

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, November 2, 2009
12:15 PM

BOARD OF ADJUSTMENT MEMBERS

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

1. 12:15 PM - Work Session regarding Board of Adjustment Unified Development Code (UDC) and Statutory Authority
2. 1:00 PM – Public Hearing Call to Order.
3. Roll Call.
4. Pledges of Allegiance.
5. **CASE NO. A-09-095 cont:** The request of Jesus Millan, for a 2-foot variance from the requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts, in order to keep an existing structure 3 feet from the east side property line, 927 Chicago Boulevard.
6. **CASE NO. A-09-092:** The request of George Vaughan, for **1)** a 3-foot variance from the requirement that solid fences in front yards not exceed 3 feet in height, in order to erect a 6-foot tall solid fence in the front yard, and **2)** a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to erect a 6-foot tall predominantly open front-yard fence, 325 West Lynwood.

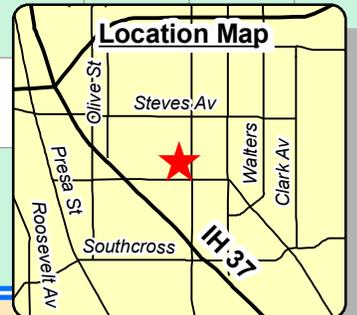
7. **CASE NO. A-09-094:** The request of Margie Conatser, for **1)** An 18-foot, 2-inch variance from the requirement that a minimum 20-foot platted front setback be maintained (recorded in Volume 8900, Page 67 of the Bexar County Land Records), in order to keep a carport 1 foot, 10 inches from the front property line and **2)** an 8-foot, 2-inch variance from the requirement that a minimum 10-foot front setback be maintained, in order to keep a carport 1 foot, 10 inches from the front property line, 5822 Champions Hill Drive.
8. **CASE NO. A-09-099:** The request of Grover M. Richards, Jr., for a 1-foot, 11-inch variance from the requirement that accessory detached dwelling units have a minimum 5-foot setback from rear and side property lines, in order to keep an accessory detached dwelling unit 3 feet, 1 inch from the east side property line, 13706 Wilderness Creek Drive.
9. **CASE NO. A-09-100:** The request of Mark Fritz, for a parking space adjustment from the standard that a skilled nursing facility with 60 beds be allowed a maximum of 60 parking spaces, in order to construct 75 parking spaces, 5423 Hamilton Wolfe.
10. Consideration of **Sign Master Plan No. 10-002**, The Oaks at University Business Park, located at Network and Silicon.
11. Consideration of **Sign Master Plan No. 10-003**, Richland Hills at Loop 410, located at Richland Hills Drive and Southwest Loop 410.
12. Consideration of the 2010 Board of Adjustment public hearing calendar.
13. 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.
14. **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
Notification Plan for
Case A-09-095



Legend

- Subject Property
- 200' Notification Boundary

Scale: 1" approx. = 100'
 Council District 3



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-095
Date: November 2, 2009
Applicant: Jesus Millan
Owner: Jesus Millan
Location: 927 Chicago Boulevard
Legal Description: Lot 12, NCB 7028
Zoning: "R-4" Residential Single-Family District
Subject: Side Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 2-foot variance from the requirement that a minimum 5-foot side setback be maintained in R-4 zoning districts.

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 October 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on October 2. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 16, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	R-4	Single-Family Residence
South	R-4	Single-Family Residence
East	R-4	Single-Family Residence
West	R-4	Single-Family Residence

Project Description

The applicant is requesting this variance in order to keep a rebuilt carport in the rear-yard. The repairs to the addition subject to this request were done without permits. The applicant

states the structure was damaged by falling branches and was rebuilt in the existing footprint. The applicant cites the width of the lot as a hardship imposed through the literal enforcement of the ordinance and explains that 3-foot setbacks are common throughout the neighborhood. This case is the result of a citizen complaint and the subsequent investigation by Planning and Development Services inspectors.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Highlands Neighborhood Plan. The property is also located within the boundaries of the Highland Park Neighborhood Association. Staff has not received any comments from the neighborhood association as of October 14.

Criteria for Review

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

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

It does not appear that the granting of the requested variance will be contrary to the public interest. The neighborhood is characterized by structures of similar placement.

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

It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. There do not appear to be any physical or topographic conditions existing on the property that would necessitate the placement of the carport as built.

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

Staff does not believe that the spirit of the ordinance will be observed nor substantial justice done through the granting of the variance. Building the carport to meet the required side setback would not cause a cessation of the residential use of the property.

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

The granting of the variance will not authorize the operation of a use other than those uses specifically authorized in "R-4" zoning districts.

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

It does not appear that the granting of the variance will substantially injure the appropriate use of adjacent conforming property nor does it appear that it would alter the essential character of the district as a single-family residential district.

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

There do not appear to be any unique circumstances existing on the property to which the plight of the owner could be attributed. The applicant cites the prevalence of similarly constructed buildings in the area and the fact that the carport was rebuilt in the footprint of a previous structure as justification for granting the variance. These grounds alone are insufficient to justify the granting of the variance.

Staff Recommendation

Staff recommends that **A-09-095, 927 Chicago Boulevard, be denied** because the findings of fact have not been satisfied as presented above. The plight of the owner appears to be self-created and not the due to any unique physical characteristic of the property or the surrounding area. The applicant has not provided sufficient evidence to warrant the granting of the variance based on the criterion stated above, citing mainly the prevalence of similarly constructed buildings in the vicinity and the footprint of the previous structure.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan



Chicago Blvd

Board of Adjustment
 Plot Plan for
Case A-09-095



Legend

Scale: 1" approx. = 20'
 Council District 3

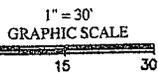
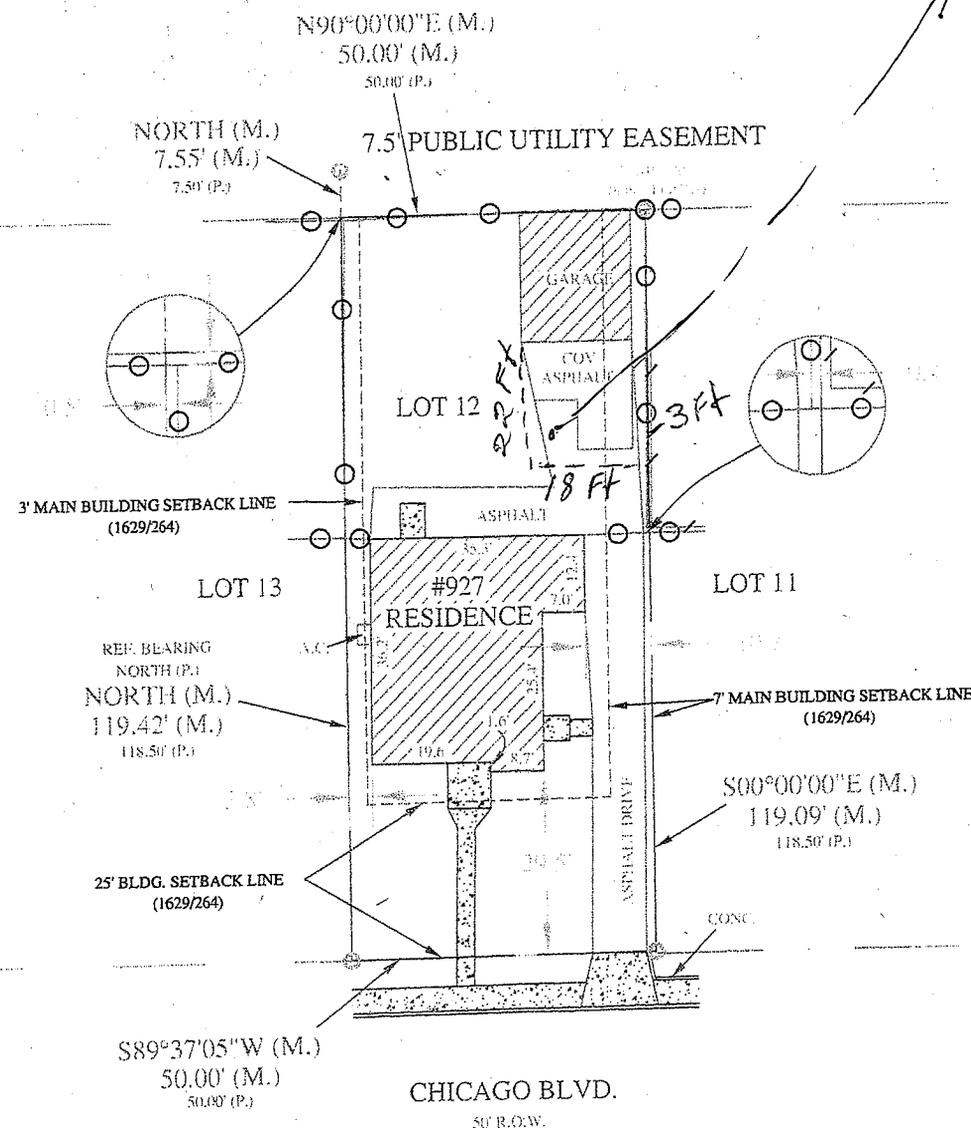
927 Chicago Blvd

Planning and Development Services Dept
 City of San Antonio
 (09/28/2009 - P. Trinkle)

(B)

Boundary Survey
524187
524187

SUBJECT TO RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS AS FOLLOWS:
VOL. 1625 PAGE 2 DEED AND PLAT RECORDS VOL. 320 PAGE 80 DEED RECORDS
VOL. 1629 PAGE 264 DEED RECORDS VOL. PAGE DEED RECORDS



ADDRESS

927 Chicago Blvd.
San Antonio, Texas 78210

LEGAL DESCRIPTION: (AS FURNISHED)

LOT 12, NEW CITY BLOCK 7028, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 1625, PAGE 2, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF LOT 12 BEING NORTH, PER PLAT.

