City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, September 20, 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), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in complaince 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-10-054:** The request of Martin DeLeon, for a 93 foot variance from the requirement to provide 150 feet of linear spacing between freestanding signs, in order to allow two freestanding signs separated by a distance of 57 linear feet, 4800 North West Loop 410.

5. **A-10-062:** The request of Alamo Sign Solutions, LLC, for **1)** a 20-foot variance from the 30-foot maximum height requirement for on-premises signs in the "IH-1" overlay district, to keep an existing on-premises sign at a height of 50 feet, **2)** a 52 square-foot varaince from the 150 square-foot maximum sign face area requirment for single tenant on-premises signs in the "IH-1" overlay district, to allow a single tenant on-premises sign with an area of 202 square feet, and **3)** a 23 percent (34.5 square foot) variance from the requirment that digital desplays make up not more than 25 percent (37.5 square feet) of the allowable sign area, to allow a digital display to make up 48 percent (72 square feet) of the allowable sign area, 11550 IH 35 North.

6. **A-10-063:** The request of Manuela L. Rodriguez, for a Special Exception to allow a one operator beauty/barber shop, 322 Lemur Drive.

7. **A-10-064:** The request of Wulfe Development, Ltd., for a 25-foot variance from the 30-foot side setback requirment of the "C-3" zoning district whe abutting a residential use or zoning districts, in order to allow a structure 5 feet from the north property line, 2538 Southwest 36th Street.

8. **A-10-065:** The request of Robert Stanley, for **1)** a 2-foot variance from the requirment that side-yard fences not exceed a height of 6 feet, in order to allow an 8-foot tall fence in the sid eyard along the east property line; **2)** a 5-foot variance from the requirement that solid fences in the front yard not exceed a height of 3 feet, in order to allow an 8-foot tall solid fence in the front yard on the east property line; and **3)** a 2-foot variance from the requirement that predominantly open front-yard fences not exceed a height of 4 feet, in order to allow a 6-foot tall predominantly open fence in the front yard, 10100 Block of State Highway 151 (10106 State Highway 151).

Board of Adjustment Membership

Michael Gallagher, Chair *Andrew M. Ozuna, Vice Chair*

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

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

Alternate Members

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

9. **A-10-066:** The request of Maria Gonzalez, for a Special Exception to allow a one operator beauty/barber shop, 6203 Binz-Engleman Road.

10. **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 lcoated 10 feet from the south side property line, 1723 North Comal Street.

11. **A-10-068:** The request of Brown & Ortiz, PC, for a 556.32 square foot variance from the requirement of the "IH-1" overlay that 50 percent (760 square feet) of the first floor street frontage consist of window/public entry façade for buildings with a gross floor area of less than 25,000 square feet, in order to allow a window/public entry façade area of 203.68 square feet on the frist floor street frontage (12.4 percent of the first floor street frontage), 11123 North IH-35.

12. Approval of the minutes - August 16, 2010.

13. Adjournment.

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

Board of Adjustment Membership

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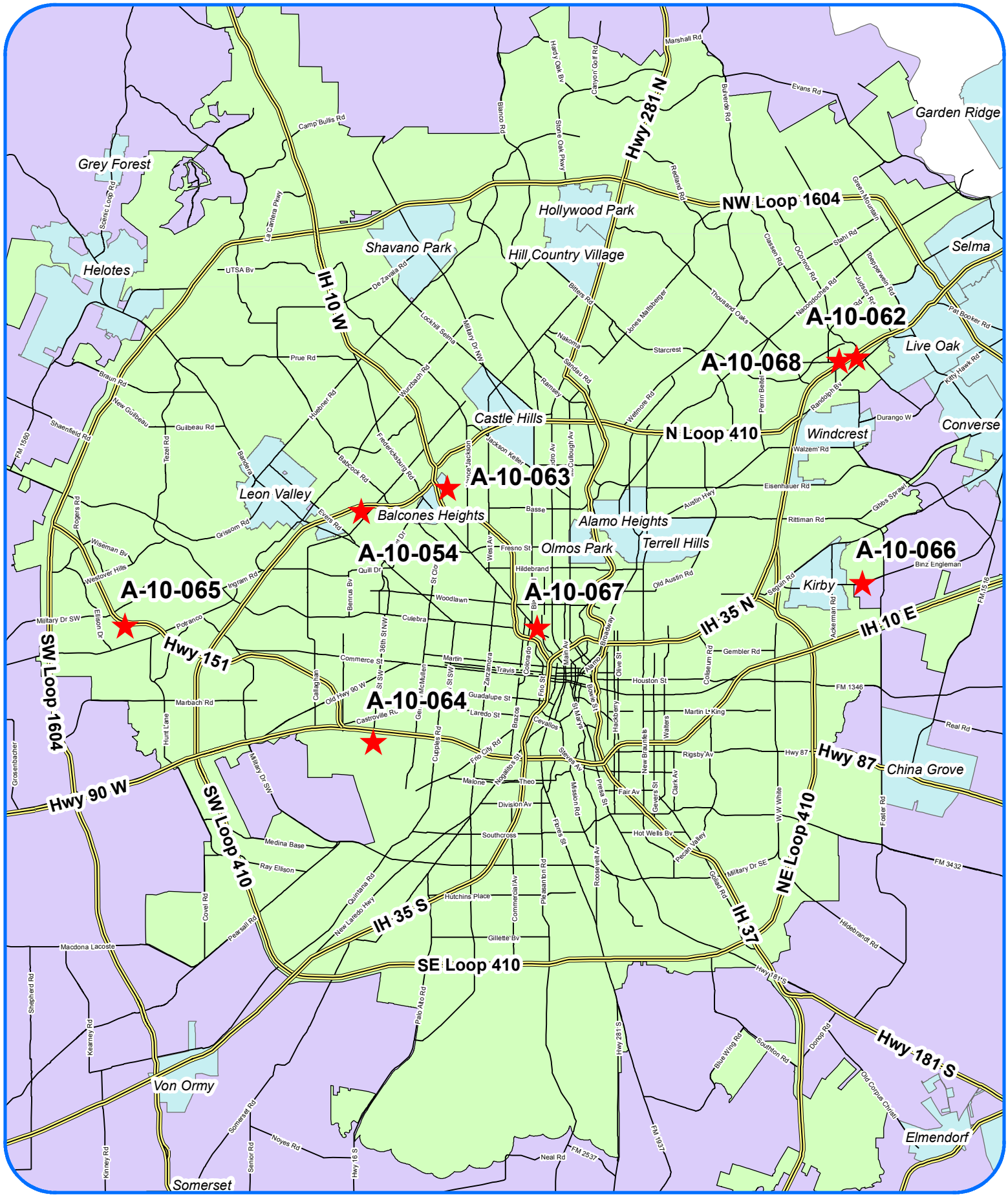

Board of Adjustment

Subject Property Locations
Cases for September 20, 2010

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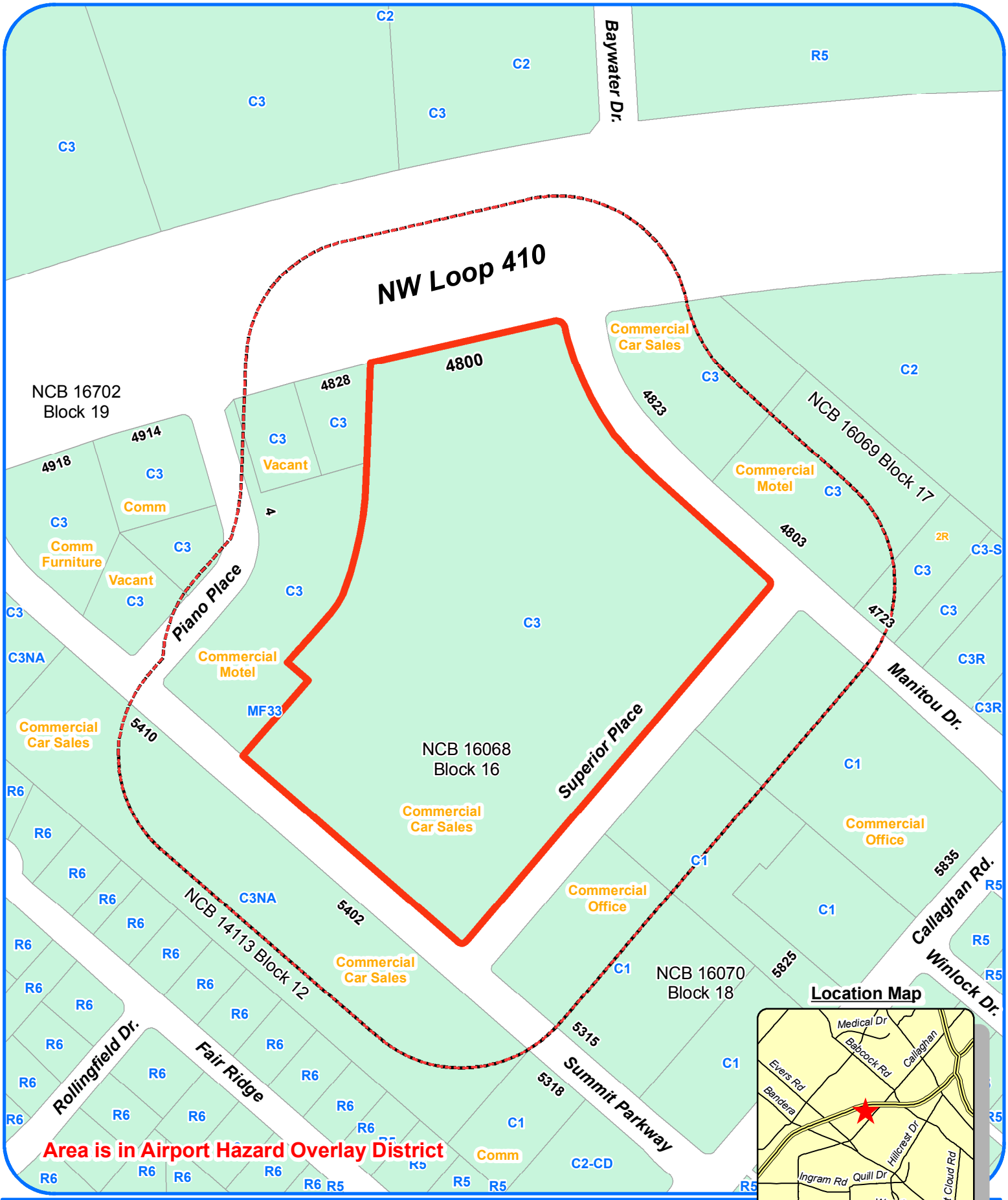
Planning and Development Services Dept
City of San Antonio
(9/15/2010)



Board of Adjustment

Notification Plan for

Case A-10-054

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Legend

Subject Property

200' Notification Boundary

Scale: 1" approx. = 200'
Council District 7

Planning and Development Services Dept
City of San Antonio
(6/17/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-054
Date:	September 20, 2010
Applicant:	Martin DeLeon, Sendero Electric Sign Company
Owner:	McCombs Pontiac GMC Truck, Inc.
Location:	4800 North West Loop 410
Legal Description:	The North Irregular 304.26 Feet of Lot 2, Block 16, NCB 16068
Zoning:	"C-3 AHOD" General Commercial Airport Hazard Overlay District
Subject:	Sign Spacing Variance
Prepared By:	Jacob Floyd, Planner

Summary

A 93 foot variance from the requirement to provide 150 feet of linear spacing between freestanding signs, in order to allow two freestanding signs separated by a distance of 57 linear feet.

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-3 AHOD (Commercial District)	Automobile Sales

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 AHOD, C-2 AHOD (Commercial Districts)	Commercial, Offices
South	C-3NA AHOD, C-1 AHOD (Commercial Districts)	Automobile Sales, Offices
East	C-3 AHOD, C-1 AHOD (Commercial Districts)	Offices, Motel
West	C-3 AHOD (Commercial District)	Commercial, Vacant, Motel

Project Description

The applicant proposes to install a new freestanding pole sign 57 feet from an existing freestanding sign. The subject property possesses approximately 304 linear feet of frontage along Loop 410, classified as an expressway.

Comprehensive Plan Consistency/Neighborhood Association

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

   It does not appear that the strict enforcement of the sign regulations prohibits the reasonable provision of adequate signs on the site. The subject property is not characterized by unique or exceptional features, but rather is typical of the area in terms of topography. Additionally, the subject property possesses adequate frontage length to install the proposed sign in an alternative location that would meet the 150 foot spacing requirement.

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 variances would not cause a cessation of the longstanding use of the subject property as a car dealership.

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

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

The granting of the variance would provide the applicant with a privilege not enjoyed by other properties similarly situated with similar frontage length on Loop 410, as the variance would allow two signs to be located nearer together than is permitted.

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

It does not appear that the granting of the variance will have a substantially adverse impact on neighboring properties, as the proposed sign will be replacing an existing sign in the same location.

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

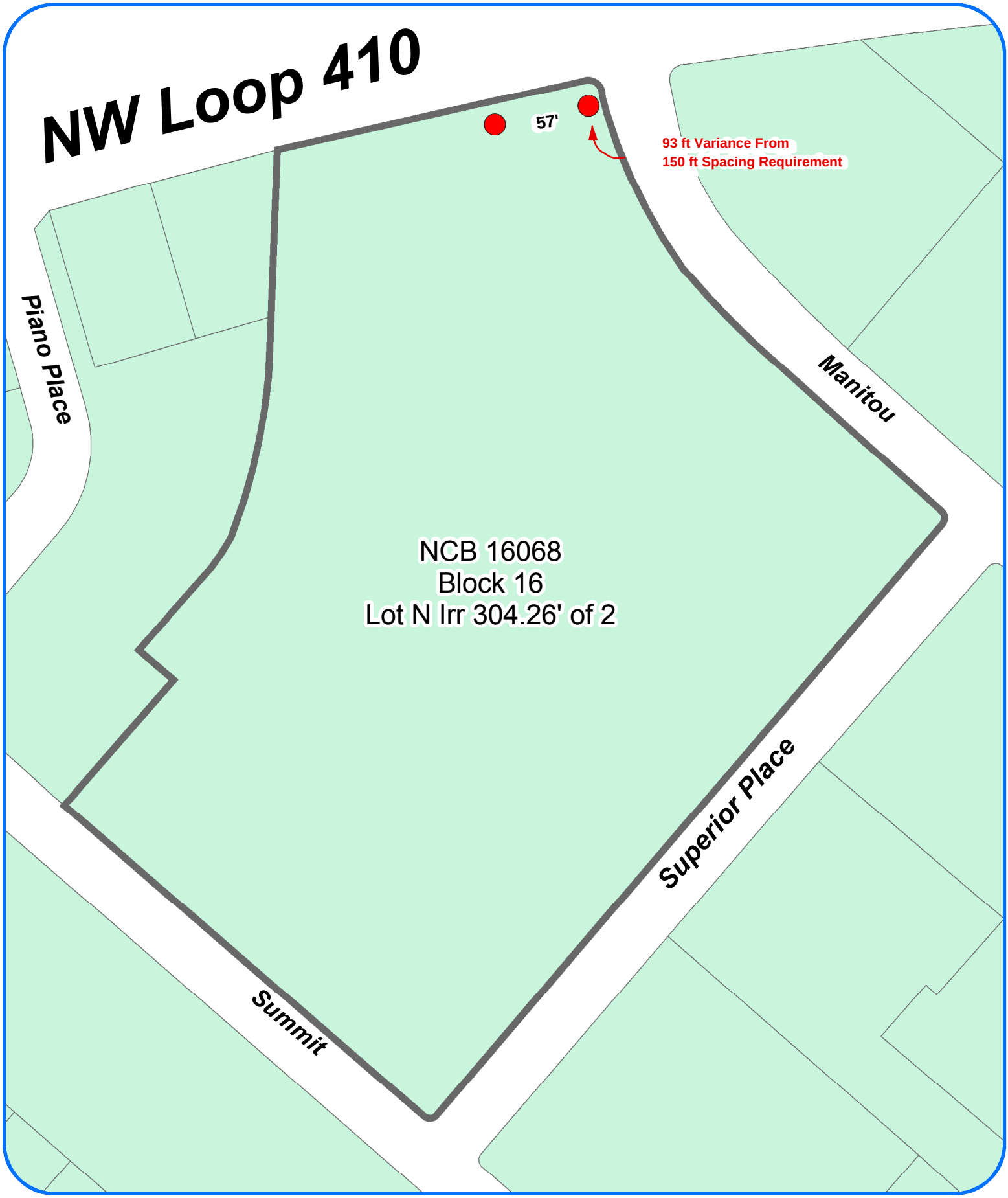
The granting of the variances will substantially conflict with the stated purposes of this article, as the existing signs are nonconforming in terms of their spacing and there is sufficient frontage length on which to locate the proposed sign without the need for a variance.

