

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, October 3, 2011

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

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

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-11-058:** The request of Southwest Signs Inc., for **1)** a 90-foot variance from the 100-foot minimum right-of-way setback requirement for expressway signs to be erected on a property within five hundred (500) feet of an expressway, in order to allow the expressway sign ten (10) feet from the Southwest Military Drive right-of-way; **2)** a 90-foot variance from the 100-foot minimum right-of-way setback requirement for expressway signs to be erected on a property within five hundred (500) feet of an expressway, in order to allow the expressway sign ten (10) feet from the Hilton Avenue right-of-way; and **3)** a 10-foot variance from the 50-foot maximum expressway sign height standard, in order to allow a 60-foot tall sign, 2119 Southwest Military Drive. (Council District 4)
5. **A-11-060:** The request of Fred R. Williams, for a special exception to allow a 6-foot tall Ornamental Iron Front Yard Fence, 6519 Kings Crown West. (Council District 10)
6. **A-11-061:** The request of Kenneth Pruitt, for a 15-foot variance from the 150-foot minimum spacing requirement, in order to allow a freestanding sign to be erected one hundred thirty-five (135) feet from another freestanding sign, 2519 Southeast Military Drive. (Council District 3)
7. **A-11-062:** The request of Kaufman & Killen, Inc., for a 2-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow 8-foot tall fences in the side and rear yards, 18600 and 18700 Blocks of Corsini Drive, 3400 Block of Albizi Way, 3200 and 3300 Blocks of Medaris Lane, 18600 Block of Castellani, and 3500 Block of Mentana Place. (Council District 9)
8. **A-11-063:** The request of Kaufman & Killen, Inc., for a 2-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow 8-foot tall fences in the side and rear yards, 3200 Block of Medaris Lane, 2900 and 3000 Block of Panzano Place, and 18300 and 18400 Blocks of Point Bluff Drive. (Council District 9)

Board of Adjustment Membership

Michael Gallagher, Chair

Andrew M. Ozuna, Vice Chair

Geroge L. Britton • Gene Camargo • Helen K. Dutmer • Edward H. Hardemon • Mary Rogers

Liz M. Victor • David M. Villyard • Jesse Zuniga • Vacancy

Alternate Members

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

9. **A-11-064:** The request of Kaufman & Killen, Inc., for a 2-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow 8-foot tall fences in the side and rear yards, 18200 Block of Girasole, 3000 Block of Panzano Place, and 18300 Block of Point Bluff Drive. (Council District 9)
10. **A-11-065:** The request of Kaufman & Killen, Inc., for a 2-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow 8-foot tall fences in the side and rear yards, 3200 Block of Medaris Lane, 18300 and 18400 Blocks of Point Bluff Drive. (Council District 9)
11. **A-11-066:** The request of Kaufman & Killen, Inc., for a 2-foot variance from the maximum 6-foot side and rear yard fence height standard, in order to allow 8-foot tall fences in the side and rear yards, 18600 Block of Castellani, 18600 and 18700 Blocks of Corsini Drive, and 3300 Block of Medaris Lane. (Council District 9)
12. **A-11-067:** The request of Nick Harris, for a 42-foot variance from the 200-foot spacing requirement of the “UC-1” IH-10/FM 1604 Urban Corridor, in order to allow a sign to be erected 158 feet from an existing sign, 10000 IH 10 West. (Council District 8)
13. **A-11-068:** The request of Martha G. Valdez, for a 25-foot variance from the 30-foot minimum rear setback requirement of the “C-2” Commercial District when abutting a residential zoning district, in order to allow a 5-foot rear setback, 719 West Hildebrand Avenue. (Council District 1)
14. Consideration of **Sign Master Plan No. 11-010**, Countryside Plaza, located at US Highway 281 North and Bitters Road.
15. Approval of the minutes – August 22, 2011.
16. Adjournment.

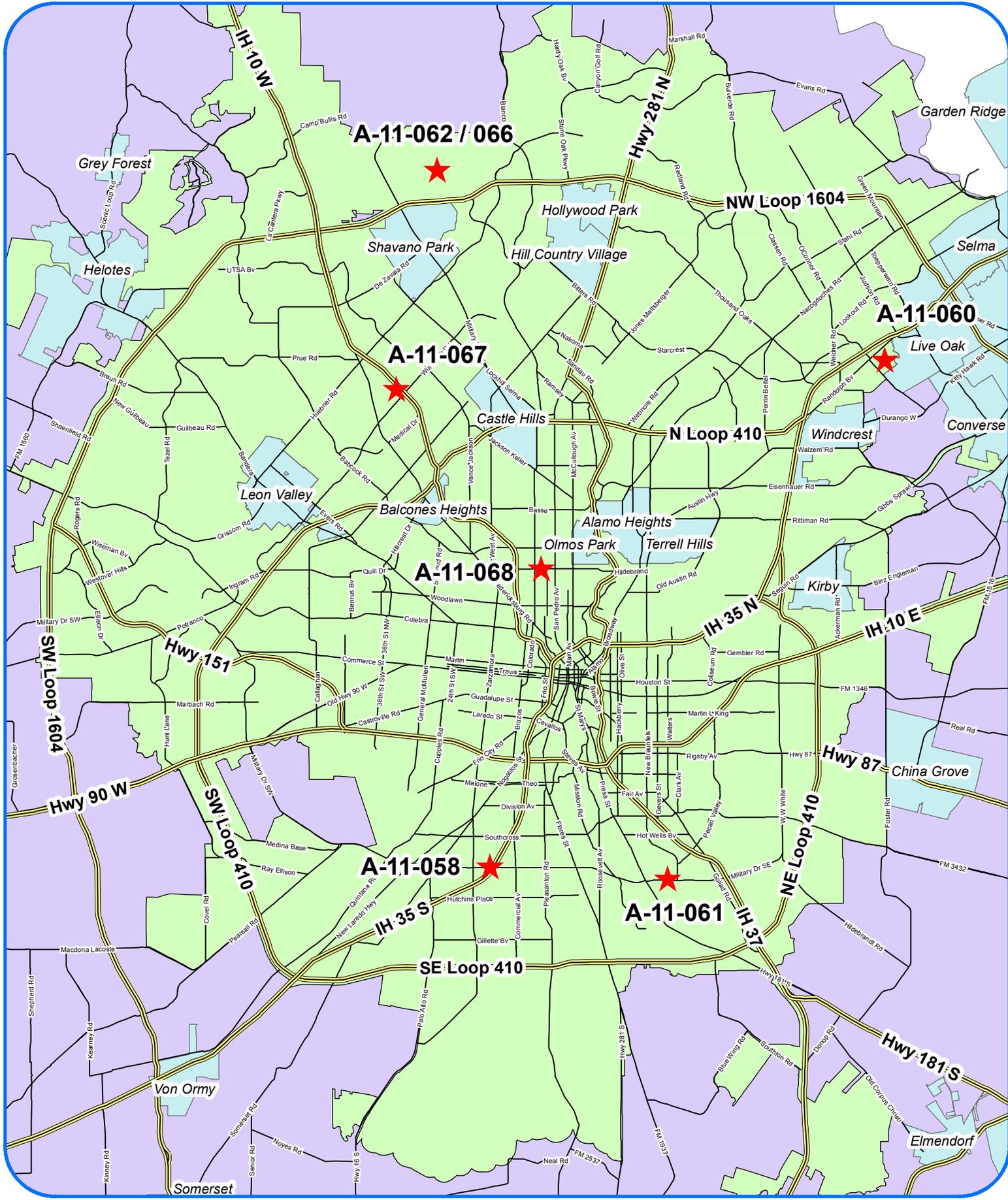
ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

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Board of Adjustment

Subject Property Locations
Cases for October 3, 2011





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-058
Date: October 3, 2011
Applicant: Southwest Signs Inc.
Owner: Sea Island Restaurants
Location: 2119 Southwest Military Drive
Legal Description: Lot 16, NCB 9725
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests **1)** a 90-foot variance from the 100-foot minimum right-of-way setback requirement for expressway signs to be erected on a property within five hundred (500) feet of an expressway, in order to allow the expressway sign ten (10) feet from the Southwest Military Drive right-of-way; **2)** a 90-foot variance from the 100-foot minimum right-of-way setback requirement for expressway signs to be erected on a property within five hundred (500) feet of an expressway, in order to allow the expressway sign ten (10) feet from the Hilton Avenue right-of-way; and **3)** a 10-foot variance from the 50-foot maximum expressway sign height standard, in order to allow a 60-foot tall sign.

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 15, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 16, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on September 30, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 1.64-acre property consists of the Sea Island Shrimp House restaurant. The property has street frontage on Southwest Military Drive, Hilton Avenue and Rayburn Drive, and is located approximately one hundred ten (110) feet west of South Interstate Highway 35. The current property owner wishes to replace the existing freestanding sign on the southeast corner of the property on Southwest Military Drive with a taller freestanding sign. The new freestanding

sign will be sixty (60) feet in height, and consist of a 205.7-square foot main sign cabinet and a 32-square foot reader board for a total sign area of approximately two hundred thirty eight (238) square feet.

According to the City’s Major Thoroughfare Plan, Southwest Military Drive is a Primary Arterial Type A. Per Section 28-239(c)(1) of the Sign Ordinance, the first freestanding sign on properties on a Primary Arterial Type A shall not exceed forty (40) feet in height, measured from the ground level to the top of the highest attached component of the sign. However, Section 28-239(e) of the Sign Ordinance allows properties that do not front an expressway but that are located within five hundred (500) feet of an expressway to erect freestanding signs in compliance with the expressway signs standards [a maximum height of fifty (50) feet per Section 28-239(c)(2) of the Sign Ordinance]. When utilizing this provision, said sign shall be setback a minimum of one hundred (100) feet from the nearest street easement or right-of-way, and two hundred (200) feet from the nearest residential zone; in addition, said sign or signs shall be oriented to the expressway. As the subject property is within five hundred (500) feet of South Interstate Highway 35, it may be eligible for the 50-foot height expressway sign standard provided it complies with the required setbacks and sign orientation requirements.

The proposed freestanding sign will be erected at the same location of the existing freestanding sign on the subject property, which is ten (10) feet from both the Southwest Military Drive and Hilton Avenue rights-of-way. Consequently, the applicant is requesting two (2), 90-foot variances from the required 100-foot minimum right-of-way setback, in order to be able to erect the 50-foot tall expressway sign allowed on properties within five hundred (500) feet of an expressway. Furthermore, as the applicant wishes to increase the sign height to sixty (60) feet, the applicant is also requesting a 10-foot variance from the 50-foot maximum sign height standard for expressway signs.

According to the submitted application, the request of the variance is due to the location and size of the new AT&T building located on the property to the east of the subject property (7023 South Interstate Highway 35). The applicant states that the AT&T building blocks the view of the building, building signage and existing freestanding sign on the subject property from any visibility for traffic traveling west on Southwest Military Drive. The applicant further states that a freestanding sign on the subject property has to be sixty (60) feet tall in order to achieve the same exposure and visibility that the existing sign had prior to the construction of the AT&T building.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial)	Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential)	Single-Family Residential
South	I-1 AHOD (Industrial), I-2 AHOD (Industrial)	Pawn Shop, Gas Station

East	C-2 AHOD (Commercial)	Restaurant, Retail
West	R-4 (Residential), I-1 (Industrial)	Single-Family Residential, Pawn Shop

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Nogalitos/South Zarzamora Community Plan. This community plan encourages the enforcement of the Sign Ordinance to reduce visual pollution on the commercial corridors.

The subject property is located within the Tierra Linda Neighborhood Association.

Criteria for Review

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

1. 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, or topography; **or**
2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

The subject property is located on a corner lot with street frontages on three (3) street rights-of-way, one (1) of which is a Primary Arterial Type A (Southwest Military Drive). There is an existing legal, conforming freestanding sign located on the southeast corner of the subject property that is visible to traffic on all three (3) street rights-of-way, in particular Southwest Military Drive and Hilton Avenue. The new AT&T building on the property to the east is approximately twenty-five (25) feet tall measured to the top of the parapet, and is setback approximately eight (8) feet from the Southwest Military Drive right-of-way according to the plans approved by the City. While staff recognizes that the new AT&T building may block some signage on the subject property to westbound traffic from a further distance on Southwest Military Drive, the obstruction is not to the extent where all visibility is eliminated. Moreover, the location of the new AT&T building may not be used as the basis for requesting a variance as the building is not located on or a unique feature of the subject property, and is a scenario that all properties on a corner lot may be subject to. The subject property does not have any unique features that prohibits or limits the property from providing adequate signage as allowed by the Sign Ordinance.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:
 - A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

The subject property is located on a corner lot, on a Primary Arterial Type A. All properties along an arterial street must comply with the arterial sign standards established by the Sign Ordinance, and are not eligible for sign types allowed on a higher street classification. While staff recognizes that the subject property is located within five hundred (500) feet of an expressway, it does not comply with the required setbacks from

both rights-of-way to be eligible for the expressway sign standards. The applicant is not only requesting variances to be able to utilize allowances reserved for properties in special conditions, but is also requesting an additional variance to exceed said allowances.

All properties are impacted by the potential development that may occur on the adjacent property. Placement of a legal, conforming building on the adjacent lot is not basis for a variance request, nor does it give exemption to neighboring properties from meeting the requirements of the Sign Ordinance. As the subject property is not influenced by oppressive conditions that are unique to the land and that prevent the business from being properly advertised, granting of the variance will provide the applicant with special privileges not enjoyed by other properties within the vicinity.

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

Granting of the variance will not have a substantial adverse impact on neighboring properties. The proposed sign will be placed at the same location of the existing freestanding sign a minimum of ten (10) feet from both the Southwest Military Drive and Hilton Avenue rights-of-way.

- C. Granting the variance will not substantially conflict with the stated purposes of this article.

The City's Sign Ordinance establishes specific requirements for different sign types depending on the property's zoning district, number of tenants, location and street classification. The applicant is proposing to erect a sign on the subject property that would only be allowed if the property was located adjacent to an expressway with a 10-foot grade difference. However, the subject property is located on Southwest Military Drive, a Primary Arterial Type A, and may not make use of standards that are not applicable to the property. Despite the fact that the subject property is located within five hundred (500) feet of an expressway, the proposed sign does not comply with the required setbacks from the rights-of-way to utilize the expressway sign standards. The applicant is requesting two (2) variances from the setback standards to apply standards that are only valid in special conditions. Therefore, granting of the variance will substantially conflict with the stated purpose for signage along Type A arterials, as well as with the purpose of the sign allowances for properties located within five hundred (500) feet of an expressway.

Furthermore, the applicant is proposing to orient the sign to Southwest Military Drive and not to the expressway, which results in erecting an expressway sign on an arterial even though the subject property is five hundred (500) feet from an expressway. The sign standards for properties on an expressway or within five hundred (500) feet of an expressway are to allow signs that are oriented to and legible from the expressway. Therefore, granting of the variance will also conflict with the Sign Ordinance as it would allow a sign on the subject property that eliminates distinction of sign type by street classification. The elimination of sign types by street classification is expressly prohibited by Section 28-246(a) of the Sign Ordinance, and thus this variance request should not be approved.

Staff Recommendation

Staff recommends **denial of A-11-058**. The requested variance does not comply with the required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the sign height standards for new freestanding signs.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphics communication problems. The subject property does not have special circumstances or conditions that would result in the need of the variance requested. The variances are requested due to the location and size of the AT&T building located on the property to the east of the subject property. This is not a condition unique to the land; it is a condition experienced by all properties located on a corner lot. Furthermore, while the AT&T building reduces exposure to the existing freestanding sign from a further distance, it does not completely eliminate visibility to impending traffic. The existing freestanding sign remains visible to both the westbound and eastbound traffic on Southwest Military Drive, as well as the other adjacent rights-of-way as experienced by Staff during the site inspection.