LIST OF POSSIBLE ENCRoACHMENTS: NONE NOTED

SURVEYOR INFORMATION:

COORDINATED BY:

Rj Rosin-Johnson, Inc.
Civil Engineers - Land Surveyors

11722 S. LARK CREST
SAN ANTONIO, TEXAS 78247-4117
210-200-6901 - FAX: 210-496-3975

RESIDENTIAL
LAND SERVICES, INC.

a part of the *Outland*
521 24TH AVENUE S.W.
NORMAN, OKLAHOMA 73069
PHONE: (405) 701-1002
FAX: (405) 701-1100
WWW.RLSNOW.COM



RLS #: R:05-01-1353
CLIENT #: 524187-SA50
FIELD DATE: 01/26/05
DRAFTER: MCL
APPROVED: JJC
SCALE: 1" = 30'

Case # 87090
DEPARTMENT OF DEVELOPMENT SERVICES
CITY OF SAN ANTONIO

Date 09/11/09

Address of Violation 927 Chicago Blvd.

Date of Birth

Name

Driver's License No.

Address

Your attention is called to a violation of Code No. 06 on above premises. A permit

is required to construct new carport in
rear yard. You are required to stop work
until a permit has been obtained.

Section of Code violated 105.00 Permit Required, 114 Stop Work Order

You are hereby notified to remedy the conditions as stated above within 3 (days) (hours) from the date of service of this notice or show cause why you should not be required to do so. If at the expiration of this time, the same conditions exist and no cause aforesaid be shown, such further action will be taken as the law requires.

Inspected by John Valadez #114 215-1985
 By Order of the Director

- 06 Mechanical Code
- 06 Building Code
- 10 Electrical Code

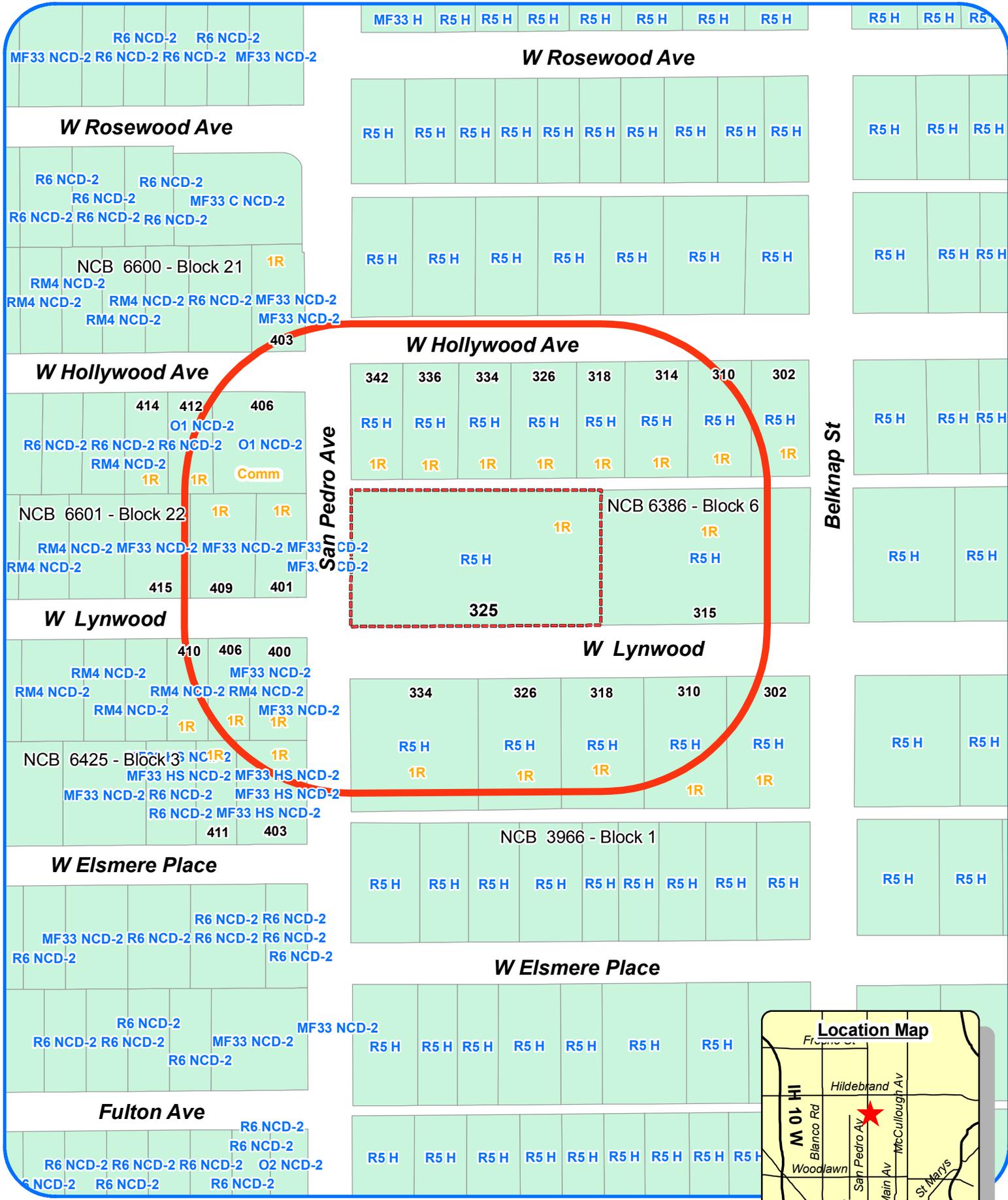
FORM 29-103 (REV. 6-01)

WHITE-ORIGINAL

PINK-VIOLATOR

HARD COPY OFFICE

- 24 Plumbing Code
- 28 Signs & Billboards (Posting, Carrying, Etc.)
- 35 Zoning Regulations (City Code)
- 35 Landscaping
- 35 Tree Preservation



Board of Adjustment
Notification Plan for
Case A-09-092



Legend

Subject Property -----

200' Notification Boundary —————

Scale: 1" approx. = 150'

Council District 1





City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-092
Date: November 2, 2009
Applicant: George Vaughan
Owner: Mike Gibbs
Location: 325 West Lynwood
Legal Description: Lots 1 through 12, Block 6, NCB 6386
Zoning: "R-5 H" Residential Single-Family Monte Vista Historic District
Subject: Front-Yard Fence Height Variances
Prepared By: Mike Farber, Planner

Summary

The applicant requests **1)** a 3-foot variance from the requirement that solid fences in front yards not exceed 3 feet in height, in order to erect a 6-foot tall solid fence in the front yard and **2)** a 2 foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order to erect a 6-foot tall predominantly open front yard fence.

Procedural Requirements

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

Surrounding Zoning/Land Use

North	R-5 H	Residential Single-Family Monte Vista Historic District;
South	R-5 H	Residential Single-Family Monte Vista Historic District
East	R-5 H	Residential Single-Family Monte Vista Historic District
West	MF-33 NCD-2	Multi Family Monte Vista Neighborhood Conservation District

Project Description

The applicant is requesting variances from the front yard fence height standards in order to erect a 6-foot tall fence that would be partially predominately open and solid screen. The applicant argues that a fence built to adhere to the city's regulations in terms of fence height would detract from the architectural significance of the property and would further allow nuisances, such as noise and security, to go unaddressed.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the Monte Vista Community Plan. The property is also located within the boundaries of the Monte Vista Historical Association. As of October 1, staff has not received a reply from the association.

Criteria for Review

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

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

It does not appear that the granting of the variances will be contrary to the public interest. It does not appear that the proposed fence would create a visual obstruction to the neighboring properties.

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

It does not appear that the literal enforcement of the ordinance would result in unnecessary hardship. The property does not possess any unique topographic characteristics that would necessitate a fence of excessive height.

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

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

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

The granting of these variances would not authorize a use other than those specifically permitted in the "R-5" zoning district.

