

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, October 8, 2012

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. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-12-088:** The request of Mark Becker, for a 3-foot variance from the 3-foot maximum fence height to maintain an existing 6-foot privacy fence in the front yard at 12406 Alexander Drive. (Council District 10)
5. **A-12-089:** The request of Hilario Hernandez, for a 2-foot 8-inch variance from the 6-foot maximum fence height to allow an 8-foot 8-inch perimeter fence around the side and rear property lines at 1623 Santa Rita. (Council District 3)
6. **A-12-090:** The request of Alpha Builders, for **1)** a 6-foot variance from the 8-foot maximum allowed height for a freestanding sign in a residential district, and **2)** a 12 square-foot variance from the 36 square-foot maximum allowed size for a sign in a residential district to allow a freestanding sign along a residential collector 14 feet in height and 48 square feet in area at 438 Lanark Drive. (Council District 2)
7. **A-12-091 POSTPONED:** The request of Brown & Ortiz, for a special exception to allow a 6-foot ornamental wrought iron fence in the front-yard at 4006 Greensboro Drive. (Council District 10)
8. **A-12-092:** The request of Eden and Alicia Pearl for **1)** a 14-foot 11-inch variance from the minimum 20-foot front setback, and **2)** a 15-foot variance from the minimum 20-foot rear setback to allow a structure 5-feet 1-inch from the front property line and 5-feet from the rear property line at 330 E. Terra Alta Road. (Council District 9)
9. Approval of the minutes – September 17, 2012
10. Discussion of 2013 Public Hearing Calendar
11. Adjournment

**ACCESSIBILITY STATEMENT** - *This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7245 or 711 (Texas Relay Service for the Deaf).*

**DECLARACIÓN DE ACCESIBILIDAD** – *Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7245 o al 711 (servicio de transmitir para sordos).*

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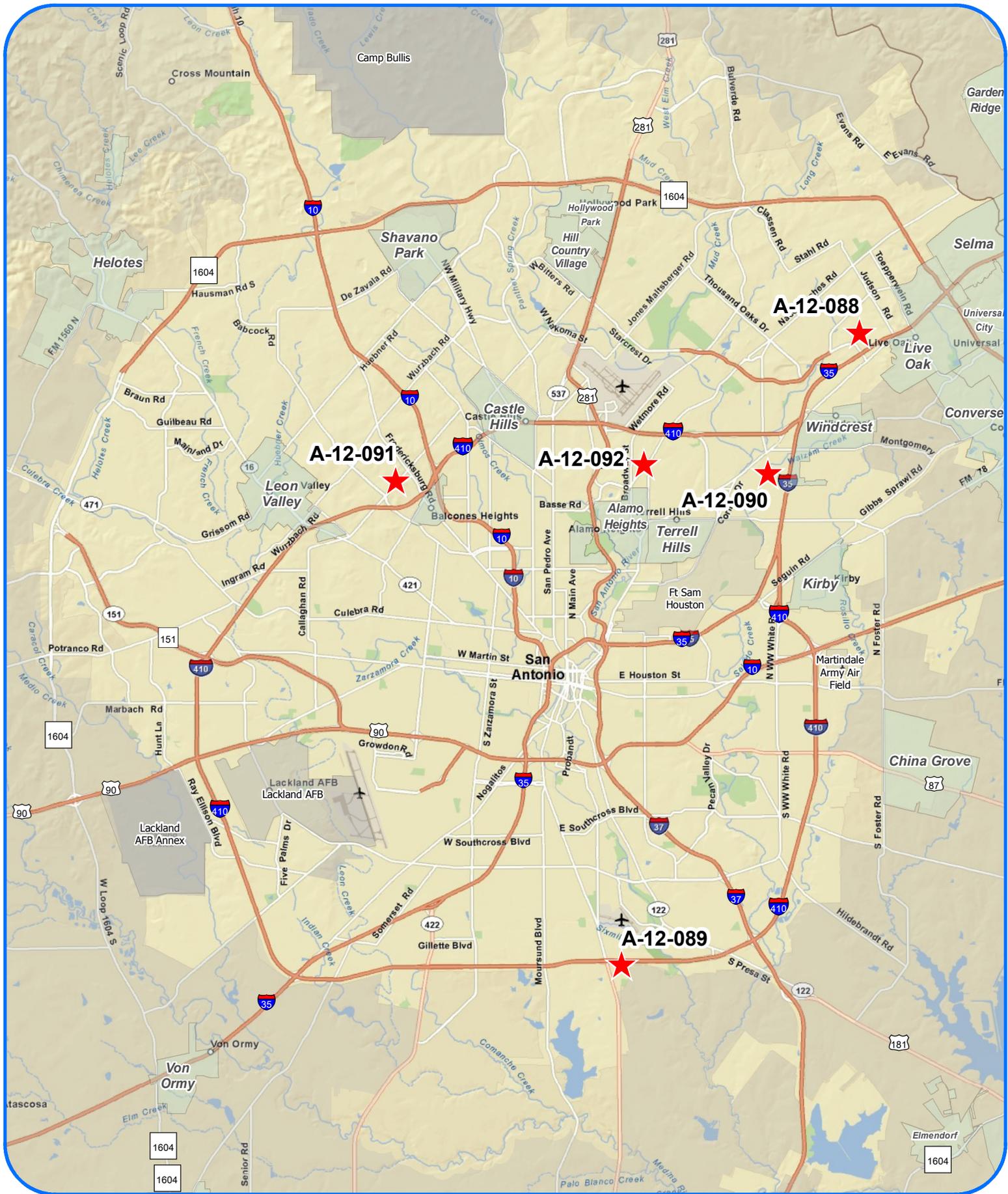
### Board of Adjustment Membership

Michael Gallagher District 10, Chair     Andrew Ozuna District 8, Vice Chair

Frank Quijano, District 1 • Edward Hardemon, District 2 • Helen Dutmer District 3 • George Britton, District 4  
Vacancy, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • David Villyard, District 9 • Gene Camargo, Mayor

### Alternate Members

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



# Board of Adjustment

Subject Property Locations  
Cases for 8th October 2012





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-088  
Date: October 8, 2012  
Applicant: Mark Becker  
Owner: Mark Becker  
Location: 12406 Alexandria Drive  
Legal Description: Lot 44, Block 1, NCB 15924  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request for a 3-foot variance from the 3-foot maximum fence height restriction to maintain an existing 6-foot privacy fence in the front yard.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 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 20, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 21, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on October 5, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located midblock on Alexandria Drive between Georgetown Drive and Valley Forge Avenue. The lot is 65 feet wide by 110 feet deep.

The applicant constructed a solid wood privacy fence in the front yard. The lot has an elevation change from south to north, and as such, the fence varies in height from 3 feet on the north end of the lot to 6 feet on the south end of the lot. The applicant states that he constructed the fence for safety, stating that it keeps his dogs in his own yard and provides protection from the

boarding house across the street. Before constructing the fence, the applicant consulted with Development Services (Building Inspections) and was given incorrect compliance information. Once the permitted fence was constructed, the applicant was cited by Code Compliance.

The applicant was informed by City staff that he could backfill the rear portion of the fence to raise the ground elevation, and the fence would be measured from that point. Section 35-515(d)(1) states that “height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar, or post.” Additionally, retaining wall must be calculated in fence height unless the retaining wall is necessary for structural integrity or the retaining wall abuts a drainage easement or infrastructure, neither of which applies in this case.

There are no other front yard fences in this neighborhood. There is the possibility that approving the variance request could create a precedent and encourage others in the neighborhood to begin constructing front yard fences.

**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 (Residential Single-Family)	Single-Family Residences
South	R-6 AHOD (Residential Single-Family)	Single-Family Residences
East	R-6 AHOD (Residential Single-Family)	Single-Family Residences
West	R-6 AHOD (Residential Single-Family)	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 boundaries of the Valley Forge Resident’s Association 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:

- The variance is not contrary to the public interest:*

Fence height regulations are designed to promote orderly development, reduce visual distraction, and create a sense of community, especially in neighborhoods. The fence does

not cause a visual obstruction for adjacent property owners; however, this is the only front yard fence on this street.

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

A literal enforcement of the ordinance may result in an unnecessary hardship, namely that the applicant has already constructed the fence after being given erroneous advice from Development Services.

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

The ordinance only provides for higher front yard fencing under very limited circumstances. Substantial justice will be done to the applicant by granting the variance because the applicant relied in good faith that the information he received from Development Services was accurate.

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 “R-6 AHOD” (Single-Family Residential) 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 adjacent property, but rather the variance has the potential to alter the essential character of the district because there are no other front yard fences anywhere on this street. There is concern that allowing this higher fence may cause a precedent within the neighborhood, and other front yard fences may be erected.