It is important to note that Section 28-246(a) of the Sign Ordinance prohibits the granting of a variance that would eliminate the distinction between sign types and sizes by zoning district, street classification or like areas of legislative prerogative. The height of the proposed sign exceeds the expressway sign height standard and is oriented to an arterial, thus eliminating this distinction. The proposed height would only be allowed if the sign was a multiple-tenant freestanding sign erected on a property fronting an expressway, or a single tenant freestanding sign erected on a property fronting an expressway with a grade separation of ten (10) feet, oriented to the expressway in both cases.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Proposed sign elevation

R4 R4 R4 R4 R4 R4 R4 R4 R4

R4 R4 R4 R4

NCB 9730 Block 000

NCB 9729 Block 000

1R 1R 1R 1R 1R 1R 1R 1R 1R
 R4 R4 R4 R4 R4 R4 R4 R4 R4
 1335 1331 1327 1323 1319 1315 1311 1307 1303

1R 1R 1R
 R4 R4 R4 R4
 1235 1231 1227

RAYBURN

R4 R4 R4 R4
 Restaurant
 1324
 R4
 1R
 Restaurant
 C2
 NCB 9725 Block 000
 Commercial Pawn
 I1 I1
 2135 2131 2119

Restaurant
 C2
 NCB 9726 Block 000
 7015

Commercial Sales
 C2
 7023

ASCOT

HILTON

UZROW

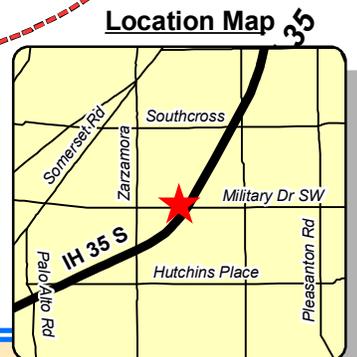
MILITARY

IH 35 S ACCESS

IH 35

Area is in Airport Hazard Overlay District

2310 2130 2102
 Parking
 NCB 12328 Block 000
 I2 I2
 Bank
 Gas Station
 IH 35 S



Board of Adjustment
Notification Plan for
Case A-11-058



Legend
 Subject Property ———
 200' Notification Boundary - - - - -
 Scale: 1" approx. = 100'
 Council District 4

RAYBURN

HILTON

**NCB 9725
Block 000
Lot 16**

10' Height Variance
from 50' expressway
sign height standard

90' Variance from
setback requirement

10'

90' Variance from
setback requirement

10'

SW MILITARY DR

Board of Adjustment
Plot Plan for
Case A-11-058

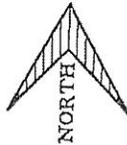


Sign Location ●
Scale: 1" approx. = 40'
Council District 4

2119 SW MILITARY DR

Development Services Dept
City of San Antonio
(7/11/2011)

adjacent to State right of way, adequate set-back and/or sound attenuation, and not causing any adverse impact to the highway right of way. From this property will be provided access driveways to State right of way or a maximum combined width of all plotted accessible highway frontage, a sidewalk to be constructed within State right of way shall be provided.



SCALE: 1" = 100'

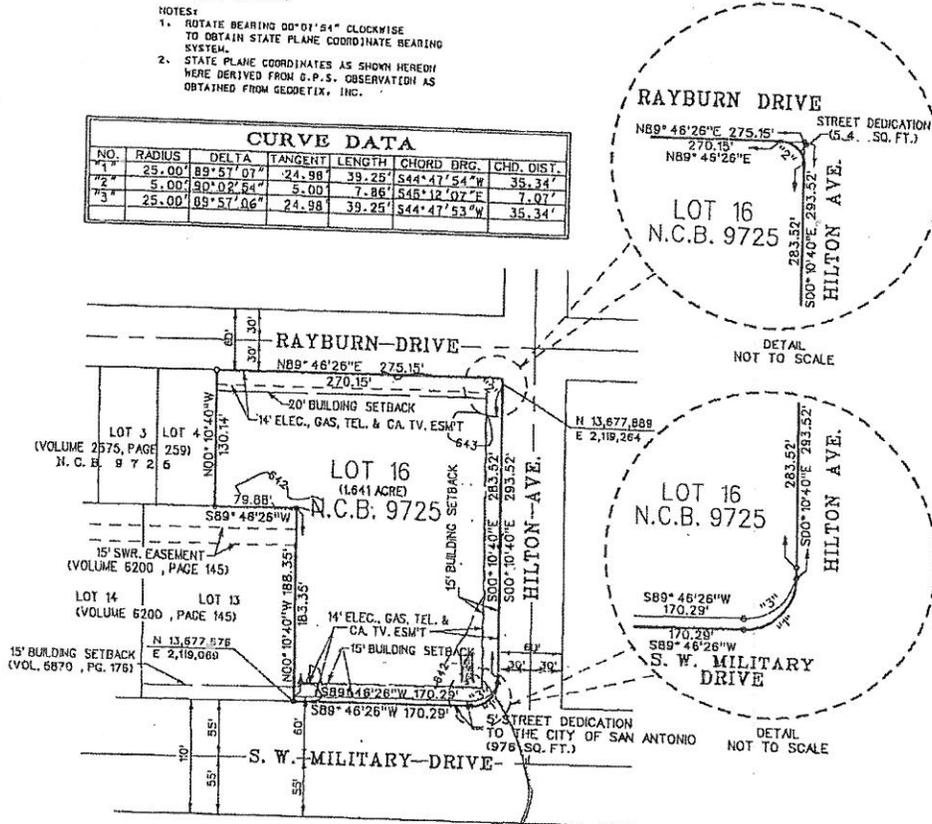
BEARINGS BASED ON THE NORTH RIGHT OF WAY LINE OF S.W. MILITARY DRIVE AS BEING S89°46'26"W

- NOTES:
1. ROTATE BEARING 00°07'54" CLOCKWISE TO OBTAIN STATE PLANE COORDINATE BEARING SYSTEM.
 2. STATE PLANE COORDINATES AS SHOWN HEREON WERE DERIVED FROM G.P.S. OBSERVATION AS OBTAINED FROM GEODETIX, INC.

CURVE DATA						
NO.	RADIUS	DELTA	TANGENT	LENGTH	CHORD BRG.	CHD. DIST.
1	25.00'	89°57'07"	24.98'	39.25'	S44°47'54"W	35.34'
2	5.00'	90°02'54"	5.00'	7.86'	S46°12'07"E	7.07'
3	25.00'	89°57'06"	24.98'	39.25'	S44°47'53"W	35.34'

REPLAT ESTABLISHING
MILITARY HILTON SUBDIVISION
 BEING LOT 16 (1.641 ACRE) N.C.B. 9725, SAN ANTONIO, BEXAR COUNTY, TEXAS.

990244



LOT 3 (VOLUME 2576, PAGE 259) N.C.B. 9726

LOT 14 (VOLUME 6200, PAGE 145)

LOT 13 (VOLUME 6200, PAGE 145)

Handwritten note: PLACEMENT PERMISSIBLE



THIS PLAT OF MILITARY HILTON SUBDIVISION HAS BEEN SUBMITTED TO THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY THE DIRECTOR OF PLANNING IN ACCORDANCE WITH V.T.C.S. - LOCAL GOVERNMENT CODE SECTION 211.0045. DATED THIS 12th DAY OF JANUARY, A.D. 1999.

I, the undersigned, being a duly qualified and sworn-in Surveyor of the State of Texas, do hereby certify that this plat was filed for record in my office on the 12th day of January, A.D. 1999, at 10:48 A.M. and duly recorded in the records of said county, in book volume 4841a on page 38.

JOSE L. CARMONA
 Surveyor Publico, State of Texas

COUNTY CLERK, BEXAR COUNTY, TEXAS

DEVELOPER:
 BARCLAY ANTHONY
 10100 REUNION PLACE, SUITE #120
 SAN ANTONIO, TEXAS 78216

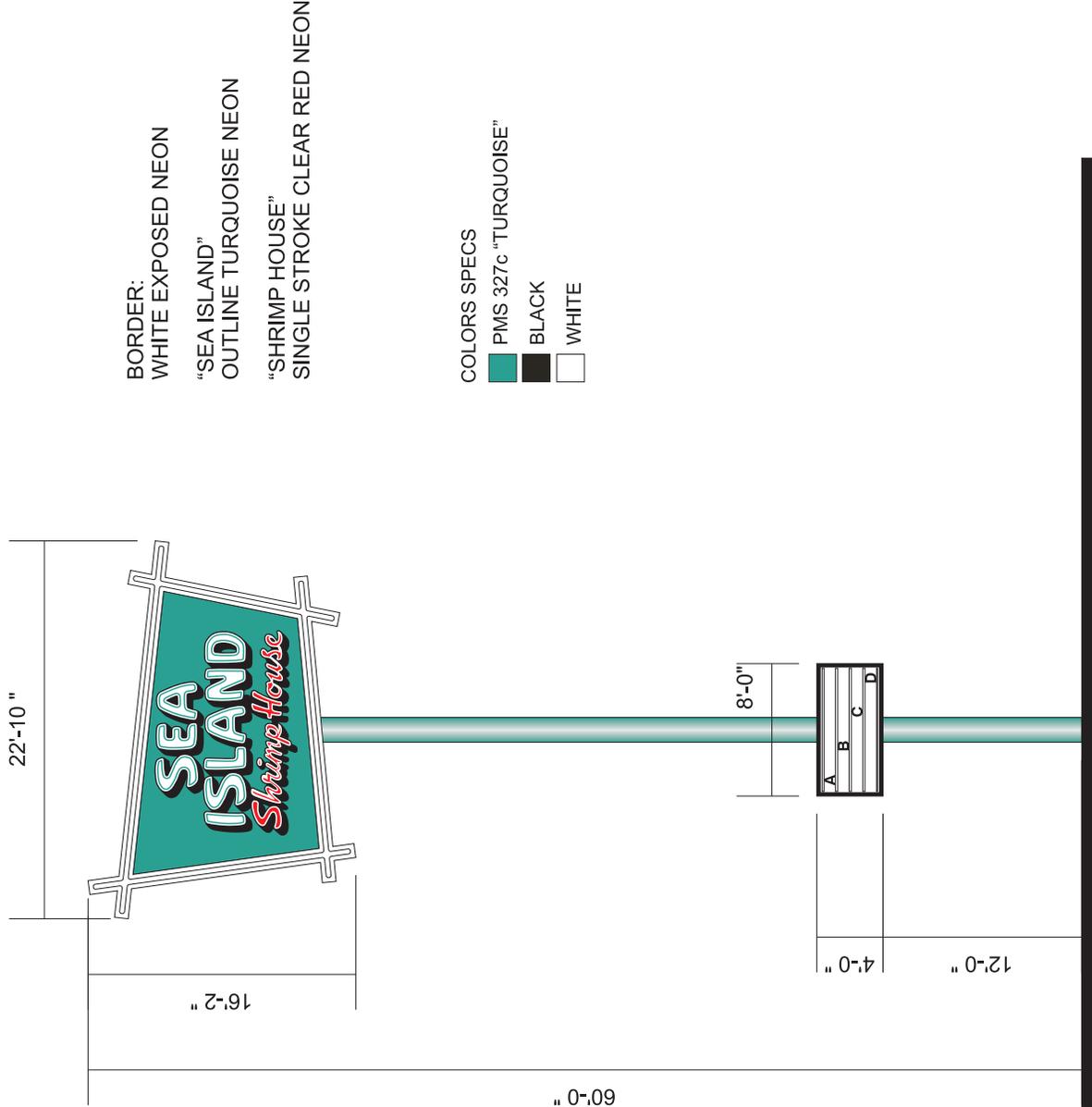
mac MACINA, BOSE, COPELAND & ASSOCIATES, INC.
 CONSULTING ENGINEERS AND LAND SURVEYORS
 415 Breeseport Drive, San Antonio, Texas 78216

NOTES:
 *WASTEWATER EDDU NOTE. THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDDU) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER STATION UNDER THE PLAT NUMBER ISSUED BY THE PLANNING DEPARTMENT.

NOTES:
 THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DESIGNATED THE EASEMENTS AND RIGHT-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREA DESCRIBED ON THIS PLAT AS "ELECTRICAL EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "OVERHEAD EASEMENT", "GAS AND TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR RATTING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT OF EGRESS AND ENTRY OF "MAY" AREAS, AND THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND ADJACENT LANDS, THE RIGHT TO RELOCATE SAID ALL THREE ON PILES THROUGH OR OTHER OBSTRUCTIONS WHICH EXIST OR ON ANY INTERFERING WITH THE UTILITIES, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN SAID EASEMENT THAT MAY AND ANY NECESSARY WORK RESULTING FROM MODIFICATIONS REQUIRED BY CPS EQUIPMENT, LOCATED WITHIN SAID EASEMENT DUE TO CHANGING OR OTHER ELEVATION ALTERATIONS SHALL BE CHANGED TO THE

Handwritten note: SEA ISLAND 200 Military Dr. 4116

205.7 SQ. FEET "MAIN CABINET"
 32.0 SQ. FEET "READER BOARD"
 237.7 SQ. FEET TOTAL



BORDER:
 WHITE EXPOSED NEON
 "SEA ISLAND"
 OUTLINE TURQUOISE NEON
 "SHRIMP HOUSE"
 SINGLE STROKE CLEAR RED NEON

COLORS SPECS

 PMS 327c "TURQUOISE"
 BLACK
 WHITE

PRESENTATION DRAWING

Client: Sea Island Shrimp House
Client's Location: 2119 SW Military Dr
 San Antonio, TX 78224
Sales Rep: Greg B.
Project Manager: Julie H.

PM Approval:
Date: 6/17/11
Drawn By: Joel G.
Revision:

Scale: 3/32" = 1'-0"

Work Order# 28883-001 of 1

Sign Description:
 Mfg. & Install (1) ONE new d/f pole sign w/ reader board at 60' OAH.



Primary wires provided by customer.
Sign voltage based upon 120v.

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY SMS SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY SMS SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION. NOR IS IT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Customer Approval:



City of San Antonio Planning & Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-060
Date: October 3, 2011
Applicant: Fred R Williams
Owner: Fred R Williams
Location: 6519 Kings Crown West
Legal Description: Lot 13, Block 42, NCB 18425
Zoning: "R-6 AHOD" Residential Single Family Airport Hazard Overlay District
Prepared By: Victor Caesar, Planning Intern

Request

The applicant is requesting a special exception to allow an ornamental iron front yard fence not to exceed 6 feet in height.

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 15, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 16, 2011. Additionally, notice of this meeting was posted at city hall and on the city's internet website on September 30, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 1.12 acre parcel is situated on the east side of West Kings Crown Road. Pursuant to Section 35-514 of the Unified Development Code the height of predominately open fences within front yards are limited to four (4) feet. The applicant is requesting the special exception to allow an ornamental iron fence in the front yard, not to exceed a height of 6 feet. The surrounding neighborhood consists of large lots with open front yards. Some of the neighboring properties possess predominately open backyard fences.

The design of the fence as submitted by the applicant adheres to the conditions required by Section 35-399.04(a) of the UDC in terms of its height, spacing between vertical bars, width of vertical bars, and the width and spacing of the posts.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-6 AHOD (Residential Single Family)	Single Family Residence

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a neighborhood or community plan, but is within the Randolph Hills Civic Club.

Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five (5) following conditions:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

The granting of the special exception will be in harmony with the spirit and purpose of the chapter. The fence design submitted follows the design conditions of Section 35-399.04(a) of the UDC.

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

The public welfare and convenience will be substantially served in the granting of the request as the fence will permit the applicant to secure the subject property to the extent desired.

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

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

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

The special exception will not alter the essential character of the district in which it is sought because the fence will not encroach upon neighboring properties. The proposed fence will not detract from the suburban residential character of the neighborhood.

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

The requested special exception will not weaken the general purpose of the “R-6” zoning district nor the corresponding fence height regulations. The additional height of the fence in question is not so great as to conflict with the scale of the neighborhood.

