

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, October 4, 2010

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

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

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1. Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-10-067:** The request of William L. Huber, for **1)** a Special Exception to relocate a structure from 2011 McCullough Avenue to 1723 North Comal Street and **2)** a 20-foot variance from the 30-foot side setback requirement of the "C-3" zoning district when abutting a residential use or zoning district, in order to allow the relocated structure to be located 10 feet from the south side property line, 1723 North Comal Street. (District 1)
5. **WITHDRAWN, A-10-053:** The request of the City of San Antonio, Planning and Development Services Department, in accordance with Section 406 of the Unified Development Code (Chapter 35), the Director of the Planning and Development Services Department is recommending that the Board of Adjustment take action to terminate the Certificate of Occupancy of ICP Industries, LLC, 1018 East Southcross Boulevard. (District 3)
6. **A-10-069:** The request of University Health System, for **1)** a 3-foot variance from the requirement that predominantly open fences in front yards not exceed 4 feet in height, in order to erect a 7-foot tall predominantly open front-yard fence and **2)** a 1-foot variance from the requirement that fences in side and rear yards not exceed 6 feet in height, in order to erect a 7-foot tall fence in the side and rear yards, 8131 Pinebrook Drive. (District 8)
7. **WITHDRAWN, A-10-070:** The request of Top Computers Wholesale, LLC, for a complete variance from the requirement of the "CG-1" overlay district that a least 75 percent of the first 25 feet of the property be landscaped with native plant material and native trees, 23127 IH-10 West. (District 8)
8. **A-10-071:** The request of Delta Properties, for a 5 foot variance from the requirement that freestanding signs on property with frontage on streets classified Arterial Type B be setback a minimum of 10 feet from

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### Board of Adjustment Membership

*Michael Gallagher, Chair*

*Andrew M. Ozuna, Vice Chair*

*Gene Camargo • Liz Victor • Edward H. Hardemon • Helen K. Dutmer • Geroge L. Britton*

*Vacancy • Jesse Zuniga • Mary E. Rogers • David M. Villyard*

### Alternate Members

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







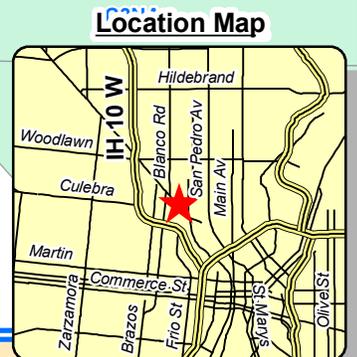
**Area is in Airport Hazard Overlay District**

**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-067**



**Legend**

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





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# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-067  
Date: October 4, 2010 (Continued from September 20)  
Applicant: William L. Huber  
Owner: Holzauge Ventures, Inc.  
Location: 1723 North Comal Street  
Legal Description: Lot 2, Block 3, NCB 1925  
Zoning: "C-3 NA AHOD" General Commercial, Nonalcoholic Sales Airport Hazard Overlay District  
Subject: Side Setback Variance and Special Exception to Relocate a Structure  
Prepared By: Jacob Floyd, Planner

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### **Summary**

1) A Special Exception to relocate a structure from 2011 McCullough Avenue to 1723 North Comal Street and 2) a 20-foot variance from the 30-foot side setback requirement of the "C-3" zoning district when abutting a residential use or zoning district, in order to allow the relocated structure to be located 10 feet from the south side property line.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on September 3. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 3. Additionally, notice of this meeting was posted at city hall and on the city's internet website on September 17, in accordance with Section 551.043(a) of the Texas Government Code.

### **Subject Property Zoning/Land Use**

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

## Surrounding Zoning/Land Use

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

## Project Description

The applicant proposes to relocate a structure from 2011 McCullough Avenue to the subject property identified above and proposes to convert the historically residential structure to offices. In addition to the relocation request, a variance from the 30-foot side setback requirement of the “C-3” district (when abutting a residential use or zoning district) is necessary, as the applicant proposes to locate the structure 10 feet from the lot abutting to the south. The applicant cites the width of the subject property, approximately 54 feet, as a creating unnecessary hardship.

## Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 6,352 sf	10,093 sf
Structure Age	Min: 1891	Unknown (Est. 1930's)
	Max: 1945	
	Mean Age: 1923	
Structure Size	Min: 576 sf Max: 3806 sf Mean Size: 1213 sf	3260 sf
Structure Height	1 Story – 2 Story	2 Story
Setbacks (Front)	Average: Approximately 23 ft	27 ft
Structure Width (front facade)	Average: Approximately 35 ft	44 ft

<b>Front Entry, Porch, Walkway</b>	Facing Street	Facing Street
<b>Windows (front facade)</b>	<b>Number:</b> 3 - 7 <b>Type:</b> Various	6 Various
<b>Building Materials</b>	<b>Exterior siding:</b> Horizontal Wood Siding <b>Roofing:</b> Composite Shingles, Tin	Clapboard Siding Composite Shingles
<b>Foundation Type</b>	Various	Not Provided
<b>Roof Line/Pitch</b>	Hipped and Gabled	Hipped
<b>Impervious Cover %</b>	N/A	N/A
<b>Sidewalk Width/ Placement, Greenway</b>	None	Not Provided
<b>Curb Cut &amp; Driveway Width</b>	Single and Double Width Curb Cuts	8.76 ft wide driveway
<b>Fencing</b>	4ft Chain Link	None Proposed

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Five Points Neighborhood Association and the Midtown Neighborhood Plan. As of September 13 staff has not received a reply from the neighborhood association.

### **Criteria for Review**

According to Section 35-482(h) of the Unified Development Code, in order for a special exception to be granted the Board of Adjustment just 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 applicant is proposing to relocate a structure to a vacant lot and intends to repair the structure to meet city code.*

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

*The public welfare and convenience will be substantially served. The structure proposed to be relocated is to be used as office space and make use of an undeveloped parcel within an area of residential and nonresidential land uses.*

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

*The neighboring property will not be substantially injured by the proposed use as the nonconforming single-family residential use of the abutting property will not be discontinued and the neighborhood in general will be better served by the proposed use of the property as offices than by its continued vacancy.*

- 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 as the structure is of a similar character and age as other structures within the district.*

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

*The special exception will not weaken the general purpose of "C-3 NA" zoning district to accommodate nonresidential land uses.*

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

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

*The variance requested is not contrary to the public interest as the setback proposed will not compromise the health, safety, or general welfare of the public. The granting of the variance will allow the development of a vacant parcel that otherwise would be unnecessarily encumbered as it is currently zoned.*

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

*The width of the subject property is such that the literal enforcement of the setback requirement limits the usable width to 20 feet. This is an unnecessary hardship upon the reasonable use of the subject property, considering the predominantly commercial character of this block.*

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

*The granting of the variance would observe the spirit of the ordinance and do substantial justice in allowing the reasonable use of a vacant property that without the variance would not be practical to develop.*

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 specifically authorized in the "C-3 NA AHOD" zoning district.*

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

*The granting of the variance will not substantially injure the appropriate use of the adjacent conforming property nor will the essential character of the district be altered, as the block is predominantly commercial in character and features other residential structures converted for re-use as offices. Additionally, the structure is residential in character and will not negatively influence the residential area to the east.*

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 property owner is due to unique circumstances existing on the property, as the single-family residential use of the abutting property is the only such condition on the entire blockface. The width of the subject parcel is insufficient to accommodate the structure proposed to be relocated with the imposition of the setback triggered by the single-family residential use of the abutting parcel, as it renders 60 percent of the subject parcel unusable. These circumstances are not due to the general conditions of the district in which the subject property is located, as it is the sole parcel affected by this hardship.*

### **Staff Recommendation**

In the matter of the requested Special Exception, staff recommends **approval of A-10-067**, because the findings of fact have been satisfied as presented above. The relocation of the structure in question will allow the preservation of a historically significant building and the reasonable use of a property which has been vacant for some time. While the structure is of a significantly greater mass than is typical of the area, it would not be out of character nor would it be the largest building on the blockface.

In the matter of the requested variance, staff also recommends **approval**. The literal enforcement of the setback requirement would deny the reasonable use of the subject property and the relocation of the structure proposed. The effect of the abutting single-family residence is a unique circumstance not common to the district, one which results in an unreasonable obstacle to the reasonable development of the subject property in a way commensurate with that of other parcels in the district.

