

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, May 9, 2011

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Planning and Development Services Department website ([www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd)), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

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1. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-029:** The request of Witte Museum, for a 2-foot variance from the 6-foot maximum fence height standard in side and rear yards, in order to allow an 8-foot fence in the side and rear yards, 3801 Broadway. (Council District 9)
5. **A-11-032:** The request of LMREC REO II, Inc., to appeal the Director’s decision not to recognize the right to operate a mobile home park pursuant to Article VII of the Unified Development Code, 12800 Applewhite Road. (Council District 3)
6. **A-11-034:** The request of Clemente Medina, for **1)** A 3-foot, 6-inch variance from the maximum 4-foot front-yard fence height standard, in order to allow a 7-foot, 6-inch tall predominantly open fence in the front yard; and **2)** a 1-foot, 6-inch variance from the maximum 6-foot side and rear yard fence height standard, in order to allow a 7-foot, 6-inch tall fence in the side and rear yards, 8039 Challenger Drive. (Council District 3)
7. **A-11-035:** The request of Efrain E. Velez, for a 15-foot variance to the 30-foot minimum front setback requirement of the I-1 district, in order to allow a 15-foot front setback for a second story addition, 1430 East Houston Street. (Council District 2)
8. Approval of the minutes – April 18, 2011.
9. Adjournment.

**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.

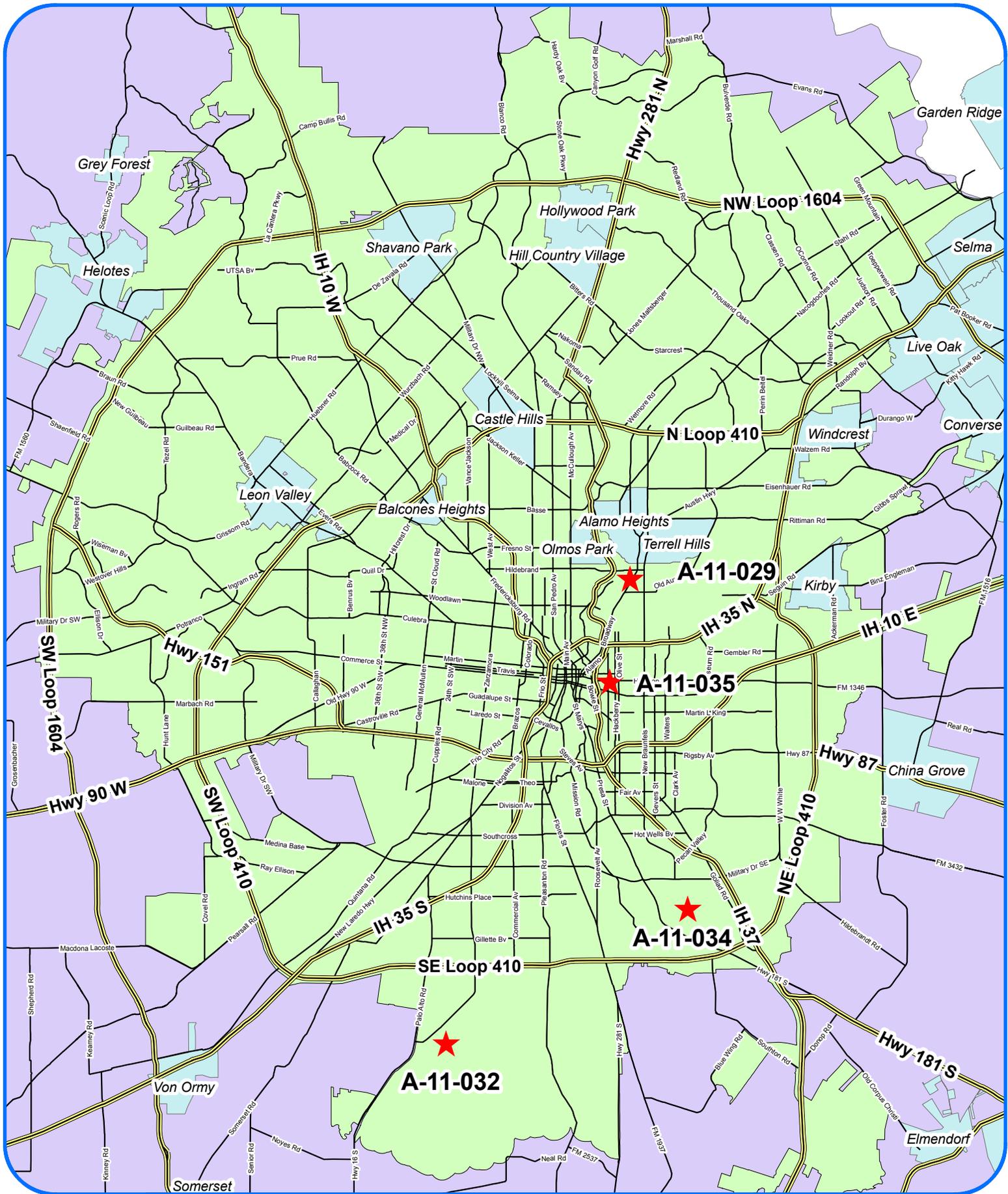
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### Board of Adjustment Membership

Michael Gallagher, Chair                      Andrew M. Ozuna, Vice Chair  
Geroge L. Britton • Gene Camargo • Helen K. Dutmer • Edward H. Hardemon • Mary Rogers  
Liz M. Victor • David M. Villyard • Jesse Zuniga • Vacancy

### Alternate Members

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



# Board of Adjustment

Subject Property Locations  
Cases for May 9, 2011





# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment

Case No.: A-11-029

Date: May 9, 2011

Applicant: Witte Museum

Owner: City of San Antonio

Location: 3801 Broadway

Legal Description: Brackenridge Park

Zoning: "R-6 HS RIO-1 UC-1 AHOD" Historic Significant Residential Single-Family River Improvement Overlay Broadway Urban Corridor Airport Hazard Overlay District

Prepared By: Jacob Floyd, Senior Planner

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#### **Request**

The applicant requests a 2-foot variance from the 6-foot maximum fence height standard in side and rear yards, in order to allow an 8-foot fence in the side and rear yards.

#### **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 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 21, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on May 6, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The subject property is occupied by the Witte Museum, established in 1926, and is currently undergoing expansion with the construction of the new "South Texas Heritage Center" addition to the Pioneer Hall building on the museum campus.

The applicant proposes to erect an 8-foot tall, open bar, steel fence along the north side of the site and between the main museum building and Pioneer Hall building, as shown on the attached exhibits. The applicant states that the fence is necessary to secure the site and would maintain the current level of security by matching the existing fences on the campus. Additionally, the proposed fence would allow the museum to maintain a uniform appearance as it would match the existing fences.

As the museum expansion is a public project it must be reviewed by the Historic and Design Review Commission (HDRC). Previous consideration by the HDRC did not include the proposed fence; however it is scheduled to be considered by the HDRC on May 4, 2011.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-6 HS RIO-1 AHOD (Residential)	Witte Museum

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 HS RIO-1 AHOD (Residential)	Brackenridge Park
South	C-2 RIO-1 AHOD (Commercial)	Office
East	C-2 RIO-1 AHOD (Commercial)	Commercial, Offices
West	R-6 HS RIO-1 AHOD (Residential)	Brackenridge Park

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Mahncke Park Neighborhood Plan and the Mahncke Park Neighborhood Association.

**Criteria for Review**

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

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

*The variance will serve the public interest by maintaining the integrity of the highly secured museum campus.*

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

*The subject property enjoys a collection of unique artifacts, archival material, and art objects which must be secured from theft and damage. This unique condition necessitates the additional security provided by a fence such as that proposed because a fence of lesser height is inadequate to provide a highly secured perimeter for the campus.*

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

*The variance will be in keeping with the spirit of the ordinance and will do substantial justice by ensuring the security of the museum campus without obstructing the view of the public. Additionally, the proposed fence will be consistent with existing fences at the site.*

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

*The variance will not authorize a use not specifically permitted in the "R-6 RIO-1" 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 variances will not injure the appropriate use of adjacent property nor will the essential character of the district be altered. The proposed fence will not be located near adjacent properties and its design will conform to existing fences on the campus.*

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 variance is necessary due to the unique nature of the subject property and its location within a public park. These circumstances are not personal or financial in nature, nor are the result of general conditions in the district, but are due to the unique security concerns of the museum.*

### **Staff Recommendation**

Staff recommends **approval of A-11-029**. The application satisfies all required conditions as presented above. The variance is necessary to ensure the security of the facility and is due to the unique nature of the facility, rather than personal or financial hardship. The location of the subject property within a public park increases its vulnerability to unauthorized access due to openness of the park and the visual obstructions by vegetation.

### **Attachments**

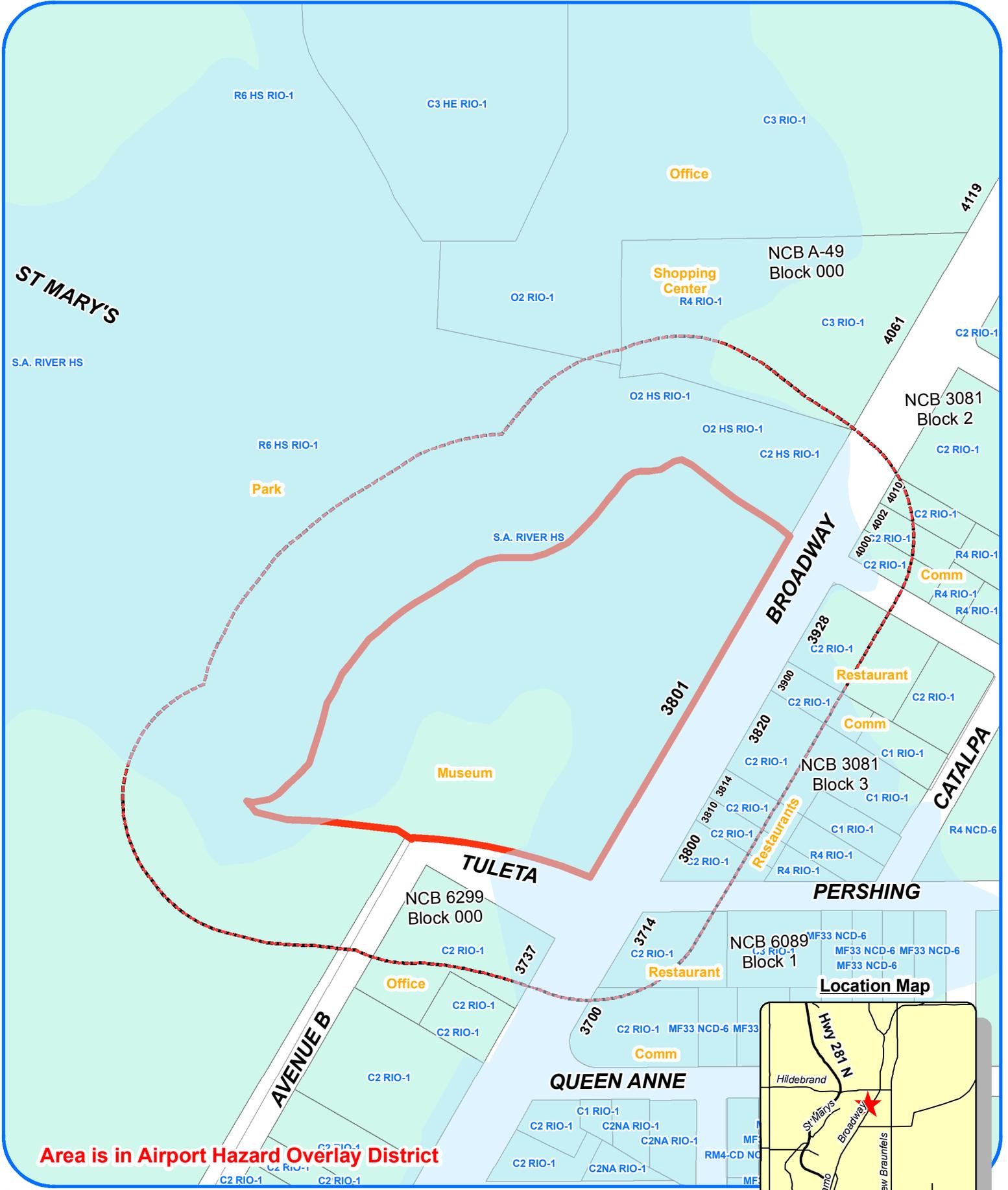
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Elevation Drawing

Attachment 4 – Submitted Site Plan

Attachment 5 – HDRC Staff Report



Area is in Airport Hazard Overlay District

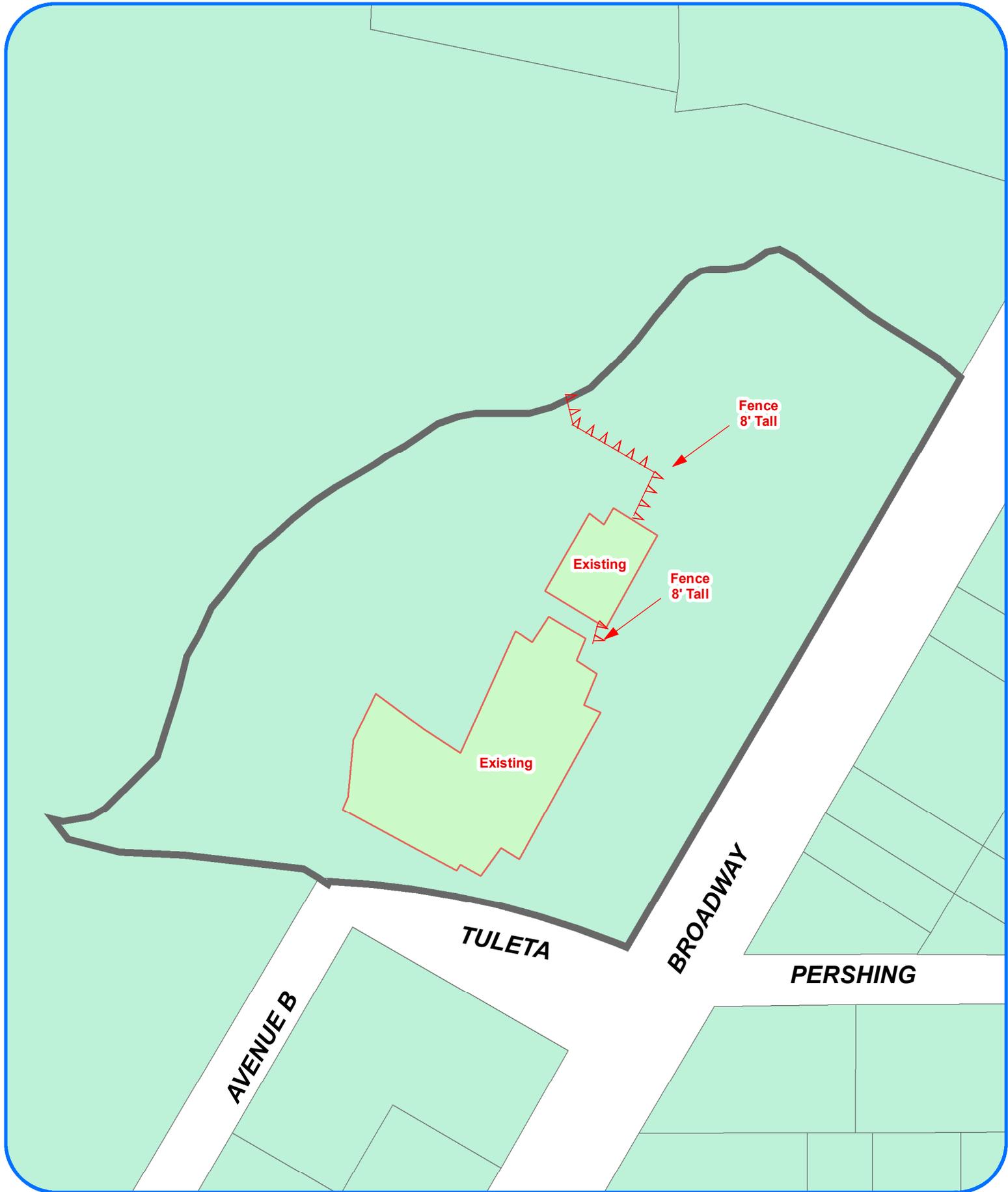
**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-029**



