

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, December 15, 2014

1:00 P.M.

Cliff Morton Development and Business Services Center

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 Development Services Department website (www.sanantonio.gov/dsd), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance.
4. **A-14-077:** The request of RIO Perla Properties, L.P. for a 5-foot variance from the maximum 6-foot height, as required by the River Improvement Overlay, to allow a freestanding pole sign 11 feet in height, encroaching into the Avenue A right of way located at 610 Avenue A. (Council District 1)
5. **A-15-023:** The request of Aetna Sign Group for a 50 foot variance from the minimum 200 foot spacing, as required in the Bulverde Road Preservation Corridor Overlay, to allow a sign 150 feet from another sign located at 17614 Bulverde Road. (Council District 10)
6. **A-15-025:** The request of James Dacy a 23 foot 9 inch variance from the 50 foot height maximum as required in the Urban Corridor Overlay, to allow a single-tenant expressway sign 73 feet 9 inches tall located at 11010 IH 10 West. (Council District 8)
7. **A-15-015:** The request of Gilberto Ramirez for 1) a 25 foot variance from the 30 foot rear setback requirement to allow an accessory commercial structure five feet from the rear property line and 2) a request for the elimination of the required 15 foot bufferyard between a commercial property and a residential property located at 1825 Palo Alto Road. (Council District 4)
8. **A-15-020:** The request of Armando Torres Sr for a two and a half foot variance from four foot maximum predominately open fence height to allow a wrought iron fence that is up to six and a half feet tall in the front yard located at 2914 Dall Trail. (Council District 7)
9. **A-15-021:** The request of Maria Calderon for a two foot variance to the four foot maximum to allow a six foot tall predominately open fence in the front yard located at 406 NW 39th Street. (Council District 5)
10. **A-15-024:** The request of Daniel Alvarado for a two foot variance from the four foot maximum predominately open fence height to allow a six foot tall wrought iron fence in the front yard located at 1803 W Mally Boulevard. (Council District 4)

Board of Adjustment Membership

Andrew Ozuna, District 8, Chair
Mary Rogers, District 7, Vice Chair
Frank Quijano, District 1 • Alan Neff, District 2 • Gabriel Velasquez, District 3 • George Britton, District 4
Maria Cruz, District 5 • Jesse Zuniga, District 6 • John Kuderer, District 9 • Roger Martinez, District 10
Gene Camargo, Mayor

Alternate Members

Harold Atkinson • Paul E. Klein • Henry Rodriguez • Lydia Fehr • Jeffrey Finley • Christopher Garcia

11. **A-15-019:** The request of Canda Corie Boldt & Frederick Hutt for a 1) a 36 foot variance from the minimum 36 foot garage setback; and 2) a variance from the requirement for a front sidewalk as specified in the Mahncke Park Neighborhood Conservation District Residential Design Standards, to allow a garage in front of the principal building and the elimination of a sidewalk, located at 811 Old Austin Road. (Council District 2)
12. **A-15-026:** The request of Ricardo Valdes for 1) a 15 foot variance from the minimum 20 foot rear yard setback; and 2) a 4 foot variance from the minimum 5 foot side yard setback to allow an attached dwelling 5 feet from the rear property line, 1 foot from the side property line, located at 4607 and 4609 Howard Street. (Council District 1)
13. Approval of the December 1, 2014 Board Meeting Minutes
14. Announcements and 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) 207-7268 or 711 (Texas Relay Service for the Deaf).

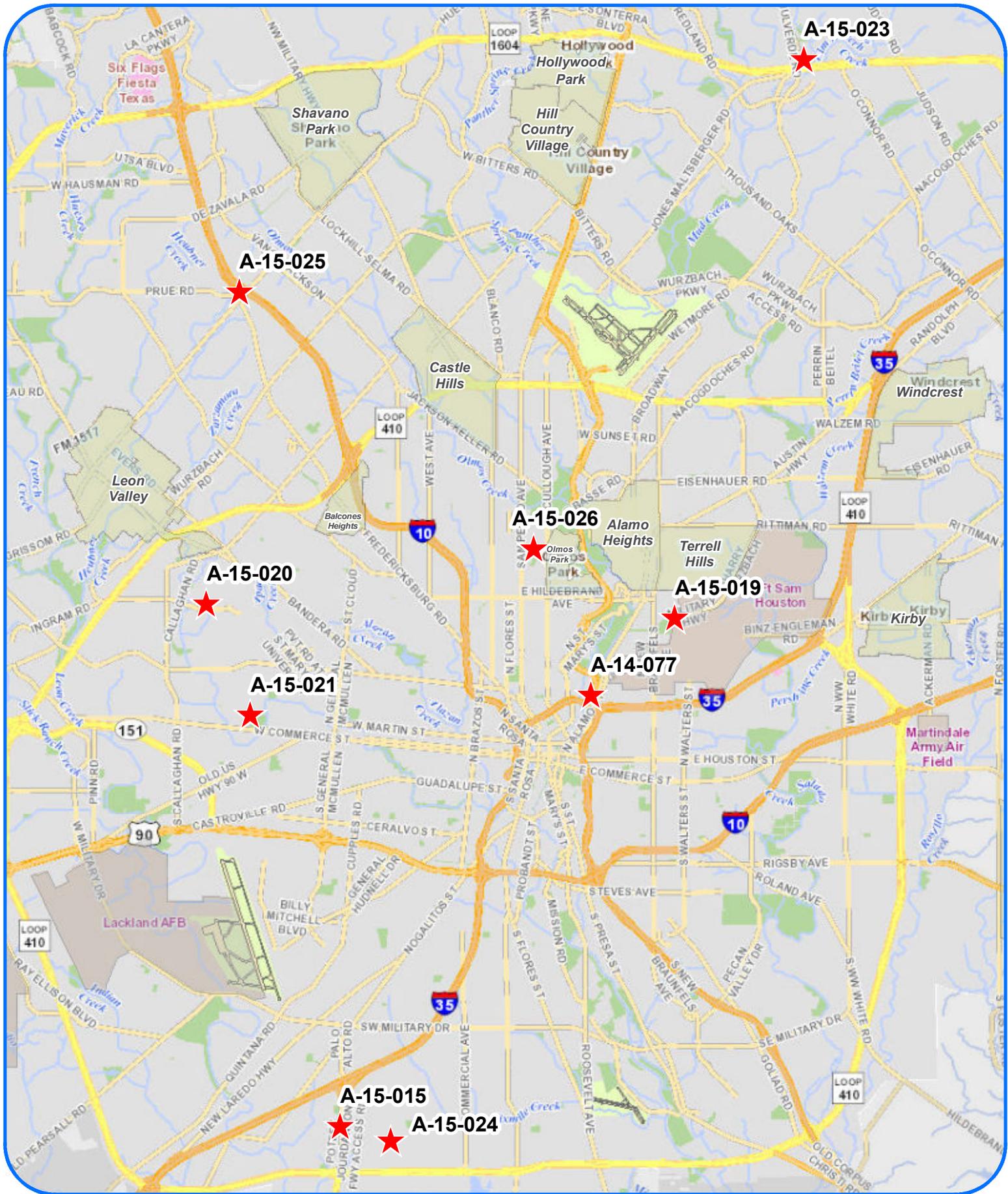
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210) 207-7268 o al 711 (servicio de transmitir para sordos).

Board of Adjustment Membership

*Andrew Ozuna, District 8, Chair Mary Rogers, District 7, Vice Chair
Frank Quijano, District 1 • Alan Neff, District 2 • Gabriel Velasquez, District 3 • George Britton, District 4
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Gene Camargo, Mayor*

Alternate Members

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Board of Adjustment

Subject Property Locations
Cases for 1st December 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-077
Date: December 15, 2014
Applicant: Jill Giles
Owner: Rio Perla Properties, LP
Council District: 1
Location: 610 Avenue A
Legal Description: Lot 2, Block 2, NCB 14164
Zoning: "HL IDZ RIO-2 AHOD" Historic Landmark Infill Development Zone River Improvement Overlay Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 5-foot variance from the maximum 6-foot height, as described in Section 35-678, to allow a freestanding pole sign 11 feet in height, encroaching into the Avenue A right of way.

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 December 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is a restaurant located on Avenue A within the boundaries of an area now known as *The Pearl*. The area is named after the historic Pearl brewery that operated for 100 years. The restaurant is in one of the many historic structures at The Pearl, a home built in the early 1900's by one of the German Brewmasters at the brewery. The property is designated as a Historic Landmark, because of its architectural character and the importance of its original residents.

The entire area is also recognized for its proximity to the San Antonio River and encumbered by the “RIO” River Improvement Overlay zoning district. This overlay district was created to *protect, preserve and enhance* properties near the river and *prevent negative impacts caused by incompatible and insensitive development*. To that end, all development within a RIO district must be reviewed by the Historic Design & Review Commission (HDRC). This particular sign was reviewed and approved by the HDRC, with a notation that the height required a variance from the Board. Section 35-678 of the Unified Development Code describes regulations for signs within the RIO overlay districts and limits freestanding signs to 6 feet in height and 50 feet in sign area. The HDRC is given authority to modify the sign area within Section 35-678, but cannot increase allowable height.

Another component of this sign is that it is located within the public right of way. When the plat was prepared creating the lot for the historic home, Avenue A right of way improvements had already been constructed. These improvements included angled cut-back parking in front of the house. An 8 foot wide pedestrian easement was dedicated on the property between the home and the parking where a wide sidewalk was constructed. This urban design tool creates the walkable environment desired in *The Pearl* but also creates a conflict for pole signage in front of a business. The applicant has applied for an encroachment permit from the City’s Real Estate Division to gain approval for the proposed sign location.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ HL RIO-2 AHOD” Historic Landmark Infill Development Zone River Improvement Overlay Airport Hazard Overlay District	Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 RIO-2 AHOD” General Commercial Infill Development Zone Airport Hazard Overlay Districts	Billboard & Utilities
South	“IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay Airport Hazard Overlay District	Apartments
East	“IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay Airport Hazard Overlay District	Freeway/Parking
West	“IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay Airport Hazard Overlay District	Mixed Use

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Tobin Hill Neighborhood Plan, adopted by the City Council in February of 2008. The future land use plan designated this area for a mix of land uses. The subject property is located within the boundaries of Tobin Hill Community Association, a registered neighborhood association. As such, they were notified and asked to comment.

Criteria for Review

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

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

The public interest is defined as the general health, safety and welfare of the public at large. **The applicant states that the variance places the bottom of the sign well above the “head height” of the pedestrian, and out of the clear vision area for cars exiting the driveway.**

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

Literal enforcement of the regulations would require the owner to install the 6 foot high pole sign flush up against the open porch, blocking light and air of those eating on the porch. **The additional height and location within the landscaped bulb-out makes the sign visible to people from either end of the block.**

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

In this case, **the applicant asserts that the spirit of the ordinance is preserved by the historic character of the sign itself, complimenting the village scale of the neighborhood.**

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 “HL IDZ RIO-2 AHOD” Historic Landmark Infill Development Zone River Improvement Overlay Airport Hazard Overlay 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 proposed variance will allow a freestanding pole sign on a block of mostly residential land uses and very few other signs. The attractive sign with a carved wooden pig was approved by the HDRC and does not alter the character of the district.

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

The applicant states that the need for the variance was created by the pedestrian easement on their front property area. A 6 foot tall sign could easily be vandalized and block visibility of vehicular movements within the cut-back parking area.

Alternatives to Applicant's Request

The alternative to the applicant's request is to eliminate the pole sign.

Staff Recommendation

Staff recommends **approval of A-14-077** based on the following findings:

1. The requested variance will allow the applicant to identify the business to passersby and visitors trying to locate it for the first time.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 3 – Site Photos

Attachment 1 Notification Plan



NEW!
Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case No A-14-077



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 1

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 1
Notification Plan (continued)**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case No A-14-077**



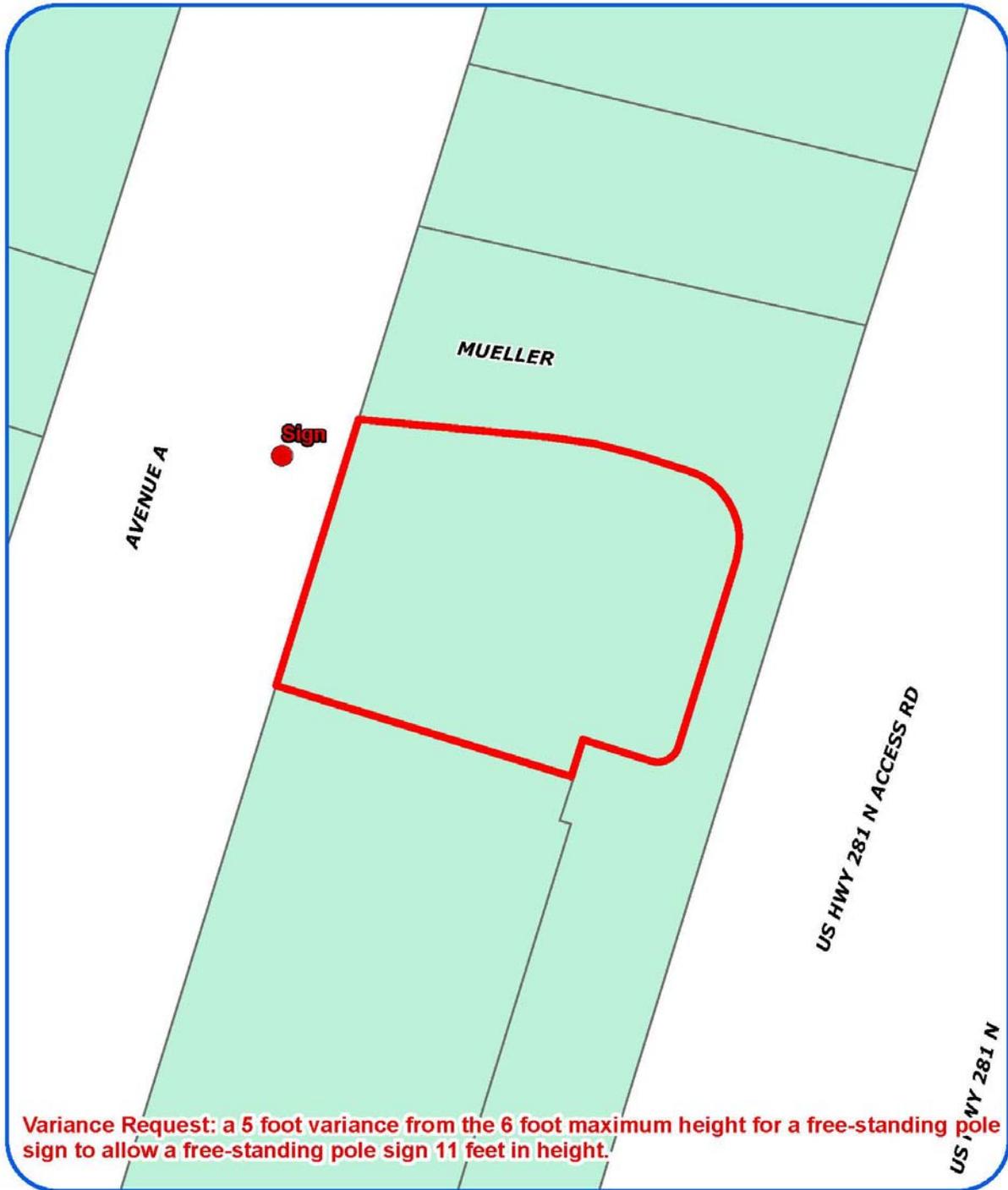
- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 1 



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Deane Kpeme at Services Department
City of San Antonio

Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-077



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 1

610 Avenue A ^{1/300}

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request: a 5 foot variance from the 6 foot maximum height for a free-standing pole sign to allow a free-standing pole sign 11 feet in height.