Staff Recommendation

Staff recommends **denial of A-10-054, 4800 North West Loop 410,** because the findings of fact have not been satisfied as presented above. The subject property possesses sufficient frontage as to locate the proposed freestanding sign in a location meeting the requirement for 150 feet of separation between two on-premises freestanding signs. The applicant has not provided sufficient evidence of the existence of the conditions necessary for granting a variance.

Attachments

Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Applicant's Submitted Drawings



Board of Adjustment

Plot Plan for

Case A-10-054

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Sign location

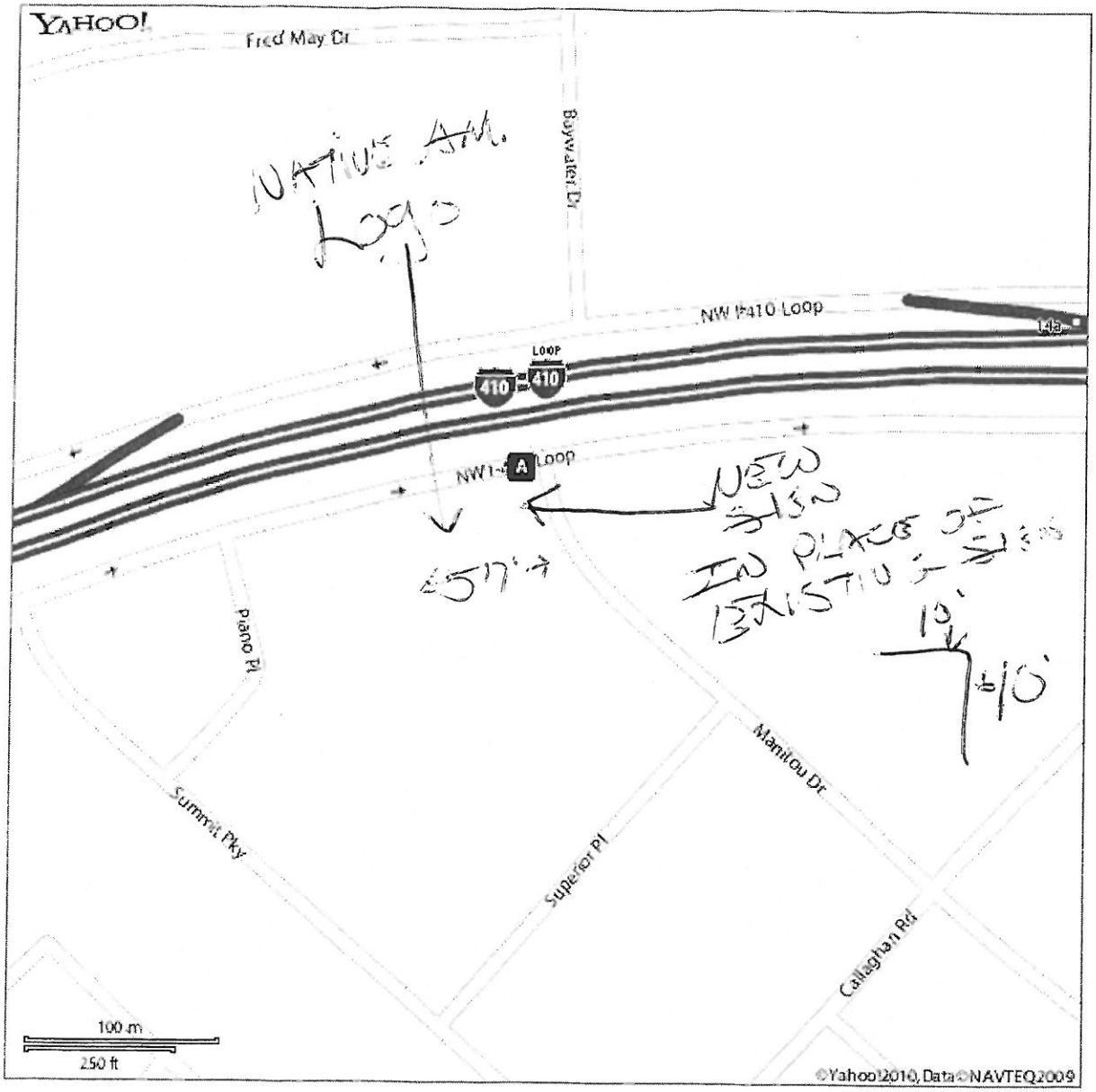
Scale: 1" approx. = 120'
Council District 7

4800 NW Loop 410

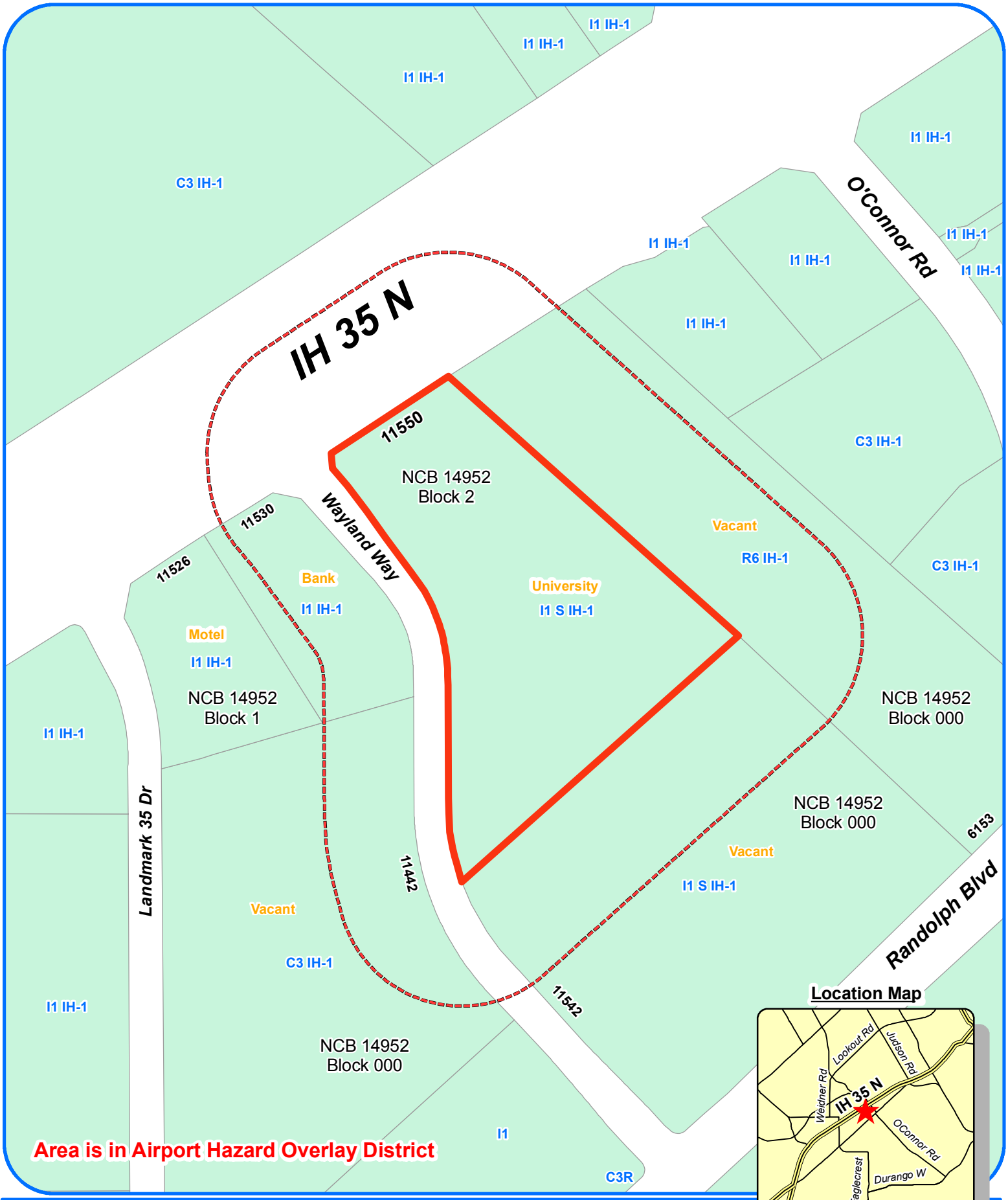
Planning and Development Services Dept
City of San Antonio
(7/6/2010)

Map of 4800 NW Loop 410, San Antonio, TX 78229-5310

YAHOO!



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.



Board of Adjustment

Notification Plan for

Case A-10-062

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Legend

Subject Property

200' Notification Boundary

Scale: 1" approx. = 200'
Council District 10

Planning and Development Services Dept
City of San Antonio
(7/19/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-062
Date:	August 16, 2010
Applicant:	Alamo Sign Solutions, LLC
Owner:	Wayland Baptist University
Location:	11550 IH 35 North
Legal Description:	Lot 1, Block 2, NCB 14952 (Landmark Subdivision)
Zoning:	"I-1 S IH-1 AHOD" General Industrial Northeast Gateway Corridor Airport Hazard Overlay District with a Specific Use Authorization for a University
Subject:	Sign Height and Area Variances
Prepared By:	Jacob Floyd, Planner

Summary

The applicant requests 1) a 20-foot variance from the 30-foot maximum height requirement for on-premises signs in the "IH-1" overlay district, to keep an existing on-premises sign at a height of 50 feet, 2) a 52-foot variance from the 150 square foot maximum sign face area requirement for single tenant on-premises signs in the "IH-1" overlay district, to allow a single tenant on-premises sign with an area of 202 square feet, and 3) a 23 percent (34.5 square foot) variance from the requirement that digital displays make up not more than 25 percent (37.5 square feet) of the allowable sign area, to allow a digital display to make up 48 percent (72 square feet) of the allowable sign area.

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
I-1 S IH-1 (Industrial District)	Private University

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 IH-1 (Residential), C-3 IH-1 (Commercial), I-1 IH-1 (Industrial)	Vacant, Commercial
South	C-3 IH-1 (Commercial), I-1 IH-1 (Industrial)	Vacant, Commercial
East	C-2, C-3 (Commercial), I-1 IH-1 (Industrial)	Vacant, Apartments
West	C-3 IH-1 (Commercial), I-1 IH-1 (Industrial)	Commercial, Vacant

Project Description

The applicant proposes to replace a 90 square foot incandescent sign face on an existing, non-conforming sign, with 72 square foot LED sign face. The existing sign is 50 feet tall and has a total area of 220 square feet. The applicant does not propose to alter the height of the sign; however the area will be reduced to 202 square feet. The applicant indicates that the sign was erected in 1984.

The applicant states that the variances are necessary because the strict enforcement of the ordinance prohibits the opportunity to provide adequate signage and that relocation of the sign or reduction in its size or height would not provide adequate visibility.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Neighborhood or Community Plan. The subject property is not located within the boundaries of a 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 prohibit the reasonable opportunity to provide adequate signs on the site, due to the unique topography of the site. The subject property sits approximately 15 feet higher than the level of the interstate and is screened from motorists view by the highway retaining wall. Additionally, the landscaping of the subject property further screens the sign and buildings from view of motorists. A sign of lesser height and size would be inadequate to identify the location of the university to the driving public.

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 variances would not cause a cessation of the longstanding use of the subject property as a private university.

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

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

      The granting of the variances would not provide the applicant with a special privilege not enjoyed by others similarly situated. The applicant proposes to decrease the size of a nonconforming sign and maintain the original height of the sign. Additionally, the granting of the variances would provide adequate signage for the subject property where it otherwise would not be able to.

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

      It does not appear that the granting of the variances will have a substantially adverse impact on neighboring properties, as the modifications proposed will not affect the ability to install on-premises signage on these lots.

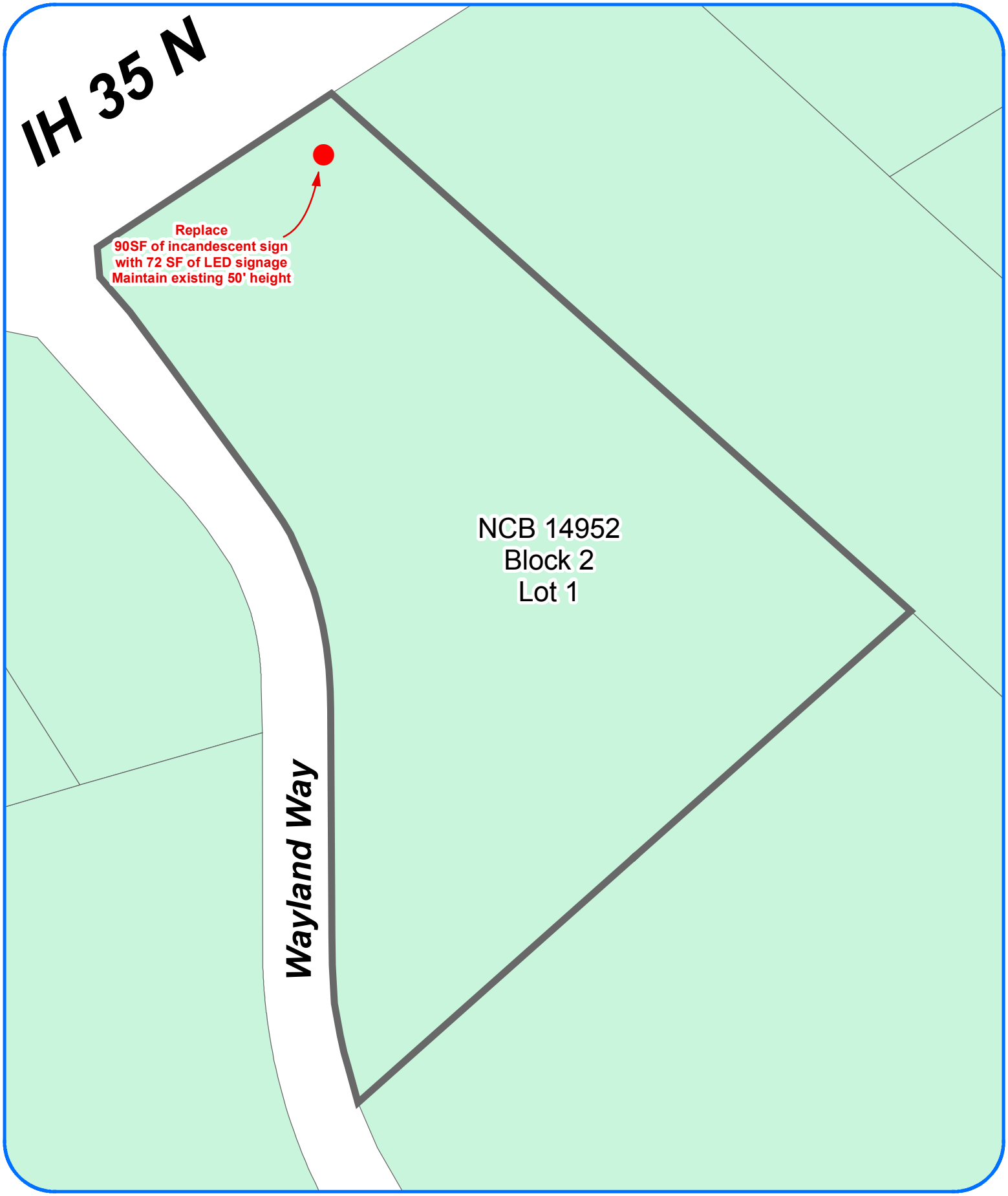
   C. Granting the variance will not substantially conflict with the stated purposes of this article.