Staff Recommendation

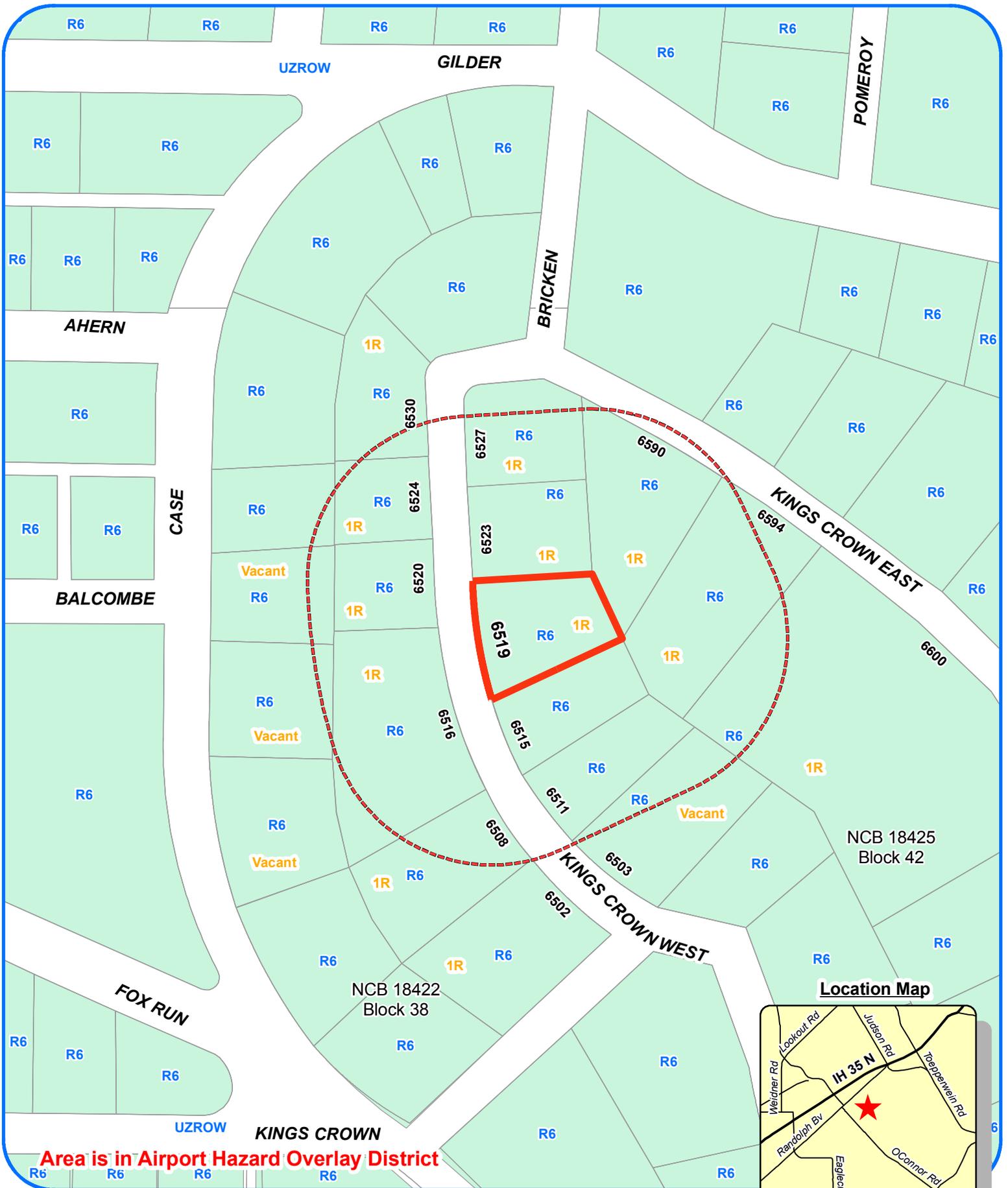
Staff recommends **approval of A-11-060**. The conditions necessary for the granting of the requested special exception have been satisfied, as presented above. The proposed fence will be appropriate for the property because the large lot size will not cause the fence to encroach or impinge on to neighboring properties. Additionally, the design of the fence submitted by the applicant is in accordance with the design criteria specified in Section 399.04(a) of the Unified Development Code.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Plot Plan Drawing with Fence Dimensions



Area is in Airport Hazard Overlay District



Board of Adjustment

Notification Plan for

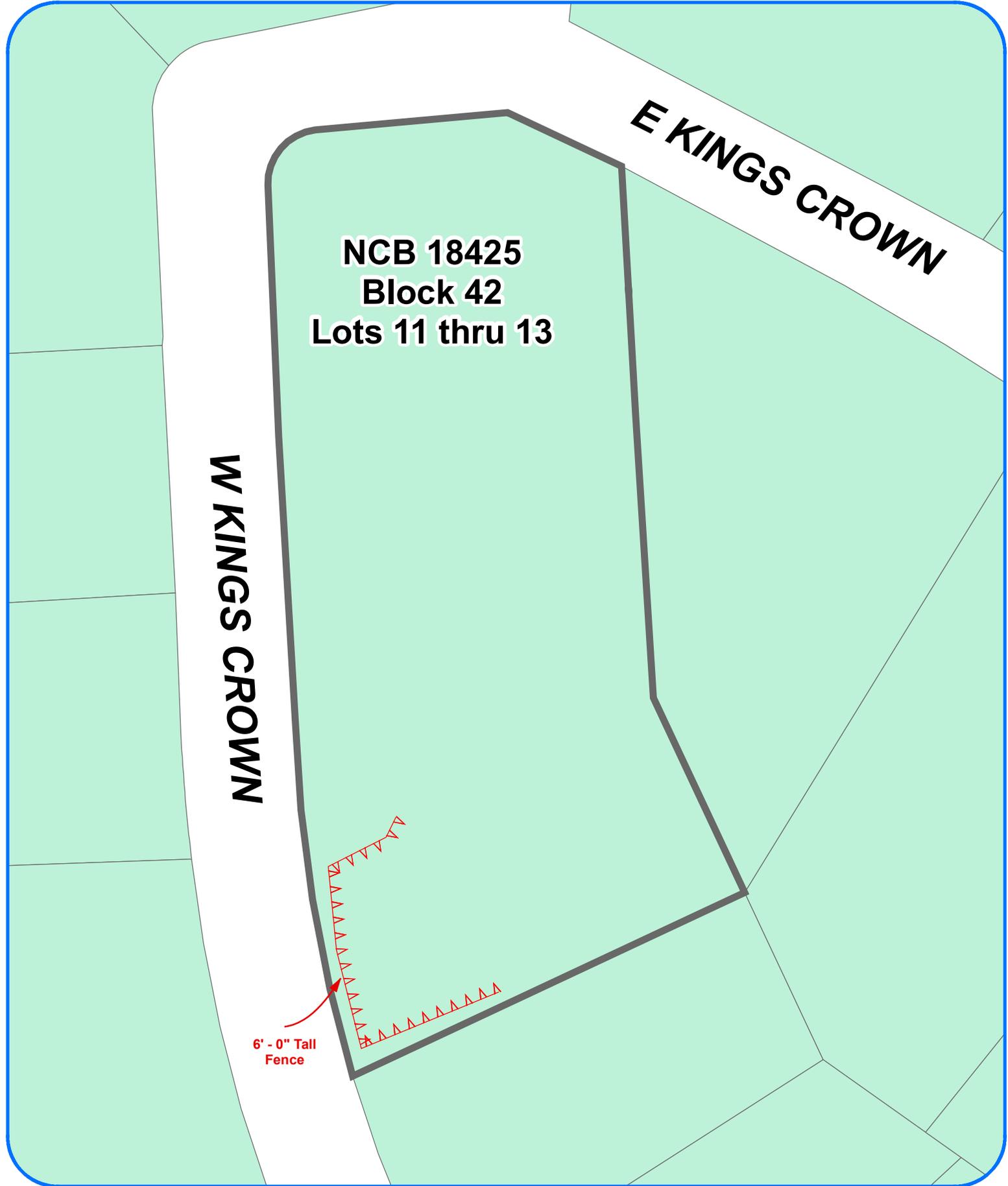
Case A-11-060



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 150'
- Council District 10

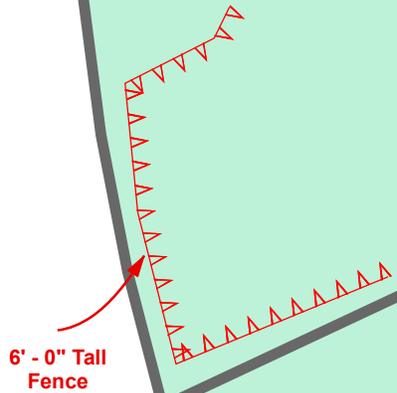
Development Services Dept
City of San Antonio
(9/2/2011)



**NCB 18425
Block 42
Lots 11 thru 13**

W KINGS CROWN

E KINGS CROWN



**6' - 0" Tall
Fence**

**Board of Adjustment
Plot Plan for
Case A-11-060**



Fence ▲▲▲▲

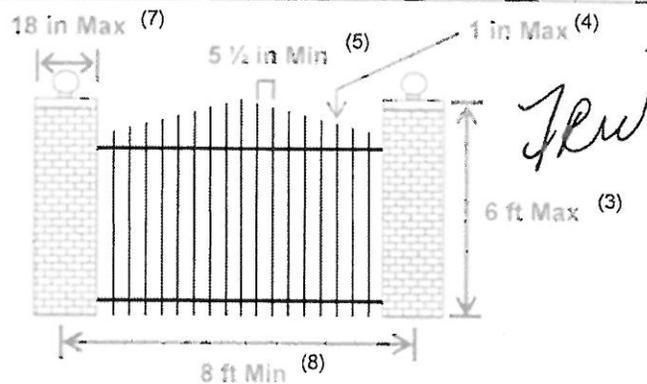
**Scale: 1" approx. = 50'
Council District 10**

6519 W KINGS CROWN

Development Services Dept
City of San Antonio
(9/2/2011)

Ornamental-Iron Front Yard Fence Special Exception

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

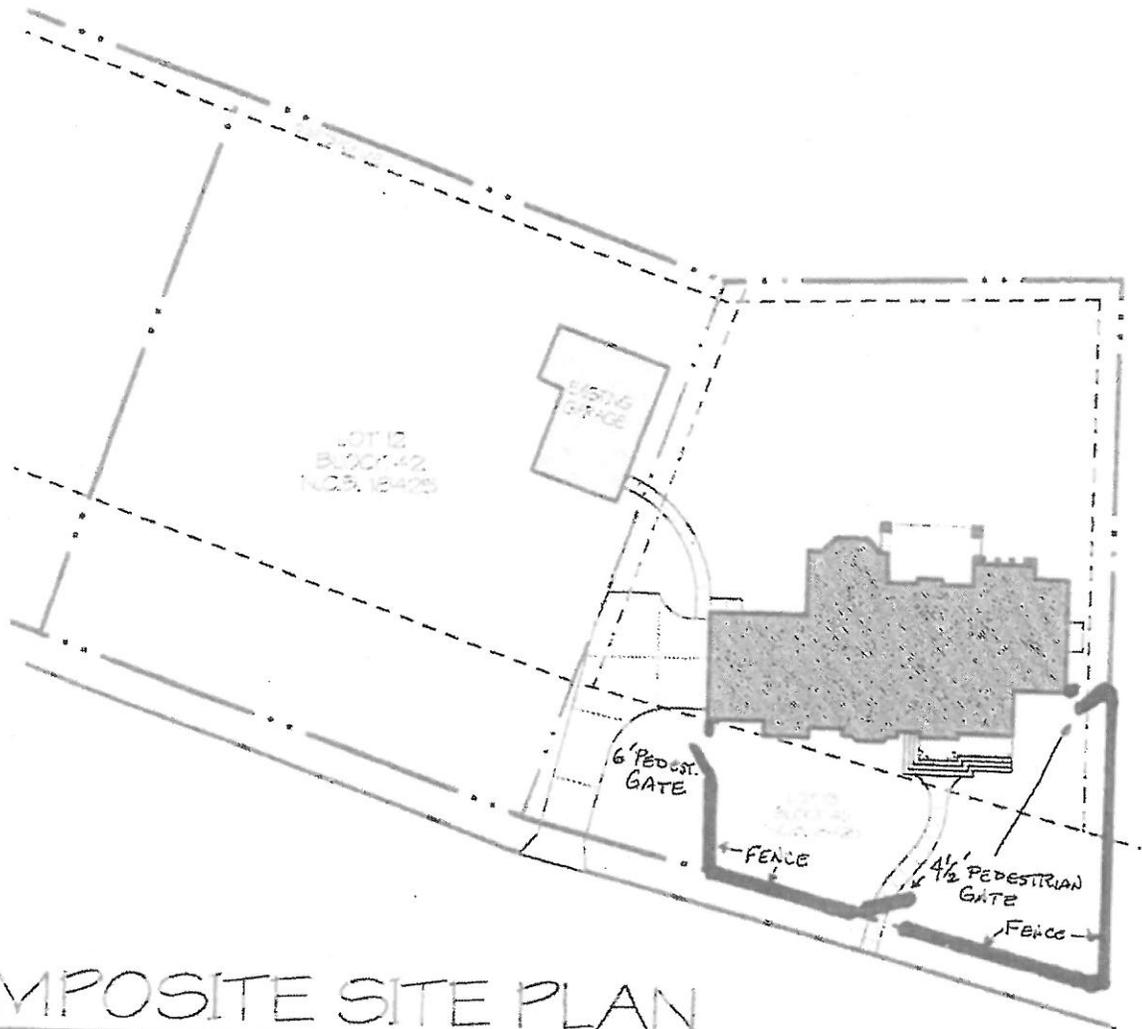
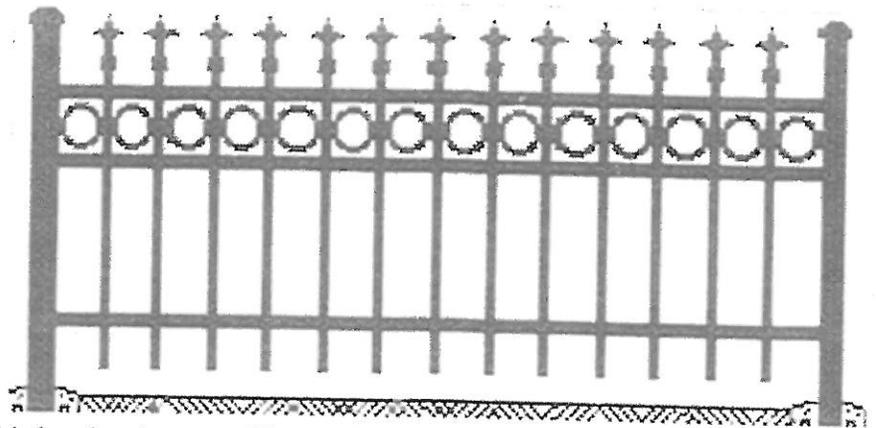


By signing below you acknowledge that the information provided above is true and accurate, and that the fence in question does, in fact, meet the requirements to be considered under this special exception.

Paul R. Williams
8/24/2011

Property Owner Signature Date

Basic fence design: The fence will be constructed of wrought iron posts and bars. The posts will have a width of 3 inches each and spaced 8 feet apart, measured from center of post to center of post permitted. (The distance between posts may be less than 8 feet if necessary for structural soundness or to accommodate the pedestrian gate.) The posts will be 4.5 feet apart for 2 pedestrian gates, and 6 feet apart for the third pedestrian gate. There will be no vehicle gate. The vertical balusters will be less than one (1) wide, and will have spacing of at least five and one-half (5½) inches between the balusters.



COMPOSITE SITE PLAN
 SCALE: 1"=40'



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-061
Date: October 3, 2011
Applicant: Kenneth Pruitt, GFR Development Services
Owner: City Base West, L.P.
Location: 2519 Southeast Military Drive
Legal Description: Lot 8, Block 1, NCB 10934
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests a 15-foot variance from the 150-foot minimum spacing requirement, in order to allow a freestanding sign to be erected one hundred thirty-five (135) feet from another freestanding sign.

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 15, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 16, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on September 30, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 1.03-acre property is currently vacant, and will consist of an 8-pump gasoline station with a 2,756-square foot convenience store according to the building permit issued in September 2011. The property is part of the City Base West development located at the intersection of Southeast Military Drive and South New Braunfels Avenue. In 2010, the City and GFR Development Services signed a Sign Master Plan ("SMP") agreement for the City Base West development, which approved two (2) freestanding signs on the subject property. The two (2) signs approved are a 330-square foot, 37.5-foot tall multiple tenant sign (sign "B"), and a 24-square foot, 10-foot tall single tenant sign (sign "C"). This SMP was approved by the Board of Adjustment on July 19, 2010.

Pursuant to Section 28-244(b) of the Sign Ordinance, the SMP area is defined as a single premise for the purpose of determining whether a sign is an on-premises sign. Because of this, the entire City Base West development is considered to be one (1) premise without consideration of interior lot lines or private streets. All signage within the SMP area is required to comply with the provisions of Article IX of the Sign Ordinance, to include the distance separation requirement between freestanding signs.

According to the City’s Major Thoroughfare Plan, Southeast Military Drive is a Primary Arterial Type A. Per Section 28-241(c)(1)(a) of the Sign Ordinance, additional freestanding signs on an Arterial Type A are permitted with a minimum spacing of one hundred fifty (150) linear feet. The applicant is proposing to erect the single tenant sign (sign “C”) one hundred thirty five (135) feet from the multiple tenant sign (sign “B”). Consequently, the applicant is requesting a 15-foot variance from this standard.

