

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, October 19, 2009
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Rolando Briones – 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	Pete Vallone
Rollette Schreckenghost	Narciso Cano

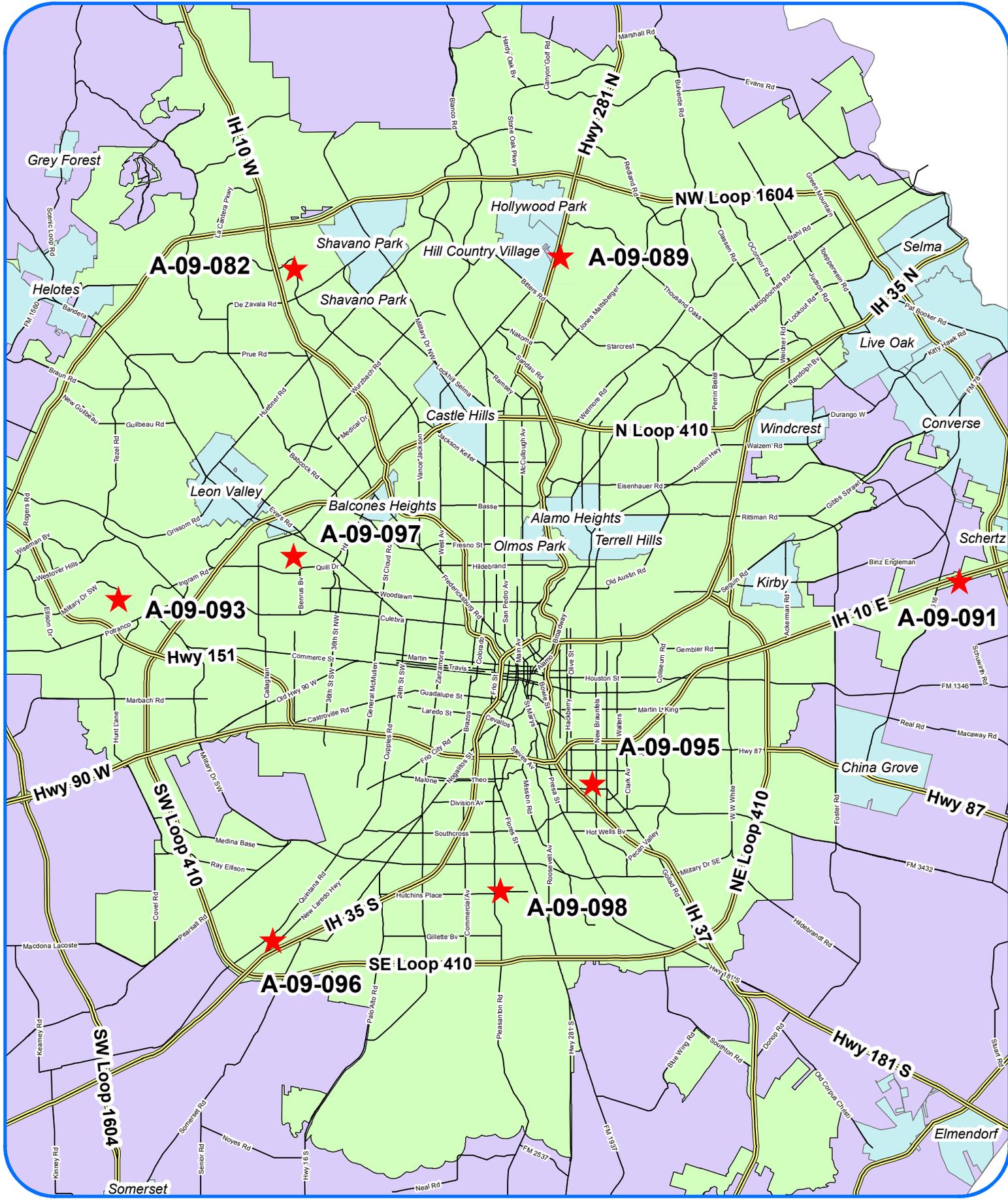
1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **CASE NO. A-09-082:** The request of Koontz McCombs, for a 100-foot variance from the requirement that on-premise signs along streets classified as Secondary Arterial “Type A” be at least 150 feet apart, in order to erect two on-premise monument signs that would sit 50 feet apart, 14111 Vance Jackson.
5. **CASE NO. A-09-089:** The request of Gay Gueringer, for an appeal of the decision of the Director of Planning and Development Services to deny permits to repair an existing sign based on the interpretation of Section 25-245 “Nonconforming Sign Abatement”, 14516 Brook Hollow.
6. **CASE NO. A-09-091:** The request of Danny Ortega (French Ellison Truck Center), for a 2-foot variance from the requirement that predominantly open front-yard fences not exceed 4 feet in height, in order erect a 6-foot tall open fence in the front yard, 9010 IH 10 East.

7. **CASE NO. A-09-093:** The request of Paul L Hiers, for **1)** a 1-foot, 3-inch variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” zoning districts, in order to keep an existing carport 3 feet, 9 inches from the east side property line and **2)** a 15-foot, 6-inch variance from the requirement that a minimum 20-foot front setback be maintained (Volume 9506, Page 151 Deed and Plat Records of Bexar County), in order to keep an existing carport 4 feet, 6 inches from the front property line, 8919 Deer Park.
8. **CASE NO. A-09-095:** 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.
9. **CASE NO. A-09-096:** The request of Joe Salas, for a variance from the requirement in Chapter 16, Article 7 of the City Code, which requires that all salvage yards shall be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the salvage yard to an adjacent property, so that a wall or screen fence is not required along the rear property line (parallel to Quintana Road), 9545, 9607, and 9611 New Laredo Highway.
10. **CASE NO. A-09-097 - WITHDRAWN:** The request of Shawn Haley, for a 5-foot variance from the Ingram Hills Neighborhood Conservation District (NCD-3) requirement that a minimum 10-foot side setback be maintained, in order to erect an addition that would sit 5 feet from the east side property line, 5122 Ebony Drive.
11. **CASE NO. A-09-098:** The request of Brenda A. Stahl, for a special exception to allow a one operator beauty or barber shop in a residential zone, 150 East Vestal Place.
12. Consideration of **Sign Master Plan No. 10-001**, Alamo Commons, located at Zarzamora and IH 35 South.
13. Approval of the minutes from the regular meeting on October 5, 2009.
14. Appointment of a Board of Adjustment Member to the Planning Commission’s Technical Advisory Committee (TAC).
15. 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.
16. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd
At any time prior to the meeting, you may contact a case manager at 207-0170 to check the status of a case.

ACCESSIBILITY STATEMENT

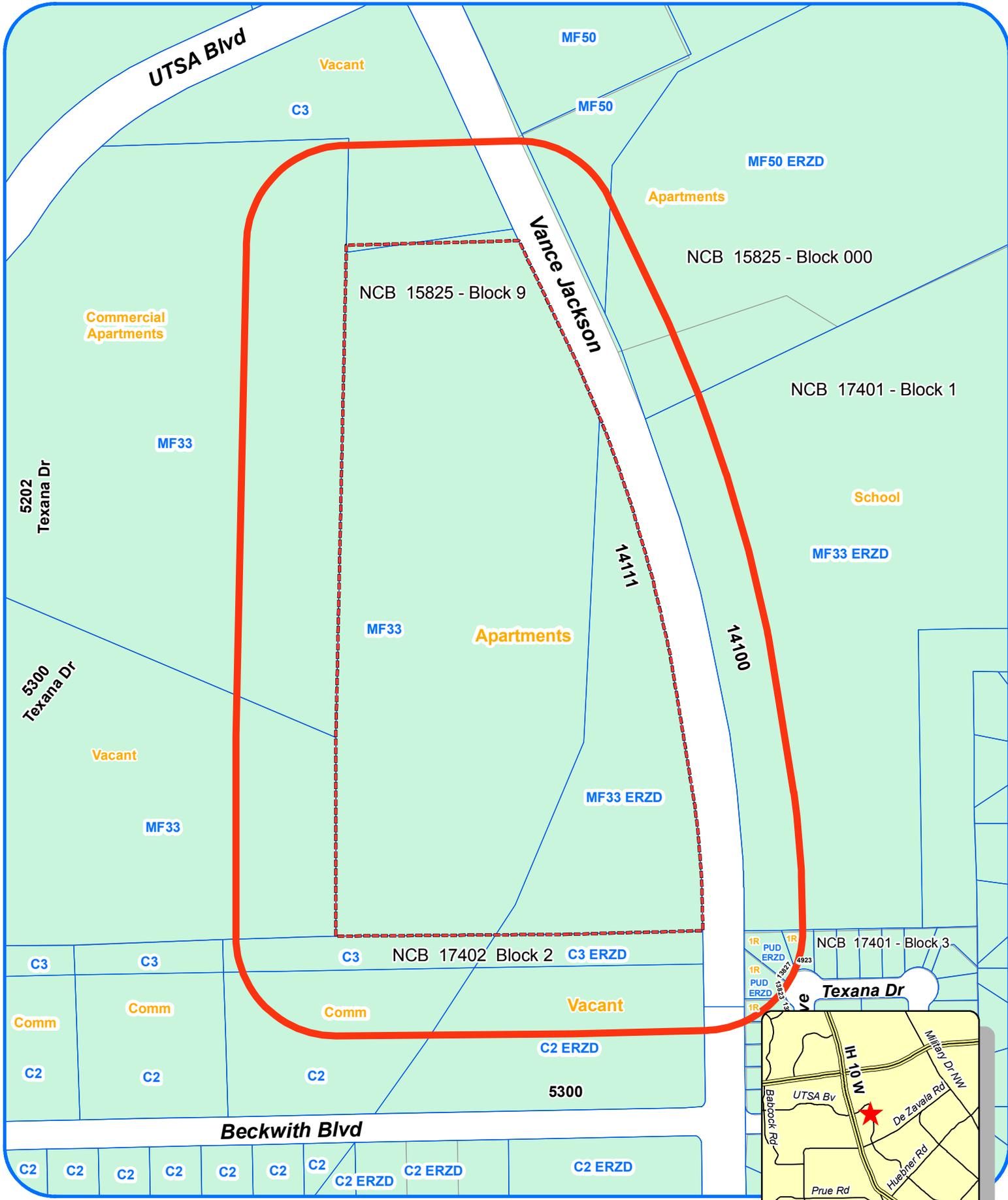
This meeting site is accessible to persons with disabilities. Parking is available. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Board of Adjustment

Subject Property Locations
Cases for October 19, 2009



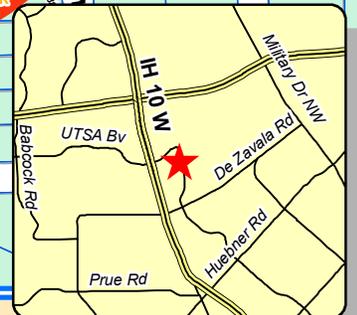


Board of Adjustment
Notification Plan for
Case A-09-082



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 250'
- Council District 8





City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-09-082
Date: October 19, 2009
Applicant: Koontz McCombs
Owner: The Palomino, Ltd
Location: 14111 Vance Jackson
Legal Description: Lot 28, Block 9, NCB 15825
Zoning: "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District
Subject: Sign Variance
Prepared By: Mike Farber, Planner

Summary

The applicant is requesting a 100-foot variance from the requirement that on-premise signs along Secondary Arterial "Type A" streets be at least 150 feet apart, in order to erect two on-premise monument signs that will sit 50 feet apart.

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 July 30. 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	C-3	General Commercial District
South	C-3 and C-3 ERZD	General Commercial District and General Commercial Edwards Recharge Zone District
East	MF-33	Multi-Family District
West	MF-25 and MF-33	Multi-Family Districts

Project Description

The purpose of the proposed variance is to allow two new monument signs to be erected 50-feet apart at the entrance to the apartment complex. According to the applicant, the reason for the proposed placement of the signs for the apartment complex is: 1) the unique curvature of the road; believing that the visibility of the signs will be greater at the proposed angle and closer together; 2) the proposed signs are the only two signs being placed on the property, though they could erect up to nine; and, 3) placing a monument sign in the center median of the main entrance to the apartment complex would hamper driver visibility.

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

According to Section 247 of the Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

A. The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, and/or topography.

Although the specific location proposed for the monument signs is along a slight road curvature (Vance Jackson), there are alternate locations where signage may be placed that would not obstruct vehicular and pedestrian visibility. The property at 14200 Vance Jackson is a neighboring property that is situated in a similar fashion and has located their signage in an ideal setting for their location, which is along a curved road. This location serves to provide appropriate signage for their business.

B. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

There are multiple properties nearby that are situated in a similar manner and that have similar topography. There are no signs observed on any of the nearby properties that have difficulty complying with the sign code or appear to have a significant difficulty displaying their intended message. Therefore, it would appear that a special privilege not enjoyed by others similarly situated, or potentially similarly situated, would occur were this variance request to be approved.

C. Granting the variance will not have a substantially adverse impact on neighboring properties.

It does not appear that the granting of this variance would result in a negative impact on the surrounding properties.

D. Granting the variance will not substantially conflict with the stated purpose of this article.

It appears that the granting of the requested variance will detract from the intent of the spacing regulations in that there appear to be multiple reasonable alternatives in terms of the placement, configuration and the location of the proposed signs.

Staff Recommendation

Staff recommends that **A-09-082, 14111 Vance Jackson, be denied** because the criteria have not been satisfied as presented above. The intent of the sign spacing requirements is to prevent the obstruction of access and view, including the view of other signs, preserve and enhance the attractiveness of the city for the citizens and visitors, to reduce motorist distraction, and to enhance motorists' ability to see pedestrians or other vehicles. It appears that multiple alternatives exist that would provide adequate signage for the property while still maintaining the sign spacing requirements and also allow reasonable usage of the property. Similar developments near the subject property were able to provide the necessary signage within the confines of the sign code, so the granting of the variance request would serve to provide a special privilege not enjoyed by neighboring properties.

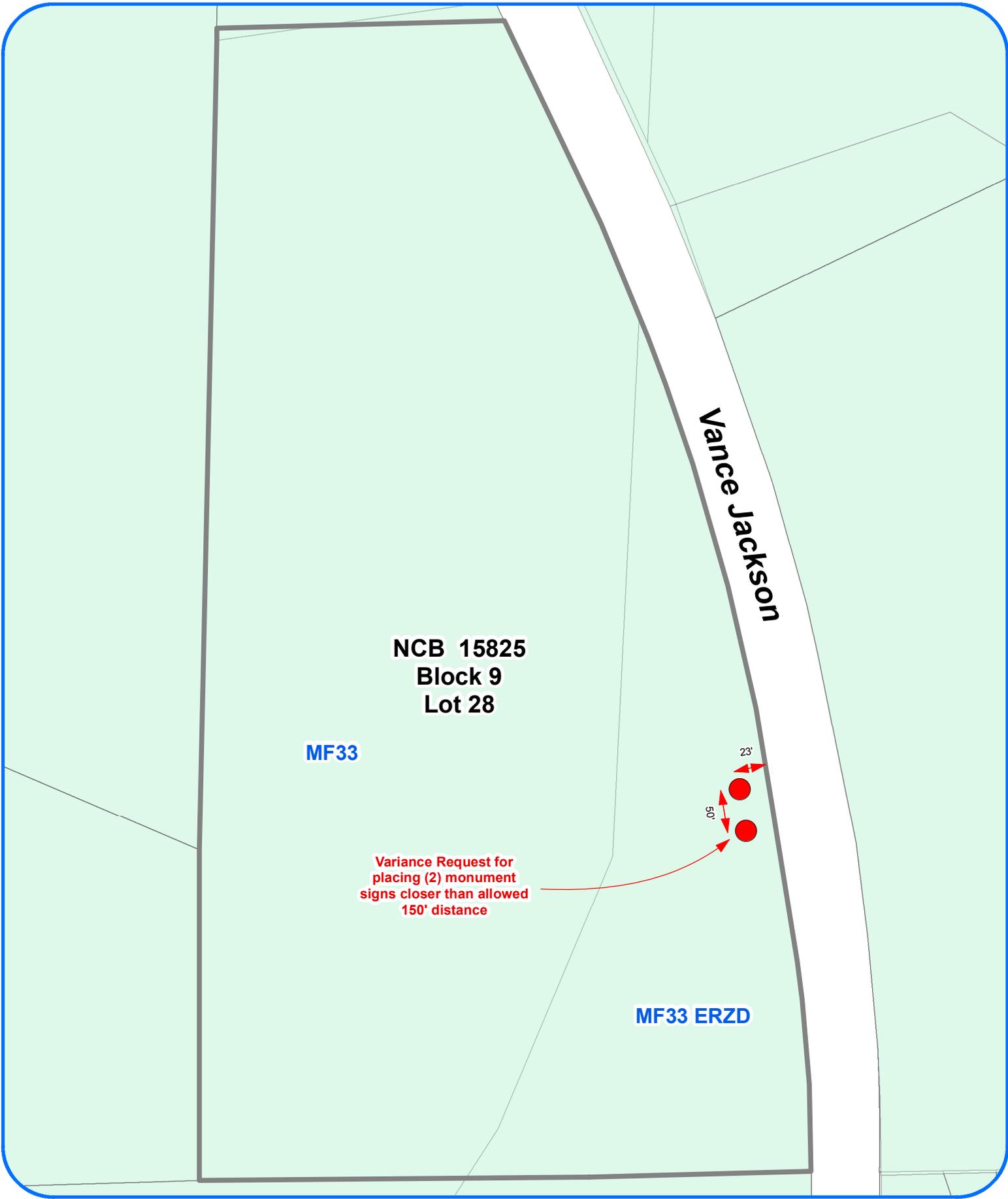
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