**Legend**

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





**Board of Adjustment**  
 Plot Plan for  
**Case A-11-029**

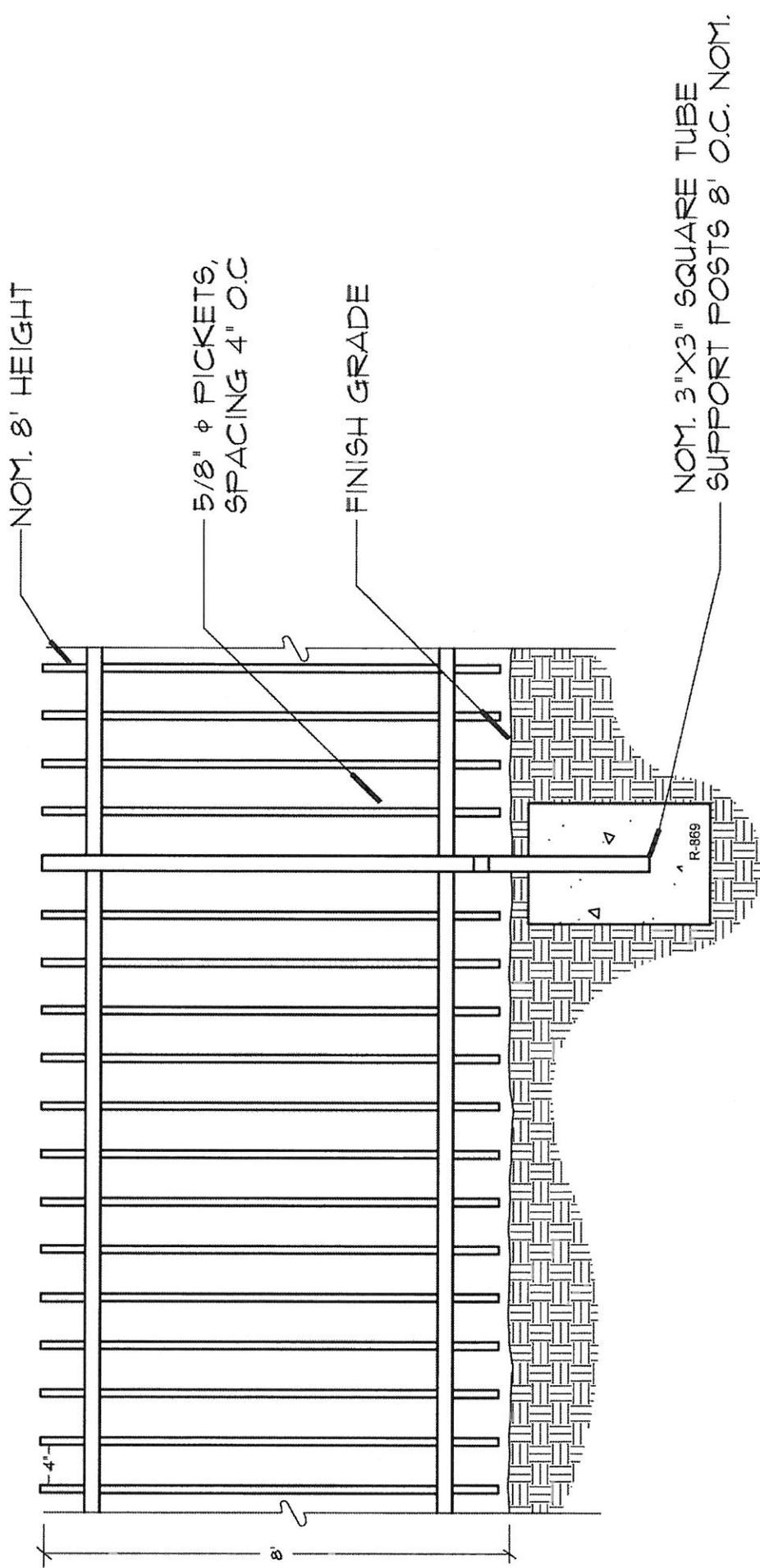


▲▲▲▲ 8' Fence proposed

Scale: 1" approx. = 120'  
 Council District 9

**3801 BROADWAY ST**

Development Services Dept  
 City of San Antonio  
 (3/23/2011)



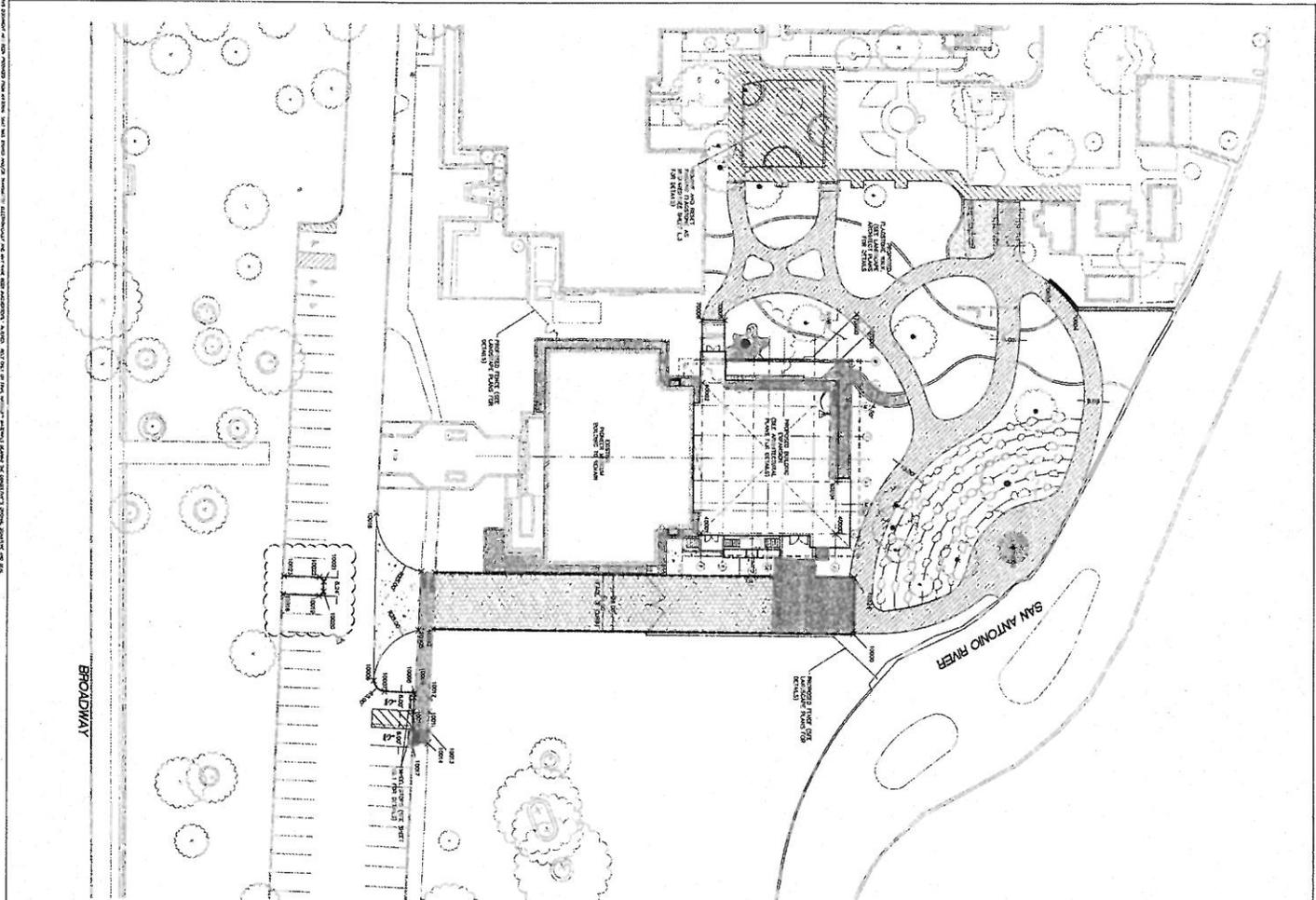
\* ORNAMENTAL OPTION TO BE DETERMINED BY OWNER

\*

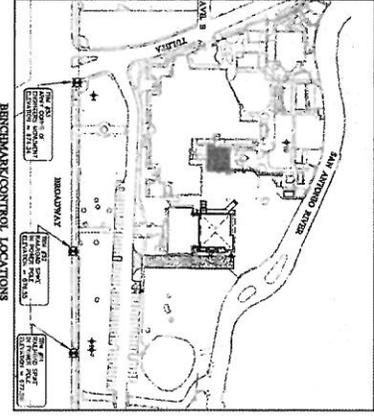
OPEN BAR STEEL FENCE

3

NTS

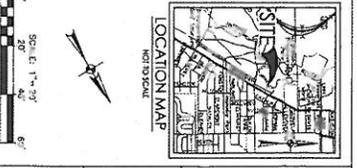
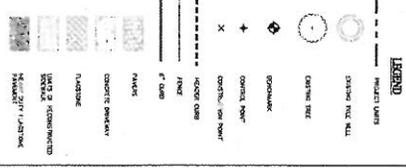


- NOTES:**
1. CONSULT THE LOCAL AGENCIES, CITY, AND COUNTY OF SAN ANTONIO FOR ALL REGULATIONS AND PERMITS REQUIRED FOR CONSTRUCTION OF THE PROJECT.
  2. SET GRADE PLANS FOR ALL EXISTING AND PROPOSED AREAS.
  3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
  4. ALL PROPOSED UTILITIES SHALL BE DEEPER THAN EXISTING UTILITIES.
  5. ALL PROPOSED UTILITIES SHALL BE DEEPER THAN EXISTING UTILITIES.
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  9. ALL PROPOSED UTILITIES SHALL BE DEEPER THAN EXISTING UTILITIES.
  10. ALL PROPOSED UTILITIES SHALL BE DEEPER THAN EXISTING UTILITIES.



- BENCHMARK/CONTROL POINTS**
- 1. BENCHMARK POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
  - 2. CONTROL POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
  - 3. BENCHMARK POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
  - 4. CONTROL POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
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  - 9. BENCHMARK POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
  - 10. CONTROL POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.

- URBS AND SURVIVAL POINTS**
- 1. SURVIVAL POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
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  - 3. SURVIVAL POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
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  - 9. SURVIVAL POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.
  - 10. URBS POINTS: TO BE MAINTAINED THROUGHOUT CONSTRUCTION AND OPERATIONS.



NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	ISSUED FOR PERMITTING	08/11/10	PP	PP
2	ISSUED FOR CONSTRUCTION	08/11/10	PP	PP
3	ISSUED FOR OPERATIONS	08/11/10	PP	PP

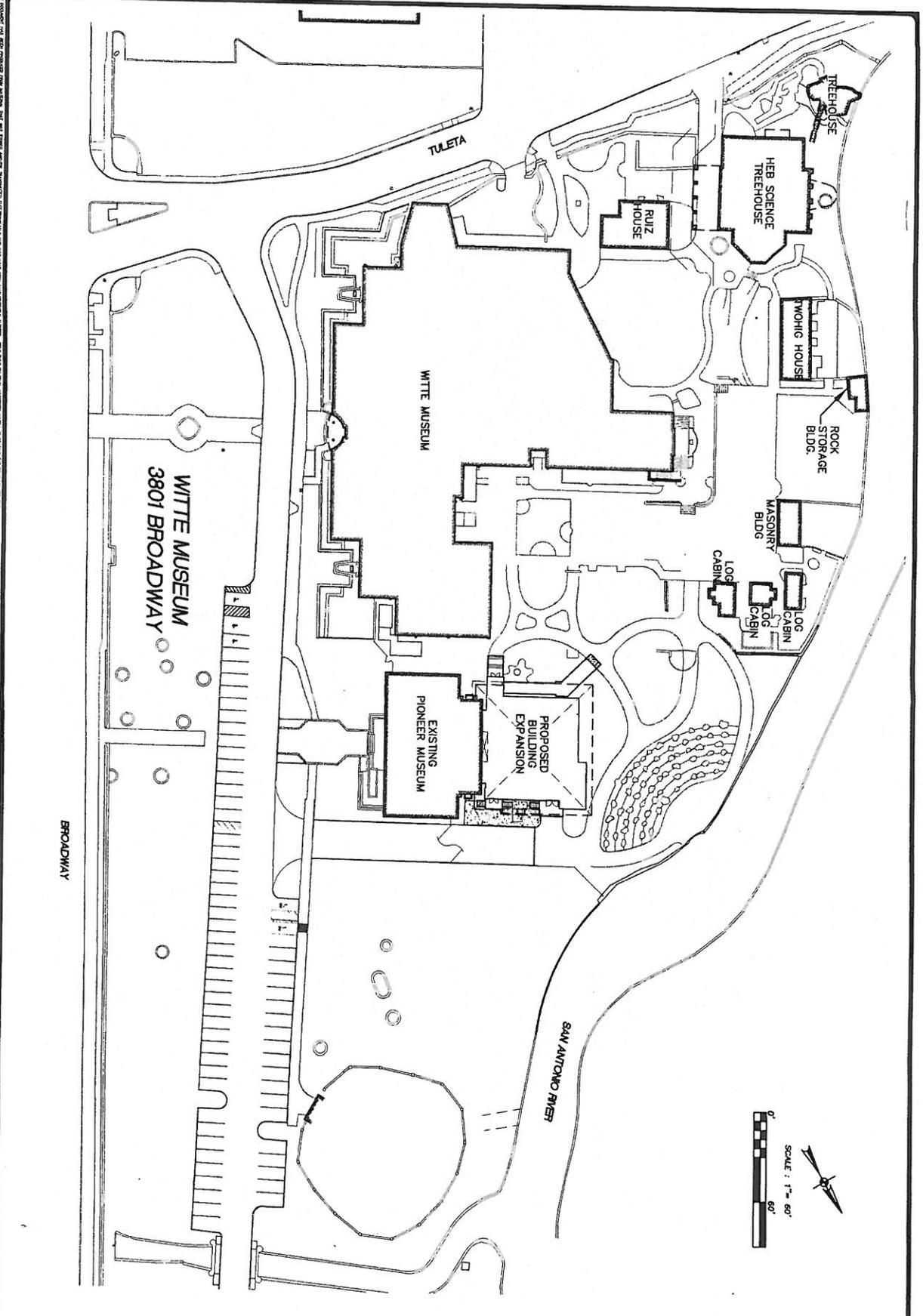
**FORD POWELL & CARSON ARCHITECTS & PLANNERS, INC.**  
 1103 East Commerce Street  
 San Antonio, Texas 78205  
 210.225.1111