Board of Adjustment
Plot Plan for
Case No A-14-077

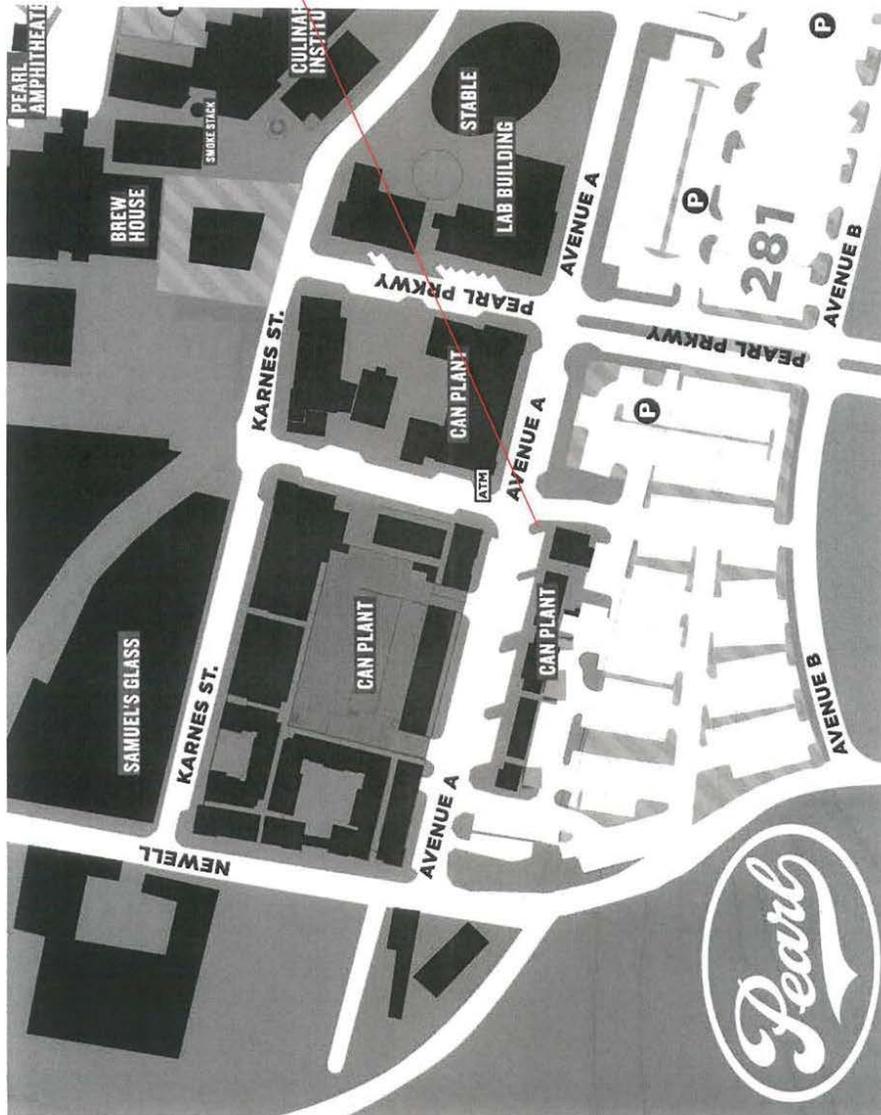


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Council District 1

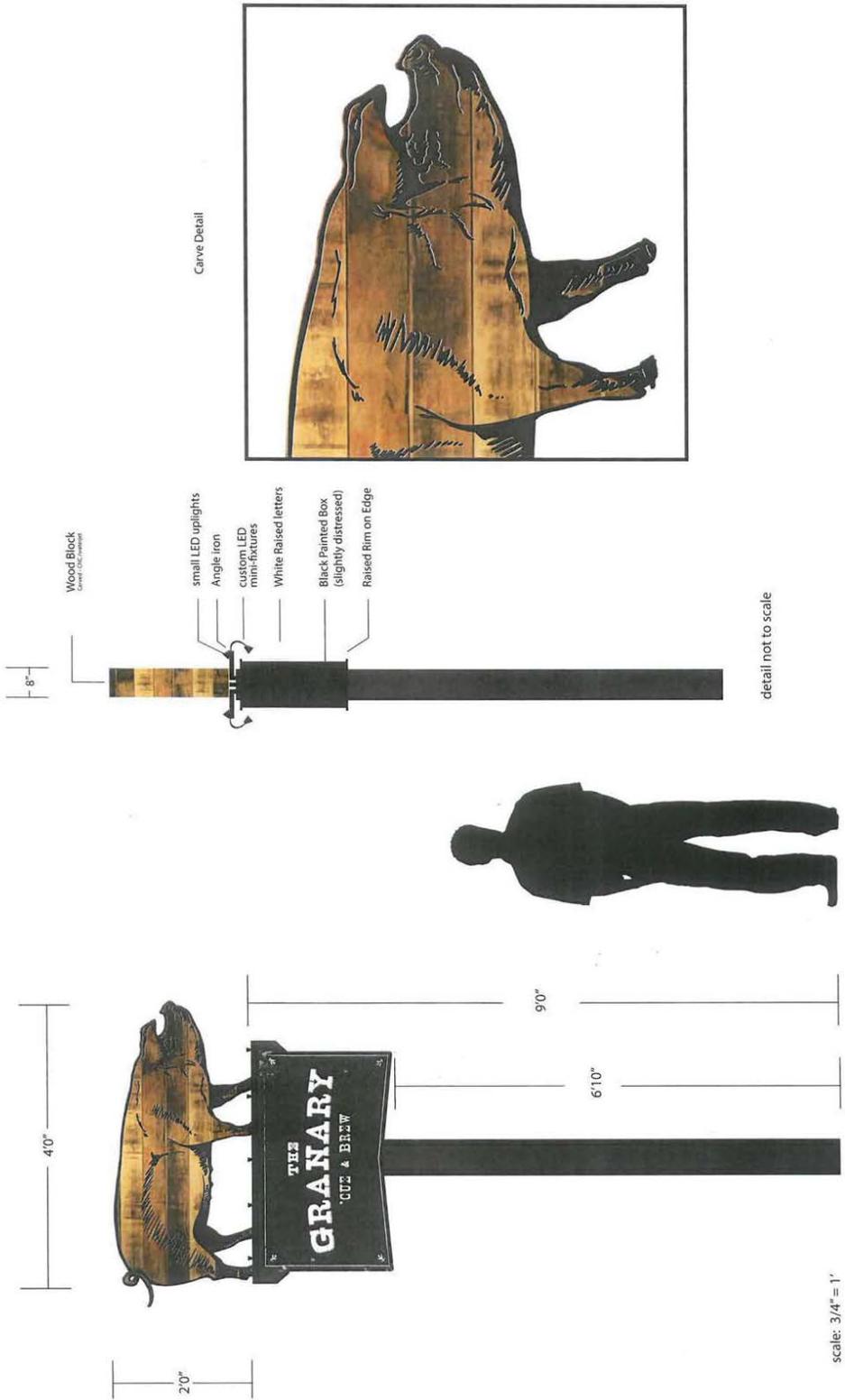
610 Avenue A 1:300

Deane Kpeme et al. Services Department
City of San Antonio

Attachment 3 Site Plan



Attachment 3 (continued)



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-023
Date: December 15, 2014
Applicant: Aetna Sign Group
Owner: BUL-1604 LTD.
Council District: 10
Location: 17614 Bulverde Road
Legal Description: Lot 5, Block 10, NCB 17728
Zoning: "C-2 PC-1 ERZD" Commercial Bulverde Road Preservation Corridor
Overlay Edwards Aquifer Recharge Zone District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 50-foot variance from the minimum 200 foot spacing, as described in Section 35-339.01 of the Unified Development Code, to allow a sign 150 feet from another sign, and amend a previously approved master sign plan.

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 December 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north east corner of the intersection of Loop 1604 and Bulverde Road. It was the subject of a sign master plan agreement, approved by the Board of Adjustment in September of 2008. At that time, 13 signs were presented to the Board for a total reduction in overall sign area of over 2,000 square feet and reduction in height of 245 feet. The 18 acre site was being planned for a Lowe's, but the economic downturn forced them to

discontinue expansion plans. As such, the center lost its anchor tenant and development on the site was interrupted.

Sign Master Plan Agreement

The sign master plan constitutes an agreement between the city and the commercial property owners for some flexibility as well as elimination of the distinction between on and off premise signage. Since the sign master plan was approved prior to the adoption of the overlay zone, the applicant has non-conforming rights to maintain the size and height as approved. Regarding the subject sign, it was shown as a single tenant sign near one of the major entrances into the shopping center. It was approved to be 25 feet in height, with 150 square feet of sign area. This size was repeated in 9 of the 13 approved signs; 4 signs on Bulverde and 5 signs on the Loop 1604 frontage road. The applicant is now rearranging the signage on the site and requesting authorization to move one from the Loop 1604 frontage over to the Bulverde Road frontage, with less than the required spacing between signs. A 50 foot variance is required to allow the sign to be 150 feet from another one of the approved signs.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Overlay Edwards Aquifer Recharge Zone District	vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Overlay Edwards Aquifer Recharge Zone District	Vacant
South	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Overlay Edwards Aquifer Recharge Zone District	Bank
East	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Overlay Edwards Aquifer Recharge Zone District	Vacant
West	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Overlay Edwards Aquifer Recharge Zone District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within North Sector Plan area, adopted in August of 2010. The site is designated for Suburban Tier land uses, consistent with the existing zoning and development plans. There is no registered neighborhood association.

Criteria for Review

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

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

The public interest is defined as the general health, safety and welfare of the public at large. **The applicant states that the development plans for a site this size need flexibility as tenants are identified, making the variance in the public interest.**

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

The property owner has already agreed to a reduction in sign area and height to allow flexibility in sign location. No additional signage is being requested. In addition, the site is elevated above the street by a retaining wall adjacent to the sidewalk, making signage more important.

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

In this case, **the applicant asserts that the spirit of the ordinance is preserved by the honoring the approved sign master plan and allowing the relocation of one of the signs.**

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Overlay Edwards Aquifer Recharge Zone 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 proposed variance will allow an additional sign on Bulverde, but the other signs approved on Bulverde are spaced over 200 feet apart. With the site’s proximity to Loop 1604, and commercial zoning, signs will assist the travelers in locating a business.

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 states that sign location often depends on the needs and demands of the commercial tenant. For this location, development has been delayed since the sign master plan approval in 2008. In addition, the topography causes the site to be elevated well above the street grade, making signage critical to the success of the businesses.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to maintain the approved locations shown in the Sign Master Plan.

Staff Recommendation

Staff recommends **approval of A-15-023** based on the following findings:

1. The requested variance will give the developer the needed flexibility in responding to the demands of future commercial tenants.

Attachments

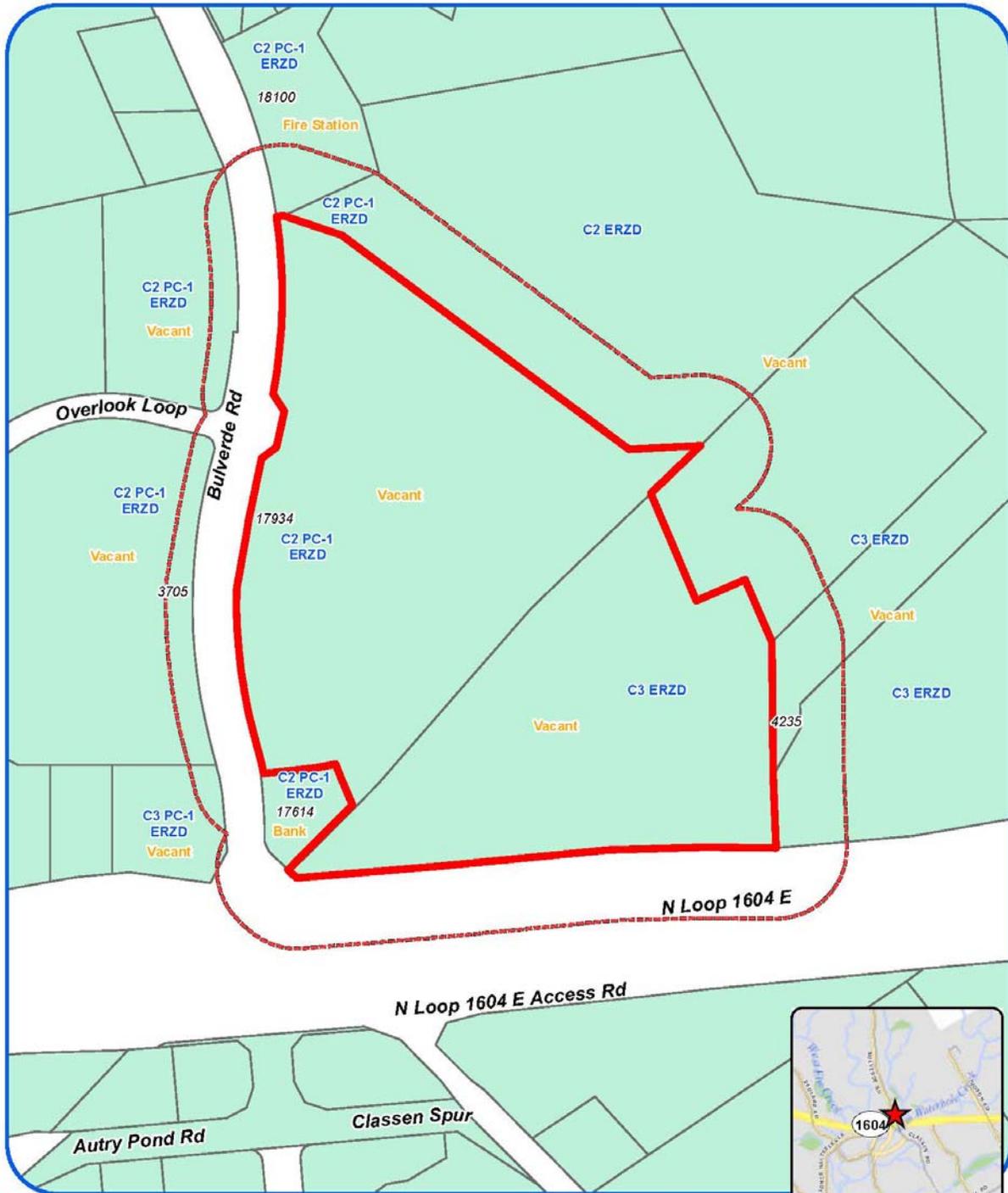
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 3 – Site Photos

Attachment 1 Notification Plan



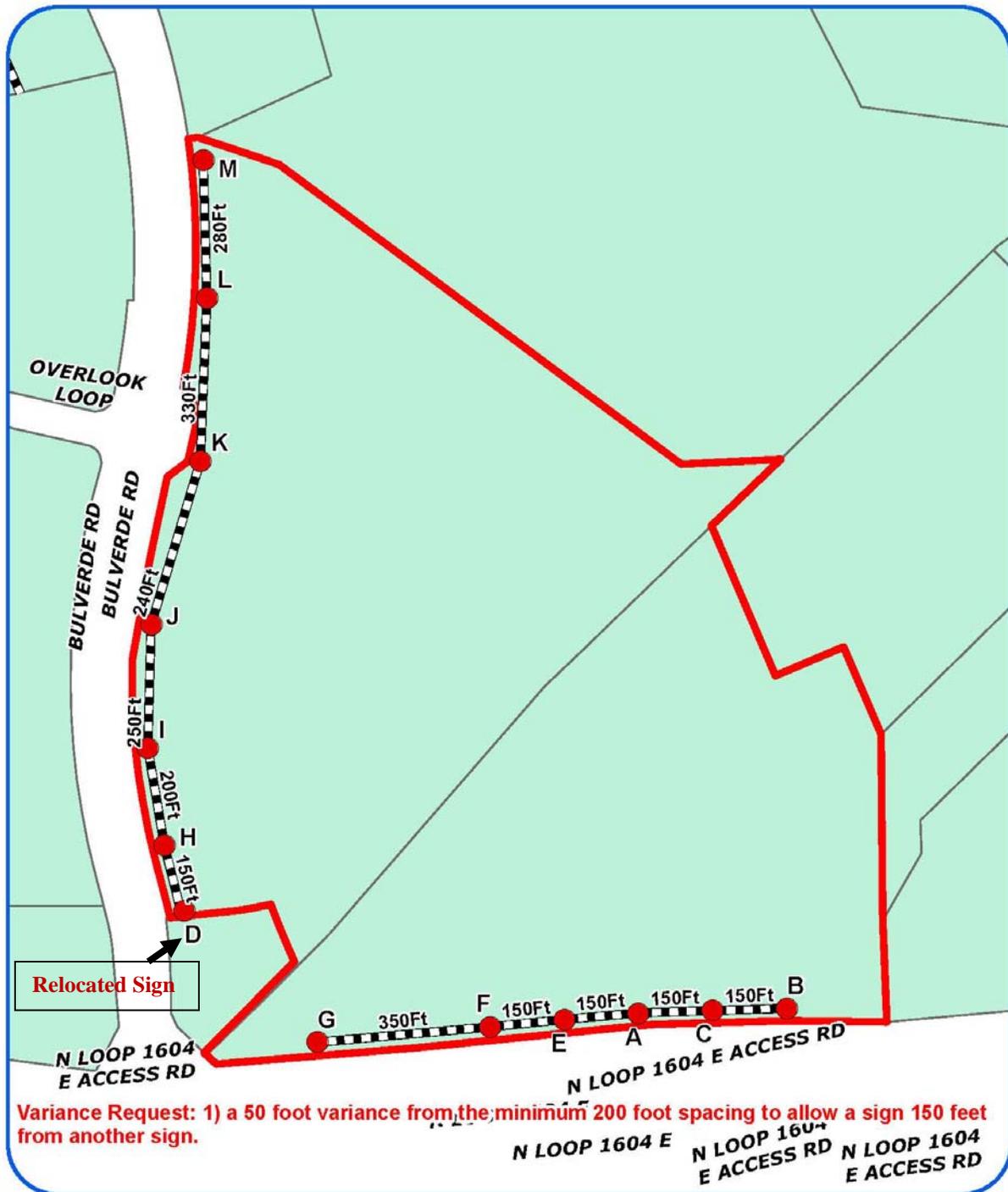
<p>Board of Adjustment Notification Plan for Case No A-15-023</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 10</p>	<p style="text-align: center;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="text-align: right;">Development Services Department City of San Antonio</p>
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**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-15-023</p>		<p>San Antonio City Limits </p>	<p align="center">*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p align="right">Deane Kpeme et Seibers, Department City of San Antonio</p>
		<p>Subject Property </p>	
		<p>200' Notification Boundary </p>	
		<p>Council District 10 </p>	