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 based upon receiving erroneous compliance information from permit staffers and, as such, this situation was not created by the owner.

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to shorten the fence to three feet in height uniformly or modify the fence so that it is predominately open.

### **Staff Recommendation**

Staff recommends **approval of A-12-088**, due to the following reasons:

1. The applicant acted upon erroneous information provided by Development Services staff.

2. Granting of the variance will not be contrary to the public interest as the fence does not create any type of visual hazard or obstruction.

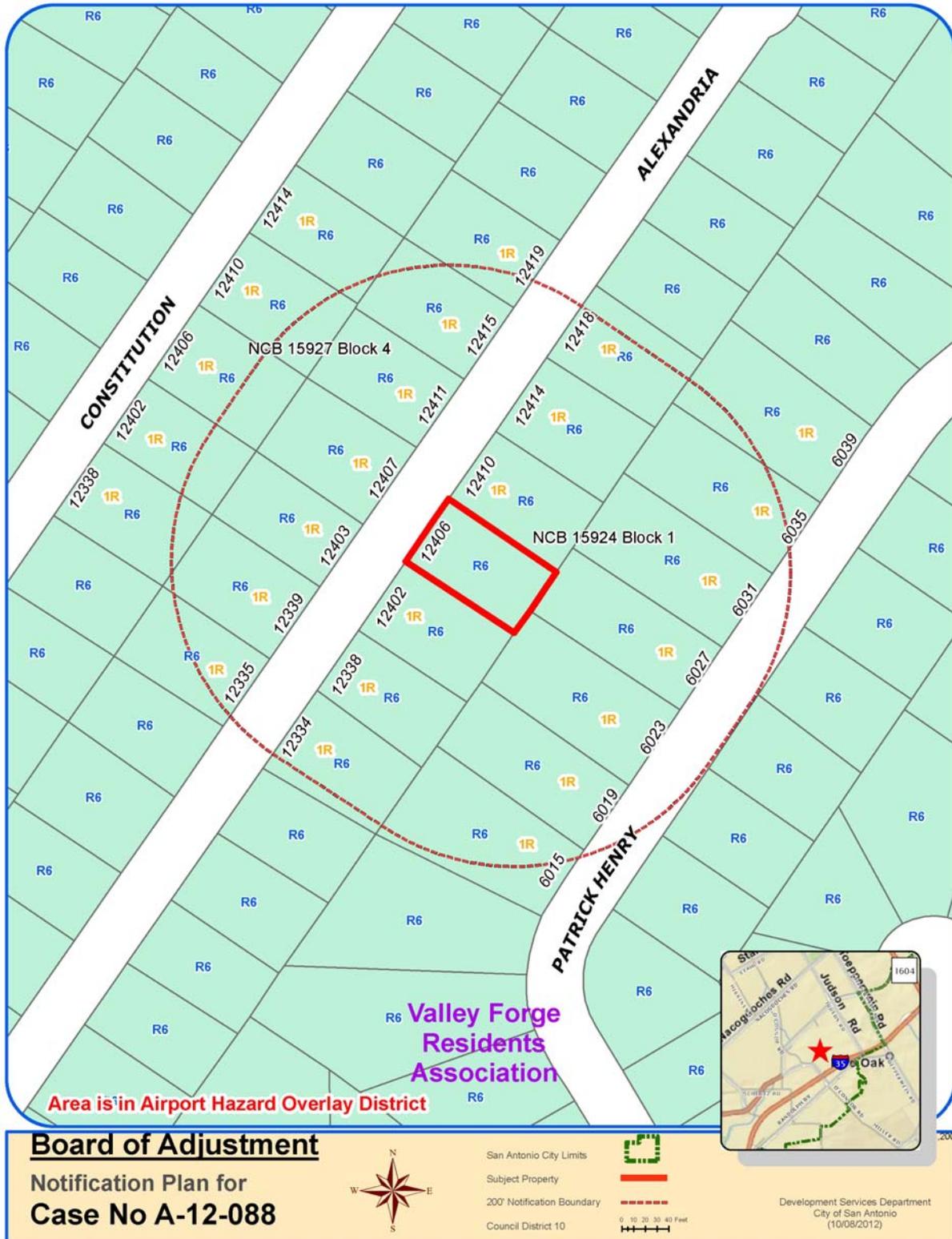
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