Attachment 4 – Applicant's Proposed Sign Detail Plan



**NCB 15825
Block 9
Lot 28**

MF33

Vance Jackson

**Variance Request for
placing (2) monument
signs closer than allowed
150' distance**

MF33 ERZD

Board of Adjustment
Plot Plan for
Case A-09-082



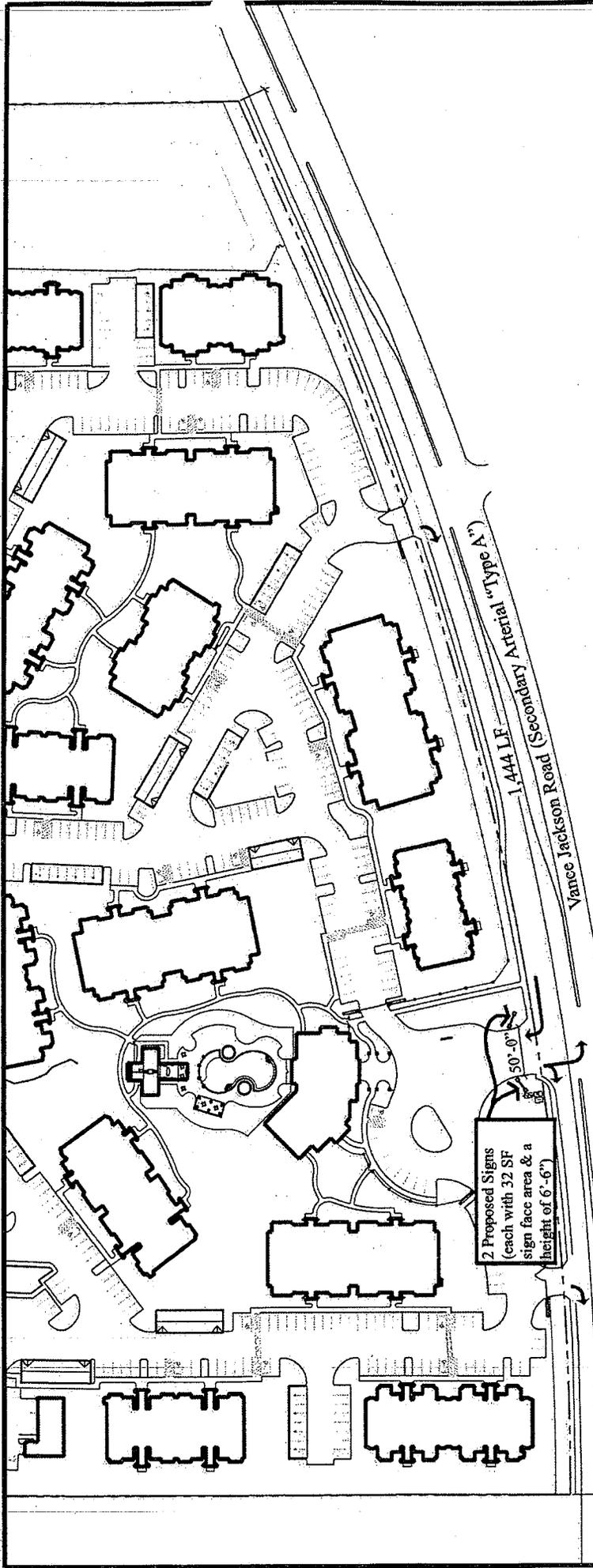
Legend

 **Sign Locations**

Scale: 1" approx. = 150'
Council District 8

14111 Vance Jackson

Planning and Development Services Dept
City of San Antonio
(07/20/2009 - P. Trinkle)



2 Proposed Signs
(each with 32 SF
sign face area & a
height of 6'-6")

1,444 LF
Secondary A (Type A)

Vance Jackson Road

ALLOWED SIGNAGE VS. VARIANCE REQUESTED SIGNAGE			
	QUANTITY OF SIGNS	SIGN FACE AREA	SIGN HEIGHT
ALLOWED SIGNS	9 (1 per 150 Linear Feet)	1 Sign = 240 SF 8 Additional Signs = 180 SF TOTAL = 1680 SF	1 Sign = 40'-0" 8 Additional Signs = 30'-0" TOTAL = 280'-0"
VARIANCE REQUESTED SIGNS	2	32 SF per sign TOTAL = 64 SF	TOTAL = 13'-0"
PROPOSED REDUCTION UNDER ALLOWED	78% LESS	96% LESS	95% LESS

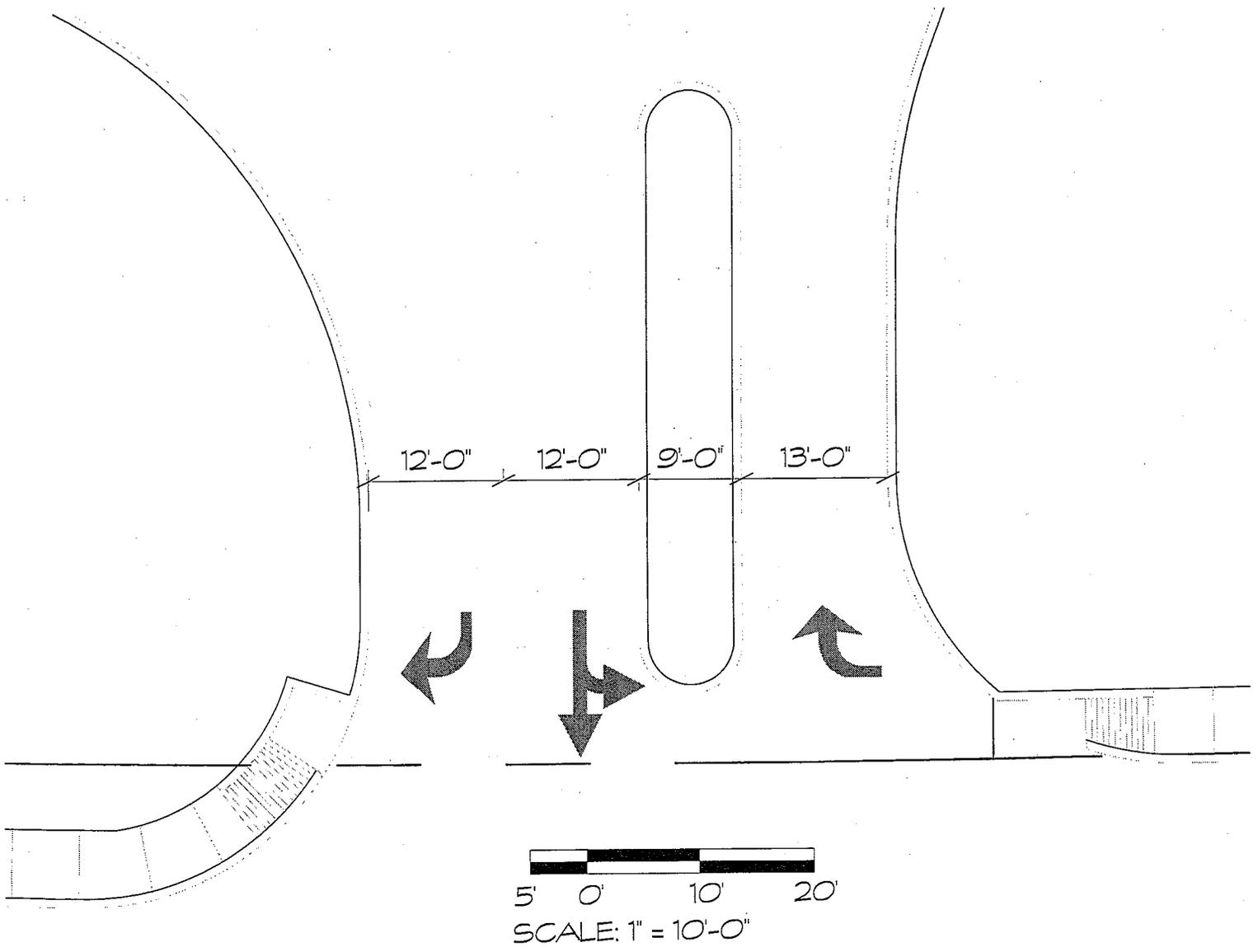
VARIANCE REQUEST

A 100' variance from Chapter 28-239(c)(2) of the CoSA Code of Ordinances, which requires on premise signs to be spaced at 150' apart. Applicant agrees that no other free standing monument signage, other than the two (2) signs depicted on this exhibit, shall be installed or erected on the property.

Palomino Apartment Homes
14111 Vance Jackson

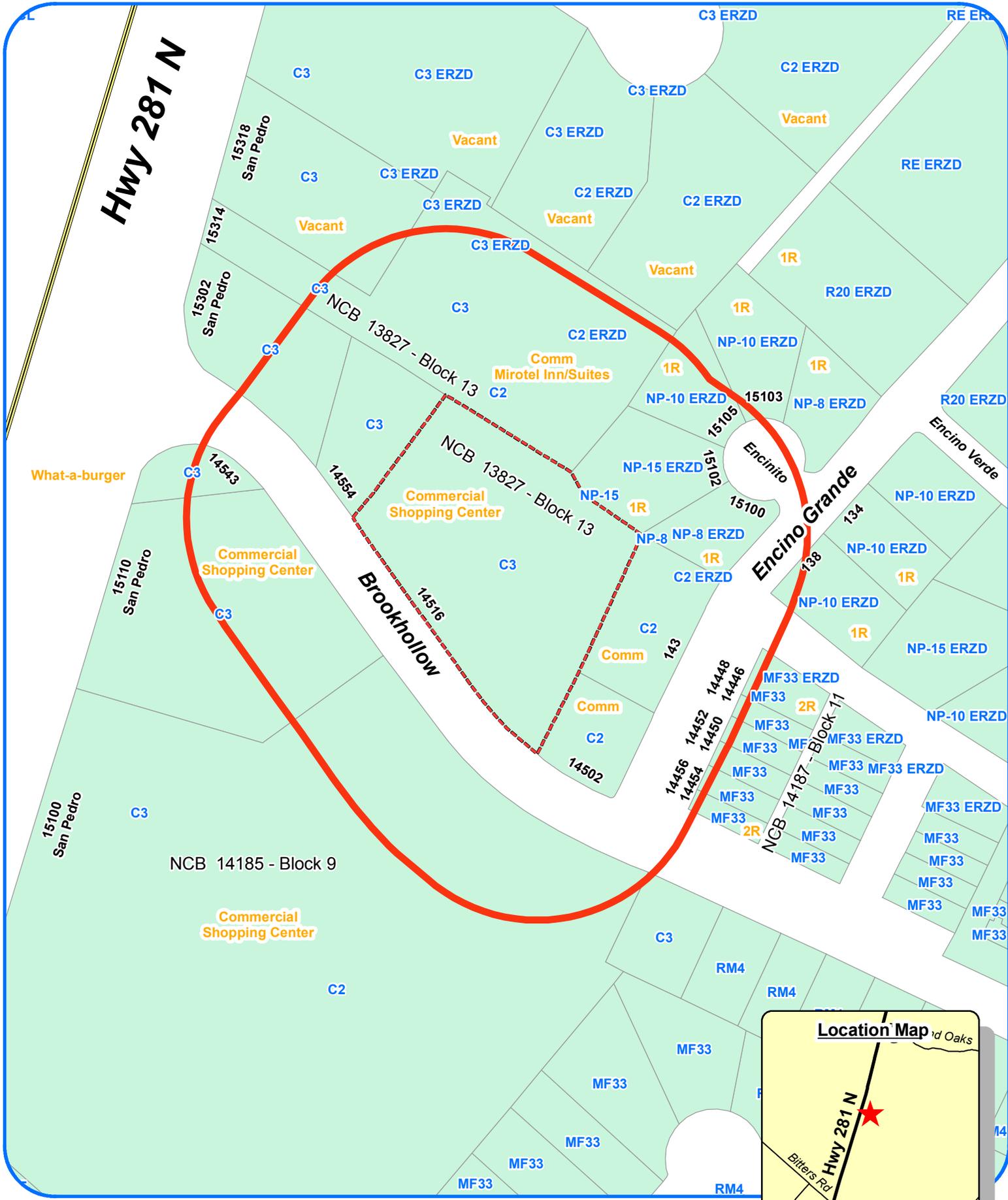


"Main Entry"



Case # A-09-082

Hwy 281 N



Board of Adjustment
Notification Plan for
Case A-09-089



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 9

Planning and Development Services Dept
 City of San Antonio
 (08/18/2009 - P. Trinkle)



City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-09-089
Date: October 19, 2009
Applicant: Gay Gueringer
Owner: CPRK-II Limited Partnership
Location: 14516 Brook Hollow
Legal Description: West 281.78 Feet of Lot 12, Block 13, NCB 13827
Zoning: "C-3" General Commercial District
Subject: Appeal of Director's Decision to Deny Permits
Prepared By: Jacob Floyd, Planner

Summary

The applicant appealing the decision of the Director of Planning and Development Services to deny permits to repair an existing sign based on the interpretation of Section 28-245 "Nonconforming Sign Abatement".

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.

Project Description

The applicant is appealing the decision of the Planning and Development Services Director to deny a permit to repair an existing, nonconforming on-premise sign.

The applicant states that the sign was originally erected in 1985 and the repairs are necessary due to an electrical fire that damaged the sign. The sign is proposed to be repaired in the current location at the same height, but with a lesser sign face area. The applicant states that Section 28-245 (a)(2) "Multi-tenant signs" does not specifically address

repairs as necessitated by a natural occurrence or through no fault of the property owner. However, the section does allow for general maintenance of the sign.

Surrounding Zoning/Land Use

North	C-3, C-2, NP-15, NP-15, ERZD	Vacant, Hotel, Single-Family Residential
South	C-3, C-2	Commercial, Retail Center
East	C-2, MF-33, NP-8 ERZD	Commercial, Single-Family Residential
West	C-3	Commercial, Retail Center

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a neighborhood or community plan. The subject property is located within the Shady Oaks Neighborhood Association. Staff has not received a response from the neighborhood association as of October 13.

Criteria for Review

According to Section 211.009 (a)(1) of the Texas Local Government Code, The Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter.

According to Section 35-481 of the Unified Development Code, the board of adjustment may hear and consider an appeal of the decision of an administrative official.

Staff Recommendation

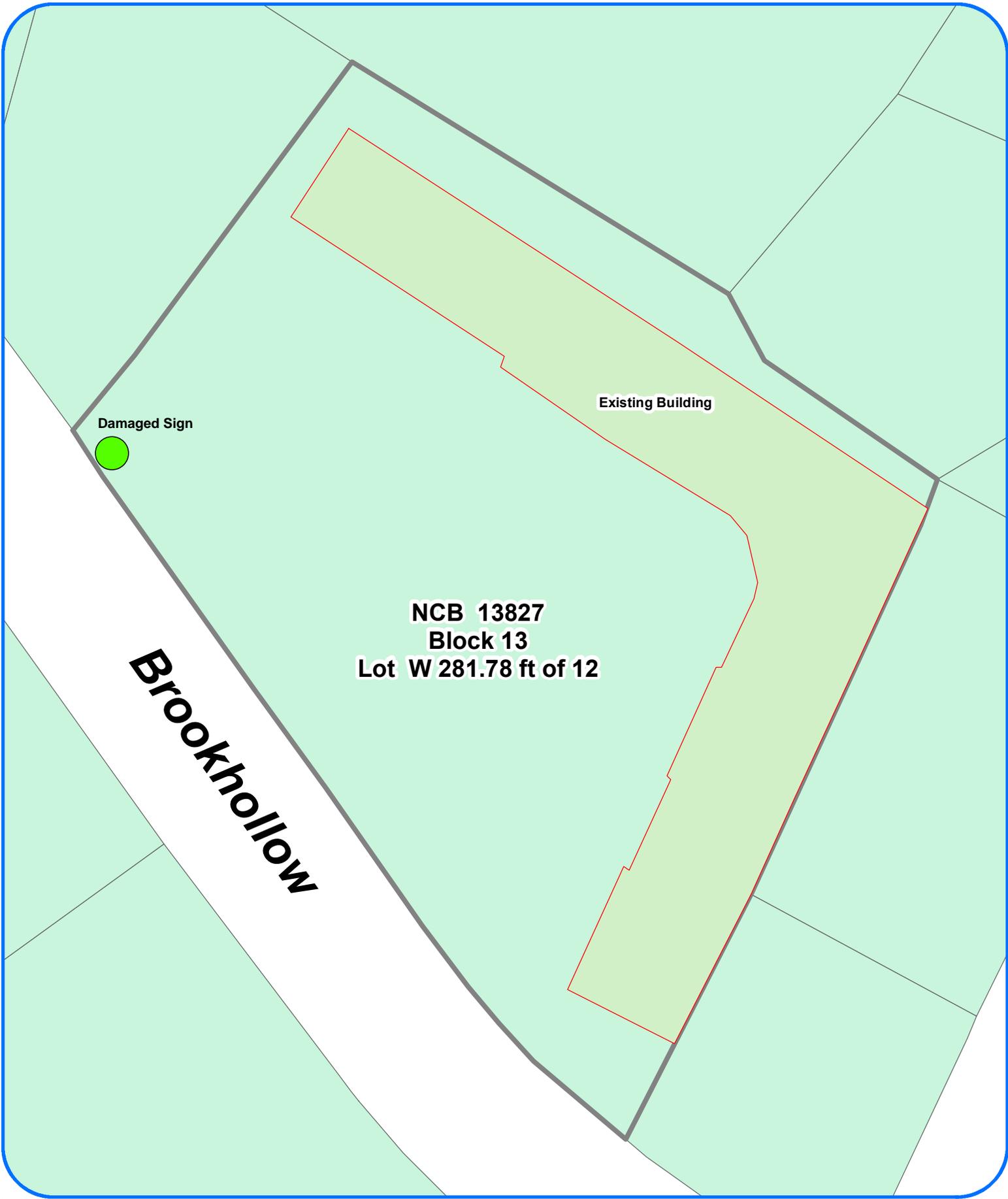
According to Section 28-245 freestanding, multi-tenant pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and have general maintenance performed on existing sign cabinets. General maintenance is defined by this chapter as “repair or replacement of existing parts with like items, such as lamps, lamp sockets, neon tubing, ballasts, motors, pulleys, bearings, plastic faces, refacing, painting, and miscellaneous bolts, screws or rivets.” The definition also specifically states that “it shall not include any rebuilding, reconstructing or any reconfiguration of the existing sign cabinet.” The repair proposed for the sign goes beyond the definition of general maintenance as defined in Chapter 28 because the existing sign cabinets are proposed to be rebuilt and reconfigured. Staff recommends that the Board of Adjustment **uphold** the decision of the Planning and Development Services Director to deny a permit to repair the subject sign.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Submitted Drawings



Board of Adjustment
Plot Plan for
Case A-09-089



Legend

Scale: 1" approx. = 50'
Council District 9

14516 Brookhollow

Planning and Development Services Dept
City of San Antonio
(09/3/2009 - P. Trinkle)

Case No. A-09-089

Case Manager SF

APPEAL
To the
BOARD OF ADJUSTMENT

CITY OF SAN ANTONIO

§
§
§

COUNTY OF BEXAR

STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. See Exhibit B

Block No. _____

NCB _____

Zoning C3

Property Address: 14516 Brook Hollow

Richie & Gueringer, P.C.

