yes / No / <input checked="" type="radio"/> NA



By signing below you acknowledge that the information provided above is true and accurate, and that the fence in question does, in fact, meet the requirements to be considered under this special exception.

Conception Kohler
Property Owner's Signature

3-30-09
Date

Please also note:

- * In granting a Special Exception for a front yard ornamental iron fence over four (4) feet in height, the Board of Adjustment may require the fence conform to such other conditions as the Board may deem necessary to protect the character of the zoning district and neighborhood in which the lot is located.
- * In granting a Special Exception for a front yard ornamental iron fence over four (4) feet in height, the Board of Adjustment shall take into account the size and scale of the fence as it would relate to the scale of the neighborhood.
- * To be granted a request for a Special Exception, the request must meet the conditions set forth in Section 35-482 (h) of the UDC.
- * If a Special Exception for a front yard ornamental iron fence over (4) feet in height is approved by the Board of Adjustment, the applicant/property owner shall secure all necessary permits prior to erecting the fence.

Respectfully submitted:

Applicant's name: Concepcion Robles

Status: Owner () Agent ()

Mailing address: 341 Lone Star

Telephone: (Home) (210) 299-3087 (Work) n/a

Other phone: (210) 324-8532 Email: n/a

X _____
Applicant's signature Date

Representative's name: _____

Mailing address: _____

Telephone: (Home) _____ (Work) _____

Other phone: _____ Email: _____

Name of Property Owner: Nicolas and Concepcion Robles

Mailing address: 341 Lone Star

Telephone: (Home) (210) 299-3087 (Work) n/a

Other phone: (210) 324-8532 Email: n/a

I, _____ the owner of the subject property, authorize
_____ to submit this application. I also authorize
_____ to represent me in this request before the

Board of Adjustment.

Concepcion Robles
Property owner's signature

3-24-09
Date

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



McCullough Ave



Board of Adjustment
Notification Plan for
Case A-09-052



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

CASE NO: A-09-052

Board of Adjustment – May 4, 2009

- Applicant:** Jeremy Tietze
- Owner:** Jeremy Tietze
- Request(s):** A complete variance from the requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to construct an addition to the west side property line.
- Legal Description:** Lot 1, Block 24, NCB 10071
- Address:** 202 Rilla Vista
- Zoning:** “R-5” Residential Single-Family
- Existing Use:** Single-Family Residence
- Neigh. Assoc:** Shearer Hills/Ridgeview Neighborhood Association
- Neigh. Plan:** North Central Neighborhood Plan

Section of the City Code from which this variance is requested:

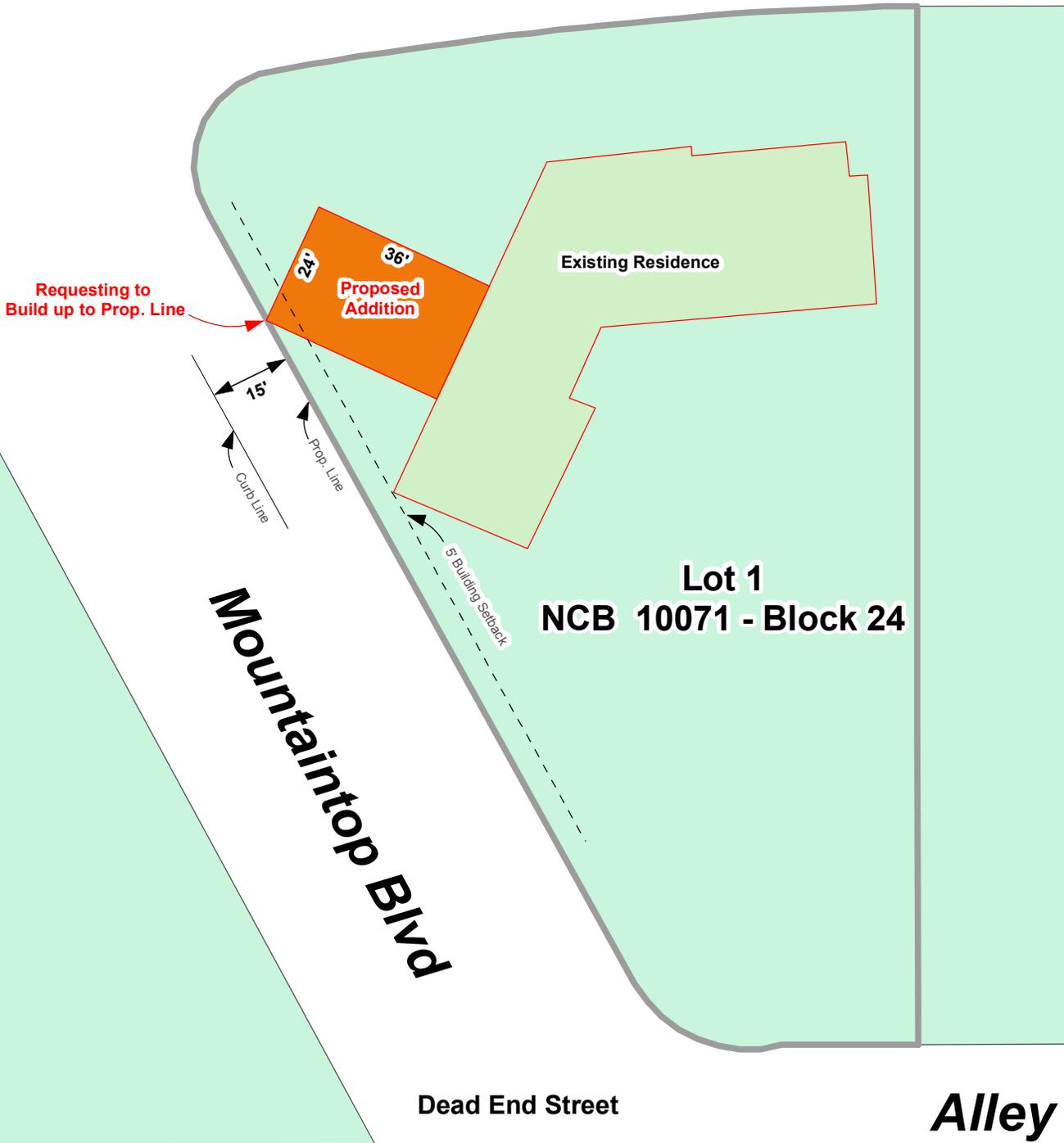
35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback shall be maintained in “R-5” zoning districts.

Background: The subject property is located on the southeast corner of the intersection of Rilla Vista and Mountaintop Boulevard, north of Olmos Basin Park. Single-family residential uses and zoning surround the subject property which is situated off of a dead-end street, Mountaintop Boulevard. The subject property is characterized by its irregular shape, narrowing from approximately 120 feet wide in the front to approximately 46 feet wide in the rear. The overall size of the lot, 0.44 acres, is typical of other lots in the immediate area; which are generally between 0.33 and 0.56 acres. The west side property line of the subject property is located 15 feet inside of the curb line of Mountaintop Boulevard. The applicant requests relief from the minimum side setback in order to construct an addition up to the west side property line; 15 feet away from the curb line of Mountaintop Boulevard.