According to the submitted application, the variance request is due to a 28-foot wide water, gas, electric, telephone and cable easement located along the west boundary of the City Base West development. This easement resulted in the signs to the west of the subject single tenant sign (sign “C”) to be shifted to the east to relocate the signs outside of the easement and comply with the 150-foot separation requirement. However, in order to abide by the number of signs approved per lot in the SMP, the applicant is not able to locate the single tenant sign (sign “C”) one hundred fifty (150) feet from the multiple tenant sign (sign “B”). Compliance with the 150-foot separation requirement will place the sign on the property to the east, which was approved for only one (1) freestanding sign (sign “D”).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 AHOD (Commercial)	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 AHOD (Commercial)	Vacant
South	MR AHOD (Commercial)	Brooks City Base
East	C-3 AHOD (Commercial)	Vacant
West	C-3 AHOD (Commercial)	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central Community Plan, and has a Regional Commercial Future Land Use (“FLU”) designation. This community plan encourages the enforcement of the sign ordinance, especially regarding sign height, along Military Drive and other streets, as well as well-designed, monument signage within the Regional Commercial FLU designation.

The subject property is located within the Hot Wells Neighborhood Association.

Criteria for Review

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

1. 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, or topography; **or**
2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

A strict enforcement of the 150-foot separation requirement will result in the elimination of the single tenant sign (sign "C") approved by the City Base West SMP agreement in 2010. According to this SMP, two (2) freestanding signs (signs "B" and "C") are allowed on the subject property. However, due to a 28-foot wide easement that was not taken into consideration when the SMP was approved, several signs along the Southeast Military Drive frontage had to be relocated to avoid erecting a sign within this easement and comply with the 150-foot distance separation requirement. This also resulted in the two (2) signs approved for the subject property being one hundred thirty-five (135) feet from each other to maintain the number of signs approved per lot in the SMP. Denial of the variance will result in the future gas station not having adequate signage to advertise the services provided.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:
 - A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

Granting of this variance will not provide the applicant special privileges not enjoyed by others. The City Base West SMP approved two (2) freestanding signs on the subject property, one (1) of which is a single tenant sign for the future gas station (sign "C"). In addition, the subject property has approximately one hundred seventy-two (172) feet of street frontage that allows the property a maximum of two (2) signs per Section 28-239(c)(2) of the Sign Ordinance. The variance, if approved, will allow the applicant to erect and maintain the single tenant secondary freestanding sign approved by the SMP, and allowed by the Sign Ordinance if the SMP did not exist.

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

Granting of the variance will not have a substantial adverse impact on neighboring properties. The proposed single tenant sign will be placed on the subject property as approved by the City Base West SMP.

- C. Granting the variance will not substantially conflict with the stated purposes of this article.

One (1) of the objectives of the Sign Ordinance is to assure that on-premises signs in terms of size, height, scale and location are properly related to the overall adjacent land use character and development. In 2010, the City and GFR Development Services signed the City Base West SMP agreement for the entire City Base West development located at

the intersection of Southeast Military Drive and South New Braunfels Avenue. This SMP approved a number of signs within the development that are of less height and area than what is normally allowed by the Sign Ordinance, resulting in an overall reduction of over seventy percent (70%) in both sign height and area. Granting of the variance will allow the applicant to erect the two (2) approved freestanding signs on the subject property one hundred thirty-five (135) feet from each other. The resulting distance between the signs, and the proposed height and area of the signs, still comply with this objective of the Sign Ordinance.

Staff Recommendation

Staff recommends **approval of A-11-061**. The requested variance complies with the required approval criteria for granting a variance as presented above. The applicant has presented evidence that the requested variance would provide relief from a hardship caused by a literal enforcement of the distance separation requirement between freestanding signs.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphic communication problems. As the City Base West SMP considers the entire development as a single premise, the variance requested is due to a 28-foot wide easement located along the west boundary of the development. This easement resulted in the relocation of some signs along the Southeast Military Drive frontage to avoid erecting a sign within the easement and comply with the 150-foot separation requirement. The variance, if approved, will allow the applicant to erect the single tenant sign approved by the City Base West SMP agreement on the subject property that will provide signage for the business and services offered on site.

Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Proposed sign elevation

NCB 10934 Block 000

R4 MC-2

6711
N NEW BRAUNFELS AVE

C3

2511

C3

Vacant

C3

C3

C3

C3

Vacant

2503

2519

2535

MILITARY

8030
CHALLENGER DR

MR

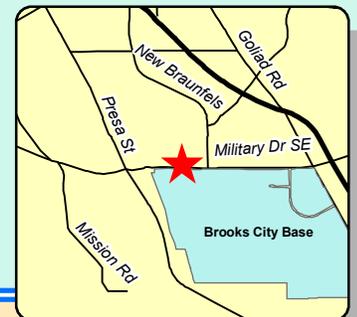
NCB 10879 Block 000

BROOKS CITY BASE

Area is in Airport Hazard Overlay District

MR.H

Location Map



Board of Adjustment
Notification Plan for
Case A-11-061



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 100'
- Council District 3



Board of Adjustment
Plot Plan for
Case A-11-061



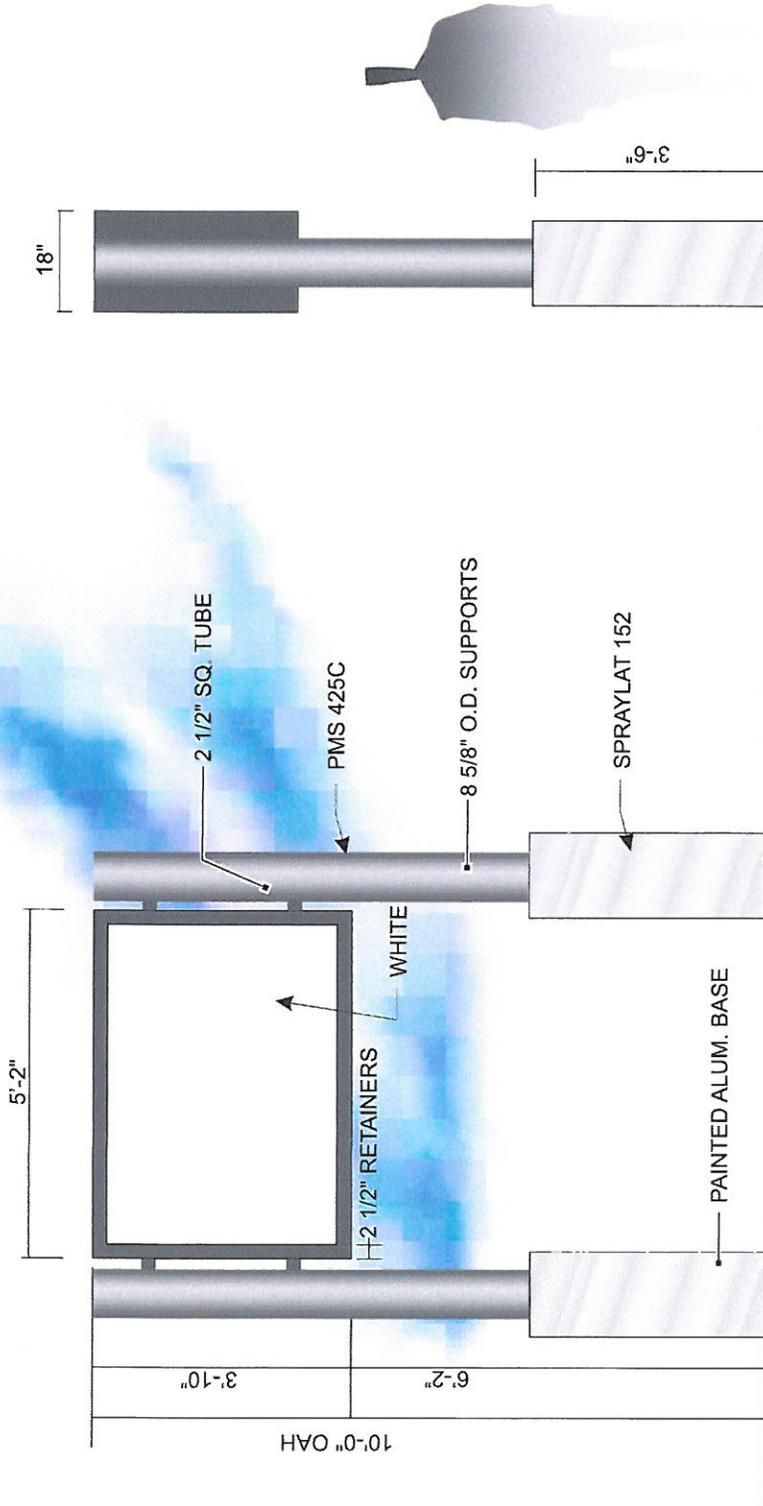
Sign Locations ●
Scale: 1" approx. = 50'
Council District 3

2519 SE MILITARY DR

Development Services Dept
City of San Antonio
(9/23/2011)

19.8 SQ. FEET

STREET SIDE



FRONT VIEW

SIDE VIEW

- COLORS SPECS
- SPRAYLAT 152 "FINE ALUM."
 - PMS 425C GRAY (SUPPORTS, CABINETS)
 - WHITE



www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

GFR Development Services

Client's Location:

City Base West

S. New Braunfels, TX 78223

Sales Rep: Ann B.

Project Manager: Brenda B.

PM Approval:

Date: 5.5.10

Drawn By: Reese S.

Revision:

- R13)Rev sign "H" from site plan 3/25/11 JG
- R14)Add colors 5/16/11 JG
- R15)Revise pole color to 350C 6/20/11 JG
- R16)Revise pole color to 425C 6/21/11 JG
- R18)Revise logo color to 425C 6/27/11 JG
- R19)Revise sign A 7/01/11 JG
- R20)Add vinyl color 7/08/11 JG
- R22) Revise sign A to sign C specs 8/24/11 MG

Scale: 3/8" = 1'-0"

Work Order# 23540-001 of 11

Sign Description:

CJ Manufacture & Install (1) ONE D/F tenant sign. Lexan faces int. illum. by H-O lamps. Supports, cabinet, retainers ptd. PMS 425c. Vinyl copy & graphics on main ID.

Underwriters Laboratories Inc.®

Primary wires provided by customer. Sign voltage based upon 120v.

THIS IS AN ORIGINAL UN-PUBLISHED DRAWING CREATED BY SWS SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY SWS SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IT IS TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Customer Approval: _____



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-062, A-11-063, A-11-064, A-11-065, A-11-066
Date: October 3, 2011
Applicant: Kaufman & Killen, Inc.
Owner: Multiple Owners (See Attachments)
Location: Multiple Addresses
Legal Description: Blocks 35, 41, 42, 43, and 45, NCB 16334
Zoning: "PUD R-6 ERZD AHOD MLOD-1" Residential Single-Family Planned Unit Development Edwards Recharge Zone Airport Hazard Overlay District Military Lighting Overlay District
Prepared By: Jacob T. Floyd, Senior Planner

Request

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on September 16, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 16, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on September 30, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject properties consists of 122 lots out Blocks 35, 41, 42, 43, and 45, New City Block 16334, of the Gardens on Point Bluff at Rogers Ranch subdivision which have 8-foot tall fences in the side and rear yards. The first homes within the subdivision were built in 2004 and the development is nearing completion at this time. Due to the varied topography of the subdivision approximately thirty percent (30%) of all lots within the subdivision do not require a variance, as section 35-514(d)(2) of the UDC allows them to have 8-foot tall fences by right. This variance is requested for the remaining lots which do not meet this provision.

The subject properties are part of the Rogers Ranch Planned Unit Development (PUD) first approved in 2003. The purpose of the PUD zoning district is to encourage the preservation and

enhancement of natural amenities; to protect the natural features of a site that relate to its topography, shape and size; to provide for a minimum amount of open space; and to provide flexibility in the planning and construction of development projects. The applicant indicates that the fences are necessary due to the unique topography of the subdivision, in order to provide additional security and privacy for homeowners whose homes are at a different elevation than their fences. Additionally, the applicant indicates that the variance will allow for a consistent development pattern within the subdivision, due to the fact that approximately thirty percent (30%) of all lots in the subdivision are permitted to have higher fencing as provided by section 35-514(d)(2) of the UDC. While the subject lots do not strictly satisfy the conditions of section 35-514(d)(2) they are still subject to significant changes in elevation.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
PUD R-6 ERZD AHOD MLOD-1 (Residential)	Single-Family Residences

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	PUD R-6 ERZD AHOD MLOD-1 (Residential)	Single-Family Residences
South	PUD R-6 ERZD AHOD MLOD-1 (Residential)	Single-Family Residences, Open Space
East	PUD R-6 ERZD AHOD MLOD-1 (Residential)	Single-Family Residences, Open Space
West	PUD R-6 ERZD AHOD MLOD-1 (Residential)	Single-Family Residences, Open Space

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is not within a neighborhood association.

Criteria for Review

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

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

The variance is not contrary to the public interest as the existing fences, and the fencing planned for the remaining lots, are consistent in height and appearance and do not detract

from the interest of property owners within the subdivision. The variance will provide a remedy to the lack of privacy created by the varied topography of the subdivision.

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

The significant elevation changes across the subdivision will result in unnecessary hardship through the literal enforcement of the fence height standards. The varied topography significantly lessens the security and privacy given to the homeowners by fences of a height lesser than the 8 feet requested.

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

The variance will observe the spirit of the ordinance to promote the health, safety, morals, and the general welfare of the community by ensuring consistency in the landscape fencing used throughout the neighborhood and providing reasonable privacy and security to the property owners. The variance will do substantial justice in ensuring the fencing installed throughout the subdivision is consistent and the property owners enjoy the privacy and security to which they are entitled.

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 requested variance will not authorize a use other than the single-family residential land use permitted by the "PUD R-6 AHOD ERZD MLOD-1" 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.

The requested variance will allow the existing 8-foot tall fences to remain and the construction planned for the remaining vacant lots and will not change the residential character of the area. The variance will maintain the character and appearance of the area established by the existing 8-foot tall fences.

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

The plight of the owners is due to the unique topography of the subdivision and was not created by the owners themselves. Many of the property owners purchased homes within this subdivision in part to enjoy the safety and privacy provided by the existing fencing.

Staff Recommendation

Staff recommends **approval of A-11-062, A-11-063, A-11-064, A-11-065, and A-11-066**. The requested variance complies with all the required approval criteria for granting a variance, as presented above. The applicant has presented evidence that the requested variance would provide relief from the hardship caused by a literal enforcement of the fence height standards due to the great elevation changes throughout the subdivision. The requested variance will allow for consistency in the fencing of property in this subdivision as approximately thirty percent (30%)

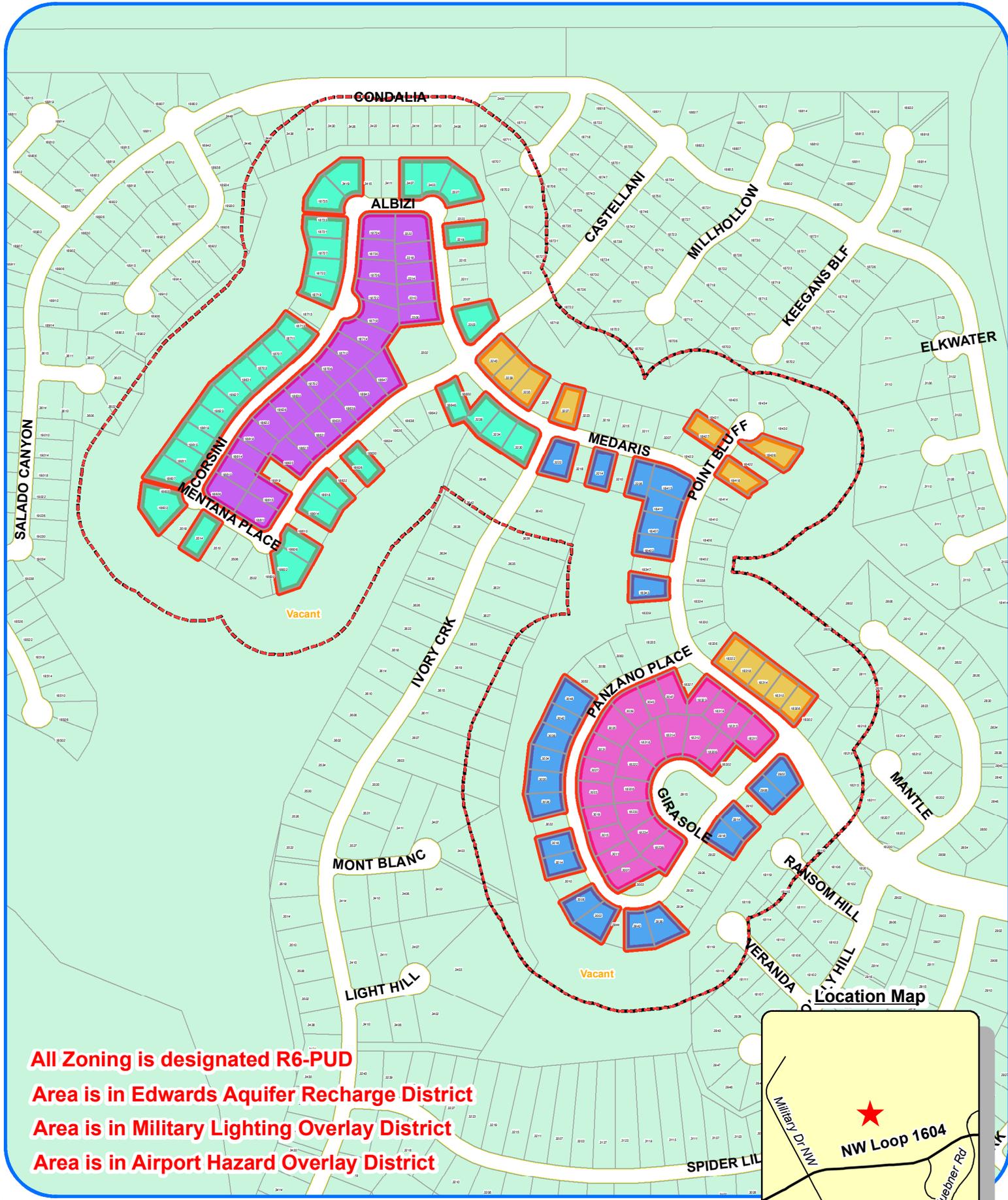
of the lots throughout the development are permitted to have 8-foot tall fences due to their topography.