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

It does not appear that the granting of these variances would injure the appropriate use of adjacent conforming property. However, the granting of these variances may alter the character of the district in that front yard fences are not a common feature of the surrounding properties.

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

There do not appear to be any unique circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. A denial of the request would not cause a cessation of the residential use for the property owner. The applicant's rationale of greater security and noise mitigation are not sufficient to warrant a variance. The applicant has not provided any evidence to suggest that the additional fence height would serve to lower the noise level experienced by the property owners. Creative vegetative plantings along the front and side property lines may serve a similar purpose and would not require a variance.

Staff Recommendation

Staff recommends that **A-09-092, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not appear to have any unique characteristics that would create an undue hardship due to literal enforcement of the front yard fence height standards. Furthermore, the applicant has not demonstrated that a physical or topographic hardship exists which would warrant the existence of the proposed fence.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – HDRC Certificate of Appropriateness

San Pedro Ave

**NCB 6386
Block 6
Lots 1 thru 12**

Existing Residence

**Proposed 6' Tall
Solid Fence**

**Proposed 6' Tall
Solid Fence**

**Proposed 6' Tall
Open Fence**

**Proposed 6' Tall
Solid Fence**

W. Lynwood

Board of Adjustment

**Plot Plan for
Case A-09-092**

Legend



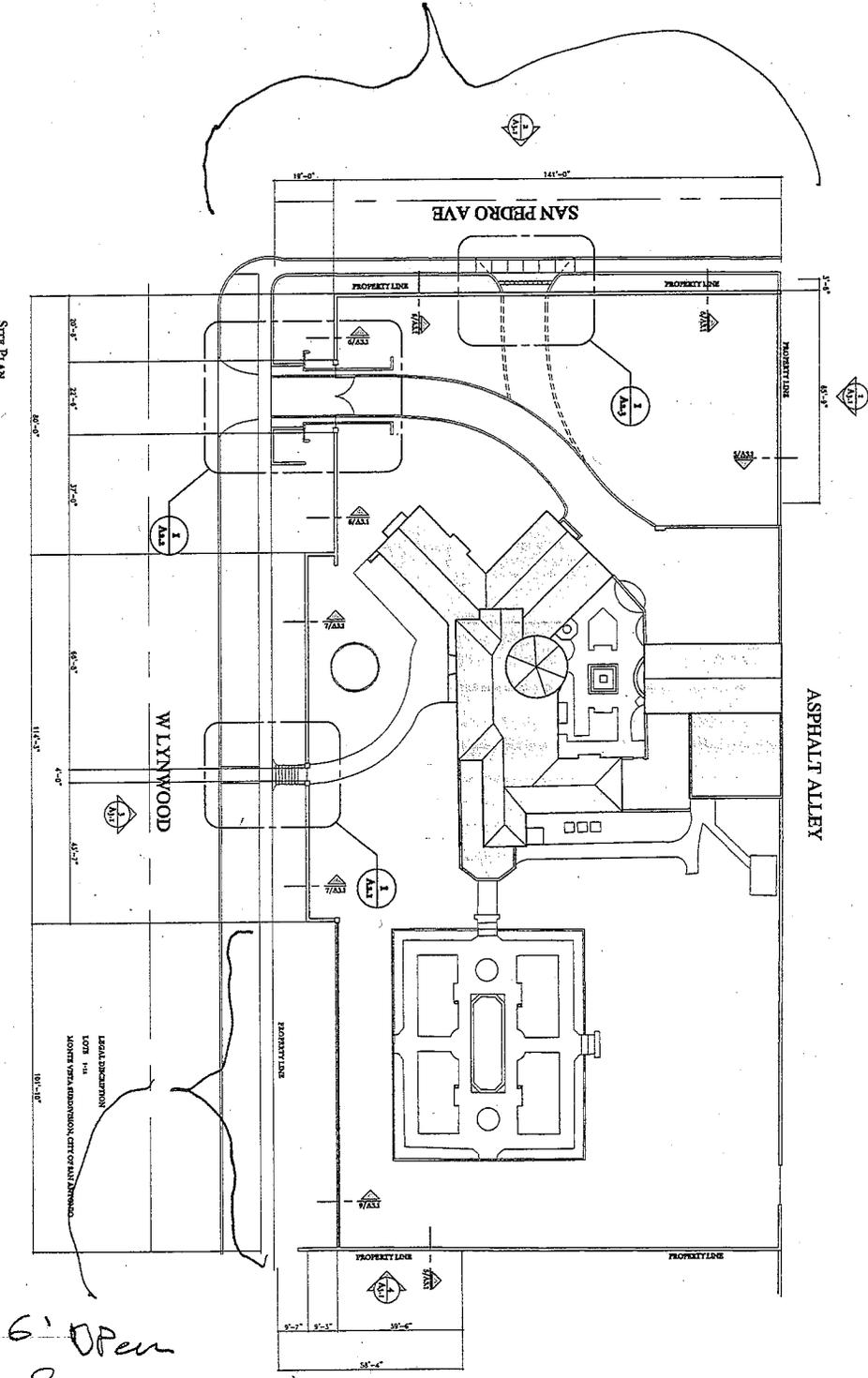
Scale: 1" approx. = 40'
Council District 1

325 W. Lynwood

Planning and Development Services Dept
City of San Antonio
(10/14/2009 - P. Trinkle)

6' Solid Fence

6' Solid Fence



6' Open Fence

6' Solid Fence



CITY OF SAN ANTONIO

HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

October 07, 2009

HDRC CASE NO: 2009-259
ADDRESS: 325 W. Lynwood
LEGAL DESCRIPTION: NCB 6386 BLK 6 LOT 1 THRU 12
PUBLIC PROPERTY:
HISTORIC DISTRICT: Monte Vista Historic District
LANDMARK DISTRICT:
APPLICANT: Don McDonald 117 W. Mistletoe Ave
OWNER: Mike Gibbs
TYPE OF WORK: Exterior Renovations

REQUEST:

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

1. New 6' iron fence hidden beneath magnolia canopy securing east garden from sidewalk
2. New 3' stucco wall separating front terrace from street. Wall contains new iron gate and arbor.
3. New 6' stucco wall along west end of property with new iron gate **RECOMMENDATION:**

This case was referred to an on-site meeting which took place on October 2, 2009. A report will be given at the October 7, 2009, HDRC meeting. Applicant has made the following revisions since the on-site meeting:

1. south facing portion of 6'0" wall along W Lynwood lowered to 4'6" at the left of the new driveway gate, and continues at that level to the living room terrace.
2. south facing iron fence along W. Lynwood is lowered to 44" (not taller than west stone wall)
3. raising height of stone wall on the east side of the property has been omitted.

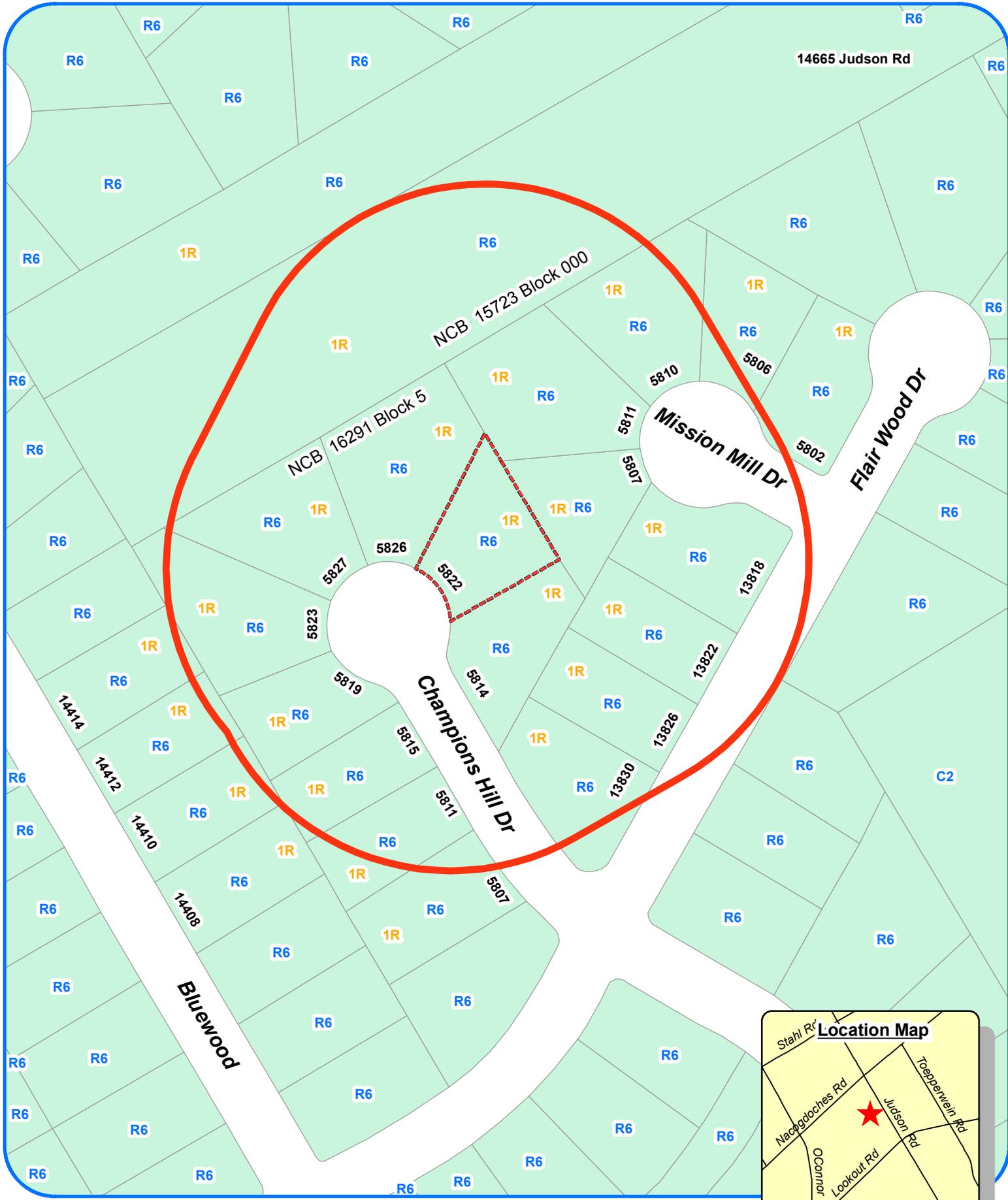
After visiting the site, Staff does not recommend approval of the front yard wall. Staff recommends the wall on both sides of the gate not be higher than 4'. The embankment is tall enough that a four foot wall creates a substantial visual barrier from the street to the house. Staff does not support a variance (as would be required for the requested height greater than four feet). The wall should step back to the living room terrace. The iron fence should not extend into the view of the front façade of the house. It should be stepped back to the garden. This recommendation is consistent with the Secretary of the Interior's Standards 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. 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