Recommendation: The intent of the side setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. The subject property does not appear to experience hardship imposed by the physical character of the property nor the topography of the immediate area. The applicant cites the shape of the lot, shape of the house, and location of utility lines as hardships preventing the placement of an addition elsewhere on the lot. Staff does not believe that these circumstances are sufficient to justify the granting of this variance. It appears that alternatives exist that would allow the applicant to make reasonable use of the property, while still meeting the side setback requirements. Staff recommends **denial** of the requested variance.

Case Manager: Jacob Floyd, Planner (210) 207-8318

Rilla Vista



Board of Adjustment
Plot Plan for
Case A-09-052



Scale: 1" approx. = 30'
Council District 1

202 Rilla Vista

Planning and Development Services Dept
City of San Antonio
(04/09/2009 - P. Trinkle)

Board of Adjustment - Case No. A-09-052

May 4, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, May 4, 2009** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant-Jeremy Tietze
Lot 1, Block 24, NCB 10071
202 Rilla Vista
Zoned: "R-5" Residential Single-Family District

The applicant is requesting a complete variance from the requirement that a minimum 5-foot side setback be maintained in "R-5" zoning districts, in order to construct an addition to the west side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.



If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-052

**NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM**

CASE INFORMATION

Case #: **A-09-052**

Property Address: 202 Rilla Vista

Zoning: R-5

Hearing Date: May 4, 2009

Type / Scope of BOA Request:

Zero lot line Variance from the UDC requirement to build an addition in the front yard to the property line.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): Shearer Hills – Ridgeview Neighborhood Association

Neighborhood or Community Plan: North Central Community Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

ANALYSIS STATEMENT

The subject parcel is designated Low Density Residential in the North Central Community Plan Future Land Use Plan which is composed of single family homes on residential lots. The community has expressed their desire for the neighborhood to grow and flourish through compliance with established city ordinances as expressed in Goal 3 of the Community Plan which states the goal to, "maintain and preserve the quality of existing residential properties through the encouragement of rehabilitation and code compliance" (pg. 32).

There does not appear to be any extenuating topographical constraints or similar issues to the applicant's parcel which would suggest that the literal enforcement of the ordinance would result in unnecessary hardship.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

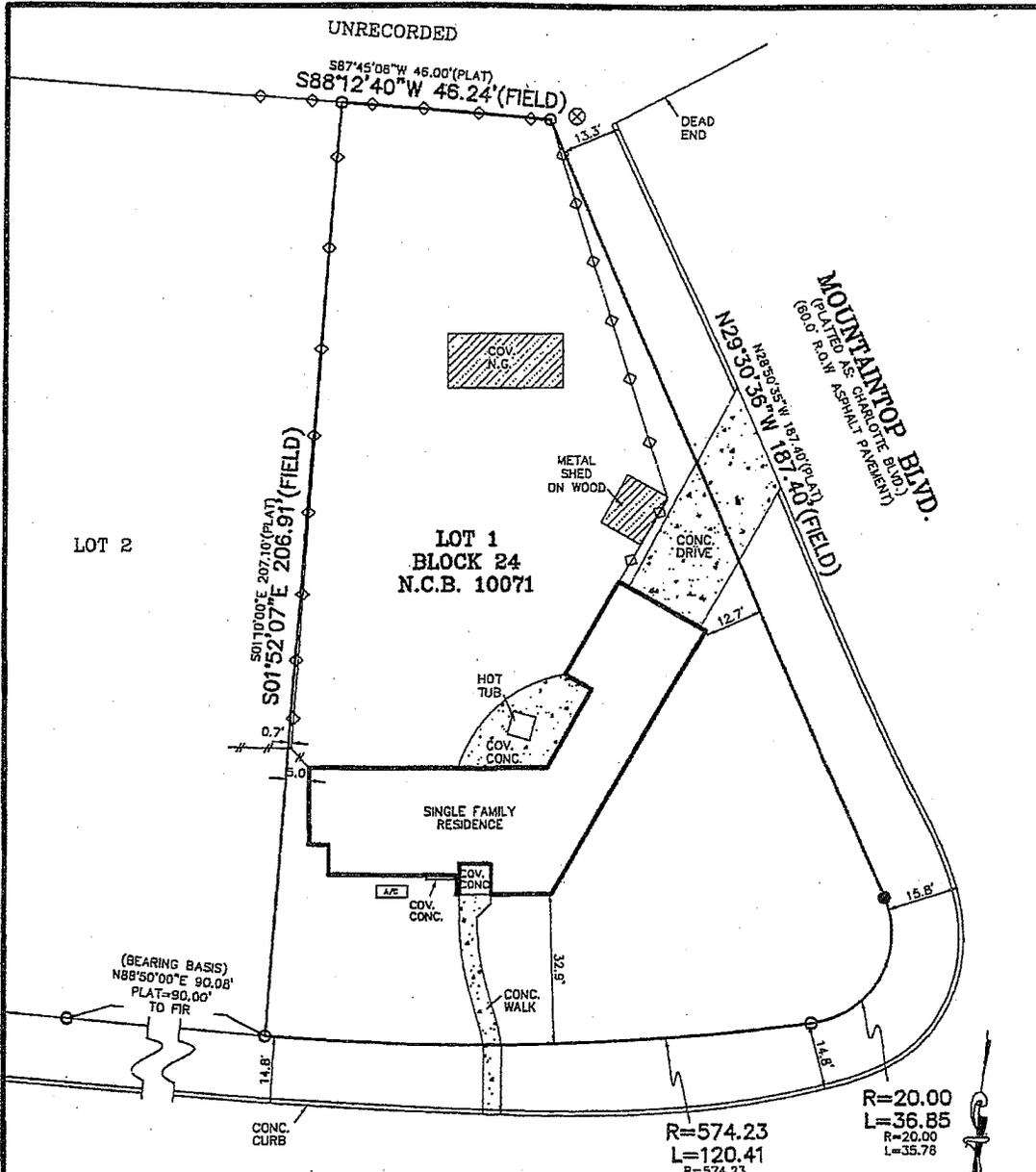
Support Request _____

Deny Request X

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Lauren Edlund, Planner

Date Review Completed: April 14, 2009



RILLA VISTA

(PLATTED AS: RILLA VISTA DRIVE)
(60.0' R.O.W. ASPHALT PAVEMENT)

NOTE: PLAT DOES NOT MAKE A MATHEMATICAL CLOSER.

LEGEND:

—= WOOD FENCE	⊗= POWER POLE
⊕= CHAIN LINK FENCE	⊙= FIRE HYDRANT
⊖= BARBED WIRE FENCE	⊙= FND 1/2" IRON ROD
⊖= WROUGHT IRON FENCE	⊙= SET 1/2" IRON ROD
⊖= FND FENCE POST	⊗= SET "X" ON CONC.