**Attachments**

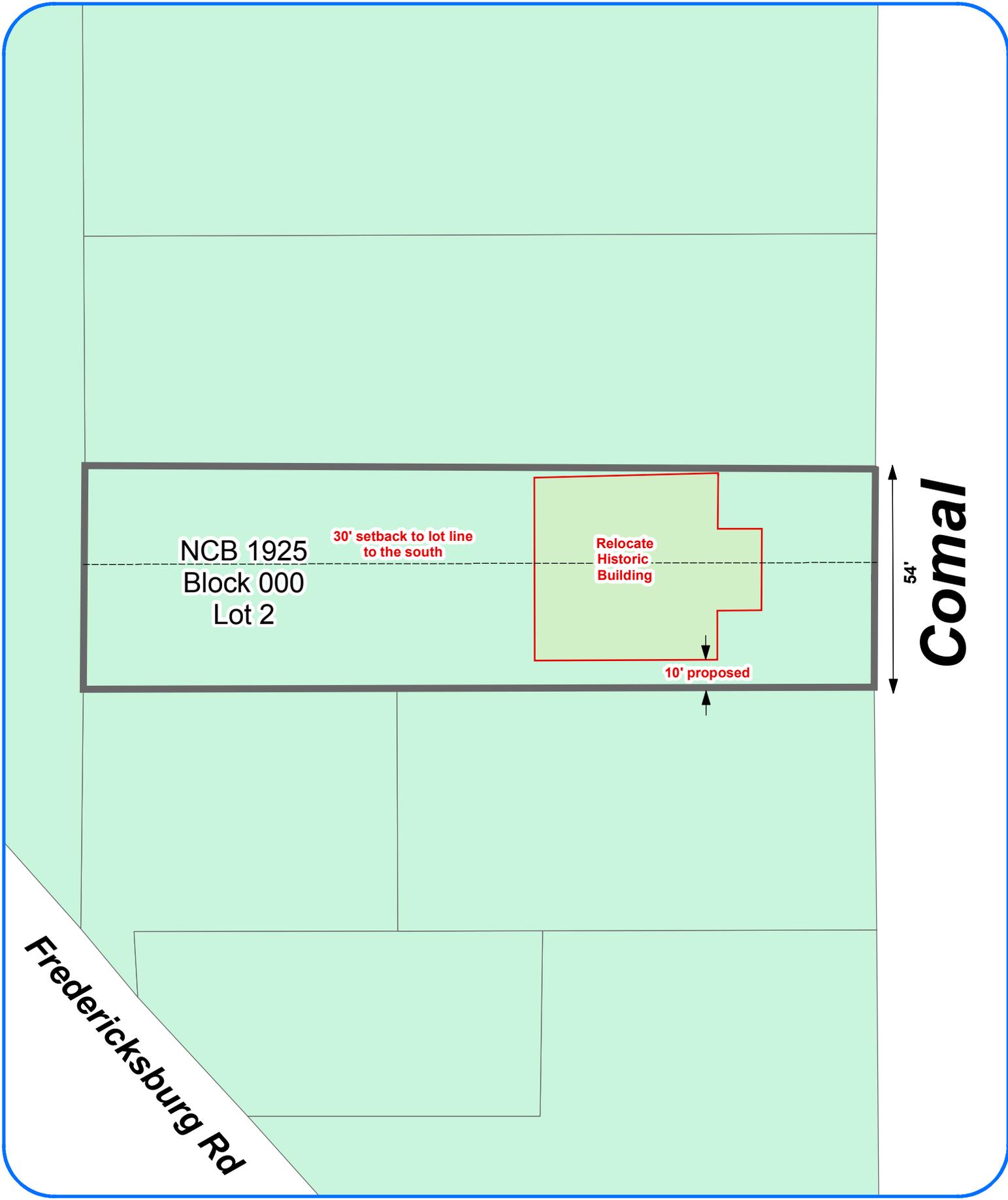
Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Significance Statement for the Property Located at 2011 McCullough Ave.

Attachment 4 – Proposed Site Plan: 1723 N. Comal St

Attachment 5 – “Plan of Development” for relocated structure



**Board of Adjustment**  
Plot Plan for  
**Case A-10-067**



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

**1723 N Comal St**

Planning and Development Services Dept  
City of San Antonio  
(8/12/2010)

**BOARD OF ADJUSTMENT**  
**CITY OF SAN ANTONIO, TEXAS**  
**PLAN OF DEVELOPMENT**

NAME: \_\_\_\_\_

STREET ADDRESS AND ZIP CODE (PROPOSED): 1723 N COMAL ST 78212

STREET ADDRESS AND ZIP CODE (CURRENT): 2011 McCULLOUGH AVE 78212

SIZE OF STRUCTURE (Square Footage): 3260

**CURRENT TYPE OF CONSTRUCTION:**

INTERIOR WALLS:  Sheetrock  Panel  Other \_\_\_\_\_

SIDING:  Wood  Vinyl  Other \_\_\_\_\_

CEILING:  Sheetrock  Other \_\_\_\_\_

ROOF:  Shingles  Other \_\_\_\_\_

WINDOWS:  Wood  Aluminum  Other \_\_\_\_\_

INSULATION:  Walls  Ceiling  Floor

HEATING & COOLING:  Window Units  Heaters  Central

FLOOR JOIST: \_\_\_\_\_ SILLS: \_\_\_\_\_ STUDS: \_\_\_\_\_

**PROPOSED CHANGES:**

WINDOWS: \_\_\_\_\_ ROOF: \_\_\_\_\_

SIDING: \_\_\_\_\_ SKIRTING TYPE: \_\_\_\_\_

INSULATION: will be installed PORCH: \_\_\_\_\_

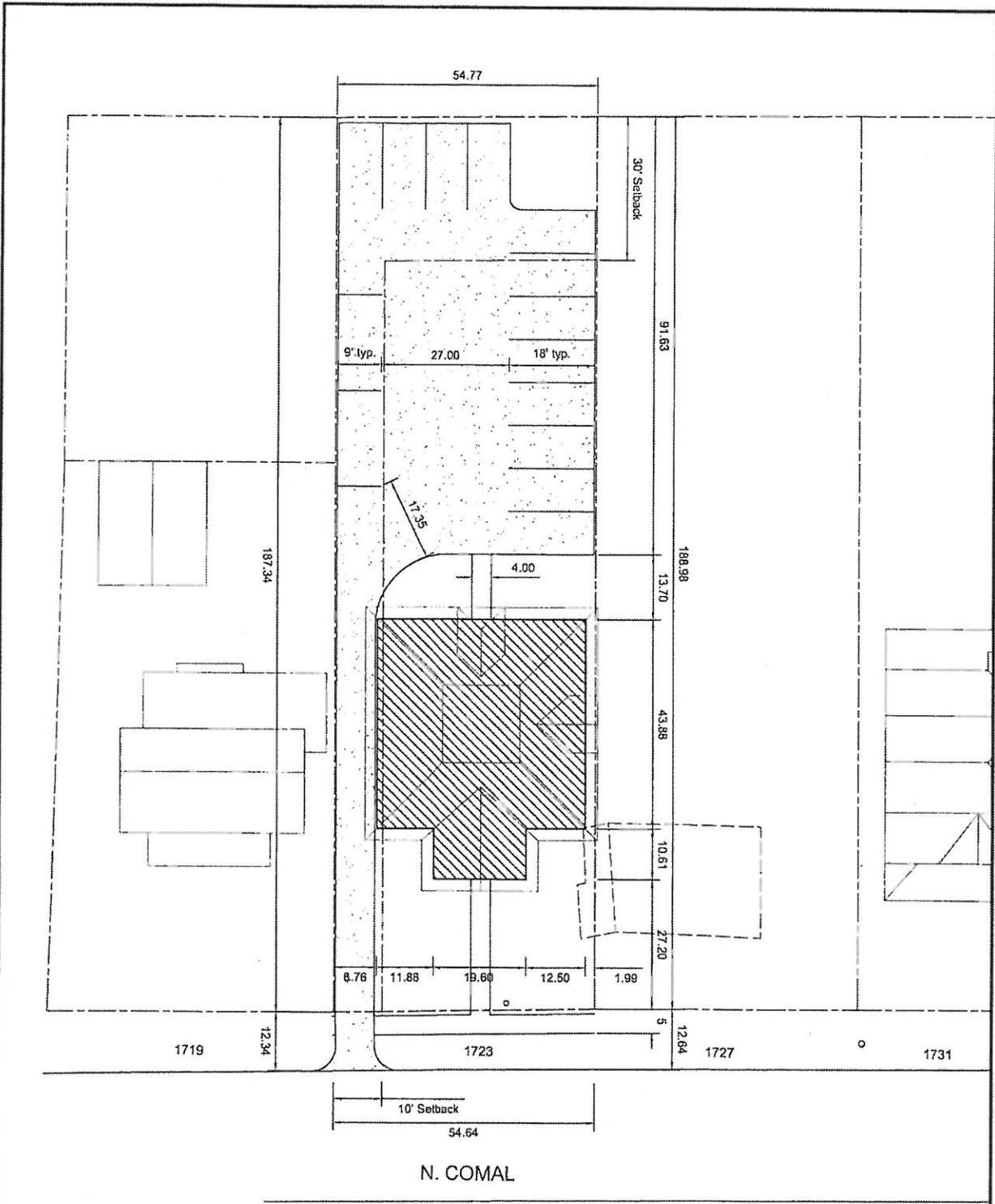
DOORS: \_\_\_\_\_ HEATING & COOLING: updated with modern unit

ELECTRICAL: to code PLUMBING: to code

CONSTRUCTION OF DRIVEWAY: \_\_\_\_\_

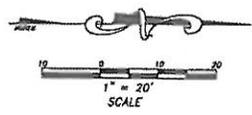
FOUNDATION: \_\_\_\_\_

COMMENTS: Entire structure will be renovated & restored to as close to original condition as is possible.



1723 N. COMAL ST.  
 SITE PLAN

LOT AREA: 10,245 SQ FT (0.2351 ACRES)  
 BUILDING FOOTPRINT  
 AREA: 2,135 SQ FT (0.05 ACRES)





# CITY OF SAN ANTONIO

## HISTORIC AND DESIGN REVIEW COMMISSION CERTIFICATE OF APPROPRIATENESS

November 19, 2008

**HDRC CASE NO:** 2008-288  
**ADDRESS:** 2011 McCullough  
**LEGAL DESCRIPTION:** NCB01726B3LE114614  
**PUBLIC PROPERTY:**  
**HISTORIC DISTRICT:**  
**LANDMARK:**  
**APPLICANT:** City of San Antonio, P.O. Box 839966  
Historic Preservation Officer  
**OWNER:** Deepak Land Trust  
**TYPE OF WORK:** Denial of Demolition and Finding of Historic Significance

### REQUEST:

The applicant is requesting a Certificate of Appropriateness for Finding of Historic Significance and Denial of Demolition.