      The granting of the variances will not substantially conflict with the stated purposes of this article. The modifications proposed to the sign will lessen its nonconformity in terms of its area and will the opportunity to provide adequate signage to the subject property.

Staff Recommendation

Staff recommends **approval of A-10-062, 11550 IH 35 North,** because the findings of fact have been satisfied as presented above. The subject property possesses unique characteristics in its topography that prohibit the reasonable provision of signage in strict accordance with the provisions of the "IH-1" overlay district. The modifications proposed to the existing nonconforming sign will lessen the total area of the sign and decrease the nonconformity of the sign. Additionally, the granting of the variance from the height limit will allow the property owner to maintain the current height of the sign, which at the time of its installation conformed to all applicable regulations.

Attachments
Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Applicant's Submitted Drawings



Board of Adjustment

Plot Plan for

Case A-10-062

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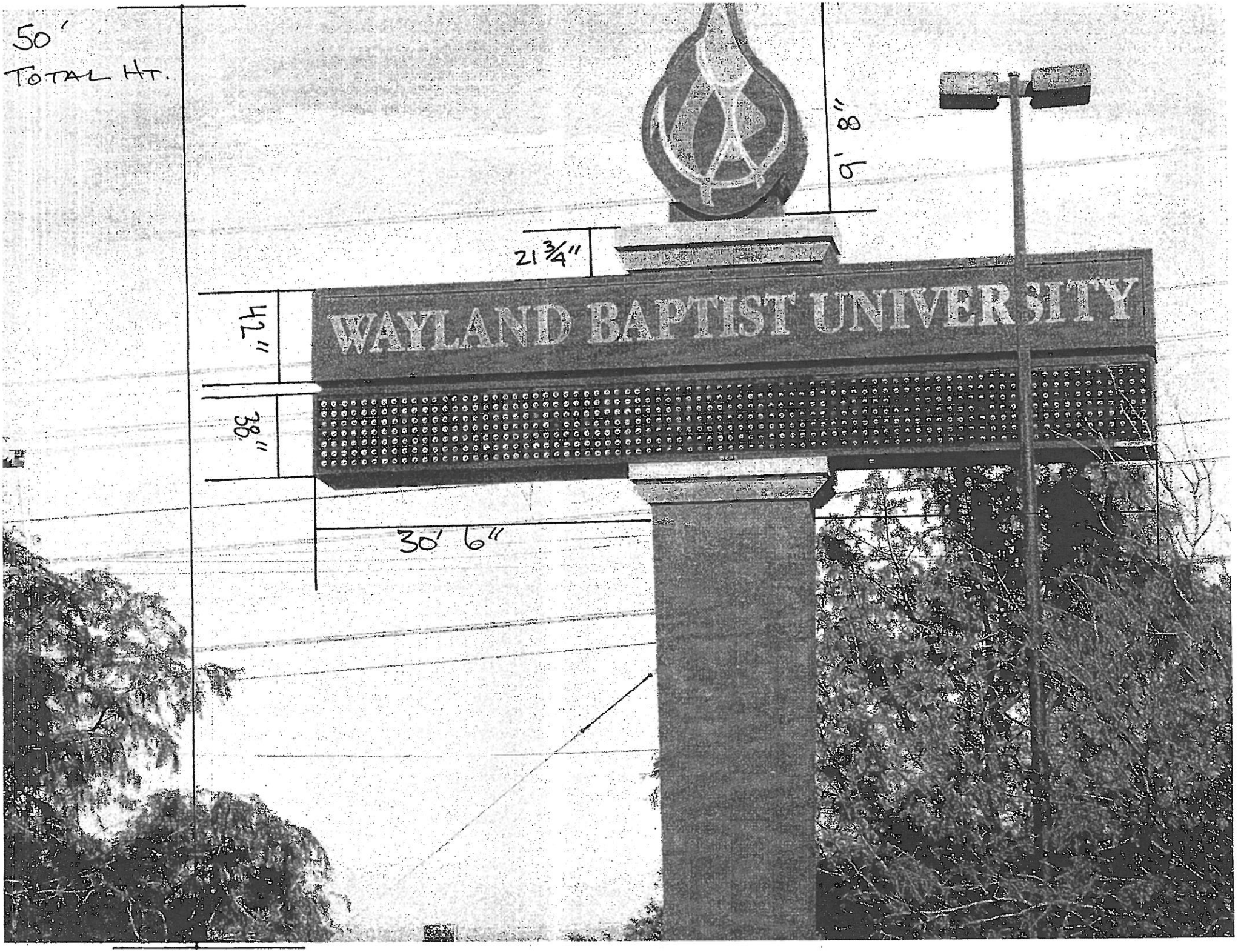
Sign location

Scale: 1" approx. = 100'
Council District 10

11550 IH 35 N

Planning and Development Services Dept
City of San Antonio
(7/18/2010)


50'
TOTAL HT.
9' 8"
21 3/4"
WAYLAND BAPTIST UNIVERSITY
42"
38"
30' 6"

37" x 18' 35mm

FOR DEMONSTRATION PURPOSES ONLY

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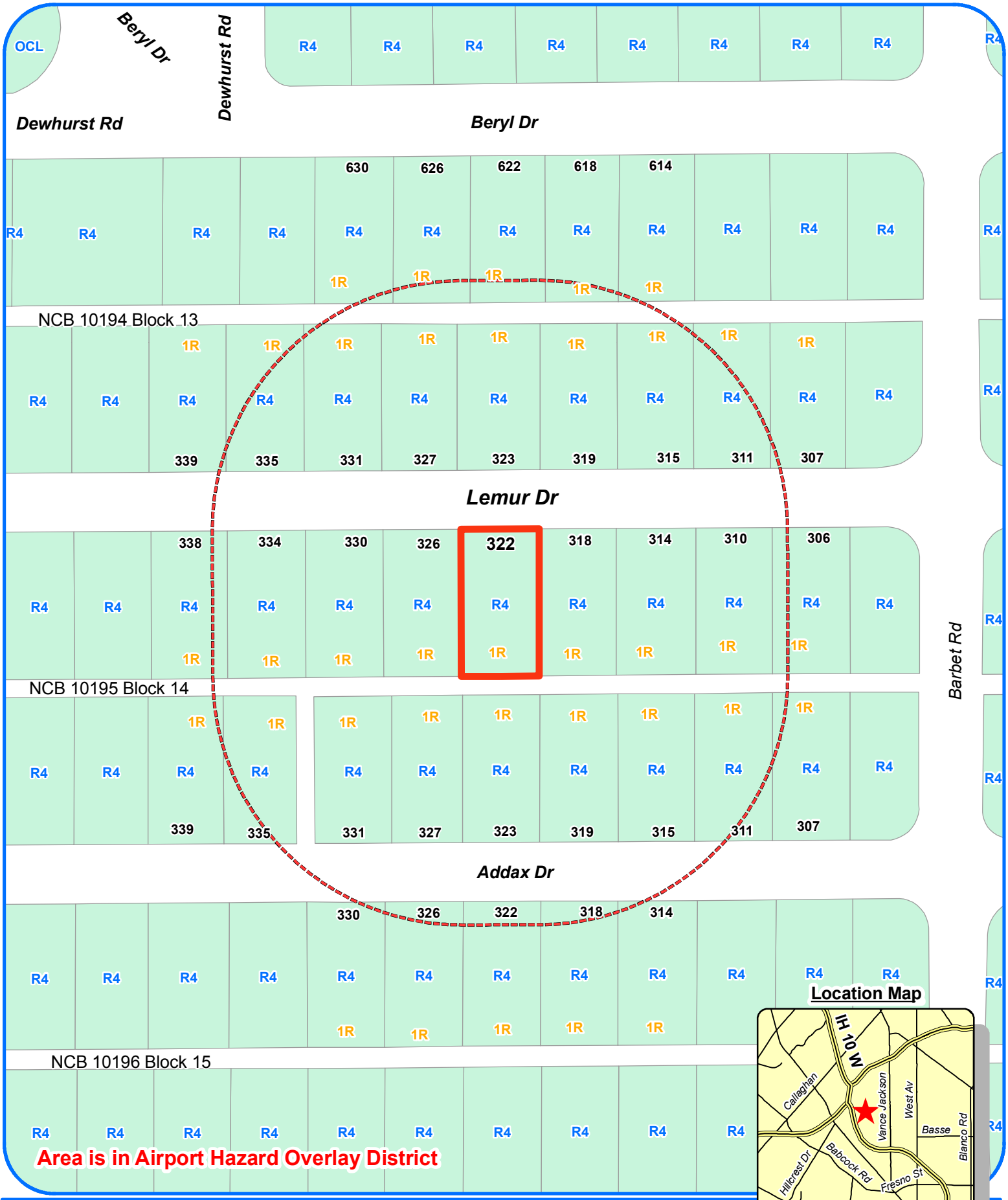
watchFire BY TIME-O-MATIC



Board of Adjustment

Notification Plan for

Case A-10-063

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Legend

Subject Property

200' Notification Boundary

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

Planning and Development Services Dept
City of San Antonio
(8/19/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-063
Date:	September 20, 2010
Applicant:	Manuela L. Rodriguez
Owner:	George Q. and Manuela L. Rodriguez
Location:	322 Lemur Drive
Legal Description:	Lot 6, Block 14, NCB 10195
Zoning:	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject:	One Operator Beauty/Barber Shop
Prepared By:	Jacob Floyd, Planner

Summary

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on 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
R-4 AHOD (Residential Single-Family District)	Single-Family Residence and One-Operator Beauty/Barber Shop

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential Single-Family District)	Single-Family
South	R-4 AHOD (Residential Single-Family District)	Single-Family
East	R-4 AHOD (Residential Single-Family District)	Single-Family
West	R-4 AHOD (Residential Single-Family District)	Single-Family

Project Description

The applicant is requesting this special exception to operate a one operator barber or beauty shop. This special exception request may be approved for a four-year period, as this is not the first application.

The applicant has proposed hours of operation of 8:00 a.m. to 2:00 p.m. Wednesday, Thursday, and Friday. Total weekly proposed hours of operation are 18 hours.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Greater Dellview Area Community Plan. The property is located within the boundaries of the Dellview Area 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 must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.01):

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

The requested special exception is in harmony with the spirit and purpose of this chapter in that the existing one-operator beauty/barbershop follows the specified criteria established in Section 35-399.01 of the Unified Development Code.

2. The public welfare and convenience will be substantially served:

The requested special exception will further serve the public welfare in that this beauty/barbershop has continuously operated within the parameters set forth by Section 35-399.01 and has served as a public convenience within a residential area.

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

The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain a single-family residence.

4. 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:

It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that the beauty/barbershop will remain confined to 25% or less of the gross floor area of the primary residence.

5. The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:

The purpose of the district is to promote the public health, safety, morals, or general welfare. The granting of this special exception will not weaken this purpose, nor will it weaken the regulations established for this district.

Staff Recommendation

The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this special exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood. The Board of Adjustment has granted previous special exceptions for this beauty shop on:

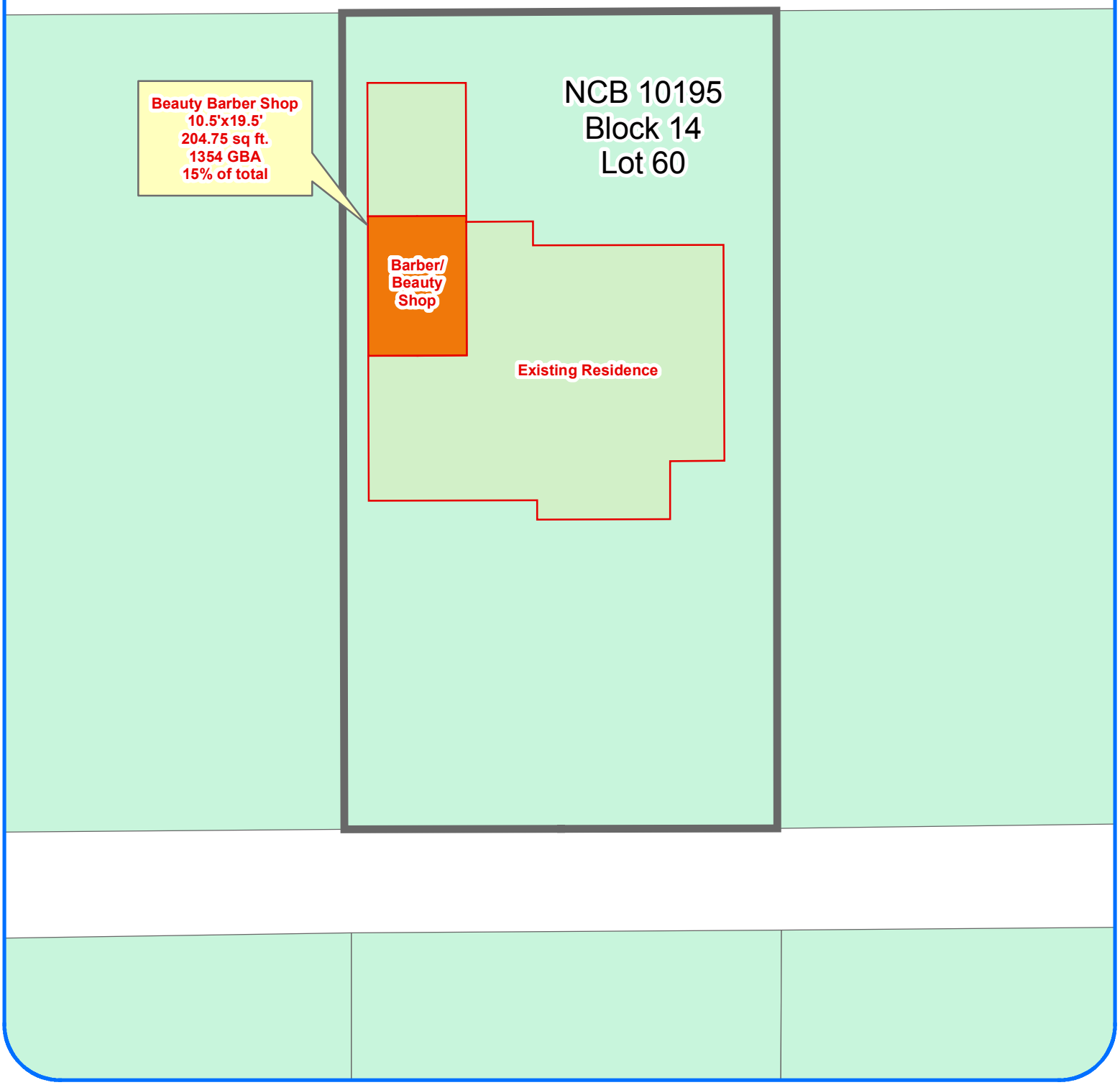
- September 13, 1999
- September 18, 2000
- September 30, 2002
- September 13, 2004
- September 18, 2006

Staff recommends **approval of A-10-051, 322 Lemur Drive, for a two-year period** with hours of operation not to exceed 18 hours weekly.