# SOUTH TEXAS HERITAGE CENTER THE WITTE MUSEUM

SAN ANTONIO, TEXAS

**PAPERMANSON ENGINEERS**  
 450 E. Broadway, 16th Floor  
 San Antonio, Texas 78202  
 P: 210.225.0001 F: 210.225.0000

DATE: 08/11/10



<p>DATE: 01-13-2011          TIME: 9:33 AM          USER: JF (Pape)          PROJECT: WITTE MUSEUM          SHEET: 10/11</p>	<p><b>WITTE MUSEUM</b>  <b>EXHIBIT</b>  <b>SITE PLAN</b></p>	<p><b>Pape-Dawson</b>  <b>ENGINEERS</b></p> <p>555 EAST RAMSEY   SAN ANTONIO, TEXAS 78216   PHONE: 210.375.9000          FAX: 210.375.9010  <small>TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 410</small></p>	<p>REVISIONS:</p>
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# HISTORIC AND DESIGN REVIEW COMMISSION

May 04, 2011

Agenda Item No: 9

**HDRC CASE NO:** 2010-410  
**IDENTIFIER:** Pioneer Hall  
**ADDRESS:** 3801 Broadway  
**LEGAL DESCRIPTION:**  
**ZONING:** R6 HS RIO-1  
**CITY COUNCIL DIST.:** 9  
**PUBLIC PROPERTY:** Museum  
**DISTRICT:** RIO-1  
**LANDMARK:** Pioneer Hall  
**APPLICANT:** Allison Chambers - Ford, Powell & Carson  
**OWNER:** CoSA - Witte Museum  
**TYPE OF WORK:** Fencing

## REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to:

- 1) Install new 8ft. fence and gate at north side of South Texas Heritage Center. Fencing to extend from rear of building to river. Fence to match existing fence on Witte Museum property and will be painted green.
- 2) Install new 8ft. fence on the south side of the South Texas Heritage Center between the Center and the Witte Museum. Fence to match existing fence on Witte Museum property and will be painted green. The fence is intended to help mask the existing electrical equipment and to secure the expanding boundary of the campus. In the future, as part of the Witte Museum Master plan, the electrical equipment will be relocated and a building link will connect the South Texas Heritage Center to the Witte Museum in this area. The fence will be removed when this construction takes place.

Project is part of South Texas Heritage Center expansion previously approved by the HDRC.

## RECOMMENDATION:

The proposed fencing exceeds the height limitations for fencing outlined in Sec. 35-514 (d) (1), which limits fencing for properties zoned R6 to 6 feet. If approved by the Historic and Design Review Commission, a variance will be required.

Staff recommends approval of Item 1 as submitted. The design of the new fencing will match the ornamental design of the existing fencing and will have no adverse affect on the integrity of the property. The 8-foot height of the fence is acceptable given the need to properly secure the museum property.

Staff recommends approval of Item 2 with the stipulation that landscaping of at least 6ft. in height be planted in front of the fence to screen the fencing from public view. In the proposed location, the 8ft. fence will be highly visible from the main pathway leading from the public parking area to the museum entrances. Screening the fence from view with appropriate landscaping will mitigate any adverse affect of the temporary fencing on the historic character of Pioneer Hall, a State Archaeological Landmark building, and better screen the electrical equipment from view. The fencing is needed to secure the property temporarily and will be removed when the next phase of the Witte expansion project is constructed. The design of the fencing will match the existing ornamental fencing to ensure a consistent appearance for the fencing throughout the property.

These recommendations are consistent with the UDC Sec. 35-514 (d) (1) and Secretary of the Interior's

Standard number 9.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Sec. 35-514. - Fences.(d)

Height Limitation. (1) Except for the provisions above no fence constructed shall exceed the table of heights listed. The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post.



# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-11-032  
Date: May 9, 2011  
Applicant: LMREC REO II, Inc.  
Owner: LMREC REO II, Inc.  
Location: 12800 Applewhite Road  
Legal Description: Lot 1, Block 1, CB 4005  
Zoning: "MI-1 AHOD" Mixed Light Industrial Airport Hazard Overlay District  
Prepared By: Jacob Floyd, Senior Planner

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#### **Request**

The applicant is appealing the Director's decision not to recognize the right to operate a mobile home park pursuant to Article VII of the Unified Development Code.

#### **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 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 21, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on May 6, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The subject property is a currently unoccupied tract of land approximately 57.0 acres in size. This property was annexed by the City of San Antonio on December 15, 2005 as part of a 9,796 acre annexation known as the Southside Study Area 3.

According to Section 35-702 (a) "Nonconforming Use Defined" of the UDC, uses in existence on the date that annexation proceedings were instituted may continue after annexation as provided in Chapter 43, Section 43.002 of the Local Government Code. Moreover, Section 35-702 defines such uses as a nonconforming use within the scope of applicable local ordinances. Additionally, Section 35-702 (b) of the UDC establishes various limitations on nonconforming uses, enumerated below;

- (1) Nonconforming Uses. The lawful use of land existing as of the effective date of this chapter, or a lawful use which becomes nonconforming because of an amendment to this chapter, may be continued as provided in this section.

- (2) Abandonment. If such nonconforming use is discontinued for twelve (12) months, any future use of such premises shall be in conformity with the provisions of this chapter. Abandonment of a nonconforming use shall terminate the right to operate such use.
- (3) Continuance. The lawful use of any building existing as of the effective date of this chapter may be continued, although such use does not conform to the provisions of this chapter. Such use may be extended throughout the building, provided no structural alterations or additions to the structure, except those required by law or ordinance, are made thereto.
- (4) Enlargement. A conforming structure in which a nonconforming use is operated shall not be enlarged or extended except as required by law or ordinance.
- (5) Conditions. The right of nonconforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the zoning city, be reasonably required for the protection of adjacent property.

On October 6, 2010 the applicant requested the City of San Antonio acknowledge “Continuation of Land Use” rights for the Crestwood Estates Mobile Home Park, in accordance with Section 35-702 of the UDC. As outlined above, uses rendered nonconforming due to annexation are defined as “nonconforming use” by Section 35-702. In registering a nonconforming use it must be established that the use was lawfully established prior to the effective date of the applicable regulations (in this case annexation), that the use has been continuously maintained since it was established, and that the use has not been abandoned. If it appears that the documents furnished in support of a claim of a nonconforming use are not valid or do not satisfy the necessary criteria, the Director of Development Services (or his designee) may deny that registration.

In support of the request the applicant provided the Preliminary Overall Development Plan (POADP No. 684), approved and accepted by the City of San Antonio on November 15, 2000, which originally identified the use of the subject property as a manufactured housing community. Also provided were the subdivision plat for the subject property (Plat Number 000258), accepted by the City of San Antonio on October 10, 2001 and recorded on October 3, 2002, and copies of two Certificates of Occupancy issued by the Development Services Department on January 27, 2003 and February 4, 2003.

After a preliminary review of the October 6, 2010 request, the Development Services Department determined that the initial information provided failed to support the necessary criteria to establish a legal nonconforming use. On November 17, 2010 the Department requested that the applicant provide some evidence of “continuation of the use permitted under the Certificate of Occupancy” demonstrating that the use of the subject property as a manufactured home community had been continuously maintained between the date the Certificate of Occupancy was issued and the present time (November 17, 2010), and that the use had not been abandoned or discontinued for twelve (12) months or greater. Subsequently, on December 2, 2010 the applicant provided a property tax payment history, via the Bexar County Tax Assessor-Collector’s website, a copy of a property tax payment check dated March 10, 2009, and the Bexar County Appraisal District property information details and a map available through the appraisal district’s online property search service.

After additional review of the request and all accompanying documentation a determination was made that there was insufficient evidence to satisfy all of the required criteria. Specifically, the documentation provided failed to establish that the nonconforming use had been continuously maintained and had not been abandoned or discontinued for twelve (12) months or greater, in keeping with Section 35-702 (b) of the UDC. Consequently, the City of San Antonio does not recognize the right to operate the nonconforming use of a manufactured home community at the subject property.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
MI-1 AHOD (Mixed Light Industrial)	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	MI-1 AHOD (Mixed Light Industrial)	Vacant, Single-Family Residences
South	MI-1 AHOD (Mixed Light Industrial)	Vacant
East	MI-1 AHOD (Mixed Light Industrial)	Vacant
West	MI-1 AHOD (Mixed Light Industrial)	Office-Warehouse, Commercial

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Heritage South Sector Plan. The subject property is not within a registered neighborhood association.

**Criteria for Review/Authority of the Board**

Pursuant to Section 35-801 (g) of the UDC, the Board of Adjustment has the authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of City Code, Chapter 35, the Unified Development Code. In exercising its authority, the Board may reverse or affirm, in whole or in part, or modify the administrative official’s order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.

The concurring vote of seventy-five (75) percent of the members of the Board is necessary to reverse an order, requirement, decision, or determination of an administrative official.

**Staff Recommendation**

The evidence provided in support of the continuation of the nonconforming use was sufficient only to demonstrate that the use of the subject property as a manufactured home community was

lawfully established prior to the annexation that rendered the use nonconforming. The applicant failed to provide any evidence that the nonconforming use was continuously maintained and never ceased nor was abandoned for any period greater than twelve (12) months between the time the Certificate of Occupancy was issued (February 4, 2003) and the present time. Therefore, the required criteria have not been satisfied.

Staff recommends that the Board of Adjustment affirm the determination of the Director of the Development Services Department that the request does not satisfy the criteria required to approve the registration of a nonconforming use.