R=20.00
L=36.85
R=20.00
L=35.78

R=574.23
L=120.41
R=574.23
L=120.60

1" = 30'
GRAPHIC SCALE
0 15 30

BUYER: JEREMY R. TIETZE		ADDRESS: 202 RILLA VISTA	
TITLE COMPANY: LANDAMERICA LAWYERS TITLE		G.F. NO.: 1210013464	
LOT: 1	BLOCK: 24	N.C.B.: 10071	
SUBDIVISION: EAST SHEARER HILLS			
CITY: SAN ANTONIO		COUNTY: BEXAR	STATE: TEXAS
PLAT RECORDED IN: VOLUME 2575 PAGE 56 DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.			
THIS PROPERTY IS SUBJECT TO RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS AS FOLLOWS:			
VOL. 2589 PG. 147 DEED RECORDS OF BEXAR COUNTY, TEXAS			

P.O. BOX 100442
SAN ANTONIO, TEXAS 78201
PHONE: 210-534-6700
FAX: 210-534-8673

- 1) UNDERGROUND UTILITIES, IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND ITEMS OR EASEMENTS ARE NOT LOCATED BY THIS SURVEY.
- 2) THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND/OR FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- 3) THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
- 4) SET PINS TO BE COMPLETED UPON RECEIPT OF FINAL PAYMENT.

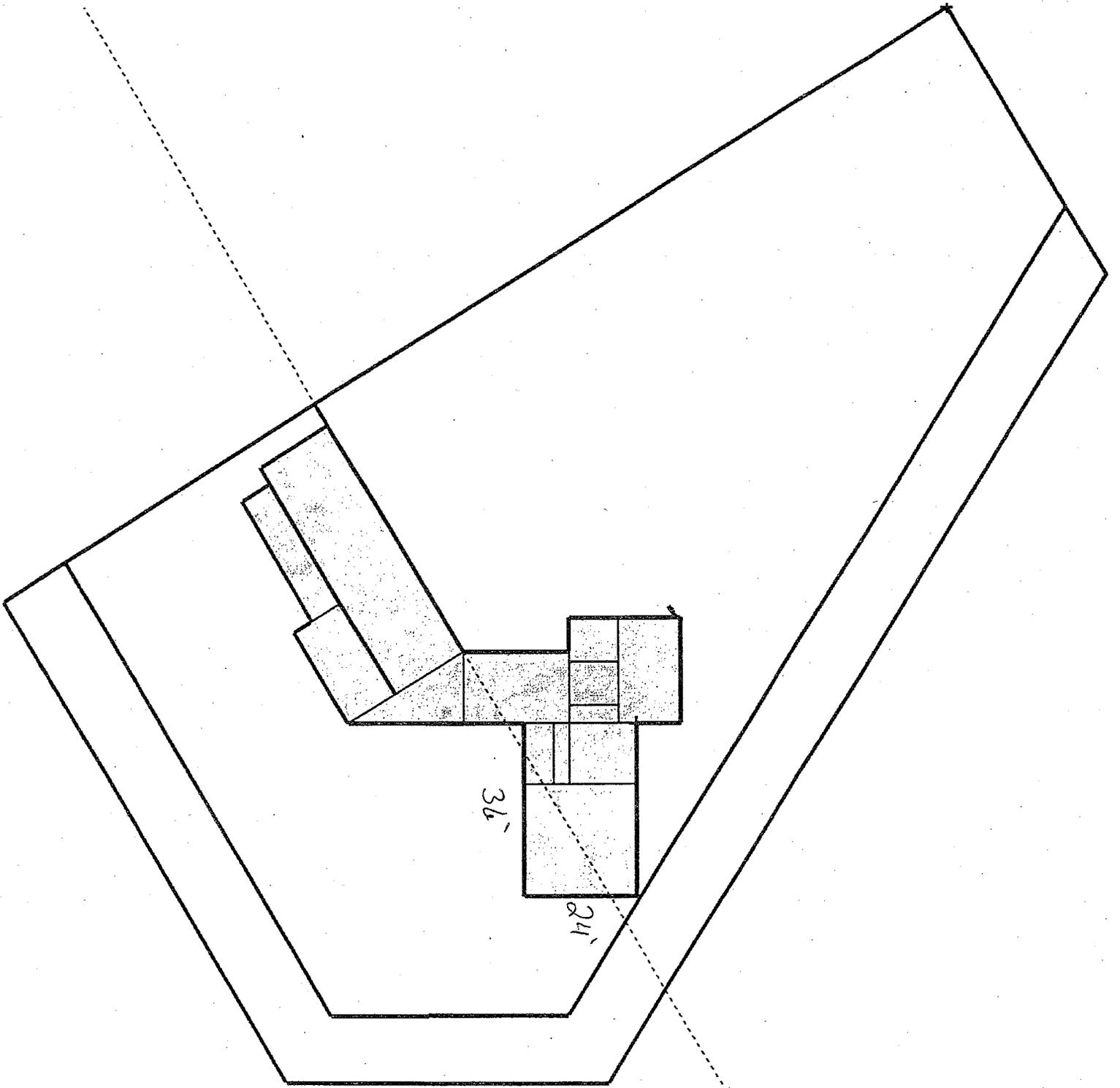


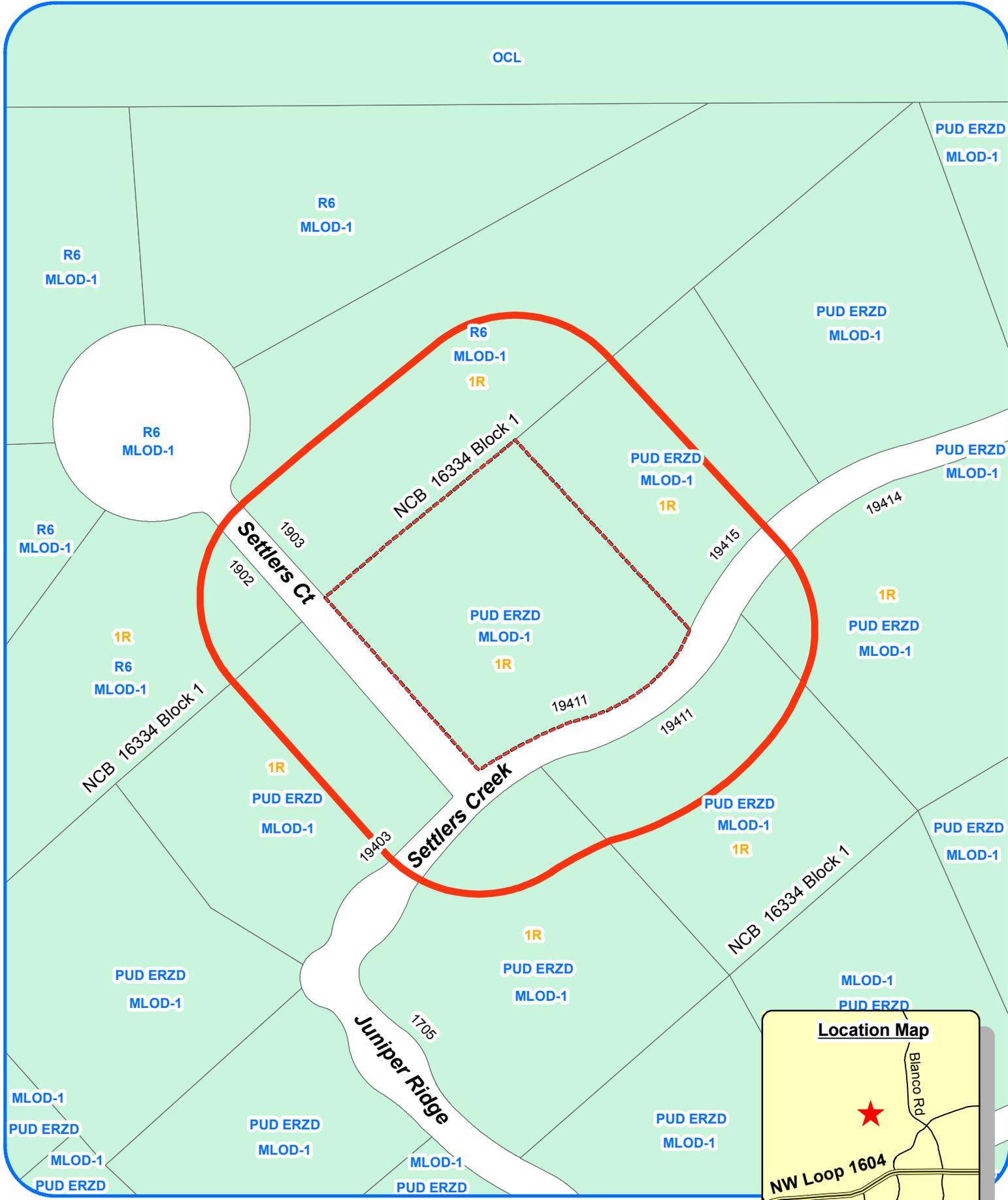
STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTIES AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY OR AS SHOWN ABOVE.