Attachments

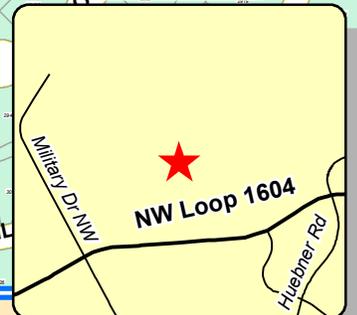
Attachment 1 – Location Map(s)

Attachment 2 – Submitted “Rogers Ranch Variance Exhibit”

Attachment 3 – Subject Property Tables



All Zoning is designated R6-PUD
Area is in Edwards Aquifer Recharge District
Area is in Military Lighting Overlay District
Area is in Airport Hazard Overlay District



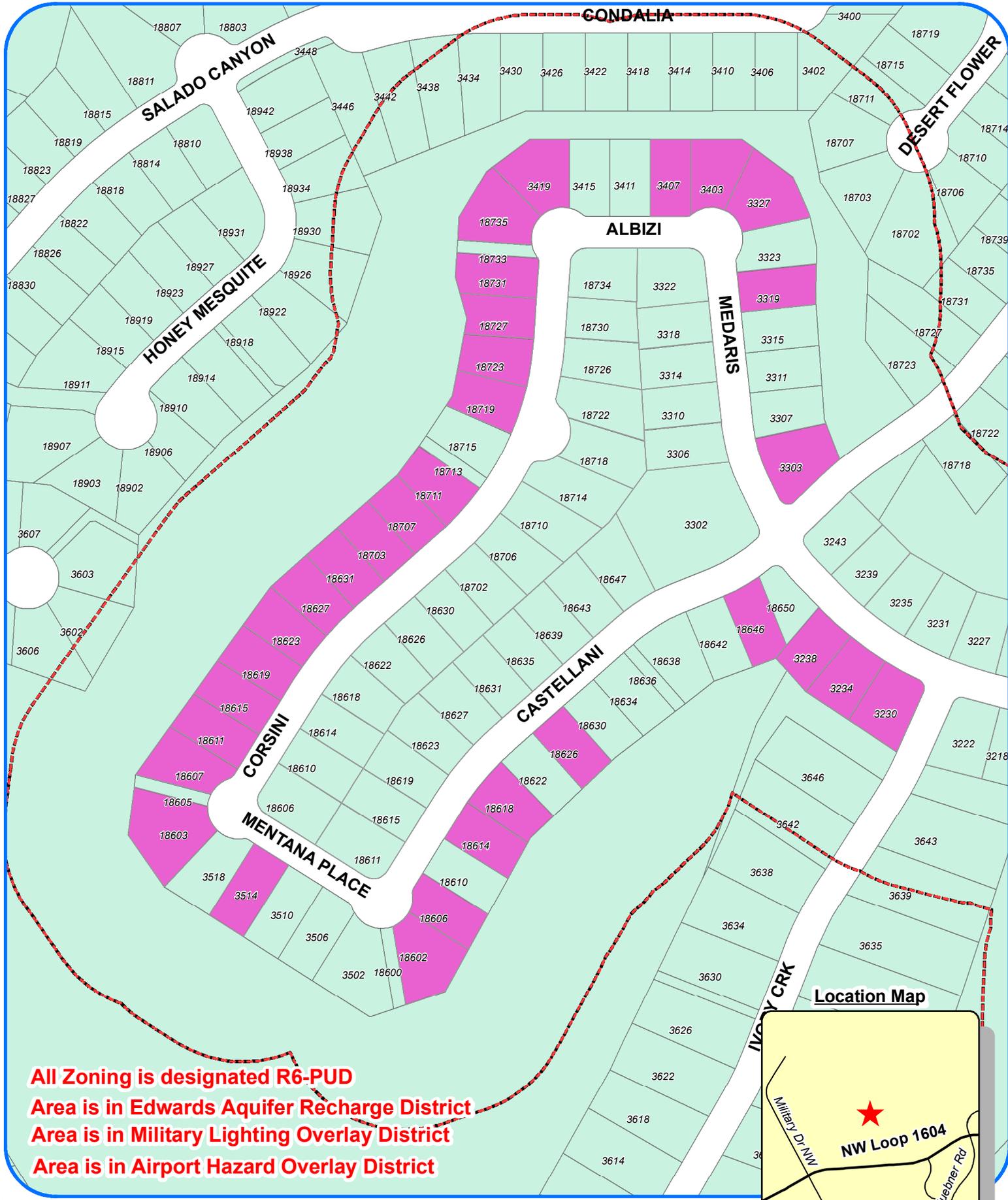
Board of Adjustment
Notification Plan for
Cases A-11-062 thru 066



Legend
 Subject Property
 200' Notification Boundary
 Scale: 1" approx. = 400'
 Council District 9

- A-11-062, Case 1
- A-11-063, Case 2
- A-11-064, Case 3
- A-11-065, Case 4
- A-11-066, Case 5

Development Services Dept.
 City of San Antonio
 (9/8/2011)



All Zoning is designated R6-PUD
Area is in Edwards Aquifer Recharge District
Area is in Military Lighting Overlay District
Area is in Airport Hazard Overlay District

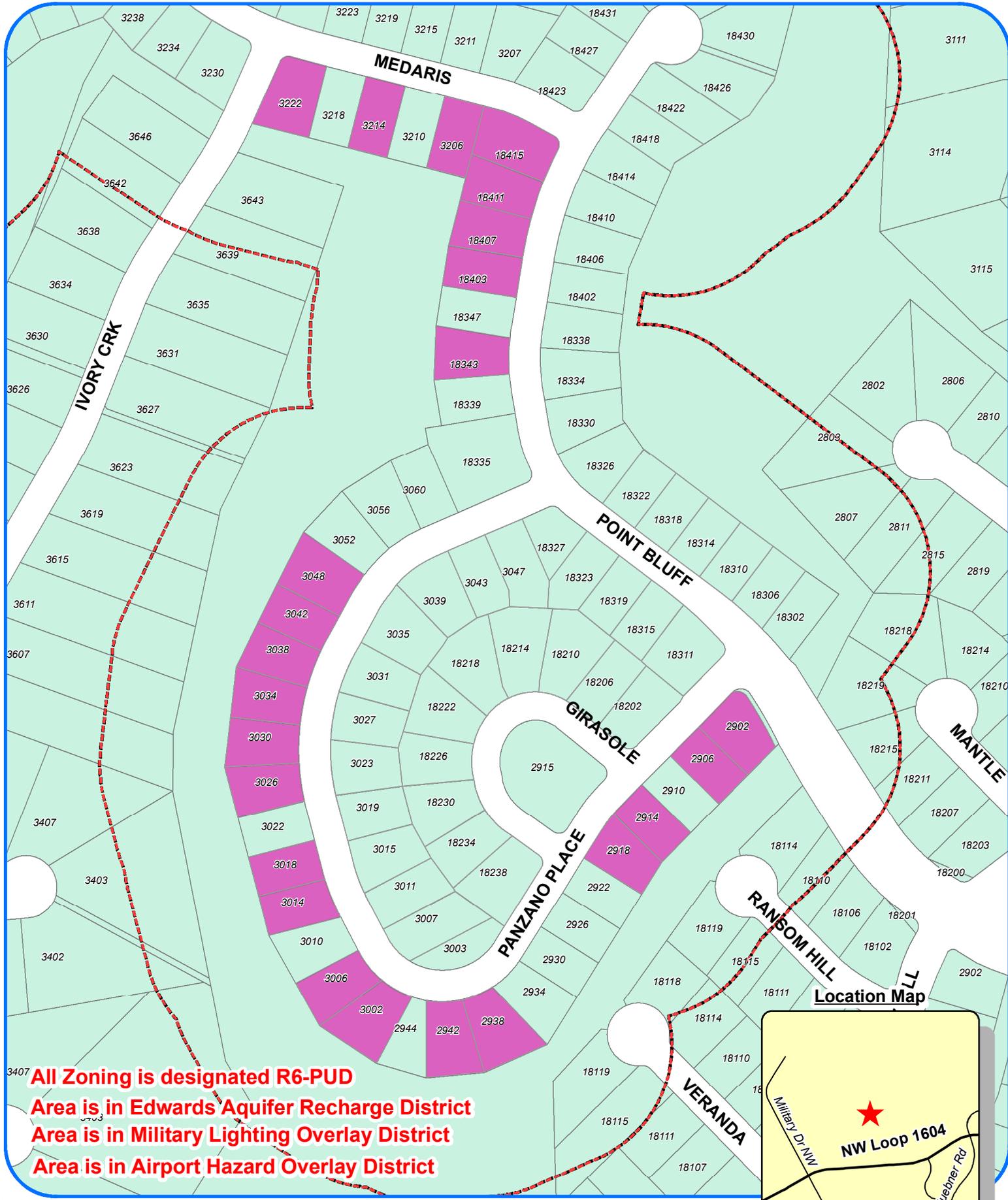
Board of Adjustment
Notification Plan for
Case A-11-062



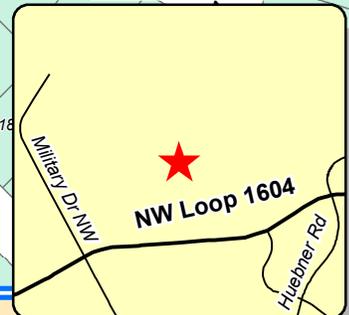
Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 200'
- Council District 9 A-11-062, Case 1

Development Services Dept.
 City of San Antonio
 (9/8/2011)



All Zoning is designated R6-PUD
Area is in Edwards Aquifer Recharge District
Area is in Military Lighting Overlay District
Area is in Airport Hazard Overlay District



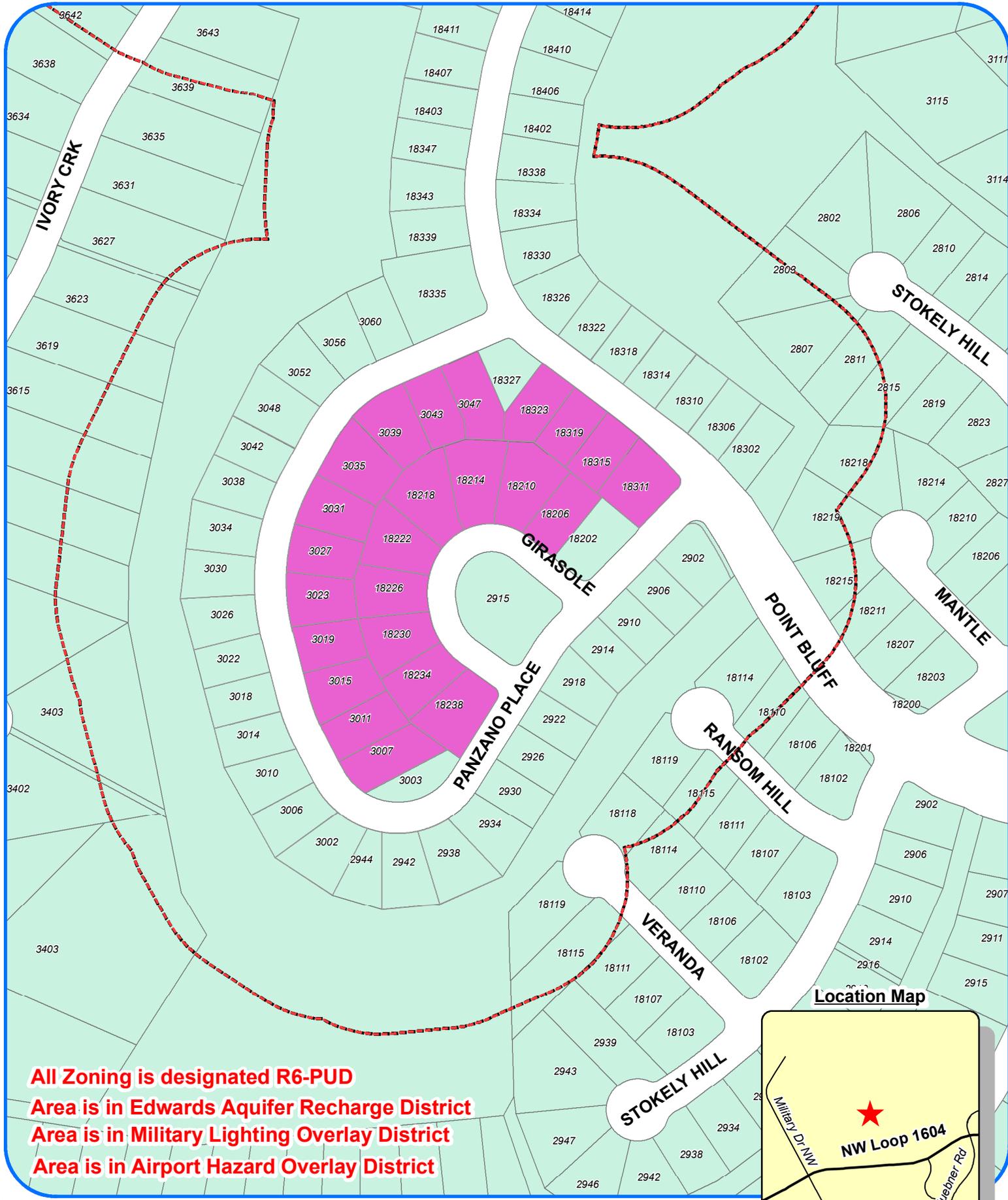
Board of Adjustment
Notification Plan for
Case A-11-063



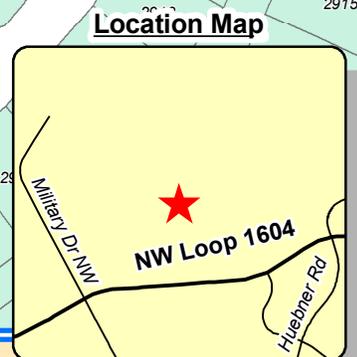
Legend

- Subject Property -----
- 200' Notification Boundary —————
- Scale: 1" approx. = 200' Council District 9
- A-11-063, Case 2

Development Services Dept.
 City of San Antonio
 (9/8/2011)



All Zoning is designated R6-PUD
Area is in Edwards Aquifer Recharge District
Area is in Military Lighting Overlay District
Area is in Airport Hazard Overlay District