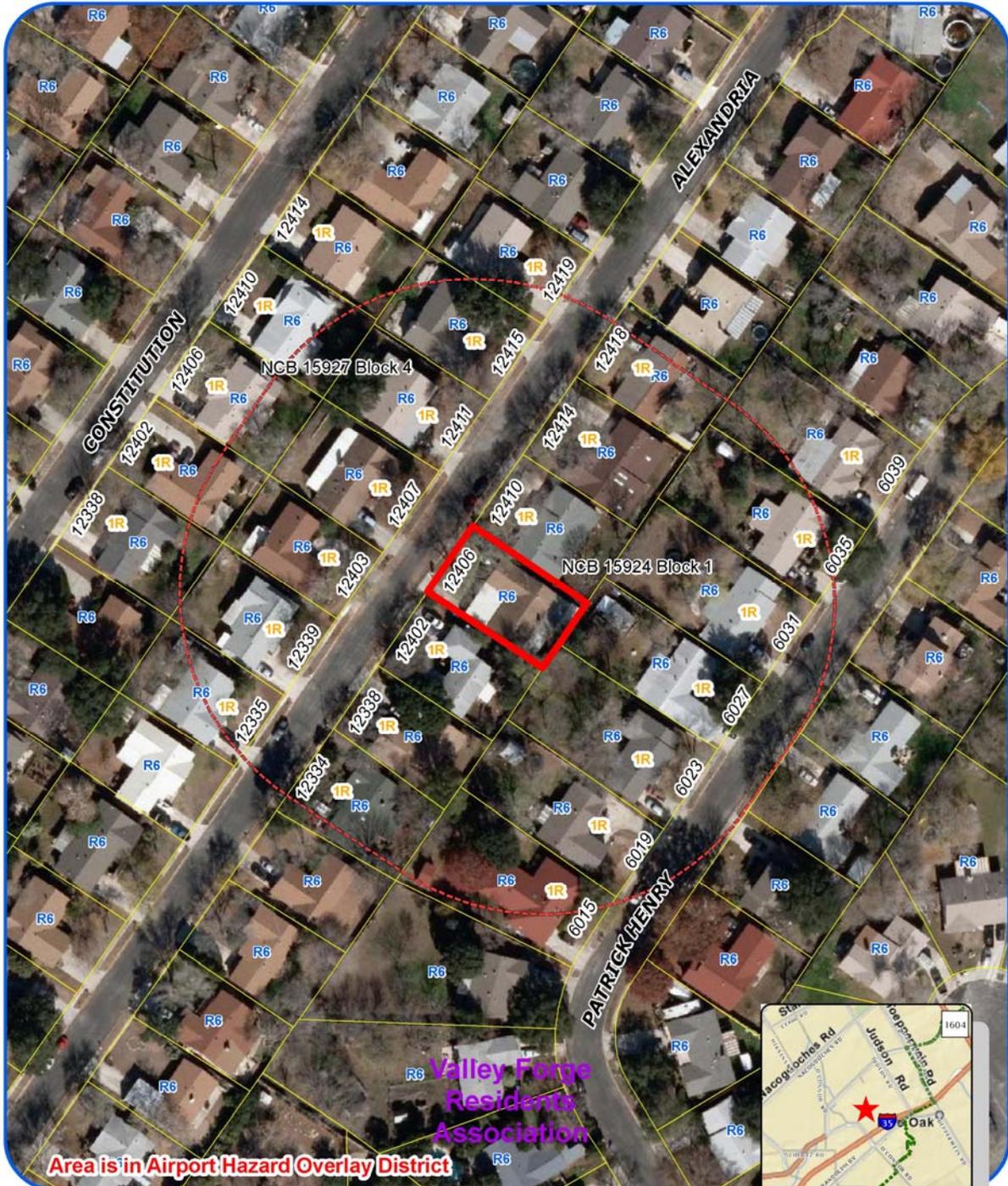
Attachment 2 – Plot Plan

Attachment 3 – Fence Photos

# Attachment 1 Notification Plan

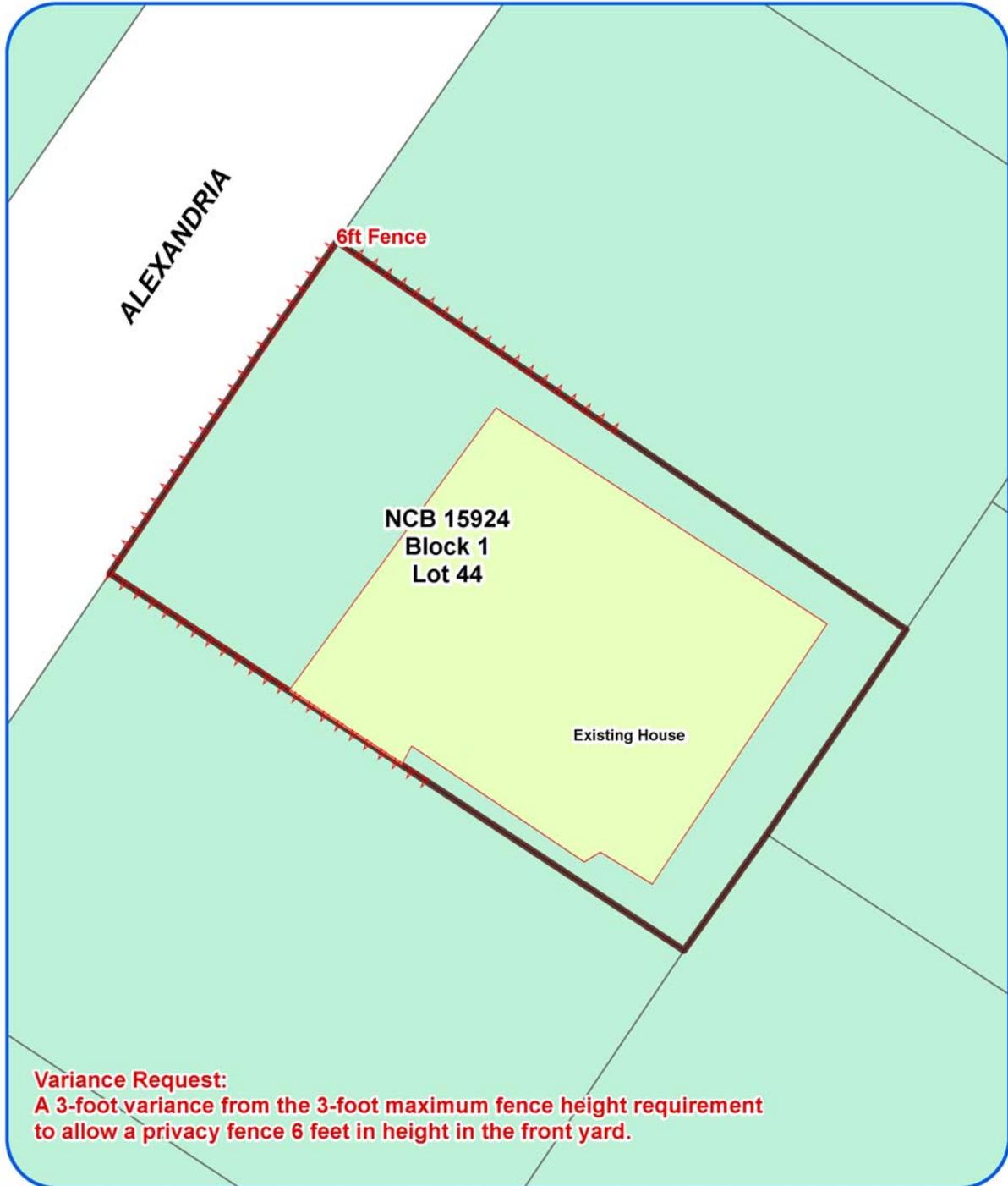


**Attachment 1 (Continued)  
Notification Plan**



<p><b>Board of Adjustment</b></p> <p>Notification Plan for</p> <p><b>Case No A-12-088</b></p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 10 </p>	<p></p>
	<p>Development Services Department City of San Antonio (10/08/2012)</p>		

**Attachment 2  
Plot Plan**



**Board of Adjustment**

Plot Plan for  
**Case No A-12-088**



▲▲▲▲ Fence



Council District 10

**12406 Alexandria**

Development Services Department  
City of San Antonio  
8th October 2012

Attachment 2 (Continued)  
Plot Plan



**Variance Request:**  
A 3-foot variance from the 3-foot maximum fence height requirement to allow a privacy fence 6 feet in height in the front yard.

**Board of Adjustment**  
Plot Plan for  
Case No A-12-088



▲▲▲▲ Fence



Council District 10

12406 Alexandria

Development Services Department  
City of San Antonio  
8th October 2012

**Attachment 3  
Fence Photos**





**City of San Antonio  
Development Services Department  
Staff Report**

To: Board of Adjustment  
Case No.: A-12-089  
Date: October 8, 2012  
Applicant: Hilario Hernandez  
Owner: Hilario Hernandez  
Location: 1623 Santa Rita Street  
Legal Description: Lots 30 & 31, Block 2, NCB 11047  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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**Request**

The applicant requests a 2-foot 8-inch variance from the 6-foot maximum height restriction to allow an 8-foot 8-inch fence around the side and rear perimeter of the property.

**Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on September 20, 2012. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 21, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on October 4, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

**Executive Summary**

The subject property consists of two lots, each 50 feet wide by 125 feet deep. The entire property is 12,500 square feet and is currently developed with single-family residence. The home is located on one of the lots, leaving a large, vacant side yard. The applicant has a collection of vehicles stored on the property. The UDC allows a property owner to maintain operable vehicles. The applicant has had a series of investigative visits from Code Enforcement Officers to demonstrate that the vehicles are operable.

Over the last several months, the Code Enforcement Division's Neighborhood Enhancement Team has patrolled the Villa Coronado neighborhood in the interest of educating the residents about code violations and providing a notice to correct. It was this situation that led the applicant

to apply for the requested variance. He was notified that his tin fence was not in compliance, so he removed it and sought guidance on what type of fencing would be allowed and how to gain approval for a taller fence.

The applicant is requesting a variance to allow an 8-foot 8-inch privacy fence to be installed around the perimeter of the lot and tying into the front façade of the home. This proposal would protect his collection of vehicles and block the public’s view of them as well. The applicant is disabled and cannot respond rapidly to disturbances or potential trespassers. Though detailed crime statistics are not available for this neighborhood, area police have reported one individual robbery, one burglary and one auto theft in the area within the last 30 days.

Chapter 19 of the San Antonio Code of Ordinances includes regulations specifying “junked vehicles” and provides insight into the request for fencing. Sec. 19-364 allows an owner to store vehicles that are operable when:

- (1) Completely enclosed in a building in a lawful manner and is not visible from the street or public or private property or;
- (2) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or *that is an antique vehicle or a special interest vehicle, stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outside storage area, if any, are:*
  - a. Maintained in an orderly manner;
  - b. Not a health hazard; and
  - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

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

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

The subject property is located within the Heritage South Sector Planning Area. The subject property is also located within the boundaries of the Villa Coronado registered neighborhood association and as such, they were notified of this application and asked for comments.

### **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:*

Fence height regulations are designed to promote orderly development, reduce visual distraction, and create a sense of community, especially in neighborhoods. In this case, the applicant has collected and stored a variety of vehicles on the property for many years. According to the applicant, each of these is operational. Code Enforcement is familiar with the site and routinely conducts visits. A history of complaints includes citations for 6 inoperable vehicles and outside storage in both 2007 and 2012. The applicant has responded and resolved each prior case. Fencing however cannot be used to resolve these cases. The UDC 35-514 (d) allows privacy fencing in the side and rear yards of a maximum of 6-feet in height. This permitted maximum height is adequate to discourage criminal intent and provide screening of personal property. A taller fence allows more places for criminals to hide from public view. Therefore, the variance is not in the public interest.

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

There are no special property-related conditions readily apparent to warrant an 8-foot 8-inch tall fence around the yard. The applicant asserts that he needs additional protection of a higher fence because of the extra width of the double-lot and his reduced mobility. However, the applicant has an existing chain-link fence around the front yard and adding an additional layer of wooden privacy fencing in line with the front façade at 6 feet high would be consistent with literal enforcement of the fence height regulations. The applicant is requesting the additional 2-foot 8-inches, asserting that limiting the fence to 6-feet is an unnecessary hardship, but has failed to demonstrate how this property is uniquely burdened as compared to similarly situated properties.

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

The spirit of the ordinance is represented by its equal application to all citizens. The ordinance limits personal freedoms and property rights, but with fairness. In some cases, unique characteristics warrant flexibility to the regulations in order to provide a similar level of protection afforded to the general public. In these cases, the flexibility provides substantial justice. The applicant asserts that his disability slows his response time to noises and potential threats.

*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 R-6 AHOD (Residential Single-Family) 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.*

Staff observation determined that the subject property and most other houses in the neighborhood have perimeter chain-link fencing consistent with UDC allowances. The applicant is requesting additional fencing in line with his home to obscure the view of vehicles parked inside his yard and protect his personal property. In support of his request, the applicant submitted a petition with 109 signatures from neighboring property owners and residents in favor of the application.