THIS 18TH DAY OF JANUARY, 2008, A.D.

Peter Aguirre
PETER A. AGUIRRE, R.P.L.S. 5464





Board of Adjustment
Notification Plan for
Case A-09-054



Legend

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

CASE NO: A-09-054

Board of Adjustment – May 4, 2009

- Applicant:** Mario Garza
- Owner:** A. D. V. Trust
- Request(s):** A special exception to allow a 6-foot tall ornamental-iron front-yard fence.
- Legal Description:** Lot 96, Block 1, NCB 16334
- Address:** 19411 Settlers Creek
- Zoning:** “PUD R-6 ERZD MLOD-1” Residential Single-Family Planned Unit Development
Edwards Recharge Zone Camp Bullis Military Lighting Overlay Zone District
- Existing Use:** Single-Family Residence
- Neigh. Assoc:** Greystone Country Estates Property Owners Association
- Neigh. Plan:** None

Section of the City Code from which this special exception is requested:

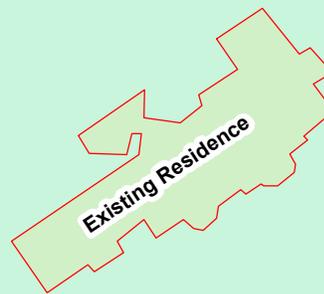
35-399.04 Ornamental-Iron Front Yard Fences: Ornamental-iron fences between four (4) and six (6) feet in height may be allowed in front yards of residential lots, but only after consideration and approval of a Special Exception by the Board of Adjustment.

Background: The subject property is located on the city's north side, north of Loop 1604 and west of Blanco Road, in a single-family residential neighborhood just south of Camp Bullis. PUD R-6 and R-6 zoning surrounds the subject property. The neighborhood is generally characterized by large lots with structures well set back from the street. Several nearby properties have fences of similar design in the front yards, though unobstructed front yards appear to be more common throughout the neighborhood. The applicant is requesting this special exception to erect a 6-foot tall wrought iron fence with stucco columns in the front yard.

Recommendation: It does not appear that the granting of this special exception would alter the character of the neighborhood, as several fences of this type can be found within a short distance, nor would it impose a hardship to neighboring properties. The applicant has agreed to construct the fence to meet all of the limitations, conditions and restrictions set forth in Section 35-399.04 of the UDC. (A copy of the application indicating this is attached with this packet). Staff recommends **approval** of the requested special exception.

Case Manager: Jacob Floyd, Planner (210) 207-8318

Lot 96
NCB 16334 - Block 1



Existing Residence

Settlers Ct

**Proposed Ornamental
Iron Fence**

Gate

Gate

Settlers Crk

Board of Adjustment
Plot Plan for
Case A-09-054



Special Exception Request



Scale: 1" approx. = 80'
Council District 9

19411
Settlers Creek

Planning and Development Services Dept
City of San Antonio
(04/09/2009 - P. Trinkle)

Board of Adjustment - Case No. A-09-054

May 4, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, May 4, 2009** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant-Mario Garza
Lot 96, Block 1, NCB 16334
19411 Settlers Creek
Zoned: "PUD R-6 ERZD MLOD-1" Planned Unit Development Residential Single-Family
Edwards Recharge Zone Camp Bullis Military Lighting Overlay District

The applicant is requesting a special exception to allow a 6-foot tall ornamental-iron front yard fence at the property identified above.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Jacob Floyd at 207-8318 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.



If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

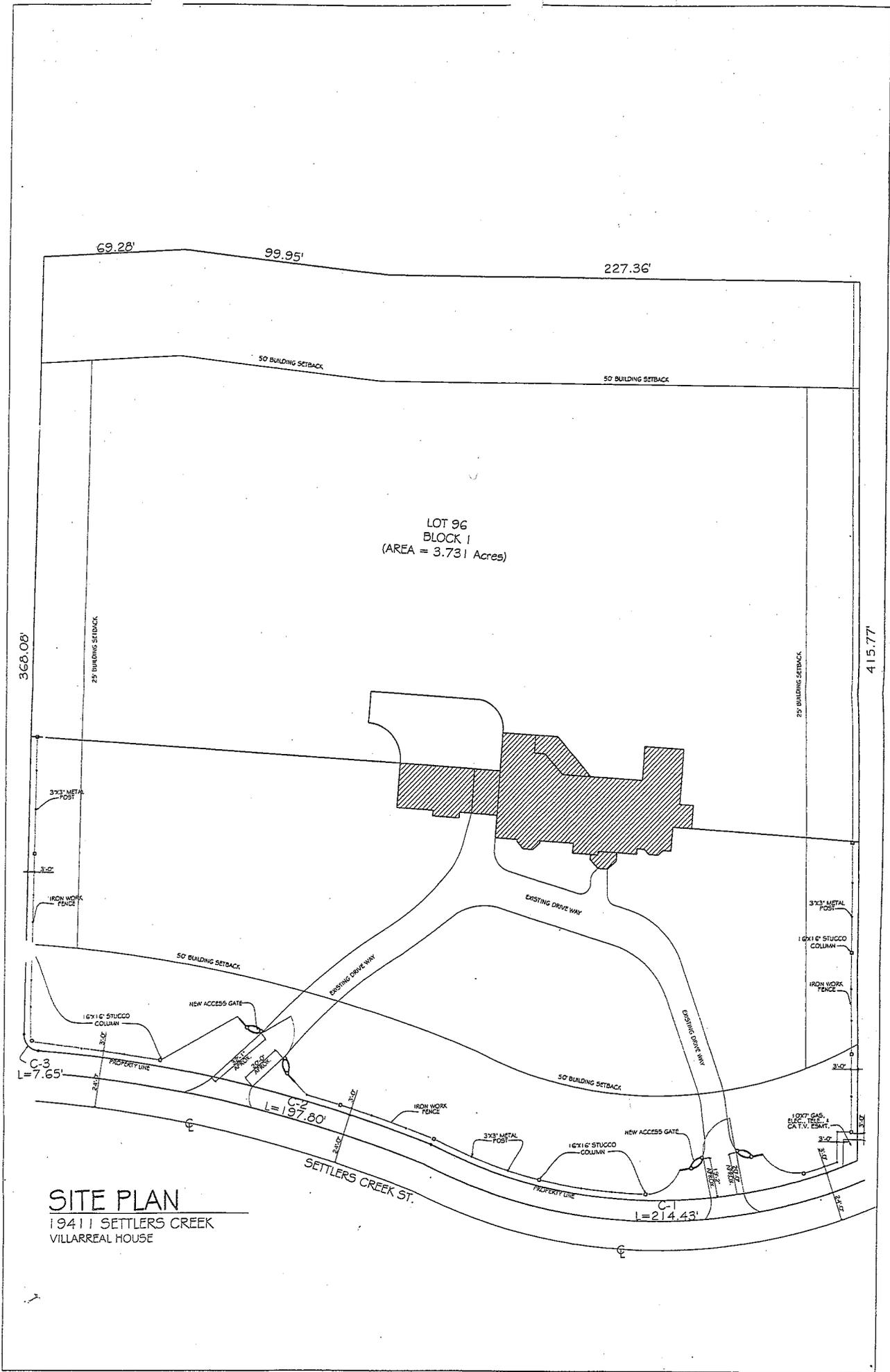
Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