### RECOMMENDATION:

Staff recommends denial of demolition and approval of Finding of Historic Significance. This case was referred to Architectural and Demolition Committees on November 5, 2008.

The staff recommends approval of this request for a Finding of Historic Significance and denial of the request for demolition. Staff has determined that the building at 2011 McCullough qualifies for historic landmark status based on the following criteria:

- (1) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period: Classical Revival style popularized during the early twentieth century [35-607(b)(5)].
- (2) Its historical and architectural integrity of location, design, materials, and workmanship reflective of early twentieth-century residential development of the Tobin Hill neighborhood [35-607 (b) (8)].

### COMMISSION ACTION:

Approval of Finding of Historic Significance.

Sharon Wasielewski  
Historic Preservation Officer

**Jacob T. Floyd**

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**From:** Anna Glover  
**Sent:** Tuesday, September 14, 2010 9:56 AM  
**To:** Jacob T. Floyd  
**Subject:** 2011 McCullough-Significance Statement.doc

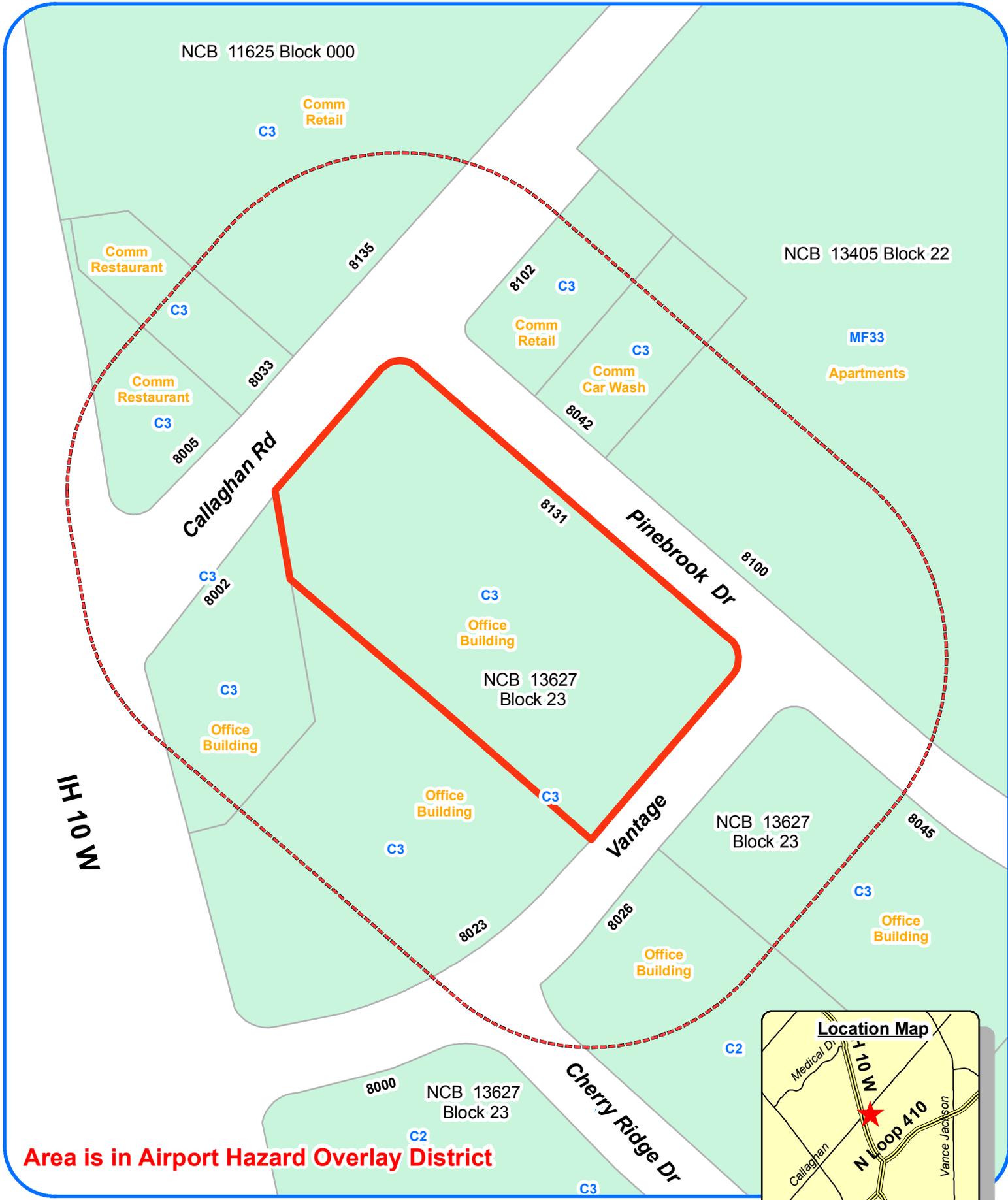
**SIGNIFICANCE STATEMENT FOR THE PROPERTY LOCATED AT  
2011 MCCULLOUGH AVENUE**

The property at 2011 McCullough Avenue consists of an early twentieth-century Classical Revival-style residence that is currently vacant. The two-story house features a hipped roof with a small deck at the apex, a front pediment with four fluted columns and an oculus window, an egg and dart molding at the cornice, paired and single eave brackets, wood clapboard siding, and a segmental arch door surround at the front entrance. Most of the window openings have been boarded. The roof features small dormers along the rear and north side slopes. A square-bay window on the south side elevation has been enclosed with clapboarding. The rear elevation includes a gothic-arched window opening on the second floor. The column capitals below the front pediment have been covered with plywood.

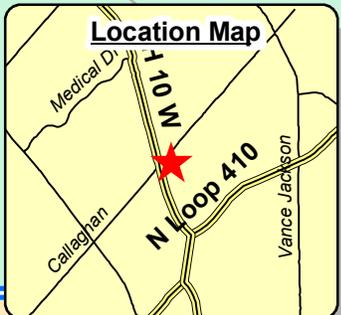
The exact date of construction is unknown, but it appears to have been built in the early twentieth century. The house does not appear on a 1912 Sanborn map. It is first identified on a Sanborn map in 1935 with an address of 809 McCullough. At that time, the façade featured a single-story porch on either side of the columned pediment. The porches no longer exist today. The rest of the city block in 1935 was composed of several apartment buildings and smaller single-family dwellings. City directories in 1911 and 1927-28 do not include an entry for the original address of 809 or the current address of 2011 McCullough. A directory entry for 809 McCullough does not appear until 1934-35, with Mrs. Annie O'Connell as the listed owner. Based on the earlier style of the residence, it is possible that the house was moved to its current location in the 1930s. The house was identified as part of the "Original City Limits Survey" and is located near the Tobin Hill Historic District. Tobin Hill, named for a collection of houses constructed by the Tobin family in the late nineteenth century, began to develop as an early residential suburb in the 1880s after a street railway route linked San Pedro Park with downtown San Antonio. Construction of homes in a variety of architectural styles occurred from the turn of the century through the 1930s.

The HPO staff recommends that the building qualifies for historic landmark status based on the following criteria:

- Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period: Classical Revival style popularized during the early twentieth century [35-607(b)(5)]
- Its historical and architectural integrity of location, design, materials, and workmanship: reflective of early twentieth-century residential development of the Tobin Hill neighborhood [35-607(b)(8)]



**Area is in Airport Hazard Overlay District**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-069**



- Legend**
- Subject Property ———
  - 200' Notification Boundary - - - - -
  - Scale: 1" approx. = 120'
  - Council District 8



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# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-069  
Date: October 4, 2010  
Applicant: Joseph E. Gonzales  
Owner: University Health System  
Location: 8131 Pinebrook Drive  
Legal Description: Lot 3G and the North East Irregular 178.34 Feet of Lot 5, Block 23, NCB 13627  
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District  
Subject: Fence Height Variances  
Prepared By: Jacob Floyd, Planner

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#### **Summary**

The applicant requests 1) a 3-foot variance from the requirement that predominantly open fences in front yards not exceed 4 feet in height, in order to erect a 7-foot tall predominantly open front-yard fence and 2) a 1-foot variance from the requirement that fences in side and rear yards not exceed 6 feet in height, in order to erect a 7-foot tall fence in the side and rear yards.

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on September 17. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 17. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 1, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-3 AHOD (Commercial)	Offices, Data Center

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	C-3 AHOD (Commercial)	Commercial
South	C-3 AHOD (Commercial), C-2 AHOD	Offices, Commercial
East	MF-33 AHOD (Multifamily)	Apartments
West	C-3 AHOD(Commercial)	Offices

## **Project Description**

The applicant proposes to erect a 7-foot tall predominantly open fence enclosing the property with vehicle gates opening onto Pinebrook Drive and Vantage Drive.

The applicant indicates that the proposed fence is necessary to secure the property from trespassing and tagging. Additionally, the applicant cites the close proximity of a bar as another security concern necessitating the fence as requested.

The Board of Adjustment previously considered these variances on June 1, 2009. The requested variances were granted at that time, however no work commenced within 6 months of this approval and the variances expired.

## **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a neighborhood or community plan, however it is within the North Sector Plan area. The subject property is within 200 feet of the Vance Jackson Neighborhood Association.