**Attachments**

Attachment 1 – Location Map

Attachment 2 – POADP No. 684

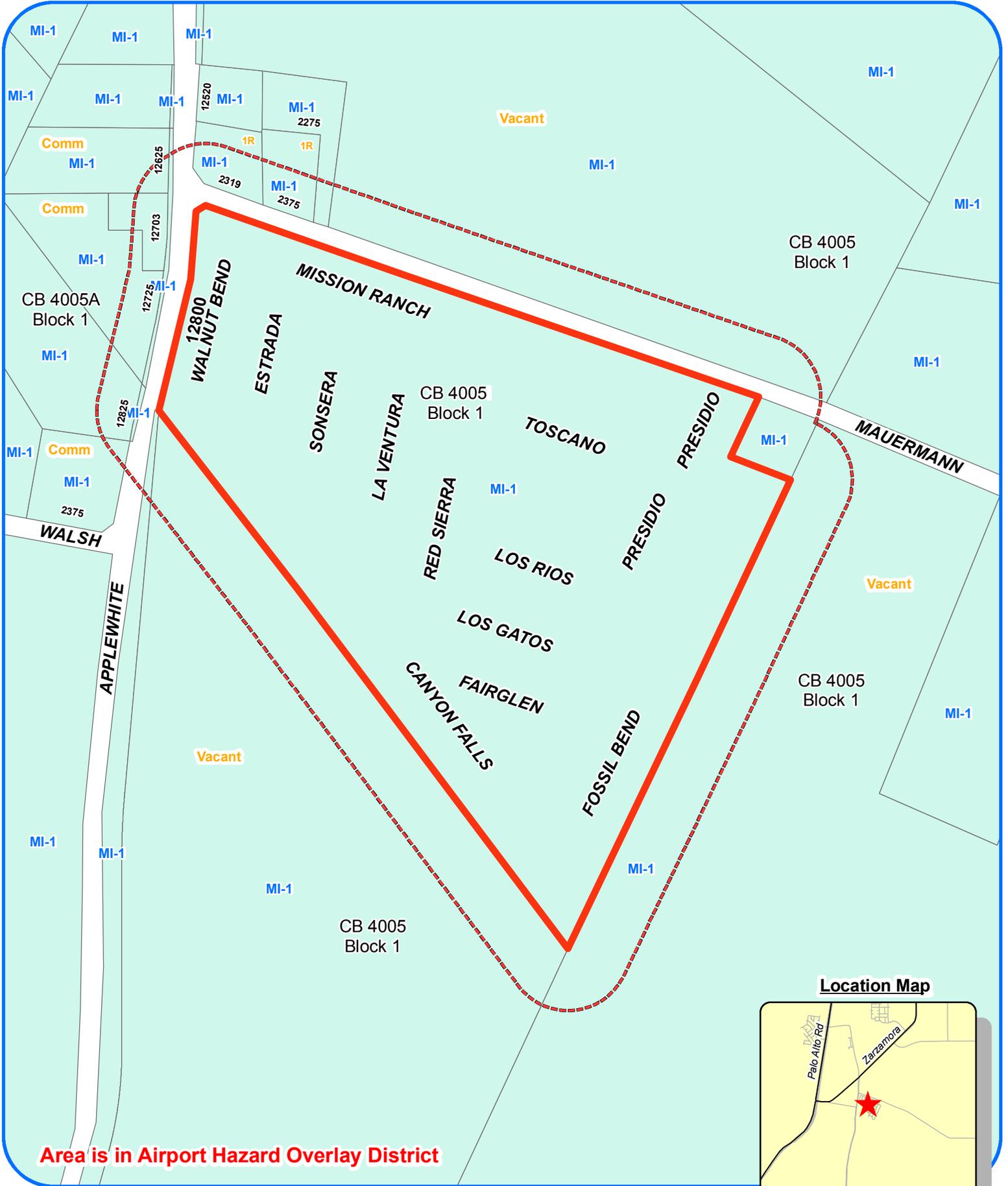
Attachment 3 – Subdivision Plat

Attachment 4 – Certificate of Occupancy Issued January 27, 2003

Attachment 5 – Certificate of Occupancy Issued February 4, 2003

Attachment 6 – Property Tax Payment History

Attachment 7 – Bexar County Appraisal District Property Details and Map



**Area is in Airport Hazard Overlay District**



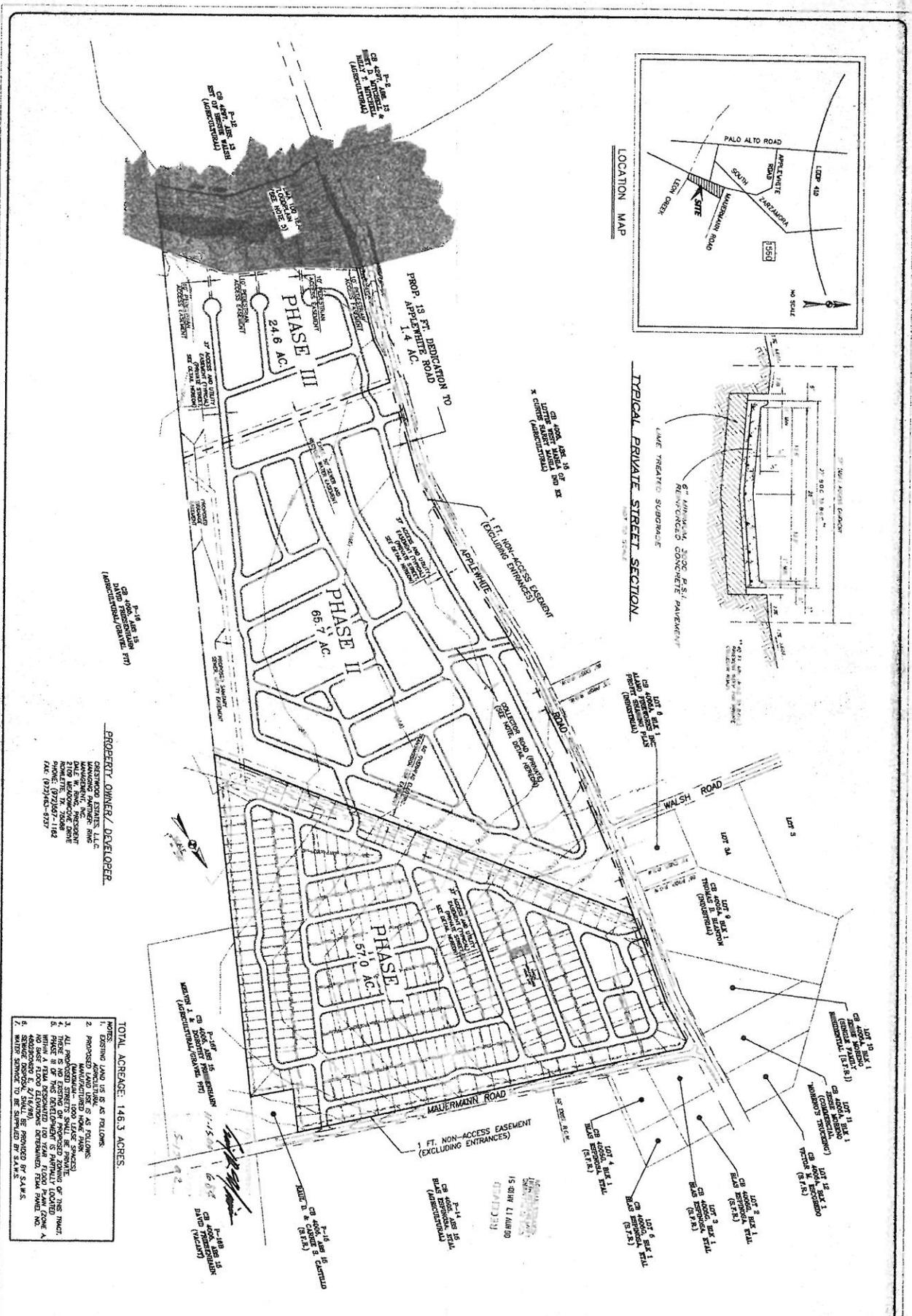
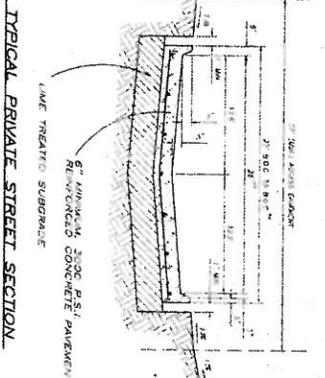
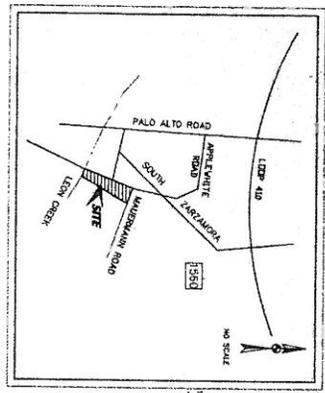
**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-032**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 400'
- Council District 3

Planning and Development Services Dept  
 City of San Antonio  
 (3/22/2011)



**PROPERTY OWNER/ DEVELOPER**  
 MANAGING PARTNER: NINE  
 2109 WILSONWOOD DRIVE  
 PHOENIX, ARIZONA 85021  
 PHONE: (602) 997-1184  
 FAX: (602) 997-4327

- TOTAL ACREAGE: 146.3 ACRES**
- NOTES:**
- EXISTING LAND USE IS AS FOLLOWS:
  - PROPOSED LAND USE IS AS FOLLOWS:
  - MANUFACTURED HOME PARK
  - ALL PROPOSED STREETS SHALL BE PRIVATE
  - PHASE I OF THIS DEVELOPMENT SHALL BE PRIVATE
  - WITHIN A YEAR DESIGNATED 100 YEAR FLOOD PLAIN ZONE A DESIGNATION IS 8/14/99
  - SETBACKS SHALL BE PROVIDED BY S.A.W.S.
  - SETBACKS SHALL BE PROVIDED BY S.A.W.S.

NO.	DATE	DESCRIPTION	BY	APPROVED
1	1/11/00	RELEASED FOR CITY OF SAN ANTONIO REVIEW	AL	AL
2	3/14/00	REVISED PER CITY OF SAN ANTONIO COMMENTS	AL	AL
3	10/11/00	REVISED PER CITY OF SAN ANTONIO COMMENTS	AL	AL
4		GAIN		

**Crestwood Estates, A Planned Community**

**PRELIMINARY OVERALL DEVELOPMENT PLAN**

**ALAMO CONSULTING ENGINEERING & SURVEYING, INC.**

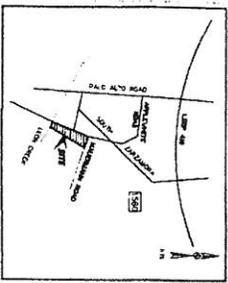
140 HEMER RD., STE. 617, SAN ANTONIO, TX 78232  
 PHONE: (210) 828-0691 FAX: (210) 824-3055



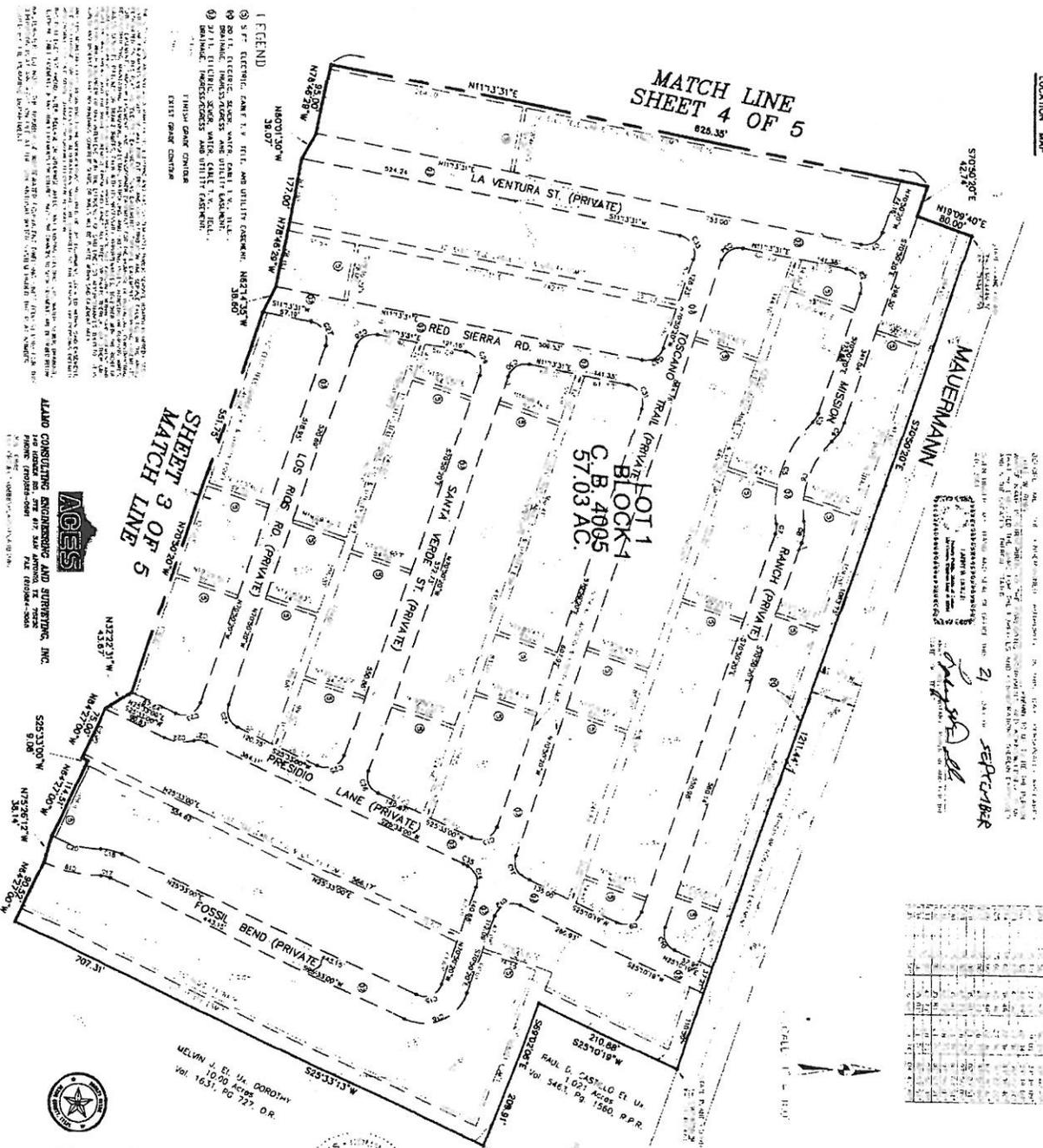
NO.	DATE	DESCRIPTION	BY	APPROVED
1	1/11/00	RELEASED FOR CITY OF SAN ANTONIO REVIEW	AL	AL
2	3/14/00	REVISED PER CITY OF SAN ANTONIO COMMENTS	AL	AL
3	10/11/00	REVISED PER CITY OF SAN ANTONIO COMMENTS	AL	AL
4		GAIN		

**PLAT NO.**  
 N/A





**MATCH LINE SHEET 4 OF 5**  
 824.35'



21 SEPTEMBER  
 [Signature]  
 [Signature]

NO.	AREA	ACRES	PERCENT	AREA	ACRES	PERCENT
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**MATCH LINE SHEET 3 OF 5**



AGES CONSULTING ENGINEERING AND SURVEYING, INC.  
 10000 N. 137th St., Suite 100  
 Omaha, NE 68131  
 Phone: (402) 426-1000  
 Fax: (402) 426-1001  
 Website: www.agesinc.com



MELVIN J. EL. M. DOROTHY  
 10000 N. 137th St. Suite 100  
 Omaha, NE 68131

**James W. Wilkerson**  
 Surveyor  
 State of Nebraska  
 No. 1531  
 Exp. 7/27/08

210.88' 625.10' 19"W  
 1.03 AC. 4005  
 546.1' Pg. 1560, P.P.R.

PLAT NO. 000258  
 SUBDIVISION PLAT ESTABLISHING  
 CRESTWOOD ESTATES,  
 A PLANNED COMMUNITY,  
 UNIT 1  
 BEING: 88.81 ACRES OF LAND OUT OF THE FERNANDO RUIZ TRACT  
 ABSTRACT NO. 15, COUNTY BLOCK NO. 4005, BEXAR COUNTY, MISSOURI,  
 AND OUT OF THE 148.79 ACRES DESCRIBED IN THE DEEDS RECORDED IN  
 VOLUME 2027, PAGE 488, BEXAR COUNTY, MISSOURI, DEDICATED HERETO.

21 SEPTEMBER  
 [Signature]  
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21 SEPTEMBER  
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 [Signature]

21 SEPTEMBER  
 [Signature]







NO. 485416

CITY OF SAN ANTONIO, TEXAS  
DEVELOPMENT SERVICES DEPARTMENT

DATE: 01/27/2003

# CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 12800 APPLEWHITE RD

Lot: 14

Block: 0

NCB: 4005

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

Occupant Group: B

Occupant Load: 999999

Occupant: CRESTWOOD ESTATES, L.L.C

Description of Business: BUSINESS

DBA Name: CRESTWOOD ESTATES, L.L.C



DIRECTOR OF DEVELOPMENT SERVICES

NO. 496820

CITY OF SAN ANTONIO, TEXAS  
DEVELOPMENT SERVICES DEPARTMENT

DATE: 2/04/2003

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at:

Address of Location 12800 APPLEWHITE RD Bldg: Suite:

Lot: 1 Block: 001 NCB: 4005 Zone: DR

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

Occupancy Group: B Occupant Load: N/A

Occupant: DALE W. RING & TIMOTHY J. SCHALLER

DBA: CRESTWOOD ESTATES L.L.C.

Use of Premises:

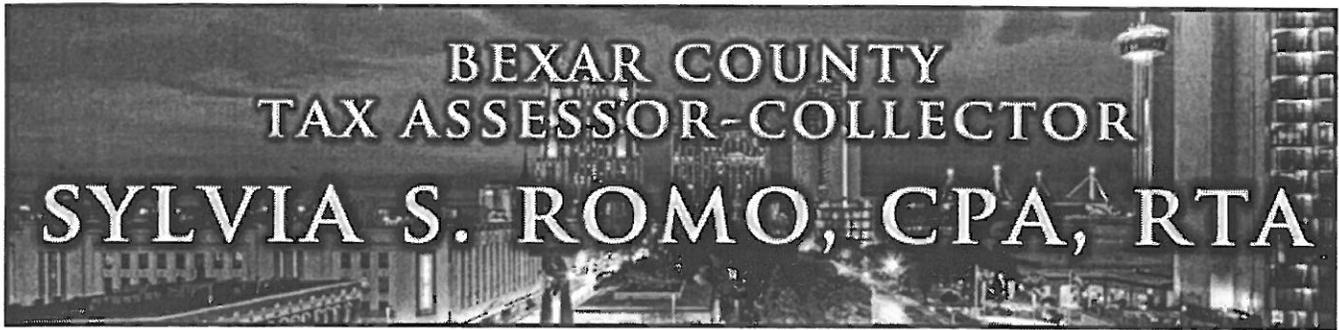
MANUFACTURED HOME COMMUNITY PARK  
NON-CONFORMING USE ZONE MH APPROVED 01/24/03



Director of Development Services

COPY

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.