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 applicant asserts that he needs the additional height because of the unusual size of the property. He is also disabled and confined to a wheelchair. It is difficult for him to respond quickly to noises or protect the farthest reaches of the large side yard. Staff contacted the San Antonio Police Department (SAPD) for crime statistics and was referred to a website “Raids on Line” as a reliable source with information directly from SAPD. A survey of crimes committed in the area over the last year as shown by the site [www.raidsonline.com](http://www.raidsonline.com) confirms that the area is at high risk for property-related crimes.

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to reduce the height of the fence to 6-feet, consistent with the allowed maximum height for side and rear yard perimeter fencing. If the vehicles on the lot were relocated to another location, the fence would not be necessary to satisfy Code Enforcement.

### **Staff Recommendation**

Staff recommends **denial of A-12-089**, based on the following findings:

1. There are no unique property-related characteristics which justify a 2-foot 8-inch exception to rules applicable to other owners in the same area.
2. The goal of visual obstruction and privacy can be accomplished within the parameters of the current regulations by installing a 6-foot wooden fence around the property perimeter.
3. An 8-foot 8-inch fence will be very prominent in this residential neighborhood setting and create an environment of hiding places for the alleged criminal element.

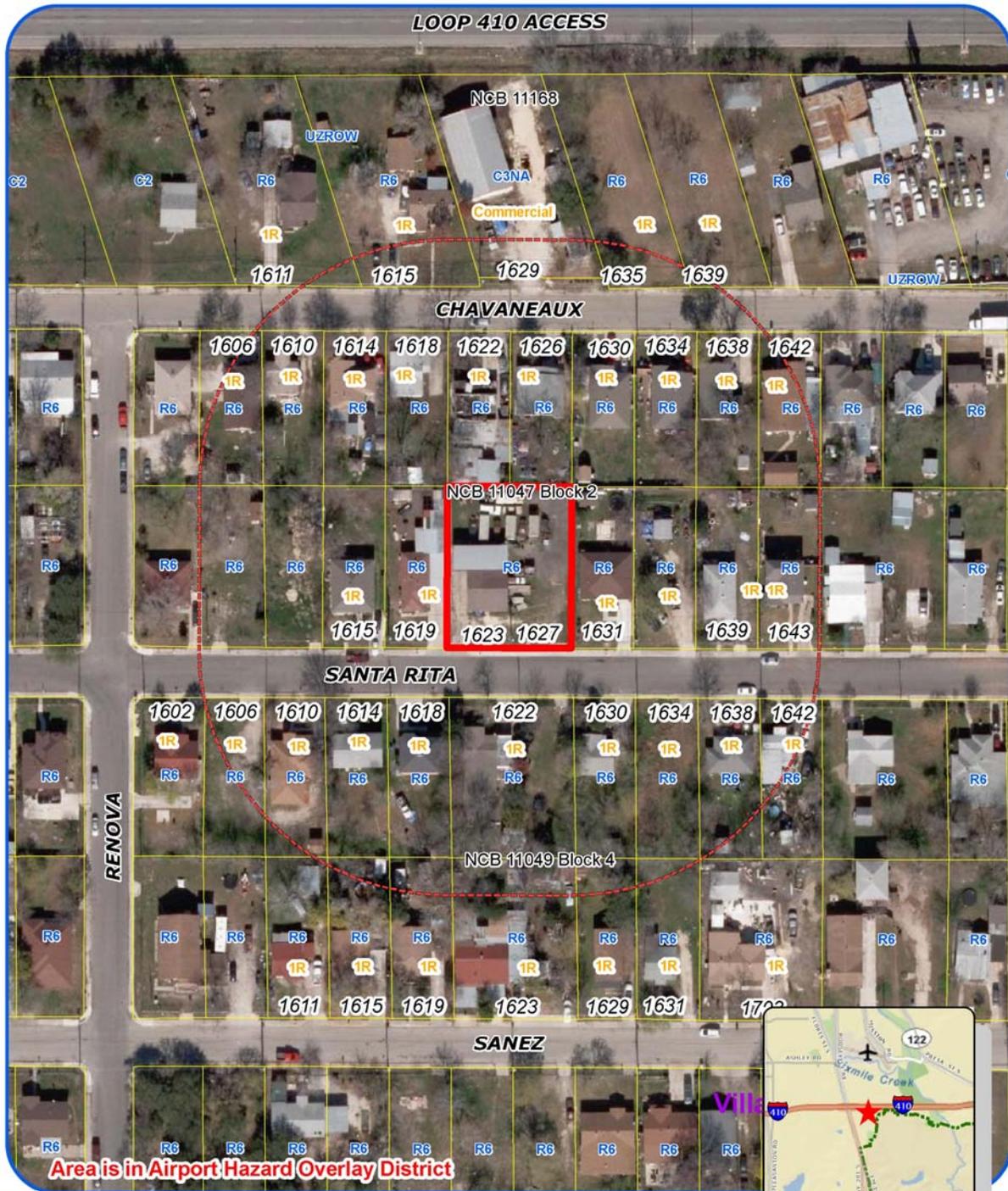
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Photos

# Attachment 1 Notification Plan



**Board of Adjustment**  
**Notification Plan for**  
**Case No A-12-089**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 3



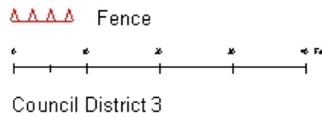
Development Services Department  
 City of San Antonio  
 (10/08/2012)

Attachment 2  
Plot Plan



**Board of Adjustment**

Plot Plan for  
Case No A-12-089



**1623 Santa Rita**

Development Services Department  
City of San Antonio  
8th October 2012

**Attachment 3  
Site Photos**





## **City of San Antonio Development Services Department Staff Report**

To: Board of Adjustment  
Case No.: A-12-090  
Date: October 8, 2012  
Applicant: Alpha Builders  
Owner: Northeast Independent School District  
Location: 438 Lanark Drive  
Legal Description: Lot 20, Block 6, NCB 12227  
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

The applicant requests 1) a 6-foot variance from the 8-foot maximum allowed height for a freestanding sign in a residential district, and 2) a 12 square-foot variance from the 36 square-foot maximum allowed size for a sign in a residential district to allow a freestanding sign along a residential collector street at 14-feet in height and 48 square-feet in area.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 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 20, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on September 21, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on October 5, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is a 21 acre lot located at the southeast corner of Lanark Drive and Kingston Street. The lot is currently developed as the campus of Krueger Middle School.

Lanark Drive is a residential collector street, which serves as a primary link to the I-35 frontage road because it is one of the few through roads that cross the railroad tracks running parallel to Interstate 35. Across Lanark Drive from the subject property are two parcels, one is owned by

the City of San Antonio and covered entirely with a drainage right-of-way, the other is a larger parcel owned by CPS Energy and is developed with an electrical substation.

The applicant proposes to remove an existing non-conforming sign at Krueger Middle School and replace it with a non-illuminated sign of similar size and height. The sign is also proposed to be relocated toward the western property line.

Section 28-240(c) of the Sign Regulations limits freestanding signs for nonresidential uses in residential zoning districts to eight feet in height and 36 square feet per face of total size. The proposed sign is 14 feet in height 48 square feet per face in area. The proposed sign maintains the same clearance of eight feet from ground level to the bottom of the cabinet as the existing sign. The applicant asserts in the application that the requested increase in height is necessary to prevent vandalism of the sign.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
R-5 AHOD (Residential)	School

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	R-5 AHOD (Residential)	Utility Substation
South	R-5 AHOD (Residential)	Single-Family Residences
East	R-5 AHOD (Residential)	Single-Family Residences
West	R-5 AHOD (Residential)	Single-Family Residences

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan. The subject property is also located within the General Krueger 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 use of the site as a middle school presents unique challenges for signs with changeable copy. Historically, such signs have been the subject of pranks and increased vandalism; and

this is, indeed, the concern of the applicant in this case. By elevating the sign, the applicant hopes to discourage acts that could damage the sign or reputation of the school district. Safety and security of the sign is directly related to adequacy, and thus the variance could be considered necessary. It should also be noted that the Board has approved two variances similar to this one just this year.

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.*

As stated above, the Board has approved two very similar variances earlier this year, Cases A-12-014 and A-12-060. As such, no special privilege would be granted by approval of the variance.

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

The properties across Lanark Drive from the site are not developed as single-family uses. Currently, there is a large electrical substation and a drainage channel directly across the street and there is a church directly adjacent to the school on the same side of the street. To the west, the school is separated from single-family residences by a drainage easement and a street right-of-way. To the east, very tall high-tension power lines are located within the median of Lanark Drive which contribute to visual clutter much more than the proposed sign would. Additionally, the sign is proposed to be non-illuminated, and therefore would have no light pollution effects. Given these facts, no substantially adverse impact on the neighboring properties is anticipated.