COMMISSION ACTION:

Approval of drawings presented on October 5th as a result of on-site meeting.



Shanon Peterson Wasielewski
Historic Preservation Officer



Board of Adjustment
Notification Plan for
Case A-09-094



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 10

Planning and Development Services Dept
 City of San Antonio
 (09/18/2009 - P. Trinkle)



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-094
Date: November 2, 2009
Applicant: Margie Conatser
Owner: Margie Conatser
Location: 5822 Champions Hill Drive
Legal Description: Lot 52, Block 5, NCB 16291
Zoning: "R-6" Residential Single-Family District
Subject: Front-yard setback variance request
Prepared By: Mike Farber, Planner

Summary

The applicant is requesting an 18-foot, 1-inch variance from the requirement that a minimum 20-foot platted front setback be maintained (recorded in Volume 8900, Page 67 of the Bexar County Land Records), in order to keep a carport 1 foot, 10 inches from the front property line as well as an 8-foot, 2-inch variance from the requirement that a minimum 10-foot front setback be maintained, in order to keep a carport 1 foot, 10 inches from the front property line.

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 October 1. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 18. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 2, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North R-6 Single-Family Residential
South R-6 Single-Family Residential
East R-6 Single-Family Residential
West R-6 Single-Family Residential

Project Description

The applicant is requesting a variance in order to keep an existing carport that currently encroaches into the platted minimum front setback. If this variance is approved, the applicant intends to keep the existing carport as it currently sits. The carport in question was erected after obtaining the appropriate permits. The plot plan submitted by the applicant indicated that the carport met the required setback regulations. This case was initiated after inspection of the carport when it was discovered that the carport did not meet the minimum front setback. However, the applicant cites a miscommunication during the permitting process as rationale for the request. During the staff site inspection there did not appear to be any similarly constructed carports in the immediate vicinity.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a neighborhood/community plan.

The property is located within the boundaries of the Woodstone Homeowners Association. As of October 27th, staff has not received a reply from the neighborhood association, which is listed as “inactive” in the city’s list of registered neighborhood associations.

Criteria for Review

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

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

The applicant attempted to obtain the necessary permits prior to the construction of the carport in question. It does not appear that the continued existence as it is currently situated on the property will create a situation that would be detrimental to the public.

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

The subject property is situated along a curve in a cul-de-sac. Being that it is situated in such a manner, the front-yard of the subject property is more diminished than that of those on nearby properties. Literal enforcement of the front yard platted setback standards would create a situation in which the applicant would not be able to erect a carport.

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

The applicant would not be able to erect a carport given the platted front setback. Being as this property is located in a cul-de-sac, the 20 foot platted setback greatly reduces

the utility of the lot in terms of usable space in the front yard. Therefore, the spirit of the ordinance would be met in that this property would be able to enjoy a reasonable amount of usable space in the confines of the cul-de-sac.

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

The granting of this variance would not authorize a use other than those specifically permitted in "R-6" zoning district.

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

It does not appear that the granting of this variance would injure the appropriate use of adjacent conforming property.

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 front yard of the subject property is somewhat diminished due to its irregular shape within a cul-de-sac. Additionally, the applicant attempted to obtain the appropriate permits for the structure. The applicant cites a possible miscommunication with the permit clerk that may have led to an incorrect application submittal.

Staff Recommendation

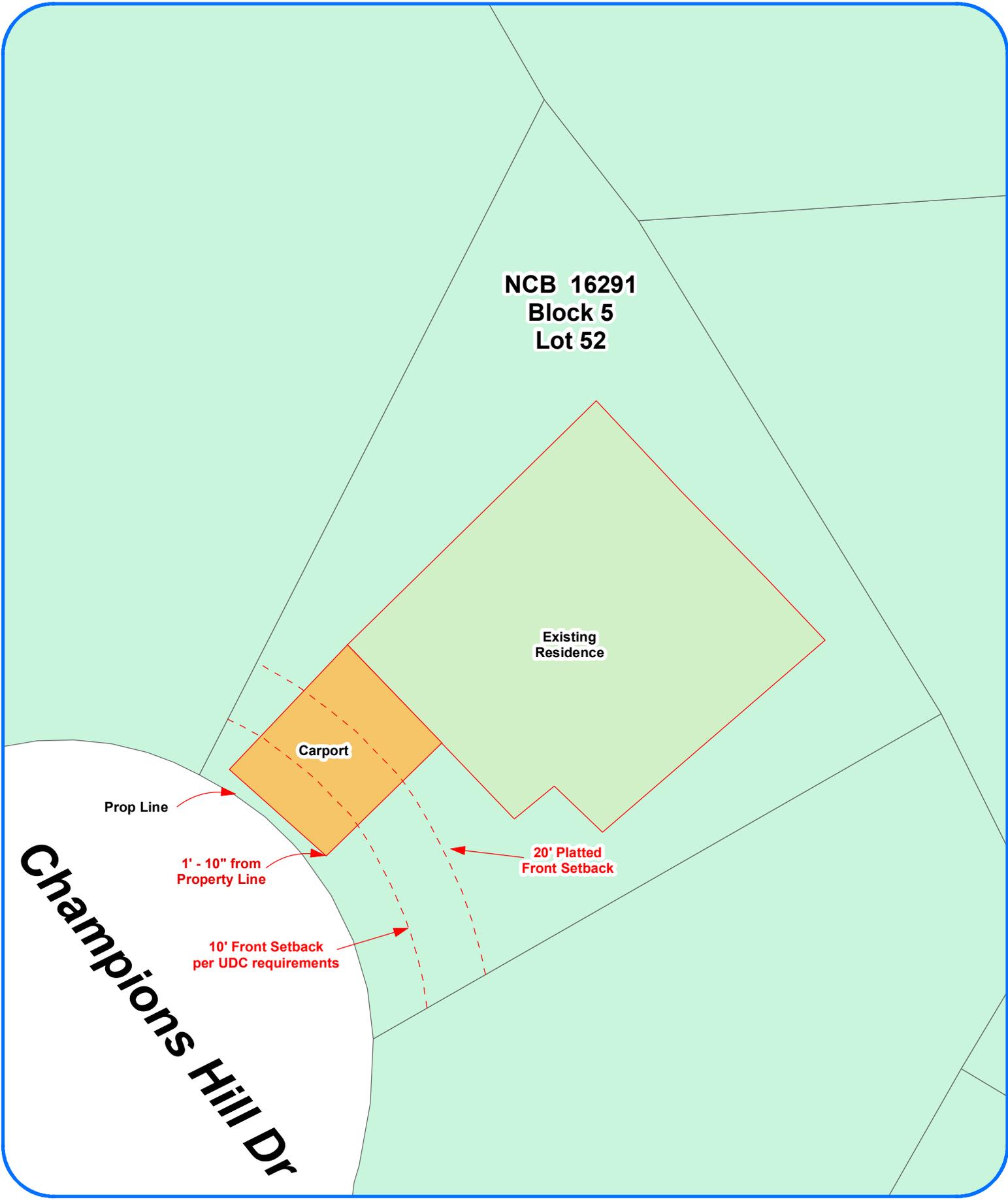
Staff recommends that **A-09-094, 5822 Champions Hill Drive, be approved** because the findings of fact have been satisfied as presented above. The subject property appears to have unique characteristics that would create an undue hardship due to literal enforcement of the platted front setback requirement.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan



**NCB 16291
Block 5
Lot 52**

**Existing
Residence**

Carport

Prop Line

**1' - 10" from
Property Line**

**20' Platted
Front Setback**

**10' Front Setback
per UDC requirements**

Champions Hill Dr

Board of Adjustment
Plot Plan for
Case A-09-094



Legend

Scale: 1" approx. = 20'
Council District 10

5822 Champions Hill Dr

Planning and Development Services Dept
City of San Antonio
(07/1/2009 - P. Trinkle)

NOTICE:

ERNEST Montano
207-8314

OKAY AS SUBMITTED
NO CONSTRUCTION
OVER EASEMENTS
Must Comply With
UDC & IRC Requirements

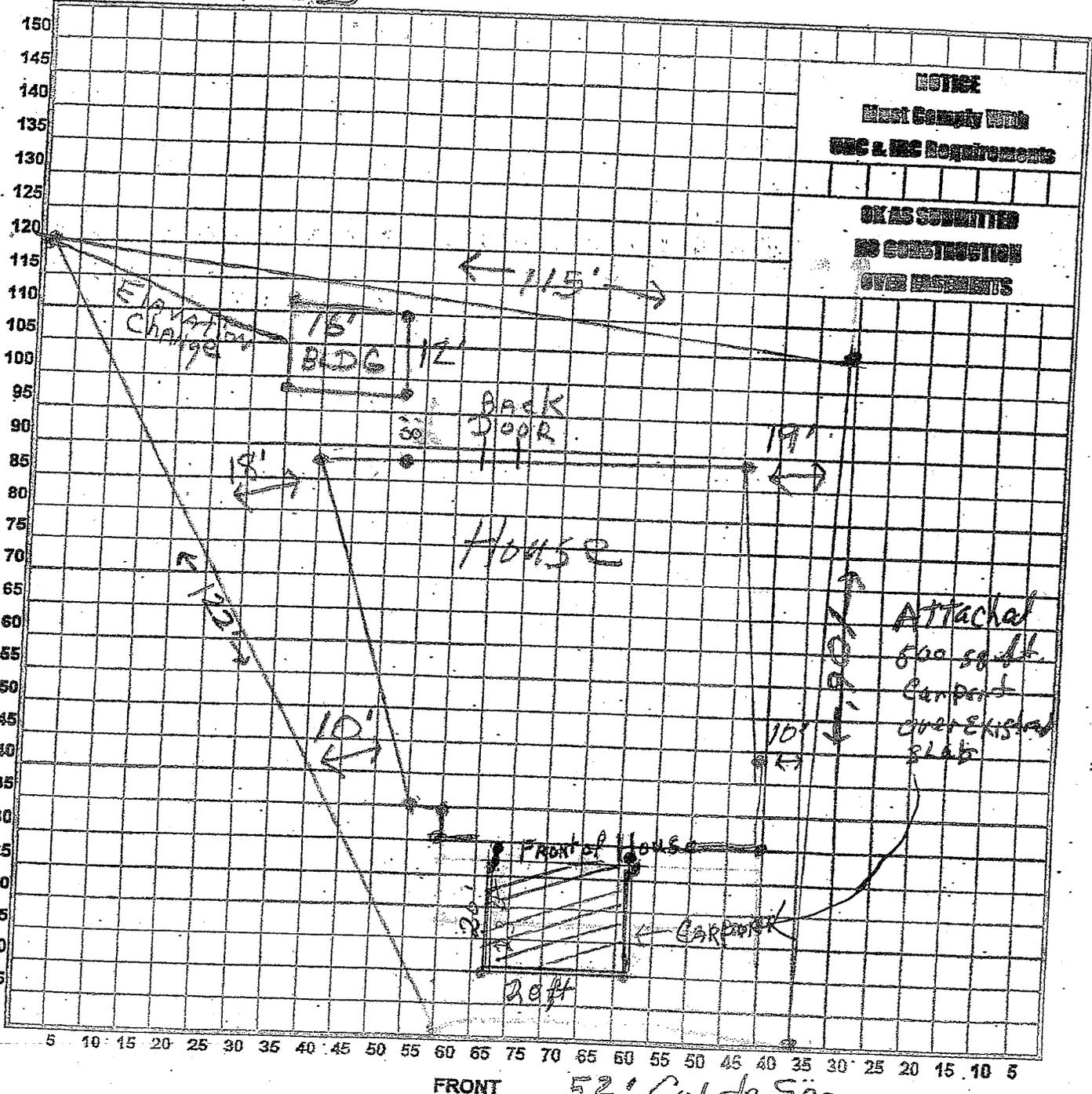
PLOT PLAN
FOR
BLDG PERMITS

Address 5822 Champions Hill Drive
San Antonio TX 78233

Lot 52
REAR

Block 5

NCB 16291



I certify that the above plot plan shows all improvements on this property

5/26/2009
Date

Ernest Montano
Signature of Applicant



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-099
Date: November 2, 2009
Applicant: Grover M. Richards, Jr.
Owner: Grover M. Richards, Jr. & Jessie Russell Richards
Location: 13706 Wilderness Creek Drive
Legal Description: Lot 132, Block 6, NCB 17000
Zoning: "R-6" Residential Single-Family District
Subject: Side Setback Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant requests a 1-foot 11-inch variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts.

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 October 15. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on October 16. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 30, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	PUD R-5	Single-Family Residences
South	R-6	Single-Family Residences
East	R-4	Single-Family Residences
West	R-6	Single-Family Residences

Project Description

The applicant is requesting a 1-foot 11-inch variance from the requirement that a minimum 5-foot side setback be maintained, in order to keep a detached accessory dwelling 3 feet 1 inch from the east side property line. The applicant states that the structure was built in this location to avoid removal of a tree in the rear yard. The structure was built without the proper permits and the violation was discovered through a citizen complaint.

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

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

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

It does not appear that the granting of the variance would be contrary to the public interest as the structure in question does not create a visual obstruction nor does it create a hardship to the neighboring property.

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

There do not appear to be any unique conditions existing on the property that would result in unnecessary hardship through the literal enforcement of the ordinance. There is sufficient space in the rear yard to allow the structure to be positioned to meet all setback requirements.

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

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

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

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

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

It does not appear that the granting of the variance would substantially injure the appropriate use of adjacent conforming property, nor would it alter the essential character of the district in which the subject property is located.

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

There do not appear to be any unique circumstances existing on the property which would result in undue hardship through the literal enforcement of the ordinance. The plight of the property owner is not due to unique circumstances existing on the property. The applicant's statement that the placement of the structure is the result of a tree on the property is not sufficient in this instance to justify the granting of the variance. Little consideration for the tree appears to have been taken given the location of the structure.