[TAX HOME](#)   [TAX ASSESSOR](#)   [OFFICE LOCATIONS](#)   [PROPERTY TAXES](#)   [VEHICLE REGISTRATIONS](#)   [BEER & LIQUOR PERMITS](#)   [BEXAR HOME](#)

### Payment Information

[Begin a New Search](#)   [Go to Your Portfolio](#)

[Return to the Previous Page](#)

Account No.: 040058010010

Receipt Date	Roll Year	Amount	Description	Payer
2010-11-29	2009	(\$63,037.90)	Refunded	LMREC REO II INC
2010-11-29	2008	(\$43,026.67)	Refunded	MATTHEW KARDOS
2010-01-26	2009	\$126,882.85	Payment	LMREC REO II INC
2009-03-12	2008	\$43,026.67	Transfer	MATTHEW KARDOS
2009-03-12	2008	(\$43,026.67)	Transfer	ADITHYA LIMITED PARTNERSHIP
2009-03-12	2008	\$43,026.67	Transfer	ADITHYA LIMITED PARTNERSHIP
2009-03-12	2008	(\$43,026.67)	Transfer	LEGG MASON REAL ESTATE HOLDINGS VI, INC.
2009-03-12	2008	\$136,300.57	Payment	LEGG MASON REAL ESTATE HOLDINGS VI, INC.
2007-12-21	2007	\$104,826.21	Payment	NORTHMARQ CAPITAL, INC.
2007-01-31	2006	\$120,702.45	Payment	NORTHMARQ CAPITAL, INC.
2005-12-30	2005	\$42,940.80	Payment	NORTHMARQ CAPITAL, INC.
2005-02-28	2004	\$45,005.43	Payment	CRESTWOOD ESTATES LLC
2004-01-27	2003	\$5,009.28	Payment	UNKNOWN

SYLVIA S ROMO CPA,RTA,CTA  
 BEXAR COUNTY  
 TAX ASSESSOR-COLLECTOR  
 P O BOX 839950  
 SAN ANTONIO, TX 78283-3950  
 (210-335-2251)

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**Bexar CAD**

**Property Search Results > 156136 LMREC REO II INC for Year 2010**

**Property**

**Account**

Property ID: 156136      Legal Description: CB 4005I BLK 1 LOT 1 CRESTWOOD  
ESTATES UT-1 (SOUTHSIDE STUDY  
AREA 3 ANNEXATION)  
Geographic ID: 04005-801-0010      Agent Code: 60008  
Type: Real

**Location**

Address: 12800 APPLEWHITE RD      Mapsco: 681E8  
TX  
Neighborhood: NBHD code54200      Map ID: 54200  
Neighborhood CD: 54200

**Owner**

Name: LMREC REO II INC      Owner ID: 2677945  
Mailing Address: 10880 WILSHIRE BLVD STE 1750 % Ownership: 100.0000000000%  
LOS ANGELES, CA 90024-4103

Exemptions:

**Values**

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$1,000	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$2,499,000	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$2,500,000	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$2,500,000	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$2,500,000	

**Taxing Jurisdiction**

Owner: LMREC REO II INC  
% Ownership: 100.0000000000%  
Total Value: \$2,500,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	0.030679	\$2,500,000	\$2,500,000	\$766.98
08	SA RIVER AUTH	0.016652	\$2,500,000	\$2,500,000	\$416.30
09	ALAMO COM COLLEGE	0.141623	\$2,500,000	\$2,500,000	\$3,540.58
10	UNIV HEALTH SYSTEM	0.276235	\$2,500,000	\$2,500,000	\$6,905.88
11	BEXAR COUNTY	0.296187	\$2,500,000	\$2,500,000	\$7,404.68
21	CITY OF SAN ANTONIO	0.565690	\$2,500,000	\$2,500,000	\$14,142.25
73	SOUTHWEST ISD	1.256100	\$2,500,000	\$2,500,000	\$31,402.50
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$2,500,000	\$2,500,000	\$0.00

Total Tax Rate:	2.583166	Taxes w/Current Exemptions:	\$64,579.15
		Taxes w/o Exemptions:	\$64,579.15

**Improvement / Building**

Improvement #:	Type	Description	State Code:	Class CD	Exterior Wall	Living Area:	Year Built	SQFT	Value:
Improvement #1:	Commercial		F1			374.0 sqft			\$980
	TPK	Trailer park		*			0	374.0	
Improvement #2:	Commercial		F1			sqft			\$0
	CON	Concrete		*			0	674280.0	
Improvement #3:	Commercial		F1			sqft			\$8
	FEN	Fence		S			0	2000.0	
Improvement #4:	Commercial		F1			sqft			\$12
	SWP	Swimming Pool		*			0	900.0	

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	CMH	Commercial Mobile Home	57.0300	2484226.80	0.00	0.00	\$3,974,760	\$0

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2011	N/A	N/A	N/A	N/A	N/A	N/A
2010	\$1,000	\$2,499,000	0	2,500,000	\$0	\$2,500,000
2009	\$100	\$4,968,300	0	4,968,400	\$0	\$4,968,400
2008	\$100	\$4,968,300	0	4,968,400	\$0	\$4,968,400
2007	\$100	\$4,223,230	0	4,223,330	\$0	\$4,223,330
2006	\$100	\$5,216,880	0	5,216,980	\$0	\$5,216,980

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	8/5/2008 12:00:00 AM	STD	Substitute Trustees Deed	CRESTWOOD MHF	LMREC REO II INC	13623	433
2	8/1/2005 12:00:00 AM	SWD	Special Warranty Deed	CRESTWOOD EST,	CRESTWOOD MHF	11560	0889
3	1/11/2000 12:00:00 AM	Deed	Deed	CRESTWOOD EST,	CRESTWOOD EST,	8277	1481

2011 data current as of Nov 29 2010 2:01AM.  
 2010 and prior year data current as of Oct 21 2010 8:19AM  
 For property information, contact (210) 242-2432 or (210) 224-8511 or email.  
 For website information, contact (210) 242-2500.

Website version: 1.2.2.2

Database last updated on: 11/29/2010 2:01 AM

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This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Bexar CAD

Property Search Results > Property ID 156136 LMREC REO II INC for Year 2009

Property Details	
Account Property ID: 156136 Geo. ID: 04005-801-0010 Type: Real CB 40061 BLK 1 LOT 1 CRESTWOOD ESTATES UT- 1 (SOUTHSIDE STUDY AREA 3 ANNEXATION)	
Location Address: 12800 APPLEWHITE RD TX Neighborhood: NBHD code54200 Mapsco: 861E8 Jurisdiction: 08.08.08.10. 11.21.73. CAD	
Owner Name: LMREC REO II INC Address: 16580 WILSHIRE BLVD STE 1750 LOS ANGELES, CA 90024-4103	
Property Appraised Value: \$4,288,400	
<input checked="" type="checkbox"/> Map Layers	
<input checked="" type="checkbox"/> Radius Search	

1:

Website version: 1.2.2.0

Database last updated on: 11/29/2010 2:01 AM  
This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

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# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-11-034  
Date: May 9, 2011  
Applicant: Clemente Medina  
Owner: City of San Antonio, Texas  
Location: 8039 Challenger Drive  
Legal Description: 6.706 acres out of NCB 10879  
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District  
Prepared By: Jacob Floyd, Senior Planner

---

#### **Request**

The applicant requests **1)** a 3-foot, 6-inch variance from the maximum 4-foot front-yard fence height standard, in order to allow a 7-foot, 6-inch tall predominantly open fence in the front yard and **2)** a 1-foot, 6-inch variance from the maximum 6-foot side and rear yard fence height standard, in order to allow a 7-foot, 6-inch tall fence in the side and rear yards.

#### **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 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 21, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on May 6, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The subject property is currently being developed as a new 911 Emergency Dispatch Center and Public Safety Answering Point for the City of San Antonio. The site is within the former Brooks Air Force Base, now known as Brooks City-Base, a research and technology center that is being developed as a mixed use property with office, light industrial, residential, and other uses. Immediately north of the subject property is the City of San Antonio's Emergency Operations Center.

The applicant proposes to erect a fence around the perimeter of the site consisting of an 18-inch tall concrete curb with a 6-foot tall painted steel pick fence above, resulting in an overall height of 7 feet, 6 inches. The proposed fence will be similar in appearance to the Emergency Operations Center's existing fence, with the exception of the concrete curb. According to the

applicant, the proposed fence is required to adequately secure the site from intrusion and vehicular attacks, due to the critical nature of the facility.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-3 AHOD (Commercial)	Public Safety Facility (Under Construction)

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	MR AHOD (Military Reservation)	Offices, Military Memorial
South	MR AHOD (Military Reservation)	Undeveloped Land
East	C-3 AHOD (Commercial)	Offices/Warehouse
West	MR AHOD (Military Reservation)	Offices, Undeveloped Land

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Stinson Airport Vicinity Plan. The subject property is not within a registered neighborhood association.

**Criteria for Review**

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

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

*The variance will serve the public interest by ensuring that the facility is secured from vehicular attacks and intrusion.*

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

*The subject property must be secured from vehicular attacks and intrusion in order to ensure it is operational and able to provide emergency services. The size of the property is not great enough to provide sufficient separation distance between the perimeter and the facility. Due to this, the proposed fence is necessary to ensure adequate security as it will compensate for the inadequate separation distance between perimeter and building.*

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

*The variance will be in keeping with the spirit of the ordinance and will do substantial justice by ensuring that the facility is able to provide emergency services to the citizens of San Antonio and fulfill the City of San Antonio’s obligation to ensure the safety of the public.*

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 variance will not authorize a use not specifically permitted in the "C-3" 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 variances will not injure the appropriate use of adjacent property nor will the essential character of the district be altered. The subject property is located within Brooks City-Base and is one of several facilities with security fences of this type.*

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 variance is necessary due to the unique nature of the facility, specifically its high security requirements. These circumstances are not merely financial nor the result of conditions general to the district.*

### **Staff Recommendation**

Staff recommends **approval of A-11-035**. The application satisfies all required conditions as presented above. The variance is necessary to ensure the security of the facility and is due to the unique nature of the facility, rather than personal or financial hardship. The proposed fence is essential to the use of the property, as the high security requirements of the Emergency Dispatch Center must be met in order to ensure its operation.

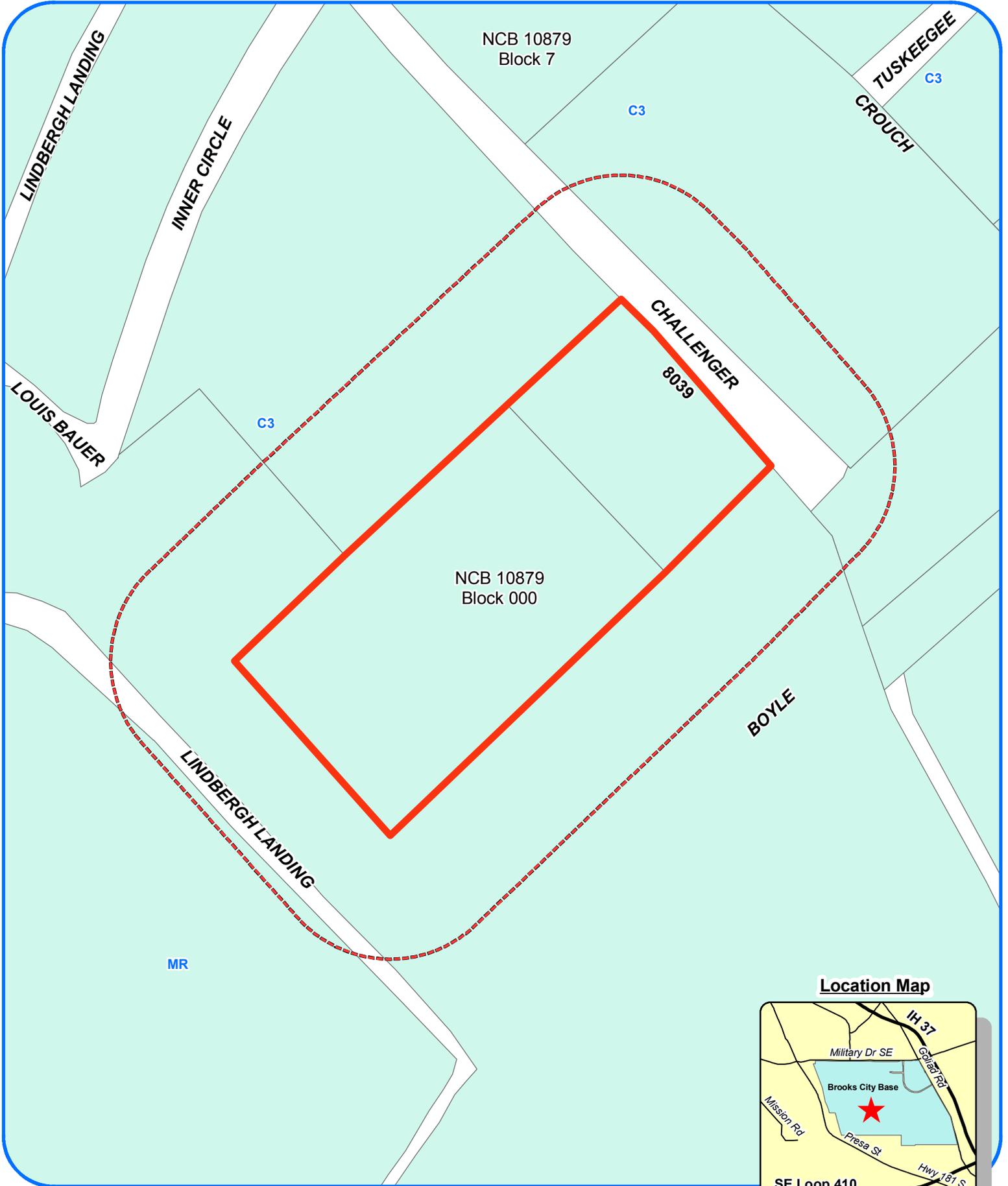
### **Attachments**

Attachment 1 – Location Map

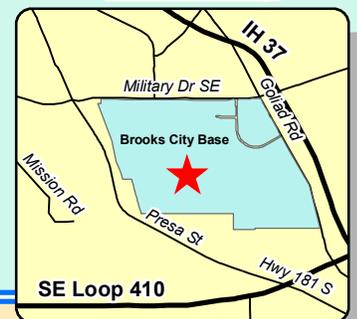
Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plans

Attachment 4 – Certificate of Appropriateness



**Location Map**

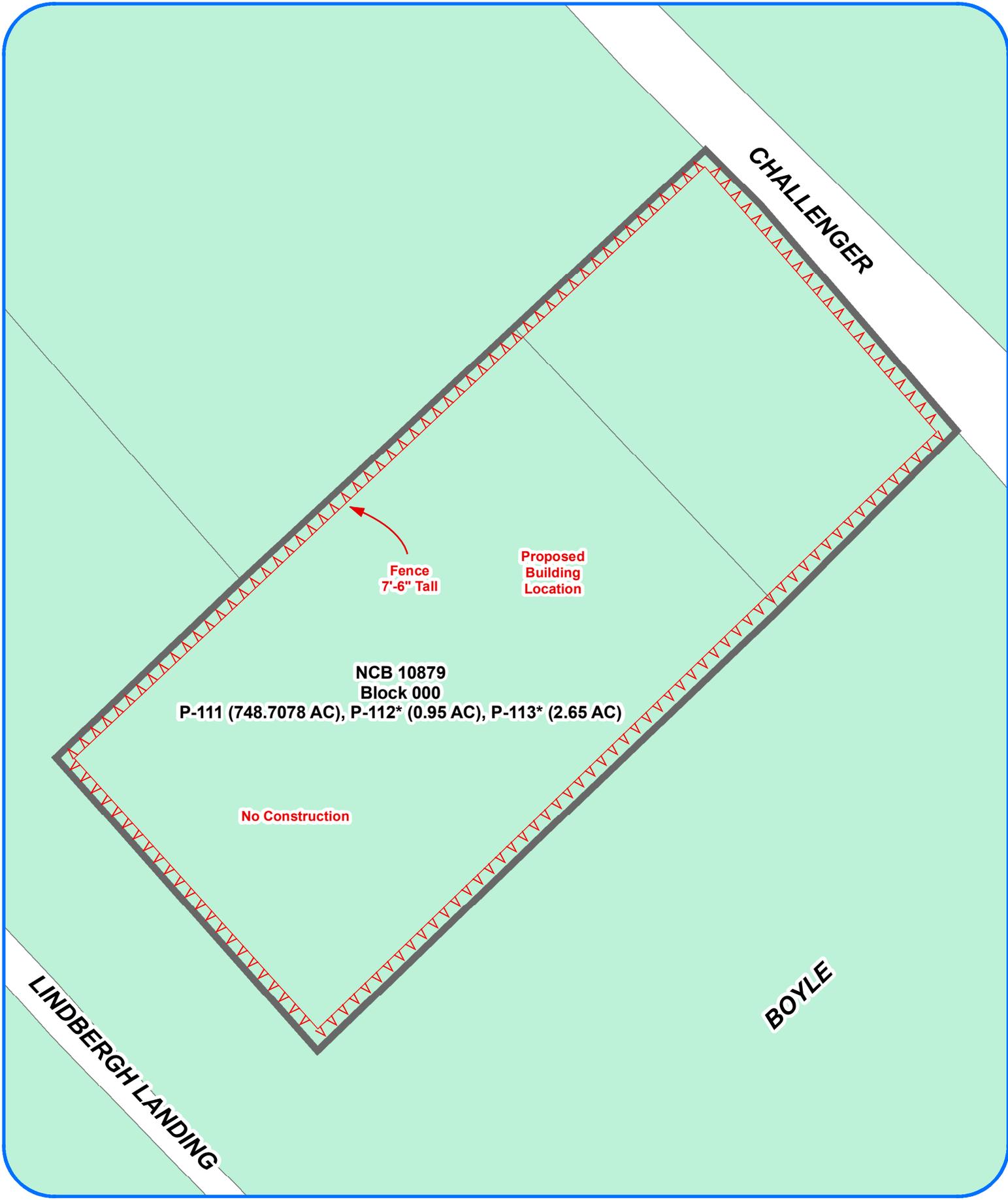


**Board of Adjustment**  
**Notification Plan for**  
**Case A-11-034**



**Legend**

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 200'
- Council District 3



**Board of Adjustment**  
 Plot Plan for  
**Case A-11-034**



Fence ▲▲▲▲

Scale: 1" approx. = 120'  
 Council District 3

**8039 CHALLENGER**

Development Services Dept  
 City of San Antonio  
 (4/23/2011)