The Applicant, Gay Gueringer, of Bexar County, alleges that the following error in an order, requirement, decision or determination has been made by an administrative officer in the enforcement of Chapter 28 or Chapter 35 of the city code of the City of San Antonio:*

Please see Exhibit A.

*Note: Local Government Code § 211.010 (b) and San Antonio City Code § 35-481 (b)(1) require that the applicant give notice of the specific grounds for the appeal. Failure to state the reasons for the alleged error and applicable code sections will result in the return of your application. Please attach additional pages if necessary.

EXHIBIT A

To the Honorable Board of Adjustment:

On behalf of the property owner, CPRK-II, Limited Partnership, appeal is hereby made to the decision made by the administrative officer to deny a permit to repair an existing, non-conforming on-premise sign on the Property in question. Specifically, pursuant to conversations with Chief Electrical Inspector, Ray Martinez, we have been informed that Article IX, Section 28-245(a)(2) was the San Antonio City Code ("Code") section relied on as the basis for denying the permit. We believe the spirit of the Code, in conjunction with the intent of the drafters of Chapter 28 and the language of other Chapter 28 provisions all work to the result that the applicant should be entitled to repair its sign from the damage caused by an electrical fire.

We present this application to you and request that you recommend modification of the decision made by the administrative officer in denying an application for a permit to repair an existing sign. In doing so the Board would be allowing a sign that has been in place since 1985 to be repaired at its *same location*, at the *same height* but with a *smaller amount of sign face* that the sign faces that were destroyed by fire.

The sign in question, depicted initially in the attached (Revised) Exhibit A-1 (the "Sign"), was erected in 1985, prior to Chapter 28 of the San Antonio City Code (the "Code") coming into existence. The Sign was erected by Aetna Sign Company whose owner, Larry Gottsman, was instrumental in the development of what ultimately became Chapter 28 of the Code. Repairs are necessitated due to an electrical fire, not the fault of the property owner, resulting in part of the Sign cabinets and the Sign faces being damaged or destroyed. See Exhibit A-2. Prior to the fire, the Sign was maintained and in good condition, evidenced by the fact that even after an electrical fire, the sign is still standing and in a condition able to be repaired.

Section 28-245 (a)(2), does not address specifically repairs necessitated by a natural occurrence or through no fault of the property owner (an "Act of God"). It does; however, still give insight into why a permit should be granted in these circumstances. First, the section speaks to general maintenance which is something provided for and encouraged. The limitations of general maintenance go only to the act of rebuilding a sign cabinet--contemplating a major overhaul of the sign to extend its life. Further this rebuilding limitation under general maintenance speaks to an intentional act--not the rebuilding caused by an Act of God. The commentary gives insight that the intent of general maintenance is not to increase the usable life span of the non-conforming sign. In this situation, the Sign was in good shape before the fire. The repairs are not for the purpose of extending the life and would not have the effect of extending the Sign's life--but would allow the Sign to remain for the rest of its expected life, available through general maintenance.

Section 28-245 (c) also gives insight in to why a permit should be granted in the circumstances of an Act of God. According to this provision, a damaged or destroyed sign can be repaired unless the cost of repairing is more than fifty percent (50%) of the replacement cost

of the sign on the date of such damage or destruction. This provision may be more applicable to the matter at hand but was not the basis of the denial of the permit. The cost of repairing the Sign is significantly less than the replacement cost of the Sign, much less than 50% specified by the Code. The Sign structure and the top cabinet are still intact. Only the smaller cabinets need repair. Unlike Section 245(a)(2), this Code section does not limit the repairs to something other than cabinets. Otherwise, if destruction of sign cabinets resulted in a sign needing to be removed, the "50% rule" would not even come in to play. The Board should modify the decision to deny and the permit to repair the Sign should be granted.

Granting the permit will not have the effect of increasing the nonconformance with the provisions of this division. In fact, the repaired sign will have 10 less of sign face than its predecessor; therefore, the nonconformance is actually reduced. It will avoid the removal of mature trees or the installation of an allowed sign much larger than the one sought to be repaired.

In 1985, the topography and the demographics of the area surrounding the Sign were vastly different than exists today. The changes in topography, the changes in demographics, and the resulting landscape all combine to result in the need for a variance because, considering the unique features of the site, strict enforcement of this article prohibits any reasonable opportunity to provide adequate signage at the property.

Specifically, the Sign in question, when erected, adequately served its purpose to direct the public traveling on San Pedro Avenue and Brook Hollow to businesses at the premises. In 1985, unlike today, Highway 281 did not exist and San Pedro Avenue was more in line with a "small town business street," on the same topographical plain or otherwise similarly situated as Brook Hollow, the street running in front of the Sign. Because of the interchange of San Pedro Avenue with Brook Hollow, the property owner could reasonably expect to attract customers from those traveling on both Brook Hollow and San Pedro Avenue northbound and southbound.

With the passage of time and the growth experienced by San Antonio, the small town-type business street known as San Pedro Avenue was expanded into the six plus lane major thoroughfare known as Highway 281. Along with this extraordinary highway development came the necessity for overpasses in order to move traffic along Highway 281 and over its adjacent neighborhoods. The overpass at Brook Hollow resulted in a sea change to Brookhollow North Shopping Center ("**Brookhollow North**"), where the Sign is located, and its ability to draw attention to itself through signage.

Before Highway 281, driving on San Pedro Avenue northbound or southbound would allow the traveling public to view the Sign. Now, when traveling Highway 281 South, even at its current height the Sign cannot be seen, as it barely crests the overpass concrete railings. At a reduced height, the Sign would not be seen from 281 northbound.

While growth is inevitable, with it comes certain realistic limitations. At Brookhollow North, the signage that was once a beacon to many more travelers along San Pedro Avenue is now limited to those traveling only on Brook Hollow. Brookhollow North, to survive and to draw the necessary customers to patronize its businesses, must solely rely on the drawing power of the Sign to those traveling Brook Hollow.

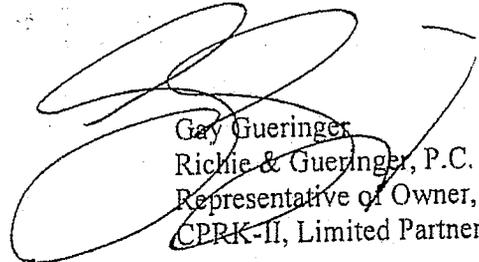
Adequate signage for Brookhollow North is complicated further by the fact that the shopping center is situated on a serious curve when traveling East to West toward Highway 281. The majority of those who would utilize the businesses at Brookhollow North would presumably be traveling westbound from their neighborhoods while making their way to Highway 281 for business throughout other areas of the City. From a safety standpoint, repairing the Sign at its current height and dimensions will continue to allow the traveling public to identify the businesses within Brookhollow North, at a sufficient distance to more safely maneuver into the shopping center. A smaller sign of only 20 feet in height results in the westbound traveling public seeing the businesses advertised at Brookhollow North only when they have rounded the curve and are already upon the shopping center. Turns into the shopping center would be less safe.

Additionally, what may have in 1985 been seedling trees, Brookhollow North now sports a row of beautiful trees between the shopping center and the road, giving a natural buffer to the shopping center. Under current Code requirements, the current Sign would have to be reduced by 46% to 20 feet at its maximum height. The row of lush, green trees would shield the majority of the Sign from those traveling westbound on Brook Hollow.

Despite the property being grandfathered from the Tree Ordinance, in keeping with the Code's focus on aesthetics, the property owner would prefer to save the trees and repair the Sign to its original height and width dimensions, preserving the landscape and the natural beauty associated with having trees outline the property. Additionally, to minimize the impact of signage to the area, the property owner also seeks this variance in order to avoid other signage, available under the Code, at up to 60 feet above ground level and 650 square feet of face as opposed to the 36.8 foot height and less than 250 square feet of face applied for. See Exhibit A-3.

As mentioned previously, the Sign currently erected, which has been in place for almost 25 years, and was in good condition and maintenance before the fire is the same height and width as that requested by and through this application; therefore, modifying the decision of the administrative officer to deny the permit will fulfill the intent of the drafters and the result will be in concert with the stated purposes of Articles VII or IX, both of which speak to the attractiveness and safety as a focus of the City. By recommending a modification to the decision, the Board of Adjustment will be adhering to the purposes expressed in Articles VII and IX in that: 1) the traveling public would be more likely to see the businesses operating at Brookhollow North with a reaction time which would lend to safer ingress and egress into the shopping center, 2) the recommendation would have the effect of saving beautiful trees which would otherwise block a sign at the 20 foot height limitation currently imposed on local streets, and 3) the recommendation would also have the effect of avoiding the erection of a much larger sign up to 60 feet tall with 650 square feet of sign face.

Based on the foregoing, we encourage the Board of Adjustment to see the overwhelming evidence is in favor of recommending a modification of the administrative officer's decision, such that a permit can be obtained by the property owner and the Sign repaired as necessary.



Gay Gueringer
Richie & Gueringer, P.C.
Representative of Owner,
CPRK-II, Limited Partnership

BROOKHOLLOW

THE
YOGA PLACE

PILGRIM
COLLEGE OF THE HOLY SPIRIT

Chevron
229¢
217¢
Car Wash
TETCO

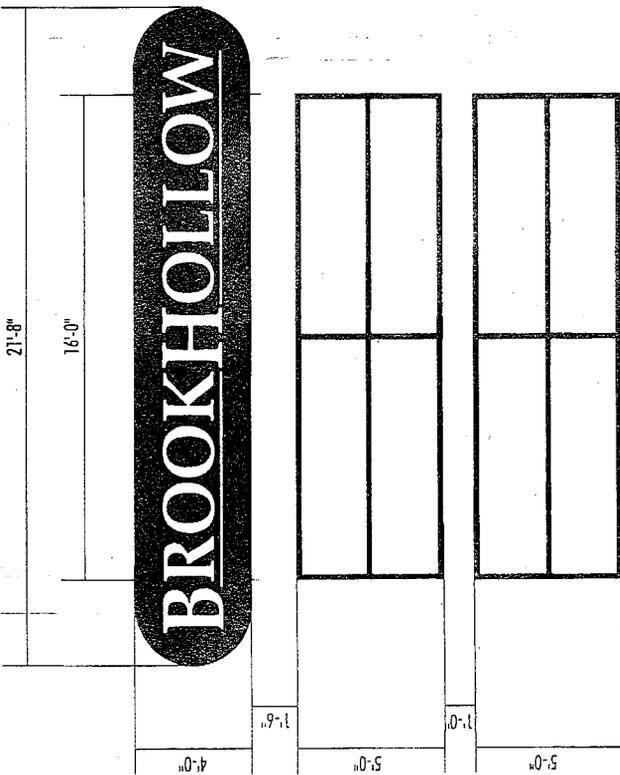
GOLF SHIRTS
BRING 5
GET 1
FREE



EXHIBIT
A-2

tabbles

Proposed sign



Front View - Scale: 1/4" = 1'-0"

- Specifications:
- Remove And Discard Existing Faces From Main Id.
- Remove And Discard Existing (3) Tenant Cabinets.
- Manufacture And Install New Faces For D/F Main Id And Manufacture And Install Two (2) New D/F Tenant Cabinets As Shown.
- D/F Main Id - New Flex Faces, White With Applied Vinyl 3m3630-36 Blue.
- Tenant Cabinets - Alum. Construction, 2" Retainers And Divider Bars Painted Black.
- White Plexi Panels, Internally Illuminated By H-o Lamps.
- Repaint Main Id And Structure Block.

Aetna
SIGN GROUP

300 Austin Hwy., Ste. 100
San Antonio, TX 78289
Ph: (210) 888-2800 Fax: (210) 477-2823

CLIENT	BROOKHOLLOW
ADDRESS	14516 BROOKHOLLOW
CITY	SAN ANTONIO, TX
SALESPERSON	LARRY BOTTSAH
DATE	6-24-09
DESIGNER	ARNILDO VILLELA
DWG #	8045

File: DWG\MS\8045 - BROOKHOLLOW
Revision History: 7-14-09

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You are not authorized to show this drawing to anyone outside your organization, nor is it to be reproduced, copied, or exhibited in any fashion.

Violation of any of the above shall subject the violator(s) to all statutory and common law damages, applicable to Aetna Sign Group, LTD, including, but not limited to, the time and effort of our design, engineering and production of this design, company's fees, and any and all other costs incurred by Aetna Sign Group, LTD, in the enforcement of its copyrights.

All signs will be manufactured to accommodate 120 volt current unless otherwise instructed by customer.

Note: Aetna will supply transformers, boxes, disconnects, switches & ladders. Installers are to provide all other necessary hardware to accomplish installation.

Rational Building Codes now states all signs that utilize neon transformers, sized at 7,500 volts and use, must utilize W(2)64 (GF) transformers. This type of transformer must have a dedicated electrical (GF) circuit with ground for the transformer in work. You are responsible to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

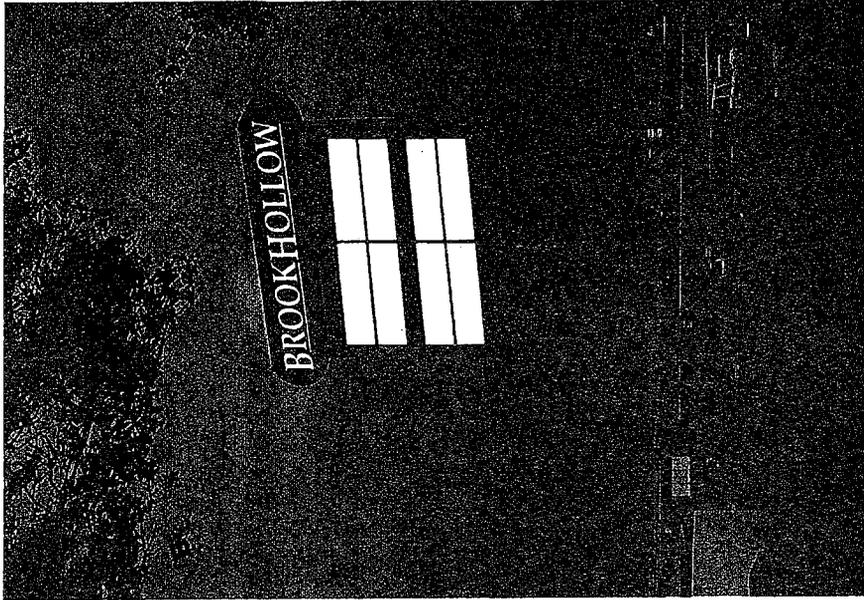


Photo survey showing new sign - N.T.S.