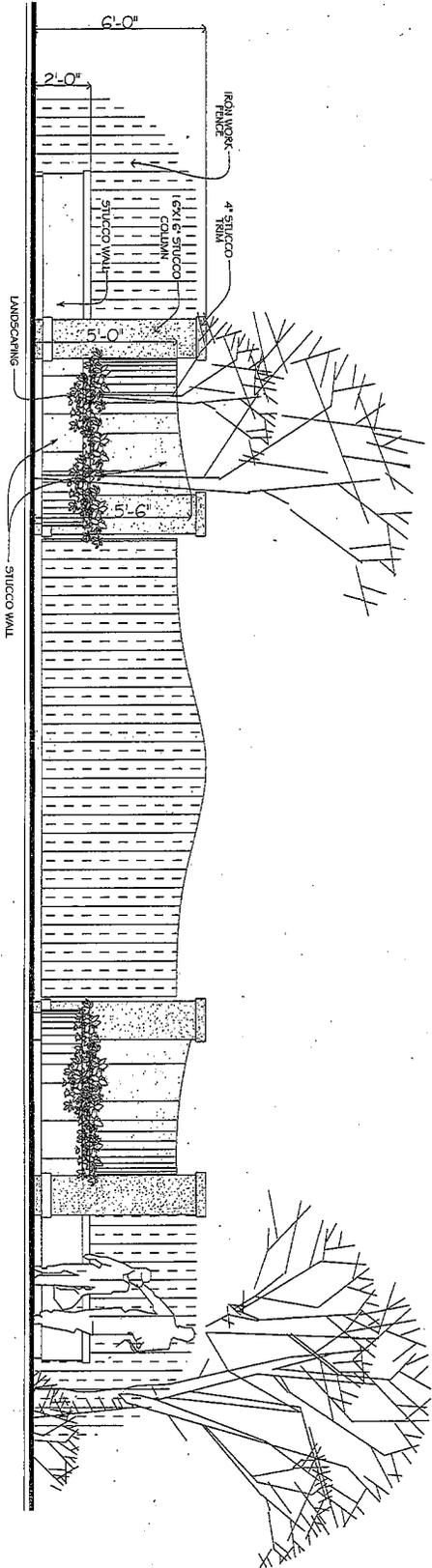
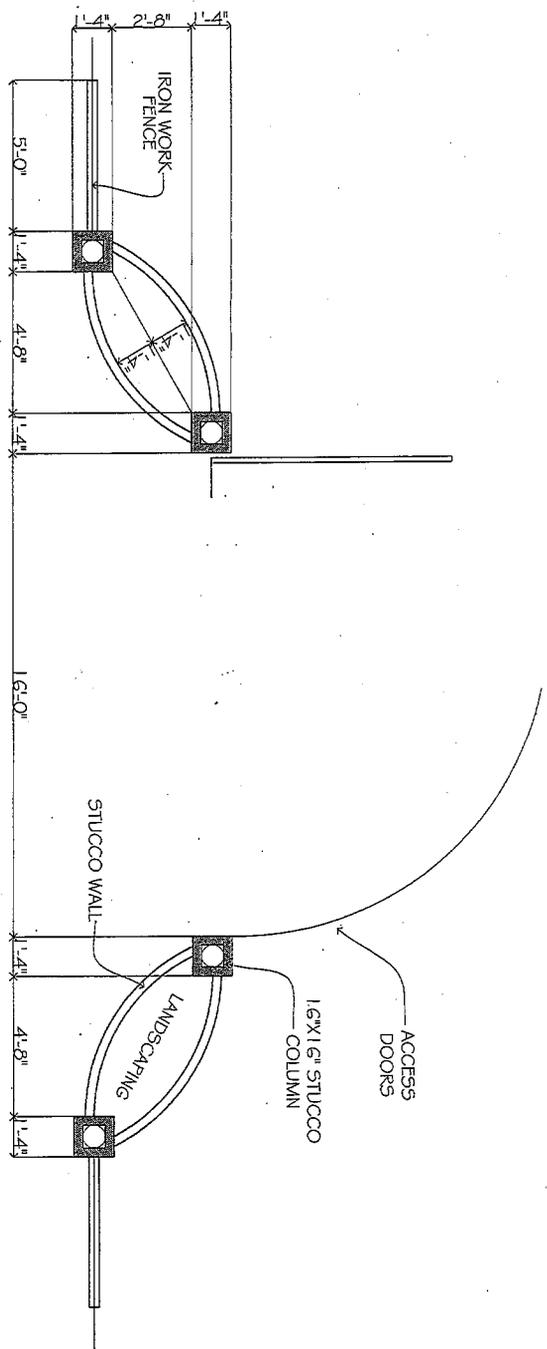
() In Favor/A Favor () In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-054



SITE PLAN
19411 SETTLERS CREEK
VILLARREAL HOUSE



ACCESS GATE SCALE 1/4" = 1'-0"
 19411 SETTLERS CREEK
 VILLAREAL HOUSE



REQUEST FOR A SPECIAL EXCEPTION
to the
SAN ANTONIO BOARD OF ADJUSTMENT
for an
ORNAMENTAL-IRON FRONT YARD FENCE

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

A-09-054
Mica Farber
5/4/09

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. #95
Block No. #1
NCB 16334
Zoning PUD R6 CR25 (C) MLOD-1

Property Address: 19411 Settlers Crk
San Antonio, TX. 78258

The Applicant, Mario Garza, of Bexar County, requests the San Antonio Board of Adjustment consider a special exception to allow an ornamental-iron front yard fence, at the property identified above, pursuant to Section 35-399.04 of the Unified Development Code (UDC).