## **Criteria for Review**

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

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

*The granting of the variances is not contrary to the public interest as the fence would secure the property and deter the trespassing and vandalism currently experienced.*

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

*No exceptional conditions exist on the property that would impose unnecessary hardship on the use of the property through the literal enforcement of the fence height standards.*

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

*The granting of the variances would not observe the spirit of the ordinance nor do substantial justice to the purpose of the fencing provisions as no exceptional conditions exist to justify fencing of the height proposed.*

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 specifically authorized in the "C-3 AHOD" zoning district.*

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

*The granting of the variances will not injure the appropriate use of adjacent conforming property. Additionally, the fence proposed would be out of character with the district in which the property is located, as the street-yards in the area are open.*

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 property owner is not due to unique circumstances existing on the property, but rather is due to the perceived security inadequacies of the subject property and the close proximity of a bar.*

### **Staff Recommendation**

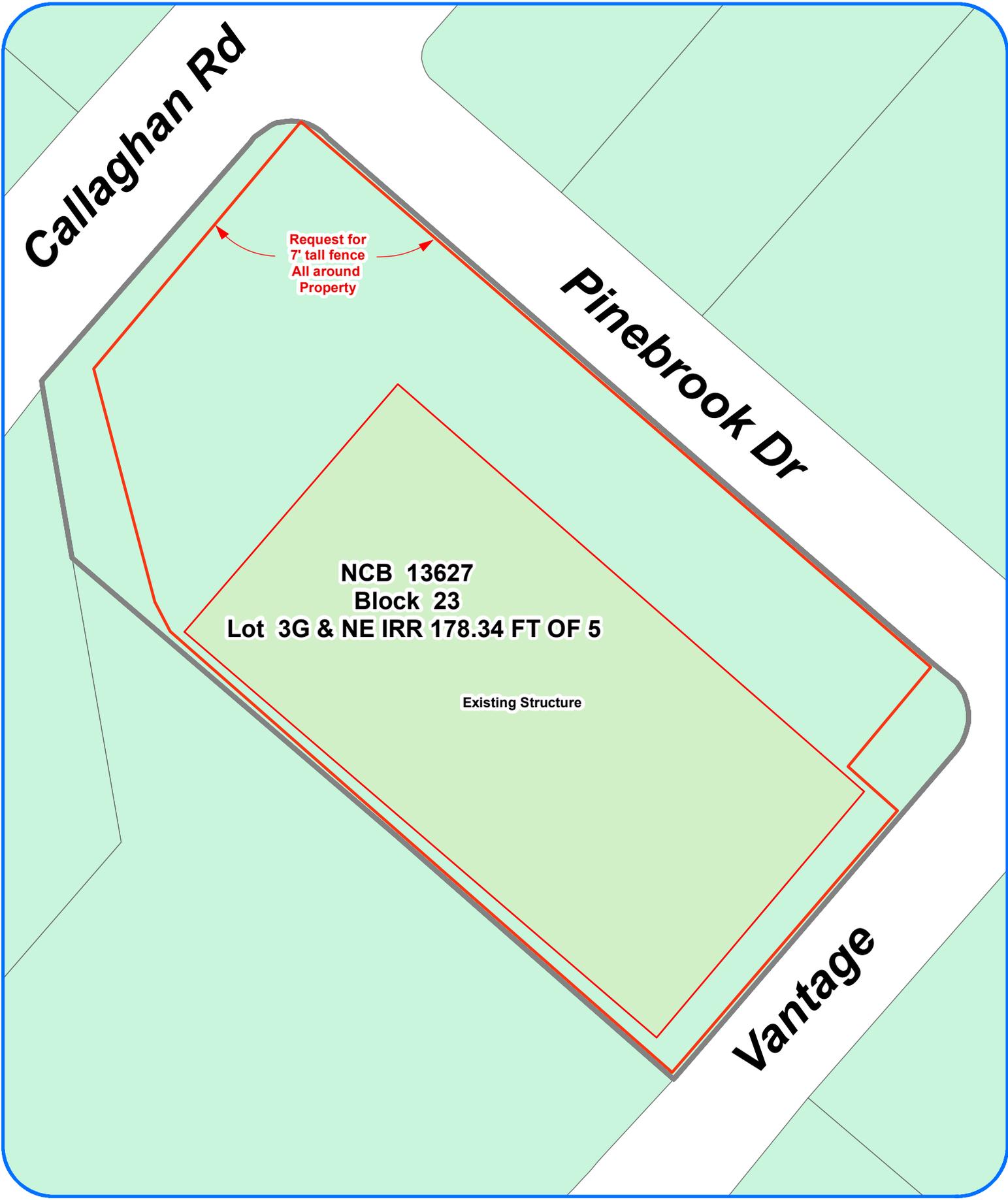
Staff recommends **denial of A-10-069**, because the findings of fact have not been satisfied as presented above. The literal enforcement of the fence height provisions will not deny the reasonable use of the subject property as offices and a data center. The applicant has not demonstrated, nor has staff observed, the existence of unique, oppressive conditions existing on the property.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Site Plan



**Board of Adjustment**  
**Plot Plan for**  
**Case A-10-069**



**Legend**

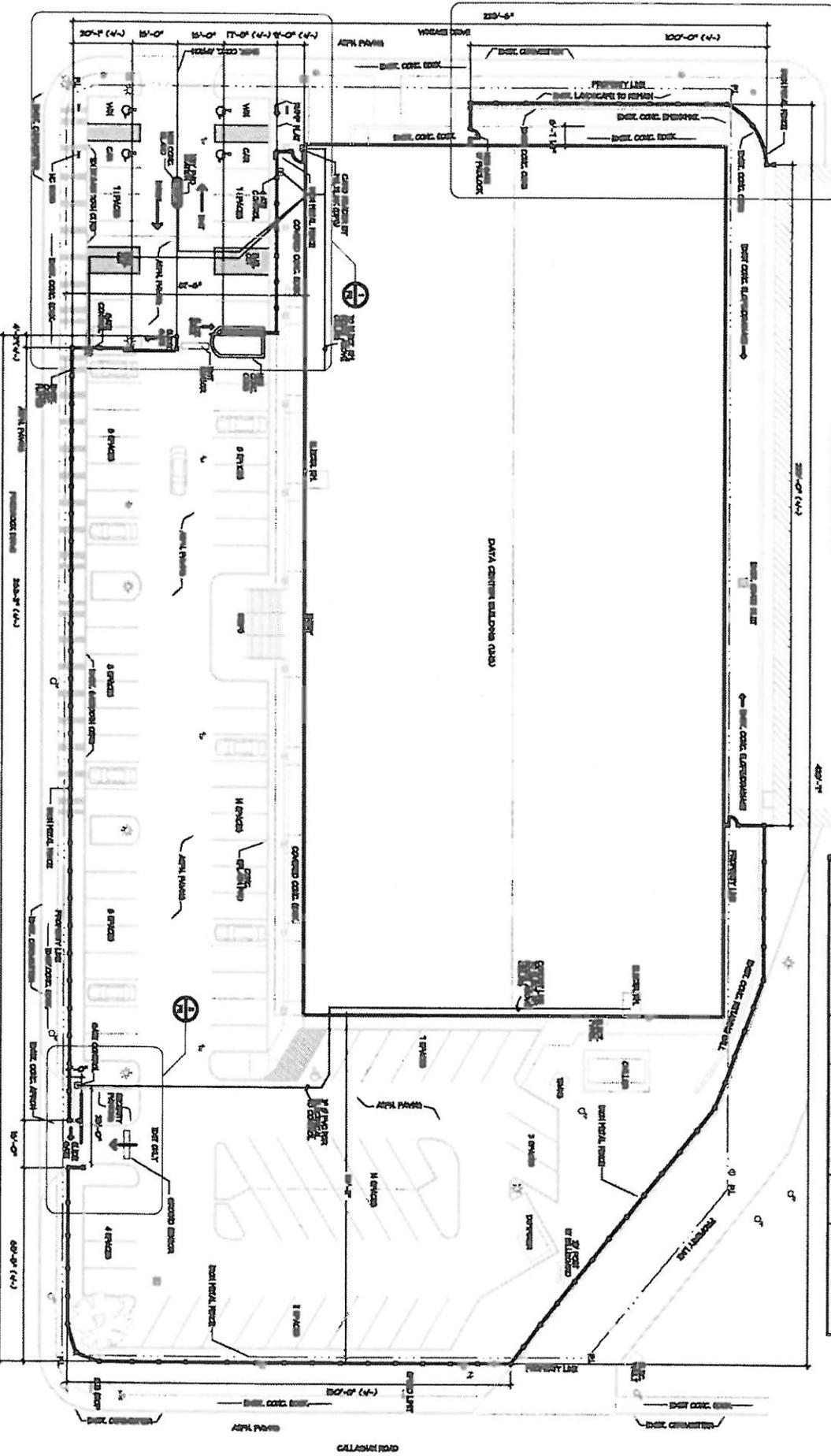
Request Variance

Scale: 1" approx. = 60'  
 Council District 8



**8131 Pinebrook Dr**

Planning and Development Services Dept  
 City of San Antonio  
 (09/14/2010)