# CITY OF SAN ANTONIO

## HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

September 01, 2010

**HDRC CASE NO:** 2010-248

**ADDRESS:** 8039 Challenger Dr

**LEGAL DESCRIPTION:** NCB 10879 P-111 (748.7078 AC), P-112\* (0.95 AC), P-113\* (2.65 AC); NCB 10921 P-101 (308.11 AC) /\*FORMERLY OUT OF P-111/

**PUBLIC PROPERTY:** Yes

**HISTORIC DISTRICT:** NA

**LANDMARK DISTRICT:** NA

**APPLICANT:** Tom Roessler 2711 N Haskell Ave, Ste 2250

**OWNER:** CoSA

**TYPE OF WORK:** Demolition & New Construction

### REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to:

- 1) Construct a new one story 40,000SF PSAP building. Building Façade materials: Exterior Walls (Typ.) - Precast Concrete Panels (10' wide, 19' tall, light gray white cement) some areas are smooth acid etched and others have a horizontal form-liner - Sample, will bring to Hearing. Exterior Wall @ Entry - Prefinished Composite Metal Panels (Anodized aluminum or painted metallic silver to match, dry joints) - Sample, will bring to Hearing. Fascia: Prefinished Composite Metal Panels (anodized aluminum or painted metallic silver to match) - Sample, will bring to Hearing. Soffits: Prefinished Metal Panels (Anodized aluminum or painted metallic silver to match) Storefront & Window Trim: (Anodized aluminum or powder coated gray) Glazing: Tinted to match the EOC - Sample, will bring to Hearing. Mechanical Yard / Trash Enclosure Screens: Perforated Metal Plate (Powder-coated gray) Painted Steel Frame.
- 2) Demolition: Remove 3 existing structures located on the property. The buildings to be removed are located at the following addresses: (Building 1154 - 8039 Challenger Dr, Bldg 1) (Building 1157 - 8039 Challenger Dr, Bldg 2) (Building 1165 - 8049 Challenger Dr. Bldg 3) Remove a portion of the existing tarmac and leaving the concrete paving at new parking areas.
- 3) Signage: Structure, Precast Concrete (light gray to match building). Sign Face, Perforated Metal Plate (Powder coated gray) Letters, Cast Anodized Aluminum (Front lit from the ground)
- 4) Fencing: Build a new 7' tall decorative iron perimeter fence. Painted Steel Pickets to match the EOC next door (Painted black) Painted Steel Frame. Gates @ Fence (7' Tall) Perforated Metal Plate (Painted black) Painted Steel Frame.
- 5) Site Improvements: Provide new drive off Challenger Drive & Connect West EOC lot with new parking. Brooks to provide Road and Sidewalk improvements. Low Walls/Seat, Precast Concrete (light gray to match building) Paving, Concrete. Drives, Concrete. Parking Lot, asphalt over existing concrete paving. Landscaping: Remove existing and install new Landscaping. 10 Trees to remain Transplant/Relocate 10 trees. Remove 3 trees. Provide new planted security berm along Challenger Drive.

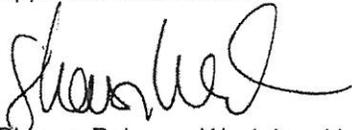
### RECOMMENDATION:

Staff recommends approval of the proposed demolitions and new construction. The proposed design and use of the property are appropriate for the location.

HDRC 2010-248  
9/1/10

**COMMISSION ACTION:**

Approved as submitted.

A handwritten signature in black ink, appearing to read 'Shanon Wasielewski', written in a cursive style.

Shanon Peterson Wasielewski  
Historic Preservation Officer



# City of San Antonio

## Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-11-035  
Date: May 9, 2011  
Applicant: Efrain E. Velez  
Owner: USA KBC, LLC, DBA Kerrville Bus Company  
Location: 1430 East Houston Street  
Legal Description: Lot 19, Block 14, NCB 575  
Zoning: "I-1 H AHOD" General Industrial Airport Hazard Overlay District  
Dignowity Hill Historic District  
Prepared By: Andreina Dávila-Quintero, Planner

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#### **Request**

The applicant requests a 15-foot variance to the 30-foot minimum front setback requirement of the I-1 district, in order to allow a 15-foot front setback for an approximate 2,100 square foot second story addition.

#### **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 22, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on April 21, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on May 6, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Executive Summary**

The subject property consists of the Kerrville Bus Company Facility utilized for the dispatch, maintenance and storage of intercity buses. The current property owner wishes to renovate the approximate 4,200-square foot administrative office building located at the northeast corner of the property as part of the overall upgrade of the facility. The proposed building renovation will include the demolition of interior walls, improvements to the exterior façades, new landscape area, and the addition of a partial second story for additional office space.

The subject property is a 3.96-acre site that consists of six (6) buildings, and large parking and loading areas. According to the Bexar County Appraisal District, the office building was built in

1967. The existing building is 15 feet from the north front property line. The proposed second story addition will be located on the west half of the building, and will follow the existing building lines. Pursuant to Table 310-1 of the UDC, buildings in the I-1 zoning district shall be setback a minimum of 30 feet from the front property line. Consequently, the applicant is requesting a 15-foot front setback variance for the second story addition.

As stated in the submitted application, the request of the variance is due to the existing footprint and location of the building to be renovated, and the use, design and layout of the site. According to the applicant, the placement of the buildings was made taking in consideration the bus circulation system as its main priority. The resulting egress route prevents new construction from being placed along the south elevation of the building.

The property and existing building do present alternative options to meet the need for additional office space and comply with the minimum requirements of the UDC. Two (2) possible alternatives would be to reconfigure the bus circulation and egress route on site, or redesign the second story addition to include the remaining footprint of the building.

According to the Historic and Design Review Commission’s recommendation dated April 6, 2011, the existing building does not contribute to the historic significance of the district, and the proposed renovation will not adversely affect the District’s historic character. The Historic and Design Review Commission recommended conceptual approval of the renovations as proposed.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
I-1 H AHOD (Industrial)	Commercial

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 H AHOD (Industrial)	Vacant, Commercial, Restaurant
South	RM-4 H AHOD (Residential Mixed), C-3 AHOD (Commercial)	Vacant, Church, Parking
East	RM-4 H AHOD (Residential Mixed), RM-4-CD AHOD (Residential Mixed Conditional Use)	Vacant, Auto Shop
West	D AHOD (Downtown)	Vacant, Restaurant, Parking

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Dignowity Hill Neighborhood Plan. The subject property is within the Dignowity Hill Neighborhood Association.

## **Criteria for Review**

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

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

*The variance request is to allow the construction of a second story addition as part of the renovation of the existing administrative office building of the Kerrville Bus Company Facility. The proposed renovations will significantly improve the overall look of the building and property, and contribute in the redevelopment of the Houston Street Corridor that will meet the goals of the Dignowity Hill Neighborhood Plan.*

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

*A strict enforcement of the front setback regulation will not result in unnecessary hardship for meeting the goals of the property owner to renovate and add additional office space to the building. The denial of the variance will not prevent the applicant from renovating the existing building and contributing to the redevelopment of the Houston Street Corridor. The proposed second story addition consists of office space, mechanical rooms, and an open, covered balcony area, and is to be located on the west half of the existing building. The property owner has the option and availability to redesign the bus egress route elsewhere on site, and build the needed additional office space towards the west and/or south of the existing building. Alternatively, the second story addition may be redesigned to utilize the entire length of the existing building, and comply with the 30-foot front setback requirement. With this option, a portion of the front of the building may be used as the proposed balcony area provided that any columns or other structures comply with the setback requirements or are eliminated, and that architectural features do not encroach more than five (5) feet into the front setback as provided by Section 35-516(j) of the UDC.*

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

*The variance is neither keeping with the spirit of the ordinance nor would it do substantial justice. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent on maintaining the existing building lines. As previously mentioned, the existing site and building conditions allow for alternative solutions that will permit the renovation of the building and the construction of additional office space while complying with the minimum requirements of the UDC.*

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

*The proposed variance is for a second story addition that will consist of additional office space for the Kerrville Bus Company Facility administrative office building, which is a use permitted by right in the I-1 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 variances will not adversely impact the neighboring properties. The subject property is a one (1) lot, one (1) block subdivision bound by East Houston Street, East Crockett Street, North Mesquite Street and North Cherry Street. Additionally, as stated in the Historic and Design Review Commission's recommendation dated April 6, 2011, the proposed renovation is appropriate to the site and will not adversely affect the historic character of the district.*

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

*As previously stated, the variance is requested due to the existing footprint and location of the building to be renovated and the use, design and layout of the site, more specifically the circulation system of the buses and vehicular maintenance activities. These conditions are not unique circumstances or particular to the land. The existing bus circulation system is a condition created by the owner of the property, and may not be used as basis for the variance request. Additionally, the current use of the property is a permitted use in the I-1 zoning district, and does not require that additional conditions be met for the operation of the use on this site.*

### **Staff Recommendation**

Staff recommends **denial of A-11-035**. This variance request does not comply with three (3) of the six (6) required approval criteria, as presented above. The applicant has not presented evidence that the requested variance would provide relief from the hardship caused by a literal enforcement of the front setback regulation.

The purpose of a variance is to restore equity when, due to special circumstances or conditions, the Ordinance restricts one (1) property more severely than other properties in the same zoning district. The existing use on the property and the bus egress route are not conditions particular to the land that would prevent new development from complying with the minimum requirements of the UDC. The bus circulation system may be redesigned to accommodate the need for additional office space. As an alternative course of action that will not impact the bus circulation system on site, the second story addition may be redesigned to utilize the portion of the existing building in compliance with the minimum setback requirement, which would allow for a larger addition than proposed (approximately 2,900 square feet).

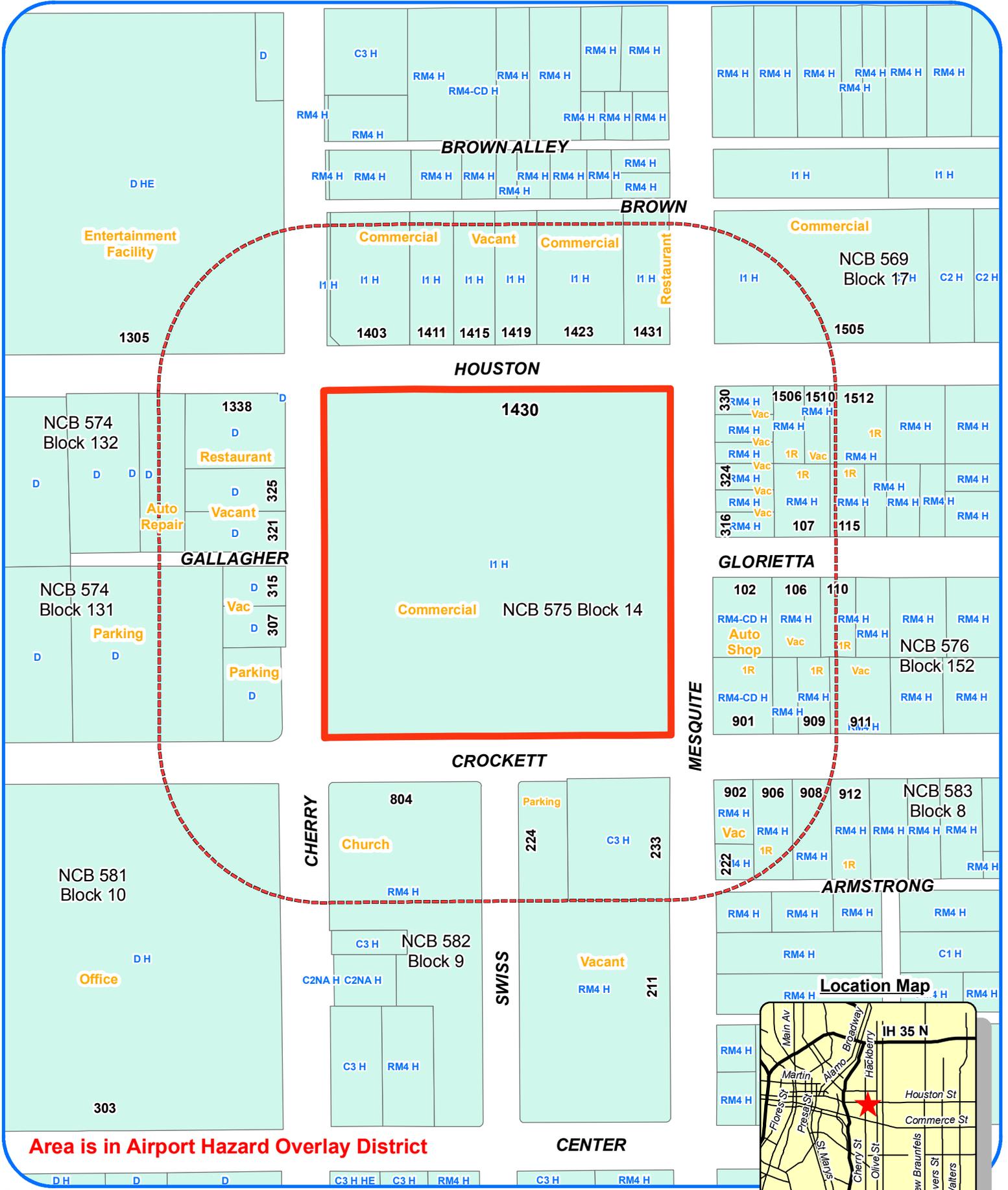
### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Drawing