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

The requested variance does not conflict with the stated purposes of the sign ordinance, particularly relating to harmony of the site with the surrounding neighborhood and scale of the site.

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to continue the use of the current non-conforming freestanding sign or to erect a new sign of only 8 feet in height.

### **Staff Recommendation**

Staff recommends **approval of A-12-090**, due to the following reasons:

1. The potential for vandalism of the sign warrants special consideration.
2. The most affected properties across Lanark Drive are not developed as residences, but rather as utility and drainage infrastructure, and a church.

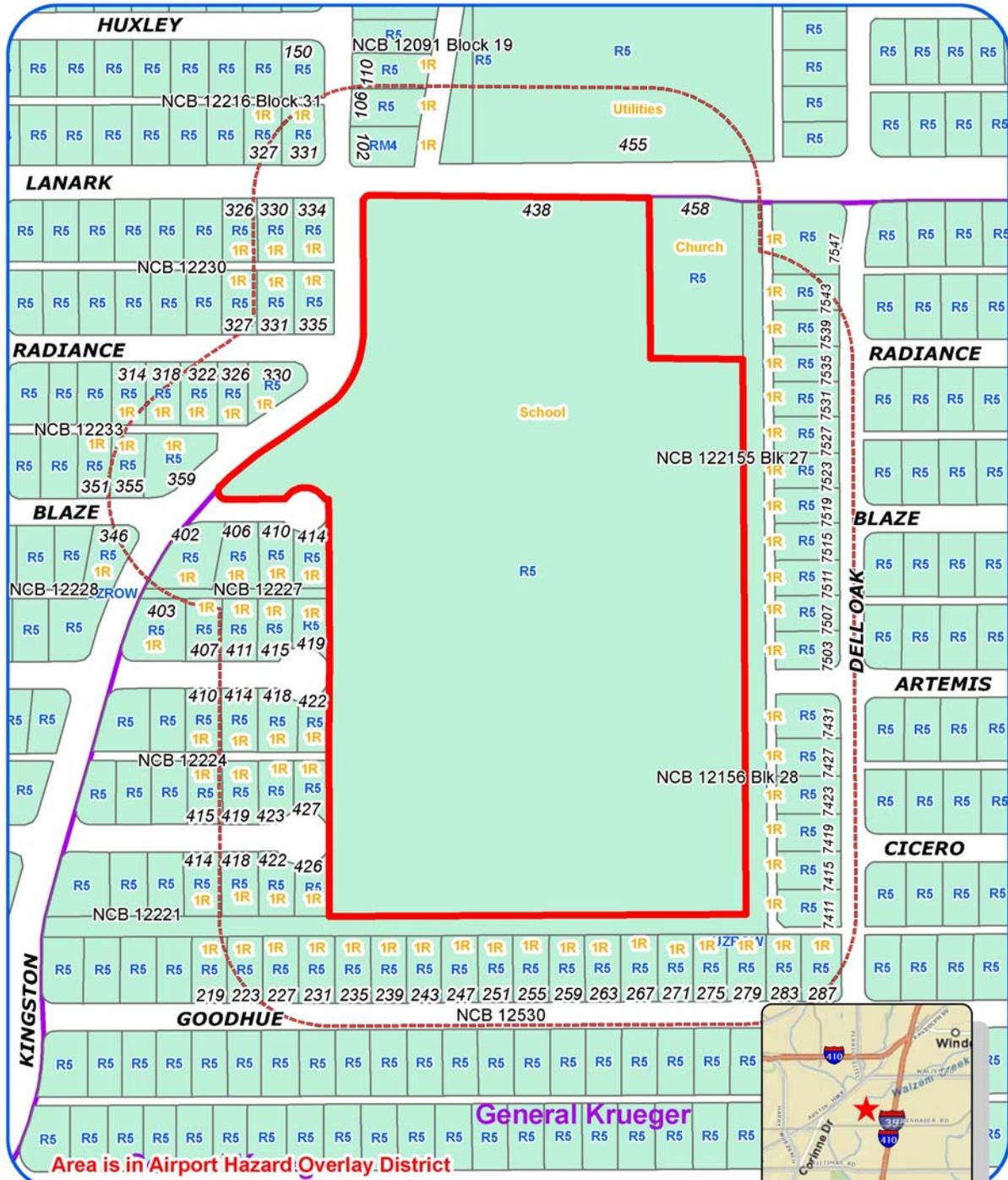
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Proposed sign elevation