Attachments

Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Applicant's Floor Plan
Attachment 4 – Copy of Application

Lemur Dr



Board of Adjustment

Plot Plan for

Case A-10-063

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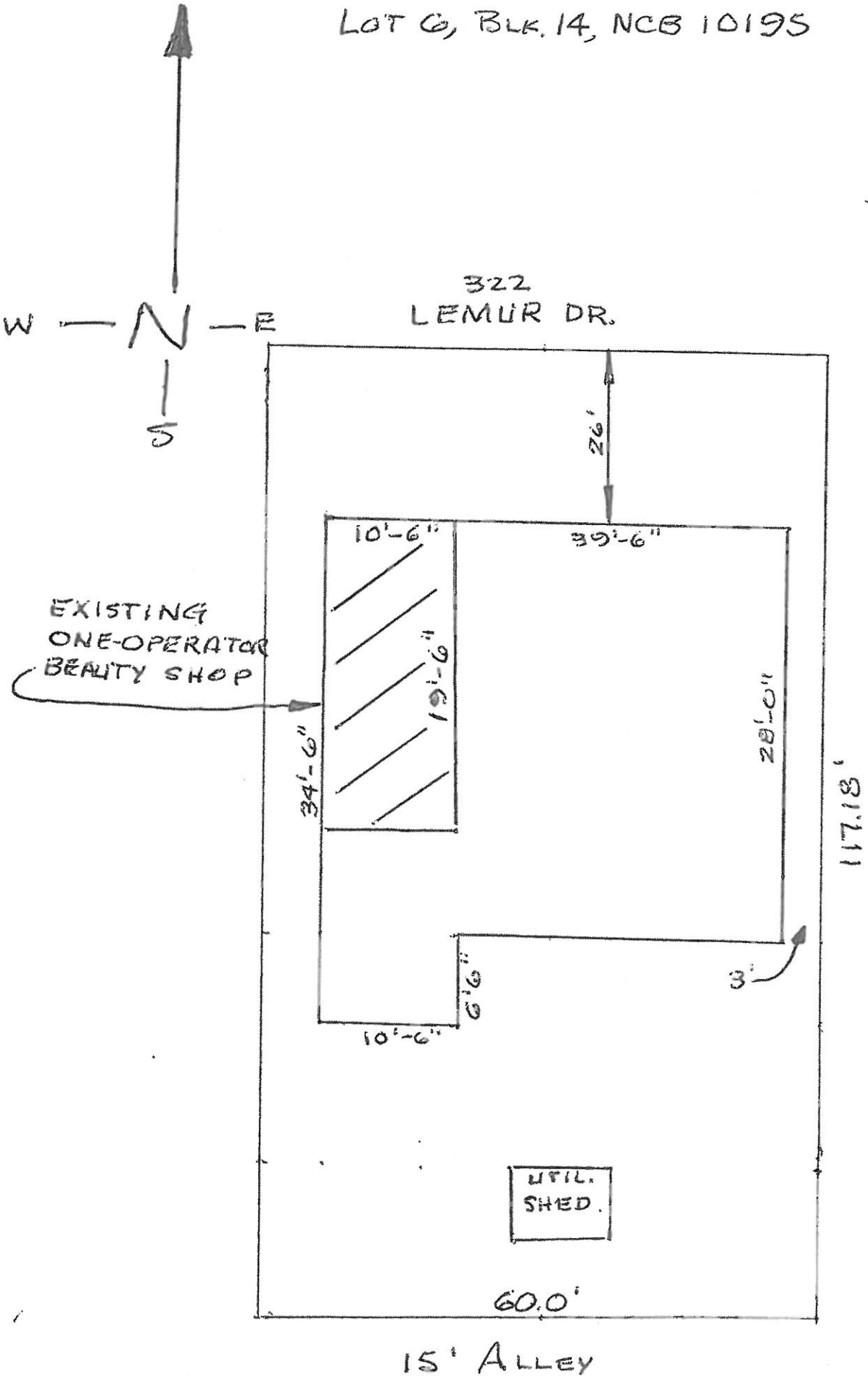
Scale: 1" approx. = 20'
Council District 1

322 Lemur Dr

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

MANUELA L. RODRIGUEZ
LOT 6, BLK. 14, NCB 10195



A-10-063
96229

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

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property Description:
Lot #6
Block 14
NCB 10195
Zoning "R-4" RESIDENTIAL SINGLE-FAMILY DIST.

Property Address: 322 LENNUS DR
SAN ANTONIO, TX 78213

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

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

MLR 1. A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the barbershop or beauty shop is to be located shall be submitted.

MLR 2. The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the barber shop or beauty shop shall be permitted.

MLR 3. Signs advertising the barbershop and beauty shop are not permitted, but a name plate not to exceed one (1) square foot is permitted, when attached flat to the main structure.

MLR 4. The barber shop or beauty shop shall be located within the main structure of the lot and not utilize more than 25% of the gross floor area of the first floor. In case of a barber shop or beauty shop in a duplex, the 25% gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a barber shop or beauty shop in an apartment unit, the Board of Adjustment shall determine the area to be used for said operations.

MLR 5. The barbershop or beauty shop shall be limited to one (1) operator shop.

MLR 6. No person not residing in the premises may be employed in the operation of the barber shop or beauty shop.

MLR 7. Hours of operation shall be regulated by the Board and shall be specified in the minutes of the case.

MLR 8. The Barber/Beauty Shop shall not be contrary to the public interest.

MLR 9. Granting of the permit for a barber shop or beauty shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Proposed hours of operation:

FROM 8AM TO 2PM — WEDNESDAY — THURSDAY — & FRIDAY

Comments: NO CITATIONS FROM THE CITY OR STATE BOARD
ALL LICENSES IN FORCE —

I, applicant, hereby authorize MANUEL L. RODRIGUEZ of SAN ANTONIO
to represent me in the matters to this case.

Signed: Manuel L Rodriguez (Property Owner) Date: 8/10/2010

Respectfully submitted:

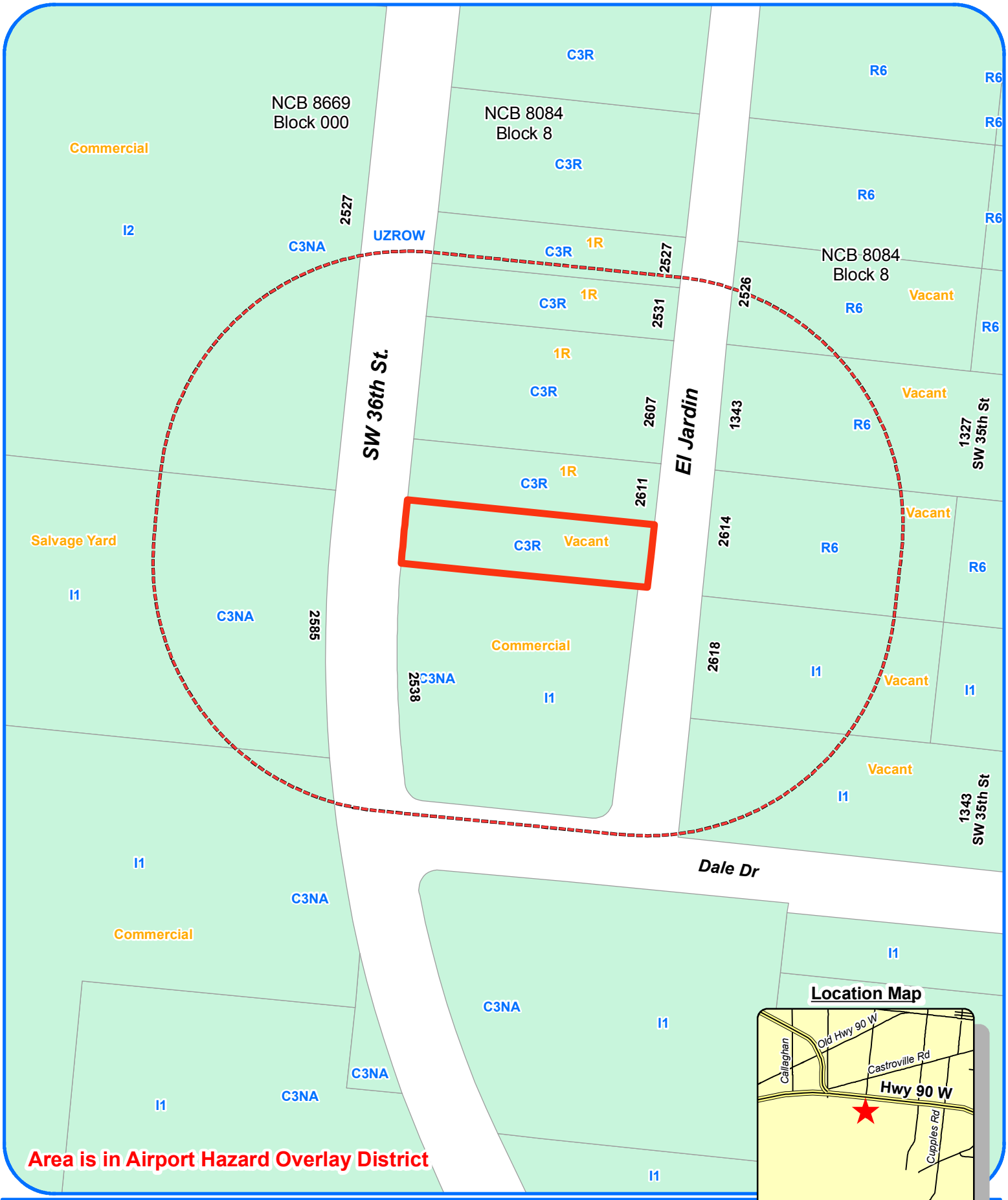
Applicants Name: MANUEL A L. RODRIGUEZ

Mailing Address: 327 LAMAR DR
SAN ANTONIO, TX 78213-3424

Telephone: (210) 785-8785

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

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



Board of Adjustment

Notification Plan for

Case A-10-064

N
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Legend

Subject Property

200' Notification Boundary

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

Planning and Development Services Dept
City of San Antonio
(8/19/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-064
Date:	September 20, 2010
Applicant:	Wulfe Development, LTD
Owner:	Wulfe Development, LTD
Location:	2538 Southwest 36th Street
Legal Description:	The South 50 Feet of Lot 14 I, Block 8, NCB 8084
Zoning:	"C-3 R AHOD" Restrictive Commercial Airport Hazard Overlay District
Subject:	Side Setback Variance
Prepared By:	Jacob Floyd, Planner

Summary

The applicant is requesting a 25-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 a structure 5 feet from the north 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-3R AHOD (Commercial)	Vacant (Proposed Warehouse Addition)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3R AHOD (Commercial)	Single-Family Residence

South	C-3NA AHOD (Commercial), I-1 AHOD (Industrial)	Office-Warehouse
East	I-1 AHOD (Industrial)	Vacant
West	C-3NA AHOD(Commercial), I-1 AHOD (Industrial)	Salvage Yard, Warehouse

Project Description

The applicant is requesting a variance from the side setback requirement of the "C-3" zoning district for the purpose of building an addition to the existing office warehouse structure 5 feet from the north property line, abutting a single-family residence on a lot zoned "C-3 R".

The applicant indicates that the proposed addition is necessary to facilitate the relocation of packaging materials currently stored on the west side of Southwest 36th Street to the subject property. Additionally, the expansion of Southwest 36th Street currently underway will make accessing the necessary materials significantly more difficult.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Thompson Community Organization and the Kelly/South San P.U.E.B.L.O. Community Plan. As of September 13 staff has not received a reply from the community organization.

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 purpose of the 30-foot setback is to provide a reasonable separation between the incompatible industrial and residential land uses.

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

   No exceptional conditions exist on the subject property that would impose unnecessary hardship on its use through the literal enforcement of the ordinance. The subject property does not possess sufficient width to construct an addition of the size proposed in compliance with the setback, though a 20-foot wide portion of the property is buildable without the granting of a variance.

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 be in observation of the spirit of the ordinance and would not do justice to the purpose of the zoning ordinance. The effective separation of incompatible uses is necessary to foster compatibility, light, air flow, and privacy, and to mitigate the negative effects of noise and odors.

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 R 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 property abutting to the north, as the current use as a single-family residence is nonconforming with the "C-3 R" zoning district. Neither will it alter the essential character of the district, as it is characterized primarily by intense commercial and industrial land uses.

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.

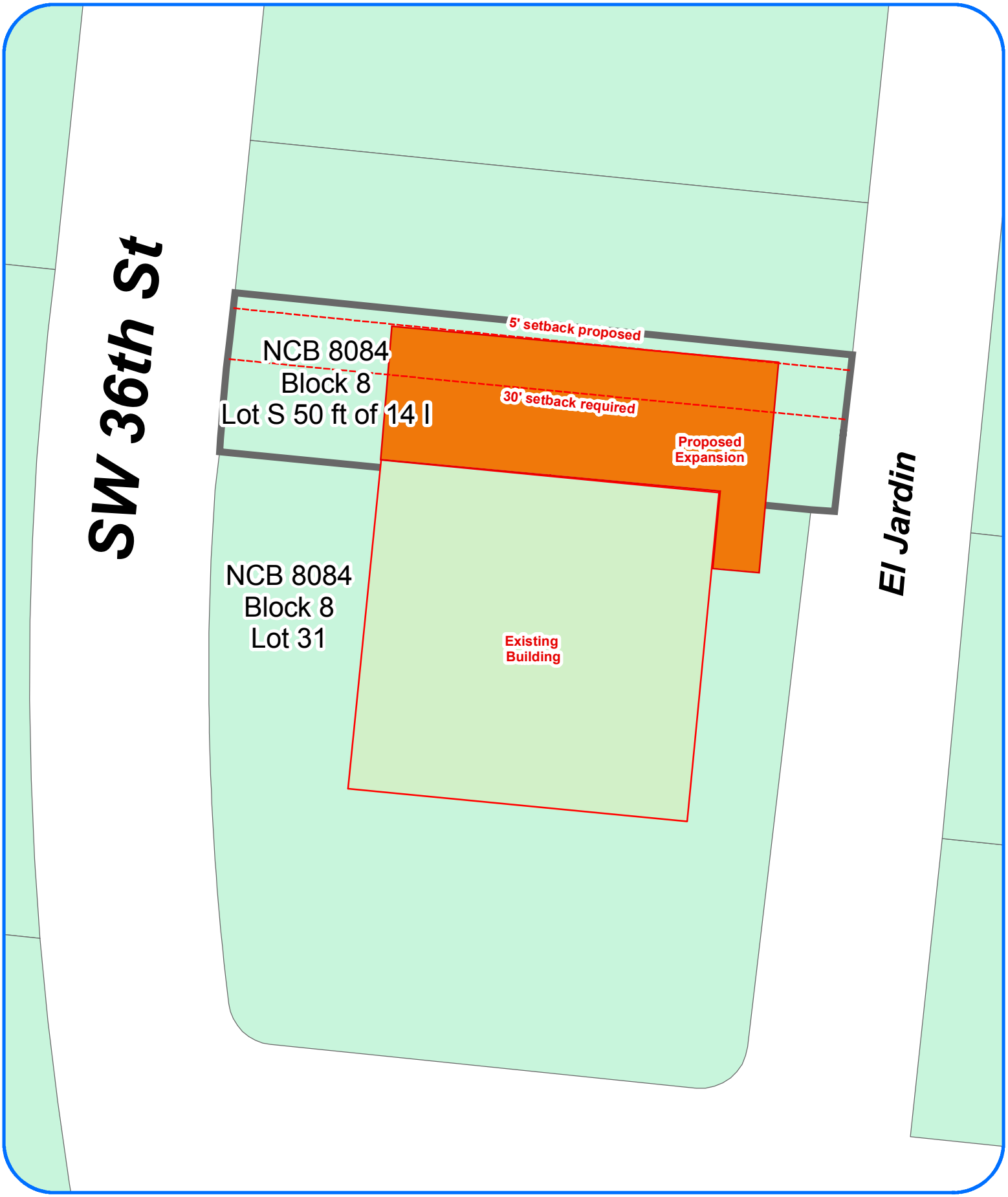
   The plight of the property owner is not due to unique circumstances existing on the property, but rather is due to the juxtaposition of conflicting land uses. The width of the subject parcel is insufficient to accommodate the addition proposed and while the use of the abutting property does not conform to the present zoning, it is historically residential in nature.

Staff Recommendation

Staff recommends **denial of A-10-064,** because the findings of fact have not been satisfied as presented above. The literal enforcement of the setback requirement would not result in unnecessary hardship, as the subject property itself possesses no unique or oppressive conditions. Moreover, the granting of the variance would deny the owner of the abutting residence the right to enjoy effective separation between their home and the industrial use of the subject property that the required 30-foot setback would afford them.