Attachment 4 – Historic and Design Review Commission Recommendation



Area is in Airport Hazard Overlay District

# Board of Adjustment

## Notification Plan for

### Case A-11-035



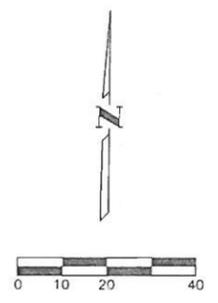
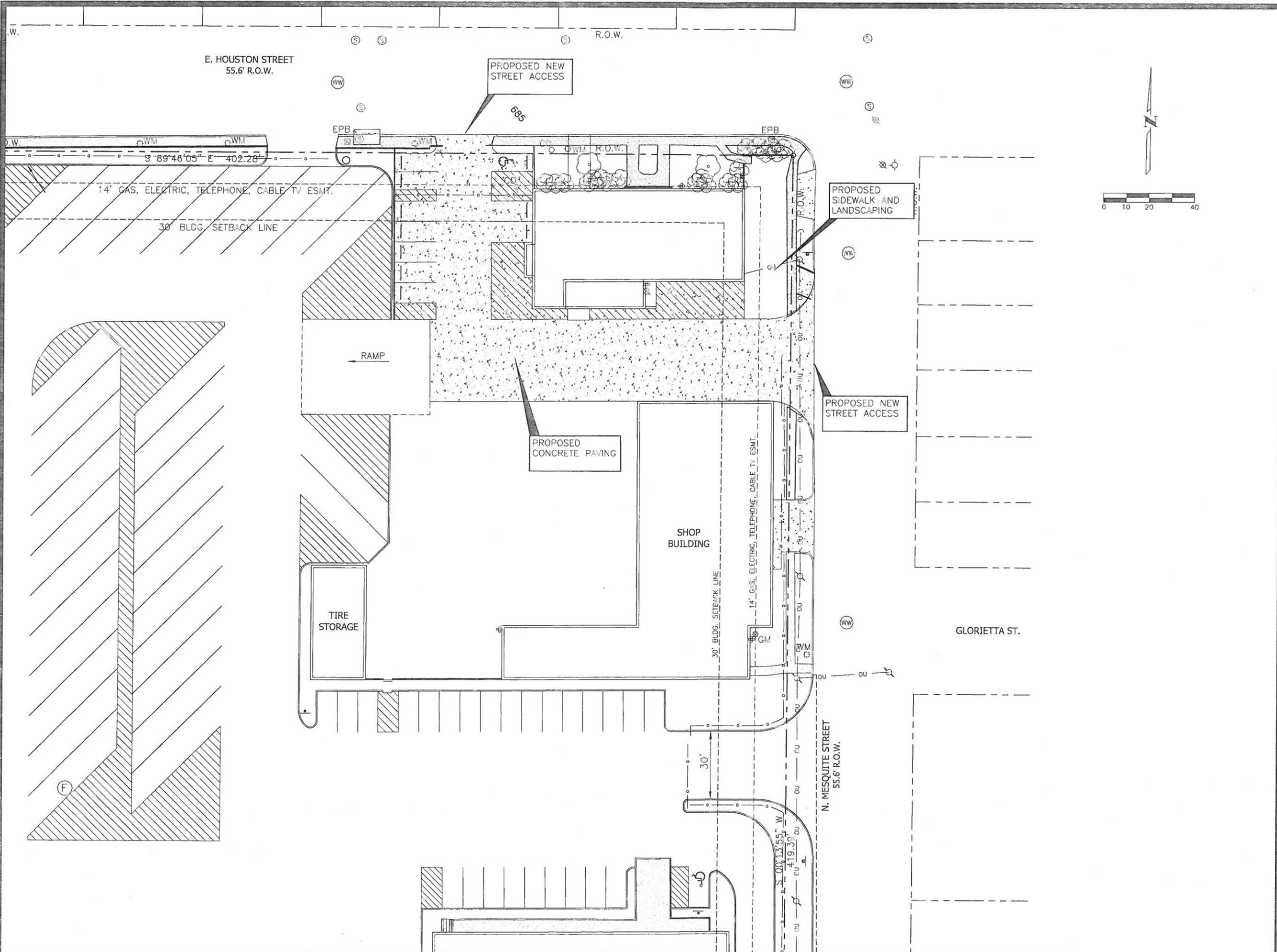
#### Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 2





PLEASE RECYCLE



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 User: clemson  
 Date Modified: Mar 09, 11 - 14:03  
 Plot Date: Mar 09, 11 - 13:12:21



1033 LA POSADA, SUITE 370  
 AUSTIN, TEXAS 78752  
 TEL: 866.732.8500  
 FAX: 512.494.0406  
 WWW.SUNLANDGRP.COM  
 TEXAS REG. NO. 4115  
 AUSTIN DALLAS DENVER HOUSTON SAN ANTONIO

**KERRVILLE BUS COMPANY  
 FACILITY UPGRADE - PHASE II**  
 1430 E. HOUSTON STREET  
 SAN ANTONIO, TX 78202

REVISION HISTORY		
REVISION	DESCRIPTION	DATE

**SITE PLAN**  
 DOCUMENT STAGE: ISSUED FOR REVIEW  
 DRAWN BY: C.R.      REVIEWED BY: C.R.  
 SUNLAND PROJECT #:      2009-025

**CS-101**  
 SHEET NUMBER

**KERRVILLE BUS COMPANY  
FACILITY UPGRADE PHASE II**  
1430 E. HOUSTON STREET  
SAN ANTONIO, TX 78202

REVISION HISTORY

REVISION	DESCRIPTION	DATE

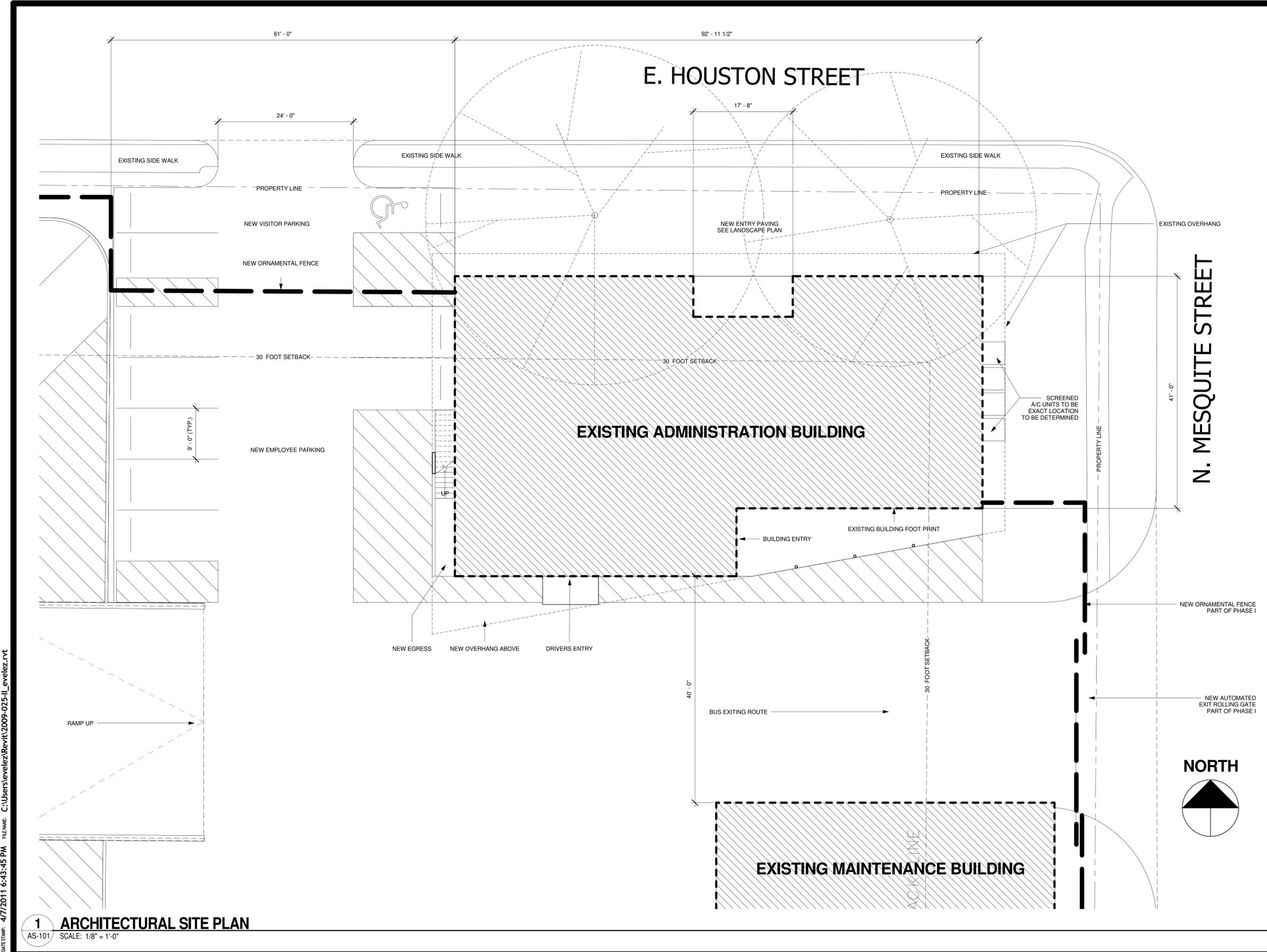
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03/09/2011

ARCHITECTURAL SITE PLAN

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SHEET NUMBER

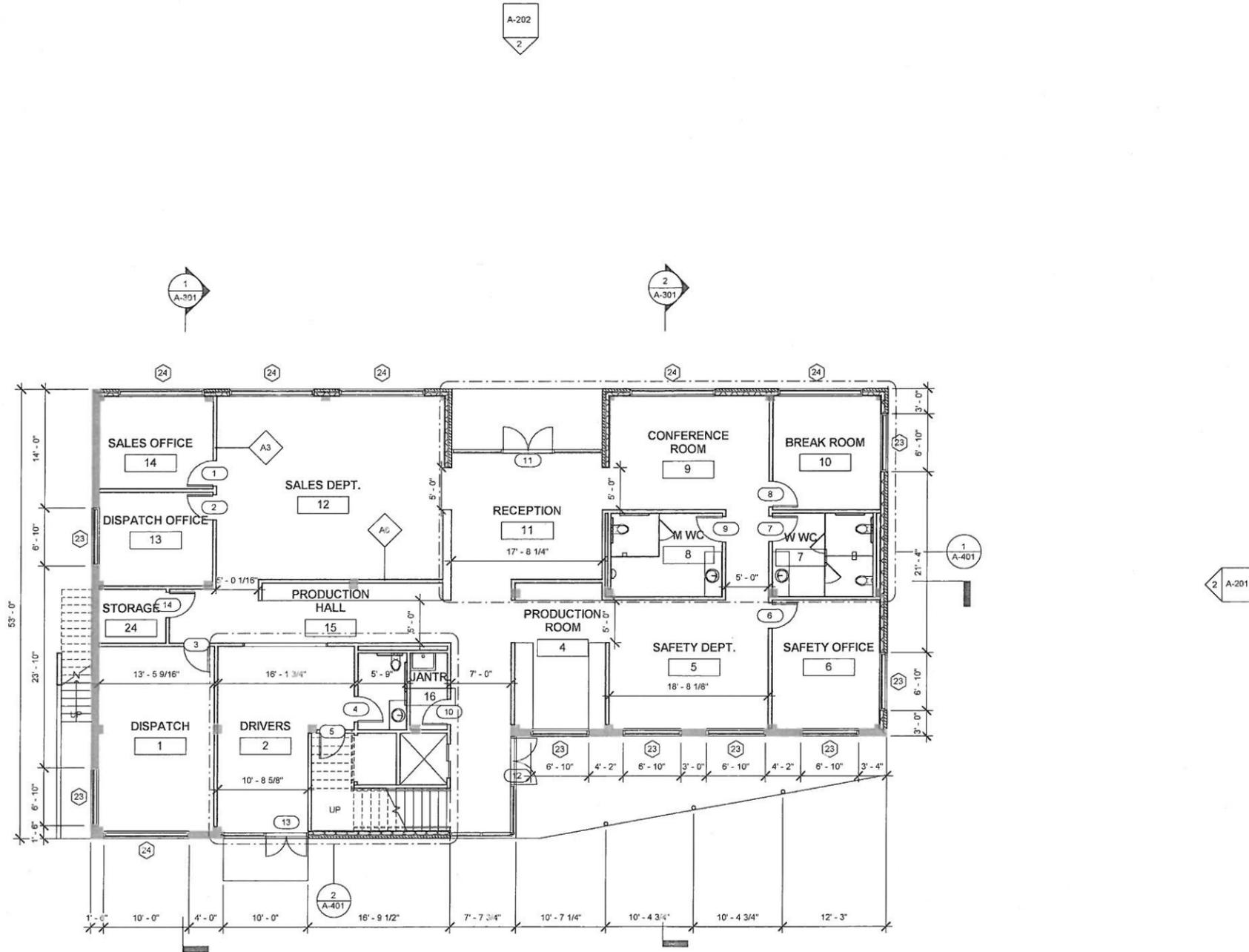


DATE/TIME: 4/7/2011 6:43:45 PM FILENAME: C:\Users\levelez\Rev\rl\2009-025-ll\_evelez.rvt

**1** ARCHITECTURAL SITE PLAN  
AS-101 SCALE: 1/8" = 1'-0"



**KERRVILLE BUS COMPANY  
FACILITY UPGRADE PHASE II**  
1430 E. HOUSTON STREET  
SAN ANTONIO, TX 78202



**1 FIRST FLOOR PLAN**  
A-101 SCALE: 1/8" = 1'-0"

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FIRST FLOOR PLAN

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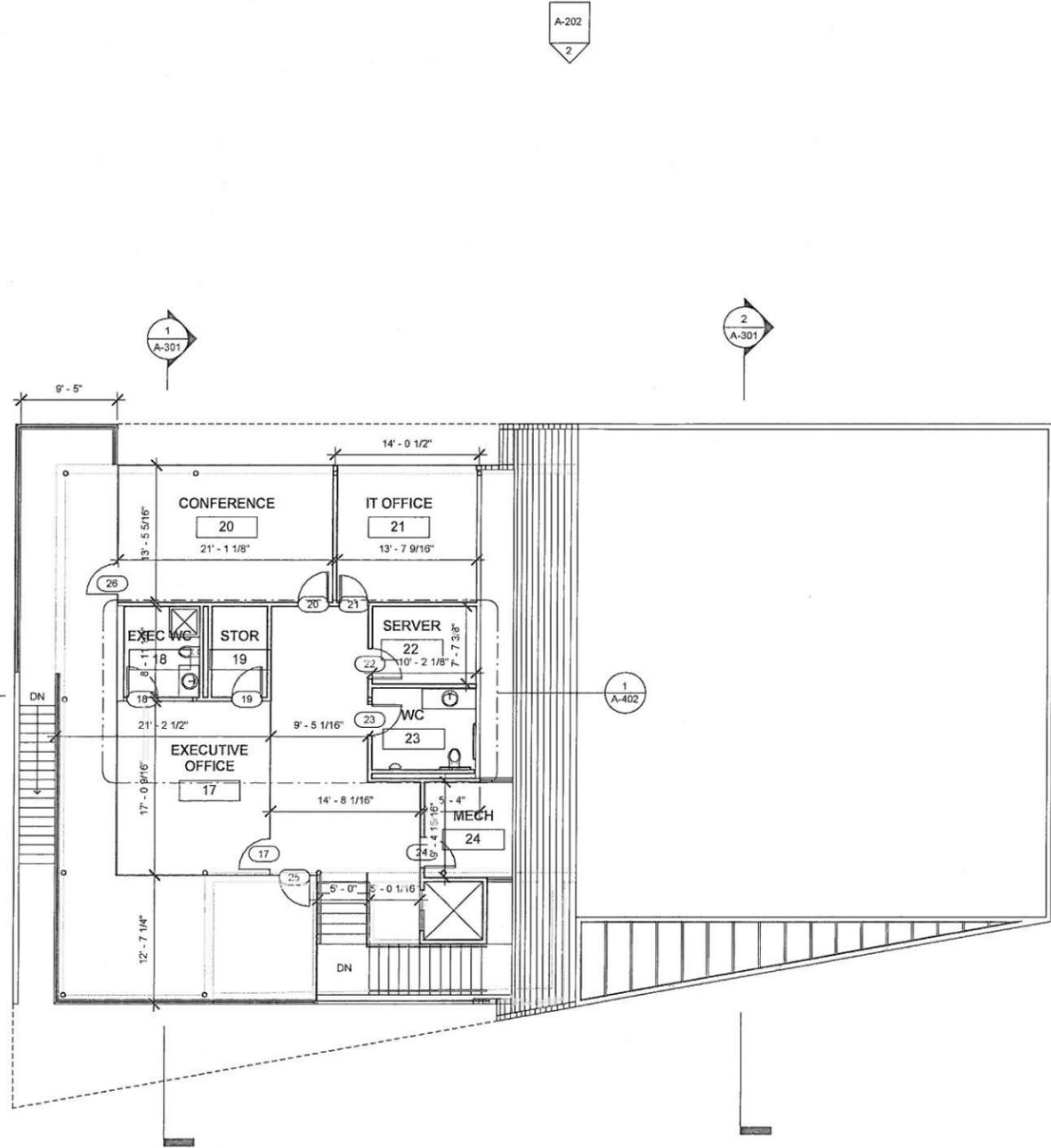
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SECOND FLOOR PLAN