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-023

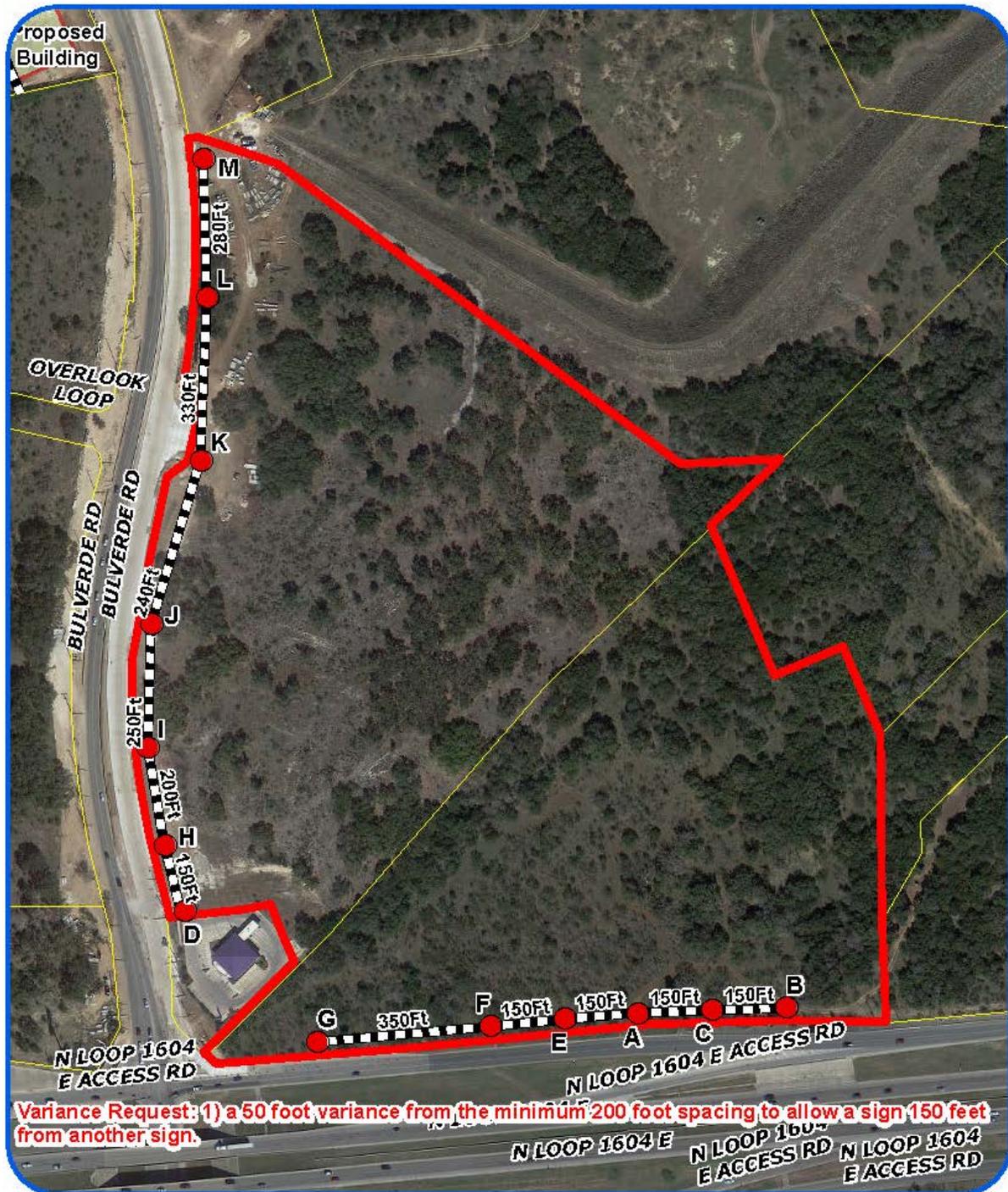


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 10

17614 Bulverde Rd

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan (continued)**



Board of Adjustment
Plot Plan for
Case No A-15-023

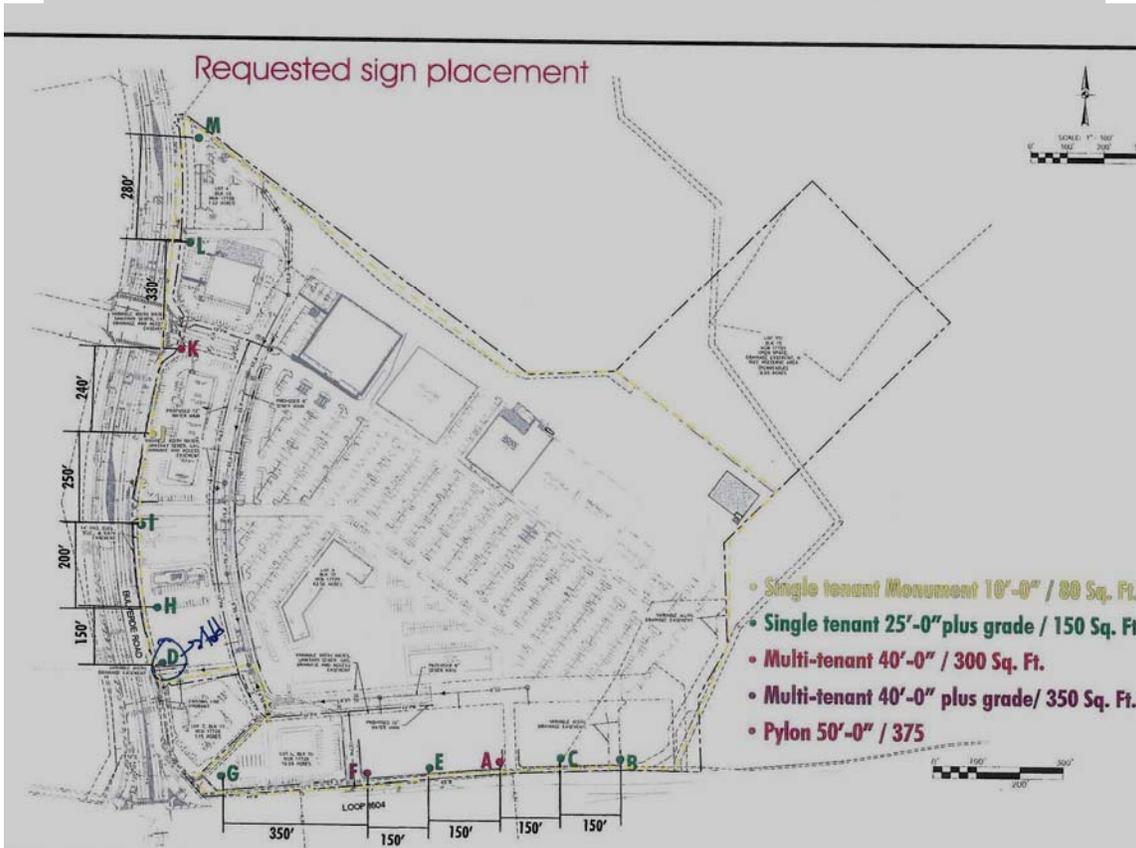
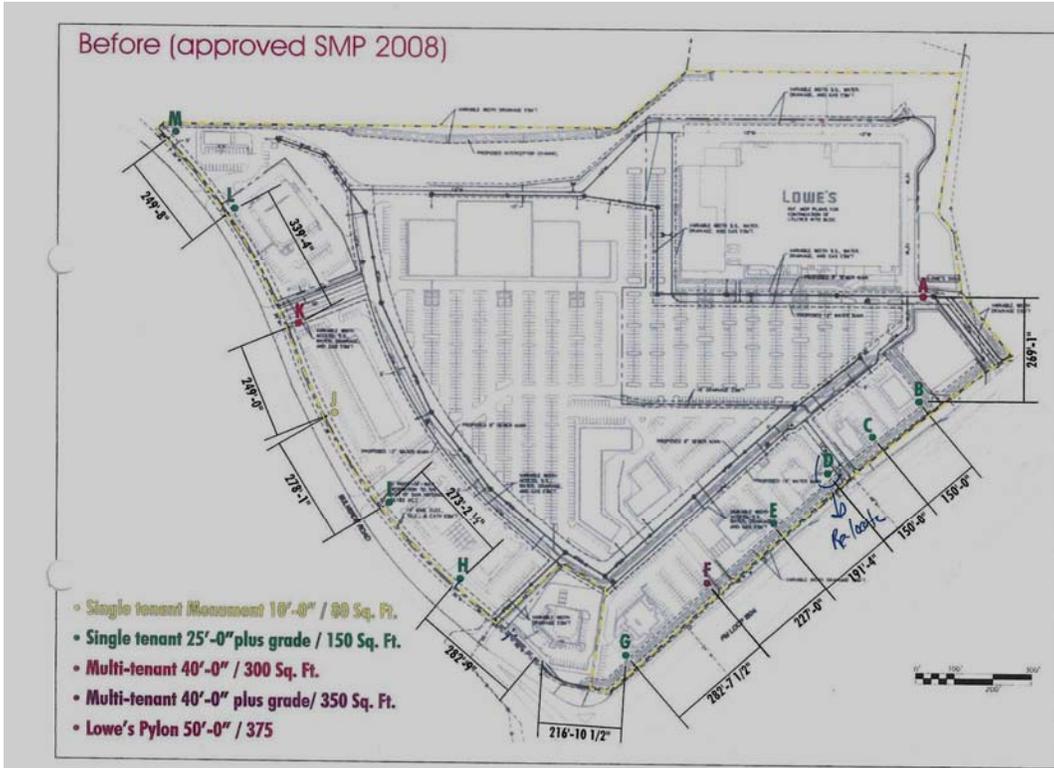


"NOT TO SCALE,
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Council District: 10

17614 Bulverde Rd

Deane Kpeme et al. Services Department
City of San Antonio

Attachment 3 Site Plan



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-025
Date: December 15, 2014
Applicant: James Dacy
Owner: R A Hotel Investments LTD
Council District: 8
Location: 11010 IH 10 W
Legal Description: Lot 5, Block 1, NCB 14863
Zoning: "C-3" General Commercial District
Prepared By: Logan Sparrow, Planner

Request

A request for a 23 foot 9 inch variance from the 50 foot height maximum as described in Section 28-239 to allow a single-tenant expressway sign 73 feet 9 inches tall in the Urban Corridor.

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 November 25, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 11010 IH 10 W approximately 348 feet northwest of Huebner Road, within the Urban Corridor. The applicant is seeking a variance to allow an existing single-tenant, expressway sign to remain 73 feet and 9 inches tall. The current owners bought and remodeled the hotel and feel that the additional height is critical to the success of the newly renovated business. Per Section 28-239 of the San Antonio Sign Code the tallest height permitted for a single-tenant expressway sign is 50 feet. During field visits to the subject property staff noted that, should the sign comply with the standard and drop to 50 feet tall, that the entire sign

would be obscured from the view of traffic by an existing “Cracker Barrel” sign. The Board of Adjustment should also consider that while the applicant is asking to keep the additional height, he has proposed a sign that is only 215 square feet in area, significantly less than the 375 square feet which is permitted by the chapter.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3” General Commercial District	Hotel

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3” General Commercial District	Restaurant
South	“C-3” General Commercial District	Restaurant
East	UZROW	IH-10 W Frontage
West	UZROW	Frederickburg Road

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any neighborhood plan. The subject property is not within the boundaries of any registered neighborhood association.

Criteria for Review

Pursuant to Section 28-247 of *Chapter 28: Signs and Billboards* of the City Code, 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*

Should the Board of Adjustment deny the applicants request for the variance it is very likely that the hotel will experience a cessation of longstanding, active commercial use. The applicant indicated that the majority of his customers do not make reservations ahead of time. Most of his customers stop off to stay the night while on long road trips along Interstate 10. Those who stay at the hotel exit nearly a mile before it and rely on the tall signage to guide them to hotel. Because the hotel is set back from the street nearly 150 feet, and covered by dense vegetation, the hotel easily could be missed without the proposed signage.

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 applicants requested signage would allow the owner of the property to advertise his business, a privilege enjoyed by others along the street. Should the applicant's request be denied, he would be the only business along that section of frontage to have their sign obscured by another. As such, the requested variance serves to provide the same privilege enjoyed by others.

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

It is unlikely that neighboring property owners will be negatively affected by the proposed signage. The applicant is requesting the variances such that the property can be marketed to those travelling along Interstate 10 searching for a hotel.

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

The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs. The owner is proposing the variances to make the property more visible, and to maintain longstanding, active commercial use of the property. As such, the requested variance will not come into conflict with the stated purposes of the article.

Alternative to Applicant's Request

The applicant needs to remove 27 feet and 9 inches of the sign height to come into compliance with the standards established by the chapter.

Staff Recommendation

Staff recommends **approval of A-15-025** based on the following findings of fact:

1. The proposed signage is necessary to allow longstanding, active commercial use of the property;
2. The proposed signage is unlikely to harm adjacent properties;
3. The proposed signage does not conflict with the stated purposes of the chapter.

Attachments

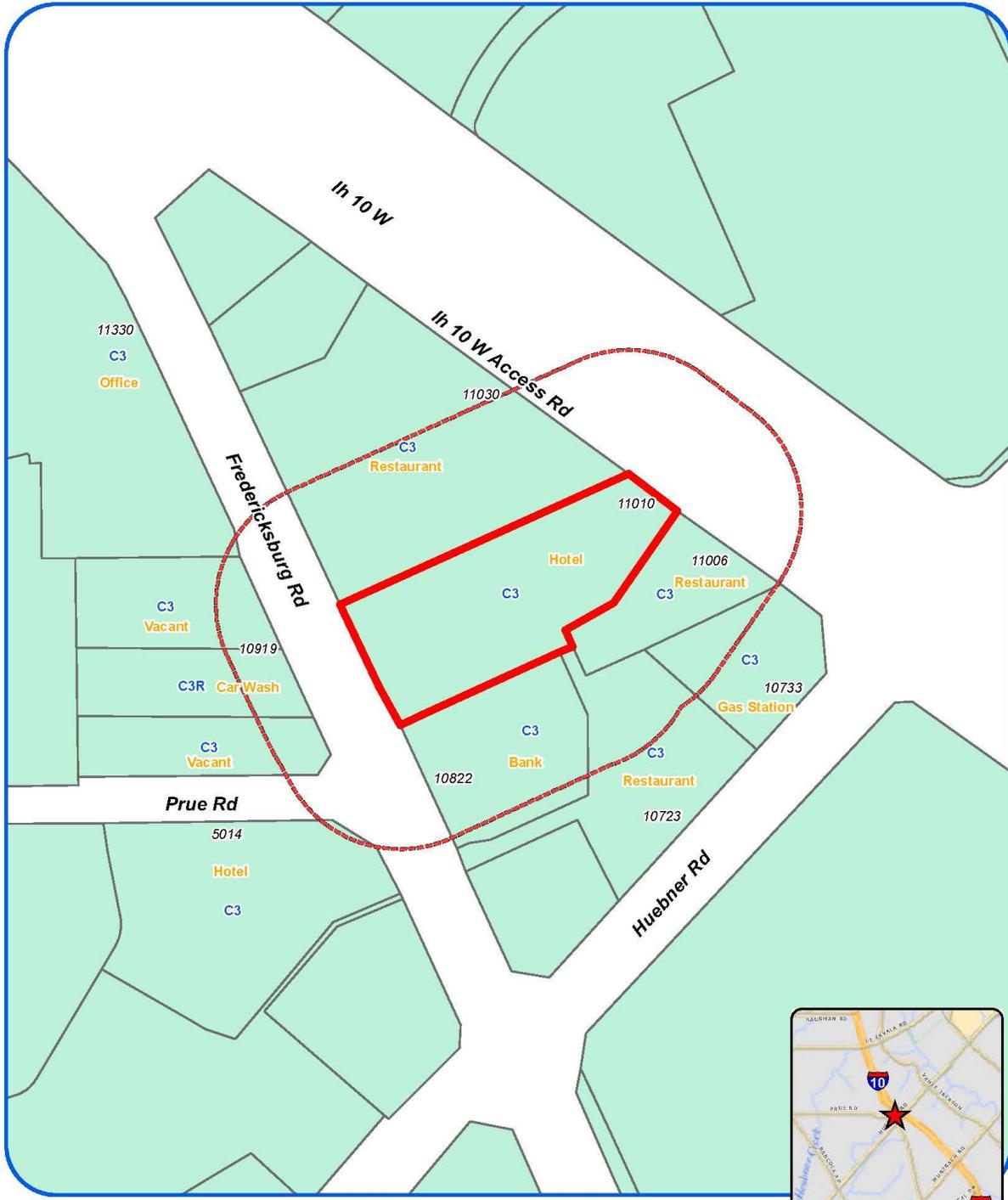
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

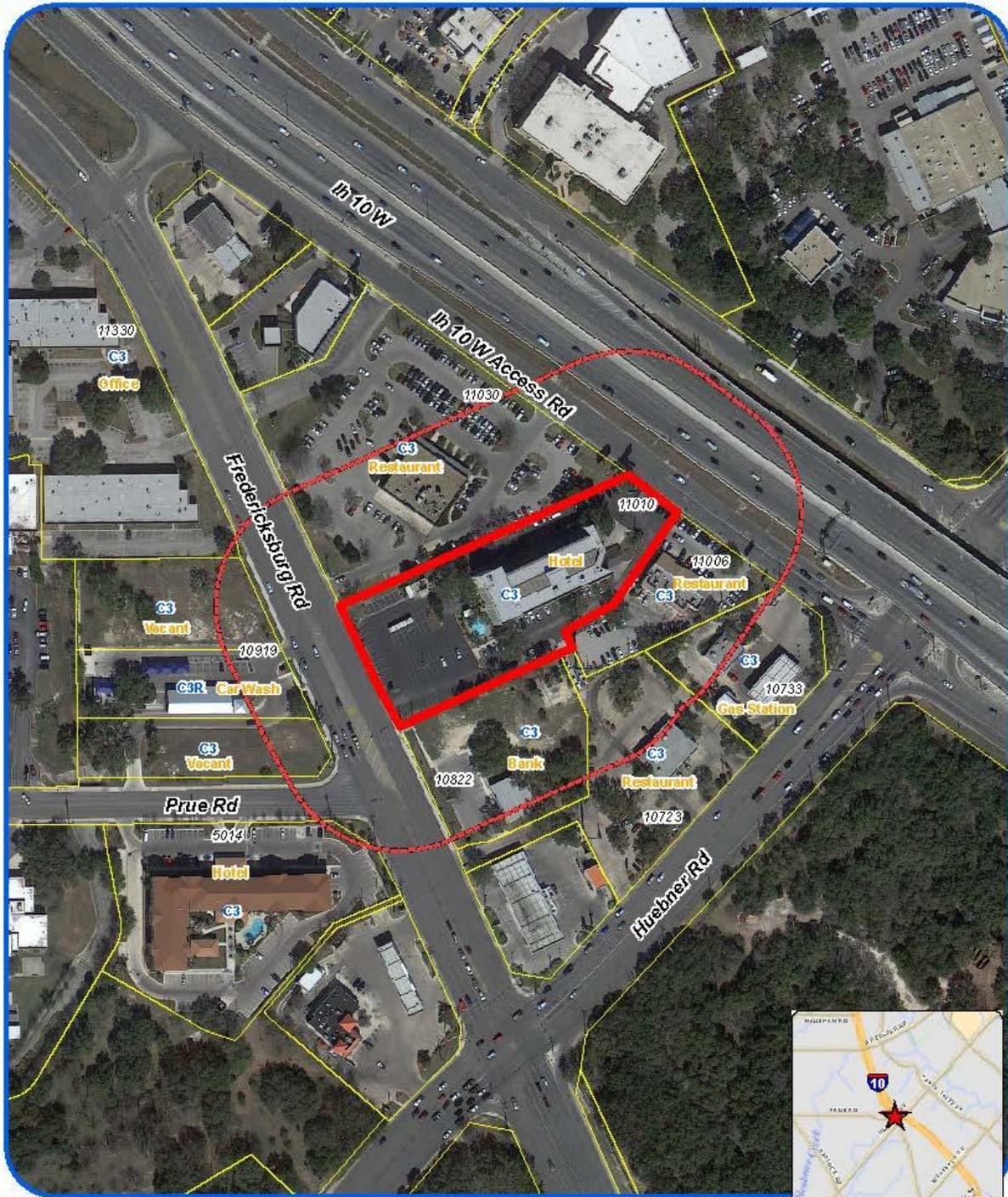
Attachment 4 – Site Photos

Attachment 1 Notification Plan



<p>Board of Adjustment Notification Plan for Case No A-15-025</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 8</p>	<p style="text-align: center;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="text-align: center;">Development Services Department City of San Antonio</p>
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**Attachment 1
Notification Plan (continued)**



**Board of Adjustment
Notification Plan for
Case No A-15-025**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 8



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Deane Kpeme at Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request: 1) a 23 foot 9 inch variance from the 50 foot height maximum to allow a single-tenant expressway sign 73 feet 9 inches tall.