Attachments

Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Site Plan



Board of Adjustment

Plot Plan for

Case A-10-064

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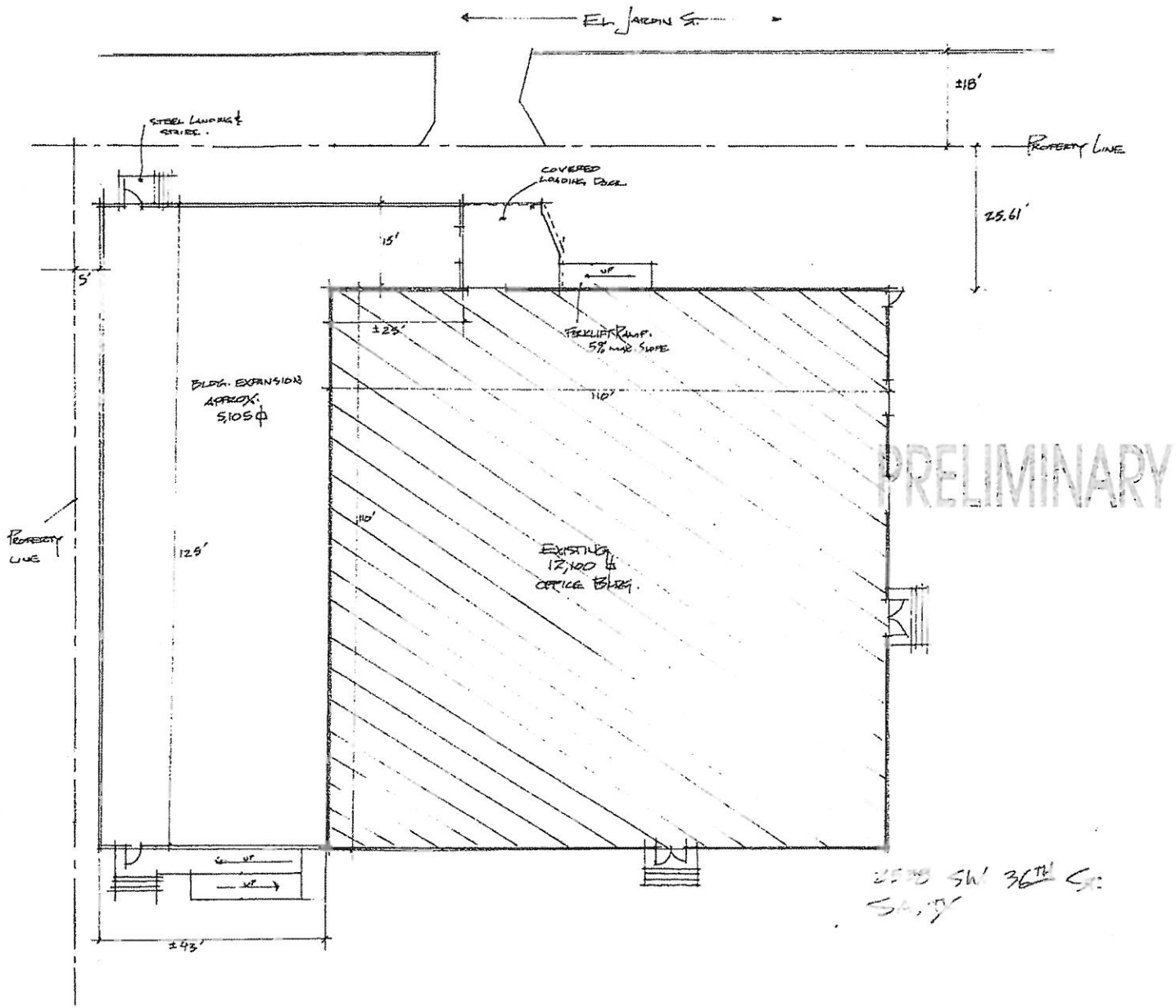
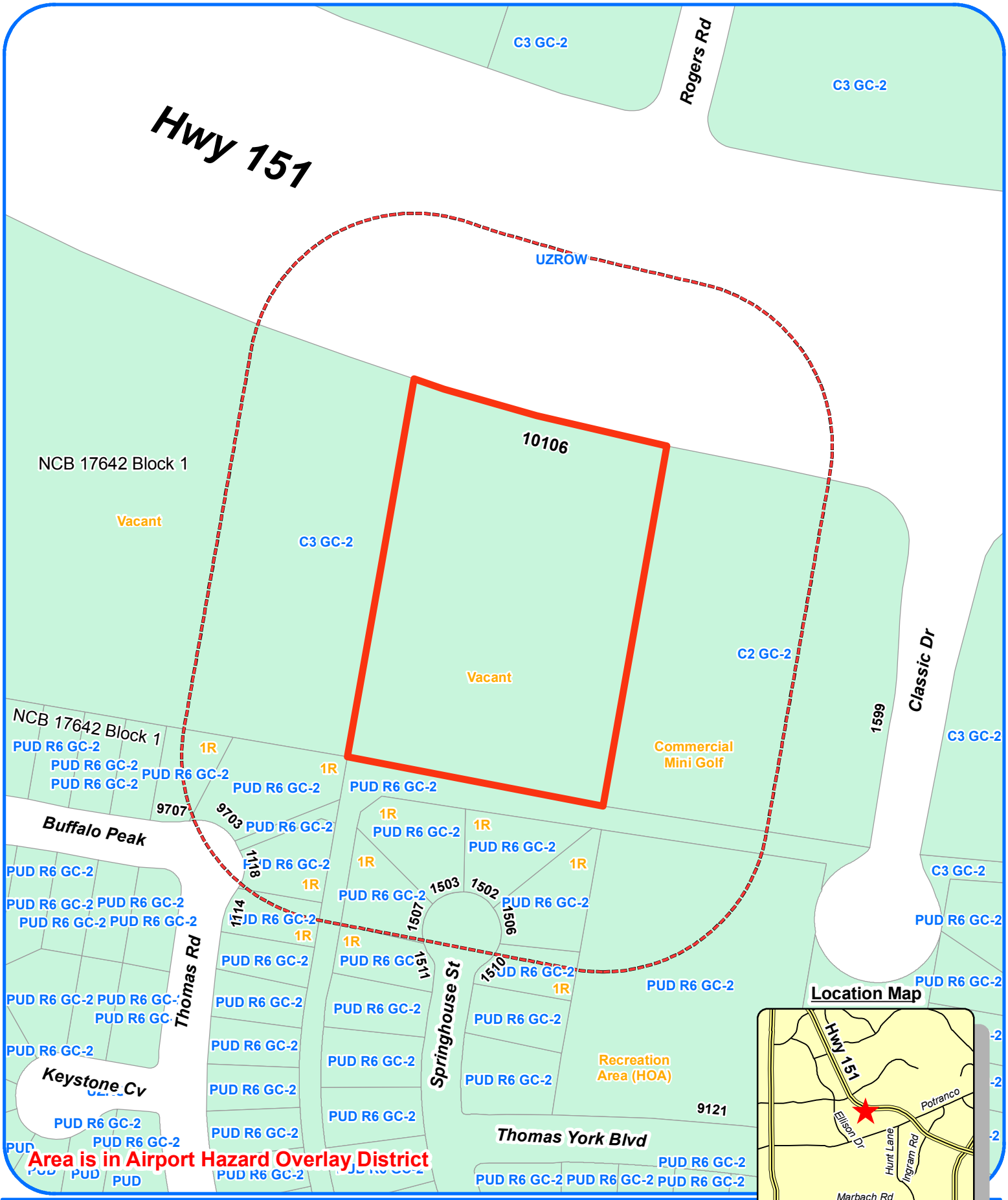
Scale: 1" approx. = 40'
Council District 5

2538 SW 36th St

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


EL JARDIN ST.
±18'
PROPERTY LINE
STEEL LANDING & STAIRS.
COVERED LOADING DOCK
25.61'
15'
5'
UP
±23'
FORKLIFT RAMP. 5% MAX SLOPE
BLDG. EXPANSION APPROX. 5,105 ☐'
110'
PRELIMINARY
110'
PROPERTY LINE
125'
EXISTING 12,100 ☐' OFFICE BLDG.
UP
UP
±43'
2598 SW 36TH ST.
SA, FL



Board of Adjustment

Notification Plan for

Case A-10-065

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Legend

Subject Property

200' Notification Boundary

Scale: 1" approx. = 150'
Council District 6

Planning and Development Services Dept
City of San Antonio
(8/24/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-065
Date:	September 20, 2010
Applicant:	Robert Stanley
Owner:	Westover Hills Development Partners, L.P.
Location:	10100 Block of State Highway 151 (10106 State Highway 151)
Legal Description:	3.1404 Acres out of Lots P-3 & P-20A, NCB 17642
Zoning:	"C-3 GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Overlay Airport Hazard Overlay District
Subject:	Front and Side Yard Fence Height Variances
Prepared By:	Jacob Floyd, Planner

Summary

The applicant requests 1) a 2-foot variance from the requirement that side-yard fences not exceed a height of 6 feet, in order to allow an 8-foot tall fence in the side yard along the east property line; 2) a 5-foot variance from the requirement that solid fences in the front yard not exceed a height of 3 feet, in order to allow an 8-foot tall solid fence in the front yard on the east property line; and 3) a 2-foot variance from the requirement that predominantly open front-yard fences not exceed a height of 4 feet, in order to allow a 6-foot tall predominantly open fence in the front yard.

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on 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-3 GC-2 AHOD (Commercial)	Vacant (proposed restaurant)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 GC-2 AHOD (Commercial)	Hotel
South	PUD R-6 GC-2 AHOD (Residential)	Single Family Residences
East	C-2 GC-2 AHOD (Commercial)	Mini Golf
West	C-3 GC-2 AHOD (Commercial)	Vacant

Project Description

The applicant is requesting variances from the front and side yard fence height provisions in order to be allowed an 8-foot tall wall within the east side yard and front yard, along the east property line, and a 6-foot predominantly open fence in the front yard.

The applicant indicates the additional fence height is necessary to create a safe play area for children of the restaurant patrons, as the east side of the property is adjacent to a drainage easement that sits 3 to 4 feet lower than the level of the subject property. Additionally, the remaining 6-foot fence segments are intended to further secure the play area and discourage climbing in or out of it.

Comprehensive Plan Consistency/Neighborhood Association

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

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 variances are not contrary to the public interest as the stated purpose of the fence is to create a safe area for children of customers to play and it does not appear that it will negatively affect the visual clearance of drivers.

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

   No exceptional conditions exist on the subject property that would impose unnecessary hardship on its use through the literal enforcement of the ordinance. The topography of the subject property is typical of the area.

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 be in keeping with the spirit of the ordinance as the property is able to be reasonably utilized in the manner for which it is zoned without the granting of the variance.

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

   The granting of the variances will not authorize the operation of a use other than those specifically authorized in the "C-3 GC-2 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 substantially injure the appropriate use of adjacent conforming property as commercial zoning currently exists on most adjacent properties. However, the granting of the variances may alter the essential character of the district as there are no fences in the area similar to that proposed.

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.

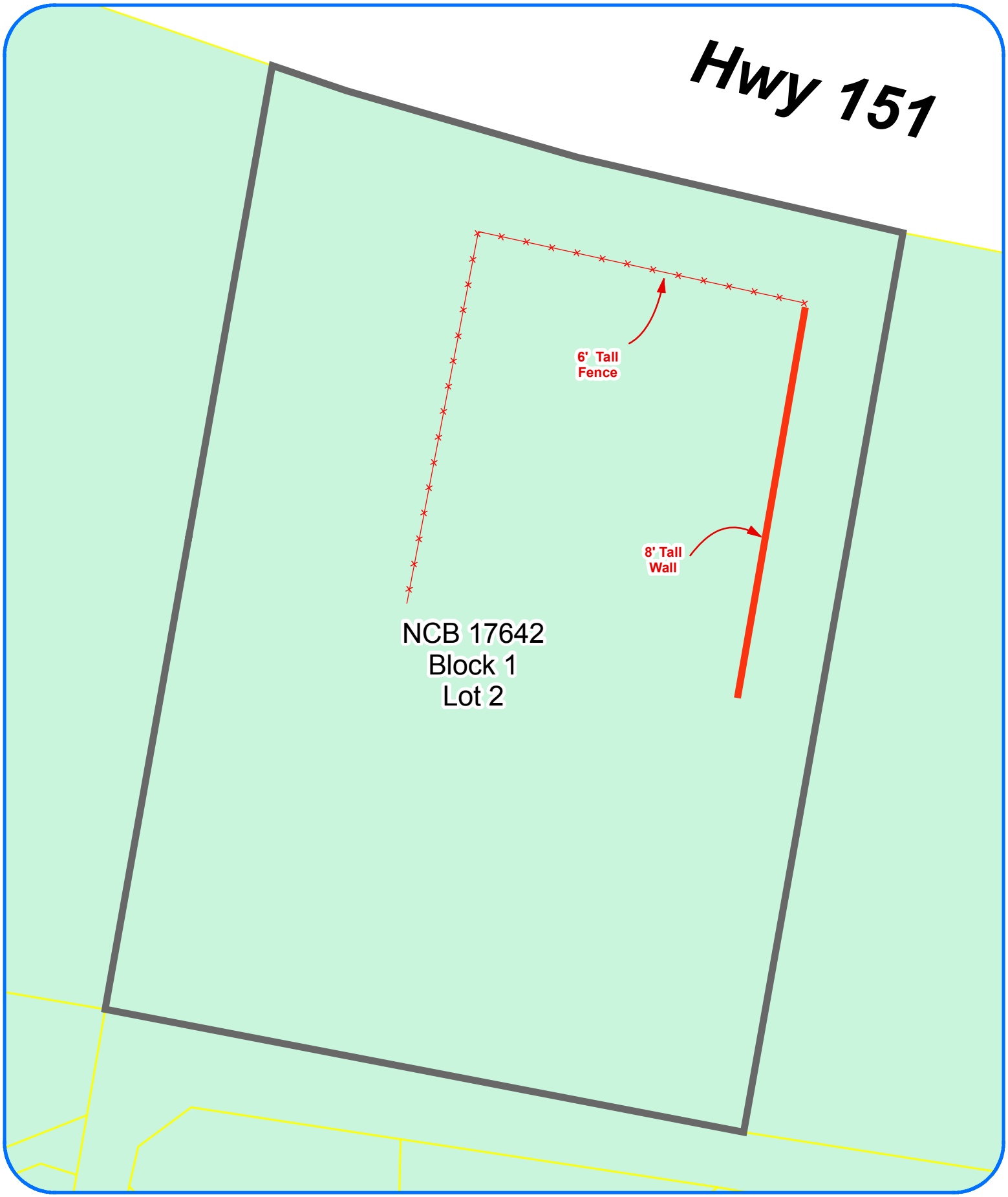
   The subject property does not experience unique circumstances that would hinder its development in a manner permitted by the current zoning classification. The variances requested are sought solely to achieve the configuration of the property desired by the owner to enable the concept of the proposed restaurant.

Staff Recommendation

Staff recommends **denial of A-10-065,** because the findings of fact have not been satisfied as presented above. The subject property is unremarkable in its topography and the reasonable use of the property would not be denied without the granting of the variance. The applicant has failed to provide, and staff did not observe, evidence of special conditions existing on the property that would result in unnecessary hardship to its development through the literal enforcement of the fence height provisions of the Unified Development Code.