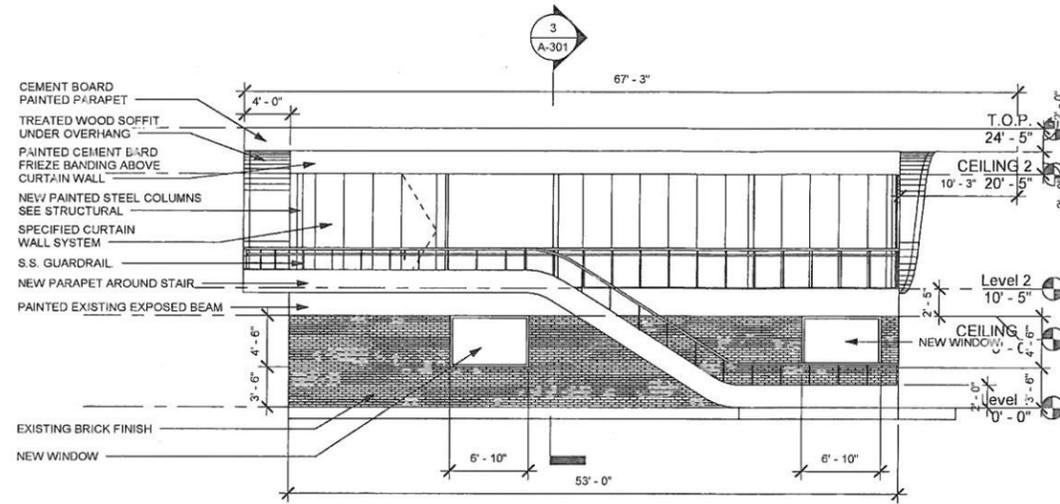
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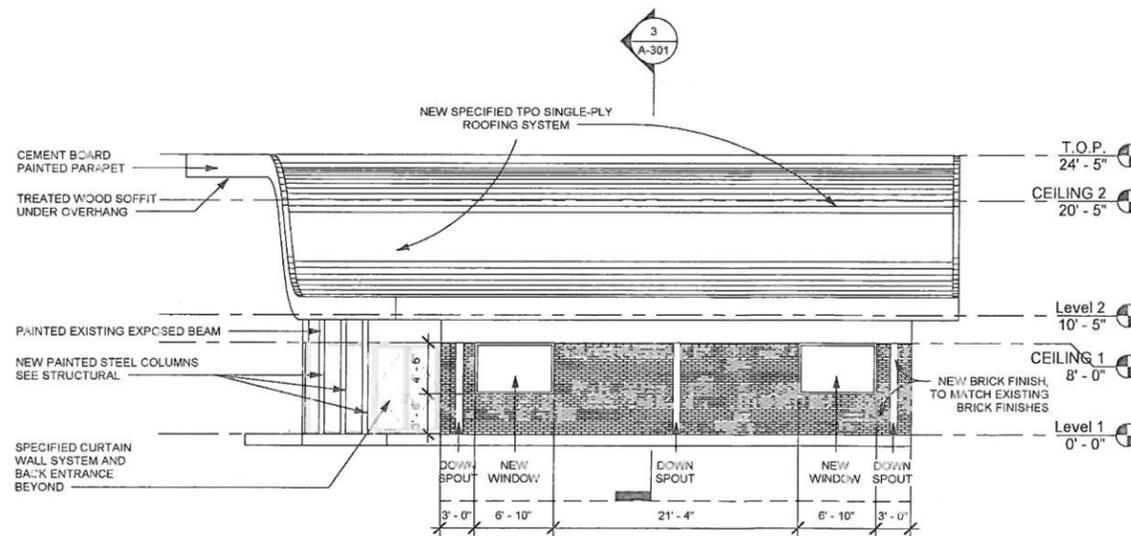


**1 SECOND FLOOR PLAN**  
A-102 SCALE: 1/8" = 1'-0"

**KERRVILLE BUS COMPANY  
FACILITY UPGRADE PHASE II**  
1430 E. HOUSTON STREET  
SAN ANTONIO, TX 78202



**1 WEST ELEVATION**  
A-201 SCALE: 1/8" = 1'-0"



**2 EAST ELEVATION**  
A-201 SCALE: 1/8" = 1'-0"

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EXTERIOR ELEVATIONS

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SHEET NUMBER



# KERRVILLE BUS COMPANY FACILITY UPGRADE

LANDSCAPE CONCEPT 1

04.03.11

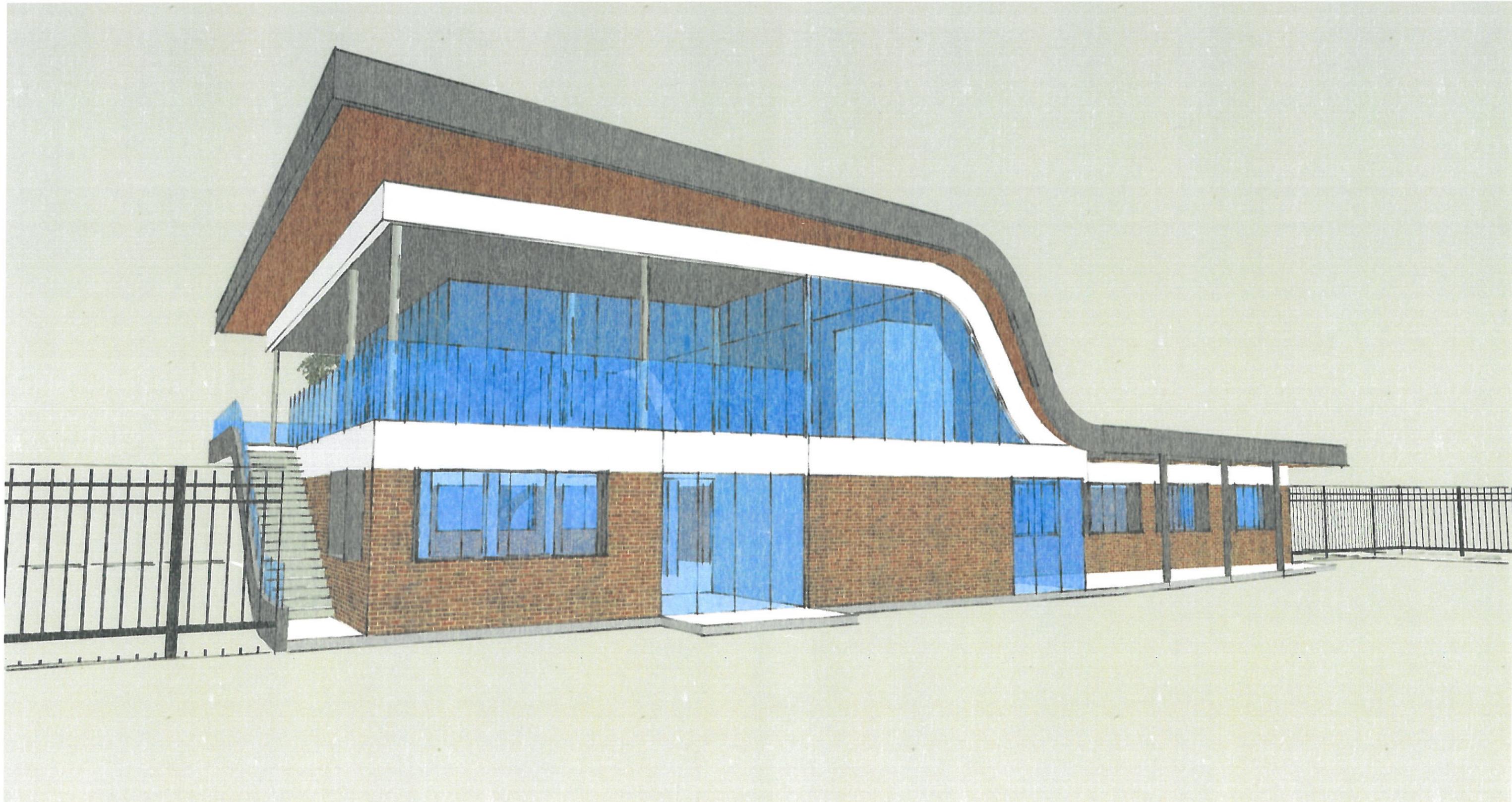
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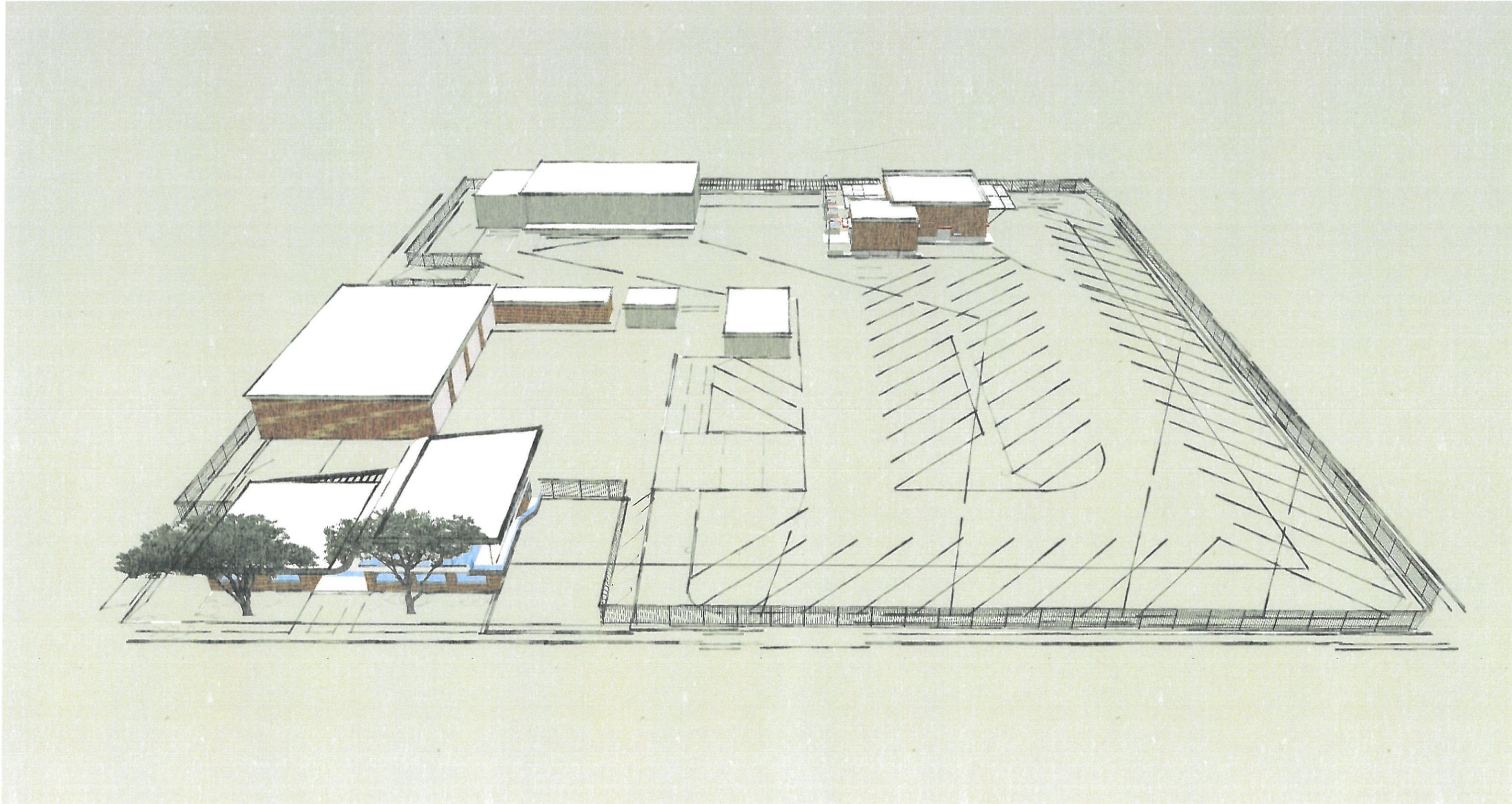
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HISTORIC AND DESIGN REVIEW COMMISSION  
COMMISSION ACTION

**This is not a Certificate of Appropriateness and can not be used to acquire permits.**

April 06, 2011

**HDRC CASE NO:** 2011-068  
**ADDRESS:** 1430 E Houston St  
**LEGAL DESCRIPTION:** NCB 575 BLK 14 LOT 19  
**HISTORIC DISTRICT:** Dignowity Hill Historic District  
**APPLICANT:** Efrain E. Velez, AIA 1033 La Posada, Ste 370  
**OWNER:** Kerrville Bus Company  
**TYPE OF WORK:** Exterior Renovations

**REQUEST:**

The applicant is requesting a conceptual approval to:

- 1) Extensively remodel existing Administrative Building. Remove flat roof and add second floor to structure. Construct exterior staircase to new upper floor. Replace existing windows and entrance doors.
- 2) Rework parking area surrounding building. Replace existing pavement, sidewalks and curb cuts.

**RECOMMENDATION:**

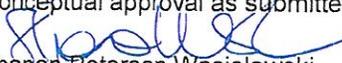
Staff recommends conceptual approval as submitted.

Renovation of the Kerrville Bus Company Administrative Building is part of a larger plan to improve the overall appearance of this large commercial site within the Dignowity Hill Historic District. Built in the mid-twentieth century and modified over time, the Administrative Building does not contribute to the historic significance of the Dignowity Hill Historic District and is not historically or architecturally significant in its own right. The proposed alterations are appropriate for the site and will not adversely affect the historic character of the district.

This recommendation is consistent with the Secretary of the Interior's Standards for Rehabilitation number 9.

**COMMISSION ACTION:**

Conceptual approval as submitted.

  
Sharon Peterson Wasielewski  
Historic Preservation Officer