Board of Adjustment
Plot Plan for
Case No A-15-025

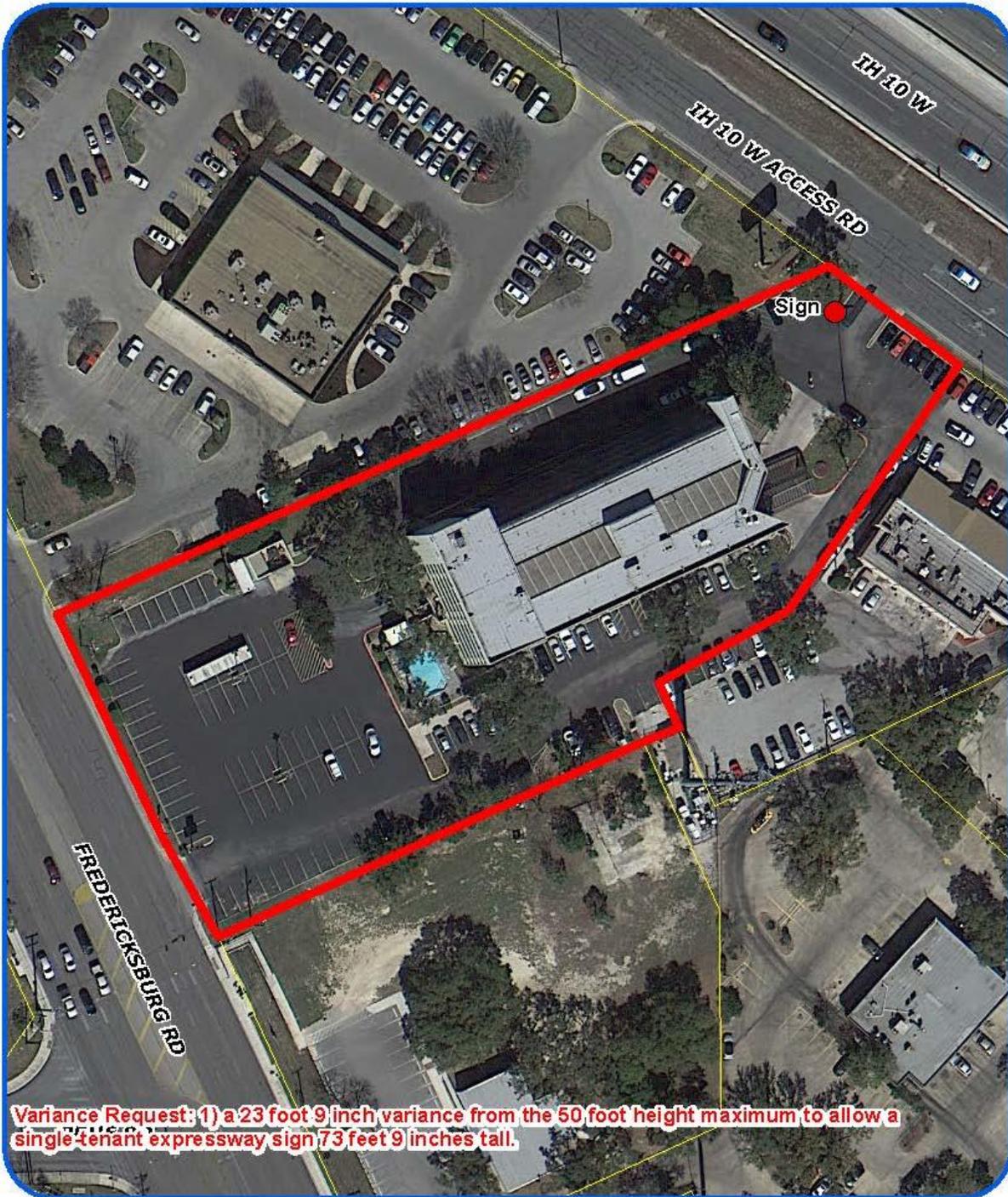


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 8

11010 IH10 W

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request: 1) a 23 foot 9 inch variance from the 50 foot height maximum to allow a single-tenant expressway sign 73 feet 9 inches tall.

Board of Adjustment
Plot Plan for
Case No A-15-025

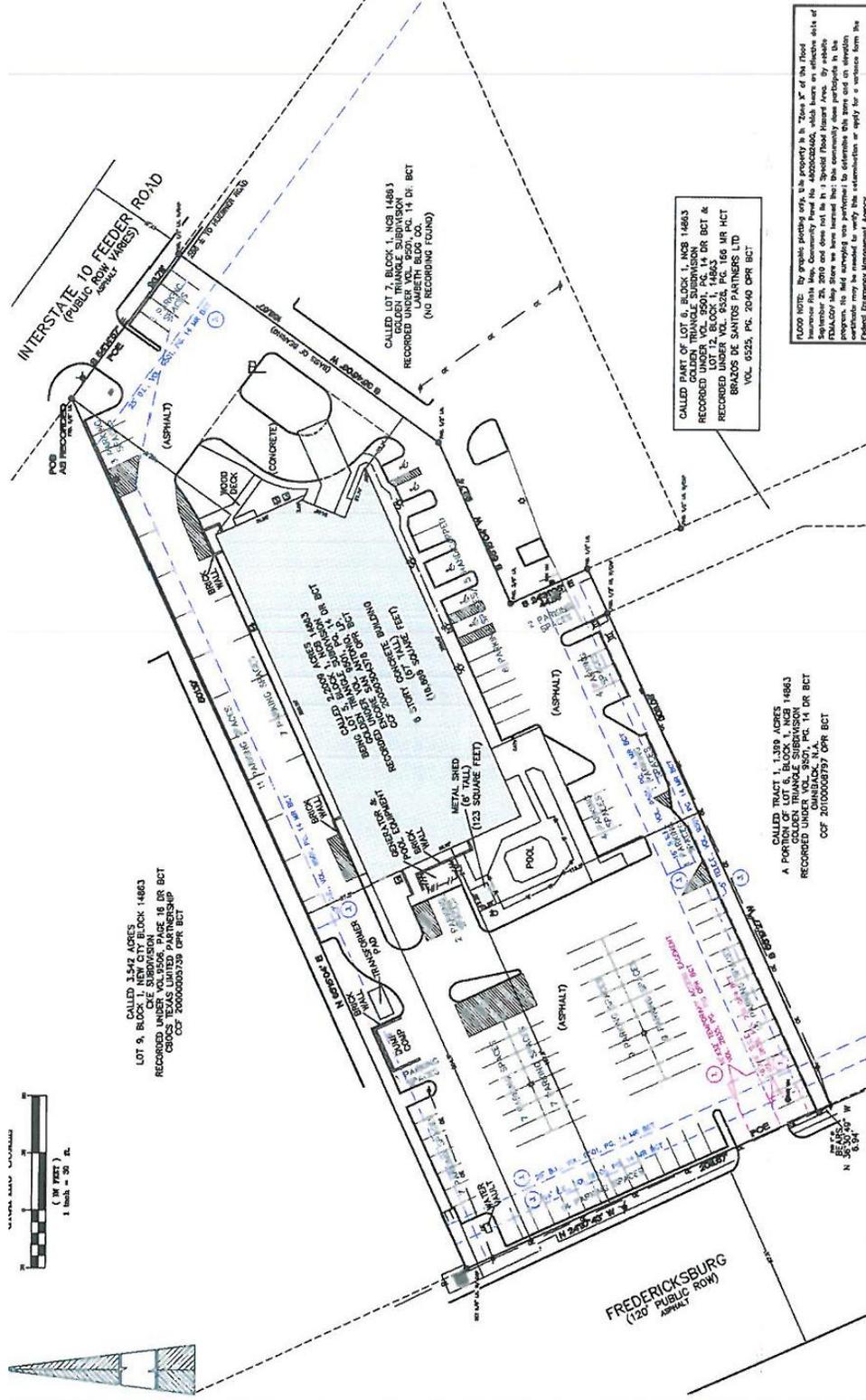


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 8

11010 IH10 W

Public Works Department
City of San Antonio

Attachment 3 Applicant's Site Plan



FLOOD NOTE: The applicant hereby certifies that the property is in "Zone X" of the Flood Insurance Rate Map, Community Panel No. 4020202005, which has an estimated date of September 28, 2010 and does not lie in a Special Flood Hazard Area. By submitting this application, the applicant certifies that the community does participate in the FEMA/CDFR program. The applicant hereby certifies that the information provided in this application is true and correct to the best of their knowledge and belief. The applicant understands that the information provided in this application may be made available to the public and that the information may be used for purposes other than those intended by the applicant.

Attachment 4 – Photos Proposed Sign Design



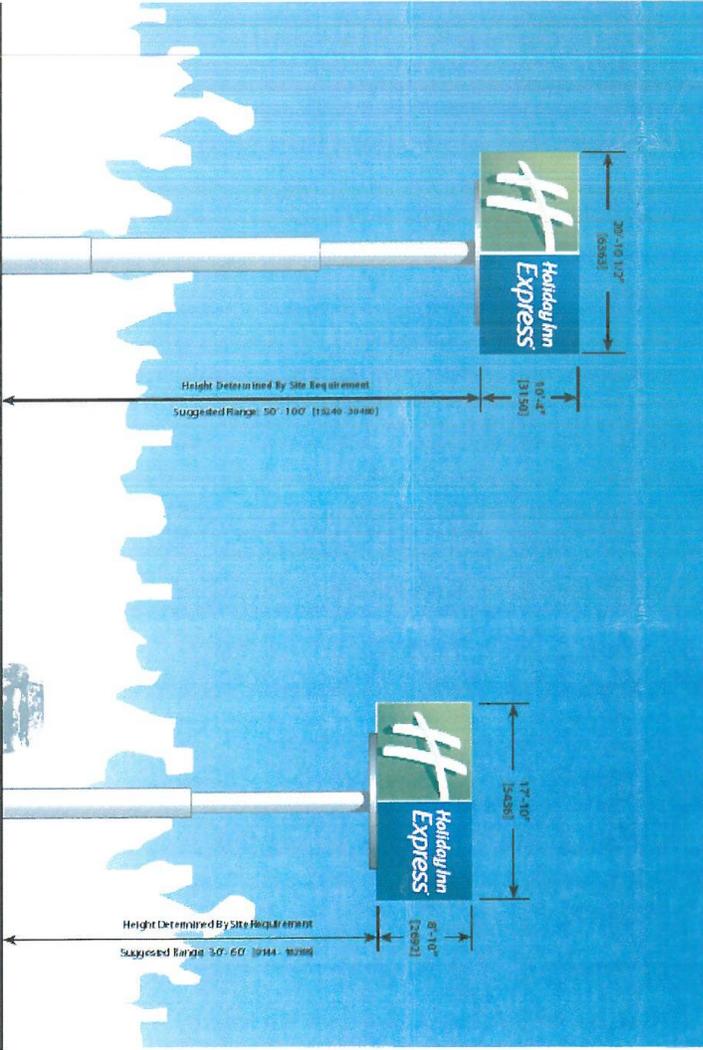
Family of Signs

Ground Signs

Secondary Signs

Highway Signs

Volume 5
Updated
August 1, 2013



Sign Model XHR-217 217 sq ft. [20.16 m²]

Sign Model XHR-159 159 sq ft. [14.77 m²]

Highway Signs – High Rise



Existing sign, if lowered it would be blocked by the restaurant sign



From IH 10 W Frontage, sign currently visible



Approach to hotel from IH 10 W frontage



Hotel is set back nearly 150 feet from frontage road, obscured by trees





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-015
Date: December 15, 2014
Applicant: Gilberto Ramirez
Owner: Gilberto Ramirez
Council District: 4
Location: 1825 Palo Alto Road
Legal Description: Lot 101, Block 2, NCB 11214
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for 1) a 25 foot variance from the 30 foot rear setback requirement as described in Section 35-310.01 to allow an accessory commercial structure five feet from the rear property line and 2) a request for the elimination of the required 15 foot bufferyard between a commercial and residential 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 November 25, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 1825 Palo Alto Road approximately 206 feet south of Wainwright Street. The applicant is seeking a variance to keep an accessory commercial structure on his property which has already been built, without permits and a variance from the required 15 foot bufferyard which is triggered when a commercial property abuts a residential property. The accessory structure violates the setback requirements triggered when a commercial

property abuts a residential property. The existing accessory structure violates the prohibition against the construction of commercial accessory structures in the rear or side setbacks of commercially zoned properties when they are adjacent to residential lots. Section 35-370(b)(4) states:

Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear setback areas of lots adjacent to residential districts.

Staff noted that the accessory structure easily could be built without violating the setback and bufferyard requirements because of the large site. The “C-3” General Commercial zoning district does not require any front setback. The applicant intends to conduct state vehicle inspections in the accessory structure. It is likely that conducting automotive business in this accessory structure in close proximity to a single-family home will harm the adjacent, conforming property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Auto Tire Repair

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Vacant
South	“C-3 NA AHOD” General Commercial Non-Alcoholic Sales Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Church
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any neighborhood plan. The subject property is not within the boundaries of any registered neighborhood association.

Criteria for Review

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

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

The public interest is defined as the general health, safety, and welfare of the public. In this case the public interest would be represented by the prohibition against accessory structures within

the rear and side setbacks of commercial properties and the required bufferyard when those commercial properties are adjacent to residential zones or uses. The public interest is further represented by required minimum setbacks to create separation between commercial and residential uses. In this case the general health, safety, and welfare of the public are not served by the requested variance, rather, it is compromised. If approved, the accessory structure, in which automotive chemicals, lubricants, and tires are stored, would be located only ten feet from a residential structure. This poses an increased risk of fire damage to the nearby home and the family that resides in it. As such, the variance is 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 code would require that the applicant not violate the setback requirements or construct an accessory structure within the rear setback of his property. During field visits staff noted that the subject property has ample space to construct a legal, conforming accessory structure that will meet the demands of the business while still respecting the setback requirements for the protection and welfare of his neighbors. By doing so, the applicant could also provide the required bufferyard. There are no special conditions present that result in unnecessary hardship.

- 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 not be observed as the safety and welfare of the residential properties surrounding the subject property will be compromised. The applicant has sufficient space to construct an accessory structure that meets the needs of his business while respecting the needs of the community. As such, should the Board of Adjustment grant the requested variance, substantial justice will not be done.

- 4. The 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-3 AHOD” General Commercial Airport Hazard Overlay 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 is likely to harm adjacent, conforming properties. Setbacks, and the prohibition against commercial accessory structures in setbacks that abut residential lots, as well as bufferyard requirements, are established to provide greater separation between residential and commercial uses. The requested variances would allow state vehicle inspections to be conducted within ten feet of a single-family home, which would harm the adjacent property. Also, it is likely that allowing such use will negatively impact the character of the community.

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 owner is not due to unique circumstances. The owner built the illegal, nonconforming structure without building permits. Had the applicant applied for a permit the setback and bufferyard violations could have been identified early on and corrected accordingly. There are no unique circumstances that warrant the granting of the requested variance.

Alternative to Applicant's Request

The applicant needs to remove the commercial accessory structure and build it outside of the rear setback and provide the required bufferyard to meet both the needs of his business and his community.

Staff Recommendation

Staff recommends **denial of A-15-015** based on the following findings of fact:

1. There are no unique circumstances that warrant the granting of the variance;
2. It is very likely that adjacent, conforming properties will be harmed by the requested variance;
3. The subject property has ample space to allow for construction of the building without violating the requirements established by the Unified Development Code.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



<p>Board of Adjustment Notification Plan for Case No A-15-015</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 4</p>	<p style="text-align: center;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="text-align: right;">Development Services Department City of San Antonio</p>
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**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-15-015</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 4 </p>	<p align="center">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p align="right">Debra Kpeme at Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Variance Request: 1) a 25 foot variance from the 30 foot rear building setback requirement to allow a commercial building within five feet of the rear property line at 1825 Palo Alto.