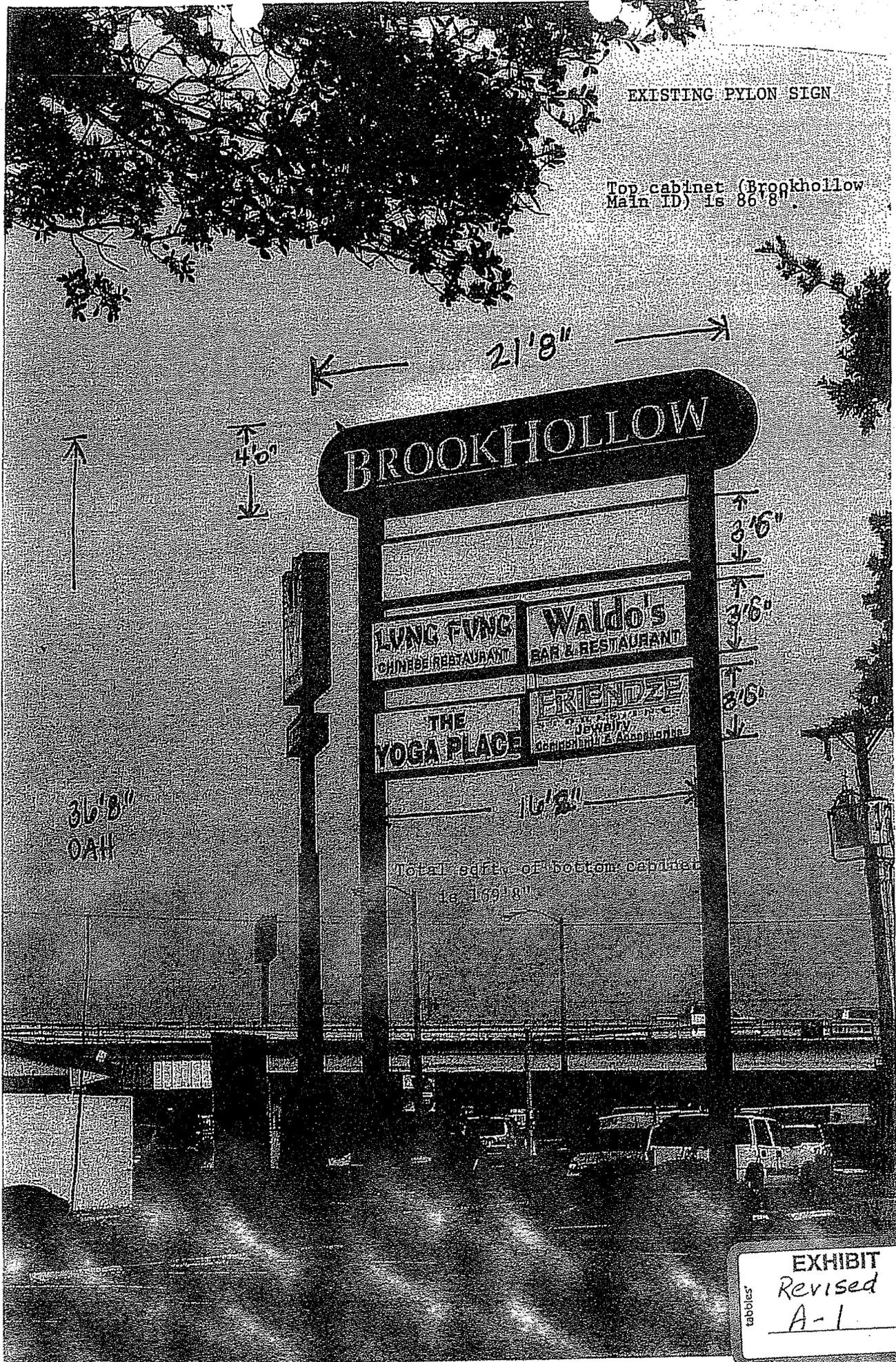
EXHIBIT

A-3

Tables

EXISTING PYLON SIGN

Top cabinet (Brookhollow Main ID) is 86" 8"



36'8"
OAH

Total height of bottom cabinet is 169' 8"

EXHIBIT
Revised
A-1

DEVELOPMENT SERVICES DEPARTMENT ON-PREMISE SIGN PERMIT APPLICATION

Date: 7-7-09

Circle One: NEW EXISTING

Sign Address: 15000-15164 San Pedro Ave Bldg.: _____ Suite: _____

Business Name of above address: Brookhollas Shopping Center

Street Classification: Commercial Collector Expressway Arterial A Arterial B Local

Type of sign: Wall Mount Neon Other Free Standing Channel Letters _____

Fee standing sign(s) Overall Height: _____ No. of sign faces: _____
Sign face sizes: a) _____ x _____ = _____ b) 5 x 16 = 80 c) 5 x 16 = 80
d) _____ x _____ = _____ e) _____ x _____ = _____ f) _____ x _____ = _____
Other: _____

07-08-09 09:24 RJD

Sign Inspection Fee:	\$	QTY	TOTAL
1. Less than 32 sq. ft.	10.80	<u>1</u>	<u>10.80</u>
2. Over 32 sq. ft.	.22/each sq. ft over	<u>132</u>	<u>28.16</u>
3. Gas Tube/electric	10.80	<u>1</u>	<u>10.80</u>
4. Incandescent signs	5.40 + .22/socket	_____	_____
5. Sign height	2.00/ft	_____	_____

Approved By: [Signature] Total: \$ 99.76 + \$ 599 + 3% Technological Fee + 3% Development Services Fee = 105.75

Escrow Payment: YES NO (circle one)

For free standing signs, a site plan drawn to scale showing the location of sign(s), existing or proposed buildings, required setbacks, spacing and any easements. For attached signs, building elevations showing the total wall area (sq. ft.) and proposed attached signage (sq. ft.). Two sets of drawings shall be submitted with this application. Applications should contain information necessary to show compliance with the City Code.

Master/Authorized Agent: [Signature] Lic. No. 3M179

Telephone: 806-2800 Fax: 477-2323 Customer No.: 4266

Company Name: Letra Sign Group

Brief description of work: 10-11 two (2) new double-faced cabinets.

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY:

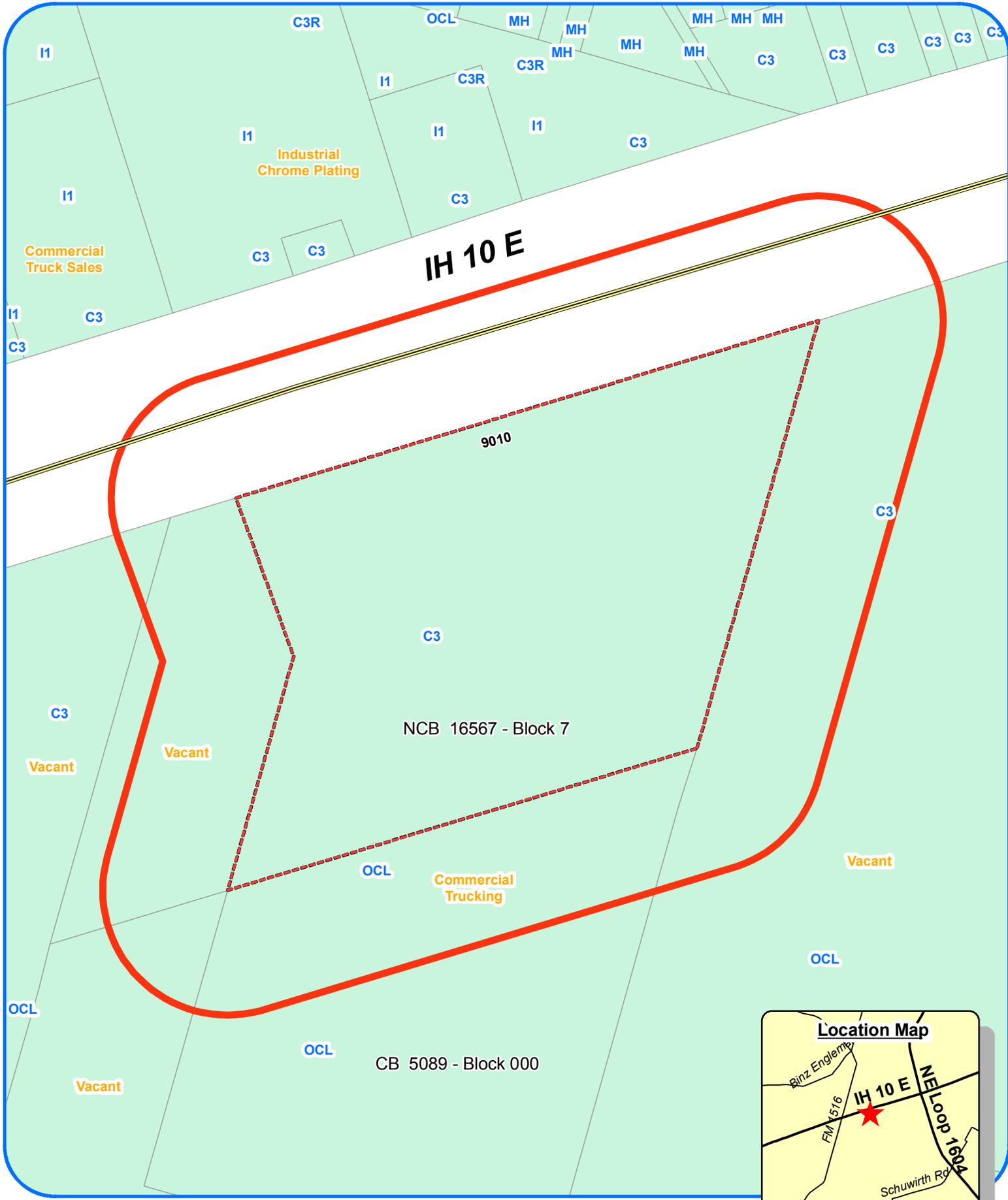
Rev. Non conforming? Need clear photo. Non conforming sign

THIS APPLICATION MUST BE COMPLETED WHEN REQUESTING PERMIT
DOUBLE FEE FOR FAILURE TO OBTAIN PERMIT BEFORE STARTING WORK

PICK UP PERMIT AT: VALLEY VIEW

SOUTH PARK LAS PALMAS DOWNTOWN

(circle one)



Board of Adjustment
Notification Plan for
Case A-09-091



Legend

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



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-091
Date: October 19, 2009
Applicant: Danny Ortega (French Ellison Truck Center)
Owner: Ellison SA Properties Ltd.
Location: 9010 IH-10 East
Legal Description: 22.116 acres out of Lot 1, Block 7, NCB 16567
Zoning: "C-3" General Commercial District
Subject: Fence Height Variance Request
Prepared By: Mike Farber, Planner

Summary

The applicant requests 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 fence in the front yard.

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	I-1/C-3	Industrial District/General Commercial District; Commercial Truck sales and industrial chrome plating
South	OCL	Commercial trucking
East	C-3	General Commercial District; vacant
West	C-3	General Commercial District; vacant

Project Description

The applicant is requesting a variance in order to erect a 6-foot tall open front-yard fence. The applicant states that the proposed fence is needed in order to enhance security for the business for which it is to serve. There appear to be similar fences already in existence along this portion of the I.H. 10 East Access Road.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the IH-10 East Corridor Perimeter Plan. The property is not located within the boundaries of a Neighborhood Association.

Criteria for Review

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

It does not appear that the granting of the variances will be contrary to the public interest. The subject property sits in a commercially-oriented area. Similar fences exist near the subject property.

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

It does not appear that literal enforcement of the ordinance would result in an unnecessary hardship. The property does not possess any unique 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 variance would observe the spirit of the ordinance. The applicant will not be denied the reasonable use of the property without the granting of this 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 this variance would not authorize a use other than those specifically permitted in "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.

It does not appear that the granting of this variance would injure the appropriate use of adjacent conforming property. Front-yard fences built to excessive height appear to be common throughout the immediate area.

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

There 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 commercial use for the property owner.

Staff Recommendation

Staff recommends that **A-09-091, 9010 I.H 10 East, 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.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Proposed Site Plan

IH 10 E

6' Tall Wrought Iron Fence

Private driveway

Gate w/ Roller Track

Private driveway

**NCB 16567
Block 7**

22.116 Acres out of Lot 1

Board of Adjustment

**Plot Plan for
Case A-09-091**

Legend



Scale: 1" approx. = 150'
Council District 2

9010 IH 10 E

Planning and Development Services Dept
City of San Antonio
(09/8/2009 - P. Trinkle)

6' Tall Brought Iron Fence
6' Tall Brought Iron Gates

LOT P-20B

SAVE & EXCEPT
TRACT A
11.520 ACRES
(13049/1891 RP)

VOL. 8123 PG. 759
UNLOCATABLE R.O.W. ESM.
LOCATED WITHIN THE SINGULAR
ESM.'I RECORDED IN VOL. 2, 317.
PG. 255 D.R.

N15°45'17"E 882.85'(FIELD)

18.754 ACRES
(OUT OF 34 ACRES. VOL. 2906, PG. 2048)

N74°09'52"W 661.02'(FIELD)

28' ELECTRIC
LINE R.O.W.
4659/1891

S15°49'50"W 1630.34'(FIELD)
S15°49'50"W 1901.38'(OVERALL PLAT)
(BEARING BASIS)

APPROXIMATE LIMITS OF ZONE A, 100
YEAR FLOOD ZONE, AS PROTRACTED
& SCALED FROM THE FEMA MAP
NUMBER 4802900483 E EFFECTIVE
DATE: FEB. 16, 1995.

LOT P-21

28.116
ACRES
983,870 SQ. FT.

WASTE WATER
(8194/668 RP)

LOT 1
BLOCK 7
NCB 18587

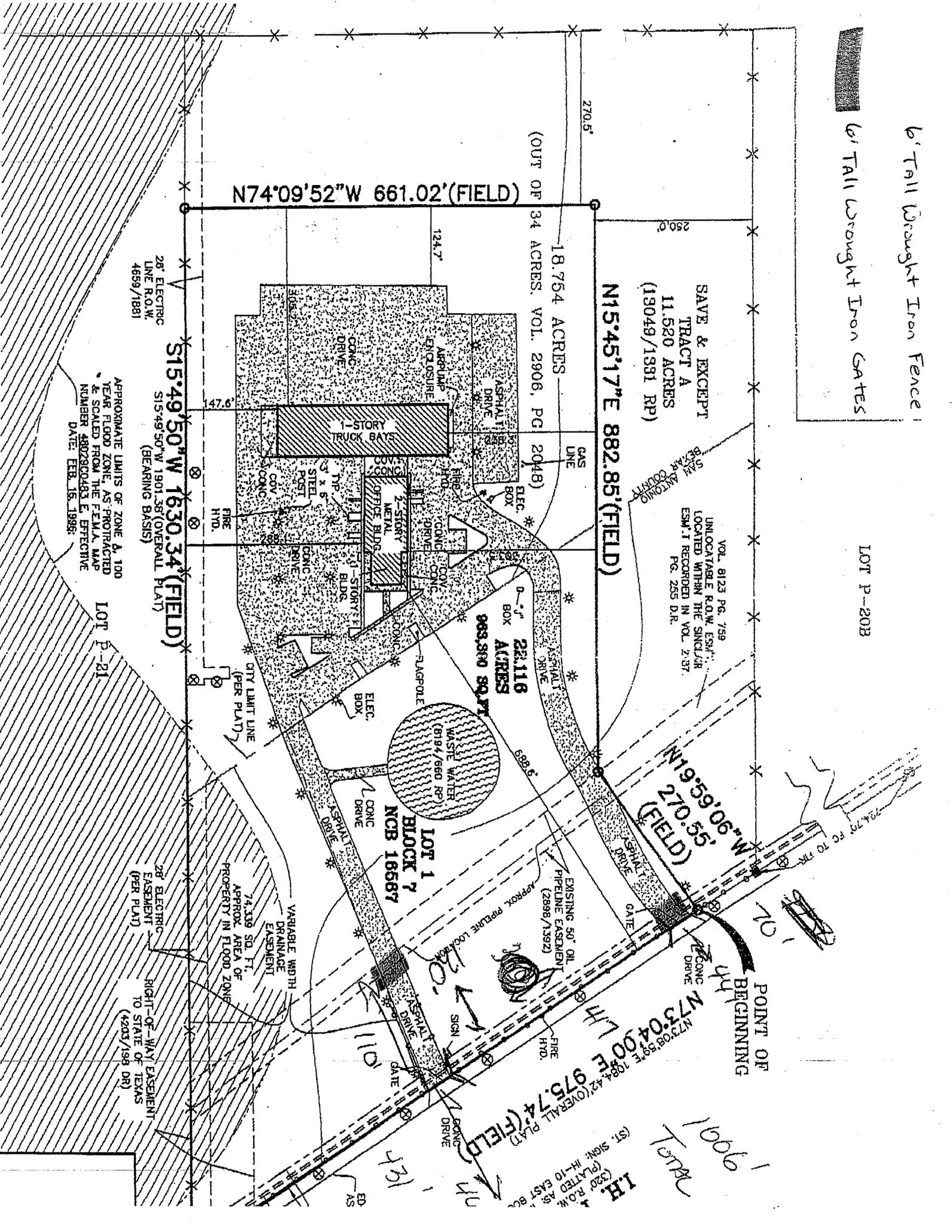
N19°59'06"W
270.55'
(FIELD)