Attachments

Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Site Plan: Big'Z Burger Joint



Board of Adjustment

Plot Plan for

Case A-10-065

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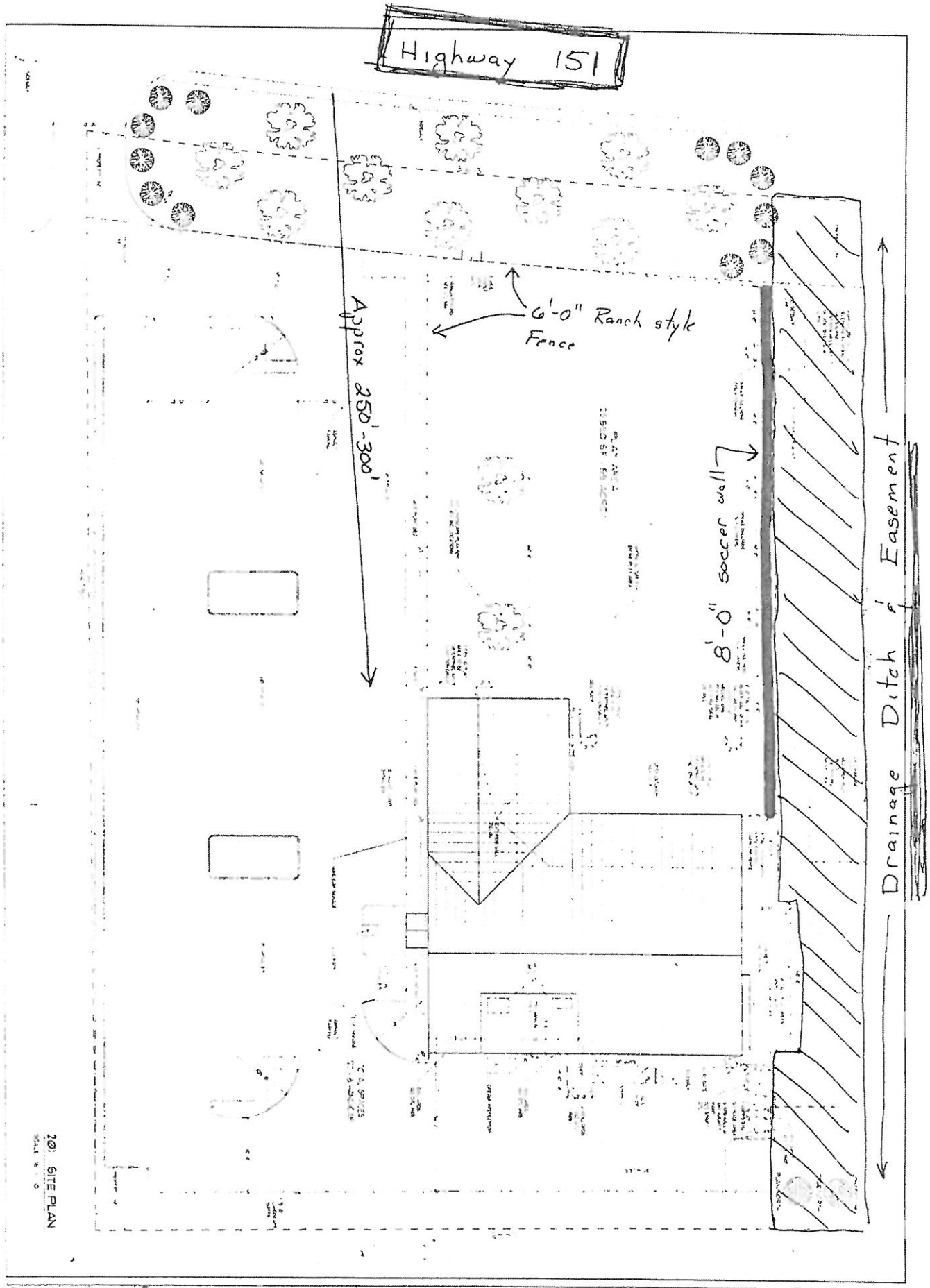
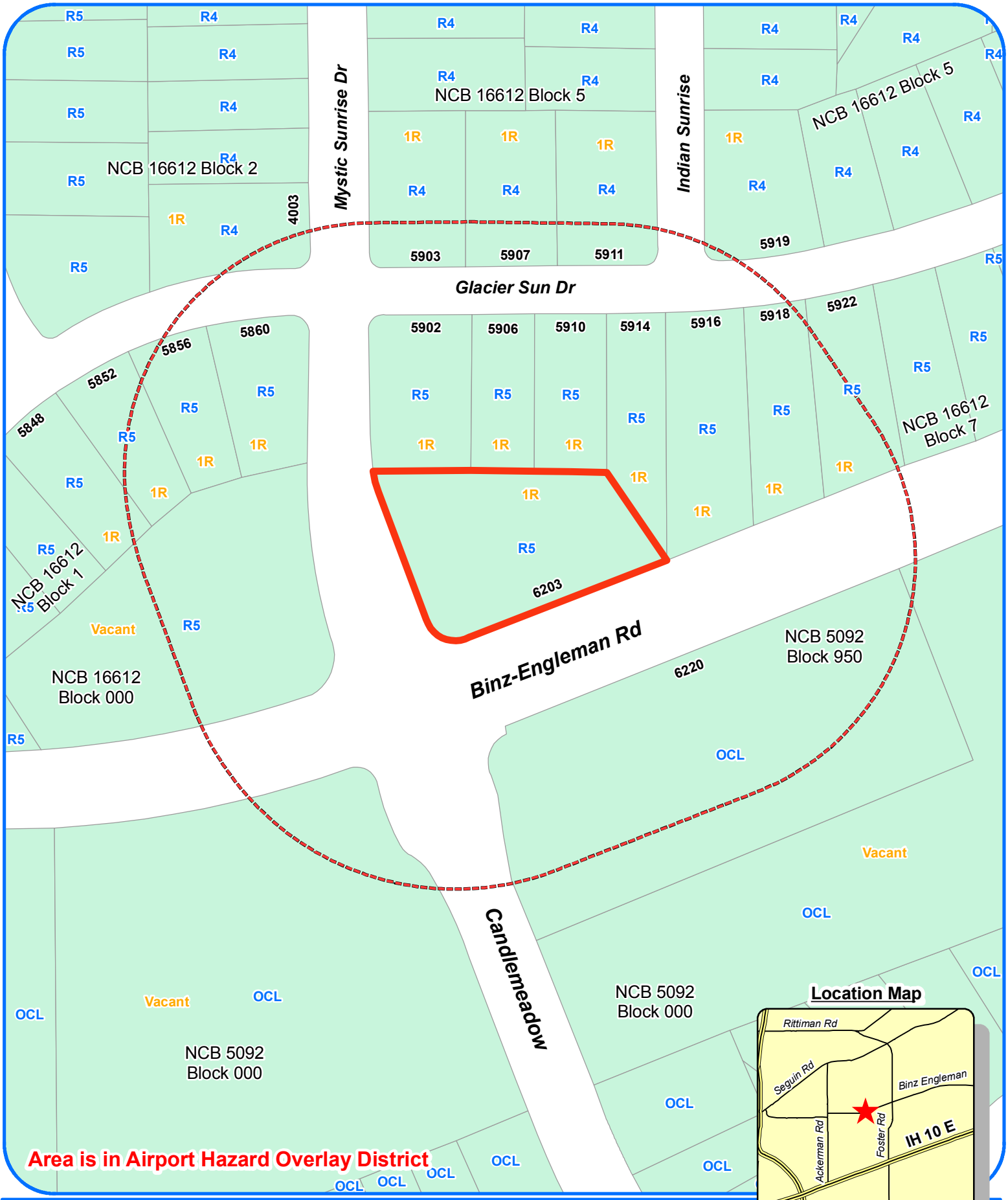
Scale: 1" approx. = 60'
Council District 6

10103 Hwy 151

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


Highway 151
6'-0" Ranch style Fence
Approx 250'-300'
8'-0" soccer wall
Drainage Ditch & Easement
2@1 SITE PLAN
A2
D.F. DESIGNS INC
FSW CONSULTANTS
BIG'Z BURGER JOINT
10106 HWY 151, SAN ANTONIO, TEXAS 78251



Area is in Airport Hazard Overlay District

Board of Adjustment

Notification Plan for

Case A-10-066

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Legend

Subject Property

200' Notification Boundary

Scale: 1" approx. = 100'
Council District 2

Planning and Development Services Dept
City of San Antonio
(8/24/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-066
Date:	September 20, 2010
Applicant:	Maria Gonzalez
Owner:	Raul Gonzalez
Location:	6203 Binz-Engleman Road
Legal Description:	Lot 82, Block 7, NCB 16612
Zoning:	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Subject:	One Operator Beauty/Barber Shop
Prepared By:	Jacob Floyd, Planner

Summary

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

Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on 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
R-5 AHOD (Residential)	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-5 AHOD (Residential)	Single-Family Residence
South	OCL (Outside City Limits)	Commercial
East	R-5 AHOD (Residential)	Single-Family Residence
West	R-5 AHOD (Residential)	Single-Family, Vacant

Project Description

The applicant is requesting this special exception to operate a one operator barber or beauty shop. This special exception request may be approved for a two-year period only, as this is the first application.

The applicant has proposed hours of operation to be 8:30 a.m. to 9:00 p.m. Monday through Saturday. Weekly proposed hours of operation total 75 hours.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of I-10 East Perimeter Plan. The property is located within the boundaries of the Sunrise Neighborhood Association. As of September 15 staff has not received a response 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 must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.01):

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

   The requested special exception is in harmony with the spirit and purpose of this chapter in that the applicant has indicated she will operate according to the criteria established in Section 35-399.01 of the Unified Development Code.

2. The public welfare and convenience will be substantially served:

   The requested special exception will further serve the public welfare in that the proposed beauty/barbershop will serve as a public convenience within a residential area.

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

The granting of the special exception will not alter the use of the property for which the special exception is sought. The primary use of the subject property will remain a single-family residence.

4. 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:

   It does not appear that the granting of the special exception will alter the essential character of the district in which the subject property is located in that the beauty/barbershop will remain confined to 25% or less of the gross floor area of the primary residence.

5. The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:

   The purpose of the district is to promote the public health, safety, morals, or general welfare. The granting of this special exception will not weaken this purpose, nor will it weaken the regulations established for this district.

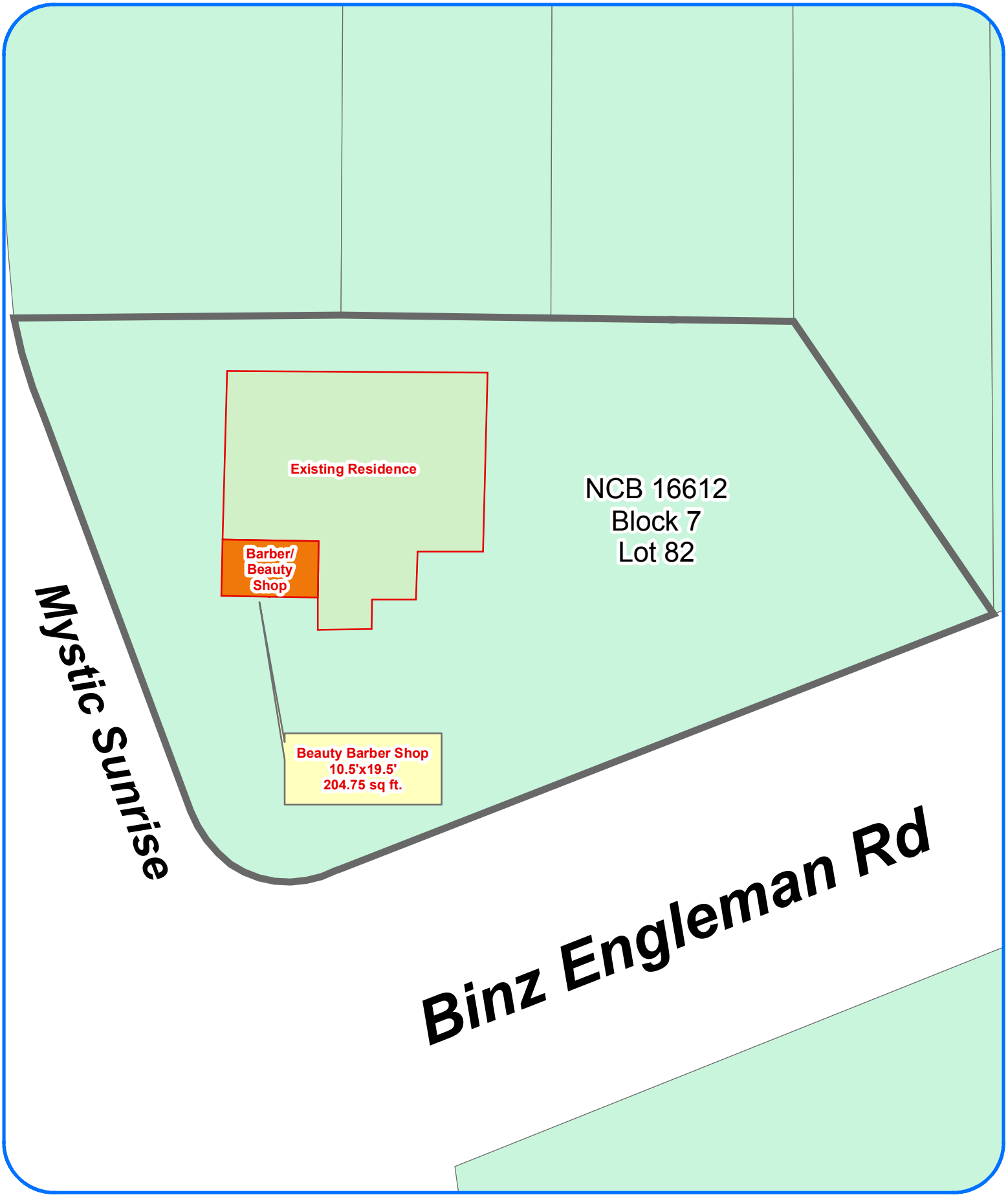
Staff Recommendation

The applicant has indicated she will meet all of the limitations, conditions and restrictions set forth in Section 35-399.01 of the UDC (a copy of the application indicating this is attached with this packet). It appears that granting this special exception will allow the use of a portion of this property as a beauty shop without altering the residential character of the neighborhood.

Staff recommends **approval of A-10-066, 6203 Binz-Engleman Road, for a two-year period** with hours of operation not to exceed 40 hours weekly. Staff **does not** recommend approval of the requested 75 weekly hours of operation.

Attachments

Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Applicant's Floor Plan
Attachment 4 – Copy of Application



Board of Adjustment

Plot Plan for

Case A-10-066

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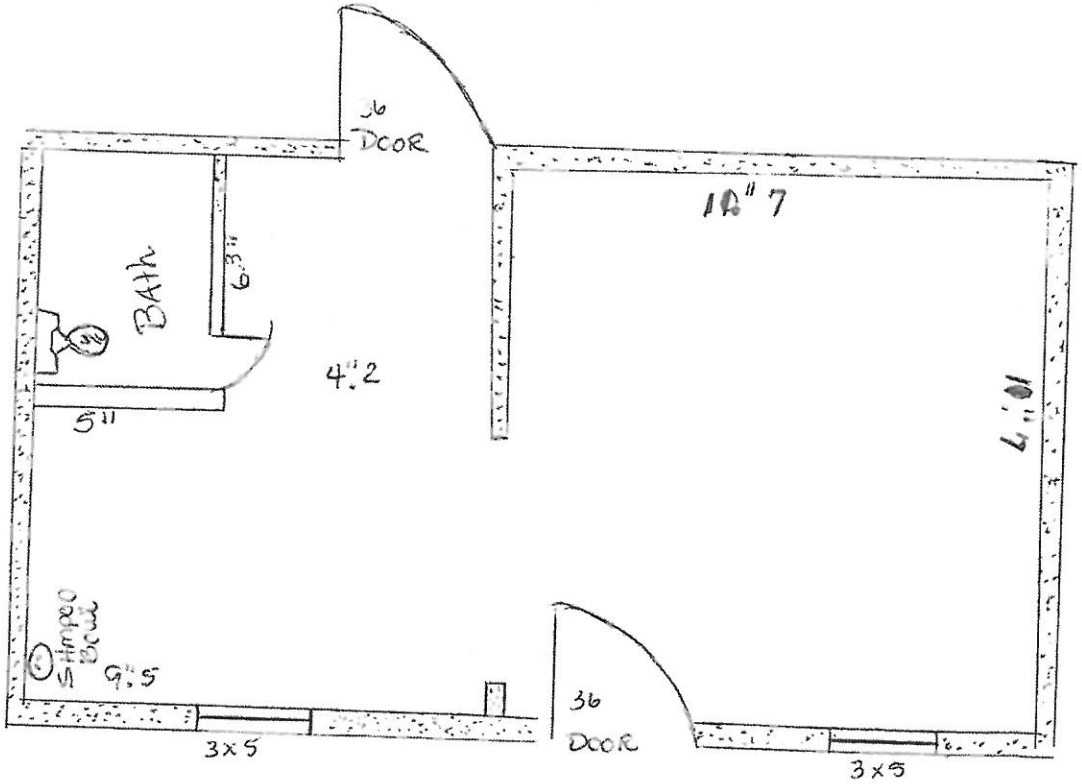
Scale: 1" approx. = 30'
Council District 2