Board of Adjustment
Plot Plan for
Case No A-15-015

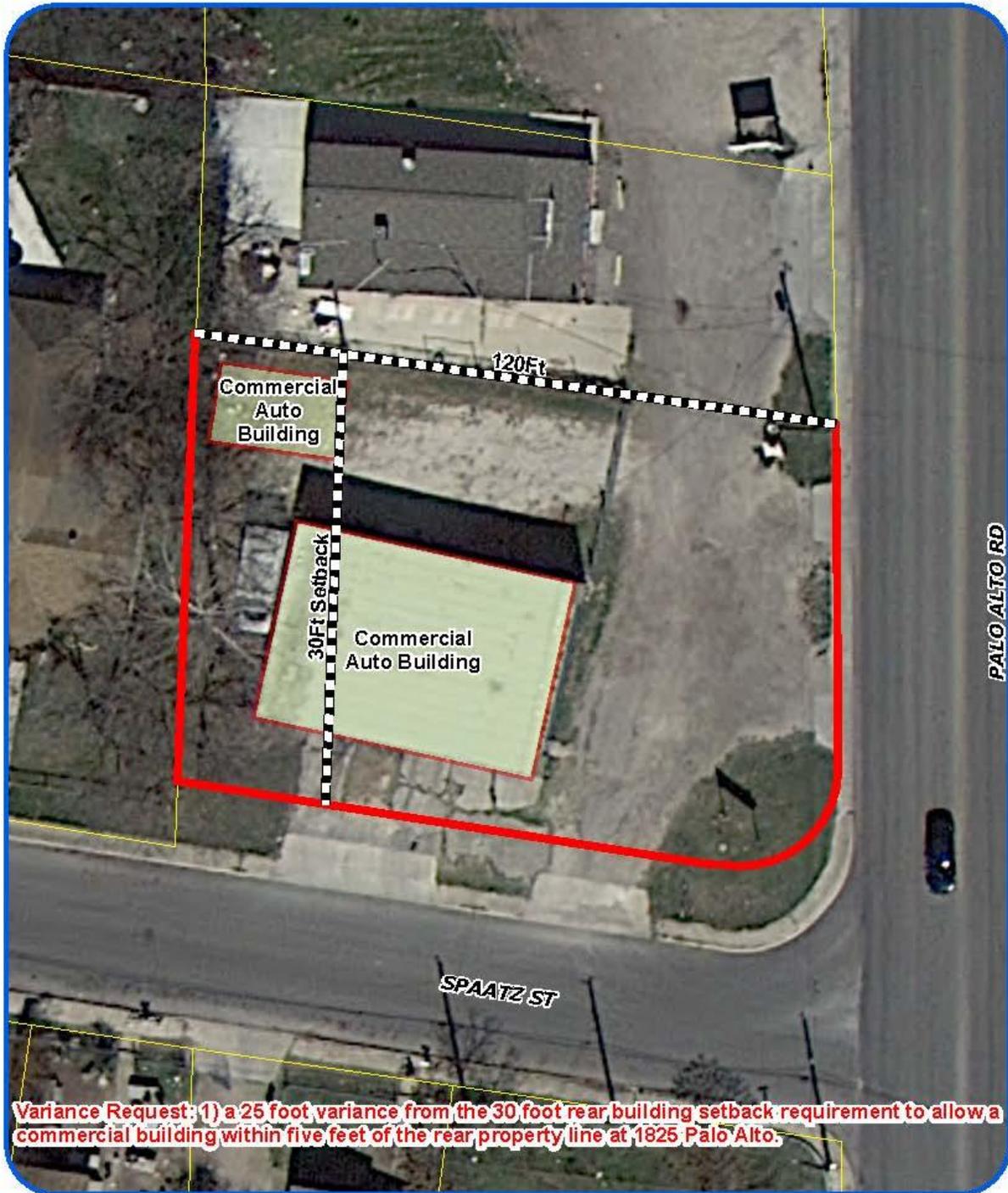


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

1825 Palo Alto

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-15-015



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

1825 Palo Alto

Design & Survey Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**

PLOT PLAN

FOR
BLDG PERMITS

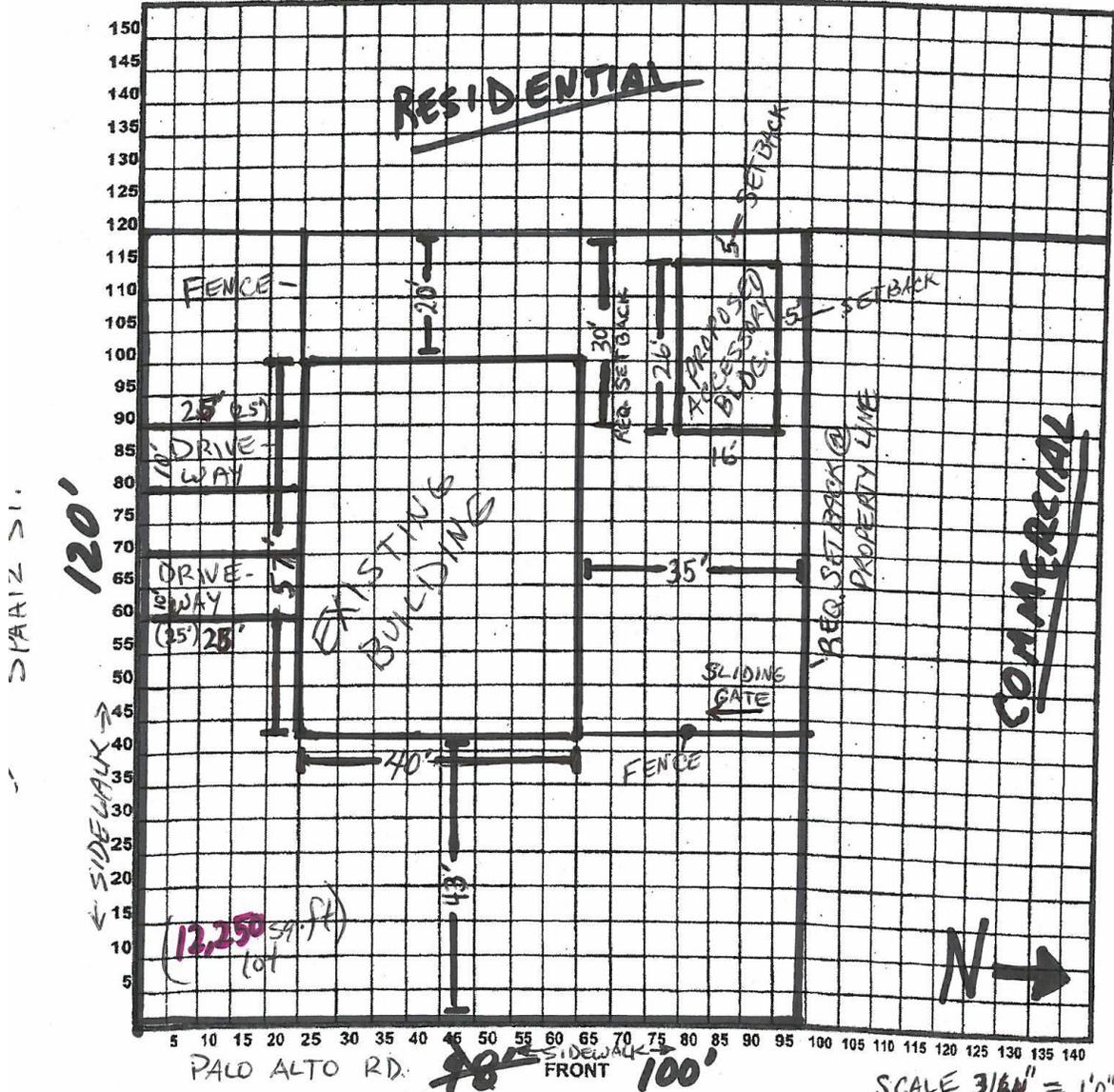
Address 1825 Palo Alto Rd.
S.A., TX 78211

Lot 101

Block 2

NCB 11214

REAR



SIDEWALK

120'

(12,250 sq. ft.)
lot

SCALE 3/16" = 1'0" (1:250)

I certify that the above plot plan shows all improvements on this property and that there will be no construction over easements. I also certify that I will build in compliance with the UDC and the 2012 IRC

Attachment 4 - Photos

1825 Palo Alto Road (Subject Property)



Large yard, could construct the structure outside of rear setback



Distance from rear of structure to neighbors wood fence, about five feet



Distance from rear of structure to single-family home about ten feet





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-020
Date: December 15, 2014
Applicant: Armando Torres Jr.
Owner: Armando Torres Jr.
Council District: 7
Location: 2914 Dall Trail
Legal Description: Lot 4, Block 4, NCB 14146
Zoning: "NP-8 NCD-3 AHOD" Neighborhood Preservation Ingram Hills
Neighborhood Conservation Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two and a half foot variance from four foot maximum predominately open fence height as described in Section 35-514 to allow a wrought iron fence that is up to six and a half feet tall in the front yard.

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 November 25, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 2914 Dall Trail approximately 241 feet north of Wapiti Trail. The applicant is seeking a variance to keep a wrought iron fence, which was built without permits, at a maximum of 6'6" tall, in the front yard of the property. Because the spacing of the fence is less than five and a half inches the request must be processed as a variance, not a special exception. In the application the owner states that he and his wife have been the victim of crime

in their immediate community as items have repeatedly been stolen from their front and rear yard, and their home has been broken into, though no police reports were provided to staff. The applicant also states that his wife is currently undergoing treatment for a serious medical condition. With the applicant out of the home occasionally for work, he and his wife would both feel better knowing that the property was protected by the existing fencing.

During field visits staff noted the presence of at least three other front yard fences on the street. Additionally, it should be noted that the existing fencing has the support of several neighbors.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Woodlawn Hills/Ingram Hills neighborhood plan and designated as low density residential land use. The subject property is within the boundaries of the Ingram Hills registered neighborhood association. The neighborhood association was notified and asked to comment.

Criteria for Review

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

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

The public interest is defined as the general health, safety, and welfare of the public. In this case the public interest is represented by fence height limitations to protect the character of the community, while still providing protection for residents. The proposed fencing is not out of character with the community. As a result of criminal activity on the neighborhood, a taller fence is required to protect the home. The requested variance is not contrary to the public interest as it serves to protect the home from crime and is in harmony with the character of the community.

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

A literal enforcement of the code would require that the applicant remove two and a half feet of the current fencing to come into compliance with the four foot maximum fence height, as described in Section 35-514. Because of criminal activity in the neighborhood, a strict enforcement of the code would result in unnecessary hardship as the existing fence matches the character of the community and serves to protect the applicant's home and family.

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 as the safety and welfare of the residential property will be protected while respecting the character of neighboring properties. The applicant states that they have been the victim of criminal activity multiple times and the fence serves to mitigate this problem. Granting the applicants request respects the spirit of the ordinance and substantial justice will be done.

4. *The 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "NP-8 NCD-3 AHOD" Neighborhood Preservation Ingram Hills Neighborhood Conservation Airport Hazard Overlay 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 is not likely to harm adjacent, conforming properties. The existing fence matches the character of the community and serves to protect the applicant's home.

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 unique circumstances present in this case are the abnormally high crime rates in the community. Allowing the applicant to protect their home is unlikely to harm adjacent properties. The problem is not merely financial in nature.

Alternative to Applicant's Request

The applicant needs to remove two and a half feet of fencing to come into compliance with the standards established by the Unified Development Code.

Staff Recommendation

Staff recommends **approval of A-15-020** based on the following findings of fact:

1. The existing fencing is not out of character within the community;
2. The existing fencing is unlikely to harm adjacent properties;
3. The existing fencing has the support of the neighbors.

Attachments

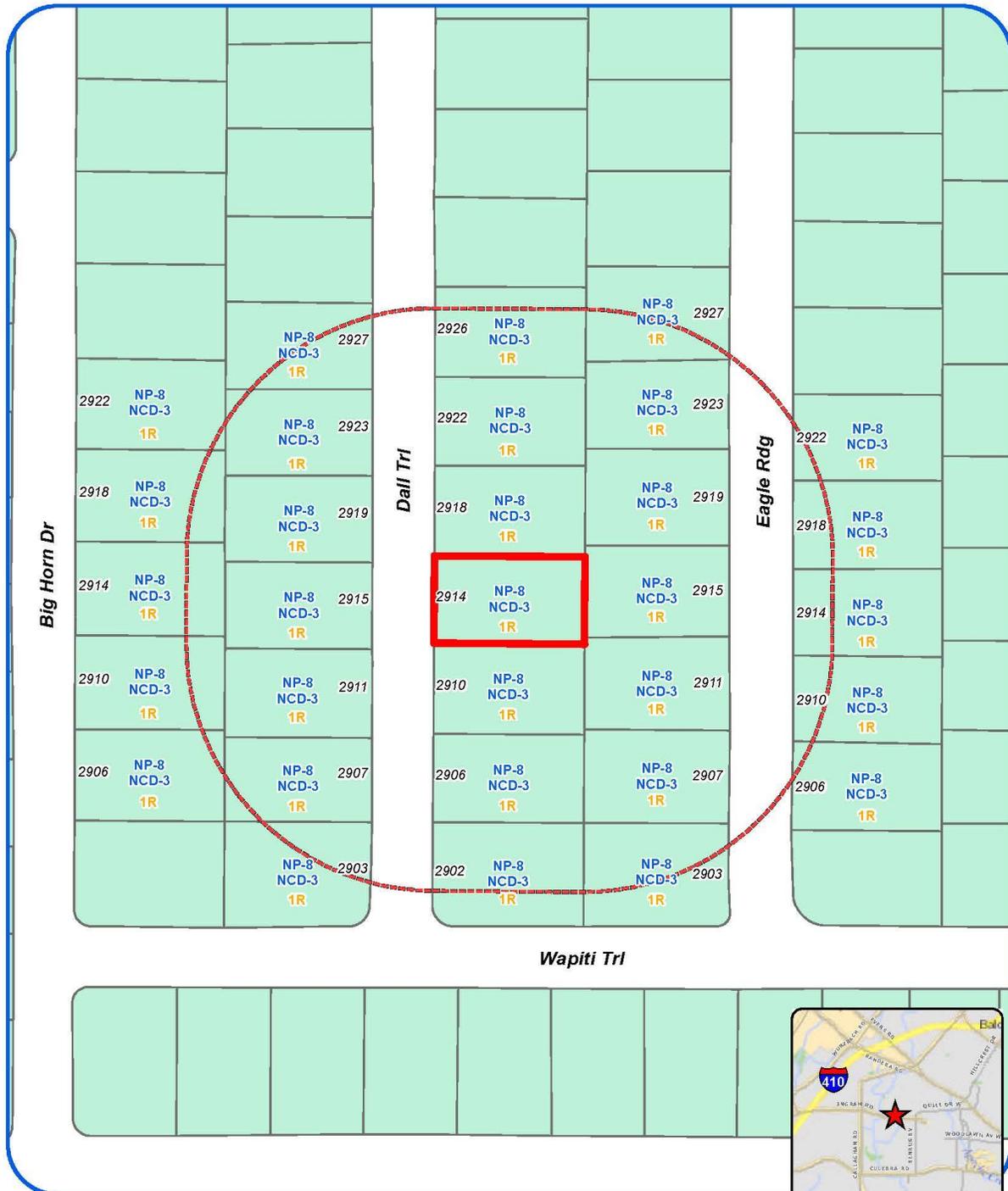
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan

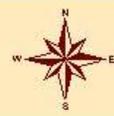


<p>Board of Adjustment Notification Plan for Case No A-15-020</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 7</p>	<p> Ball</p> <p style="font-size: small;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="font-size: x-small;">Development Services Department City of San Antonio</p>
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**Attachment 1
Notification Plan (continued)**



**Board of Adjustment
Notification Plan for
Case No A-15-020**

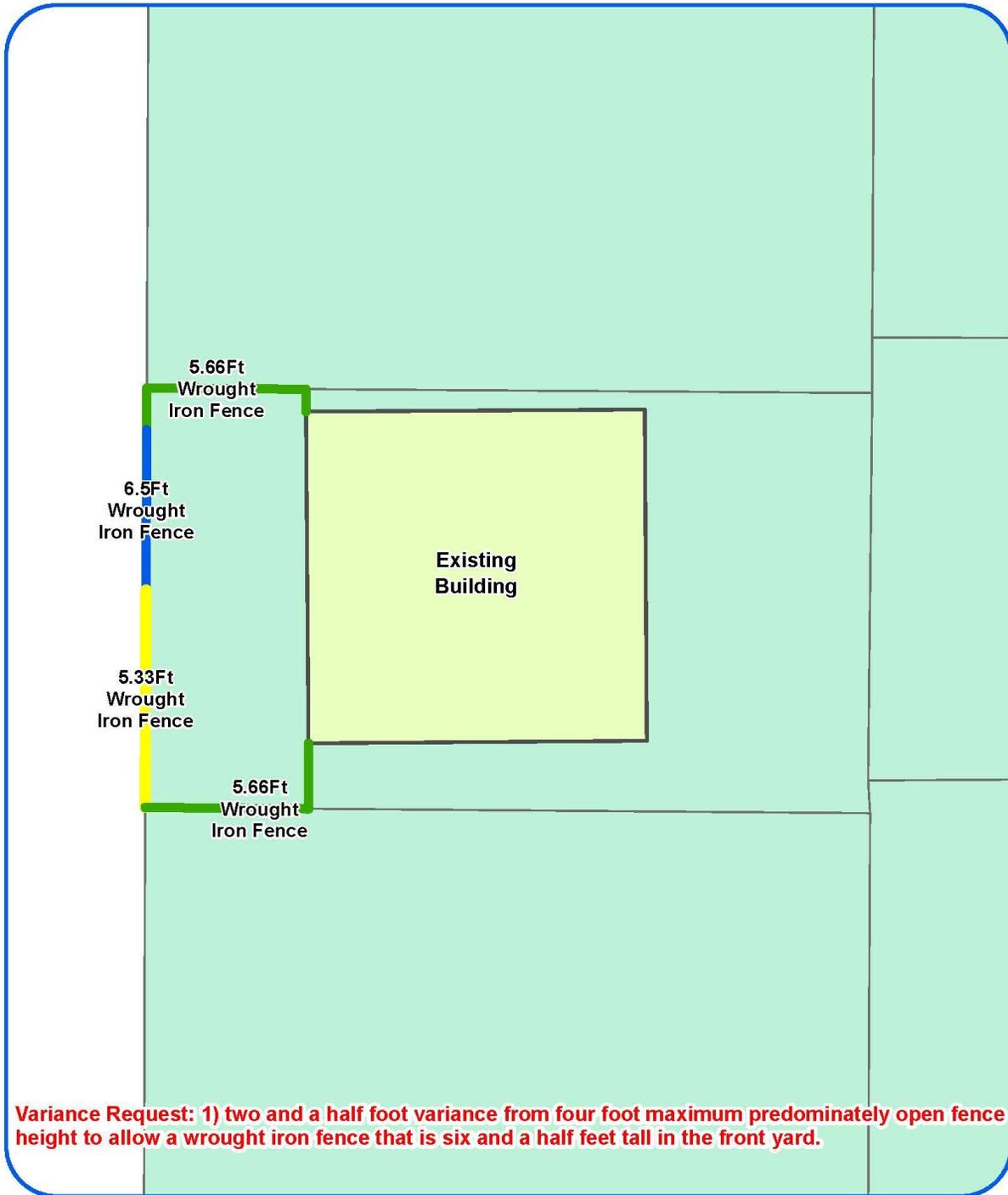


- San Antonio City Limits
- Subject Property
- 200' Notification Buffer
- Council District 7

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Deane Kpeme at Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request: 1) two and a half foot variance from four foot maximum predominately open fence height to allow a wrought iron fence that is six and a half feet tall in the front yard.