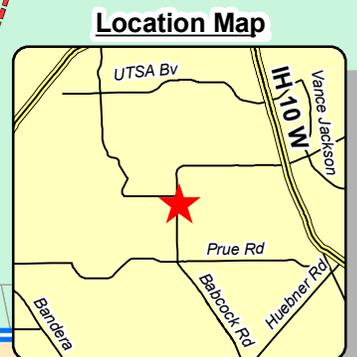
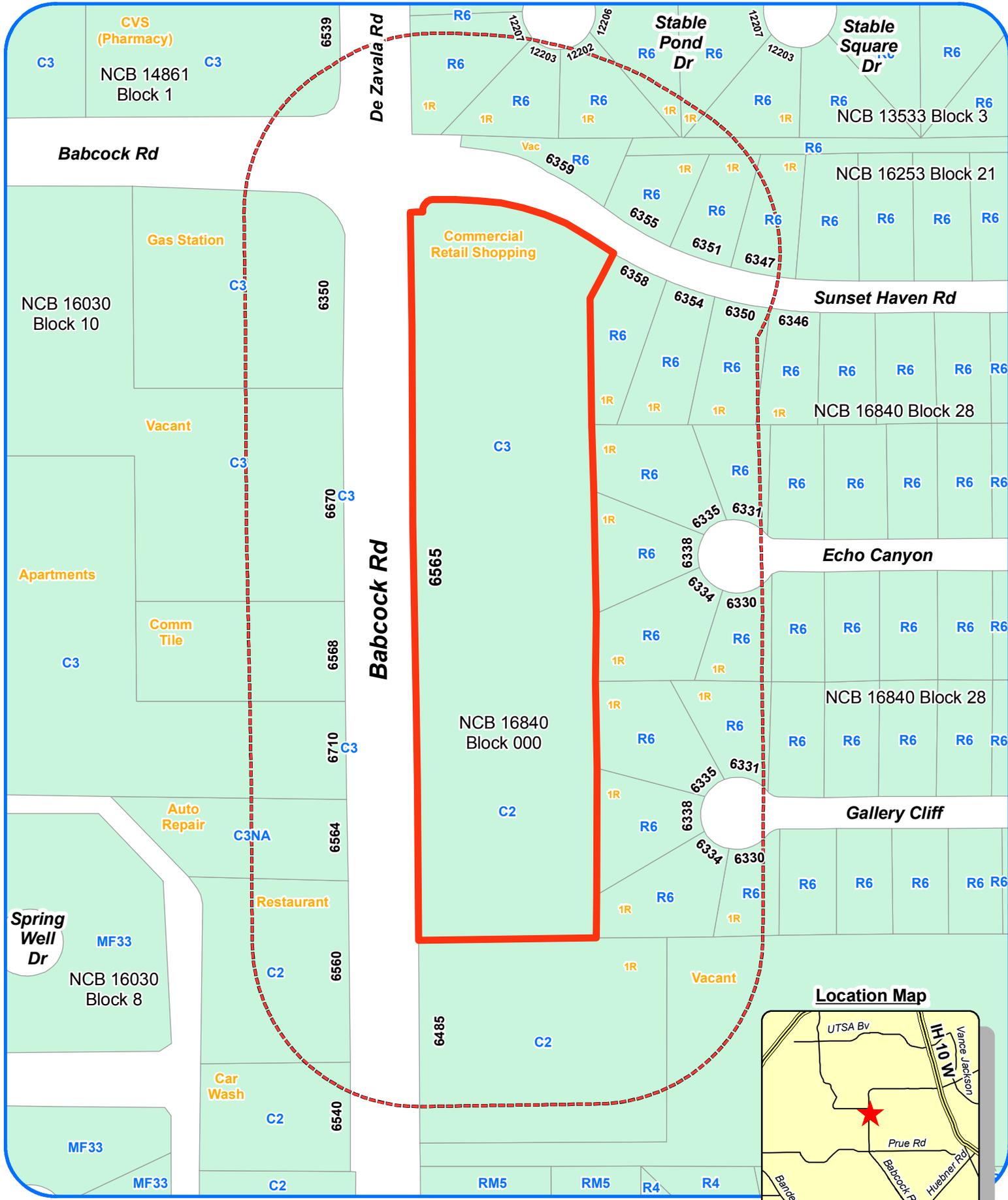


ICI 141-T-0007  
CONCRETE PAVED DRIVEWAY

**Site Legend**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
○	Fire Hydrant	○	Light Pole	○	Heat Vent Heat Pump
○	Water Valve	○	Gas Valve	○	Heat Central Cooling
○	Water Meter	○	Gas Meter	○	Heat Landscaped Area
○	Starting Meter Valve	○	Alarm Meter Valve	○	Acid Paved Driveway
○	Chain O.A.	○	Sign	○	Acid Paved Driveway
○	Power Pole	○	Telephone Pedestal	○	Acid Paved Driveway

	<p><b>SECURITY FENCE</b> At Data Center-Technology Building 813; Pinebrook Dr. San Antonio, Texas Lot 5, Block 23, NCB 13627</p>		<p><b>University Health System</b> Facilities Development</p> <p>4502 Medical Drive San Antonio, Texas 78229</p> <p>Suite c5L14 Tel. (510) 358-2207 Fax. (210) 358-4767</p>
<p>DATE: 11/11/09 DRAWN: J. J. [unreadable] CHECKED: [unreadable] APPROVED: [unreadable]</p>	<p>PROJECT: [unreadable] SHEET: 1 OF 1</p>		



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-071**



**Legend**

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



# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-071  
Date: October 4, 2010  
Applicant: Delta Properties  
Owner: The Point, LLC  
Location: 6565 Babcock Road  
Legal Description: Lot 81, NCB 16840  
Zoning: "C-3" General Commercial District  
Subject: Sign Setback Variance  
Prepared By: Jacob Floyd, Planner

#### **Summary**

The applicant requests a 5 foot variance from the requirement that freestanding signs on property with frontage on streets classified Arterial Type B be setback a minimum of 10 feet from street rights of way, in order to allow a sign 5 feet from the street right of way of Babcock 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 September 17. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 17. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 1, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
C-3 (Commercial), C-2 (Commercial)	Multiple Tenant Commercial, C-2 portion vacant

#### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 (Residential)	Single Family Residences
South	C-2 (Commercial)	Vacant, Single Family Residence

East	R-6 (Residential)	Single Family Residences
West	C-3 (Commercial)	Commercial, Vacant, Multi-Family Residences

### **Project Description**

The applicant proposes to restore the sign in the current location by repainting; repairing electrical system; and re-hanging tenant cabinets. The variance is necessary due to the signs nonconformity with the setback required.

The applicant indicates that the sign was rendered nonconforming due to the past widening of Babcock Road. However, the width of the right-of-way of this portion of Babcock has not been increased since the subject property was platted. At that time a 3-foot right-of-way dedication was required, establishing the current 43-foot width from the centerline of Babcock Road.

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Tanglewoodridge Neighborhood Plan. The subject property is within the boundaries of the Tanglewood 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**

*The strict enforcement of the sign regulations would not prohibit the reasonable opportunity to provide adequate signs on the site.*

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

*A denial of the variance would not cause a cessation of longstanding commercial use of the property. Moving the sign to comply with the 10-foot setback would not significantly alter the visibility of the sign to motorists traveling along Babcock Road or De Zavala Road.*

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 the variance would provide the applicant with a special privilege not enjoyed by others similarly situated, as similarly situated signs would be setback 10 feet from the public right-of-way.*

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

*The granting of the variance will not have a substantially adverse impact on neighboring properties. The sign in question has existed in this location for a number of years and does not encroach upon neighboring private property.*

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

*The granting of the variance will not substantially conflict with the stated purposes of this article. The encroachment of the sign upon the public right-of-way is not such that hinders driver visibility.*

### **Staff Recommendation**

Staff recommends **denial of A-10-071, 6565 Babcock Road**, because the findings of fact have been satisfied as presented above. The past widening of Babcock Road did not expand the street right-of-way, as claimed by the applicant. Instead, it was found that the width of the right-of-way was increased through the dedication of 3 feet of right-of-way at the time of platting. It appears that the setback encroachment is due to the failure of the parties who originally installed the sign to maintain the setback required from the street right-of-way. The property is not exceptional in its topography, landscaping, or situation.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Submitted Drawings

**Babcock Rd**

*Sunset Haven Dr*

5' Variance  
from 10' setback  
requirement



Existing

NCB 16840  
Block 000  
Lot 81

*Echo Canyon*

*Gallery Cliff*

**Board of Adjustment**  
Plot Plan for  
**Case A-10-071**



Sign location 

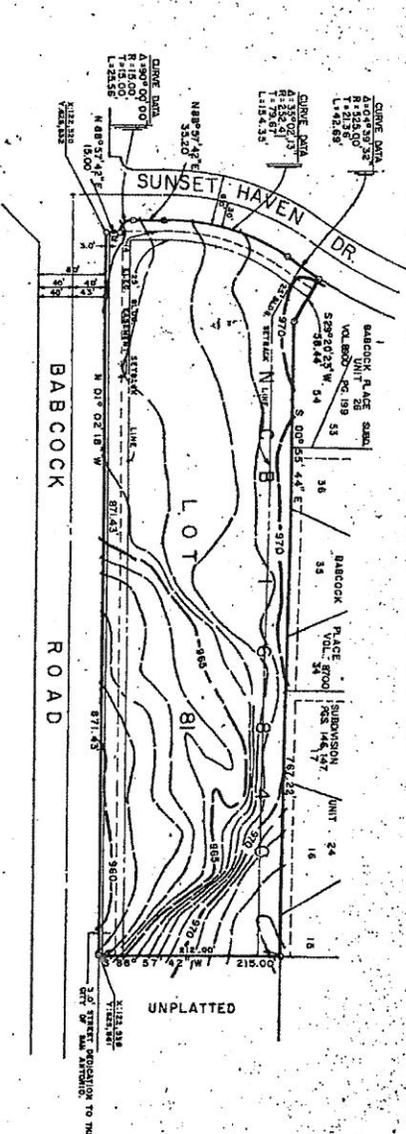
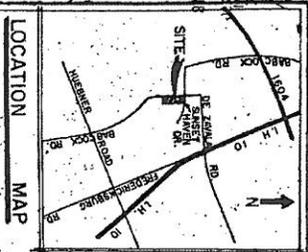
Scale: 1" approx. = 100'  
Council District 8

**6565 Babcock Rd**

Planning and Development Services Dept  
City of San Antonio  
(9/14/2010)



612126  
 PRESENTED BY  
 ROBERT D. GREEN  
 COUNTY CLERK, BEXAR  
 COUNTY, TEXAS  
 1983 JUL 22 PM 2  
 R. Green



LOT 81 LESS STREET DEDICATION: 4.293 AC.  
 TOTAL STREET DEDICATION: 0.069 AC.  
 Total: 4.353 AC.