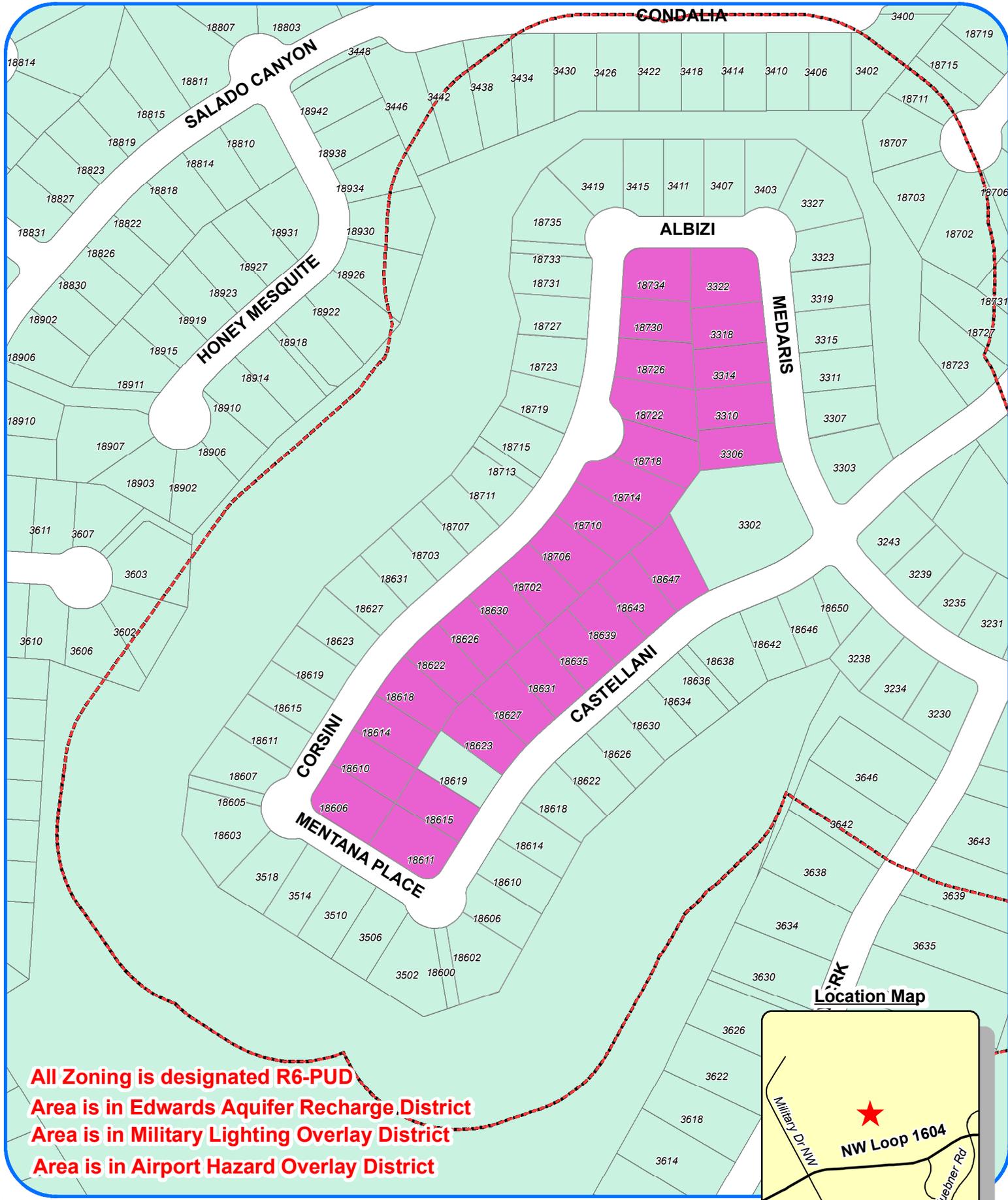
Board of Adjustment
Notification Plan for
Case A-11-064



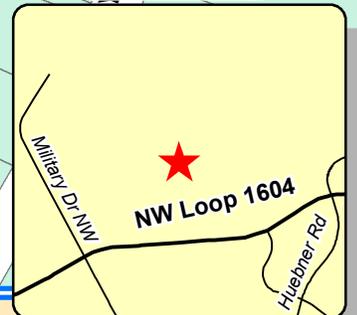
Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 200'
Council District 9
- A-11-064, Case 3

Development Services Dept.
 City of San Antonio
 (9/8/2011)



All Zoning is designated R6-PUD
Area is in Edwards Aquifer Recharge District
Area is in Military Lighting Overlay District
Area is in Airport Hazard Overlay District



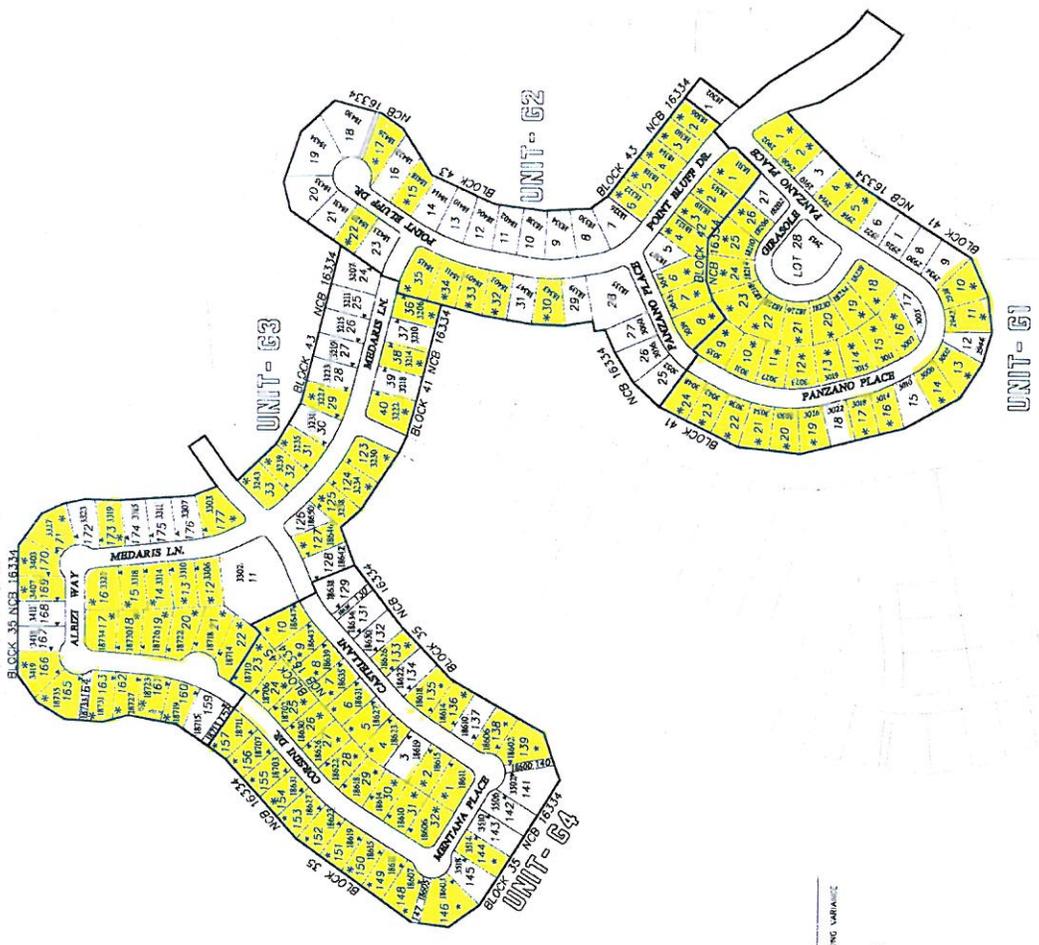
Board of Adjustment
Notification Plan for
Case A-11-066



Legend

- Subject Property
- 200' Notification Boundary
- Scale: 1" approx. = 200'
- Council District 9 A-11-066, Case 5

Development Services Dept.
 City of San Antonio
 (9/8/2011)



LEGEND

- * - DENOTES LOTS REQUIRING VARIANCE
- 18719 - DENOTES ADDRESS
- 160 - DENOTES LOT NUMBER

**ROGERS RANCH UNITS G1-G4
 VARIANCE EXHIBIT**

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CASE 1
Block 35, NCB 16334

	Address	Lot	Owner	Authorization Letter	BCAD	Deed
1	3403 ALBIZI WAY	170	Kobi Avnon	Yes	Yes	Yes
2	3407 ALBIZI WAY	169	Sandra Milling	Yes	Yes	Yes
3	3419 ALBIZI WAY	166	Cynthia Gibson	Yes	Yes	Yes
4	18602 CASTELLANI	139	Sitterle Homes, Ltd.	Yes	Yes	Yes
5	18606 CASTELLANI	138	Sitterle Homes, Ltd.	Yes	Yes	Yes
6	18614 CASTELLANI	136	Arthur & Claire Fiechter	Yes	Yes	Yes
7	18618 CASTELLANI	135	Sitterle Homes, Ltd.	Yes	Yes	Yes
8	18626 CASTELLANI	133	Brian Nenninger	Yes	Yes	Yes
9	18646 CASTELLANI	127	Vicki Ravenburg & George Weynand	Yes	Yes	Yes
10	18603 CORSINI DRIVE	146	Sitterle Homes, Ltd.	Yes	Yes	Yes
11	18607 CORSINI DRIVE	148	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
12	18611 CORSINI DRIVE	149	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
13	18615 CORSINI DRIVE	150	Thomas & Karen Banks	Yes	Yes	Yes
14	18619 CORSINI DRIVE	151	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
15	16823 CORSINI DRIVE	152	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
16	18627 CORSINI DRIVE	153	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
17	18631 CORSINI DRIVE	154	Bernardo & Mamny Villacis	Yes	Yes	Yes
18	18703 CORSINI DRIVE	155	Sitterle Homes, Ltd.	Yes	Yes	Yes
19	18707 CORSINI DRIVE	156	Sitterle Homes, Ltd.	Yes	Yes	Yes
20	18711 CORSINI DRIVE	157	Sitterle Homes, Ltd.	Yes	Yes	Yes
21	18719 CORSINI DRIVE	160	Gaylord & Donna Bulman	Yes	Yes	Yes
22	18723 CORSINI DRIVE	161	Richard Curtin	Yes	Yes	Yes
23	18727 CORSINI DRIVE	162	Kerry Gust & Maria Brady	Yes	Yes	Yes
24	18731 CORSINI DRIVE	163	Jimmy & Magdalena Cooper	Yes	Yes	Yes
25	18735 CORSINI DRIVE	165	Dennis & Marie Hamlin	Yes	Yes	Yes
26	3230 MEDARIS LANE	123	Gary & Eileen Schuchart	Yes	Yes	Yes
27	3234 MEDARIS LANE	124	Gabriel Carrero	Yes	Yes	Yes
28	3238 MEDARIS LANE	125	Howard & Keene Martin	Yes	Yes	Yes
29	3303 MEDARIS LANE	177	R Y M LLC		Yes	Yes
30	3319 MEDARIS LANE	173	Marguerite Oliver	Yes	Yes	Yes
31	3327 MEDARIS LANE	171	Gladys Crawley & Janet Putz	Yes	Yes	Yes
32	3514 MENTANA PLACE	144	Sitterle Homes, Ltd.	Yes	Yes	Yes

Case 2
Block 41, NCB 16334

	Address	Lot	Owner	Authorization Letter	BCAD	Deed
1	3206 MEDARIS LANE	36	Barbara & Marco Cruz		Yes	Yes
2	3214 MEDARIS LANE	38	Mickey Joe & Mary Ann Calverley	Yes	Yes	Yes
3	3222 MEDARIS LANE	40	Jenney Family Revocable Trust	Yes	Yes	Yes
4	2902 PANZANO PLACE	1	Richard & Ruth Wurzburg	Yes	Yes	Yes
5	2906 PANZANO PLACE	2	David Janssen	Yes	Yes	Yes
6	2914 PANZANO PLACE	4	Mitesh Lakhani	Yes	Yes	Yes
7	2918 PANZANO PLACE	5	Mario Salas	Yes	Yes	Yes
8	2938 PANZANO PLACE	10	John & Cynthia Mars	Yes	Yes	Yes
9	2942 PANZANO PLACE	11	Jose & Ann Trabal	Yes	Yes	Yes
10	3002 PANZANO PLACE	13	James & Karen Worth Revocable Trust	Yes	Yes	Yes
11	3006 PANZANO PLACE	14	Salvador & Carmen Flores	Yes	Yes	Yes
12	3014 PANZANO PLACE	16	Kathryn Leijon	Yes	Yes	Yes
13	3018 PANZANO PLACE	17	Ali Jafari Mehr & Yasmin Alishahi	Yes	Yes	Yes
14	3026 PANZANO PLACE	19	Charles & Karen Saunders	Yes	Yes	Yes
15	3030 PANZANO PLACE	20	Nancy Carroll	Yes	Yes	Yes
16	3034 PANZANO PLACE	21	Ronald & Debra Milewski	Yes	Yes	Yes
17	3038 PANZANO PLACE	22	Jeffery & Lee Miller	Yes	Yes	Yes
18	3042 PANZANO PLACE	23	Harnek & Malkit Gill Living Trust	Yes	Yes	Yes
19	3048 PANZANO PLACE	24	Yvonne & Michael Lopez	Yes	Yes	Yes
20	18343 POINT BLUFF DRIVE	30	Edward Johnson	Yes	Yes	Yes
21	18403 POINT BLUFF DRIVE	32	Keith Leibbrandt & Phyllis Hart	Yes	Yes	Yes
22	18407 POINT BLUFF DRIVE	33	Amanda Lawson Tellez	Yes	Yes	Yes
23	18411 POINT BLUFF DRIVE	34	Mary & Vicente Ayesa	Yes	Yes	Yes
24	18415 POINT BLUFF DRIVE	35	Carrie W. Click GST Trust		Yes	Yes

Case 3
Block 42, NCB 16334

	Address	Lot	Owner	Authorization Letter	BCAD	Deed
1	18206 GIRASOLE	26	Siobhan Walsh & Peter Walsh	Yes	Yes	Yes
2	18210 GIRASOLE	25	Marlan & Linda Anderson	Yes	Yes	Yes
3	18214 GIRASOLE	24	Matthew McCormick	Yes	Yes	Yes
4	18218 GIRASOLE	23	Robert & Lilia Trevino	Yes	Yes	Yes
5	18222 GIRASOLE	22	Kenneth & Connie Steelhammer	Yes	Yes	Yes
6	18226 GIRASOLE	21	William & Georgia Buchholtz	Yes	Yes	Yes
7	18230 GIRASOLE	20	Cristine Jennings	<i>Adjoining Authorized</i>	Yes	Yes
8	18234 GIRASOLE	19	John & Linda Reilly	Yes	Yes	Yes
9	18238 GIRASOLE	18	Terry & Margaret Cannfax	Yes	Yes	Yes
10	3007 PANZANO PLACE	16	Anthony & Michelle Luvara	Yes	Yes	Yes
11	3011 PANZANO PLACE	15	Paul & Rebecca Brochu	Yes	Yes	Yes
12	3015 PANZANO PLACE	14	Doyle & Fay Jackson	Yes	Yes	Yes
13	3019 PANZANO PLACE	13	Evan Miller	Yes	Yes	Yes
14	3023 PANZANO PLACE	12	Edward Purvis	Yes	Yes	Yes
15	3027 PANZANO PLACE	11	Suzanne Backenstose	Yes	Yes	Yes
16	3031 PANZANO PLACE	10	Sedgwick & Lola Loyd	<i>Adjoining Authorized</i>	Yes	Yes
17	3035 PANZANO PLACE	9	Barbara Cordell	Yes	Yes	Yes
18	3039 PANZANO PLACE	8	Kevin Barber	Yes	Yes	Yes
19	3043 PANZANO PLACE	7	Donald & Phyllis Teuchert	Yes	Yes	Yes
20	3047 PANZANO PLACE	6	Short Living Trust	Yes	Yes	Yes
21	18311 POINT BLUFF DRIVE	1	Jamie L. Cornell & Linda Sandoval	Yes	Yes	Yes
22	18315 POINT BLUFF DRIVE	2	Kari Samudio	<i>Adjoining Authorized</i>	Yes	Yes
23	18319 POINT BLUFF DRIVE	3	Michael & Sherry Poligala	Yes	Yes	Yes
24	18323 POINT BLUFF DRIVE	4	Harold Louis Socks	Yes	Yes	Yes

Case 4
Block 43, NCB 16334

	Address	Lot	Owner	Authorization Letter	BCAD	Deed
1	3227 MEDARIS LANE	29	Sonia Loduca	Yes	Yes	Yes
2	3235 MEDARIS LANE	31	Phyllis & Kevin Leeth	Yes	Yes	Yes
3	3239 MEDARIS LANE	32	John & Sandra Schieffer	Yes	Yes	Yes
4	3243 MEDARIS LANE	33	Andromeda Global Investments, Ltd.	Yes	Yes	Yes
5	18306 POINT BLUFF DRIVE	2	Thomas Burke & Laurie H. Trust	Yes	Yes	Yes
6	18310 POINT BLUFF DRIVE	3	Ronda French Living Trust	Yes	Yes	Yes
7	18314 POINT BLUFF DRIVE	4	William & Nancy Dodge	Yes	Yes	Yes
8	18318 POINT BLUFF DRIVE	5	Hugh & Armanda Rowlett	Yes	Yes	Yes
9	18322 POINT BLUFF DRIVE	6	Linda McClure	Yes	Yes	Yes
10	18418 POINT BLUFF DRIVE	15	Steven & Kathleen Holliday	Yes	Yes	Yes
11	18426 POINT BLUFF DRIVE	17	John & Nancy McBrine	Yes	Yes	Yes
12	18427 POINT BLUFF DRIVE	22	Margaret Finley	Yes	Yes	Yes