Board of Adjustment
Plot Plan for
Case No A-15-020

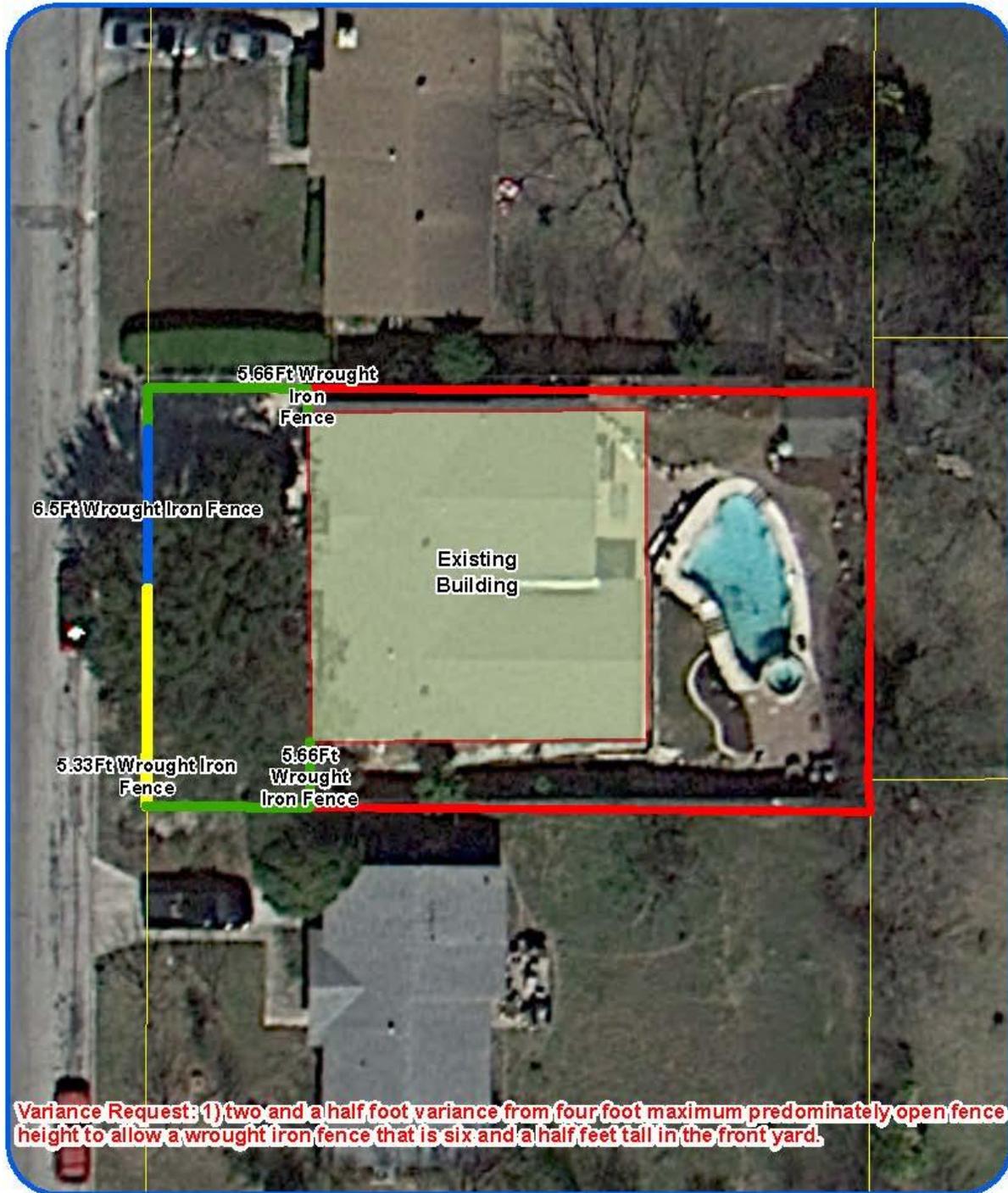


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 7

2914 Dall Trail

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-15-020

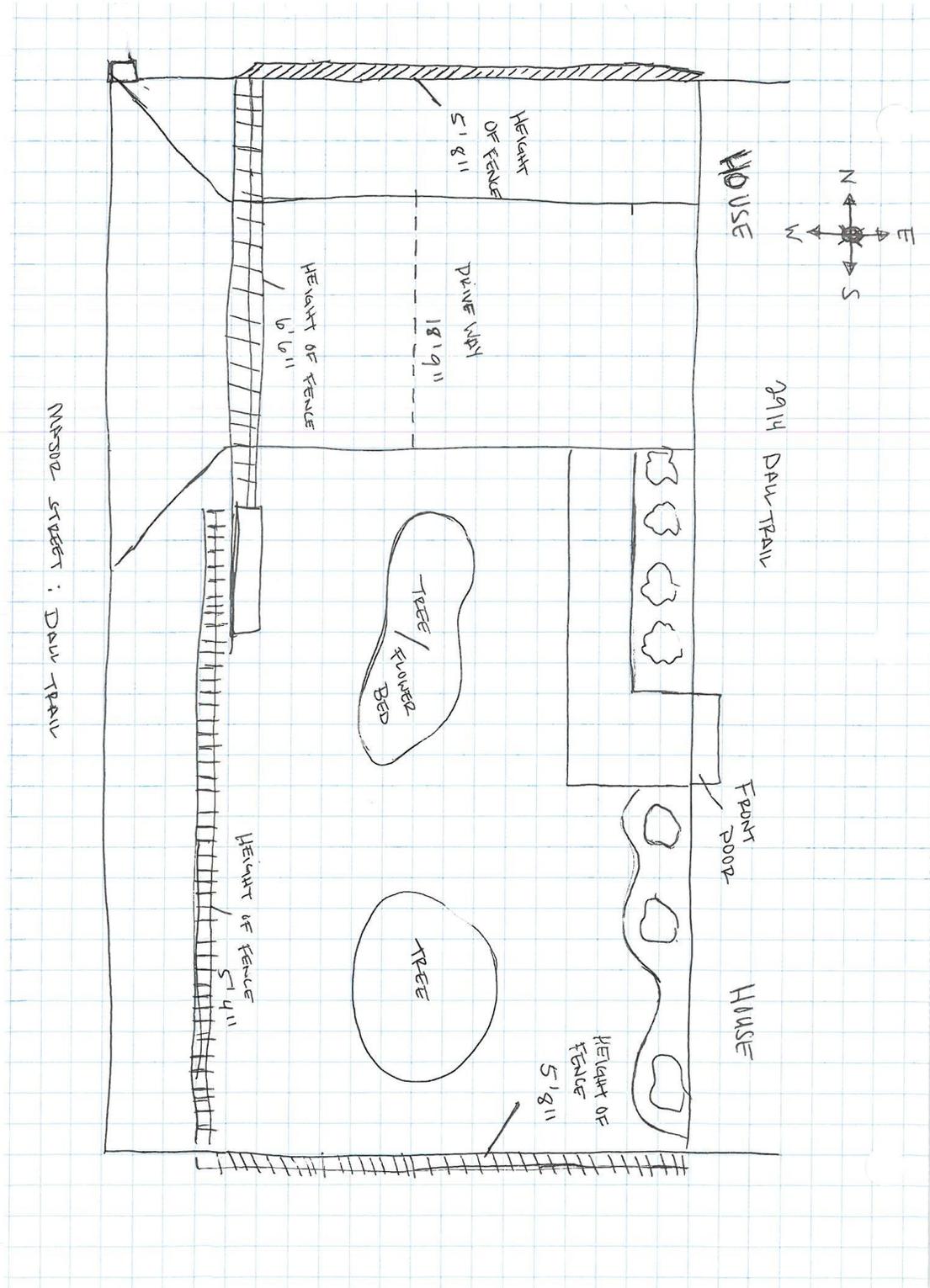


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 7

2914 Dall Trail

Deane Kipme et Services Department
City of San Antonio

Attachment 3
Applicant's Site Plan



Attachment 4 - Photos

2914 Dall Trail (Subject Property)



Front fencing



Fencing along the south property line



Fencing along the north property line





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-021
Date: December 15, 2014
Applicant: Maria Calderon
Owner: Maria Calderon
Council District: 5
Location: 406 NW 39th Street
Legal Description: Lot 23, Block 3, NCB 13468
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two foot variance to the four foot maximum as described in Section 35-514 to allow a six foot tall predominately open fence in the front yard.

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 November 25, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 406 NW 39th Street approximately 125 feet south of Fortuna Street. The applicant is seeking a variance to keep a six foot tall wrought iron fence in the front yard of the property. Because the spacing of the fence is less than five and a half inches the request must be processed as a variance, not a special exception. The applicant states that their home has been burglarized in the past, though no police reports were provided to staff. The applicant has tied the wrought iron fencing into the other fencing on the property and hopes to keep the fencing to protect their home moving forward.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6” Residential Single-Family District	Park
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any neighborhood plan. The subject property is not within the boundaries of any registered neighborhood association.

Criteria for Review

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

- 1. The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case the public interest is represented by fence height limitations to protect the character of the community, while still providing protection for residents. The proposed fencing is not out of character with the community and because of criminal activity in the neighborhood, a taller fence is required to protect the home. As such, the requested 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 code would require that the applicant remove two feet of the proposed fence to come into compliance with the four foot maximum fence height, as described in Section 35-514. Because of criminal activity in the neighborhood, a strict enforcement of the code would result in unnecessary hardship as the existing fence matches the character of the community and serves to protect the applicant’s home and family.

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 as the safety and welfare of the residential property will be protected while respecting the character of neighboring properties. The proposed wrought iron fencing will be visually appealing and will add to the character of the community. Per the applicant, the community experiences high crime rates and the fence serves to mitigate this problem. Granting the applicants request respects the spirit of the ordinance and substantial justice will be done.

4. *The 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 variances 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 Airport Hazard Overlay 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 is not likely to harm adjacent, conforming properties. The six foot tall wrought iron fence replaces a four foot tall chain link fence. This change provides added security for the applicant and contributes to a more visually appealing design.

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 unique circumstances present in this case are the abnormally high crime rates in the community and the applicant’s home falling victim to theft. Allowing the applicant to protect their home is unlikely to harm adjacent properties. The unique circumstances present in this case are not the fault of the applicant and the problem is not merely financial in nature.

Alternative to Applicant’s Request

The applicant needs to remove two feet of the existing fencing to come into compliance with the standards established by the Unified Development Code.

Staff Recommendation

Staff recommends **approval of A-15-021** based on the following findings of fact:

1. The existing fencing is not out of character within the community;
2. The existing fencing is unlikely to harm adjacent properties.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-15-021</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 5</p>	<p>*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p>Deane Kpeme at Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-021



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 5

406 NW 39th

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request: 1) a two foot variance to the four foot maximum to allow a six foot tall predominately open fence in the front yard.

Board of Adjustment
Plot Plan for
Case No A-15-021



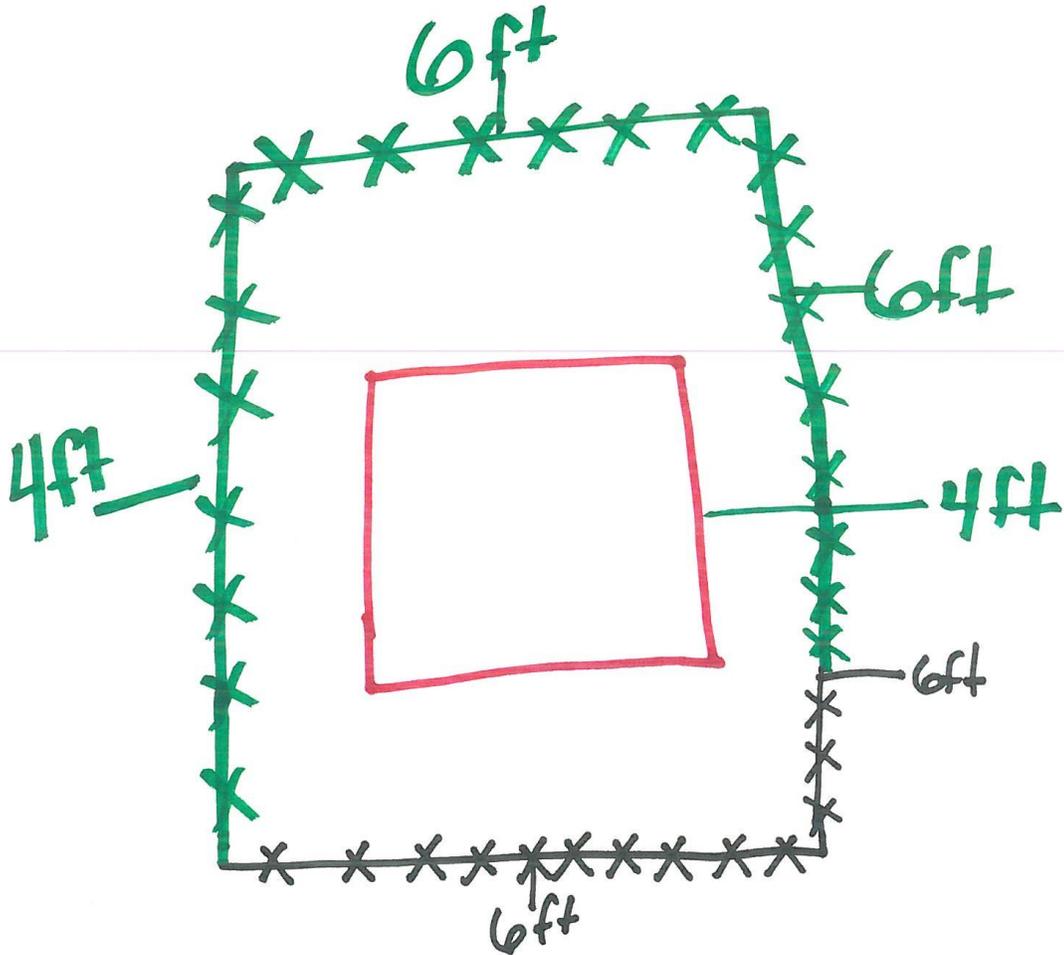
"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 5

406 NW 39th

Development Services Department
City of San Antonio

Attachment 3
Applicant's Site Plan

- Chain Link
- Wrought Iron



Front

Attachment 4 - Photos

406 NW 39th Street (Subject Property)



Fencing along south property line



Gate for vehicle access



Gate for vehicle access





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-024
Date: December 15, 2014
Applicant: Daniel Alvarado
Owner: Daniel Alvarado
Council District: 4
Location: 1803 W Mally Boulevard
Legal Description: Lot 28, Block 2, NCB 14459
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two foot variance to the four foot maximum fence height as described in Section 35-514 to allow a six foot tall predominately open fence in the front yard.

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 November 25, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 1803 W Mally Boulevard at the intersection of Rhoda Avenue. The applicant is seeking a variance to allow construction of a six foot tall wrought iron fence in the front yard of the property. Because the spacing of the fence is less than five and a half inches the request must be processed as a variance, not a special exception. The home owners have started the project but ceased to pursue a variance. The applicant states that they would like the fence because they are on a corner lot and suspect that, as a result of this, they may one day be subject to criminal activity.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of any neighborhood plan. The subject property is not within the boundaries of any registered neighborhood association.

Criteria for Review

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

- 1. The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case the public interest is represented by fence height limitations to protect the character of the community, while still providing protection for residents. The applicant states that the fence is requested because they are located on a corner lot and feel that one day they may be burglarized as a result. Because the applicant has not been the victim of any substantial crime, evidenced by a lack of police reports provided to staff, we find that the variance is contrary to the public interest as there are no legitimate reasons to allow a deviation from the Unified Development Code.

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

Staff was unable to find any special condition present on the property that would warrant the granting of a variance. The applicant states that the hardship is that they are situated on a corner lot and, as a result, feel that they may one day be burglarized. Staff finds that this does not

qualify as a legitimate special condition. As such, staff finds that a literal enforcement of the code would not result in an unnecessary hardship to the applicant.

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 not be observed as there are no conditions present on the property to warrant the granting of the requested variance. The applicant would enjoy a privilege not enjoyed by others, which would not result in substantial justice.

4. *The 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 AHOD” Residential Single-Family Airport Hazard Overlay 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 was unable to identify other homes in the area with similar fencing. Other homes on the street have four foot tall chain link and wrought iron fencing, as permitted by the Unified Development Code. Considering that this home is situated on a corner lot and visible to everyone entering the residential street, it is very likely that the proposed fencing will alter the character of the community.

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

There are no unique circumstances present on the property that warrant the granting of the requested variance, nor are they the result of general conditions in the area in which the subject property is located.

Alternative to Applicant’s Request

The applicant needs to remove two feet of the proposed fencing to come into compliance with the standards established by the Unified Development Code.

Staff Recommendation

Staff recommends **denial of A-15-024** based on the following findings of fact:

1. The proposed fencing is out of character within the community;
2. The proposed fencing would grant the applicant a privilege not enjoyed by others, which would not result in substantial justice;
3. There are no special conditions present on the subject property to warrant the granting of the variance.

Attachments

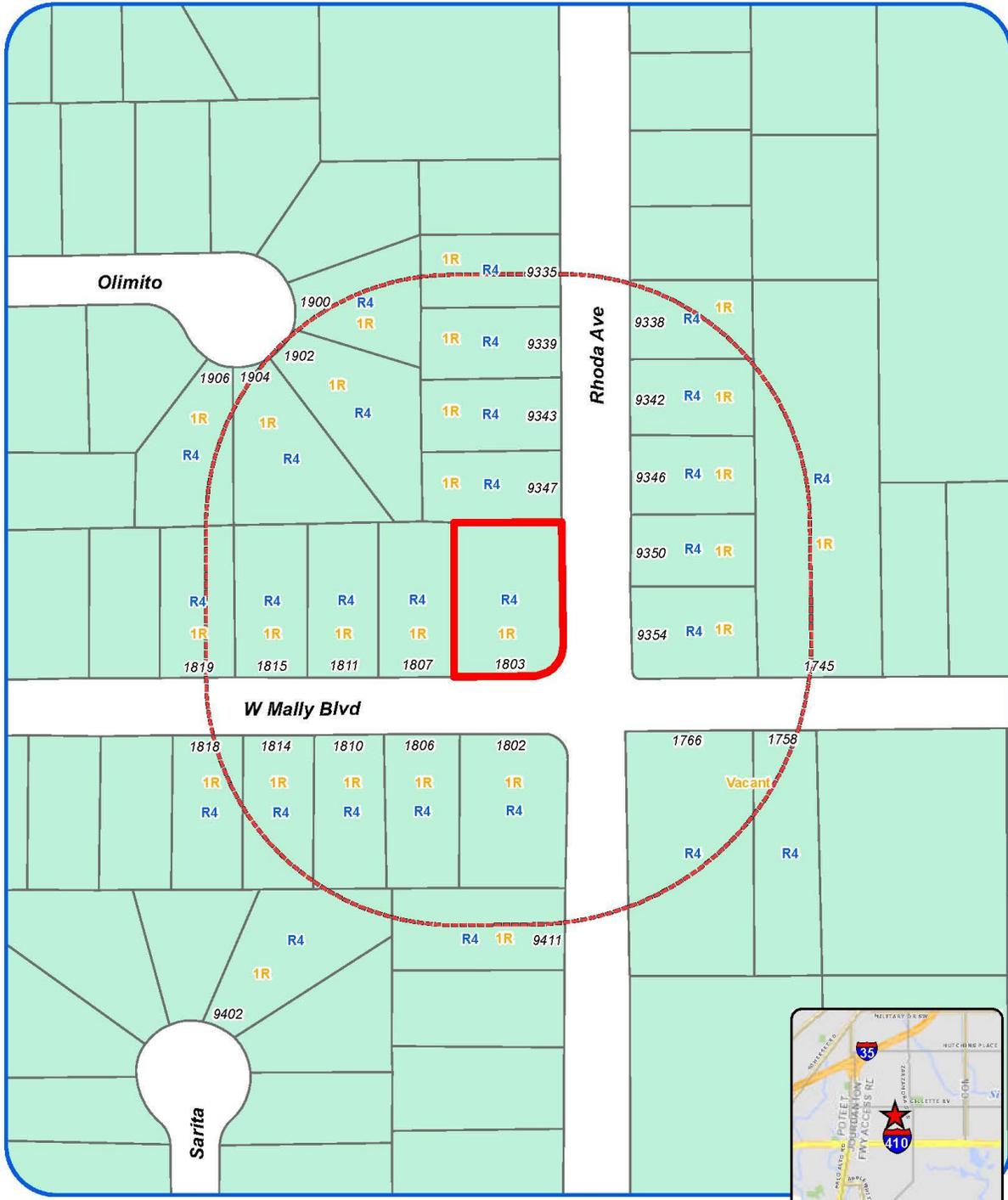
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Board of Adjustment
Notification Plan for
Case No A-15-024**

San Antonio City Limits

Subject Property

200' Notification Boundary

Council District: 4

San Antonio City Limits

Subject Property

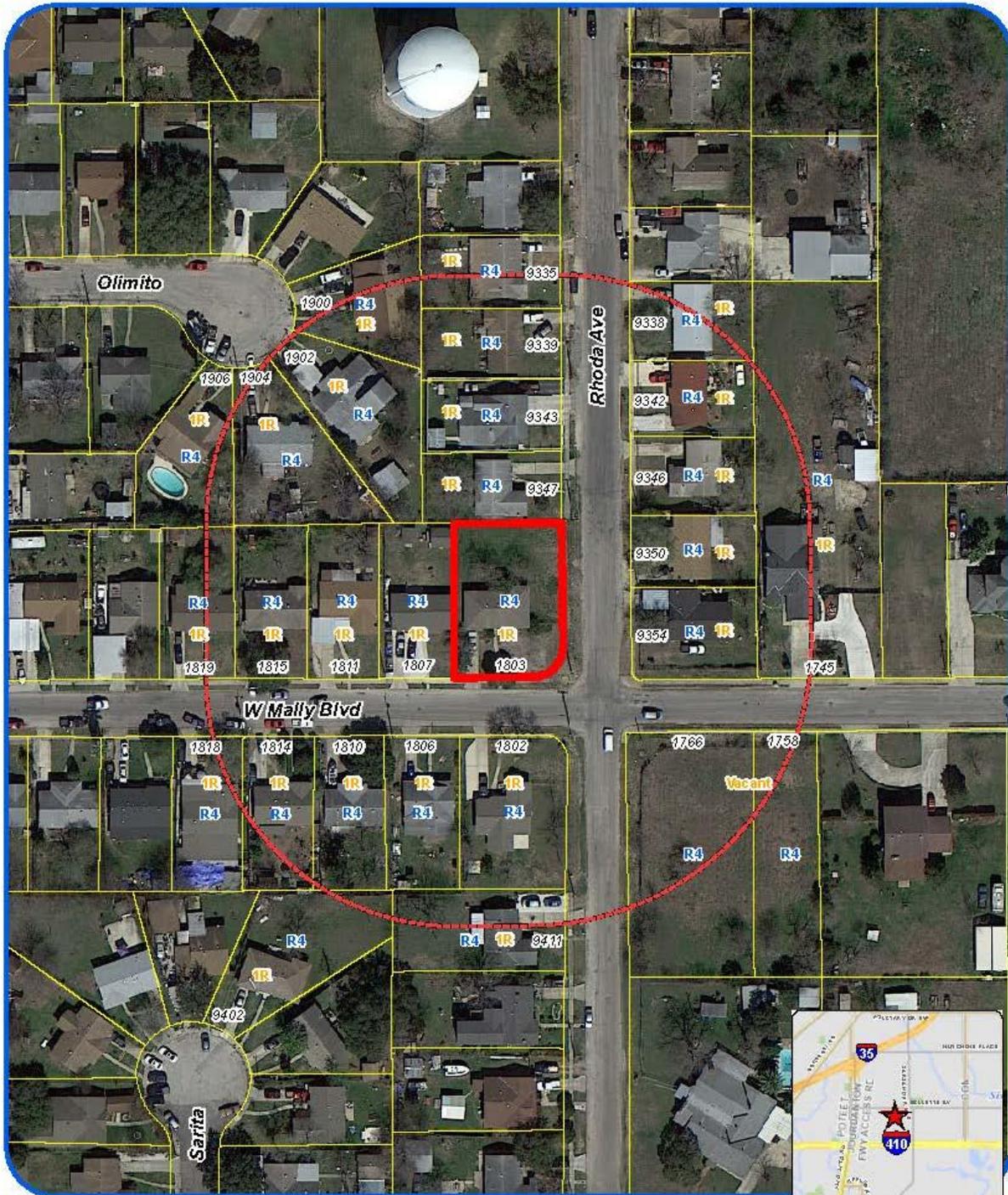
200' Notification Boundary

Council District: 4

Development Services Department
City of San Antonio

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-15-024</p>		<p>San Antonio City Limits </p>
		<p>Subject Property </p>
		<p>200' Notification Boundary </p>
		<p>Council District 4 </p>
		<p><small>*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</small></p> <p><small>Deane Kpeme at Services Department City of San Antonio</small></p>