In order to be considered as a special exception rather than a variance, the following criteria, outlined in the UDC, must be met (please initial acknowledging adherence):

- M.G. (1) Application for a Special Exception for an ornamental-iron front yard fence over four (4) feet in height shall be filed by the owner or authorized agent with the Planning and Development Services Department.
- M.G. (2) A site plan drawn to scale shall be submitted with the application indicating the size, design, construction materials and location of the fence on the property.
- M.G. (3) On a corner lot, or near a drive-way junction with a street, the fence shall be erected in back of the area designated by this chapter for clear vision area/intersection sight distance.
- M.G. (4) The tallest element of the fence shall not exceed six (6) feet in height, as measured from the grade on the outside of the fence. For the purposes of this condition, the tallest element shall include the top of any column, pillar or post, but shall not include any fixtures or other decorative features attached to the top of any columns, pillars or posts.
- M.G. (5) Any portion of the fence over three (3) feet in height shall be constructed of ornamental-iron bars, or other forged-iron bars. If vertical bars/ballisters are part of the design, each shall be no wider than one (1) inch, and the design shall provide a minimum of five and one-half (5½) inches of spacing between vertical bars/ballisters. The overall design of that area of the fence above three (3) feet in height shall be a minimum of seventy percent (70%) open.
- M.G. (6) Columns, pillars or posts at a maximum width of eighteen (18) inches each and spaced a minimum of eight (8) feet apart, measured from center-of-post to center-of-post, are permitted. The distance between columns/pillars/posts may be less than eight (8) feet if necessary for structural soundness or to accommodate a gate. However, columns/pillars/posts shall be at least three (3) feet apart where accommodating a pedestrian gate, and at least eight (8) feet apart where accommodating a vehicle gate, both measured from the inside edges of the two columns/pillars/posts. Regardless of the space between columns/pillars/posts, the seventy percent (70%) openness criteria and the clear vision area requirements shall be maintained.
- M.G. (7) The applicant shall comply with all other applicable codes and ordinances.

(8) Submit filing fee of \$400.00, checks made payable to "City of San Antonio"

Please also note:

- * In granting a Special Exception for a front yard ornamental iron fence over four (4) feet in height, the Board of Adjustment may require the fence conform to such other conditions as the Board may deem necessary to protect the character of the zoning district and neighborhood in which the lot is located.
- * In granting a Special Exception for a front yard ornamental iron fence over four (4) feet in height, the Board of Adjustment shall take into account the size and scale of the fence as it would relate to the scale of the neighborhood.
- * To be granted a request for a Special Exception, the request must meet the conditions set forth in Section 35-482 (h) of the UDC.
- * If a Special Exception for a front yard ornamental iron fence over (4) feet in height is approved by the Board of Adjustment, the applicant/property owner shall secure all necessary permits prior to erecting the fence.

Respectfully submitted:

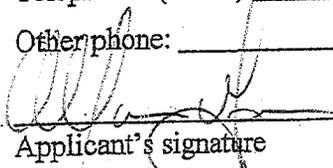
① Applicant's name: Mario Garza AC175004

Status: Owner () Agent () Contractor (X)

Mailing address: 8919 Eagle Bend, Helotes, TX. 78023

Telephone: (Home) (210) 695-1116 (Work) (210) 743-1186

Other phone: _____ Email: mgarzatx@sbcglobal.net

 4/3/09
Date

Representative's name: Pablo Cruz

Mailing address: _____

Telephone: (Home) _____ (Work) (210)896-1870

Other phone: _____ Email: pablocv1@yahoo.com

Name of Property Owner: Alonzo Villareal AC175003

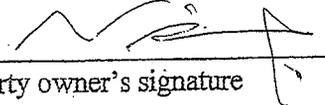
Mailing address: 19411 Settlers Crk, San Antonio, TX. 78258

Telephone: (Home) (210) 334-0370 (Work) _____

Other phone: _____ Email: _____

I, Alonzo Villareal the owner of the subject property, authorize
Mario Garza to submit this application. I also authorize
_____ to represent me in this request before the

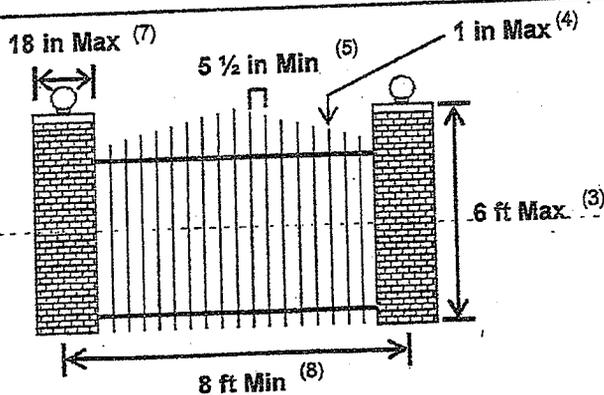
Board of Adjustment.

 4/3/09
Date

AN APPLICATION CAN ONLY BE ACCEPTED BY MAIL IF IT IS COMPLETE. HOWEVER, INCOMPLETE APPLICATIONS, ALONG WITH THE REQUIRED FEES, WILL BE MAILED BACK

Ornamental-Iron Front Yard Fence Special Exception

General Requirements		Conditions Met? (circle)
1.	Must <u>not</u> be zoned Historic, designated as a Historic Landmark, or located within a Historic District	Yes <input checked="" type="radio"/> No / NA
2.	Must <u>not</u> be located within an Overlay District which includes design standards that limit the height and design of front yard fences	Yes / <input checked="" type="radio"/> No / NA
3.	Tallest element of the fence shall not exceed 6 feet in height <ul style="list-style-type: none"> • Measured from the grade on the outside of the fence • Fixtures attached to the top of any column, pillar or post are not factored into height 	Yes / <input checked="" type="radio"/> No / NA
4.	Vertical bars/balusters shall be no wider than 1 inch	Yes / <input checked="" type="radio"/> No / NA
5.	There shall be a minimum of 5 ½ inches of spacing between vertical bars/balusters	<input checked="" type="radio"/> Yes / No / NA
6.	The overall design of that area of the fence above 3 feet in height shall be a minimum of 70% open	<input checked="" type="radio"/> Yes / No / NA
7.	Columns, pillars, or posts shall be no wider than 18 inches each	<input checked="" type="radio"/> Yes / No / NA
8.	Columns, pillars, or posts shall be spaced a minimum of 8 feet apart <ul style="list-style-type: none"> • Measured from center-of-post to center-of-post • The distance between columns/pillars/posts may be less than 8 feet if necessary for structure soundness or to accommodate a gate (see item 9 for gate requirements) 	<input checked="" type="radio"/> Yes / No / NA
9.	Columns/pillars/posts shall be at least 3 feet apart where accommodating a pedestrian gate and at least 8 feet apart where accommodating a vehicle gate <ul style="list-style-type: none"> • Measured from the inside edges of the two columns/pillars/posts 	<input checked="" type="radio"/> Yes / No / NA

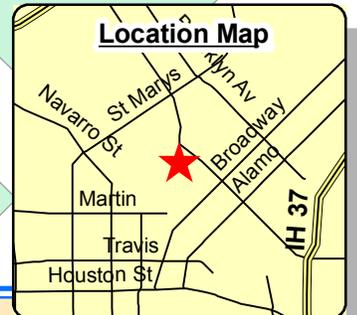


By signing below you acknowledge that the information provided above is true and accurate, and that the fence in question does, in fact, meet the requirements to be considered under this special exception.