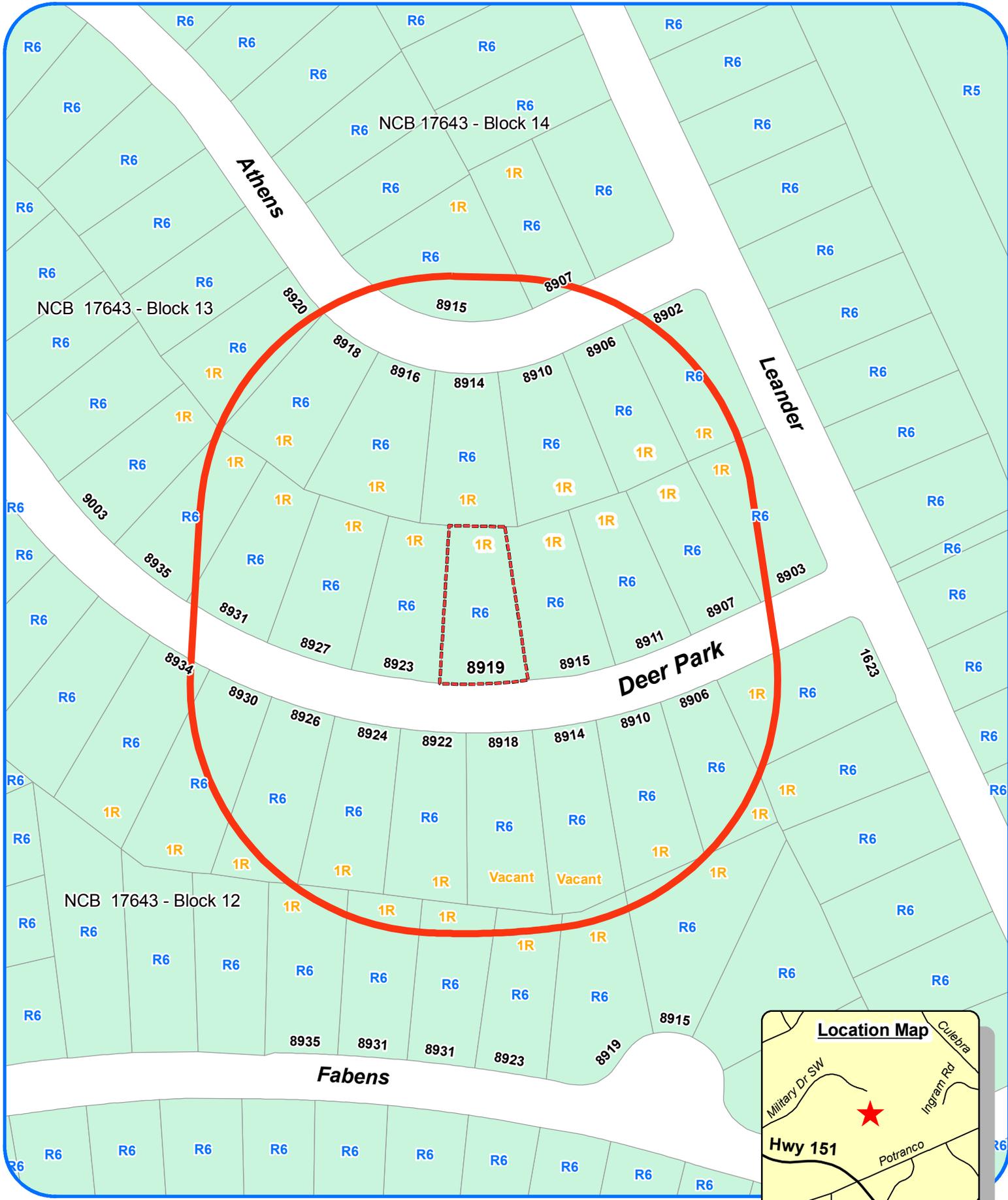
POINT OF
BEGINNING

N73°08'59"E 1584.42'(OVERALL PLAT)
N73°04'00"E 975.74'(FIELD)

10061
TOTAL

1H
(320' R.O.W.
PLATTED AS
H-10 EAST B.C.
(ST. SIGN)





Board of Adjustment
Notification Plan for
Case A-09-093



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 6



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-093
Date: October 19, 2009
Applicant: Paul Hiers
Owner: Paul L. and Roxanne B. Hiers
Location: 8919 Deer Park
Legal Description: Lot 15, Block 13, NCB 17643
Zoning: "R-6" Residential Single-Family District
Subject: Front and Side Setback Variances
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a 1-foot 3-inch variance from the requirement that a minimum 5-foot side setback be maintained in R-6 zoning districts and a 15-foot 6-inch variance from the requirement that a minimum 20-foot front setback be maintained, as recorded in Volume 9506, Page 151 Deed and Plat Records of Bexar County.

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 16, in accordance with Section 551.043(a) of the Texas Government Code.

Surrounding Zoning/Land Use

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

Project Description

The applicant is requesting these variances to keep an existing carport as it is currently located, 4 feet 6 inches from the front property line and 3 feet 9 inches from the east side property line. The structure in question was built without permits. This case was initiated by the Neighborhood Action Department of the Housing and Neighborhood Services Department.

The applicant states that the enforcement of ordinance would result in severe hardship because the structure of the carport is supported, in part, by the frame of the house and the removal of the carport would leave a “gaping hole” in the front of the house.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of a Neighborhood or Community Plan. The property is not located within the boundaries of a 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 appears that the granting of the variances would be contrary to the public interest as the carport may create a visual obstruction to motorists and pedestrians.

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

The property does not appear to be characterized by any special conditions that would create unnecessary hardship through the literal enforcement of the ordinance. The subject property is typical of others in the area and is not of unusual shape or size. The hardship stated by the applicant is self-imposed and has resulted in a notice of violation.

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 variances. The carport was built without permits being sought and the property owners will not be denied the reasonable use of the property through the denial of the 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 the variances will not authorize the operation of a use other than those uses specifically authorized in “R-6” 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 these variances will substantially injure the appropriate use of adjacent conforming property. However, Staff believes that this carport is dramatically out-of-scale within this neighborhood.

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 that support the approval of a variance for this subject property.

Staff Recommendation

Staff recommends that **A-09-093, 8919 Deer Park, be denied** because the findings of fact have not been satisfied as presented above. The plight of the owner is self-created and not due to any unique physical characteristic of the property. Furthermore, the applicant has not provided sufficient evidence of a hardship that is not merely financial.

Attachments

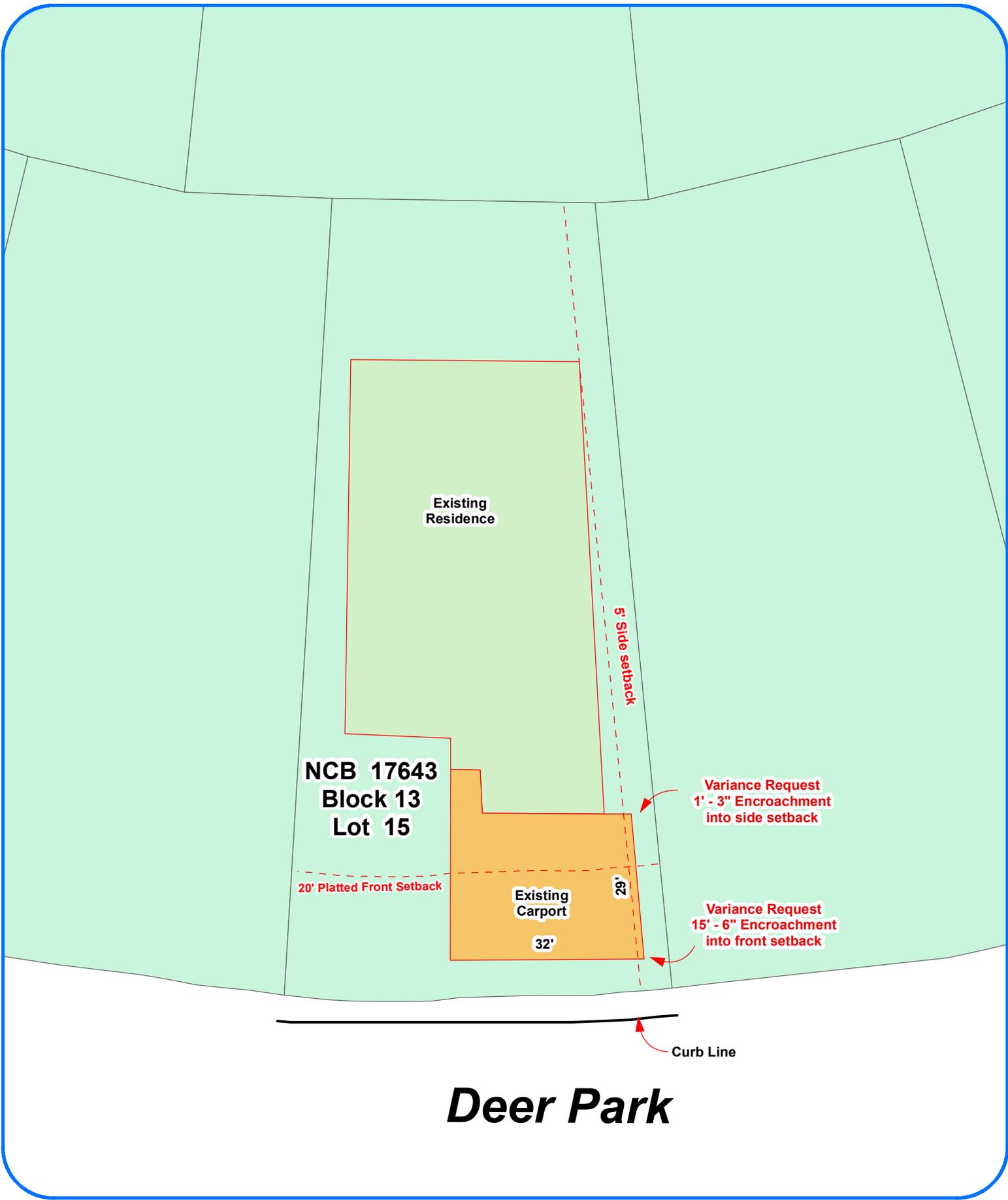
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Richland Hills, Unit – 5A Subdivision Plat

Attachment 4 – Applicant’s Submitted Plot Plan

Attachment 5 – PDSD Investigation Pictures



Deer Park

Board of Adjustment
 Plot Plan for
Case A-09-093



Legend

Scale: 1" approx. = 20'
 Council District 6

8919 Deer Park

Planning and Development Services Dept
 City of San Antonio
 (09/30/2009 - P. Trinkle)

PLOT PLAN

FOR
BLDG PERMITS

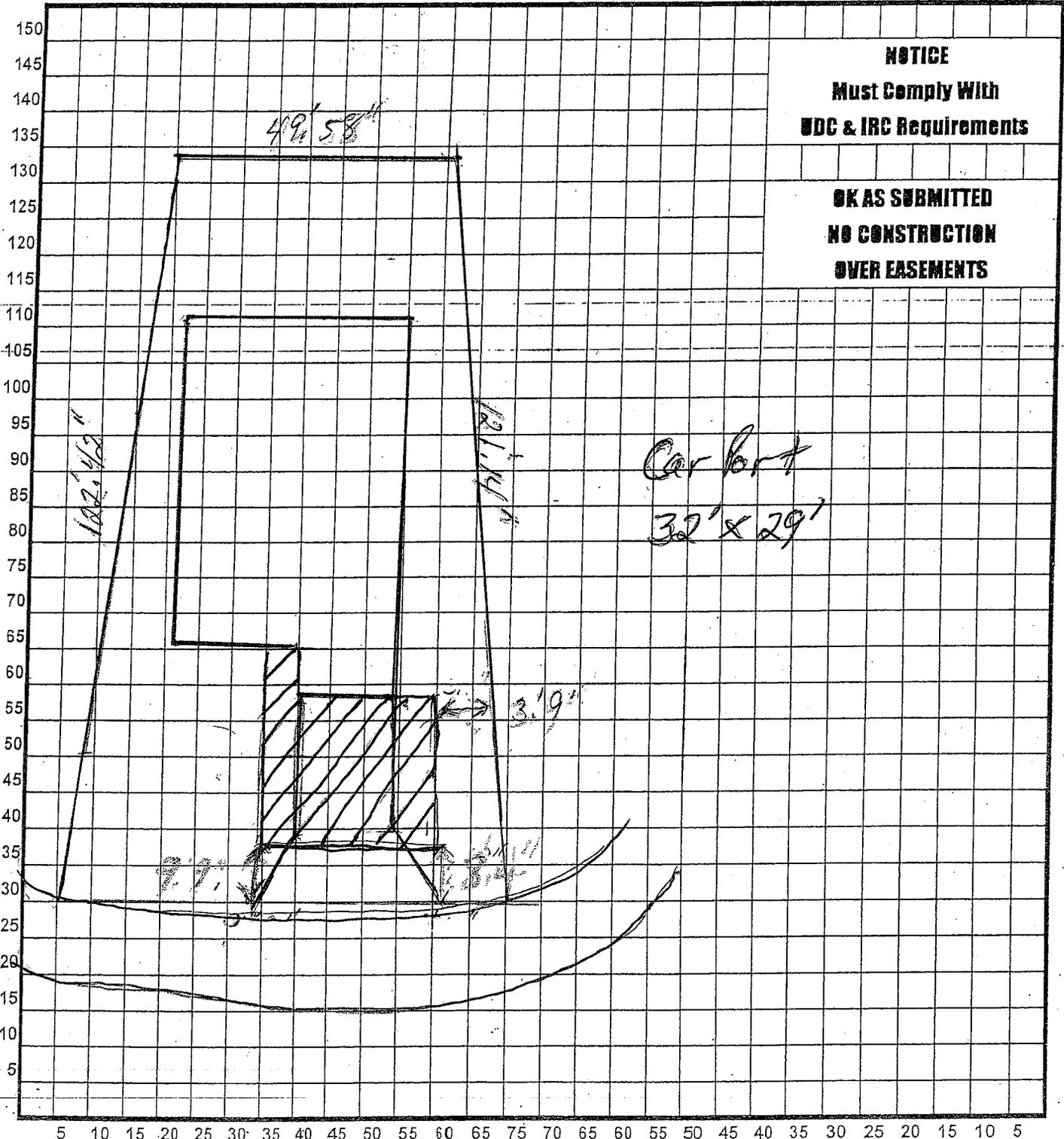
Address 8919 Deer Park
San Antonio TX
78251

Lot 15

Block 13

NCB _____

REAR



NOTICE
Must Comply With
UDC & IRC Requirements

OK AS SUBMITTED
NO CONSTRUCTION
OVER EASEMENTS

Car Port
32' x 29'

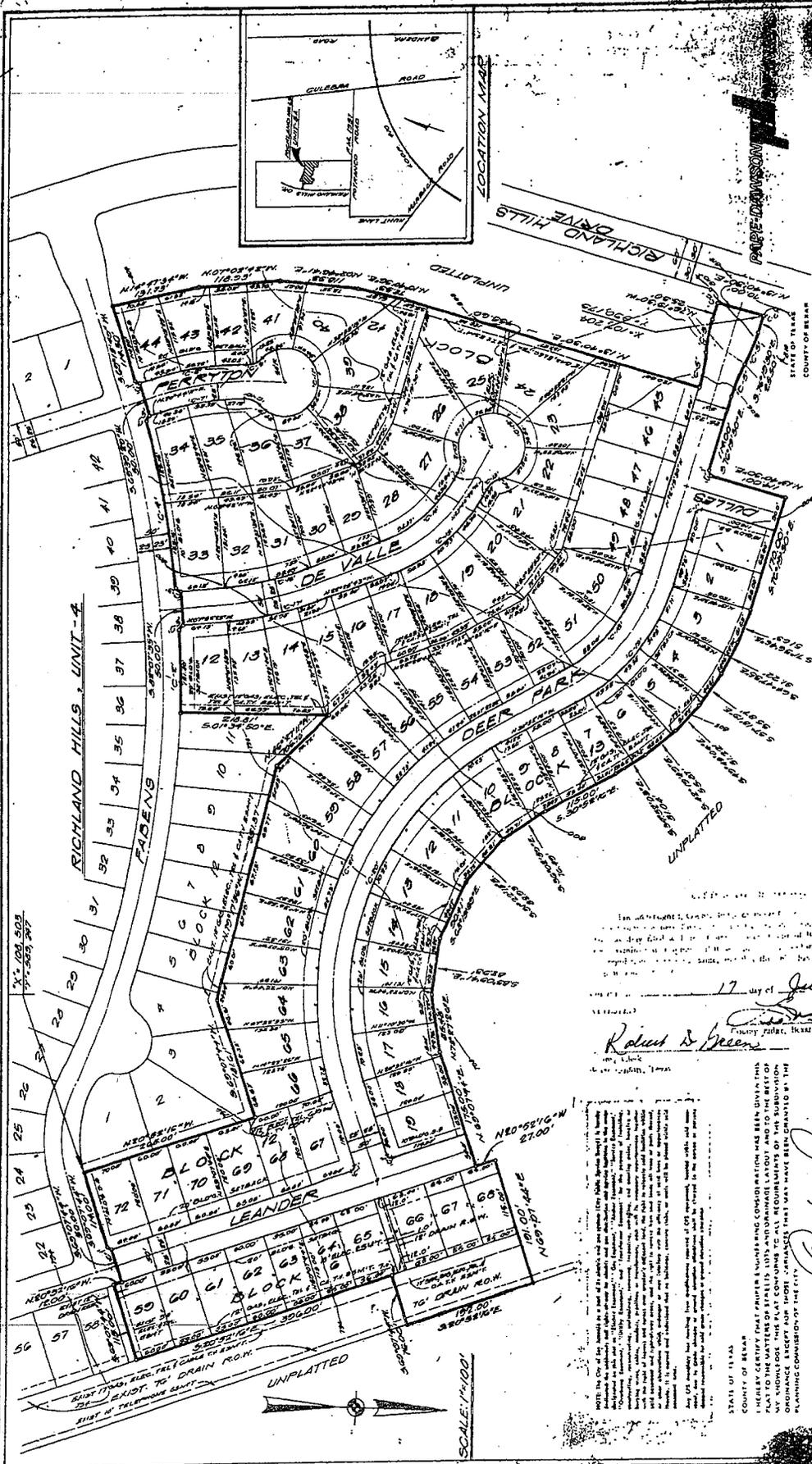
5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 65 60 55 50 45 40 35 30 25 20 15 10 5

FRONT

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

9-9-09

Paul Hies



STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS MADE BY AN ACTUAL SURVEY OF THE PROPERTY HEREIN DESCRIBED UNDER MY SUPERVISION ON THE 17 DAY OF JULY 1984.