PREPARED BY  
**OZUNA and ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 SAN ANTONIO, TEXAS

NOTE: IRON PINS AT ALL CORNERS.

STATE OF TEXAS  
 COUNTY OF BEXAR  
 I HEREBY CERTIFY THAT THE ENGINEERING CONSTRUCTION HAS BEEN GIVEN THE  
 PLAT TO THE BEST OF MY KNOWLEDGE AND BELIEF IN ACCORDANCE WITH THE  
 REQUIREMENTS OF THE ACTS RELATIVE TO THE CONSTRUCTION OF PLATS AND  
 ORDINANCES EXCEPT FOR THOSE VARIANCES THAT MAY HAVE BEEN GRANTED BY THE  
 PLANNING COMMISSION OF THE CITY.

BOOKED TO AND SUBSCRIBED RECORD IN THE 2<sup>ND</sup> DAY OF JULY  
 A.D. 1983

STATE OF TEXAS  
 COUNTY OF BEXAR  
 I HEREBY CERTIFY THAT THE PLAT IS IN ACCORD WITH THE ACTS RELATIVE TO THE  
 CONSTRUCTION OF PLATS AND ORDINANCES EXCEPT FOR THOSE VARIANCES THAT  
 MAY HAVE BEEN GRANTED BY THE PLANNING COMMISSION OF THE CITY.

NOT AUTHORIZED SIGNATURE

STATE OF TEXAS  
 COUNTY OF BEXAR  
 BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DATE PERSONALLY APPEARED  
 AND MADE OATH THAT THE FOREGOING INSTRUMENT AND ACCOUNT TO BE  
 RECORDED ARE HIS OWN AND NOT THAT OF ANY OTHER PERSON AND THAT HE  
 HAS FULL POWER AND AUTHORITY TO EXECUTE THE SAME AND TO CONVEY THE  
 SAME TO WHOMSOEVER HE MAY IN WRITING AND SEAL OF OFFICE THIS 22<sup>ND</sup> DAY OF  
 JULY 1983

Notary Public  
 BEXAR COUNTY, TEXAS



SUBDIVISION PLAT OF  
**BARBCK PLAZA SUBDIVISION**  
 BEING LOT 81, N.C.B. 16840, CONSISTING OF  
 4.293 ACRES OF LAND, SAN ANTONIO, BEXAR COUNTY,  
 TEXAS; OUT OF THE ANSELMO PRU SURVEY NO. 20 AB-  
 TRACT NO. 574, N.C.B. 16840, SAN ANTONIO, BEXAR  
 COUNTY, TEXAS.



STATE OF TEXAS  
 COUNTY OF BEXAR  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM  
 AN ACTUAL SURVEY OF THE PROPERTY'S LAND UNDER MY SUPERVISION ON THE ENGINEER'S  
 DATE OF JULY 1983

THE PLAT OF BARBCK PLAZA SUBDIVISION  
 SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN  
 ANTONIO TEXAS AND IS HEREBY APPROVED BY THE COMMISSION  
 DATED THIS 20<sup>TH</sup> DAY OF JULY 1983

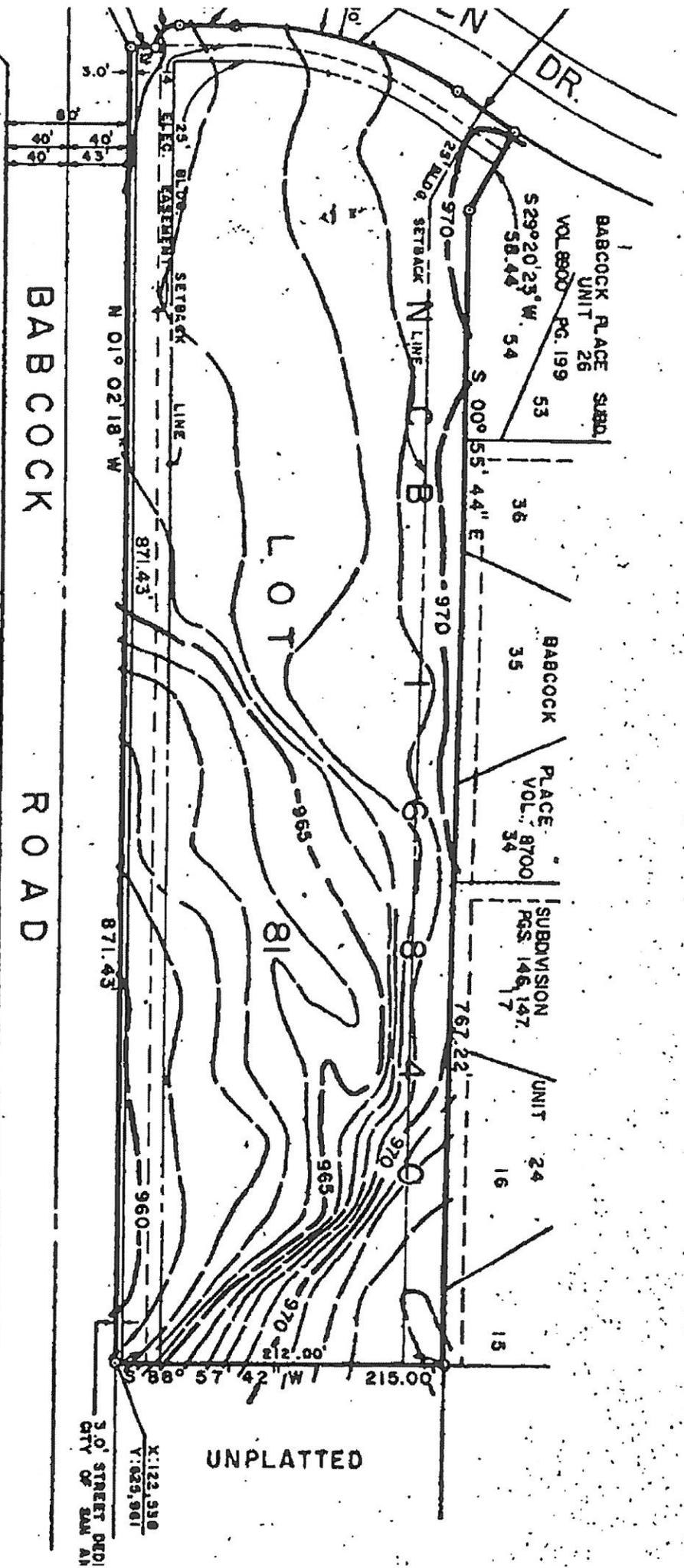
BY: *Robert D. Green*  
 SECRETARY



STATE OF TEXAS  
 COUNTY CLERK OF SAID COUNTY, I HEREBY  
 CERTIFY THAT THIS PLAT  
 WAS FILED FOR RECORD IN MY OFFICE ON THE 22<sup>ND</sup> DAY OF JULY  
 A.D. 1983 AT 3:44 PM. DEPOSED BY *Robert D. Green*  
 OF SAID COUNTY IN BOOK VOLUME 9502 PAGE 61  
 IN TESTIMONY WHEREOF, MY SEAL AND OFFICIAL SEAL OF OFFICE THIS 22<sup>ND</sup>  
 DAY OF JULY 1983

9502 61

SCALE: 1" = 100'



UNPLATTED

X: 122,538  
Y: 625,981  
3.0' STREET WID  
CITY OF SAN AN

# SUBDIVISION

## BABCOCK ROAD

PLICATION: 4.293 AC.  
ICATION: 0.060 AC.