Property Owner's Signature

Date

4/3/09



Board of Adjustment
Notification Plan for
Case A-09-047



Legend
 Subject Property
 200' Notification Boundary
 Scale: 1" approx. = 120'
 Council District 1

CASE NO: A-09-047

Board of Adjustment – May 4, 2009

- Applicant:** First Baptist Church of San Antonio
- Owner:** First Baptist Church of San Antonio
- Request(s):** An appeal of the decision of the Historic Preservation Officer to concur with the Historic Design and Review Commission to deny a Certificate of Appropriateness to replace the existing steel-framed windows with windows framed with aluminum material.
- Legal Description:** Lot 25, Block 17, NCB 431
- Address:** 515 McCullough
- Zoning:** "HS I-1 RIO-2" Historic Significant Industrial River Improvement Overlay District-2
- Existing Use:** Church
- Neigh. Assoc:** Downtown Residents Association
- Neigh. Plan:** Downtown Neighborhood Plan

Section of the City Code from which this appeal is requested:

35-450 (d)(3) Appeal: An applicant for a certificate may appeal the decision of the director to the Board of Adjustment within thirty (30) days after receipt of notification of the director’s decision.

Background: The subject property is located in the city’s downtown on McCullough Avenue, bound by Avenue B to the east, Avenue A to the west, and 4th Street to the south. I-1 and D zoning surrounds the subject property, and the majority of the uses in the immediate vicinity are related to the First Baptist Church itself. On February 4, 2009, the applicant appeared before the Historic and Design Review Commission (HDRC) to request that a certificate of appropriateness be granted in order to replace the existing steel-framed windows with aluminum framed windows. The request was subsequently denied by the HDRC on that day. The applicant is appealing the decision of the Historic Preservation Officer to concur with the HDRC to deny a certificate of appropriateness for the replacement of the existing steel-framed windows with aluminum-framed windows.

Recommendation: At its meeting on February 4, 2009, the HDRC denied the request of the applicant to grant a certificate of appropriateness as stated above. When considering a request for a certificate of appropriateness, the HDRC considers elements of Article 6 of the UDC, notably Section 35-610 Alteration, Restoration and Rehabilitation. The Office of Historic Preservation did not find evidence that would warrant the granting of a certificate of appropriateness in forming their recommendation to the HDRC, a finding with which the HDRC concurred.

The Board of Adjustment is charged with considering the same criteria in determining whether to uphold the decision to deny the certificate of appropriateness. The Board shall consider:

- a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.

(b) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.

(c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are prohibited.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.

(f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic buildings' materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(j) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

The applicant has provided to Zoning Staff additional information regarding the expense they would incur should they not be allowed to replace the windows in question (attached to the packet).

Staff recommends that the Board of Adjustment **uphold** the decision of the Historic Preservation Officer to deny the request of the applicant that a certificate of appropriateness be granted in order to replace the existing steel-framed windows with aluminum-framed windows.

Case Manager: Mike Farber, Planner (210) 207-3074

Board of Adjustment - Case No. A-09-047

May 4, 2009

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, May 4, 2009** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant-First Baptist Church of San Antonio

Lot 25, Block 17, NCB 431

515 McCullough

Zoned: "HS I-1 RIO-2" General Industrial Historic Significant River Improvement Overlay District-2

The applicant is appealing the decision of the Historic Preservation Officer to concur with the Historic Design and Review Commission to deny a Certificate of Appropriateness to replace the existing steel-framed windows with windows framed with aluminum material.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Planning and Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

A-09-047

**NEIGHBORHOOD AND URBAN DESIGN SECTION
BOARD OF ADJUSTMENT CASE REVIEW FORM**

CASE INFORMATION

Case #: **A-09-047**

Property Address: 515 McCullough Ave

Zoning: I1 HS RIO-2

Hearing Date: 04/06/2009

Type / Scope of BOA Request:

Applicant is requesting a variance to appeal the decision of the Historic Preservation Officer to concur with the Historic Design and Review Commission to deny a Certificate of Appropriateness to replace the existing steel-framed windows on Webb Hall with aluminum-frame windows.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): Downtown Neighborhood Association

Neighborhood or Community Plan: Downtown Neighborhood Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

ANALYSIS STATEMENT

The future land use for the subject property is designated Mixed Use in the Downtown Neighborhood Plan Section B. Mixed Use includes "residential and retail and/or office uses within multiple floors." The Goals and Objectives section of the Downtown Neighborhood Plan state "Preserve and enhance downtown's character/spirit and celebrate its history and culture" (pg. 5).

The City of San Antonio Master Plan Policies provides further Urban Design guidelines. Historical and cultural resources "are essential components in defending the unique character of San Antonio. Therefore, it is appropriate to preserve and enhance the remaining historical and cultural resources and to incorporate them into future development" (pg. 41). Goal 1 of the Urban Design Goals states, "preserve and enhance the City's urban designs" (pg. 41). Policy 1b of the urban design policies and standards states: "Create and adopt urban design guidelines and standards that will enhance the quality of life in San Antonio, and which specifically encourage the following, "Preservation and enhancement of the City's important historic and cultural characteristics, including architectural styles and historic districts, as well as existing residential and commercial districts, and neighborhood centers" (pg. 42). Goal 2 of the Urban Design Goals states, "Preserve and enhance the City's historic resources" (pg. 41). Policy 2b actively encourages preservation and renovation as a first priority whenever possible.

The First Baptist Church also falls within the newly approved River North District Master Plan. The River North District Master Plan lists historic preservation as one of several guiding principles. The document also lists the First Baptist Church as a Landmark, and local Landmarks have been designated as such by ordinance through the City Council and appear as HE, HS or H in the City's zoning map. According to the River North District Master Plan, historic buildings are an important aspect of placemaking and therefore retaining such buildings plays an important role in realizing the vision of this plan to create a unique urban environment. Local Landmarks include "buildings, objects, sites, site improvements, or structures of the highest and most unique historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of San Antonio" (pg. A:3). It is important to note that this application was submitted one day before City Council approved the River North District Master Plan.

The Historic Preservation Officer in concurrence with the Historic Design and Review Commission view the removal of the original windows of Webb Hall is a loss to the historic character of the building. The applicant's request to replace the windows on Webb Hall is a self imposed hardship and is therefore not appropriate for a variance. The Office of Historic Preservation has suggested feasible ways in which the applicant can make repairs and make the windows energy efficient and reusable. The Office of Historic Preservation recommendation specifically addresses Goal 2 of the Urban Design Goals stated in the City of San Antonio Master Plan Policies which wishes to preserve and enhance the City's historic resources and to encourage preservation and renovation as a first priority whenever possible. A denial of the requested variance will be in compliance with the Downtown Neighborhood Plan, the City of San Antonio Master Plan Policies, and the River North District Master Plan.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information ____

Support Request ____

Deny Request X

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Sidra Maldonado, Planner

Date Review Completed: April 1, 2009



CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

February 04, 2009

HDRC CASE NO: 2009-019
ADDRESS: 515 McCullough
LEGAL DESCRIPTION: NCB 431 BLK 17 LOT 25 FIRST BAPTIST
PUBLIC PROPERTY:
HISTORIC DISTRICT: RIO-2
DISTRICT: First Baptist Church (Webb Hall)
APPLICANT: Rehler Vaughn & Koone, 745 E. Mulberry Ave, # 601
OWNER: First Baptist Church San Antonio
TYPE OF WORK: Window Replacement

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to replace steel windows in Webb Hall with an architecturally correct aluminum fixed (non operable) window matching existing profiles and divided light design with insulated glazing. Sample window will be provided at presentation.