Edvard J. Labian
 RECORDED PUBLISHER
 BEAR COUNTY, TEXAS

Richland Hills, Unit-5A
 COURT CLERK OF SAID COUNTY, BEAR COUNTY, TEXAS
 A.D. 1984 AT 2:30 P.M. AND DULY RECORDED BY ME ON THE 17 DAY OF JULY 1984 IN BOOK VOLUME 376 ON PAGE 157

RICHLAND HILLS, UNIT-5A
 REPLANT AND SUBDIVISION PLAT
 BEING 20.137 ACRES OF LAND OUT OF A 148.62 ACRE TRACT OR LAND OUT OF THE S.L. COLLARD ORIGINAL SURVEY, NO. 2559 SURVEY NO. 251, ADJACENT TO COUNTY BLOCK 4306, 708 AC. ORIGINAL SURVEY NO. 254, ADJACENT TO COUNTY BLOCK 4306, 708 AC. ORIGINAL SURVEY NO. 253, ADJACENT TO COUNTY BLOCK 4306, 708 AC. BEAR COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS MADE BY AN ACTUAL SURVEY OF THE PROPERTY HEREIN DESCRIBED UNDER MY SUPERVISION ON THE 27 DAY OF JUNE 1984.

Robert D. Green
 COUNTY CLERK OF SAID COUNTY, BEAR COUNTY, TEXAS

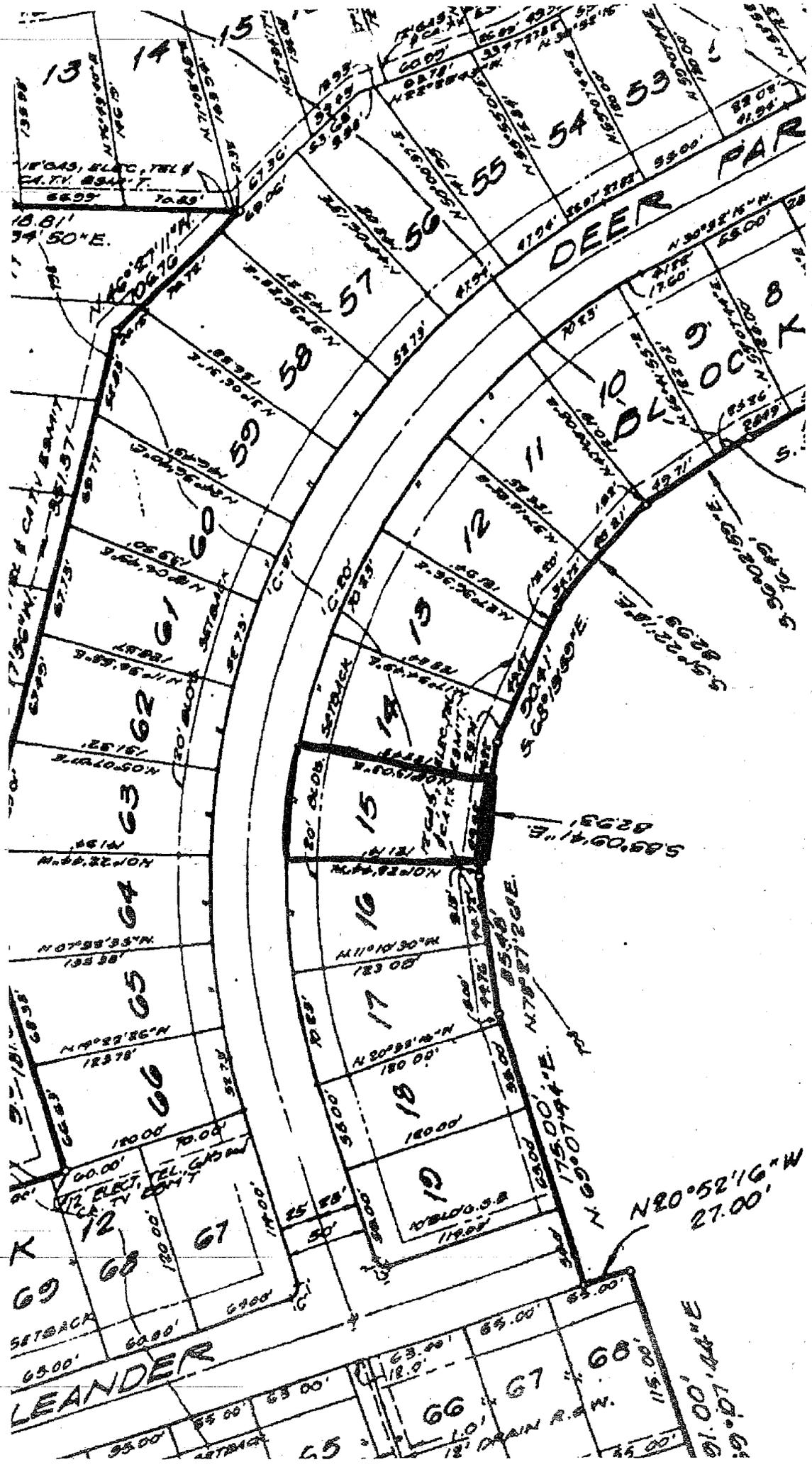
17 day of July 1984

Robert D. Green
 County Judge, Bear County, Texas

Edvard J. Labian
 RECORDED PUBLISHER
 BEAR COUNTY, TEXAS

John D. Fischer
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT THE UNDERSIGNED HAS BEEN DULY APPOINTED BY THE COMMISSIONERS OF THE PUBLIC LANDS TO RECEIVE AND CONSIDER APPLICATIONS FOR THE PURCHASE OF PUBLIC LANDS IN THIS COUNTY AND IN THE CAPACITY THEREIN STATED GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11 DAY OF JULY 1984.



DEER PARK

LEANDER

15

N 20° 52' 16" W
27.00'

01.00' 04" E
19.00'

66 67 68
18' DRAIN R.S.W.

69 68 67
SETBACK
65.00' 60.00'

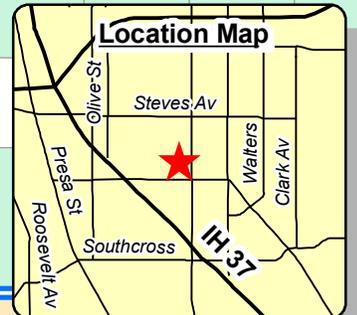
66 65 64
N 20° 52' 16" W
123.78'

63 62 61
N 17° 54' 43" E
158.15'

60 59 58
N 10° 04' 31" W
108.67'

57 56 55
N 30° 35' 11" W
106.70'

54 53
N 30° 35' 11" W
106.70'



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: October 19, 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

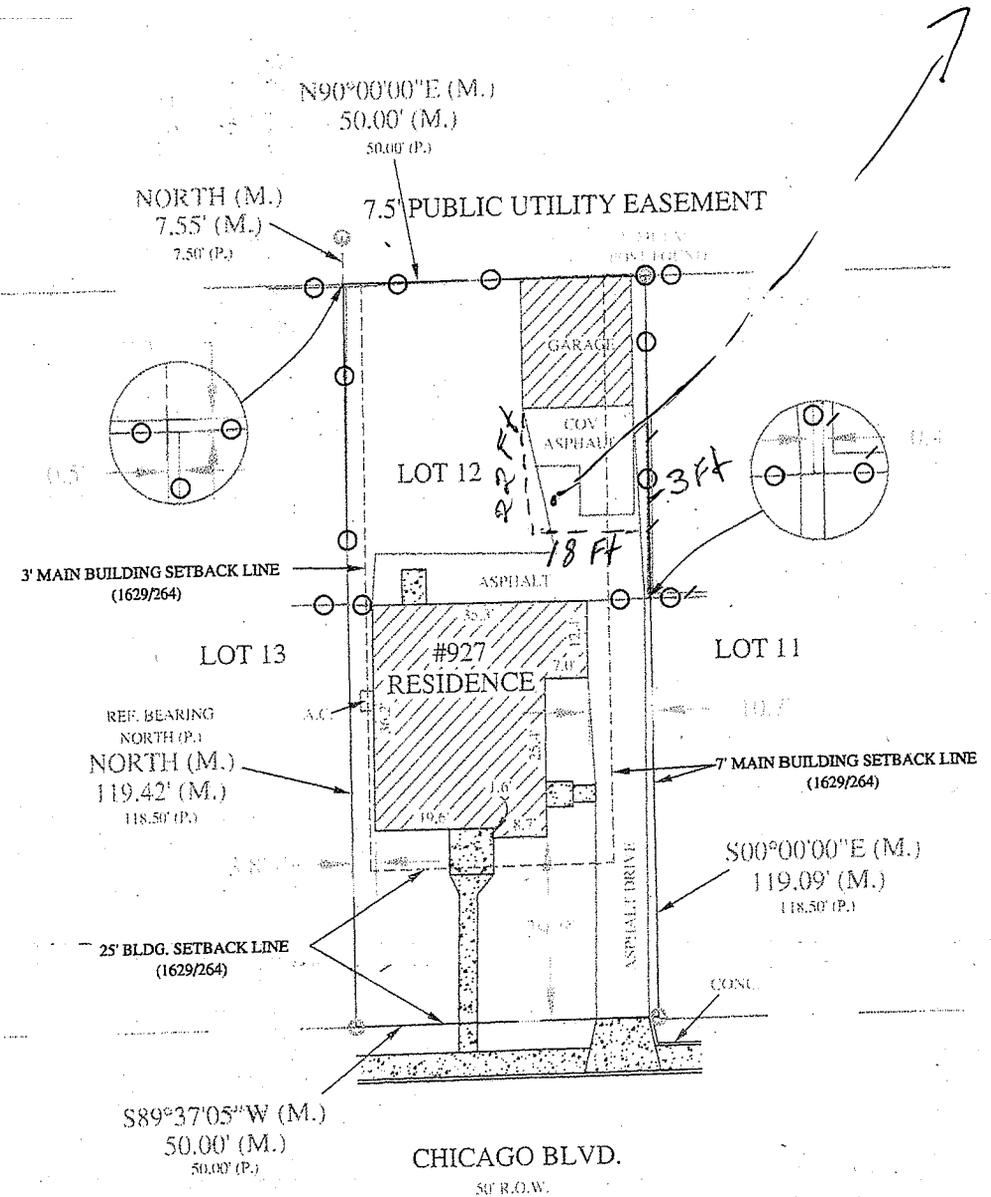
927 Chicago Blvd

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 RECORDS



1" = 30'
GRAPHIC SCALE
0 15 30

CHICAGO BLVD.
50' R.O.W.

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

RLS #: R:05-01-1353
CLIENT #: 524187-5A50
FIELD DATE: 01/26/05
DRAFTER: MCL
APPROVED: JCI
SCALE: 1" = 30'

SURVEYOR INFORMATION:

COORDINATED BY:

RJ Rosin-Johnson, Inc.
Civil Engineers - Land Surveyors
11025 NEAR WEST
SAN ANTONIO, TEXAS 78247-4117
210-496-6001 • FAX: 210-496-3978

RESIDENTIAL LAND SERVICES, INC.
a part of the ERA
621 24TH AVENUE S.W.
NORMAN, OKLAHOMA 73069
FAX: (405) 701-1002
PHONE (405) 701-1100
WWW.RLSNOW.COM



(A)

To the honorable Dept. of Permits and License of San Antonio:

Greetings from me Mr. Jesus Millan, I am very thankful for your attention, and opportunity to appeal. The purpose of this application is to inform you that when I Bought my house it already had a carport attached to the garage. But unfortunately one of the branches from the next door neighbor's tree felt on the carport due to a very strong storm, damaging the carport, and putting in danger the safety of the Millan family. So I decided to repair and renovate the carport on my free time; thinking that it wouldn't be a problem, I based the measurements of the new carport with those of the old. Forgive me if the new carport doesn't have the right measurements the city requires, but I thought that since I was just repairing the old carport there wouldn't be any regulations to follow. I didn't know I had to acquire a permit from the city in order to repair the carport, and since all the houses in the block are old houses and all of them have their garages next to their fences (diving property lines). How was I supposed to know all the requirements from the city? On top of that this is the first house I own and the first time that I did any repairs to my house so I was unaware of how this process work . I Mr. Millan, I'm very sorry for my negligence, I hope that you would considered this situation and you will grant me the permit to continue repairing the carport until is completely done.

Thank you so much I truly appreciate your attention.

Sincerely Jesus Millan.

Case 2 10290
DEPARTMENT OF DEVELOPMENT SERVICES
CITY OF SAN ANTONIO

Address of Violation 909 Chicago Blvd

Date of Birth 09/11/68

Name John Valdez

Driver's License No. 114 219

Address _____

Your attention is called to a violation of Code No. _____

on above premises _____

*As required to correct a plumbing complaint in
residence you are required to stop about
until a plumber that you retained.*

Section of Code violated _____

10508 Plumbing Code, 1114 stop work on

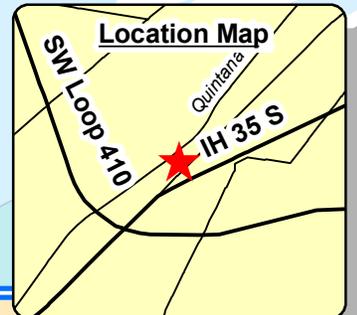
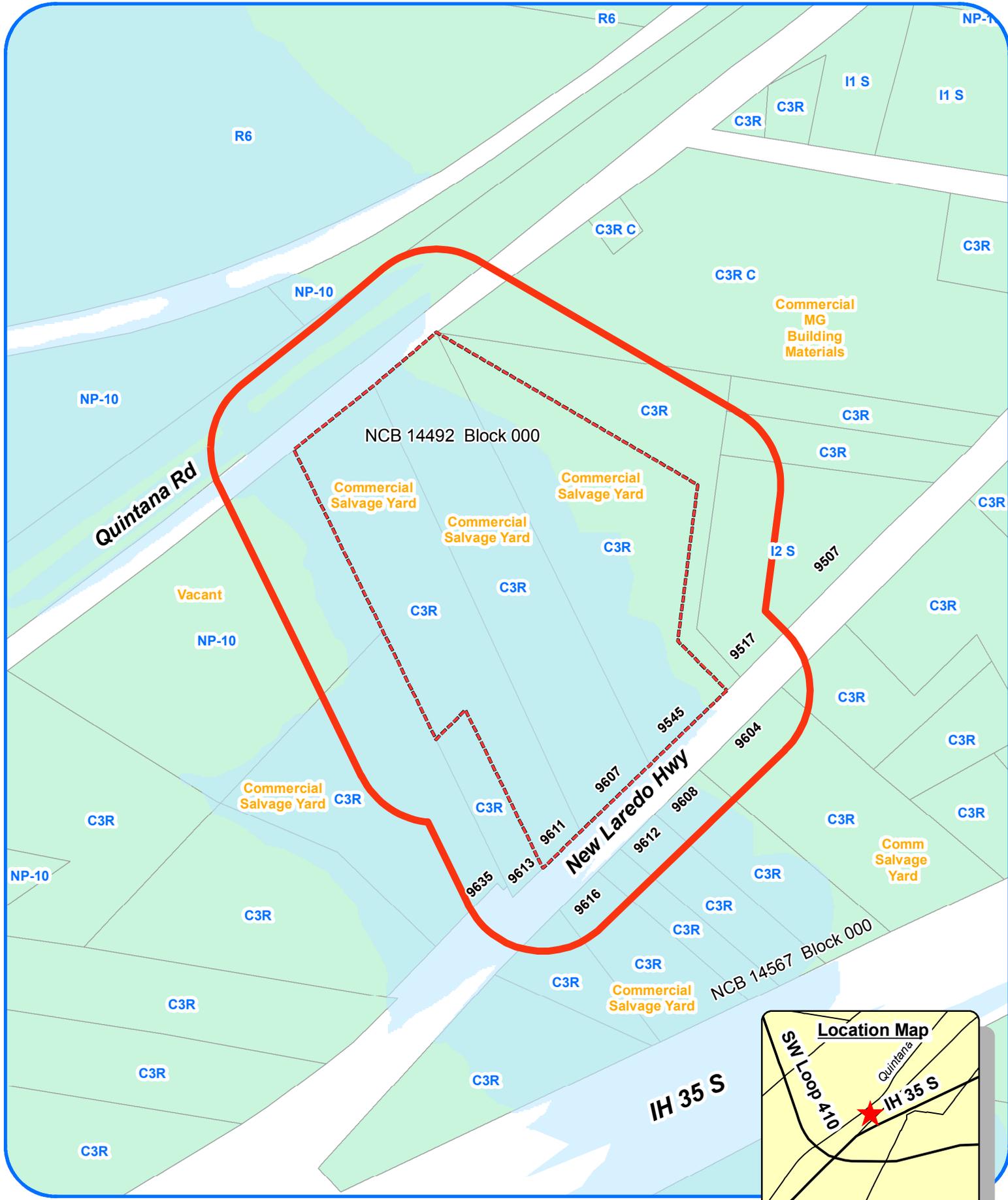
You are hereby notified to remedy the conditions as stated above within 3 (days) (hours) from the date
service of this notice or show cause why you should not be required to do so. If at the expiration of this time, the
conditions exist and no cause aforesaid be shown, such further action will be taken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

By Order of the Director

John Valdez #114 219

06 Mechanical Code
08 Building Code

21 Plumbing Code
28 Signs & Billboards (Posting, Carving, Etc.)



Board of Adjustment
Notification Plan for
Case A-09-096



Legend

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 300'
- Council District 4



City of San Antonio

Planning & Development Services Department

Staff Report

To: Board of Adjustment
Case No.: A-09-096
Date: October 19, 2009
Applicant: Joe Salas
Owner: Joe Salas
Location: 9545, 9607, and 9611 New Laredo Highway
Legal Description: Lots P-1E (.284), P-11D (5.716), P-11H, and P-94A, NCB 14492
Zoning: "C-3R" General Commercial District, Restrictive Alcohol Sales
Subject: Salvage Yard Fencing Variance
Prepared By: Jacob Floyd, Planner

Summary

The applicant is requesting a variance from the requirement in Chapter 16, Article 7 of the City Code, which requires that all salvage yards shall be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the salvage yard to an adjacent property, so that a wall or screen fence is not required along the rear property line (parallel to Quintana Road).