Staff Recommendation

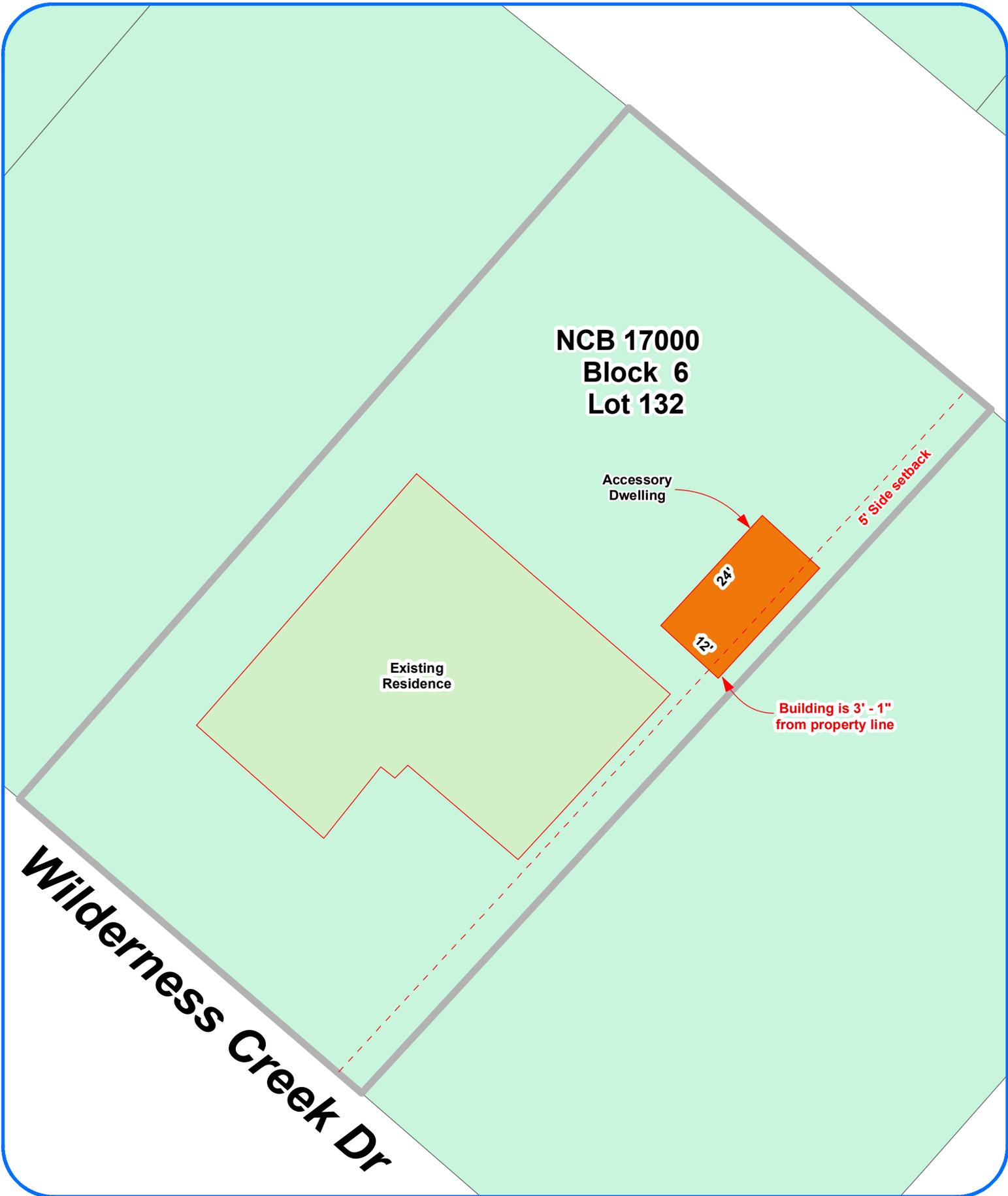
Staff recommends that **A-09-099, be denied** because the findings of fact have not been satisfied as presented above. The subject property does not appear to have any unique characteristics that would create an undue hardship due to literal enforcement of the accessory structure setback requirements. Furthermore, the evidence of a physical topographic hardship provided by the applicant is insufficient to warrant the granting of the variance as the tree, which was indicated by the application to be dictating the position of the structure, is tenuous and likely will need to be removed in the future to prevent damage to the structure, as it is directly abutting the structure.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Drawings



Board of Adjustment
Plot Plan for
Case A-09-099



Legend

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

13706 Wilderness Creek Dr

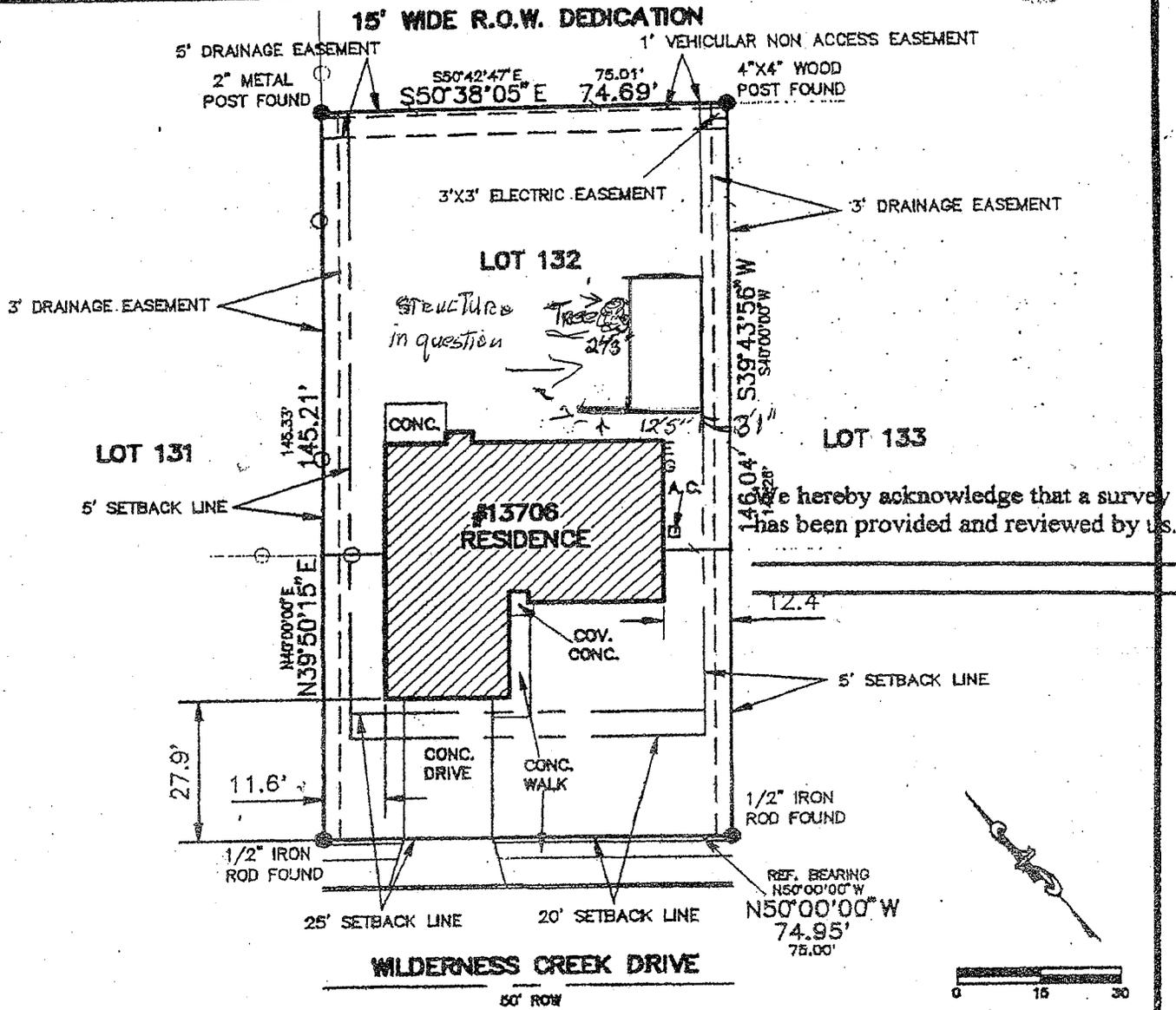
Planning and Development Services Dept
City of San Antonio
(10/09/2009 - P. Trinkle)

SUBJECT TO RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS AS FOLLOWS:

VOL. 2194 PAGE 420 REAL PROPERTY RECORDS VOL. 2381 PAGE 447 REAL PROPERTY RECORDS
 VOL. _____ PAGE _____ RECORDS VOL. _____ PAGE _____ RECORDS

H 89°27'41"E
65.00'
RECORD INFORMATION
 S33°29'20"W AS MEASURED IN FIELD
 161.24'

- SMOOTH WIRE FENCE
- CHAIN LINK FENCE
- / WOOD FENCE
- × BARBED WIRE
- ⊞ ELECTRIC BOX / TRANSFORMER
- ⊞ AIR CONDITION UNIT
- IRON / WROUGHT IRON
- ⊗ POWER POLE
- E ELECTRIC METER
- G GAS METER