The accompanying exhibits provide additional information.

RECOMMENDATION:

This case was referred to Architectural Review Committee at the January 7, 2009 meeting. Staff does not recommend approval of the replacement of the steel casement windows with non-operable aluminum windows. The applicant has not provided a complete window inventory that would suggest a wholesale replacement of the windows. The applicant is basing its decision on complete replacement on energy efficiency and financial savings. Staff has not seen any documentation on the estimated costs for replacement, estimated costs for in situ repairs, nor estimates for in-kind replacement. Staff has spoken to a steel window expert, Jim Turner, about the case and understands that in most cases repairs are feasible and can make original windows energy efficient. To increase energy efficiency the windows could be reglazed with quarter inch glass. Staff would like to suggest that the maintenance crew of the church could be trained on how to repair steel windows and repair windows in sections, taking their time, spreading out costs over time while developing a new skill for the maintenance staff.

The applicant provided a case study in which steel windows were allowed to be replaced by aluminum windows. Staff has read this case study but calls out several differences. First of all the climate of the case study is a much more extreme climate. The building in question underwent a complete renovation and changed uses. Furthermore, some window units were retained and repaired.

COMMISSION ACTION:

Denial of application to replace steel windows with aluminum based on staff recommendations.



Shanon Peterson Wasielewski
Historic Preservation Officer



FIRST BAPTIST
SAN ANTONIO
new life history faith

First Baptist Church San Antonio (FBC) is requesting to replace its existing steel windows with new aluminum windows that are energy efficient and historically correct.

The City of San Antonio Historic Design Review Commission (HDRC) denied the request at the Commission's meeting on February 4, 2009.

First Baptist Church is appealing this decision based on the following significant points:

- A. FBC would incur extreme financial hardship if this appeal is denied. The cost to restore and maintain the existing steel windows is more than double the cost to replace with aluminum windows.
- B. FBC urges approval of this proposed window that is historically correct in appearance and meets the intent of the Historic Preservation Code.
- C. The proposed window replacement approach has been approved by other historic preservation districts and the U.S. Department of Interior in nationally known historic buildings.
- D. FBC respectfully disagrees with HDRC staff recommendations made in their denial letter.

Following is more background detail illustrating the above points.



Architects
Interior Designers
Landscape Architects

FIRST BAPTIST CHURCH OF SAN ANTONIO WINDOW REPLACEMENT REQUEST

BACKGROUND DETAIL

A) At the very heart of this issue is the determination of "character defining features". Unified Development Code, Article 6, Section 35-610 (Exhibit A), uses subsection terms such as "distinguishing original qualities", "historic materials", "stylistic features", etc. The issue becomes: Are the existing windows "character defining" for these buildings? National Park Service (NPS) Preservation Brief #13 also states, "One test of the importance of windows to a building is to ask if the overall appearance of the building would be changed noticeably if the windows were to be removed or radically altered. We argue that in this case, the detailed cast stone on the building and around the windows, and other details, define the character. See Exhibit B and C for photos.

B) The Historic Preservation Office staff recommendation to HDRC to deny FBC permission to replace their windows is, in our opinion, based on a narrow interpretation of the intent of the code. UDC Article 6, Section 35-610 (Exhibit A) states: "The Historic and Design Review Commission shall be guided by NPS guidelines." The following summarizes the referenced guidelines:

- 1) NPS Tech Brief #13 – "The Repair and Thermal Upgrading of Historic Steel Windows." See Exhibit D.
 - Published 1984. Current, aluminum-window technology not available at the time of this publication.
 - Provides guidelines for determining aesthetic importance of windows for a building.
 - Used as a reference by COSA exclusively for evaluation and repair of steel windows, ignoring subsequently-issued NPS Tech Brief #20.
- 2) NPS Tech Brief #20 – "Aluminum Replacement Windows for Steel Projecting Units with True Divided Lights and Matching Profiles." See Exhibit E.
 - Published 2003. Recognizes acceptability of new aluminum window technology.

"The window solution developed for the Sears building acknowledges modern demands for both a marketable aesthetic appearance and increased energy efficiency while retaining the historic visual appearance of the structure. Already the custom [aluminum] replacement window ... is being installed on other historic buildings with comparable windows that are deteriorated and in need of replacement."
 - This is an excellent example of a nationally-recognized landmark building where the NPS approved the use of aluminum replacement windows.
 - Recognizes replacement as a viable solution when energy efficiency is a primary reason for replacement and aluminum windows can match the historical profile.
 - NPS Tech Brief #20 was ignored by HDRC staff.

- C) Why is the HPO ignoring this NPS brief and up to date technology that is available? An initial mock-up was provided for review, which we feel illustrates just how closely the profiles can be matched. (Exhibit F).
- D) Cost Implications: The existing windows are typically severely deteriorated in condition; causing water leakage and air leakage, which leads to higher energy usage. (Exhibits G, H, & I).
- 1) **Initial Costs:** The restoration of the existing windows, as desired by Historic Preservation Office staff, is more than 2x cost of replacement with the proposed aluminum windows. The excessive cost results from the following factors:
- Removal and shipment of windows to window restoration facility for abatement of hazardous materials, including lead paint and asbestos in glazing putty.
 - Labor to reapply new glass and glazing putty for all window panes.
 - Labor to reinstall the windows with care.

Replacement with new steel windows is equally cost prohibitive due to the cost of new steel and expensive coatings required for long-term durability.

Cost Comparison:

- Restore existing steel windows \$3,510 / window x 438 = \$1,537,000
- Replace with new steel windows \$3,800 / window x 438 = \$1,664,000
- Replace with new aluminum windows \$1,680 / window x 438 = \$736,000

- 2) **Long-term Costs:** There are several aspects to long-term costs (all in 2008 dollars):
- Energy savings due to the reduction of 40 tons of cooling load \$9,800 / year
 - Equipment replacement savings due to 40 ton reduced cooling load (\$4,000 / ton) \$160,000
 - Maintenance of existing windows \$200,000+
 - Replace glazing putty every 7-8 years
 - Painting every 15 years

UDC, Article 6, Section 35-608 states: "The historic and design review commission shall consider the needs of the property Owner. The historic and design review commission shall also consider whether the plans will be reasonable for the property Owner to carry out."

Therefore, First Baptist Church feels that give the replacement windows are historically accurate, meets the spirit of UDC Historic Preservation Code, Park Service Guidelines and the financial hardship that would be imposed on FBC makes this a reasonable request.

END OF WINDOW REPLACEMENT REQUEST