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-6, NP-10	Vacant
South	C-3R	Salvage Yard
East	C-3R	Salvage Yard, Building Materials/Lumber Yard
West	NP-10, C-3R	Salvage Yard, Vacant

Project Description

The applicant is requesting a variance from the requirement in Chapter 16 of City Code that requires the erection of a solid fence along the rear property line of their salvage yard. The applicant indicates that the natural vegetation along the rear of the property meets the intent of the screening requirements. Furthermore, the applicant states that the rear of the property is not currently, and has never been, intended to be used for auto salvage.

Comprehensive Plan Consistency/Neighborhood Association

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

Staff Recommendation

Chapter 16, Section 16-192 states that the board of adjustment is authorized to grant a variance from the provisions of Sections 16-193 and 16-194, but only due to unique circumstances on the premises or adjacent thereto (such as topography), not created by the dealer and not merely financial, and which are not a part of general conditions in the area.

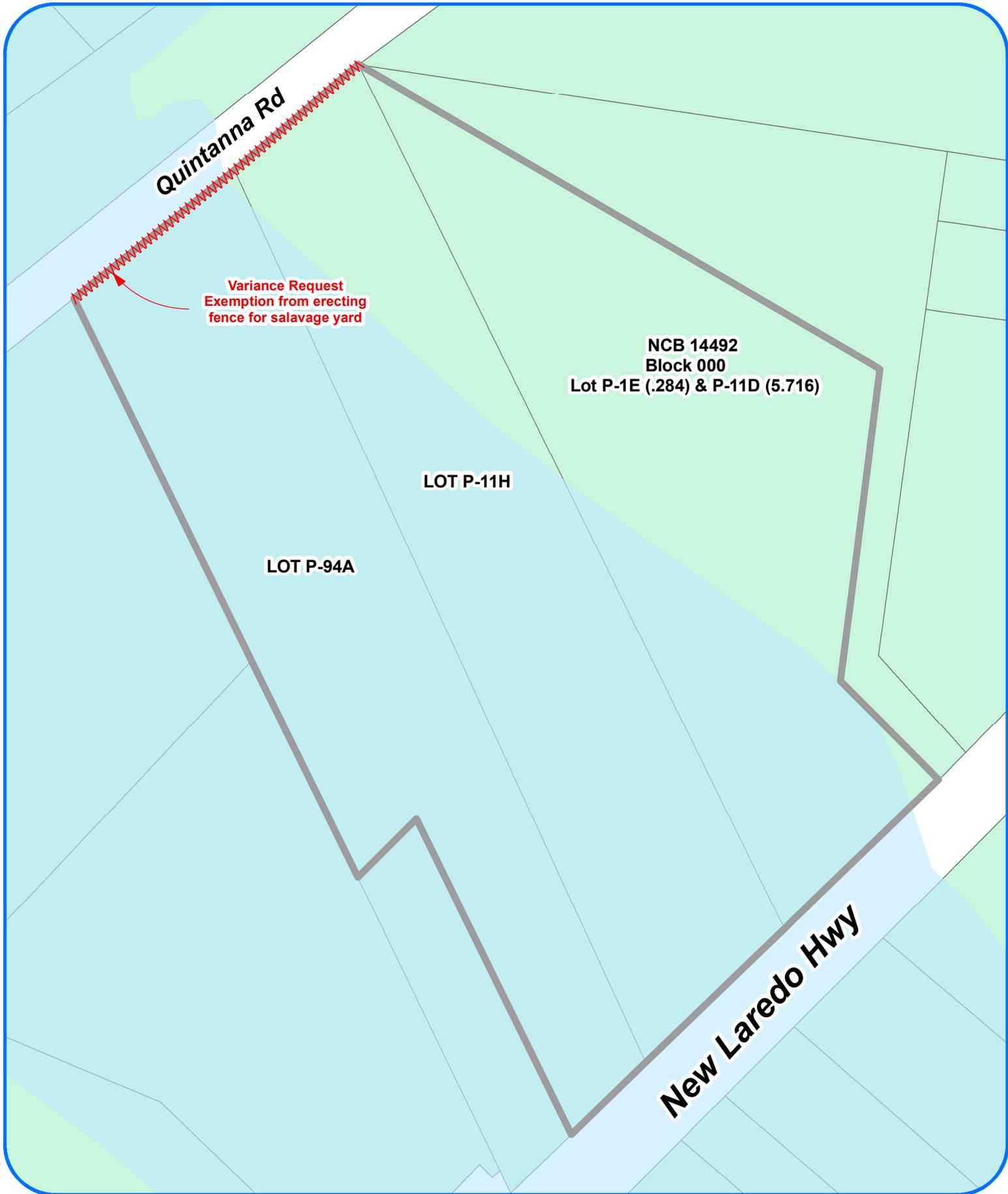
*It does not appear that any unique circumstances exist on, or adjacent to, the subject property that would warrant the granting of a variance from the fencing requirements. While the section of Quintana Road behind the subject property is not currently accessible due to a damaged bridge, it is public right of way and may be repaired in the future. Additionally, while the natural vegetation may currently meet the intent of the fencing requirements by providing visual screening, the intent of the fencing requirements as a barrier to rodent migration remains unobserved. Staff recommends that **A-09-096, 9454, 9607, and 9611 New Laredo Highway, be denied.***

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Drawings



Board of Adjustment
 Plot Plan for
Case A-09-096



Legend

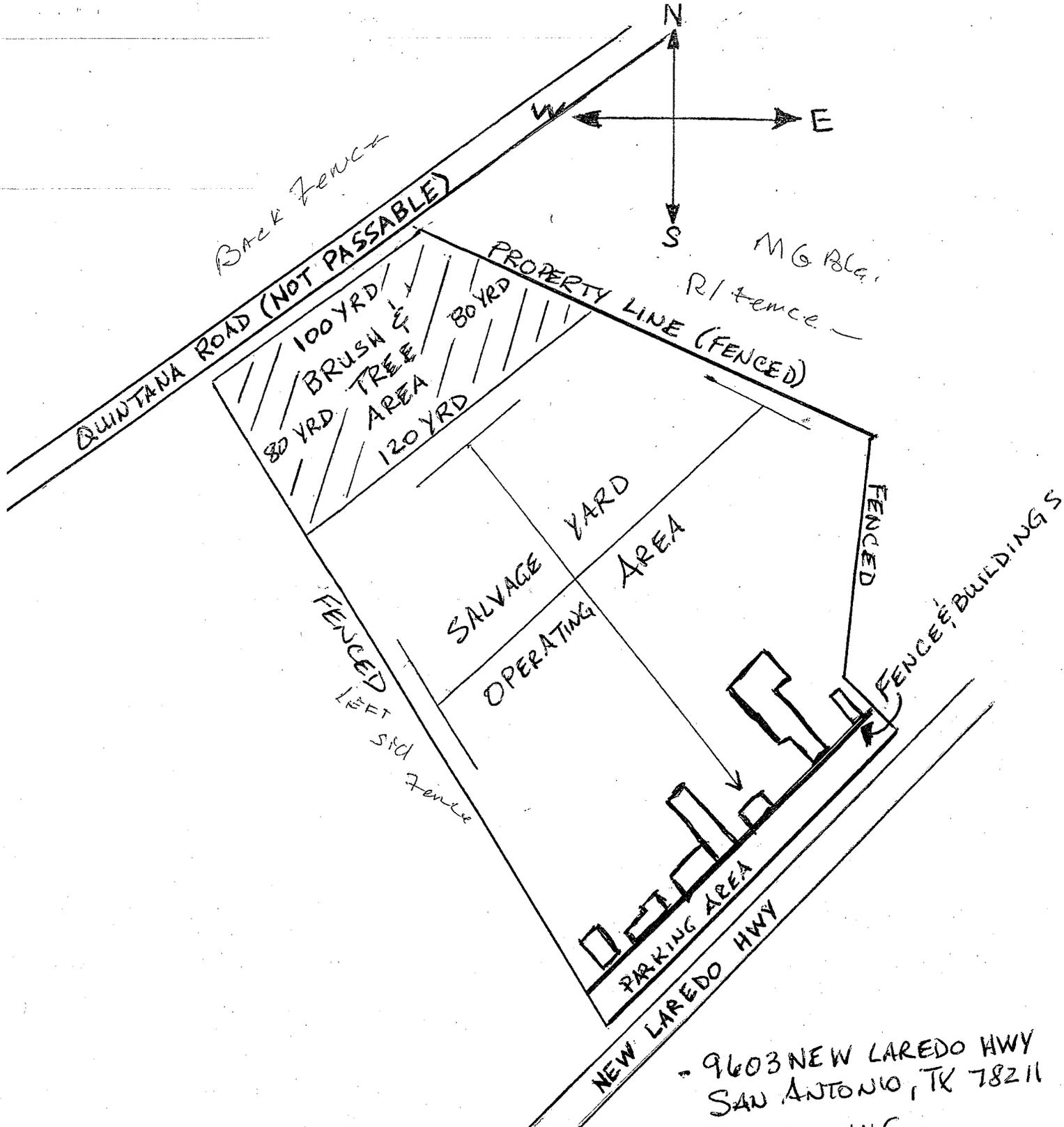
FEMA 100yr Floodplain



Scale: 1" approx. = 150'
 Council District 4

9603 New Laredo Hwy

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

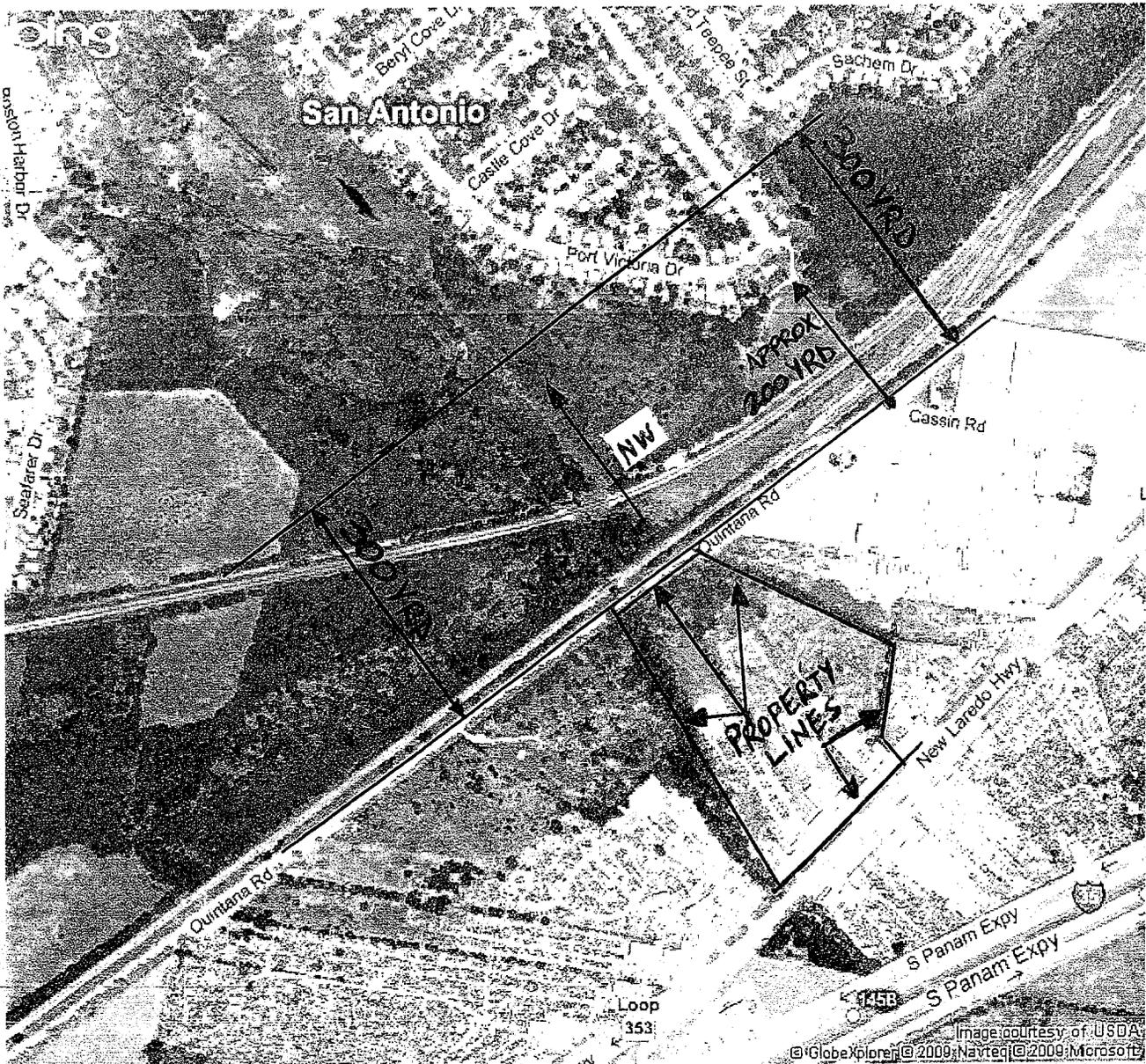
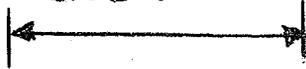


- 9603 NEW LAREDO HWY
- SAN ANTONIO, TX 78211
- R1 ZONING
- NCB 14442
- LOT #s P-1E & P-1D

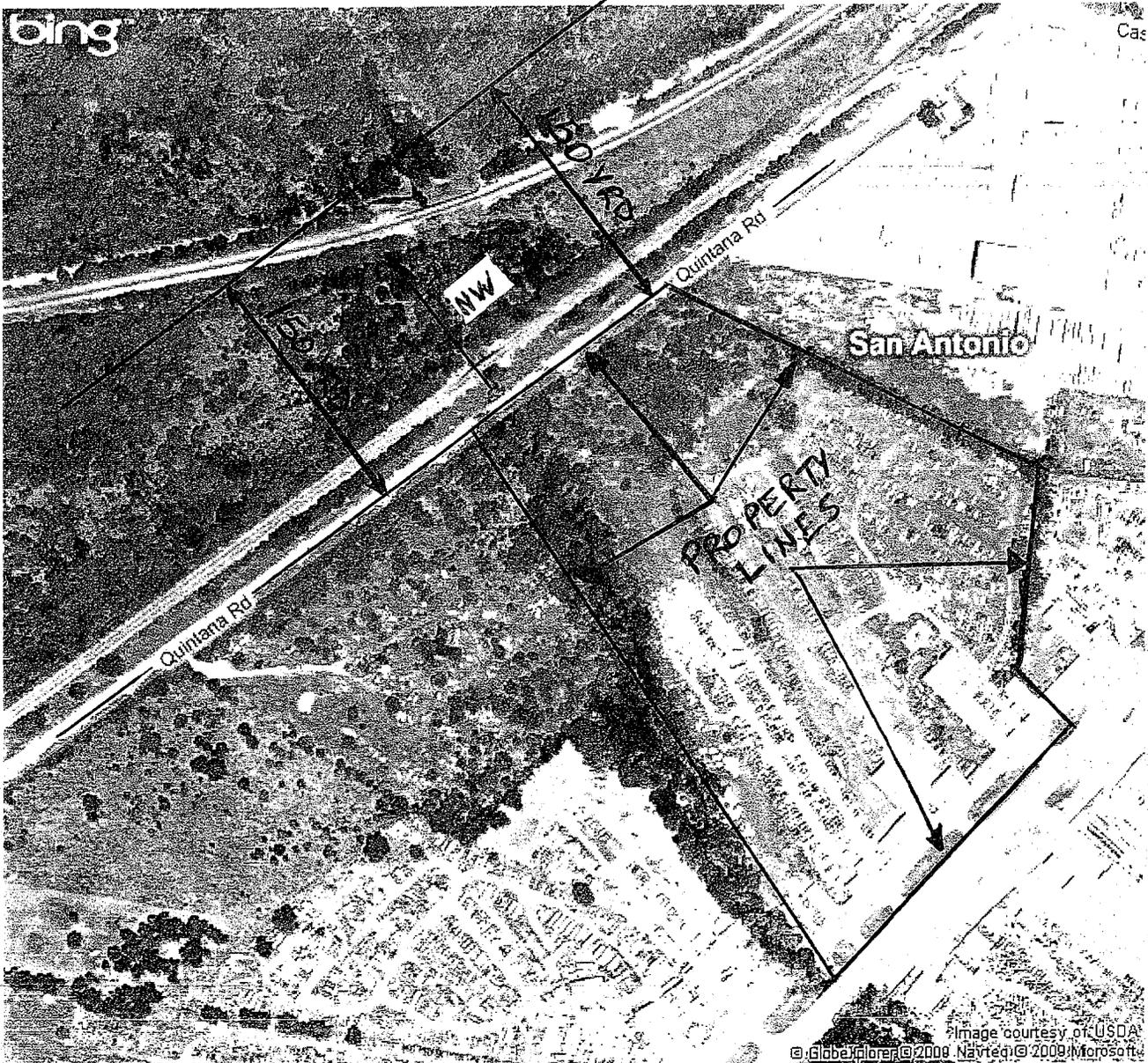
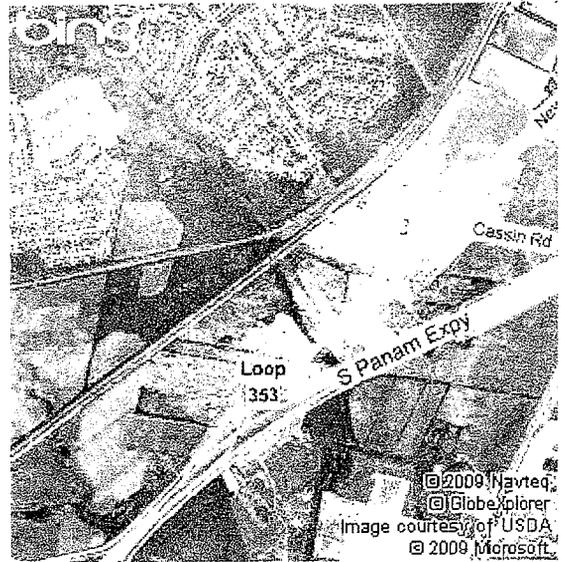
Bing Maps