# Attachment 1 Notification Plan



**Board of Adjustment**  
**Notification Plan for**  
**Case No A-12-090**

San Antonio City Limits

Subject Property

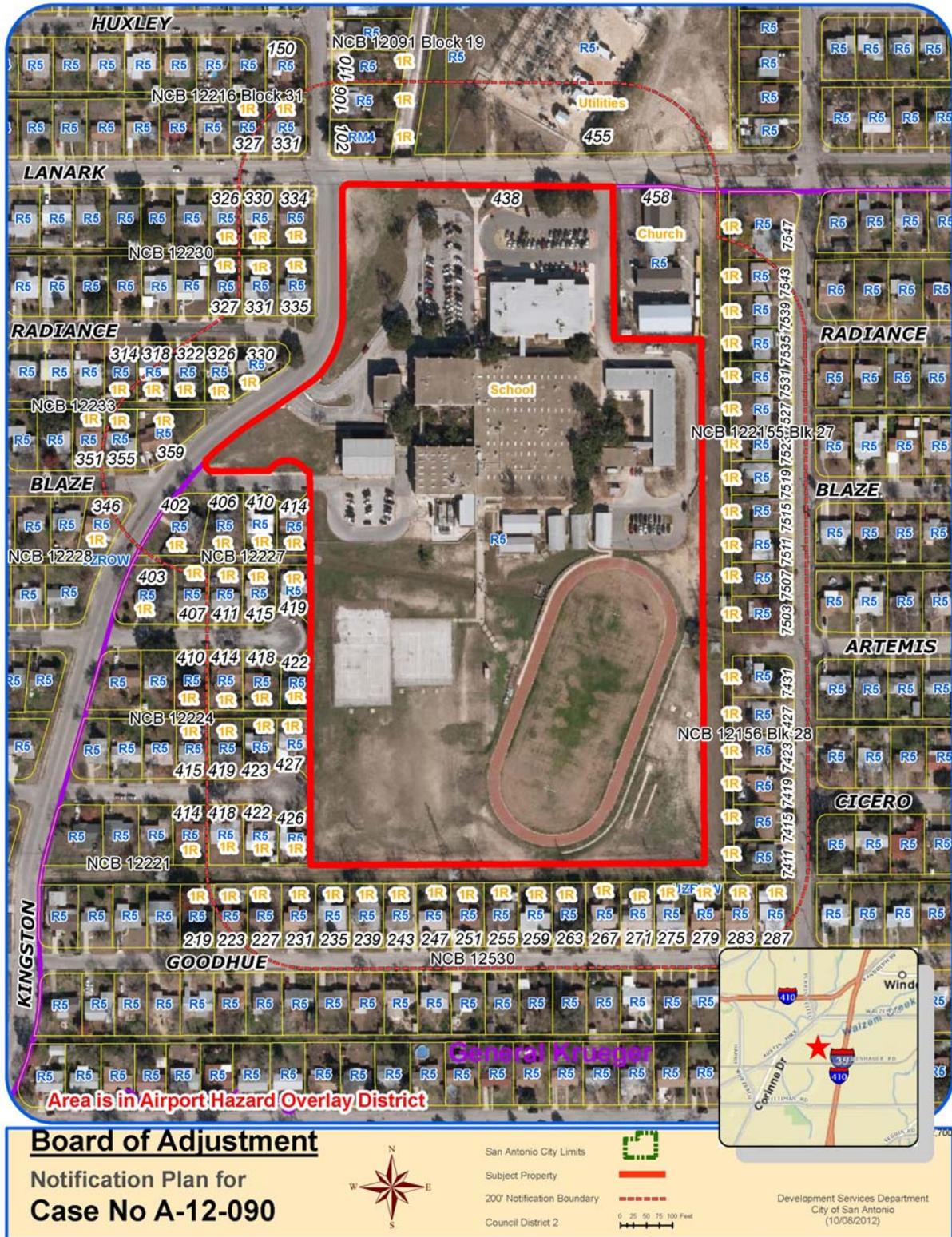
200' Notification Boundary

Council District 2

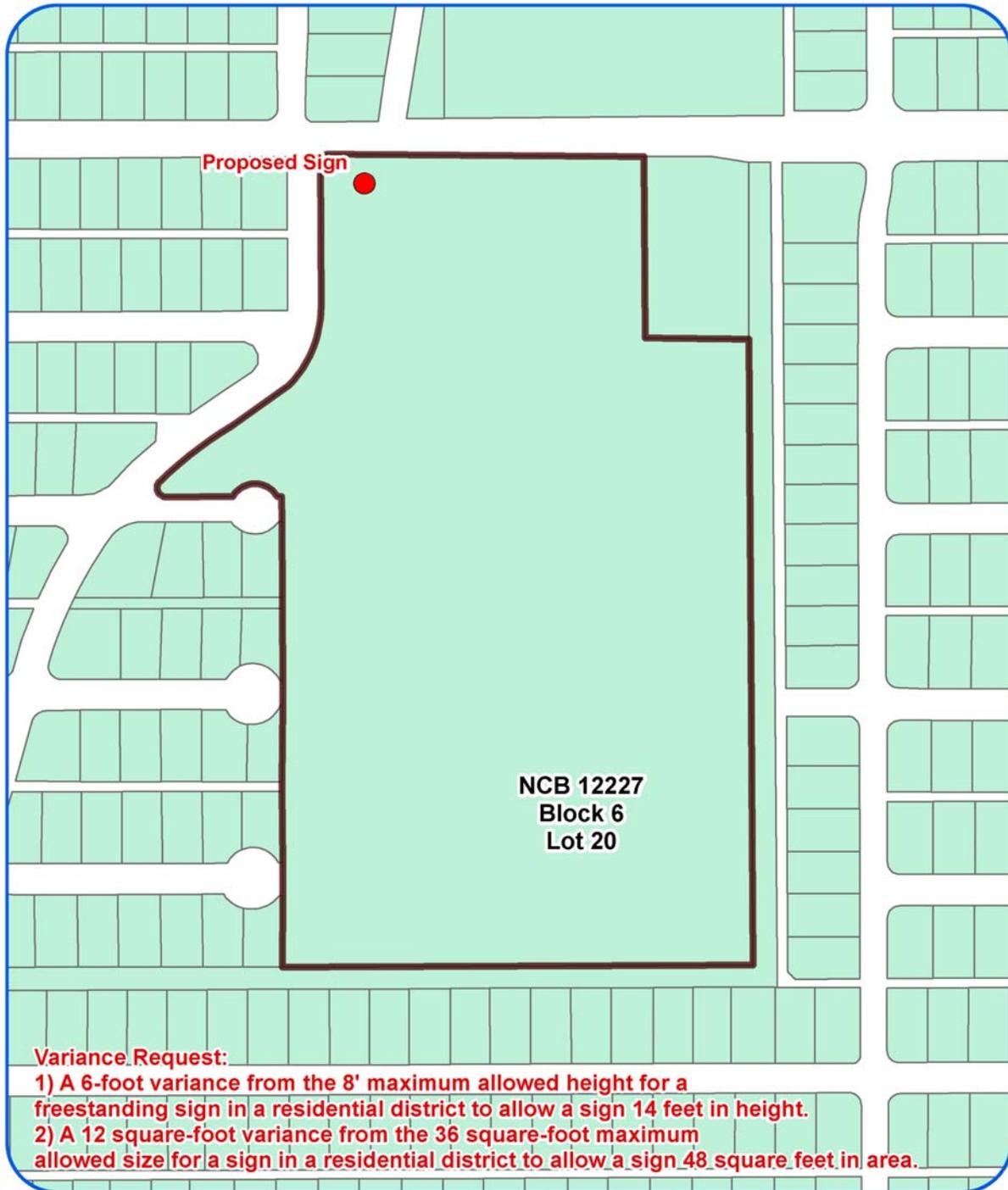
0 25 50 75 100 Feet

Development Services Department  
 City of San Antonio  
 (10/08/2012)

**Attachment 1 (Continued)  
Notification Plan**



**Attachment 2  
Plot Plan**



**Board of Adjustment**

**Plot Plan for  
Case No A-12-090**



 Proposed Sign

 0 10 20 30 40 Feet

Council District 2

**438 Lanark Dr**

Development Services Department  
City of San Antonio  
8th October 2012

Attachment 2 (Continued)  
Plot Plan



**Variance Request:**  
1) A 6-foot variance from the 8' maximum allowed height for a freestanding sign in a residential district to allow a sign 14 feet in height.  
2) A 12 square-foot variance from the 36 square-foot maximum allowed size for a sign in a residential district to allow a sign 48 square feet in area.

**Board of Adjustment**

Plot Plan for  
**Case No A-12-090**



● Proposed Sign

0'10'00"00 Feet  
HHH

Council District 2

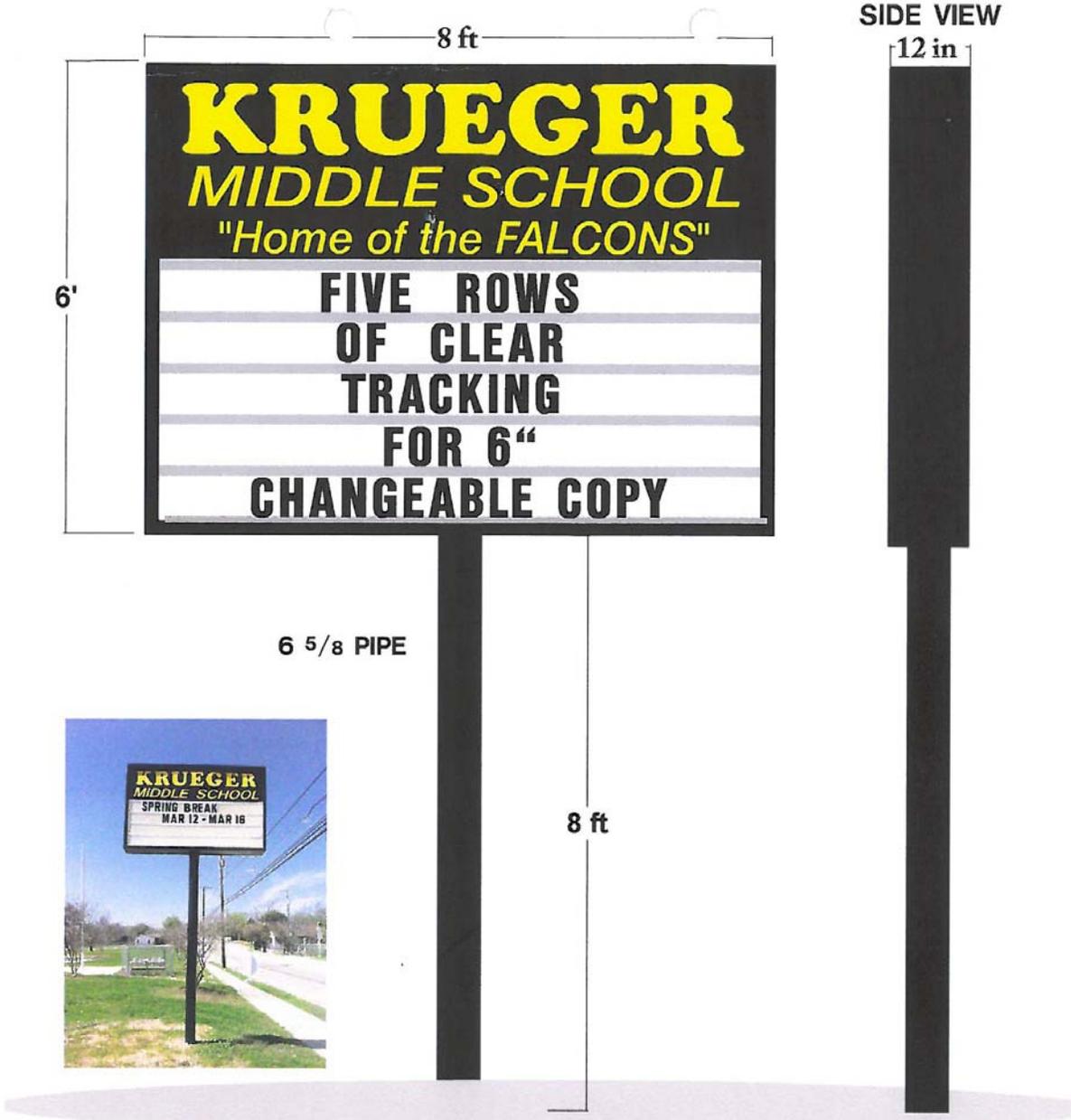
**438 Lanark Dr**

Development Services Department  
City of San Antonio  
8th October 2012

**Attachment 3  
Existing Sign Photo**



**Attachment 4  
Proposed Sign Elevation**



**Proposed 5ft x 8ft Double Sided, Non-Illuminated Aluminum Marquee Cabinet  
Equipped with Clear Tracking For 6 Inch Changeable Lettering & High Performance Vinyl Graphics  
(2 Double Sided Signs)**

Your order will be processed upon layout approval. (This image may be distorted due to faxing.)