Case 5 Block 45, NCB 16334

	Address	Lot	Owner	Authorization Letter	BCAD	Deed
1	18611 CASTELLANI	1	Sarah Penick & Jimmy Penick	Yes	Yes	Yes
2	18615 CASTELLANI	2	Johnnie & Anne Hernandez	Yes	Yes	Yes
3	18623 CASTELLANI	4	Sitterle Homes, Ltd.	Yes	Yes	Yes
4	18627 CASTELLANI	5	Sitterle Homes, Ltd.	Yes	Yes	Yes
5	18631 CASTELLANI	6	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
6	18635 CASTELLANI	7	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
7	18639 CASTELLANI	8	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
8	18643 CASTELLANI	9	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
9	18647 CASTELLANI	10	Shavano Rogers Ranch North No. 3, Ltd.	Yes	Yes	Yes
10	18606 CORSINI DRIVE	32	Janice Deng & Chunyuan Ma	Yes	Yes	Yes
11	18610 CORSINI DRIVE	31	Martin & Espee Fracker	Yes	Yes	Yes
12	18614 CORSINI DRIVE	30	Martha York	Yes	Yes	Yes
13	18618 CORSINI DRIVE	29	Melvin & Marlene Eichelbaum	Yes	Yes	Yes
14	18622 CORSINI DRIVE	28	Denise Wickbold O'Donnell	Yes	Yes	Yes
15	18626 CORSINI DRIVE	27	Peter Cecic & Jeannette Fumagali-Cecic	<i>Yes - Side Fences Only</i>	Yes	Yes
16	18630 CORSINI DRIVE	26	William & Susan Hendricson	Yes	Yes	Yes
17	18702 CORSINI DRIVE	25	Marc & Rachel Aldaz	Yes	Yes	Yes
18	18706 CORSINI DRIVE	24	Morgan Canady	Yes	Yes	Yes
19	18710 CORSINI DRIVE	23	Larry & Joyce Sprouse	Yes	Yes	Yes
20	18714 CORSINI DRIVE	22	Fred & Diane Seitz	Yes	Yes	Yes
21	18718 CORSINI DRIVE	21	Jorge Quintana Rivera	Yes	Yes	Yes
22	18722 CORSINI DRIVE	20	Luis Rafael Ibarra De La Torre	Yes	Yes	Yes
23	18726 CORSINI DRIVE	19	Migeul Angel Cardenas & Leocadia Garcia De Cardenas	<i>Adjoining Authorized</i>	Yes	Yes
24	18730 CORSINI DRIVE	18	Magdi & Hala Khair	Yes	Yes	Yes
25	18734 CORSINI DRIVE	17	Lenore Stehouwer	Yes	Yes	Yes
26	3306 MEDARIS LANE	12	Lee Ratliff Jr.	Yes	Yes	Yes
27	3310 MEDARIS LANE	13	Dennis & Debra Cesaro	Yes	Yes	Yes
28	3314 MEDARIS LANE	14	Challes Donaho	Yes	Yes	Yes
29	3318 MEDARIS LANE	15	Fregeau Family Revocable Living Trust	Yes	Yes	Yes
30	3322 MEDARIS LANE	16	John & Bernice Tescher Trust	Yes	Yes	Yes



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-067
Date: October 3, 2011
Applicant: Nick Harris
Owner: Hanover Partnership Investment XII
Location: 10000 IH 10 West
Legal Description: Lot 4, NCB 14939
Zoning: "C-2 S UC-1" Commercial District with a Specific Use Authorization for a Private University or College IH-10/FM 1604 Urban Corridor
Prepared By: Ernest Brown, Planner

Request

A request for a 42-foot variance from the 200-foot spacing requirement of the "UC-1" IH-10/FM 1604 Urban Corridor, in order to allow a sign to be erected 158 feet from an existing sign.

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 15, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 16, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on September 30, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the west side of IH 10 West, the east side of Bluemel Road, and north of Colonial Square. The subject property has approximately three hundred sixty (360) linear feet of frontage on the IH 10 West access road. An existing sign is located on the subject property along the expressway frontage approximately one hundred fifty-eight (158) feet from the private road located on the north side of the property. The applicant is proposing to place a new freestanding sign next to this private road. Consequently, the applicant is requesting a 42-foot variance from the requirement that signs within the same platted lot be separated by a minimum distance of two hundred (200) feet.

The proposed sign is a multiple tenant sign fourteen (14) feet high and eight (8) feet, three (3) inches wide to provide additional advertising for new office tenants within the existing building.

The applicant states that a hardship is created based on the configuration of the site. In order to comply with the standards of the “UC-1” corridor, the proposed sign would need to be located on the south end of the site along Colonial Square. The applicant indicates that if the sign were to be placed at the south end of the site it would not be visible to traffic along IH 10 West. Additionally, the applicant proposes to build the new sign to a height and square footage less than what is allowed within the corridor. The applicant states that the sign will provide active commercial and office use of the property for additional tenants.

According to the submitted application, the variance will not substantially conflict with the stated purposes of the article because were the subject property not within an urban corridor the proposed sign would be permitted one hundred fifty (150) feet from the existing sign.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 S UC-1 (Commercial)	Culinary School of Arts, Offices

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-2 UC-1 (Commercial)	Commercial, Multi-Family
South	C-2 UC-1 (Commercial)	Commercial, Motel
East	C-3 UC-1 (Commercial)	Commercial
West	R-6 (Residential), RM-4 (Residential Mixed)	Single-Family Residences

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan. The subject property is located within the Laurel Hills Neighborhood Association.

Criteria for Review

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

1. 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, or topography; or
2. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

The subject property has a total street frontage of approximately three hundred and sixty (360) feet along IH 10 West. Properly distributed, the property owner may place up to two (2) conforming freestanding signs along the road frontage providing adequate signage on

site. The subject property's topography has a slight down hill slope that results in poor visibility for south bound travel if trees are present before signage. Due to the uniqueness of the site's topography, the location of the proposed sign would provide better visibility for motorist trying to locate the subject property.

3. After seeking one or more of the findings set forth in subparagraphs (1) and (2), the board finds that:

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

The variance will provide the applicant with a privilege not enjoyed by others similarly situated as the subject property possesses enough frontage along the expressway to be permitted two (2) signs distributed properly. Similarly situated properties must observe the minimum spacing required between signs in order to enjoy additional signs on the same platted lot.

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

The variance will not have a substantial adverse impact on neighboring properties. The proposed sign will not disallow the opportunity to place signs on neighboring properties nor will it obscure existing signs.

C. Granting the variance will not substantially conflict with the stated purposes of this article.

Part of the intent and purpose of the urban corridor is to avoid and eliminate sign clutter and provide harmony and order along the City's street rights-of-way. By granting the variance requested the number of signs on the property would increase without respect to the separation requirement intended to accomplish the objectives of the urban corridor.

Staff Recommendation

Staff recommends **denial of A-11-67**. The requested variance does not comply with the required approval criteria for granting a variance as presented above. The applicant has not presented sufficient evidence that the variance would provide relief from a hardship caused by the spacing requirement for signs within the urban corridor.

The purpose of a variance is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties with unusual locations, configurations or graphics communication problems. Although, the subject property does present some obstacles to providing signage, there are alternatives available that will allow the applicant to meet the goals of providing adequate signage exposure for current and future tenants without the requested variance.

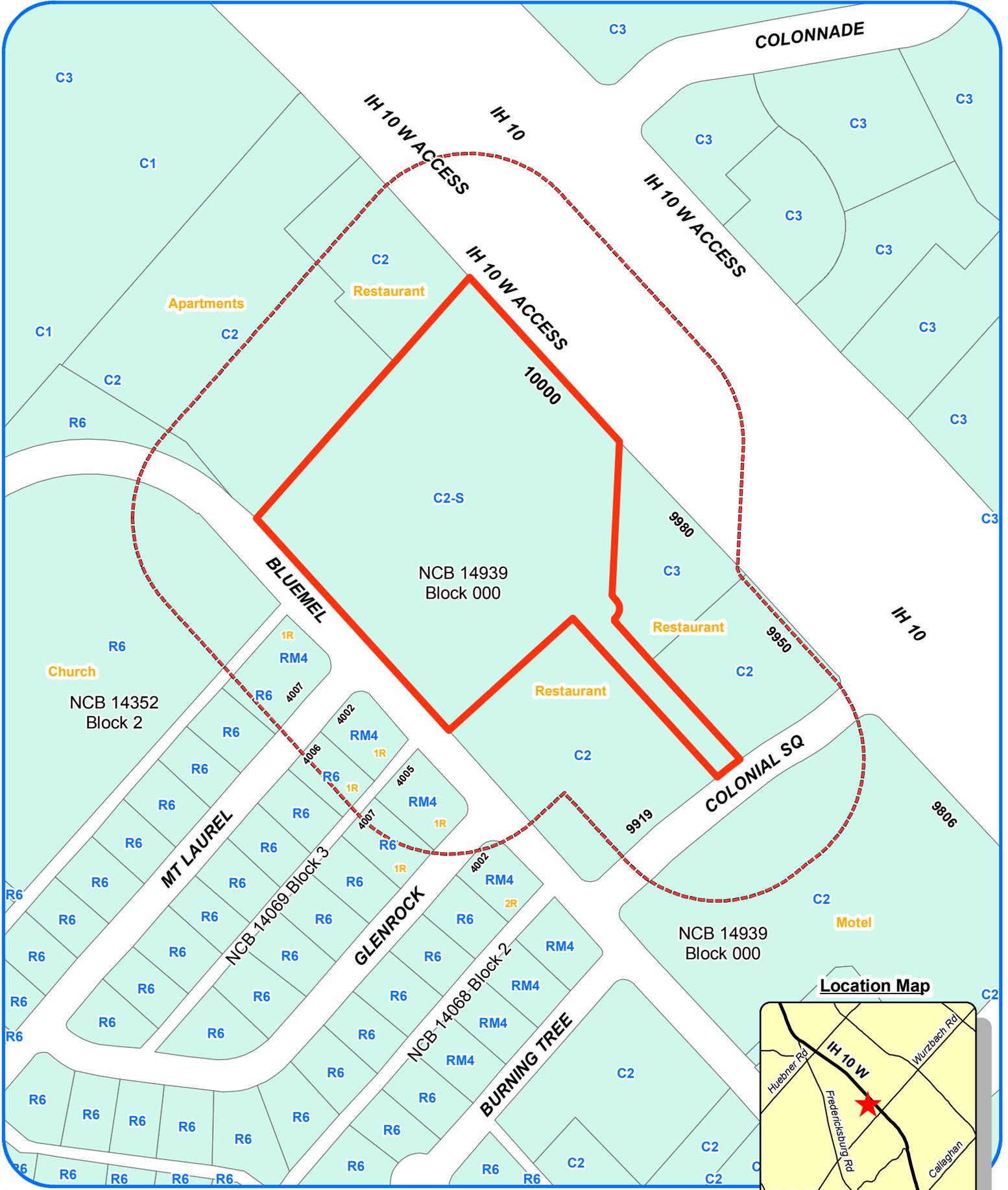
Attachments

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan

Attachment 4 – Submitted Elevation

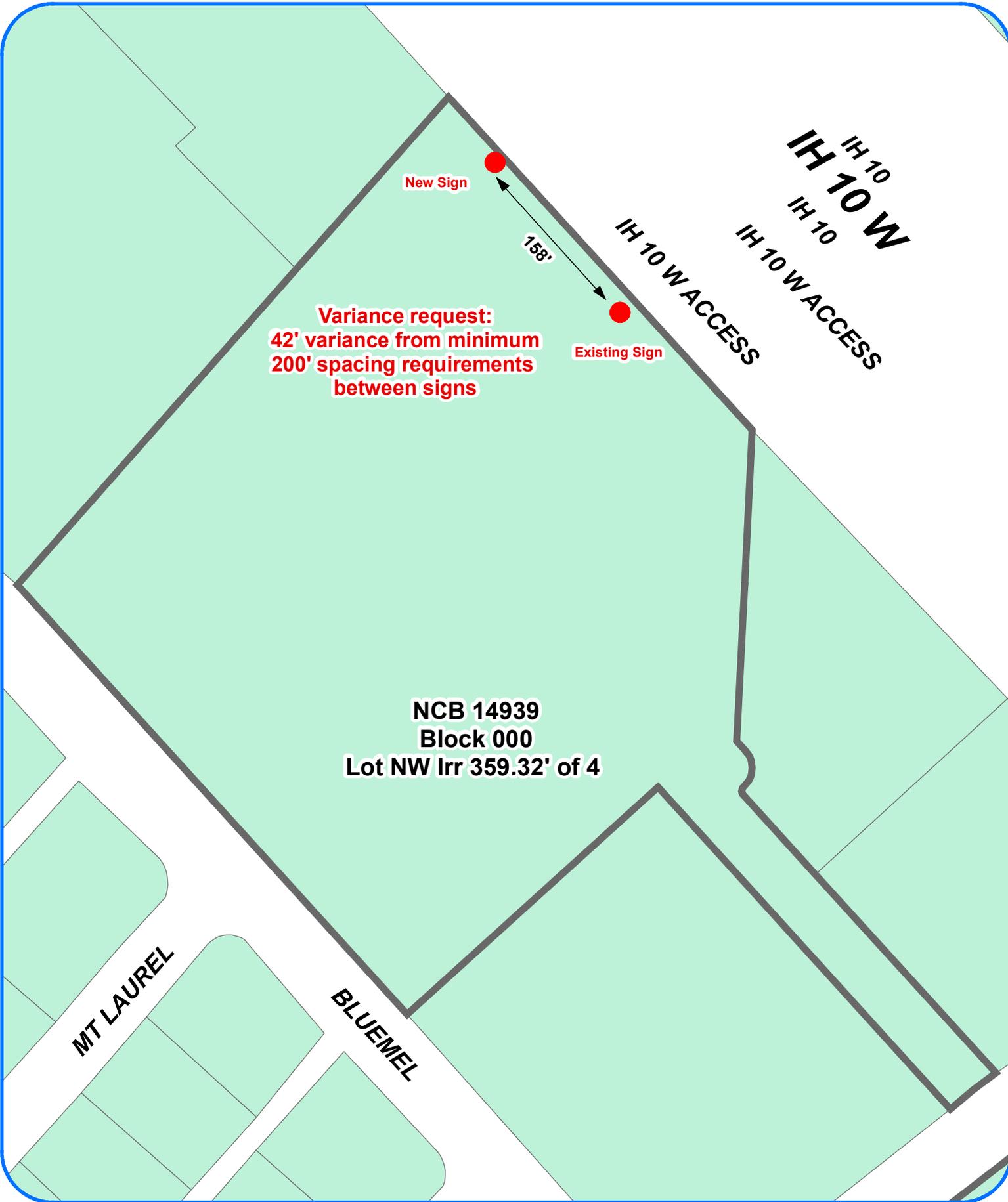


Board of Adjustment
Notification Plan for
Case A-11-067



Legend

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



Board of Adjustment
 Plot Plan for
Case A-11-067



Sign Locations ●
 Scale: 1" approx. = 100'
 Council District 8

10000 IH 10 W

Development Services Dept
 City of San Antonio
 (9/23/2011)

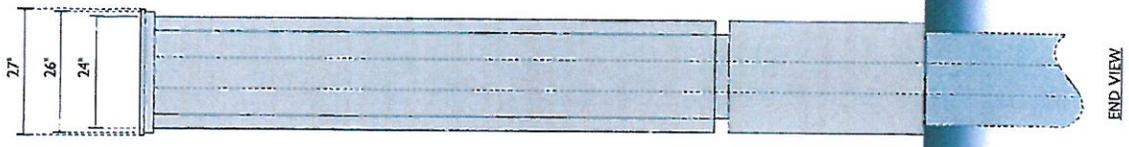
Transwestern
Colonial Center

Drawn By	11-0402 R4
Sheet	2 of 2
Location	Transwestern - Colonial Center 10000 IH-10 W San Antonio, TX 78230
Client	KRISTEN RENEGOE LUTHERAN CHURCH
Project	P. Aguilar
Date	04/27/11
Drawn	
Scale	
Comments	
Revised	
Notes	