My Notes

SCALE:
300 YRD



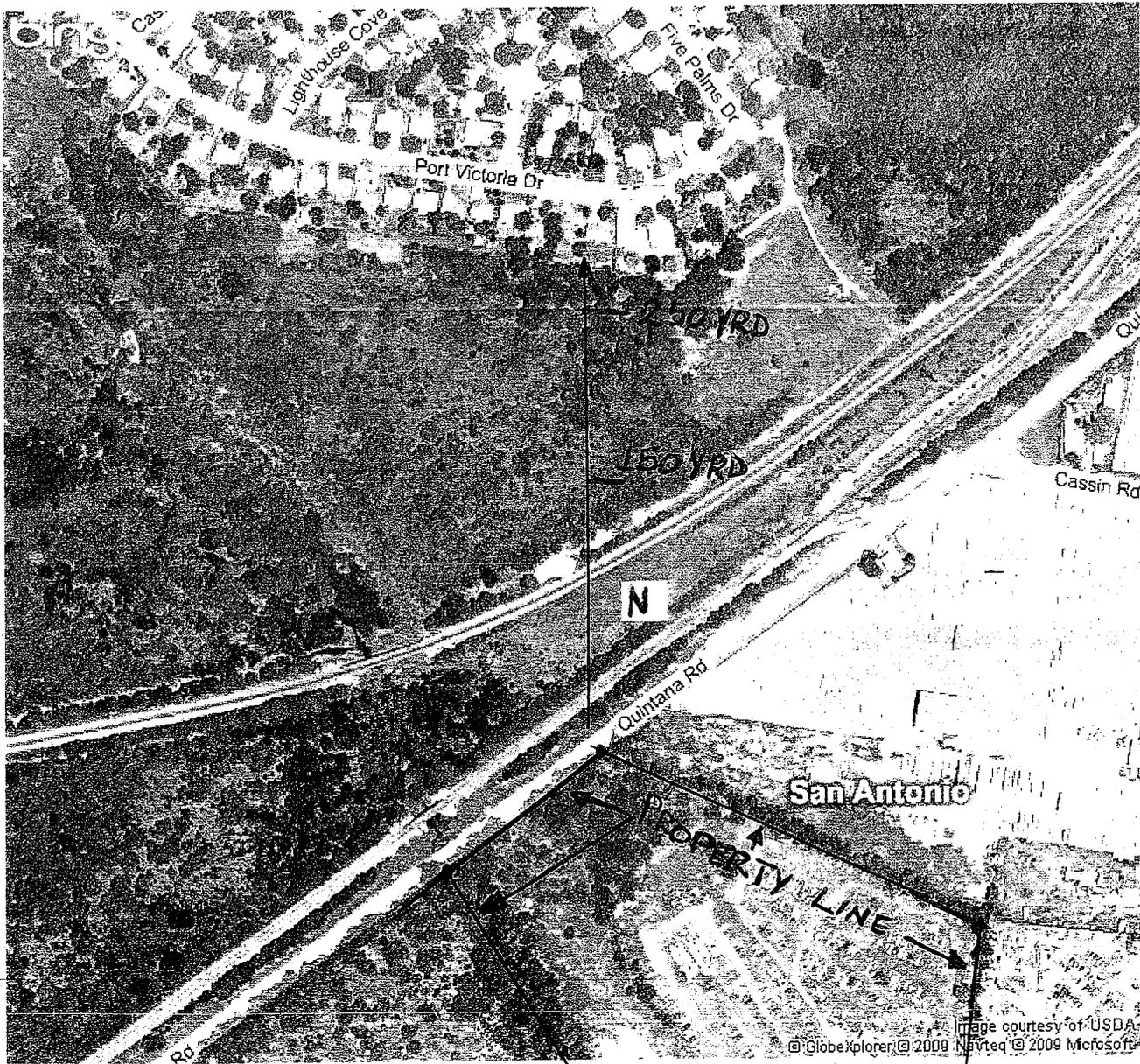
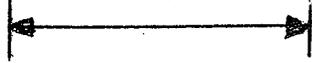
SCALE:
150 YRD



Bing Maps

My Notes

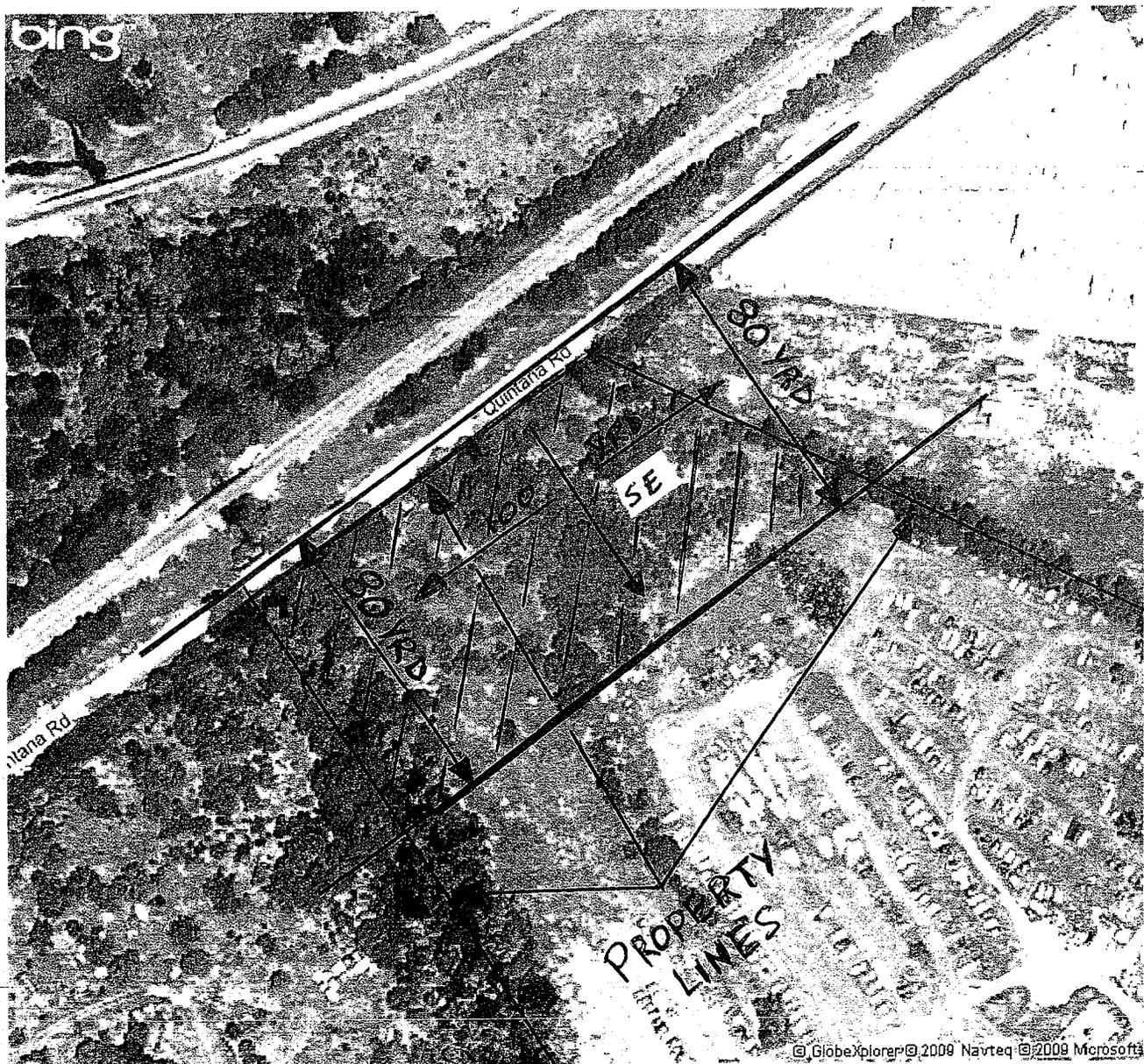
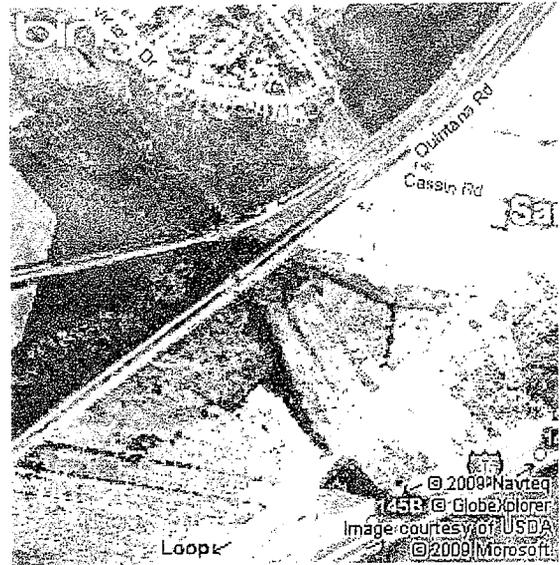
SCALE :
150 YRD



Bing Maps

My Notes

SCALE :
80 YARDS





Board of Adjustment
Notification Plan for
Case A-09-098



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-09-098
Date: October 19, 2009
Applicant: Brenda A. Stahl
Owner: David V. and Isabel Stahl
Location: 150 East Vestal Place
Legal Description: Lot 13, Block 2, NCB 10106
Zoning: "R-4" Residential Single-Family District
Subject: One Operator Beauty/Barber Shop
Prepared By: Jacob Floyd, Planner

Summary

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on 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 special exception to operate a one operator barber or beauty shop. This is the first application for this special exception and may be approved for a two year period only.

The applicant has proposed hours of operation to be 10:00am to 6:00pm on Tuesday, Thursday, and Saturday and from 10:00am to 3:00pm Friday with no work to be done on Monday, Wednesday, and Sunday. Weekly proposed hours of operation total 29 hours.

Comprehensive Plan Consistency/Neighborhood Association

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

Staff Recommendation

The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this Special Exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. Staff recommends that **A-09-098, 150 East Vestal Place, be approved for a two year period** with hours of operation not to exceed 29 hours. A 4-year period of operation is not allowable at this time due to the provisions set forth in UDC 35-399.01(i).

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Site Plan

Attachment 4 – Submitted Application

E Vestal Pl



NCB 10106
Block 2
Lot 13

Board of Adjustment
Plot Plan for
Case A-09-098



Legend

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

150 E. Vestal Place

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

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

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property Description:

Lot 13
Block 2
NCB 10106
Zoning R-4

Property Address: 150E Vestal

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

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

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

Proposed hours of operation:

~~Mon~~ Tues. 10am to 6pm. ^{Monday} Wed + Sunday closed. Thurs - Sat ^{Friday = 10-3} 10am - 6pm.

Comments:

I'm a single parent of four boys. I have a full time homecare provider job and take care of an older lady during the day. I'm just looking to do hair part time without having any complaints, in order to be able to make & provide a stable home & life for my children. Thank you.

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

Signed: Brenda A. Stahl (Property Owner) Date: 9/17/09

Respectfully submitted:

Applicants Name: Brenda A. Stahl
Mailing Address: 150 E. Vestal
SA TX 78221
Telephone: (210) 400-2310

Please submit:

- Filing Fee - \$400.00
- Check made payable to: City of San Antonio
- Plot Plan,
- Photographs of the structure to be used,
- Proposed hours of operation,
- Floor plan of proposed beauty shop or barber shop operation.

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

PLOT PLAN

FOR
BLDG PERMITS

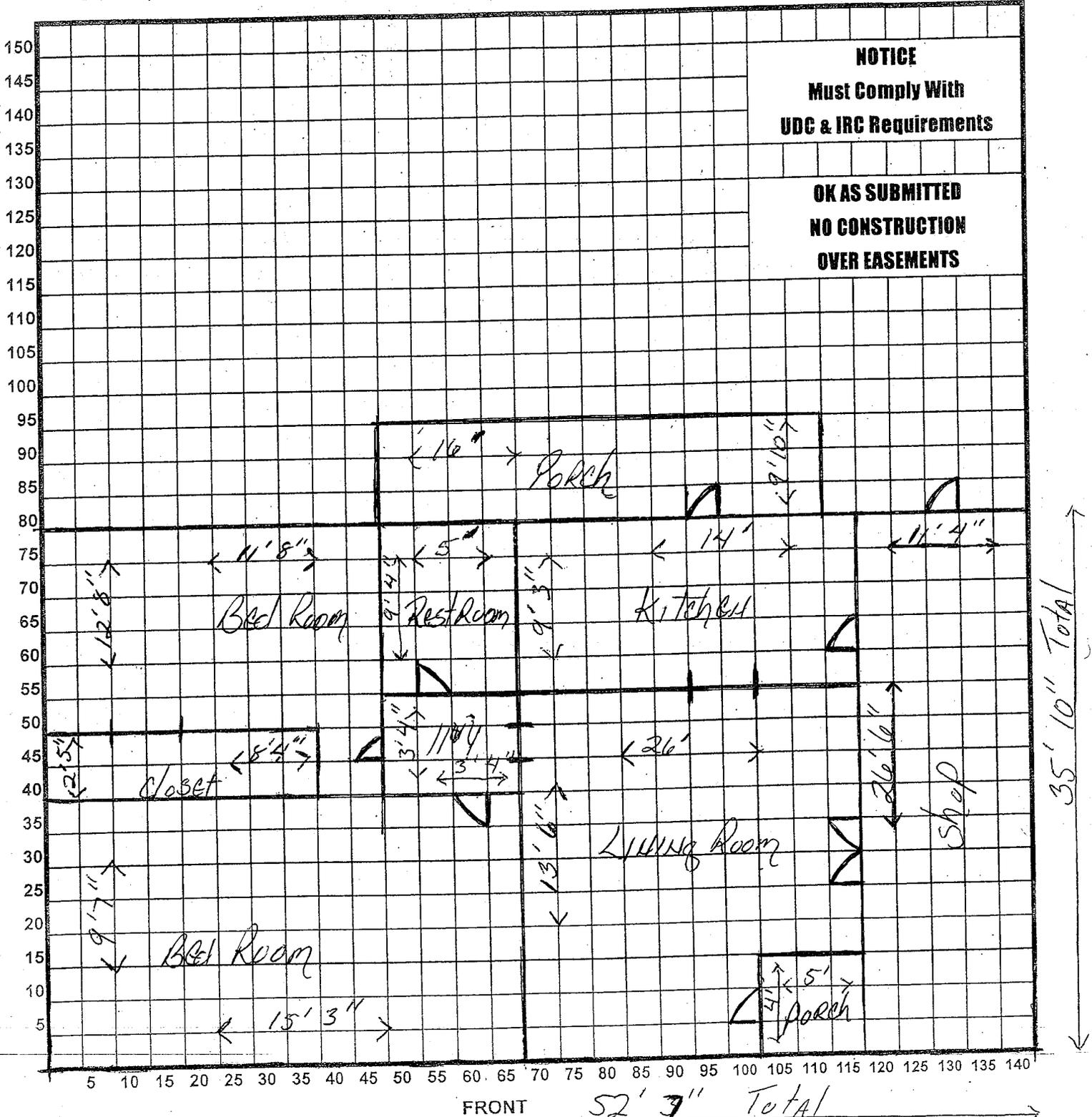
Address 150 East USTAL

Lot _____

Block _____

NCB _____

REAR



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

9/18/2009
Date

Brenda Stahl
Signature of Applicant