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## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-12-092  
Date: October 8, 2012  
Applicant: Alicia Pearl  
Owner: Eden and Alicia Pearl  
Location: 330 East Terra Alta Road  
Legal Description: Lot 16, NCB 11898  
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request for 1) a 14-foot 11-inch variance from the minimum 20-foot front setback, and 2) a 15-foot variance from the minimum 20-foot rear setback to allow a structure 5-feet 1-inch from the front property line and 5-feet from the rear property line.

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 35-403 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 20, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 21, 2012. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on October 5, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the south side of East Terra Alta Road, approximately 600 feet west of North New Braunfels Avenue. The lot is flag shaped, with the 15-foot wide "pole" of the lot extending 177 feet from the right-of-way to the bulk of the lot. The main portion of the lot is 147 feet in width and 80 feet in length.

A front and rear setback of 20 feet is required on the lot. Additionally, Section 35-515(h)(5) requires that the front setback line for a flag lot be measured from the nearest point at which the lot meets the minimum width, which in this case is where the “pole” of the flag lot ends.

The lot is currently vacant, and the owner is proposing to construct a dwelling on the vacant lot with the assistance of BABA Support Our Troops, Inc., an organization that constructs homes for wounded veterans returning from deployment or rehabilitation. In the case of the applicant, her husband is a Marine Corps veteran who was severely wounded in Afghanistan, with injuries that required both of his legs and one of his arms to be amputated. Due to the injuries, the home that is under construction has special design considerations for accessibility and care.

The dwelling is proposed to be oriented with the front toward the eastern side property line. This orientation would allow the home to be wider and longer, and would allow for a 36-foot western side yard, which would serve as the home’s back yard. A setback of 5 feet is proposed to be maintained from the front and rear property lines, as well as the eastern side property line. Due to the configuration of the lot, the home would not be visible from East Terra Alta Road.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
NP-10 AHOD (Neighborhood Preservation)	Vacant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	NP-10 AHOD (Neighborhood Preservation)	Single-Family Residences
South	O-2 AHOD (Office)	Apartments
East	R-4 AHOD (Residential Single-Family)	Single-Family Residences
West	NP-10 AHOD (Neighborhood Preservation)	Single-Family Residences

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Northeast Inner Loop Neighborhood Plan. The subject property is located within the boundaries of the Oak Park-Northwood 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:*

Yard setbacks are designed to maintain orderly development by separating incompatible land uses and ensuring access, light, and air availability. Neighborhood Preservation districts impose greater setbacks in order to preserve to look and feel of established large-lot subdivisions. In this case, the subject property cannot be seen from the street and is tucked away behind existing development on all sides. Five-foot setbacks are being preserved on all sides where a variance is requested in order to maintain building separation distances required by the building code. As such, the variance is not contrary to the public interest.

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

A literal enforcement of the ordinance would result in an unnecessary hardship. The buildable area is only 40 feet wide. Due to the need for wider hallways, doorways, and bathrooms to accommodate the occupant, the dwelling must be much larger and wider than would normally be needed. Additionally, the proposed orientation of the home provides ample space along the western side yard to provide the occupants of the dwelling with a large outdoor, secluded open space.

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

The spirit of the ordinance will be observed and substantial justice will be done by granting the variance because the home will not be able to be viewed from the street and will maintain at least a five-foot yard on the front and rear. Because of the building's orientation and shape, ample open space will be preserved on the lot.

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 "NP-10 AHOD" (Neighborhood Preservation) 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 or alter the essential character of the district as the proposed dwelling cannot be seen from the street and would provide adequate separations to meet applicable building codes.

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 based on unique circumstances not created by them, namely the shape and orientation of the lot as this flag lot is unique within this district

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to construct the dwelling so as to meet all applicable setbacks; however doing so would likely have the effect of reducing the bulk of yard open space available.

### **Staff Recommendation**

Staff recommends **approval of A-12-092**, due to the following reasons:

1. The shape and orientation of the lot is a special condition that warrants the granting of the requested variance.
2. The requested variance observes the spirit of the UDC by providing adequate construction and secluded open space to accommodate the unique needs of the applicant.
3. The requested variance will not alter the character of the district as the proposed home cannot be seen from any roadway.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