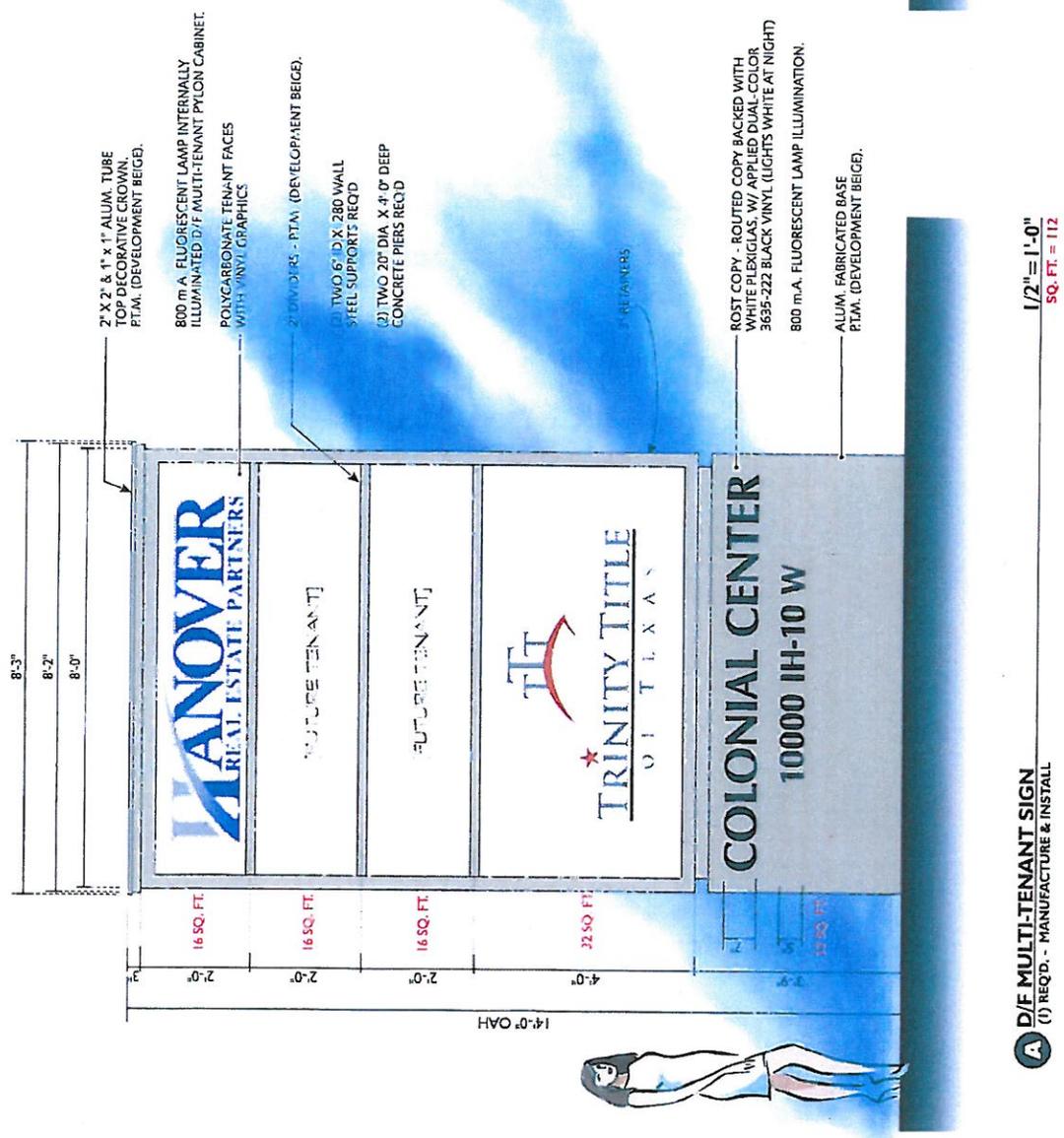
Charler Signs
www.charlersigns.com

11400 Hwy 281, Suite 100
San Antonio, TX 78230
800-848-2222 Fax: 210-491-1114
217 S. Commerce St., Suite 100
San Antonio, TX 78204
800-848-2222 Fax: 210-491-1114
11400 Hwy 281, Suite 100
San Antonio, TX 78230
800-848-2222 Fax: 210-491-1114

FINAL ELECTRICAL CONNECTION BY CUSTOMER



END VIEW





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-11-068
Date: October 3, 2011
Applicant: Martha G. Valdez
Owner: Martha G. Valdez
Location: 719 West Hildebrand Avenue
Legal Description: Lots 29 and 30, Block 6, NCB 6541
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Andreina Dávila-Quintero, Planner

Request

The applicant requests a 25-foot variance from the 30-foot minimum rear setback requirement of the "C-2" Commercial District when abutting a residential zoning district, in order to allow a 5-foot rear setback.

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 15, 2011. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 16, 2011. Additionally, notice of this meeting was posted at City Hall and on the city's internet website on September 30, 2011, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The approximately 0.13-acre property consists of a 336-square foot building that is currently vacant. The building was built in 2009 (according to the Bexar County Appraisal District) without first obtaining the approval of the City. It is the intent of the applicant to use the property for motor vehicle sales.

The "C-2" Commercial zoning district was established to accommodate commercial and retail uses that are more intensive than neighborhood commercial uses, and which generate more vehicular and/or truck traffic. The "R-4" Residential Single-Family zoning district was established to provide areas of medium to high density single-family residential uses. The UDC includes setback and buffer requirements to protect and separate single-family residential uses from commercial uses.

The subject property currently has a “C-2” Commercial base zoning district. The property to the north of the subject property has a “R-4” Residential Single-Family base zoning district. Pursuant to Table 310-1 of the UDC, buildings in the “C-2” Commercial zoning district shall be set back a minimum of thirty (30) feet from the rear property line when abutting a residential use or zoning district. The building was placed on the north portion of the property, five (5) feet from the rear north property line. Consequently, the applicant is requesting a 25-foot variance from the minimum rear setback requirement to keep the building where it is located.

According to the submitted application, the requested variance is needed due to the size and shape of the lot, and its current fully developed state. The subject property is a 50-foot wide by 115-foot deep rectangular lot that was originally platted in 1923. The lot complies with the minimum lot dimensions standards for properties in the “C-2” Commercial District as established by the UDC. The 336-square foot building only comprises approximately six percent (6%) of the total lot area; no other structures exist on the subject property. The current developed state of the property was accomplished without consideration of the minimum development standards of the UDC and acquisition of all required permits.

On July 20, 2011, the applicant submitted a rezoning application to the Development Services Department to rezone the property to “C-1 CD AHOD” Light Commercial Airport Hazard Overlay District with a conditional use for motor vehicle sales. However, as the building is in violation of the required rear setback and was built without permits, the rezoning application was postponed. The applicant will be required to obtain a Building Permit for the existing structure prior to scheduling the rezoning case for Zoning Commission.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial)	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential)	Single-Family
South	C-2NA NCD-5 AHOD (Commercial)	Carwash
East	C-2 AHOD (Commercial)	Vacant
West	C-3 AHOD (Commercial)	Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Central Neighborhood Plan, and has a Neighborhood Commercial Future Land Use (“FLU”) designation. According to this neighborhood plan, the Neighborhood Commercial FLU designation permits a limited group of commercial uses that serve the neighborhood while protecting the abutting residential areas. To accomplish this, the Neighborhood Commercial FLU designation requires screening and buffer yards on commercial properties to provide separation between commercial and residential uses.

The subject property is located within the Edison Neighborhood Association, and two hundred (200) feet of the Beacon Hill Neighborhood Association.

Criteria for Review

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

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

The requested variance is contrary to the public interest as, if approved, it will allow the placement of a building five (5) feet from the rear property line that abuts a single-family residential zoning district. Setbacks from residential zoning districts are required to lessen the impact and create a buffer between commercial and residential uses. Allowing a building to be placed five (5) feet from the property line, which also serves as the zoning district boundary line, lessens the separation and buffer required between these two (2) uses. Moreover, the requested variance is also contrary to the North Central Neighborhood Plan, which recommends the requirement of buffers to separate commercial from residential uses.

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

A literal enforcement of the minimum rear setback requirement will require the applicant to relocate the building to a minimum of thirty (30) feet from the rear north property line. The subject property does not have any special conditions that prevented the applicant from placing the building in compliance with the minimum development standards of the UDC. The property is a 50-foot wide by 115-foot deep rectangular lot with no significant slopes, heritage trees or other structures, and is not located within a flood plain. Previously, there was a residential structure on the property that was demolished in 2008 (without permits), resulting in the property becoming vacant of all structures and uses.

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

The variance is neither keeping with the spirit of the ordinance nor would it do substantial justice. The intent of the required rear setback is to provide a separation buffer and protect single-family residential uses from commercial uses. The requested variance goes against this intent by allowing a commercial use to have a greater impact on the single-family residential district.

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 requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-2" Commercial base zoning district. The proposed motor vehicle sales will require rezoning of the property to "C-1 CD" Light Commercial with a conditional use.

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

The property to the north of the subject property is a single-family residence in a single-family residential zoning district. The requested variance is to allow a building to be placed five (5) feet from the rear north property line that is also the zoning district boundary line. This significantly reduces the minimum separation intended between residential and commercial uses, and thus injures the appropriate use of the adjacent conforming property to the north.

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.

No unique conditions or circumstances exist on the property that prevent the applicant from using the property as intended and complying with the minimum requirements of the UDC. The requested variance is needed due to the placement and construction of a building that was done without first obtaining all necessary and required permits. Had the applicant obtained said permits prior to construction, the applicant would have been notified about the minimum required development standards and this variance request would not have been needed. The unique circumstance of the property being fully developed is a condition that resulted from an action of the owner of the property creating their own hardship.

Staff Recommendation

Staff recommends **denial of A-11-068**. The requested variance does not comply with five (5) of the six (6) required approval criteria for granting a variance as presented above. The applicant has not presented evidence that the requested variance would provide relief from hardship caused by a literal enforcement of the rear setback requirement.

The purpose of a variance is to restore equity when, due to special circumstances or conditions, the Ordinance restricts one (1) property more severely than other properties in the same zoning district. The subject property has no special circumstances or conditions that would result in the need of the variance requested. The only hardship is the current developed state of the property and location of the building that was completed without the approval of the City. Reasonable use of the property may still be accomplished in compliance with the minimum requirements of the UDC.

Attachments

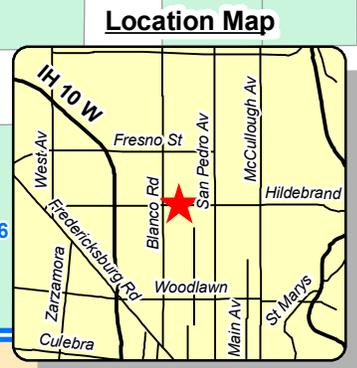
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan



Area is in Airport Hazard Overlay District



Board of Adjustment

Notification Plan for

Case A-11-068



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

Variance Request:
25'



30' rear setback

NCB 6541
Block 6
Lots 29 & 30

W HILDEBRAND AVE

Board of Adjustment
Plot Plan for
Case A-11-068



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

719 W HILDEBRAND AVE

Development Services Dept
City of San Antonio
(9/2/2011)

LEGAL DESCRIPTION:
 LOTS 29 & 30, BLOCK 6, NCB 6541
 BLANCO TERRACE SUBDIVISION
 (VOL. 642, PG. 113)

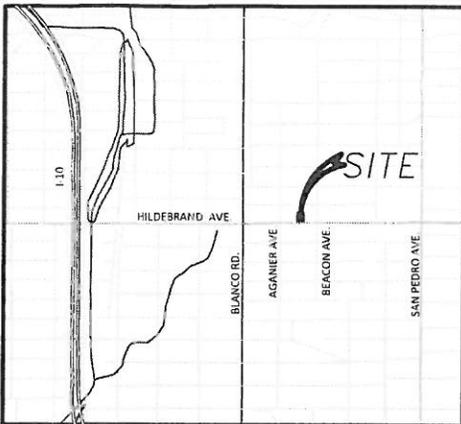
NORTH



SCALE: 1" = 20'

LEGEND

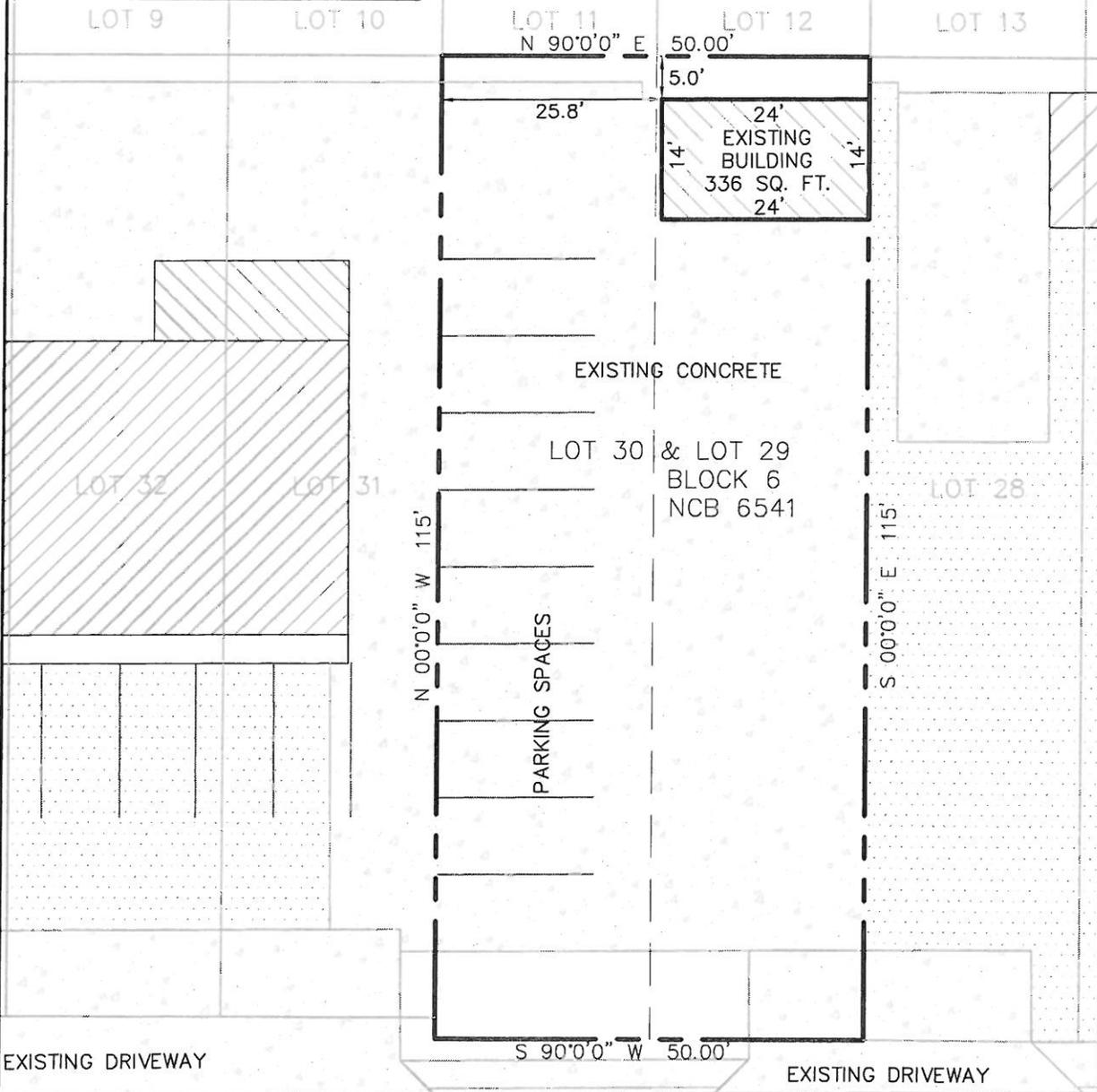
- SITE BOUNDARY
- ADJACENT LOTS
- EXISTING BUILDING
- CONCRETE FLATWORK
- ASPHALT PARKING



LOCATION MAP

NOT TO SCALE

MAP GRID 582D7



REVISIONS- NO. DATE	DESCRIPTION

GBA
GOMEZ-GARCIA & ASSOCIATES, INC.
 8723 BOTTS LANE, SAN ANTONIO, TEXAS 78217
 (210) 832-9608 - (210) 832-9615 FAX
 TBPE FIRM REGISTRATION #5362

SITE PLAN

719 W. HILDEBRAND AVE.
 SAN ANTONIO, TEXAS 78212

DESIGN	AG
DRAWN	DC
CHECKED	AG
DATE	SEPT. 2011
JOB NO.	
SHEET	
SP 1	
1 OF 1	

Date: Sep 02, 2011, 9:25am User ID: davis computer
 File: C:\Users\davis computer\Desktop\719 Hildebrand Valdez Zoning\Site Plan 719 Hildebrand DWG

HILDEBRAND AVE.