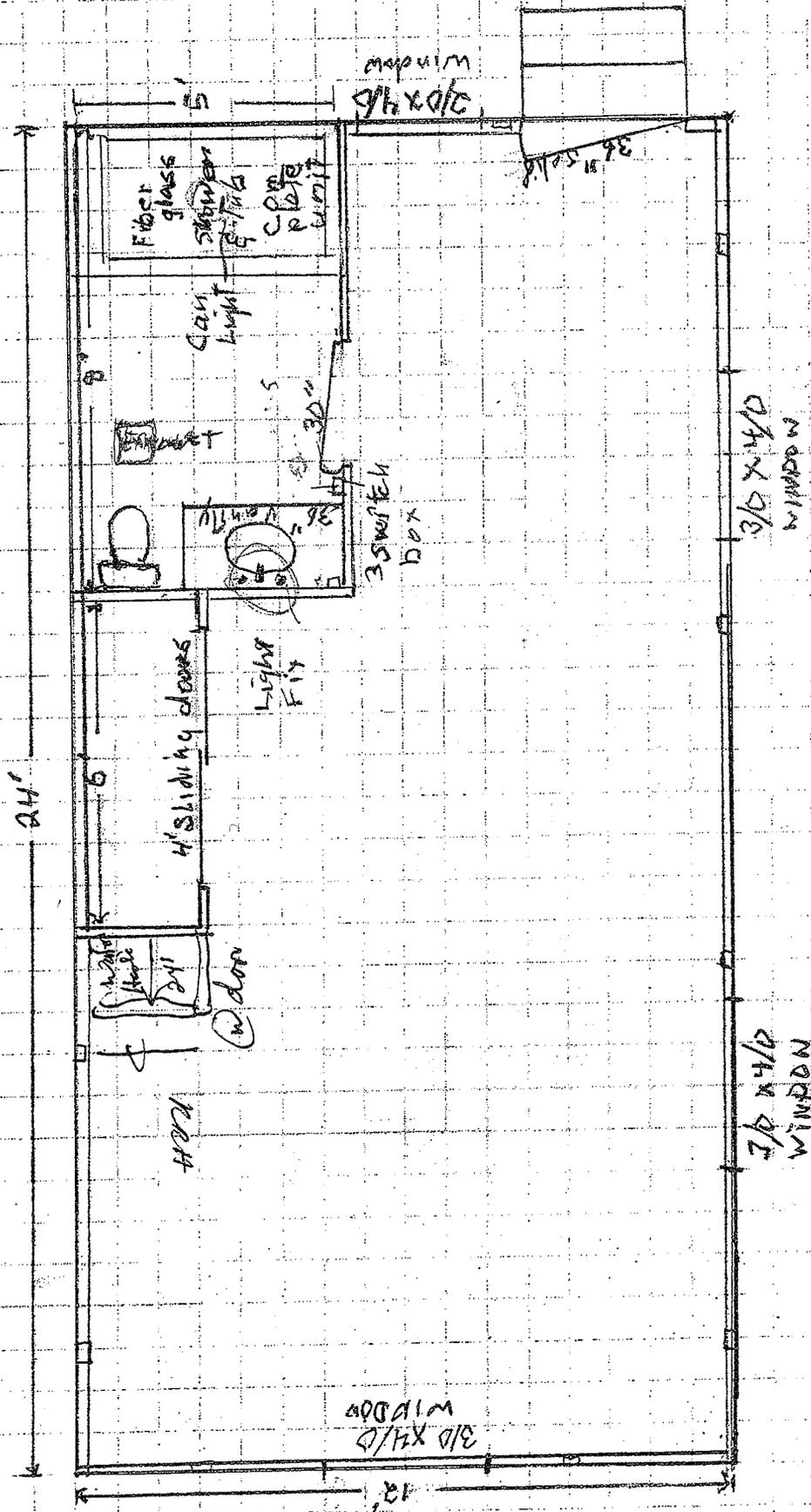
I hereby acknowledge that a survey has been provided and reviewed by us.

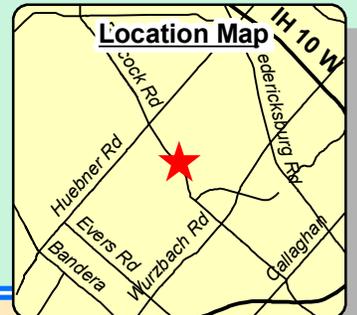
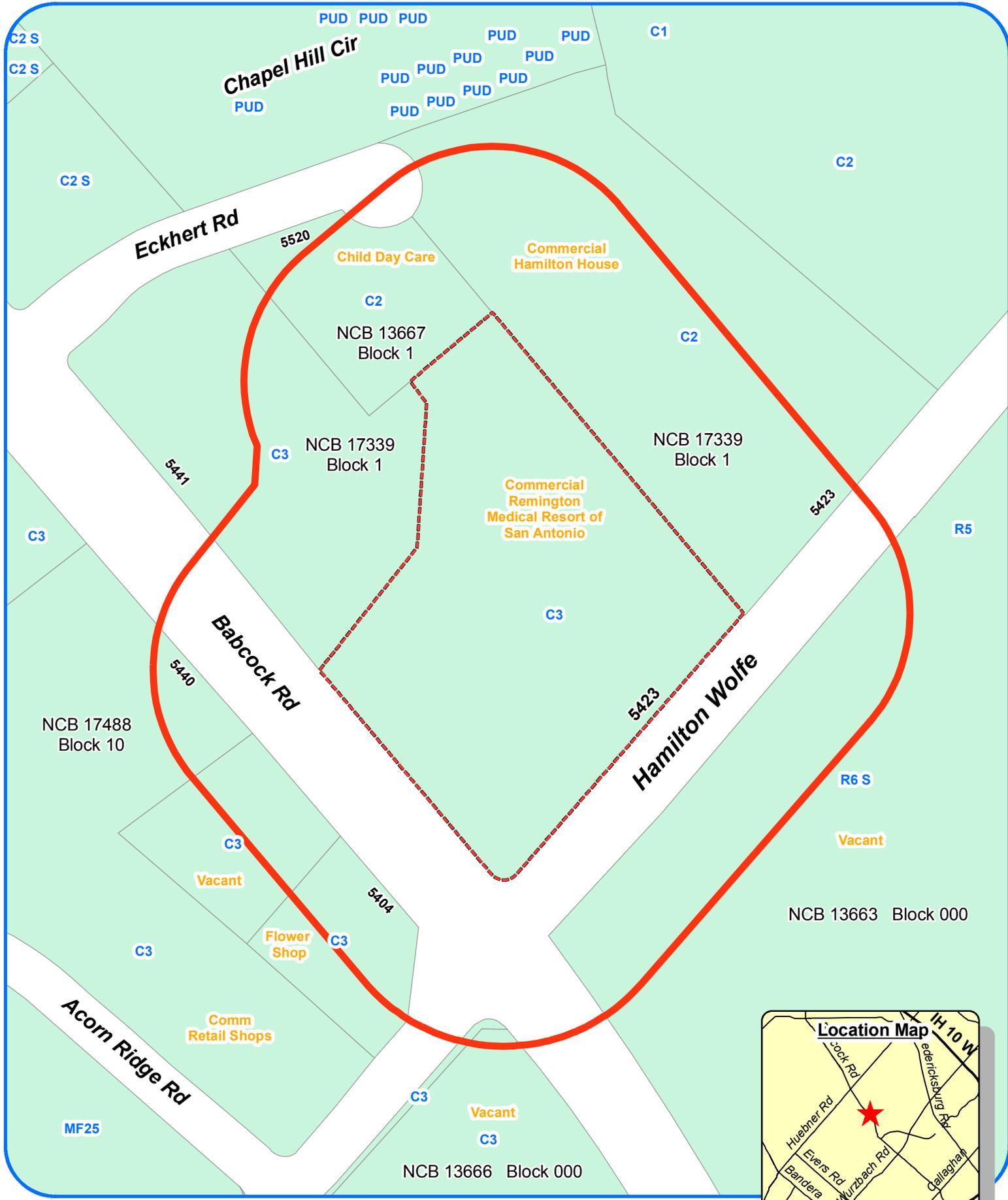
LOT(S) 132 BLOCK 6 N.C.B. 17000
CASTLE HILLS FOREST SUBDIVISION, UNIT-5 VOLUME 9000 PAGE 206-207
 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.
 WITNESS MY HAND AND SEAL THIS 19 DAY OF OCTOBER, 19 99
 BUYER ROGER R. COLLINS AND WIFE, ROBIN L. COLLINS
 ADDRESS 13706 WILDERNESS CREEK DRIVE OF NO. 99-13-11948
 ROSIN GROUP, INC. JOB NO. 399-392-000 DRAWN BY: AM DISK: CAD/9 SURVEYED BY: JC

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL 48029C0259 E DATED FEBRUARY 16, 1996 THIS PROPERTY IS IN ZONE "X".

I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT ENCROACHMENTS, EASEMENTS AND RIGHT-OF-WAYS VISIBLE ON SITE ARE SHOWN HEREON.







Board of Adjustment
Notification Plan for
Case A-09-100



Legend

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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-100
Date: November 2, 2009
Applicant: Mark Fritz
Owner: Remington Medical Resort of San Antonio, LLC
Location: 5423 Hamilton Wolfe
Legal Description: Lot 135, Block 1, NCB 17339
Zoning: "C-3" General Commercial District
Subject: Parking Adjustment
Prepared By: Mike Farber, Planner

Summary

The applicant requests a 15 parking space adjustment from the parking standard that a skilled nursing facility with 60 beds allows a maximum of 60 parking spaces in order to construct 75 parking spaces.

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 October 15. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on October 16. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 30, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

North	C-2	Hamilton House (skilled nursing facility)
South	C-3	Vacant
East	R-6 S	Vacant
West	C-3; C-2	Church, Child Day Care Center

Project Description

The applicant is requesting a 15 space parking adjustment in order to increase the maximum allowable parking spaces for a skilled nursing facility with 60 beds, which would be 60 parking spaces. There are currently 55 parking spaces being utilized on the property. The applicant cites the atypical high volume of traffic associated with this type of facility as the primary hardship.

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

According to Section 35-526(b) of the Unified Development Code, the Board of Adjustment may adjust the minimum or maximum parking requirements based on a showing, by the applicant, that a hardship is created by a strict interpretation of the parking regulations.