6203 Binz Engleman Rd

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

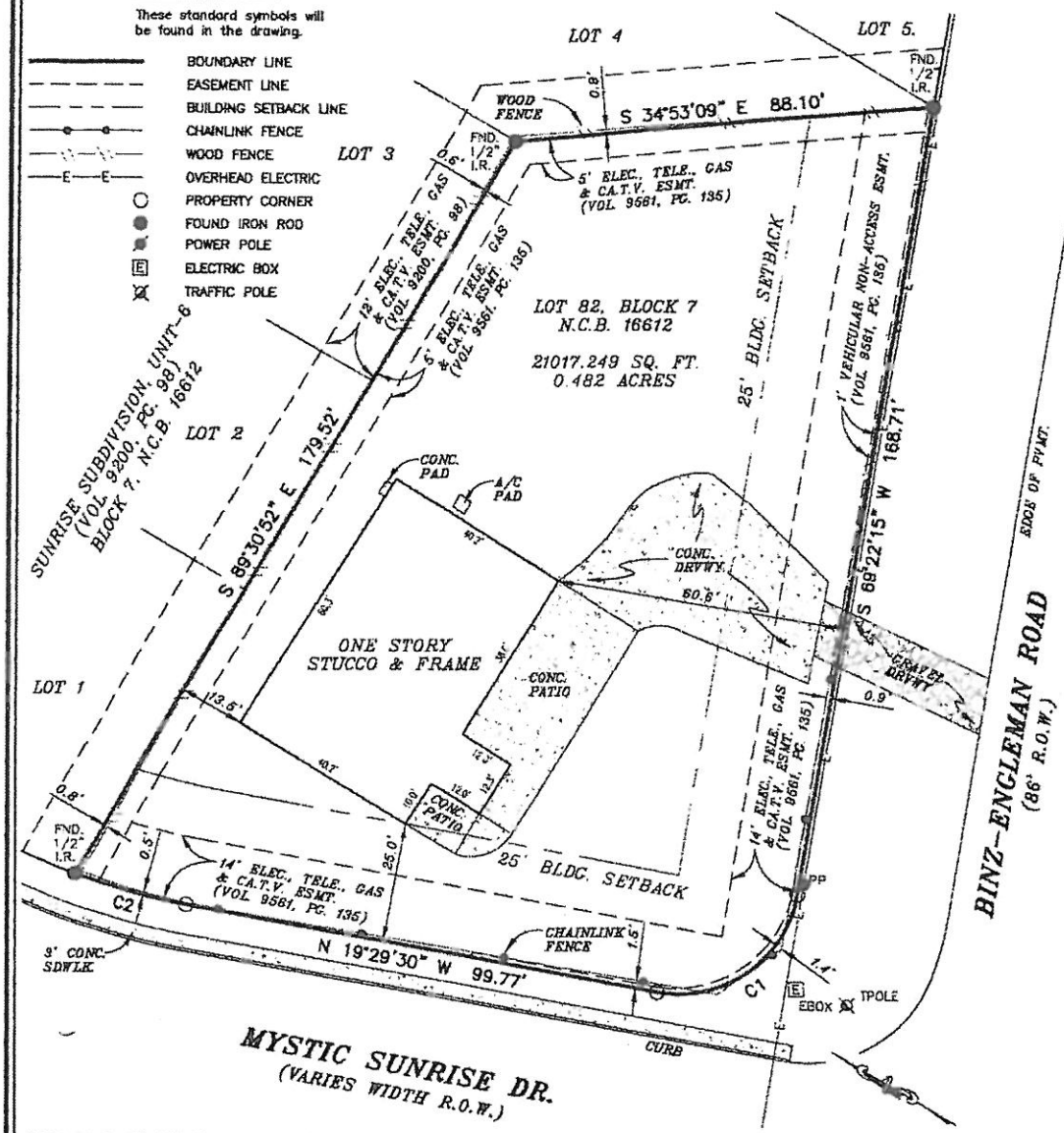

36
DOOR
BATH
6'3"
4'2
5'1
Stamped
Bowl
9'5
3x5
36
DOOR
10'7
10'7
3x5

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	25.00'	39.77'	35.70'	N 65°03'37" W	91°08'15"	25.50'
C2	150.00'	24.97'	24.94'	N 14°44'06" W	09°32'15"	12.51'

LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- CHAINLINK FENCE
- WOOD FENCE
- OVERHEAD ELECTRIC
- PROPERTY CORNER
- FOUND IRON ROD
- POWER POLE
- ELECTRIC BOX
- TRAFFIC POLE



FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 48029C 0478 F effective date of FEBRUARY 2, 2006. Exact designations can only be determined by a Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.

GRAPHIC SCALE

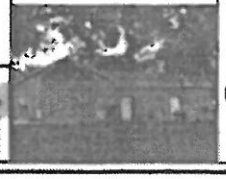
0' 30' 60'

I, ARMANDO A. ARANDA, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to MISSION TITLE LP and that the above map is true and correct according to an actual field survey, made by me or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).

Lot(s) 82, Block 7, N.C.B. 16612, Survey No. _____, Abstract No. _____.
Survey or Subdivision: LA LUZ SUBDIVISION
Volume 9661, Page(s) 135, of the Deed and Plat Records of BEXAR County, Texas.
Owner: RAUL GONZALEZ & MARIA GONZALEZ
Address: 6203 BINZ-ENGLEMAN ROAD GF No. 0902346-02

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:

PROPERTY PHOTOGRAPH:



AmeriSurveyors LLC
78209
(210) 820-1043

FINAL "AS-BUILT" SURVEY

JOB NO.:	0907000449	NO.	REVISION	DATE
DATE:	07/17/09			
DRAWN BY:	MKW/TB			
APPROVED BY:	AAA			

STATE OF TEXAS REGISTERED ARMANDO A. ARANDA 1398 PROFESSIONAL LAND SURVEYOR

ARMANDO A. ARANDA, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 1398

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

CITY OF SAN ANTONIO
COUNTY OF BEXAR
STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property Description:
Lot .4825 Acres.
Block 7
NCB 16612
Zoning R-5

Property Address: 6203 Binz Engleman
San Antonio TX 78244

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

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

M.G 1. A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the barbershop or beauty shop is to be located shall be submitted.

M.G 2. The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the barber shop or beauty shop shall be permitted.

M.G 3. Signs advertising the barbershop and beauty shop are not permitted, but a name plate not to exceed one (1) square foot is permitted, when attached flat to the main structure.

M.G 4. The barber shop or beauty shop shall be located within the main structure of the lot and not utilize more than 25% of the gross floor area of the first floor. In case of a barber shop or beauty shop in a duplex, the 25% gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a barber shop or beauty shop in an apartment unit, the Board of Adjustment shall determine the area to be used for said operations.

M.G 5. The barbershop or beauty shop shall be limited to one (1) operator shop.

M.G 6. No person not residing in the premises may be employed in the operation of the barber shop or beauty shop.

M.G. 7. Hours of operation shall be regulated by the Board and shall be specified in the minutes of the case.

M.G 8. The Barber/Beauty Shop shall not be contrary to the public interest.

M.G 9. Granting of the permit for a barber shop or beauty shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Proposed hours of operation:

8:30 Am. - To - 9:00 P.M.

Comments:

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

Signed: Maria Gonzalez (Property Owner) Date: 08-19-2010.

Respectfully submitted:

Applicants Name: Maria Gonzalez

Mailing Address: 6203 Binz Engleman
San Antonio TX.

Telephone: 210-385 4811

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

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

Board of Adjustment

Notification Plan for

Case A-10-067

N
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Legend

Subject Property

200' Notification Boundary

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

Planning and Development Services Dept
City of San Antonio
(8/24/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-067
Date:	September 20, 2010
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

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 **Max:** 1945 **Mean Age:** 1923	Unknown (Est. 1930's)
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

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

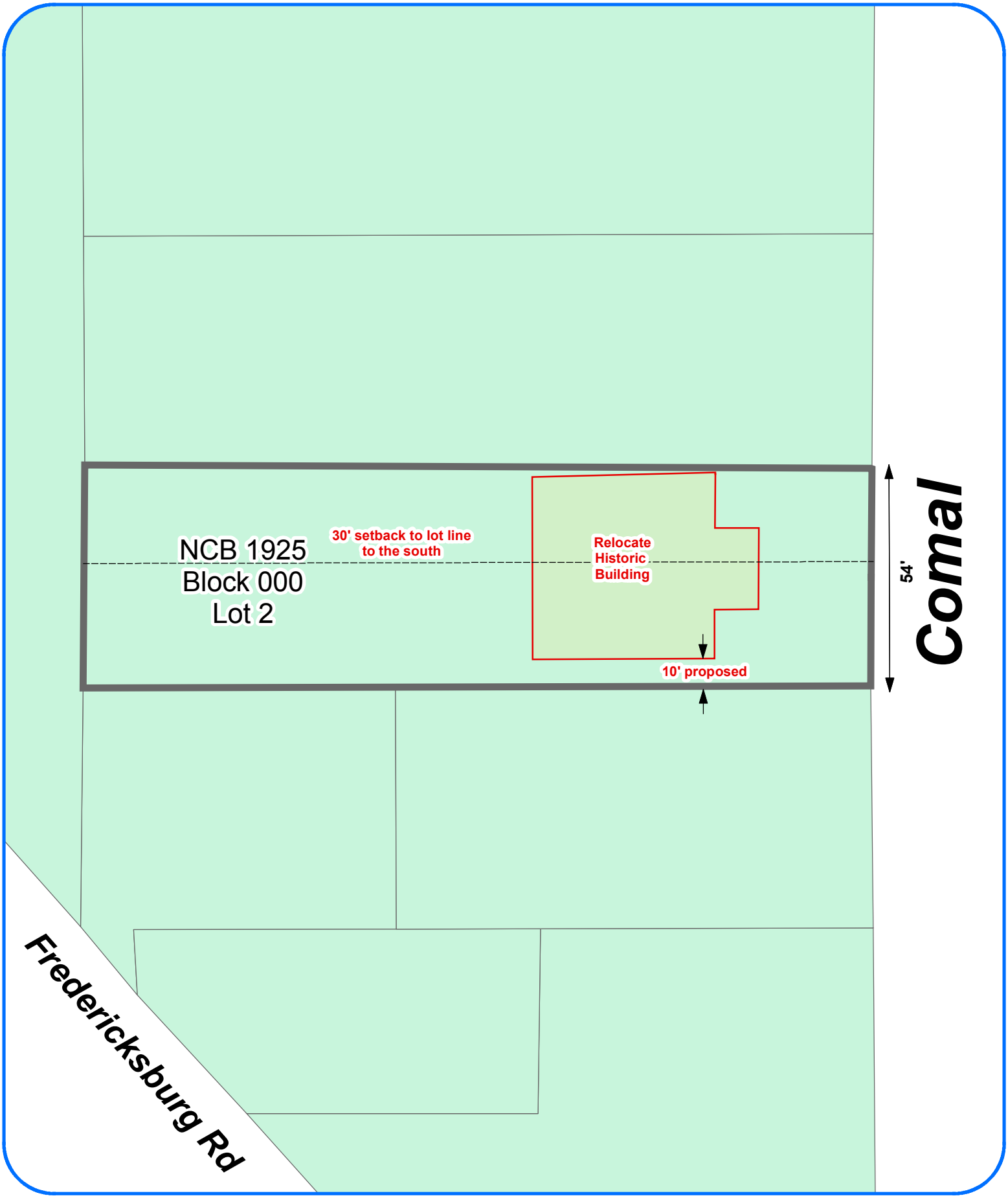
Staff Recommendation

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 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

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

1723 N Comal St

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

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, Historic Preservation Officer P.O. Box 839966
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 residentail 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

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

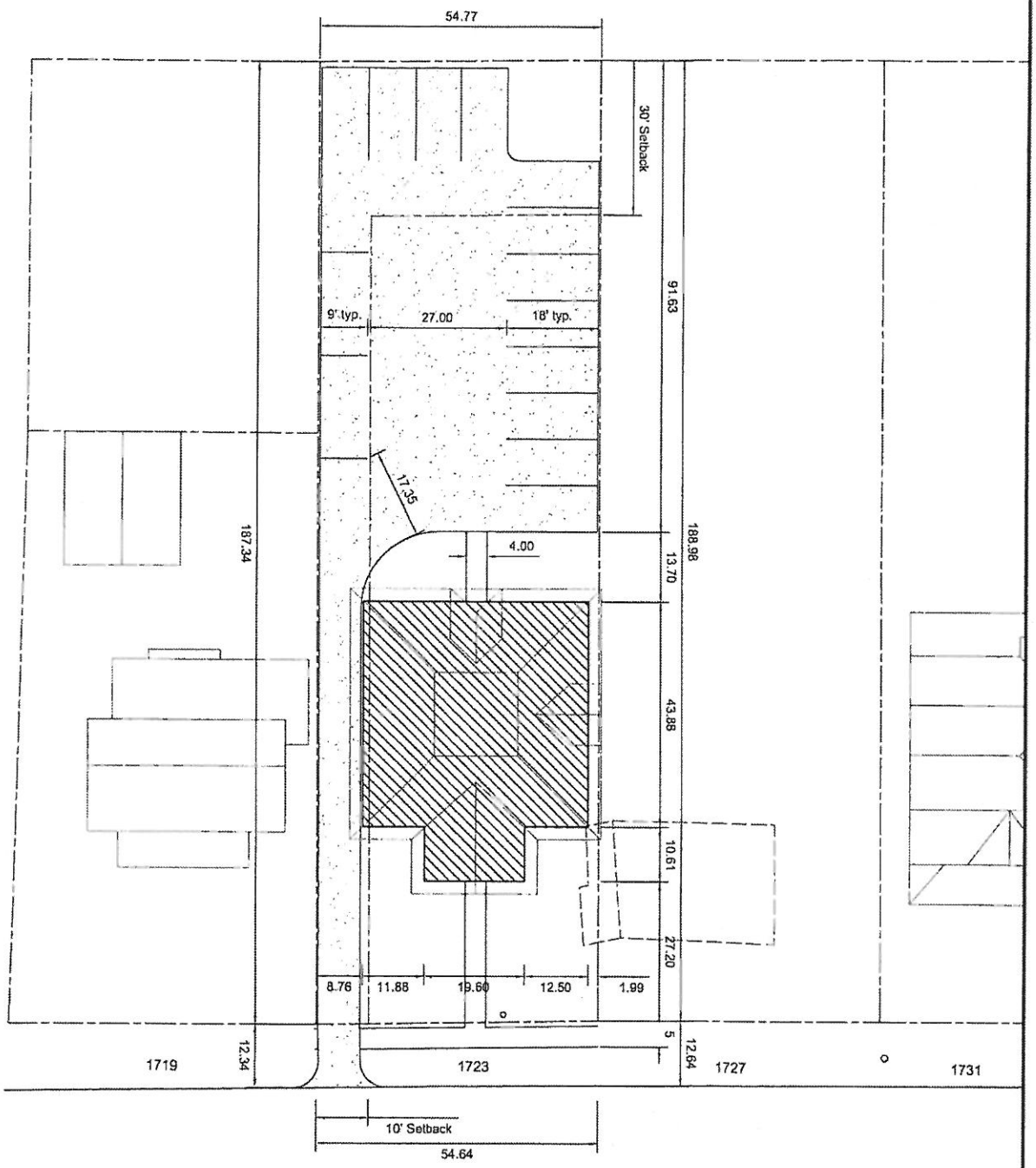
SIGNIFICANCE STATEMENT FOR THE PROPERTY LOCATED AT 2011 MCCULLOUGH AVENUE

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:

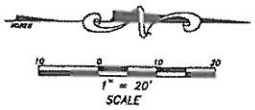
- Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period: Classical Revival style popularized during the early twentieth century [35-607(b)(5)]
- Its historical and architectural integrity of location, design, materials, and workmanship: reflective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



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)