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-024



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

1803 W Mally Blvd

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan (continued)**



Board of Adjustment
Plot Plan for
Case No A-15-024



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

1803 W Mally Blvd

Deane Koppert Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

SITE PLAN	
SCALE: EACH SQUARE IS EQUAL TO 5 FT	PROPERTY ID: 551576
85'	N ↑
120'	10,200 SQ FT
<p>REQUESTING VARIANCE FOR FRONT YARD FENCE.</p>	
<p>PROPERTY OWNER: DANIEL ALVARADO</p> <p>ADDRESS: 1803 W MALLY BLVD, SAN ANTONIO, TX 78224</p> <p>LEGAL DESCRIPTION: NCB 14459 BLK 2 LOT 28</p> <p>THIS PLAN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:</p> <p>SIGNATURE OF APPLICANT: <i>[Signature]</i> DATE: 11.14.14</p>	

Attachment 4 - Photos

1803 W Mally Boulevard (Subject Property)



Fencing started, ceased to pursue a variance



Streetscape



Homes in the community have four foot tall fences, as shown here





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-019
Date: December 15, 2014
Applicant: Canda Corie Boldt & Frederick Hutt
Owner: Canda Corie Boldt & Frederick Hutt
Location: 811 Old Austin Road
Council District: 2
Legal Description: Lot 16, Block 3, NCB 6526
Zoning: "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for **1)** a 36 foot variance from the minimum 36 foot garage setback; and **2)** a variance from the requirement for a front sidewalk as specified in the Mahncke Park Neighborhood Conservation District Residential Design Standards, to allow a garage in front of the principal building and the elimination of a sidewalk.

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 December 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located in Mahncke Park on the far-east end of Old Austin Road, near the back entrance into Fort Sam Houston. The property is unique in its location; it is surrounded on three sides by large landowners. The San Antonio Botanical Gardens, Fort Sam Houston and the San Antonio Country Club combine to own the surrounding 550 acres. Nevertheless, there are

homes which front on Pershing that connect these lots to the Mahncke Park neighborhood. According to historic photographs, a large home occupied three lots up until approximately 2008 and was addressed as 577 Pershing Avenue. The properties were sold individually in the summer of 2014. Each lot is 52 feet wide. The vacant lots are subject to the design requirements of the Mahncke Park Neighborhood Conservation District (NCD). Two previous lots were the subject of Board action in October of this year. These two lots were granted a variance to allow front loaded garages in front of the primary structure. At that meeting, the Board considered a sloping rear yard, encumbered by a sewer easement, as a property-related hardship warranting consideration of a variance. The block’s isolation was also critical in the Board’s findings of fact. There are two existing homes that, together with these three vacant lots, create the entire block. Additionally, the two existing homes have 2-car garages which front the street.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Vacant lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Country Club Golf Course
South	“MR” Military Reservation	Military Post
East	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Residential
West	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Vacant lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Mahncke Park Neighborhood Plan, adopted by the City Council in September of 2001 and designated for low-density residential land use. The property is also located within the boundaries of Mahncke Park Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment.

Criteria for Review

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

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

The public interest is in protecting the health, safety and welfare of the public at large. **Because of the relative isolation of this property, surrounded on 3 sides by large landowners, the variance would not be contrary to the public's interest.**

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

The rear yard slope is in excess of 8% and exceeds the maximum slope for accessible parking. This unique property-related feature makes literal enforcement an unnecessary hardship.

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

The Board granted two previous variance requests, determining that the front-loaded garages were warranted in this unique location. While each case is unique, the same topography obstacles are present, and now 4 of the 5 houses on the block will have front-loaded garages.

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-4 NCD-6" Zoning District.

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

The applicant describes the isolated nature of the lot, in a block face of 5 lots, with no homes facing them from across the street and no homes behind them. Given the remaining homes each has a front-facing garage, this last infill parcel's variance will not alter the character of this block.

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 states that it the unique location abutting the golf course that justifies the variance for the front garage. The isolated nature of this block, on a road that dead ends into a locked gate for Fort Sam Houston Military Post, creates a unique circumstance.

Alternatives to Applicant's Request

The alternative to the applicant's request is to redesign the homes to comply with the Mahncke Park Neighborhood Conservation District requirements.

Staff Recommendation

Staff recommends **approval**, based on the following findings:

1. There is no alley access, and the neighboring lots were granted variances to allow front garages;
2. Topography in the rear makes a detached garage in the rear yard problematic.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



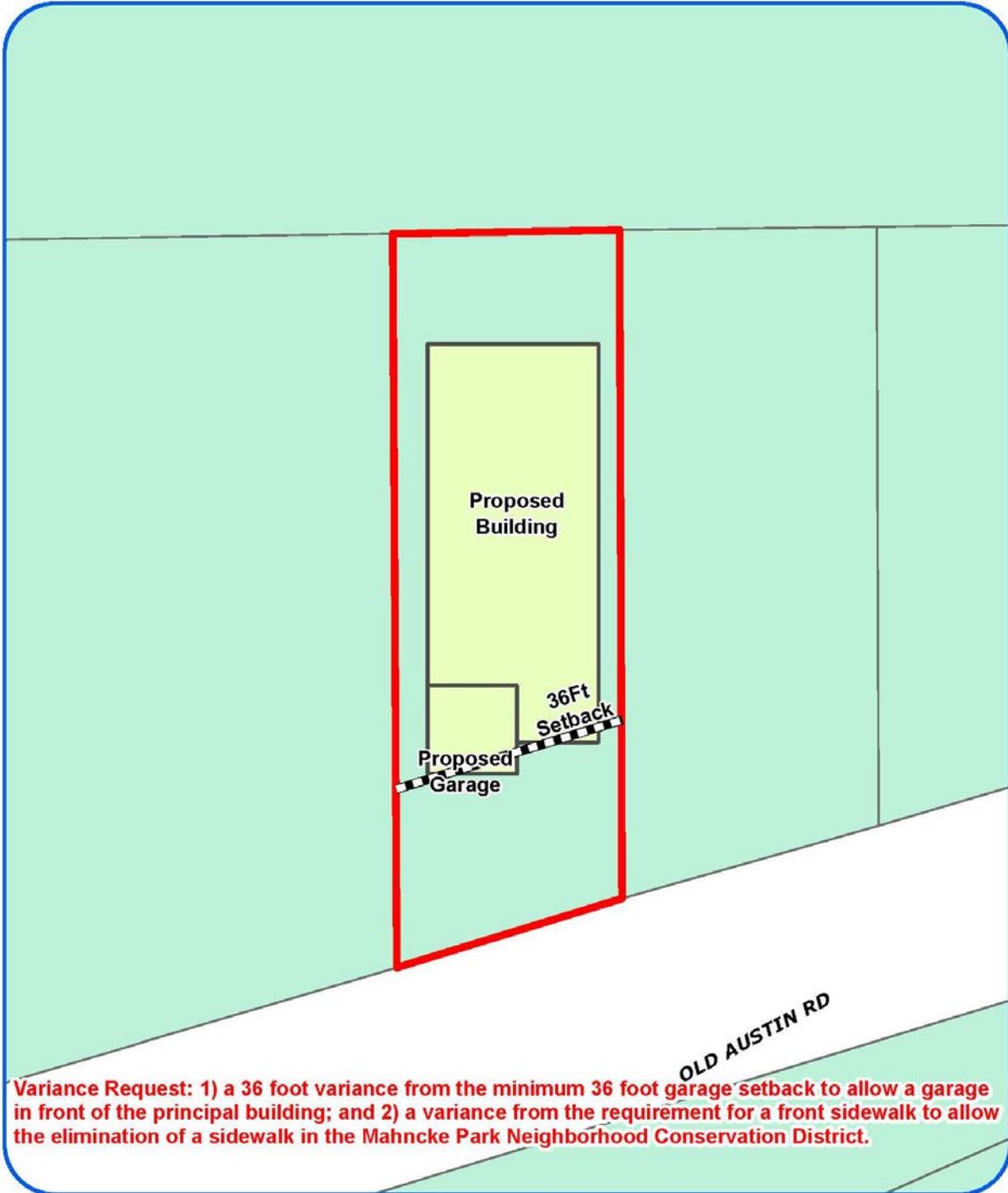
<p>Board of Adjustment Notification Plan for Case No A-15-019</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 2</p>	<p style="font-size: small;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="font-size: x-small;">Development Services Department City of San Antonio</p>
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**Attachment 1 (cont)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-15-019</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 2</p>	<p align="center">*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p align="center">Deane Kpeme at Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-019

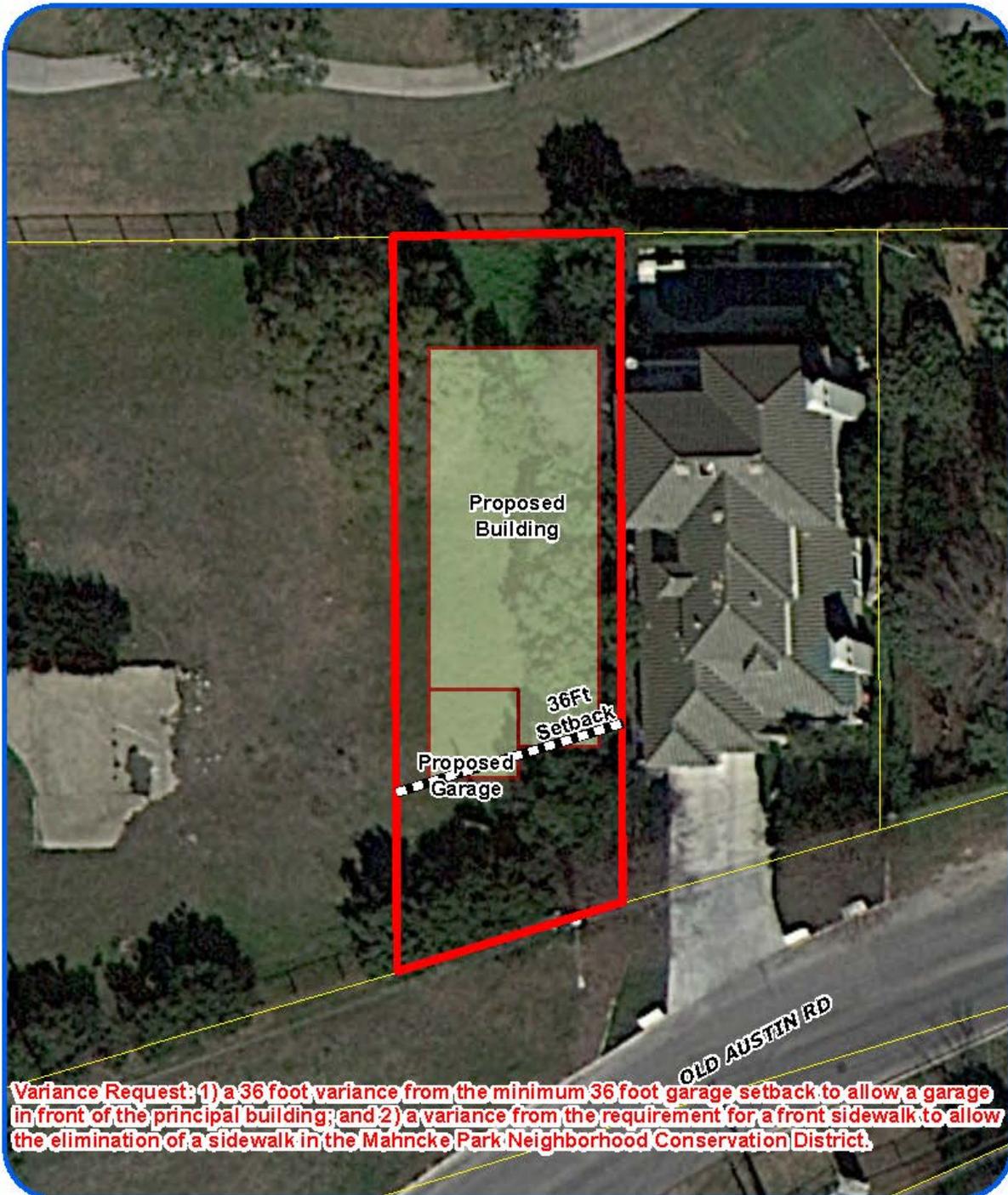


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 2

811 Old Austin Rd

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-15-019

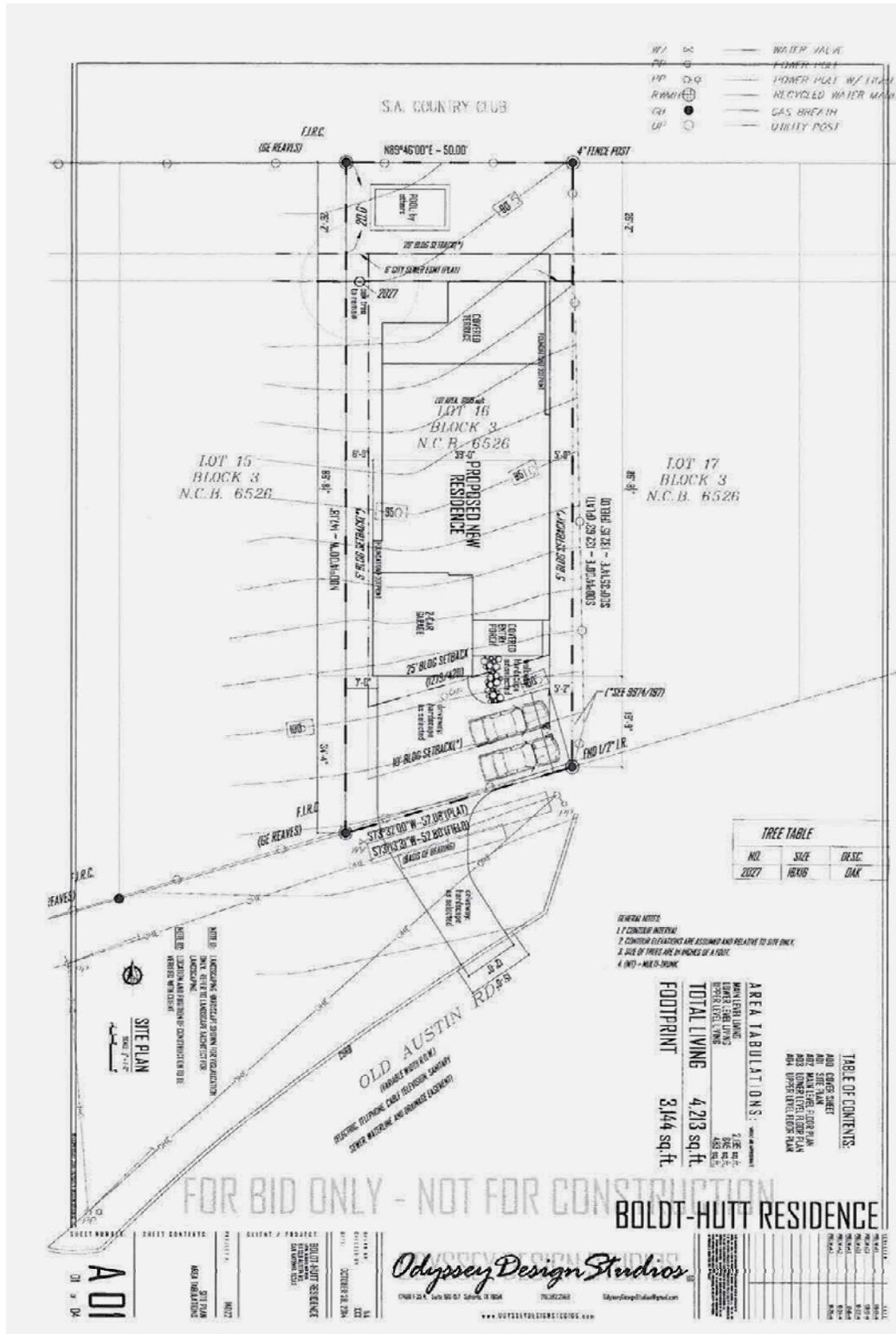


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 2

811 Old Austin Rd ^{1:300}

Department Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



WA	⊗	—	WATER VALVE
FP	⊗	—	POWER POLE
PP	⊗	—	POWER POLE W/ 110V
RWMI	⊗	—	RECYCLED WATER MAIN
GH	⊗	—	GAS BREAK
UP	⊗	—	UTILITY POST

NO.	SIZE	DESC.
2027	18x18	DIK

GENERAL NOTES:
 1. F. CONTOUR INTERVAL
 2. CONTOUR ELEVATIONS ARE ASSUMED AND RELATIVE TO GIVE ONLY.
 3. SIZE OF TREES ARE IN INCHES OF A DIA.
 4. END - MEASUREMENT