The applicant indicates that the existing 55 parking spaces have proven to be insufficient for the regular use of the property. No hardship has been shown to be created by the restriction of parking to 60 parking spaces. The applicant currently has the flexibility to provide an additional 5 parking spaces but has not done so to date. Even so, Staff believes that given the current parking situation, and in light of the fact that the current parking appears to overflow onto an adjoining lot, that the request may be warranted in this situation.

Staff Recommendation

It does not appear that an undue hardship would be created through the strict interpretation of the parking regulations as outlined in the UDC. The applicant has not provided sufficient evidence, such as a traffic study, that would indicate that a hardship would be created if the request were not approved. However, after visiting the site and seeing the current overflow parking on the property, it appears that additional parking beyond the maximum allowable parking spaces may be warranted in order to discourage potential illegal parking situations on adjacent lots. Staff recommends **approval** of the requested adjustment to the maximum parking requirements.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

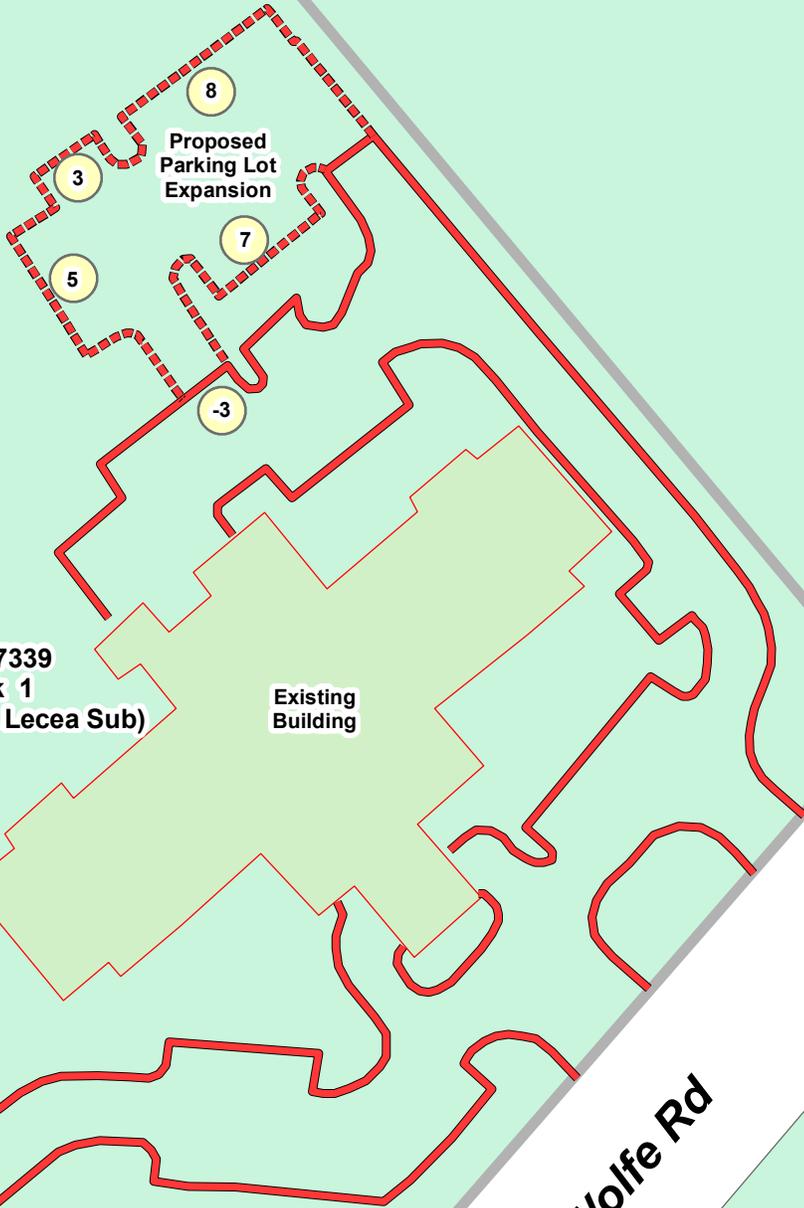
NCB 17339
Block 1
Lot 135 (Plaza Lecea Sub)

Proposed
Parking Lot
Expansion

Existing
Building

Babcock Rd

Hamilton Wolfe Rd



Board of Adjustment
Plot Plan for
Case A-09-100



Legend

Denotes number of Spaces

Scale: 1" approx. = 80'
Council District 8

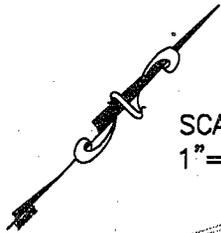
5423 Hamilton Wolfe Rd

Planning and Development Services Dept
City of San Antonio
(10/14/2009 - P. Trinkle)

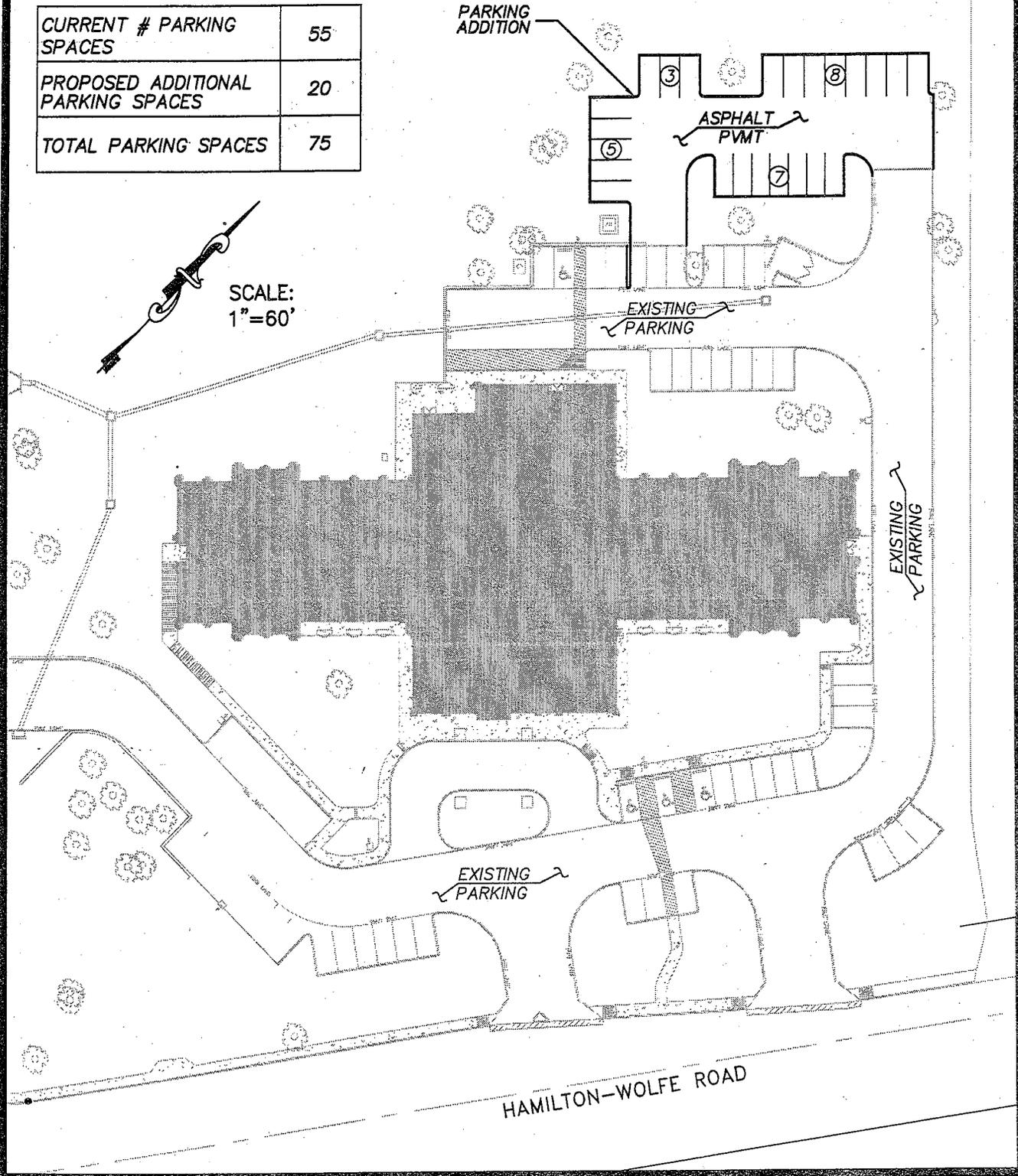
PARKING SUMMARY

CURRENT # PARKING SPACES	55
PROPOSED ADDITIONAL PARKING SPACES	20
TOTAL PARKING SPACES	75

PARKING ADDITION



SCALE:
1"=60'



N:\2100-005\dwg\sk_parking_addition.dwg

PARKING ADDITION EXHIBIT
REMINGTON REHABILITATION CENTER

ATTACHMENT: EXHIBIT 1 DATE: OCT. 2009



VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS

12940 Country Parkway San Antonio, Texas 78216
 Telephone: (210)349-3271