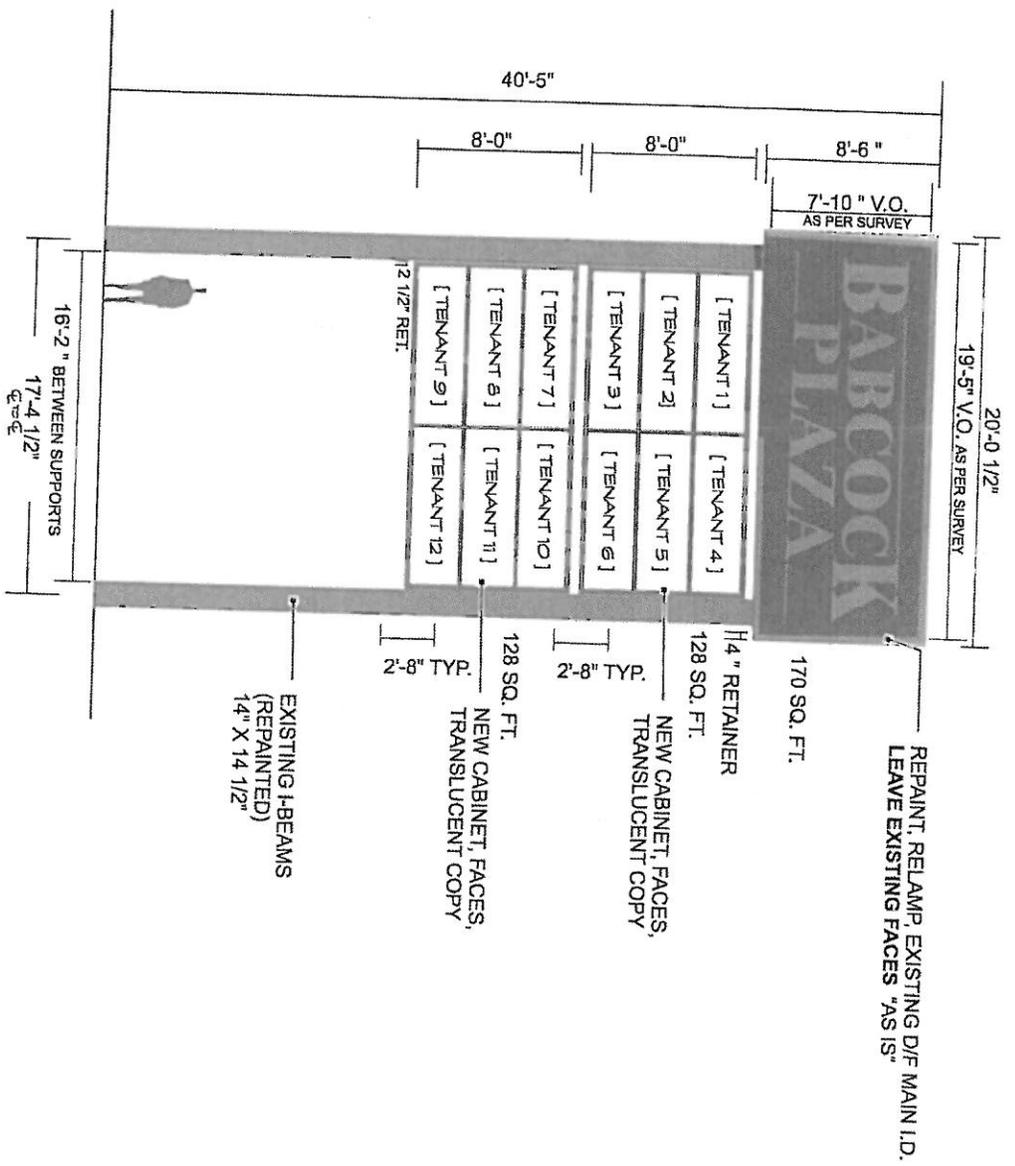
Total : 4.353 AC.

PREPARED BY

NOTE: IRON PINS

426 SQ. FEET

EXACT COLORS TBD



10/16/17 H



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

PRESENTATION DRAWING

**Client:**  
The Point  
Denmar Construction

**Client's Location:**  
6565 Babcock Rd.  
San Antonio, TX 78249

**Sales Rep:** Nancy F

**Project Manager:** Brande B.

**PM Approval:**

**Date:** 3.23.10

**Drawn By:** Reese S.

**Revised:**  
R1) bring top cabinet 4.29.10  
R2) update w/ survey notes 5.5.10 -RS  
R3) update w/ survey notes 6.22.10 -RS

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

**Work Order#** 23864-001 of 2

**Sign Description:**  
Remove existing D/F tenant cabinet from existing structure. Refinish, re-lamp and repaint (2) two existing D/F customer provided tenant cabinets(main ID, leave existing faces.)  
Repaint existing supports. All cabinets internally illum. by H-O lamps.

**Underwriters**  
Laboratories Inc.

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

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY SWS SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION 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:**

EXACT COLORS TBD



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

PRESENTATION DRAWING

Client:

The Point

DenMar Construction

Client's Location:

6665 Babcock Rd.

San Antonio, TX 78249

Sales Rep: Nancy F.

Project Manager: Brenda B.

PM Approval:

Date: 3.23.10

Drawn By: Reese S.

Revisions:

R1) change top cabinet 4.29.10c

R2) update w/ survey notes 5.5.10 JRS

R3) scope of work 5/11/10 JRS

Scale: NTS

Work Order# 23864-002 of 2

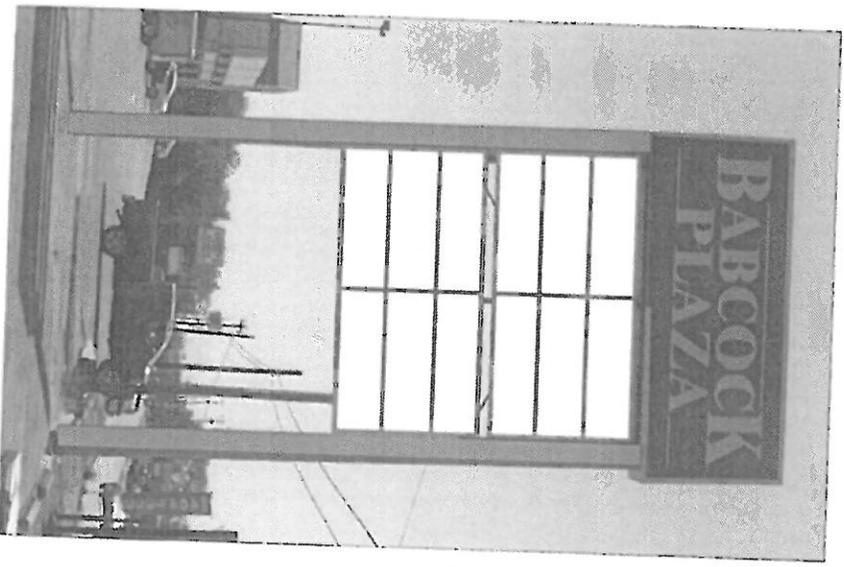
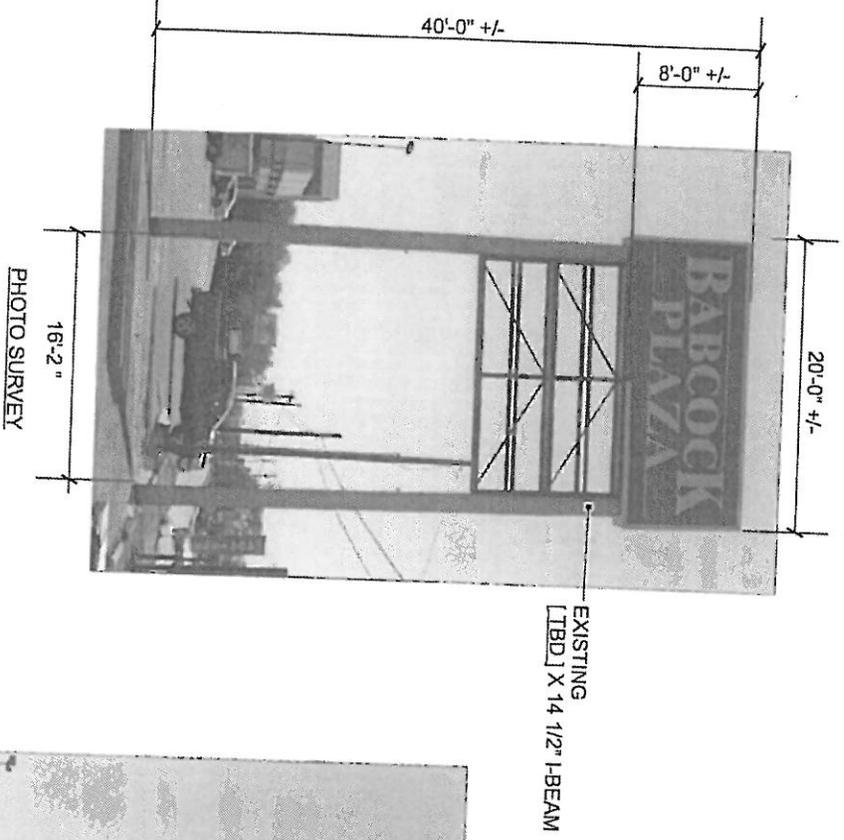
Sign Description: PHOTO SURVEY

Underwriters  
Laboratories Inc. 

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

THIS IS AN ORIGINAL UNPUBLISHED  
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 IS  
TO BE USED, REPRODUCED, COPIED OR  
EXHIBITED IN ANY FASHION.

Customer Approval: \_\_\_\_\_



PROPOSED SIGNAGE



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-073**



**Legend**

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



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# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-073  
Date: October 4, 2010  
Applicant: Roger R. Trevino  
Owner: Roger R. Trevino  
Location: 515 Parland Place  
Legal Description: Lots 23 & 24, Block 5, NCB 6528  
Zoning: "R-4 NCD-6" Residential Single-Family Mahncke Park  
Neighborhood Conservation District  
Subject: Side Setback Variance  
Prepared By: Jacob Floyd, Planner

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#### **Summary**

The applicant requests a 4-foot variance from the 5-foot setback requirement of the "R-4" zoning district, in order to allow a carport 1-foot from the east side property line.

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on September 17. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 17. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 1, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-4 NCD-6 (Residential)	Single Family Residence

#### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 NCD-6 (Residential)	Single Family Residences

South	R-4 NCD-6 (Residential)	Botanical Gardens
East	R-4 NCD-6 (Residential)	Single Family Residence
West	R-4 NCD-6 (Residential)	Single Family Residences

**Project Description**

The applicant proposes to build a carport in the rear yard, 1-foot from the east side property line. The applicant indicates that there is currently 13 feet between the side of the house and the east property line and a span of 12 feet is required for a car to pass through comfortably.