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: _____

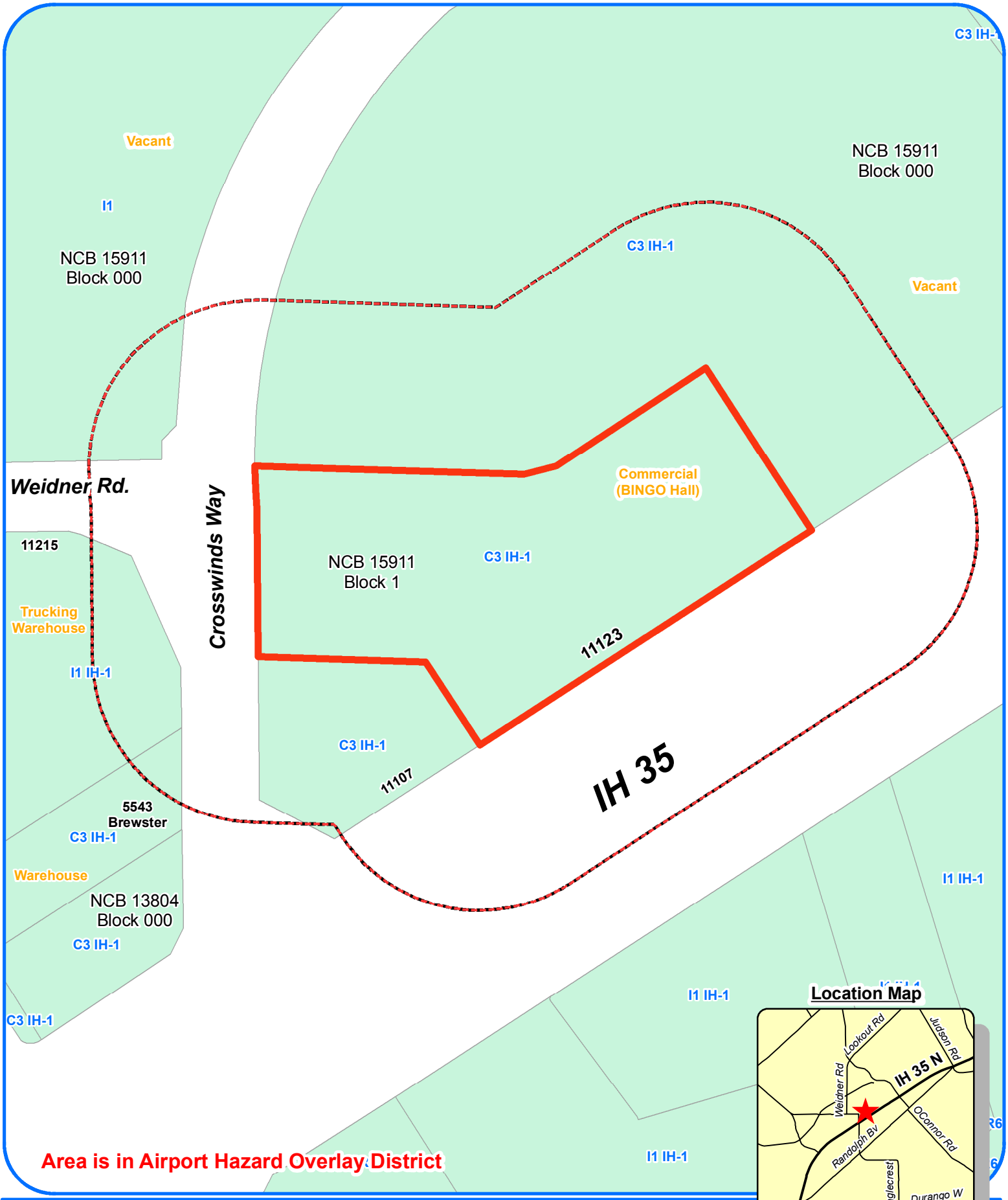
DOORS: _____ HEATING & COOLING: updated with modern units

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.



Board of Adjustment

Notification Plan for

Case A-10-068

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Legend

Subject Property

200' Notification Boundary

Scale: 1" approx. = 200'
Council District 10

Planning and Development Services Dept
City of San Antonio
(8/24/2010)

City of San Antonio
Planning & Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-10-068
Date:	September 20, 2010
Applicant:	Brown and Ortiz, P.C.
Owner:	Flame Drive-Inns, Inc.
Location:	11123 North IH-35
Legal Description:	Lot 40, Block 1, NCB 15911
Zoning:	"C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Airport Hazard Overlay District
Subject:	Northeast Gateway Corridor Design Standard Variance
Prepared By:	Jacob Floyd, Planner

Summary

The applicant requests a 556.32 square foot variance from the requirement of the "IH-1" overlay that 50 percent (760 square feet) of the first floor street frontage consist of window/public entry façade for buildings with a gross floor area of less than 25,000 square feet, in order to allow a window/public entry façade area of 203.68 square feet on the first floor street frontage (13.4 percent of the first floor street frontage).

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-3 IH-1 AHOD (Commercial District)	Bingo Parlor and Commercial Uses

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	I-1 AHOD (Industrial District)	Vacant
South	I-1 IH-1 AHOD (Industrial District)	Commercial, Industrial
East	C-3 IH-1 AHOD (Commercial District)	Vacant
West	C-3 IH-1 AHOD (Commercial District), I-1 IH-1 AHOD (Industrial District)	Commercial, Industrial

Project Description

The applicant is requesting a variance from the front façade window and/or public entry requirements of the Northeast Gateway Corridor Overlay District in order to allow for a structure that would accommodate a bingo parlor. The applicant indicates that the requirement is not practical or appropriate for the floor plan proposed and that requiring the owner of the business to change a "proven, successful" floor plan would result in unnecessary hardship. Additionally, the applicant indicates that the required percentage of window/public entry façade would expose the business to crime and other safety hazards.

The applicant was issued a permit for construction of the subject structure, a bingo parlor with a caretaker residence on the second floor, on April 5 based on revised building plans that complied with the window/public entry façade requirements through the addition of a glass vestibule to the front of the building with transparent glass from 0 feet to 10 feet in height.

The Board of Adjustment considered, and granted, a variance requested for this property on May 17, 2010 for a 29.6 percent variance from the window/public entry façade requirement of the "IH-1" overlay. It was later determined that the previous variance requested by the applicant was insufficient to accommodate the actual amount of glass installed within the first floor street frontage façade. The current variance requested is greater than that previously granted, representing an additional 7 percent reduction in the glass/window area required by the overlay district.

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a Neighborhood Association boundary, nor is it within a Neighborhood or Community Plan.

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 purpose of the Northeast Gateway Corridor design standards are to create a more attractive, cohesive, and safe environment for visitors, freight traffic and area residents, and to enhance the appearance and economic viability of areas along IH-35. The granting of the variance would be contrary to the public interest, as the reduction of the window/public entry façade area would reduce the ability of the corridor standards to preserve and enhance the aesthetic value of the area adjacent to the interstate. Additionally, should the bingo parlor business relocate, this building would not lend itself to a future contributing use.

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

   The subject property does not appear to possess, nor does the applicant identify, and special conditions that create an unnecessary hardship through the literal enforcement of the ordinance. Rather, the applicant cites only financial hardships and an unwillingness to modify a structural design that has already been drafted. Additionally, potential crime is also cited as a hardship.

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

   The granting of the variance will not observe the spirit of the ordinance nor provide substantial justice. The granting of the variance would be in direct conflict with the stated purpose of the ordinance to enhance the appearance and economic viability of areas along the interstate and create a more attractive and cohesive environment.

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 IH-1 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 injure the appropriate use of adjacent conforming property nor will it alter the essential character of the immediate area. However, it will be injurious to the desired character of the gateway corridor.

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.

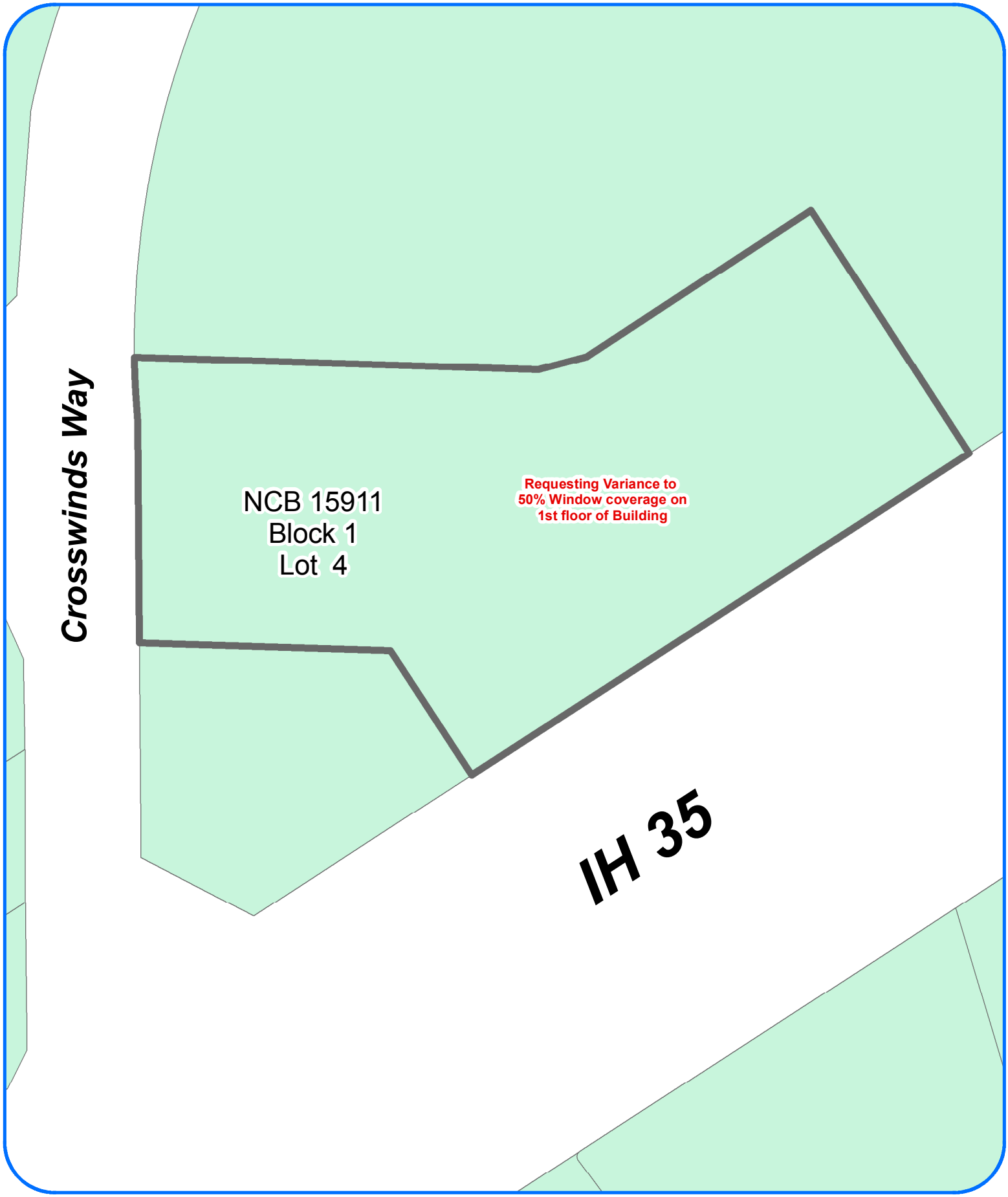
   The plight of the property owner is not due to unique circumstances existing on the property, but rather is due to business preferences in terms of building design and perceived vulnerability to crime.

Staff Recommendation

Staff recommends **denial of A-10-068,** because the findings of fact have not been satisfied as presented above. The subject property does not possess any unique characteristics that would create an undue hardship due to literal enforcement of window/public entry façade requirement of the Northeast Gateway Corridor Overlay District. Furthermore, the applicant has cited only difficulties of a financial and personal nature as cause for the granting of the variance.

Attachments

Attachment 1 – Location Map
Attachment 2 – Plot Plan
Attachment 3 – Submitted Site Plan



Board of Adjustment

Plot Plan for

Case A-10-068

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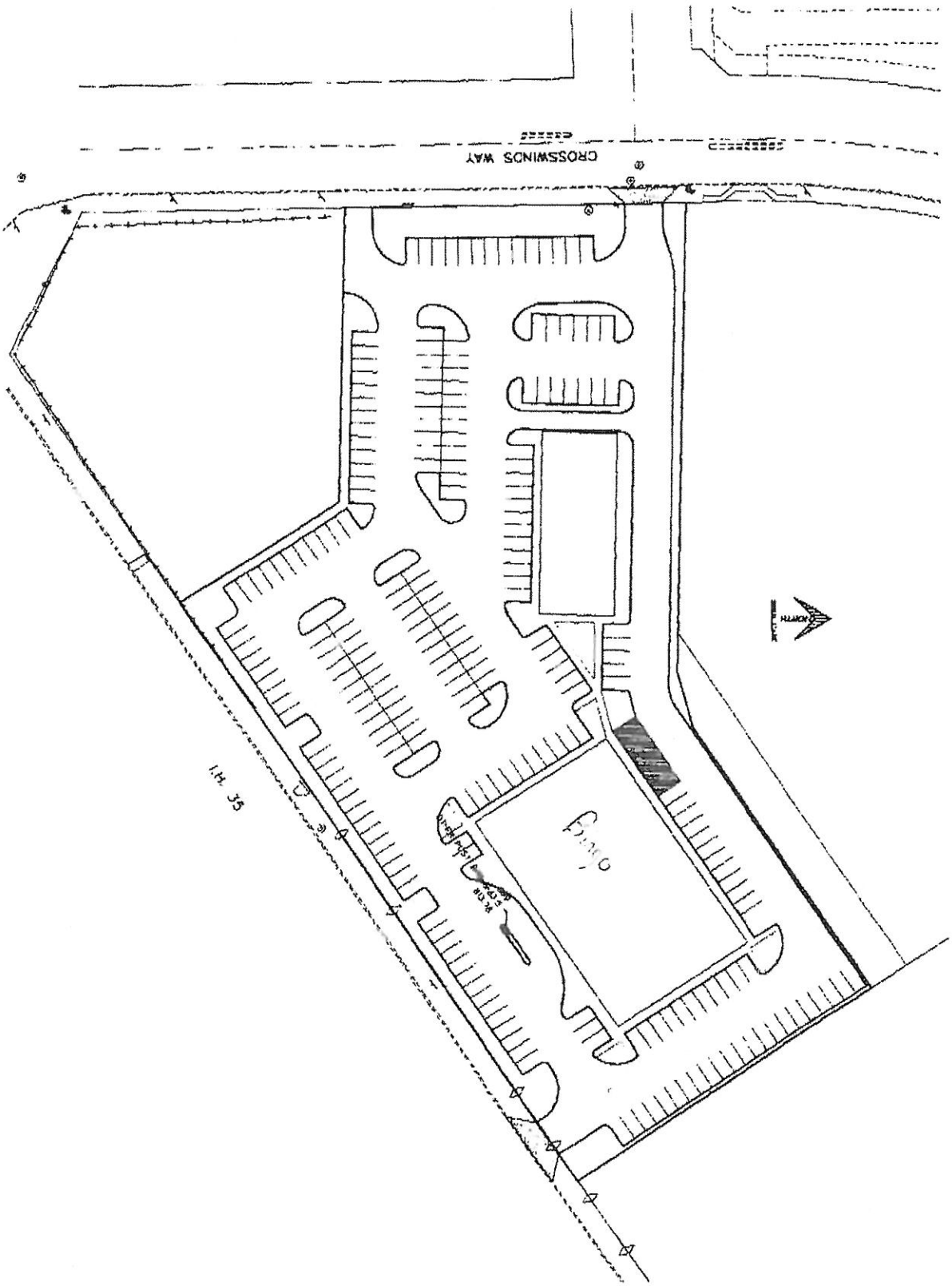
Scale: 1" approx. = 100'
Council District 10

11123 IH 35

Planning and Development Services Dept
City of San Antonio
(8/31/2010)



BINGO PARLOR
SAN ANTONIO, TEXAS
SITE PLAN

MACINA • MYAF • DAPELANO & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS