

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, July 7, 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-14-073:** The request of Robin Abraham for a special exception to authorize the relocation of a residential structure from 12939 SW Loop 410 to 322 SW 34th Street. (Council District 6)
5. **A-14-076:** The request of Marco DeLuna for a special exception to authorize the relocation of a residential structure from 326 El Monte onto the vacant lot at 726 S. Olive Street. (Council District 2)
6. **A-14-074:** The request of Mona Talukdar for a special exception to allow a front yard fence of 6-feet in height at a “C-3” zoned property, located at 8245 Old Tezel Road. (Council District 7)
7. **A-14-071:** The request of Harry Jewett for 1) a 4-foot variance from the 4-foot maximum height limit to allow a predominantly open fence 8 feet in height in the front yard, and 2) a 2-foot variance from the 6-foot maximum fence height to allow a predominantly open fence 8 feet in height in the side and rear yards, located at 8615 US Highway 90 West (Council District 4)
8. **A-14-072:** The request of Robert A. Armstrong, Jr. for a 2.5-foot variance from the 6-foot maximum height limit to allow a solid fence 8.5 feet in height in the side yard, located at 15507 Trail Bluff Drive. (Council District 10)
9. **A-14-075:** The request of Ricart Properties, LP for a 30-foot variance from the 30-foot rear yard setback to allow two in-line building additions on the property line, located at 3119 Roosevelt Avenue. (Council District 3)
10. Approval of June 16, 2014 Board Meeting Minutes
11. Announcements and Adjournment

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

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).

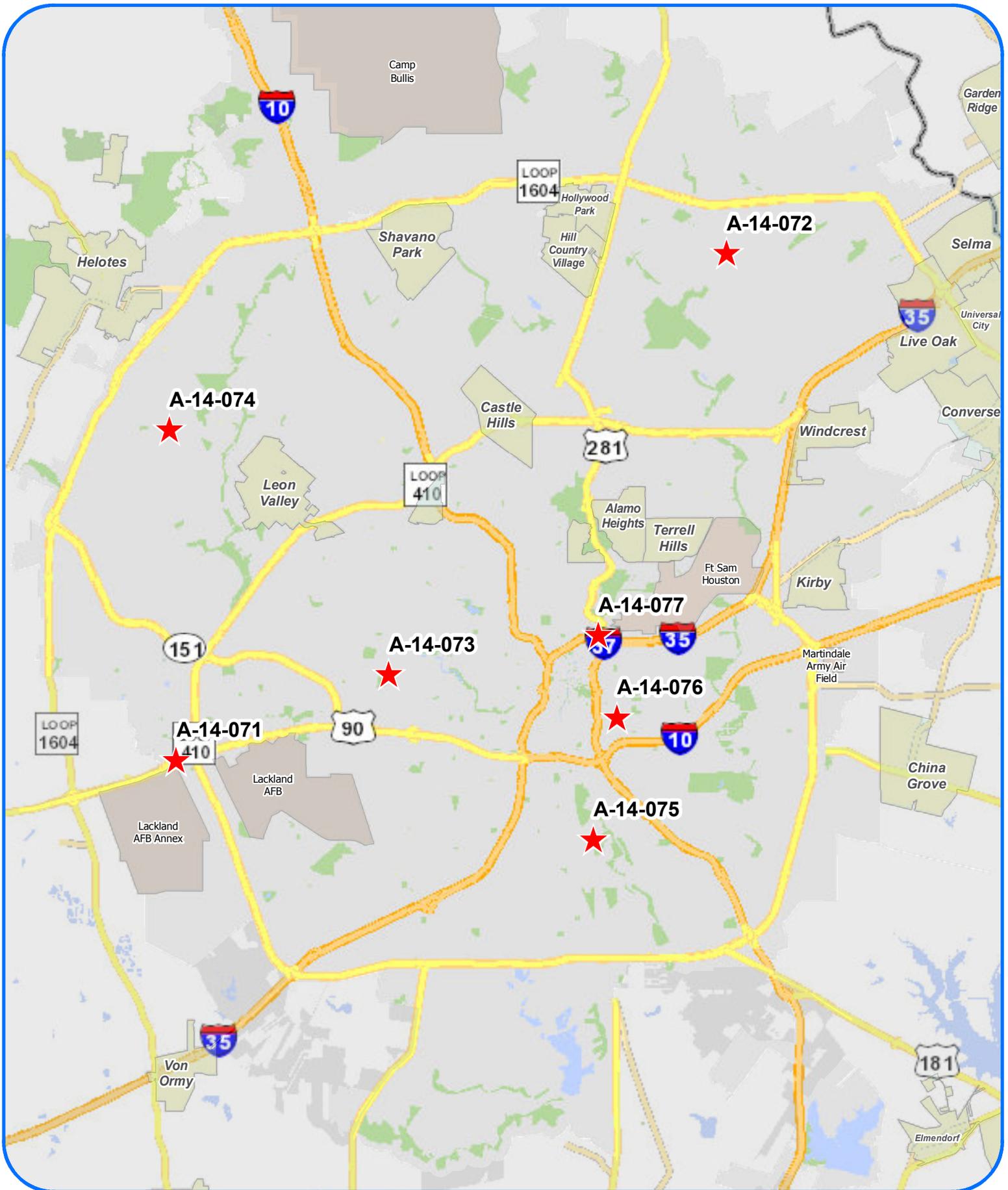
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

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Gene Camargo, Mayor

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Board of Adjustment

Subject Property Locations
Cases for 7th July 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-073
Date: July 7, 2014
Applicant: Robin Abraham
Owner: Robin and Peggy Abraham
Location: 322 Southwest 34th Street
Legal Description: Lot 100G, NCB 8236
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for a special exception under Section 35-399.03 of the UDC to relocate a residential structure from 12939 Southwest Loop 410 to 322 Southwest 34th Street.

Procedural Requirements

A special exception is a decision vested with the Board of Adjustment, and includes uses which may be authorized under certain circumstances. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before June 19, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 20, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before July 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at the east side of Southwest 34th Street, approximately 295 feet south of West César E. Chávez Boulevard. The subject property is currently vacant, and it is the only vacant lot on the east side of Southwest 34th Street between West César E. Chávez Boulevard and San Fernando Street. The subject structure, a single-family residence, is currently located at Dodson Housemoving's business site, located at 12939 Southwest Loop 410. The applicant has purchased the structure and wishes to relocate the structure to the subject property for use as a single-family residence.

The structure is approximately 912 square feet in area, and was constructed, according to Dodson Housemoving records, in 1953. The structure must be brought up to the residential property

maintenance code and/or International Residential Code (IRC) as adopted by the City of San Antonio, after relocation.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant – Proposed Single-Family Residence

Surrounding Zoning/Land Use

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

Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 8,545 sf	5,360 sf
Structure Age	Min: 56 years	61 years
	Max: 64 years	
	Mean Age: 62.7 years	
Structure Size	Min: 858 sf	912 sf
	Max: 1,821 sf	
	Mean Size: 1,240 sf	
Structure Height	1 Story	1 Story
Front Entry, Porch, Walkway	Front of House	Side

Building Materials	Exterior siding: Wood	Wood
	Roofing: Shingles	Shingles
	Window: Wood	Aluminum
Foundation Type	Various	Concrete Piers
Roof Line/Pitch	Gabled	Gabled
Fencing	Chain Link	Chain Link

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan (designated as General Urban Tier). The subject property is not located within the boundaries of a registered neighborhood association.

Criteria for Review

According to Section 35-482(h) of the Unified Development Code, in order for a special exception to be granted the Board of Adjustment must find that the request meets each of the five (5) following conditions:

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

The applicant is proposing to relocate a structure for use as a single-family residence to a vacant lot. **A residential use on this vacant lot is preferred, especially given the alternative of an underutilized vacant lot.** Therefore, granting the special exception will be in harmony with the spirit and purpose of the chapter.

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

The structure will be used as a single family dwelling, making use of an undeveloped parcel. The public welfare and convenience will be substantially served by the relocation.

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

There is no indication the any adjacent property will be substantially injured by the proposed use as **the structure is proposed to be placed to meet all required yard setbacks in the district.**

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

The special exception authorizing the relocation will not alter the essential character of the district as the structure proposed to be moved to the subject property is compatible with existing development patterns.

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

The special exception will not weaken the general purpose of “R-6” base zoning district, a district designed to support residential land uses. **The site plan submitted by the applicant and the size of the parcel show the proposed placement of the home will meet the minimum front, side and rear yard setbacks of the district.**

Staff Recommendation

Staff recommends **approval of A-14-073**. The requested special exception complies with all of the review criteria for granting a special exception as presented above. The relocation of the structure will fit with the character of the existing area.

Attachments

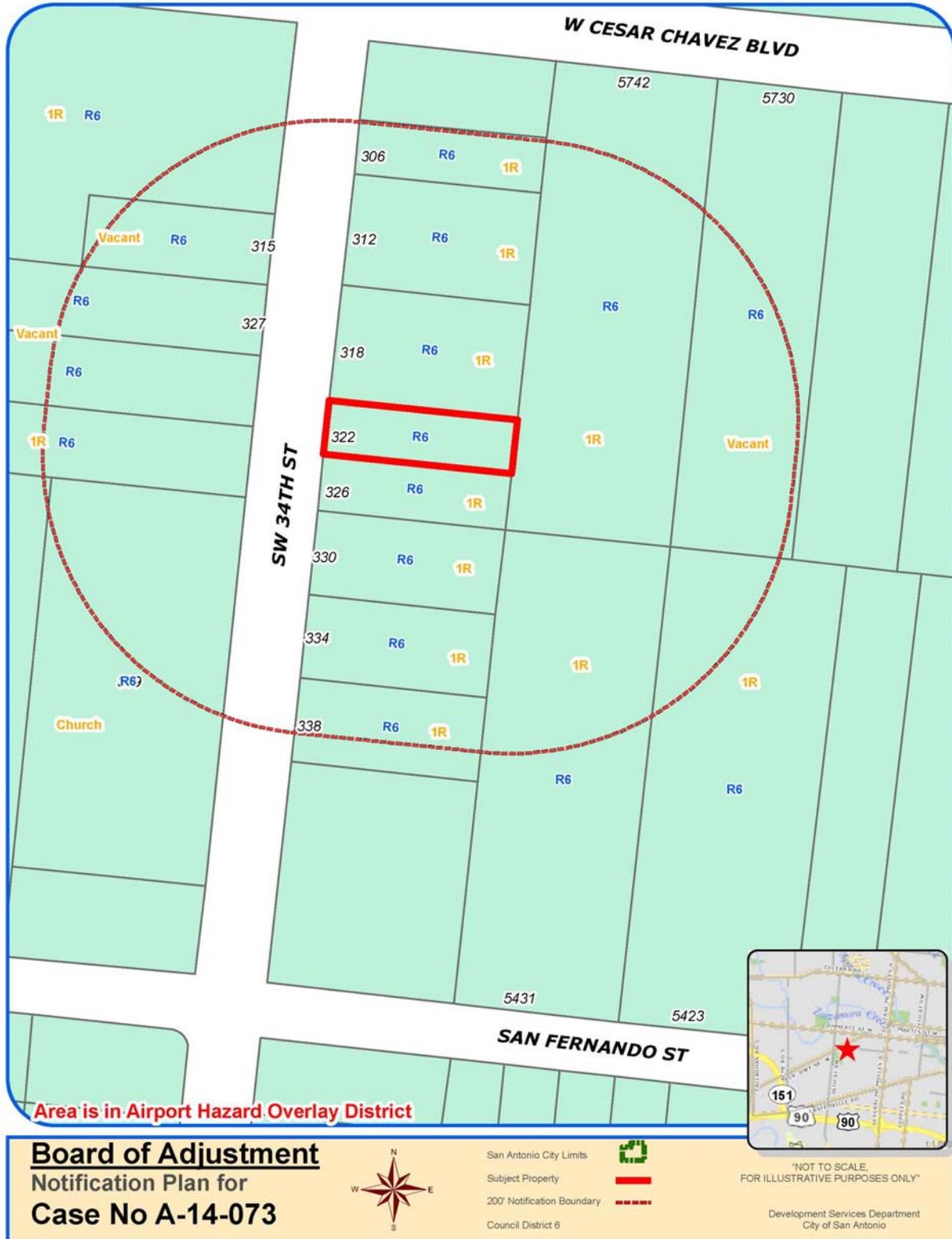
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-14-073</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 6 </p>	<p>NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY</p> <p>Development Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-073



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 6

322 SW 34th

Development Services Department
City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Variance Request:
A request for a special exception to allow
a house move from 12939 SW Loop 410 to 322 SW 34th Street.

Board of Adjustment
Plot Plan for
Case No A-14-073



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 6

322 SW 34th

Development Services Department
City of San Antonio

**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-076
Date: July 7, 2014
Applicant: Marco DeLuna
Owner: Marco DeLuna
Location: 726 S. Olive Street
Legal Description: Lot 8, Block G, NCB 647
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant is requesting a special exception to allow the relocation of a residential building from 326 El Monte Street to a lot located at 726 S. Olive Street.

Procedural Requirements

A special exception is a decision vested with the Board of Adjustment, subject to compliance with a specific set of performance criteria. 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 June 19, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 20, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before July 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is a vacant lot, located in the Arena District area on S. Olive Street. Each of the lots on the street measure 47 feet by 94 feet and include 4,418 square feet of lot area. The owner purchased the vacant lot and the house next door in 2009, with the intention to construct a house on this lot. The applicant has decided instead to relocate a home currently owned by the Lovera Baptist Church. Relocation of a residential building requires a special exception from the Board of Adjustment, pursuant to the UDC 35-399.03. Their review is focused on determining whether the house will be compatible with the other houses on the block. As such, staff collects information on the average size, age and materials of other houses on the block face to assist the Board in the analysis.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 H AHOD” Residential Single-Family Historic Airport Hazard Overlay Districts	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District	Single-Family Home
South	“R-4 H AHOD” Residential-Single-Family Historic Airport Hazard Overlay District	Single-Family Home
East	“R-6 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District	Single-Family Home
West	“R-6 H AHOD” Residential Single-Family Historic Airport Hazard Overlay District	Single-Family Home

Relocation Compatibility Table

Compatibility Standard	Existing Condition on Blockface	Applicant's Proposed Condition
Lot Size	Mean Lot Size: 4,418sf	4,418 sq. ft.
Structure Age	Min: 7 years	58 years
	Max: 104 years	
	Mean Age: 73 years	
Structure Size	Min: 717 sf	1,126 sf
	Max: 1,182 sf	
	Mean Size: 894 sf	
Structure Height	1 Story	1 Story

Front Entry, Porch, Walkway	Front of House, several porches	New door
Building Materials	Exterior siding: Wood	Wood
	Roofing: Shingles	Shingles
	Window: Aluminum, vinyl & wood	Wood
Foundation Type	Various	Post & beam
Roof Line/Pitch	Gabled	Gabled
Fencing	Chain Link & ornamental iron	None

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Arena District Neighborhood Plan, adopted in December, 2003. A goal of enhancing residential neighborhoods was highlighted in the plan and would be furthered by the proposed relocation. The subject property is within the boundaries of the Denver Heights Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment.

Criteria for Review

According to Section 35-482(h) of the Unified Development Code, in order for a special exception to be granted the Board of Adjustment must find that the request meets each of the five (5) following conditions:

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

The applicant is proposing to relocate a structure to a vacant lot and intends to renovate the structure to meet current buildings codes. New electrical service and new plumbing are planned. **A residential use on this vacant lot is preferred, given the previous house was demolished over 20 years ago. Therefore, granting the special exception will be in harmony with the spirit and purpose of the chapter.**

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

The structure will be used as a single family dwelling, making use of an undeveloped parcel within a neighborhood that could benefit from incremental revitalization. The public welfare and convenience will be substantially served by the relocation.

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

The addition of this home will add integrity to the streetscape, bring a family to the block and convert a vacant lot into a personal yard. The proposed home will not negatively impact the neighboring property.

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

The houses in this area are small, modest homes that are well maintained and contribute to the character of the district. The proposed house is similar in size. Therefore, the special exception authorizing the relocation will not alter the essential character of the district.

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

The special exception will not weaken the general purpose of “RM-4 AHOD” zoning district, a district designed to support a variety of residential land uses. The site plan submitted by the applicant shows the proposed placement of the home will satisfy the minimum front, side and rear yard setbacks of the district.