**Comprehensive Plan Consistency/Neighborhood Association**

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

**Criteria for Review**

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

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

*The granting of the variance would be contrary to the public interest, as the 1-foot setback proposed would place undue burden on the abutting property were it to be developed.*

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

*No exceptional conditions exist on the property that would impose unnecessary hardship on the reasonable use of the property through the literal enforcement of the 5-foot minimum setback.*

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

*The granting of the variance would not observe the spirit of the ordinance nor do substantial justice to the purpose of the minimum setback provisions to provide adequate spacing between structures.*

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 specifically authorized in the "R-4" zoning district.*

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

*The requested variance will substantially injure the appropriate use of adjacent conforming property, as the proposed 1-foot setback will not provide adequate*

*separation between structures. Were the abutting lot to be developed it would be denied the effective separation of structures otherwise enjoyed.*

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 property owner is not due to unique circumstances existing on the property, as the property possesses no unique circumstances. The applicant cites only financial hardship and the desire to build the carport as grounds for the granting of the variance.*

### **Staff Recommendation**

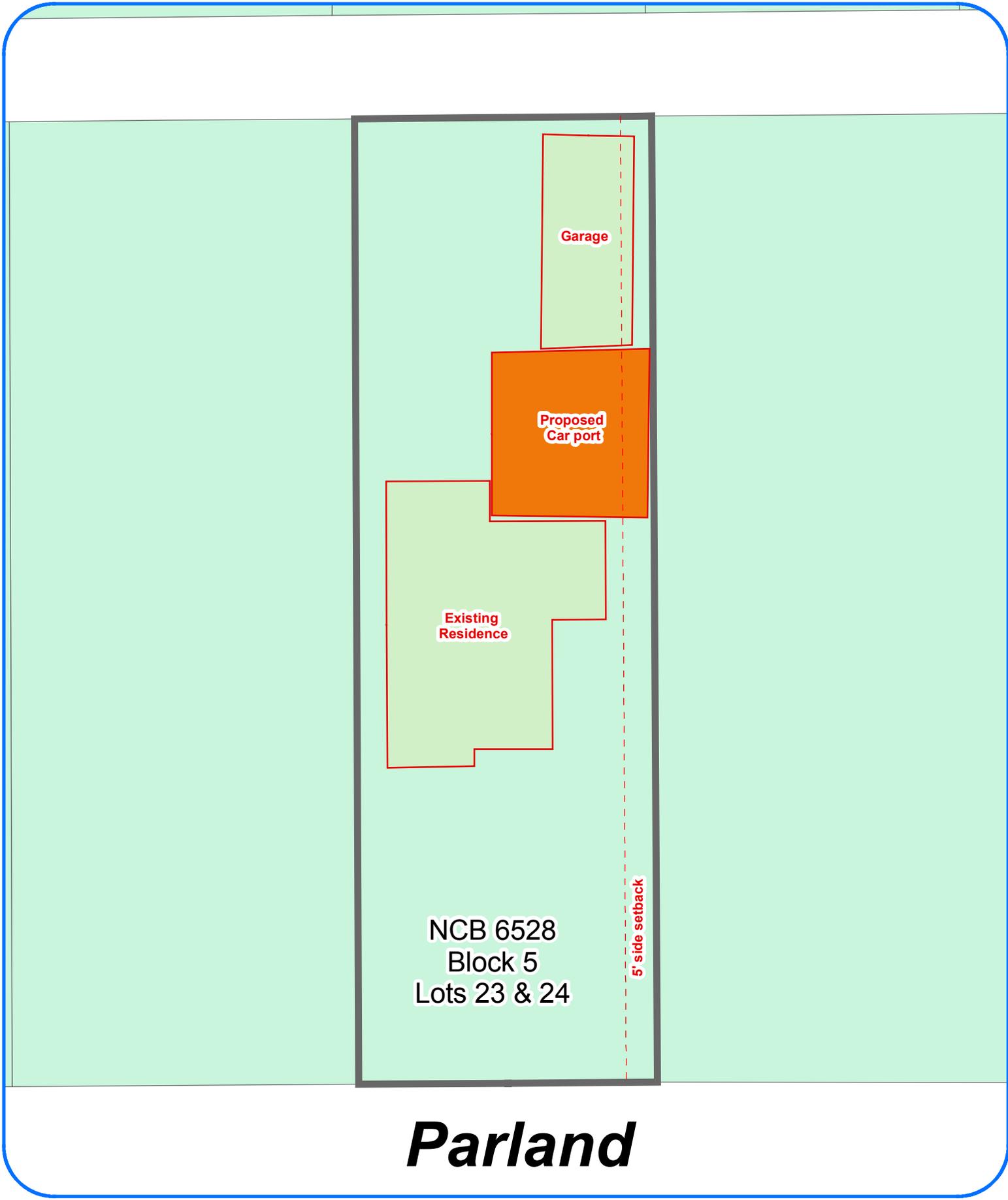
Staff recommends **denial of A-10-073**, because the findings of fact have not been satisfied as presented above. The literal enforcement of the minimum side setback provisions will not deny the reasonable use of the property as a single-family residence. The applicant has not provided evidence of, nor has staff observed, unique, oppressive conditions on the subject property that would impose unnecessary hardship through the literal enforcement of the zoning ordinance.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Plot Plan



NCB 6528  
Block 5  
Lots 23 & 24

5' side setback

# Parland

**Board of Adjustment**  
Plot Plan for  
**Case A-10-073**



Scale: 1" approx. = 20'  
Council District 9

**515 Parland**

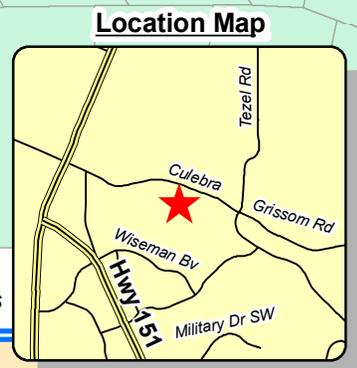
Planning and Development Services Dept  
City of San Antonio  
(9/14/2010)





**Area is in Airport Hazard Overlay District**

**Senisa Springs**



**Board of Adjustment**  
**Notification Plan for**  
**Case A-10-074**



**Legend**

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

Planning and Development Services Dept  
 City of San Antonio  
 (9/14/2010)



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# City of San Antonio

## Planning & Development Services Department

### Staff Report

To: Board of Adjustment  
Case No.: A-10-074  
Date: October 4, 2010  
Applicant: Joe W. Brown  
Owner: Joe W. Brown  
Location: 9610 Kashmir Drive  
Legal Description: Lot 23, Block 21, NCB 17639  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Subject: Rear Setback Variance  
Prepared By: Jacob Floyd, Planner

---

#### **Summary**

The applicant requests a 4-foot variance from the 20-foot rear setback requirement of the "R-6" zoning district, in order to allow a structure 16 feet from the rear property line.

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on September 17. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 17. Additionally, notice of this meeting was posted at city hall and on the city's internet website on October 1, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Subject Property Zoning/Land Use**

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

#### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 AHOD (Residential)	Single Family Residences

South	R-6 AHOD (Residential)	Single Family Residences
East	R-6 AHOD (Residential)	Single Family Residences
West	R-6 AHOD (Residential)	Single Family Residences

**Project Description**

The applicant proposes to build an addition to the rear of the residence along the zero lot line, 16 feet from the rear property line. The proposed addition measures 13 feet by 13 feet. The applicant cites a need for additional living area as rational for the granting of the variance.

The subject property is a zero-lot line development and does not have a minimum side setback from the south side lot line.

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a Neighborhood or Community Plan, nor is it within a registered neighborhood association.

**Criteria for Review**

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

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

*The variance is contrary to the public interest as the rear setback provision is intended to ensure the preservation of a reasonable amount of open space desirable in a single-family neighborhood, as well as to allow for air circulation and light penetration. The proposed setback is inadequate to carry out this objective.*

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

*No exceptional conditions exist on the property that would impose unnecessary hardship on the reasonable use of the property through the literal enforcement of the 20-foot minimum setback.*

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

*The granting of the variance would not observe the spirit of the ordinance nor do substantial justice to the purpose of the minimum rear setback provisions to provide adequate spacing between structures and maintain a reasonable amount of open space.*

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 specifically authorized in the "R-6" zoning district.*

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

*The requested variance will not substantially injure the appropriate use of adjacent conforming property nor will the essential character of the "R-6" district be altered, as it will remain 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.

*The plight of the property owner is not due to unique circumstances existing on the property, as the property possesses no unique circumstances. The applicant cites only personal circumstances as rationale for approval of the variance. The subject property is typical of zero lot line developments in the "R-6" zoning district in its dimensions and situation.*

### **Staff Recommendation**

Staff recommends **denial of A-10-074**, because the findings of fact have not been satisfied as presented above. The subject property is of a typical size and shape for lots zoned "R-6" and is not subject to conditions outside of those generally experienced by all single-family residential properties in the "R-6" zoning district. The ability to use the property as a single-family residence will not be denied without the variance requested.

### **Attachments**

Attachment 1 – Location Map

Attachment 2 – Plot Plan

Attachment 3 – Submitted Site Plan/Survey

# Kashmir Dr

NCB 17639  
Block 21  
Lot 23

Existing  
Residence

20' rear setback

Proposed  
Addition

13'  
13'

**Board of Adjustment**  
Plot Plan for  
**Case A-10-074**



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

**9610 Kashmir Dr**

Planning and Development Services Dept  
City of San Antonio  
(9/14/2010)