DESCRIPTION	AREA (sq. ft.)
TOTAL LIVING	4,213
FOOTPRINT	3,144

NO.	DESCRIPTION
1	GENERAL NOTES
2	AREA TABULATIONS
3	TABLE OF CONTENTS
4	PROPOSED NEW RESIDENCE
5	EXISTING AND PROPOSED LANDSCAPING
6	EXISTING AND PROPOSED UTILITIES
7	EXISTING AND PROPOSED DRIVEWAYS
8	EXISTING AND PROPOSED PATIOS
9	EXISTING AND PROPOSED PORCHES
10	EXISTING AND PROPOSED DECKS
11	EXISTING AND PROPOSED STAIRS
12	EXISTING AND PROPOSED FENCES
13	EXISTING AND PROPOSED SIGNAGE
14	EXISTING AND PROPOSED LIGHTING
15	EXISTING AND PROPOSED PAINTS
16	EXISTING AND PROPOSED FINISHES
17	EXISTING AND PROPOSED MATERIALS
18	EXISTING AND PROPOSED SCHEDULES
19	EXISTING AND PROPOSED SPECIFICATIONS
20	EXISTING AND PROPOSED CONTRACTS
21	EXISTING AND PROPOSED AGREEMENTS
22	EXISTING AND PROPOSED DISCLOSURES
23	EXISTING AND PROPOSED ADDENDUMS
24	EXISTING AND PROPOSED EXHIBITS
25	EXISTING AND PROPOSED REFERENCES
26	EXISTING AND PROPOSED CONTACTS
27	EXISTING AND PROPOSED INDEX

PROJECT INFORMATION

PROJECT NAME: BOLDT-HUTT RESIDENCE

CLIENT: [Redacted]

DATE: OCTOBER 28, 2024

SCALE: 1/8" = 1'-0"

PROJECT NUMBER: A 01

DATE: 01/9/24

Odyssey Design Studios

1001 20th St, Suite 100, Seattle, WA 98101 | 206.461.1234 | odysseydesignstudios.com

NO.	DESCRIPTION
1	GENERAL NOTES
2	AREA TABULATIONS
3	TABLE OF CONTENTS
4	PROPOSED NEW RESIDENCE
5	EXISTING AND PROPOSED LANDSCAPING
6	EXISTING AND PROPOSED UTILITIES
7	EXISTING AND PROPOSED DRIVEWAYS
8	EXISTING AND PROPOSED PATIOS
9	EXISTING AND PROPOSED PORCHES
10	EXISTING AND PROPOSED DECKS
11	EXISTING AND PROPOSED STAIRS
12	EXISTING AND PROPOSED FENCES
13	EXISTING AND PROPOSED SIGNAGE
14	EXISTING AND PROPOSED LIGHTING
15	EXISTING AND PROPOSED PAINTS
16	EXISTING AND PROPOSED FINISHES
17	EXISTING AND PROPOSED MATERIALS
18	EXISTING AND PROPOSED SCHEDULES
19	EXISTING AND PROPOSED SPECIFICATIONS
20	EXISTING AND PROPOSED CONTRACTS
21	EXISTING AND PROPOSED AGREEMENTS
22	EXISTING AND PROPOSED DISCLOSURES
23	EXISTING AND PROPOSED ADDENDUMS
24	EXISTING AND PROPOSED EXHIBITS
25	EXISTING AND PROPOSED REFERENCES
26	EXISTING AND PROPOSED CONTACTS
27	EXISTING AND PROPOSED INDEX

**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-026
Date: December 15, 2014
Applicant: Ricardo Valdes
Owner: Ricardo Valdes
Location: 4607 and 4609 Howard Street
Council District: 1
Legal Description: Lots 33 & 34, Block 1, NCB 7312
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for **1)** a 15 foot variance from the minimum 20 foot rear yard setback; and **2)** a 4 foot variance from the minimum 5 foot side yard setback to allow an attached dwelling 5 feet from the rear property line, and 1 foot from the side property line on one of the two lots.

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 December 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on November 26, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before December 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located in the North Central Community between San Pedro and the Union Pacific rail line. The property is two vacant lots which are owned by the owner of a home fronting on the neighboring street, Belknap. Historically, the lots have served as a large rear yard, but nevertheless their vacant nature interrupts the streetscape on Howard Street.

The applicant recently decided to build an attached dwelling on the property, a permitted use in the R-5 zoning district. He hopes to incorporate a previous accessory structure into the new construction. This goal however, triggers the need for two variances. The accessory structure is only 1 foot from the side property line and 5 feet from the rear property line. When the accessory structure is incorporated into the new building, it requires a 20 foot rear yard setback and a 5 foot side yard setback. All new portions of the building will satisfy these minimum setbacks.

In addition, the Unified Development Code (UDC) has detailed standards for attached dwellings. It specifies that for each unit, 600 square feet of contiguous open space must be provided. Sidewalks can interrupt the open space, but parking stalls cannot. According to the submitted site plan, each of the two detailed construction plans complies with this standard.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant lots

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Central Community Plan, adopted by the City Council in February of 2002 and designated for low-density residential land use. Duplexes are specifically mentioned as acceptable. The property is also located within the boundaries of Olmos Park Terrace Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment.

Criteria for Review

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

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

The public interest is represented by the health, safety and welfare of the public at large. **The addition of two new single-family homes on this street increases the surveillance and may encourage other investment, consistent with the public interest.**

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

According to the applicant, the unnecessary hardship is demolishing the existing structure, which encroaches into the setbacks. Other than the existing structure, all new construction will satisfy the minimum setbacks.

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

In this case, the spirit is observed by the new construction complying with the minimum setbacks.

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-5 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 new construction visible from the public right of way will be consistent with the character of the surrounding area. **The variances are located in the rear yard, behind the proposed construction. The area within 1 foot of the side property line is 26 feet in length and within the neighbor’s rear yard setback.**

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.*

If the variances are granted, the applicant will push the northern half of the attached dwelling back to allow more front yard in exchange for the reduced rear yard. This revised location provides off-set for the other half of the dwelling, allowing it to have windows on both sides for that length.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to demolish the existing accessory building and construct the new building within the established setbacks.

Staff Recommendation

Staff recommends **approval** based on the following finding:

1. The requested variances allow the owner to reuse an existing accessory structure that is well built and in good condition.

2. The remaining new construction will be within the required setbacks, and includes a front offset reducing the mass of the building on the front wall plane.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 –Applicant’s Site Plan

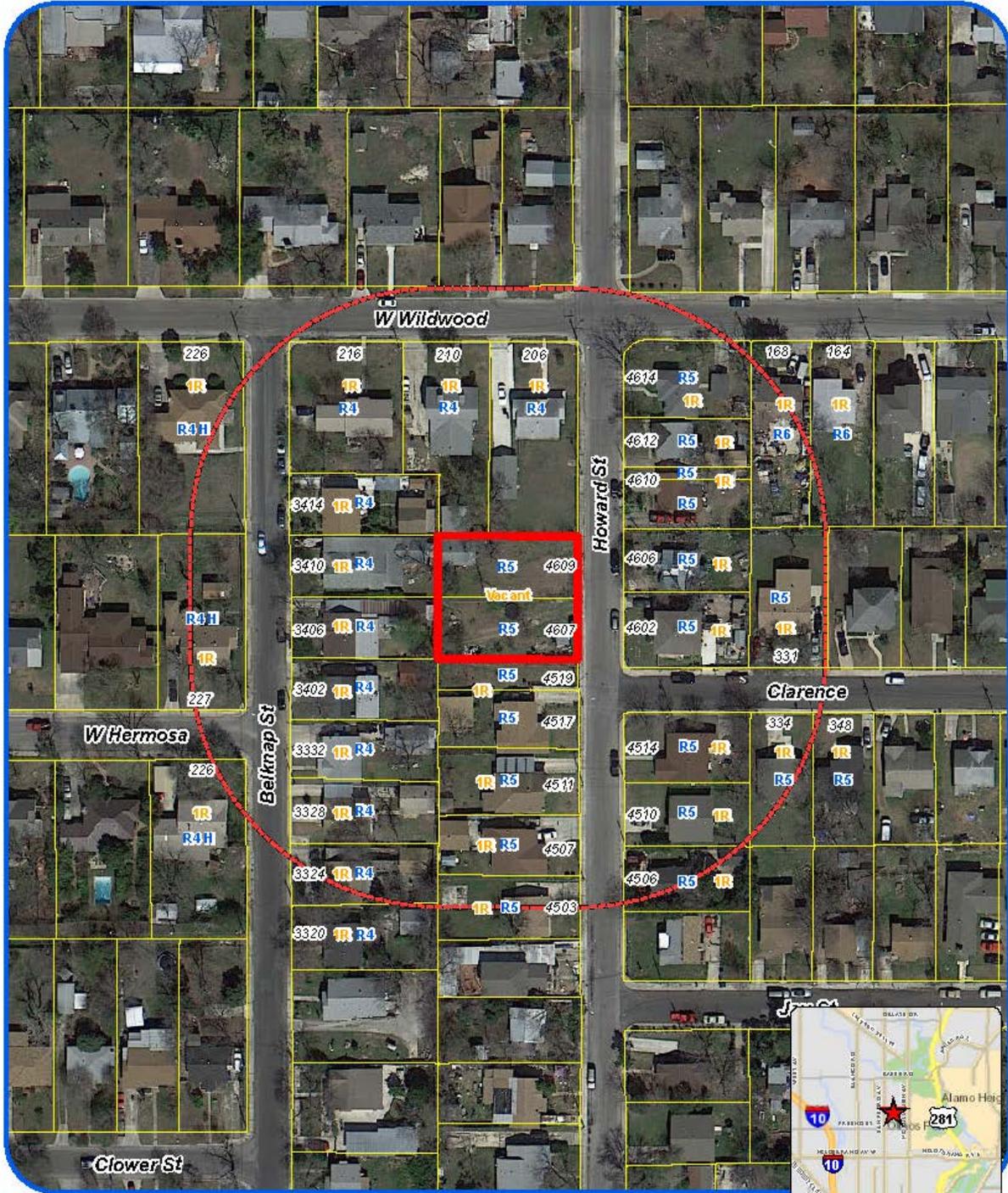
Attachment 4 – Photos

Attachment 1 Notification Plan



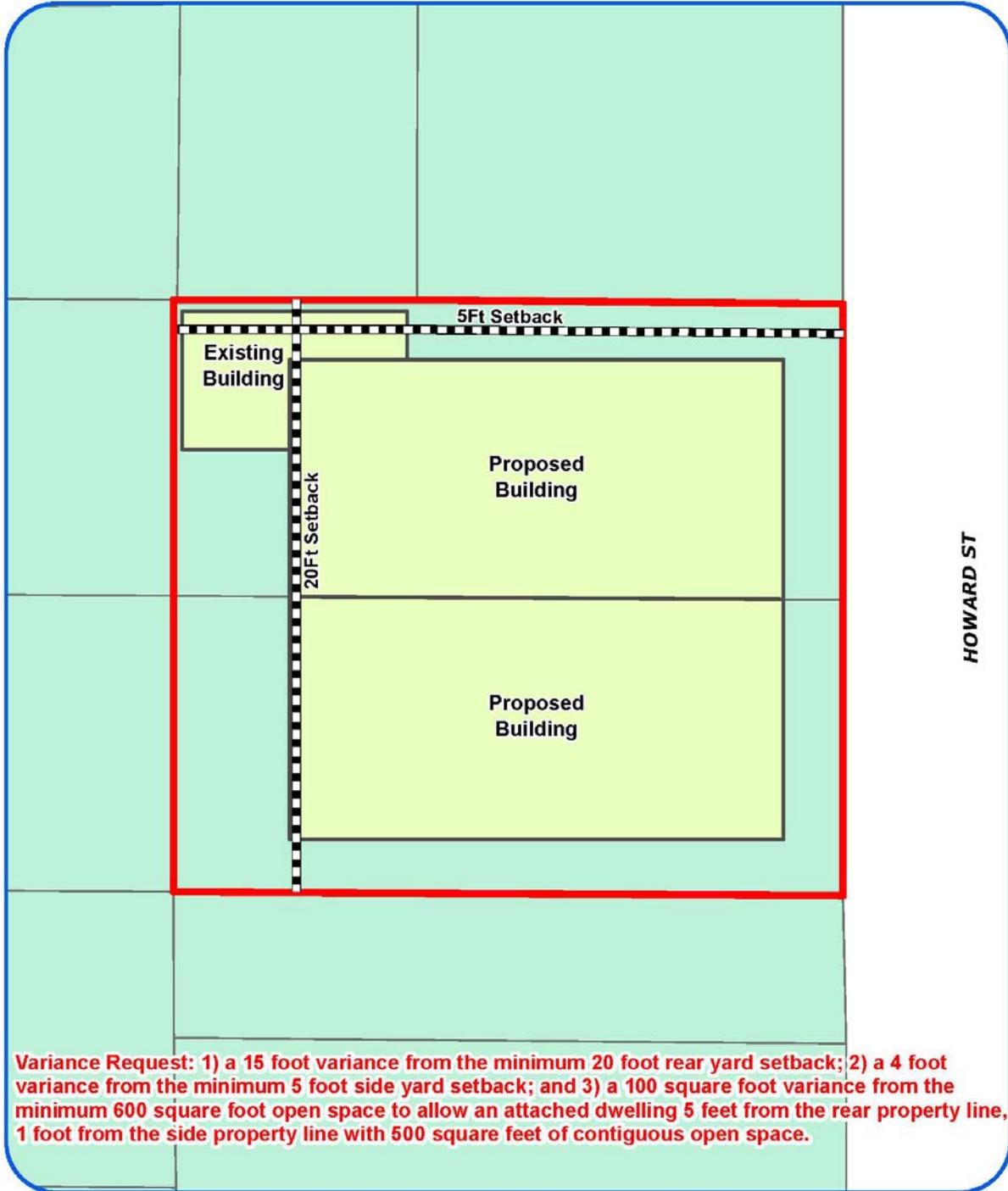
<p>Board of Adjustment Notification Plan for Case No A-15-026</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 1</p>	<p><small>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</small></p> <p><small>Development Services Department City of San Antonio</small></p>
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Attachment 1 (cont) Notification Plan



<p>Board of Adjustment Notification Plan for Case No A-15-026</p>		<p>San Antonio City Limits </p>	<p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p>Deane Kpeme at Services Department City of San Antonio</p>
		<p>Subject Property </p>	
		<p>200' Notification Boundary </p>	
		<p>Council District 1 </p>	
		<p>City of San Antonio </p>	

Attachment 2
Plot Plan



Variance Request: 1) a 15 foot variance from the minimum 20 foot rear yard setback; 2) a 4 foot variance from the minimum 5 foot side yard setback; and 3) a 100 square foot variance from the minimum 600 square foot open space to allow an attached dwelling 5 feet from the rear property line, 1 foot from the side property line with 500 square feet of contiguous open space.

Board of Adjustment
Plot Plan for
Case No A-15-026



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

4607 & 4609 Howard St

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-15-026

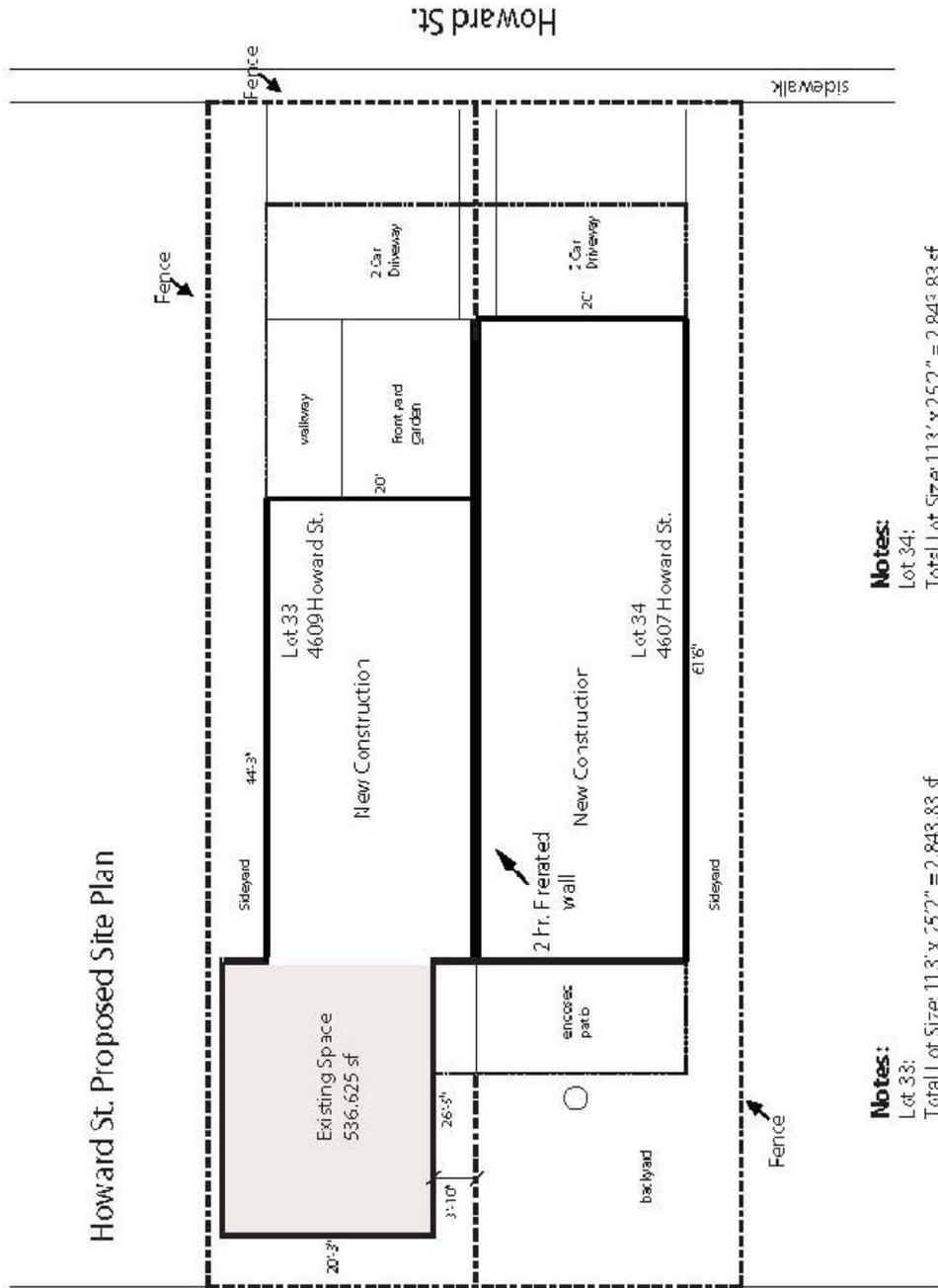


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

4607 & 4609 Howard St

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



Notes:

Lot 34:
 Total Lot Size: 113' x 25.2' = 2,843.83 sf
 50% lot coverage = 1,421.91 sf
 If width of house is 20' then maximum length is 71'

Notes:

Lot 33:
 Total Lot Size: 113' x 25.2' = 2,843.83 sf
 Existing structure: 26.5 x 20.25 = 536.625 sf
 50% lot coverage = 1,421.91 sf
 Addition maximum size: 885.28 sf
 If new addition is 20' wide, then maximum length is 44.3'

**Attachment 4
Site Photos**



The existing accessory structure