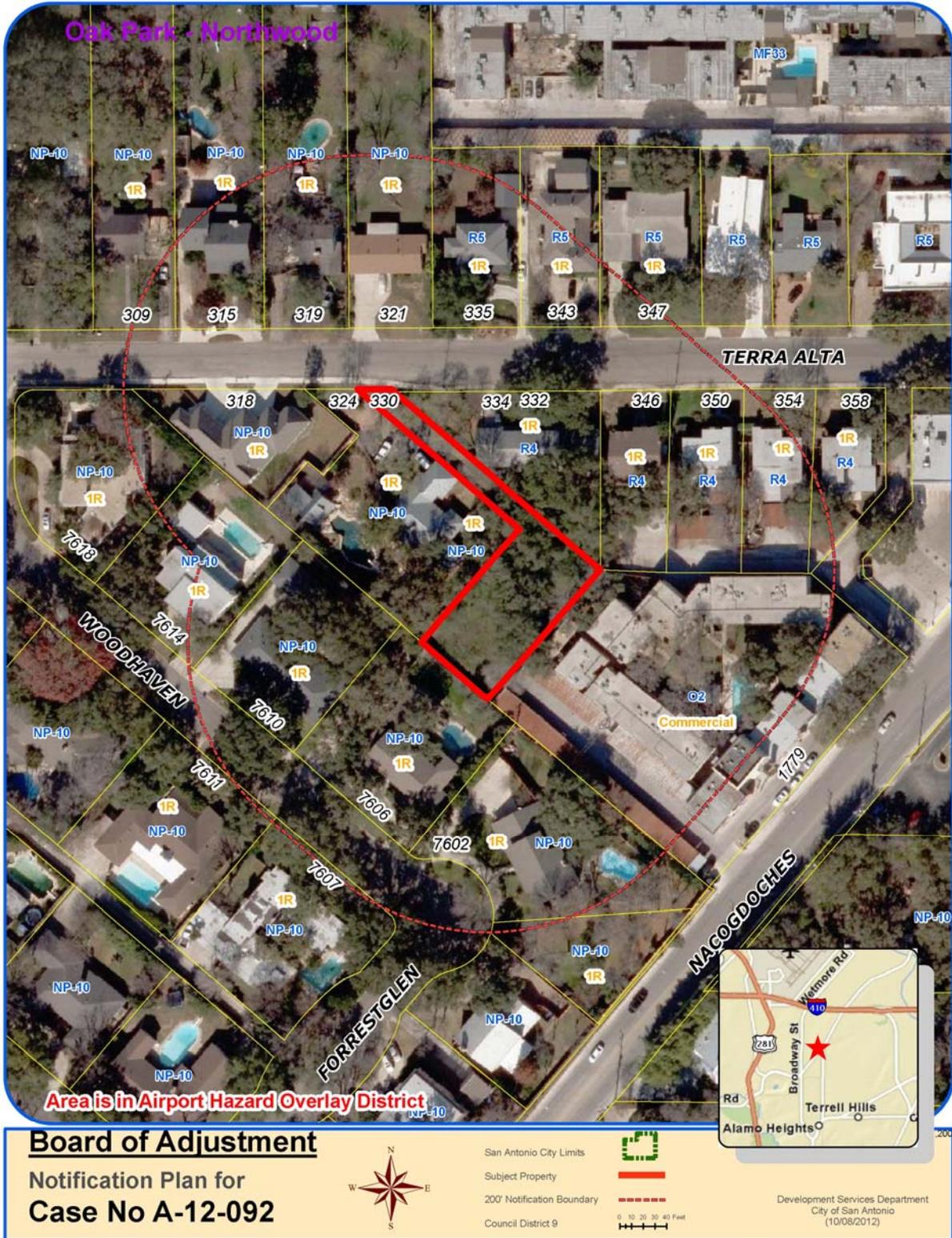
Attachment 2 – Plot Plan

Attachment 3 – Site Plan

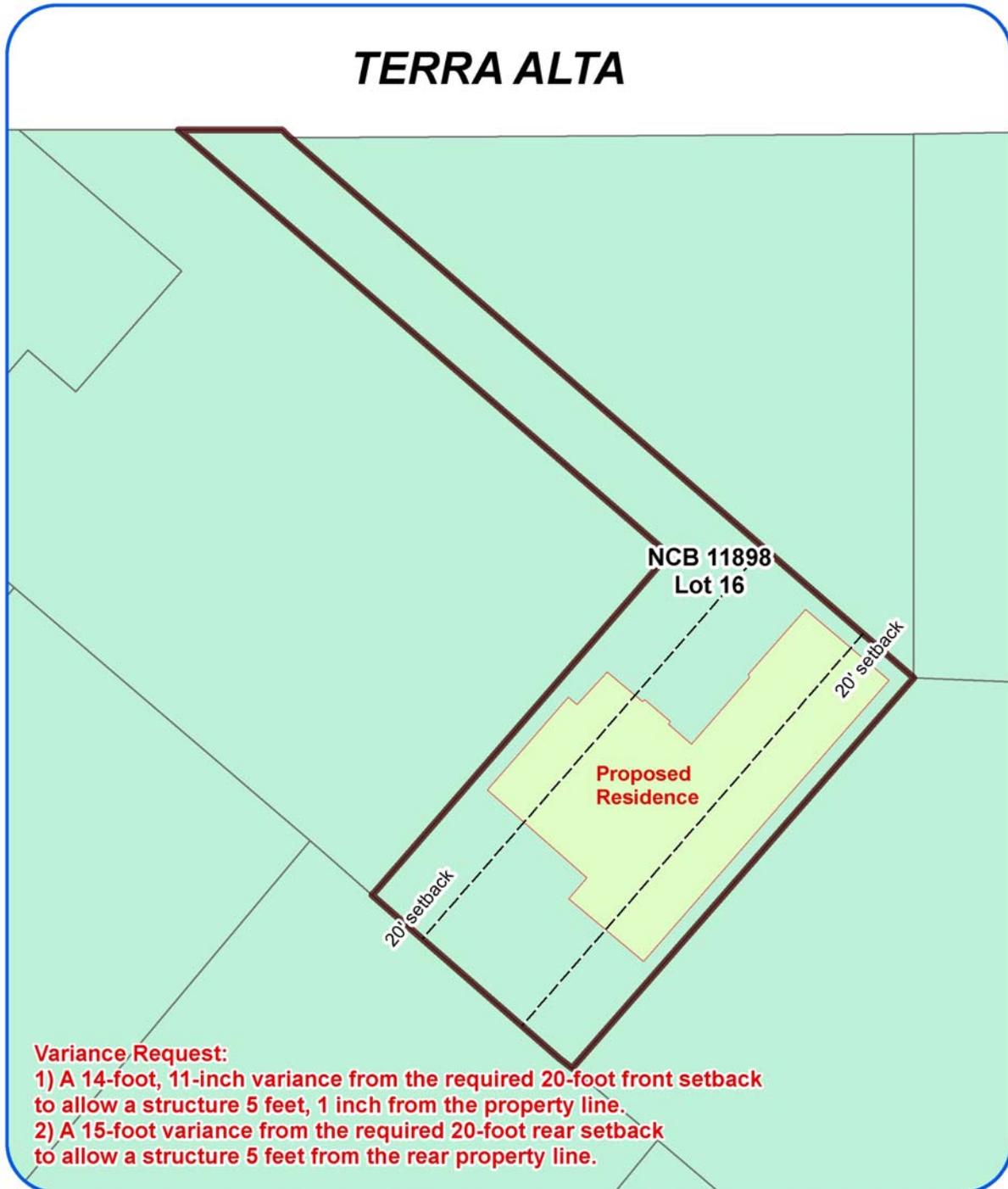
# Attachment 1 Notification Plan



**Attachment 1 (Continued)  
Notification Plan**



Attachment 2  
Plot Plan



**Board of Adjustment**

Plot Plan for  
Case No A-12-092



Council District 9

330 E Terra Alta

Development Services Department  
City of San Antonio  
8th October 2012

Attachment 2 (Continued)  
Plot Plan



**Board of Adjustment**

Plot Plan for  
Case No A-12-092

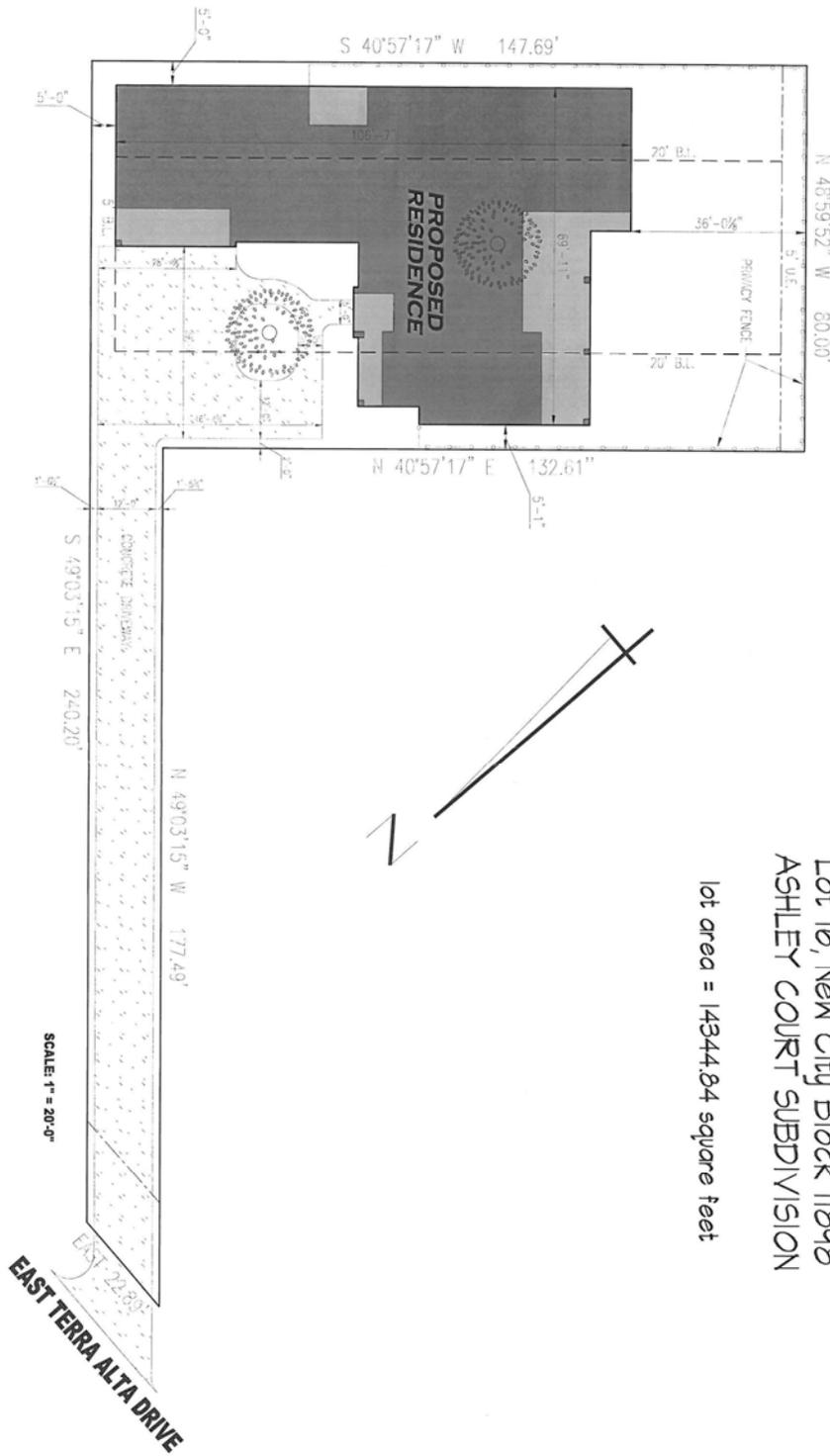


Council District 9

330 E Terra Alta

Development Services Department  
City of San Antonio  
8th October 2012

**Attachment 3  
Site Plan**



**330 EAST TERRA ALTA DRIVE**  
 Lot 16, New City Block 11898  
 ASHLEY COURT SUBDIVISION  
 lot area = 14344.84 square feet

<p><b>Mr. &amp; Mrs. EDEN PEARL</b>  <b>JOB # 112XXXX</b>  <b>City of San Antonio (BEXAR COUNTY)</b></p>		<p>TILSON HOME CORPORATION          Family Owned Since 1932</p>	<table border="1"> <tr><td>DATE</td><td></td></tr> <tr><td>BY</td><td></td></tr> <tr><td>REV</td><td></td></tr> <tr><td>REMARK</td><td></td></tr> <tr><td>PROJECT</td><td></td></tr> <tr><td>SCALE</td><td></td></tr> <tr><td>DATE</td><td></td></tr> </table>	DATE		BY		REV		REMARK		PROJECT		SCALE		DATE	
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