Staff Recommendation

Staff recommends **approval of A-14-076**, based on the following findings:

1. The requested special exception complies with all of the review criteria for granting a special exception as presented above.
2. The relocation of the structure in question will allow the reasonable use of a property that has been vacant for a significant time, and will fit with the character of the existing area.

Attachments

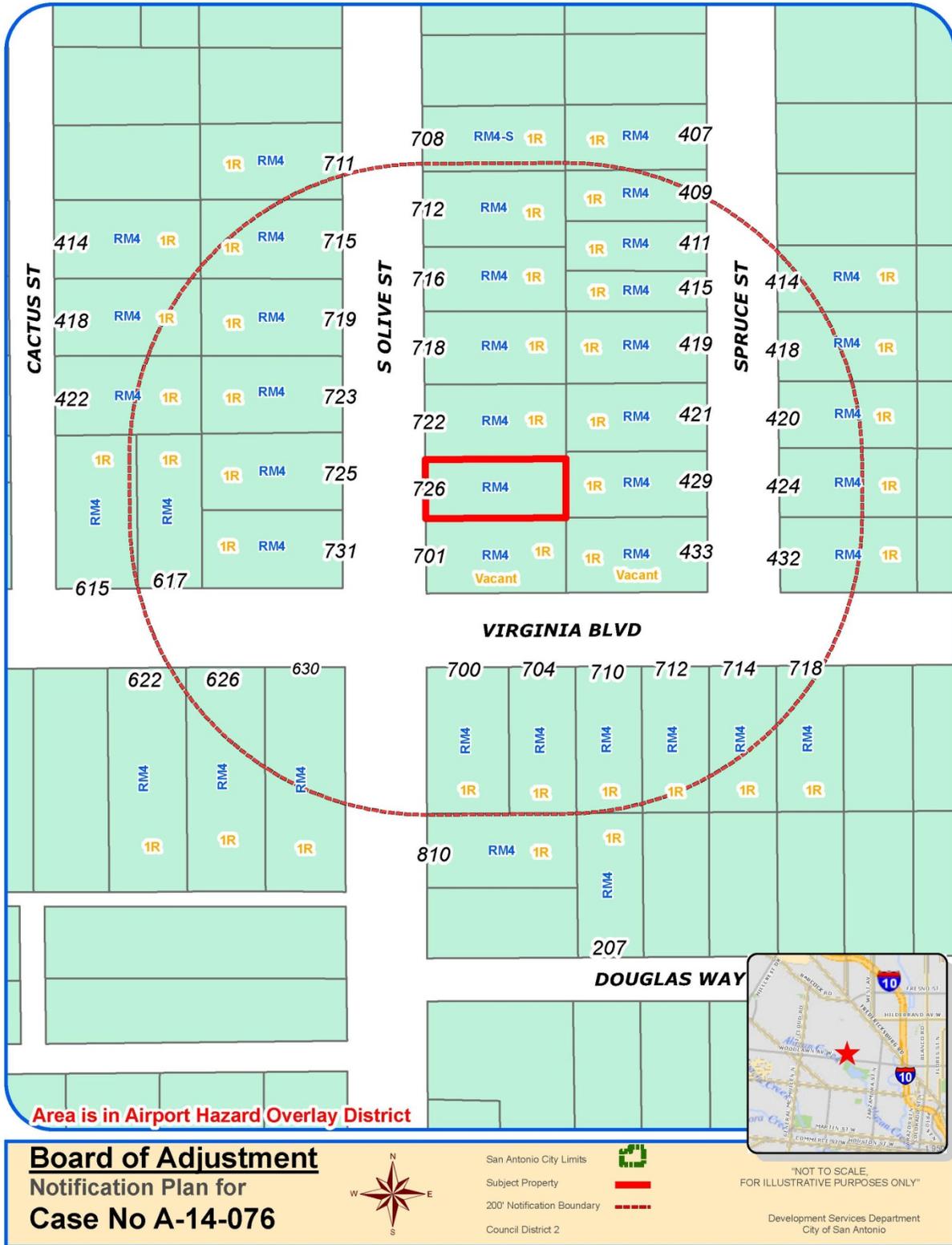
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

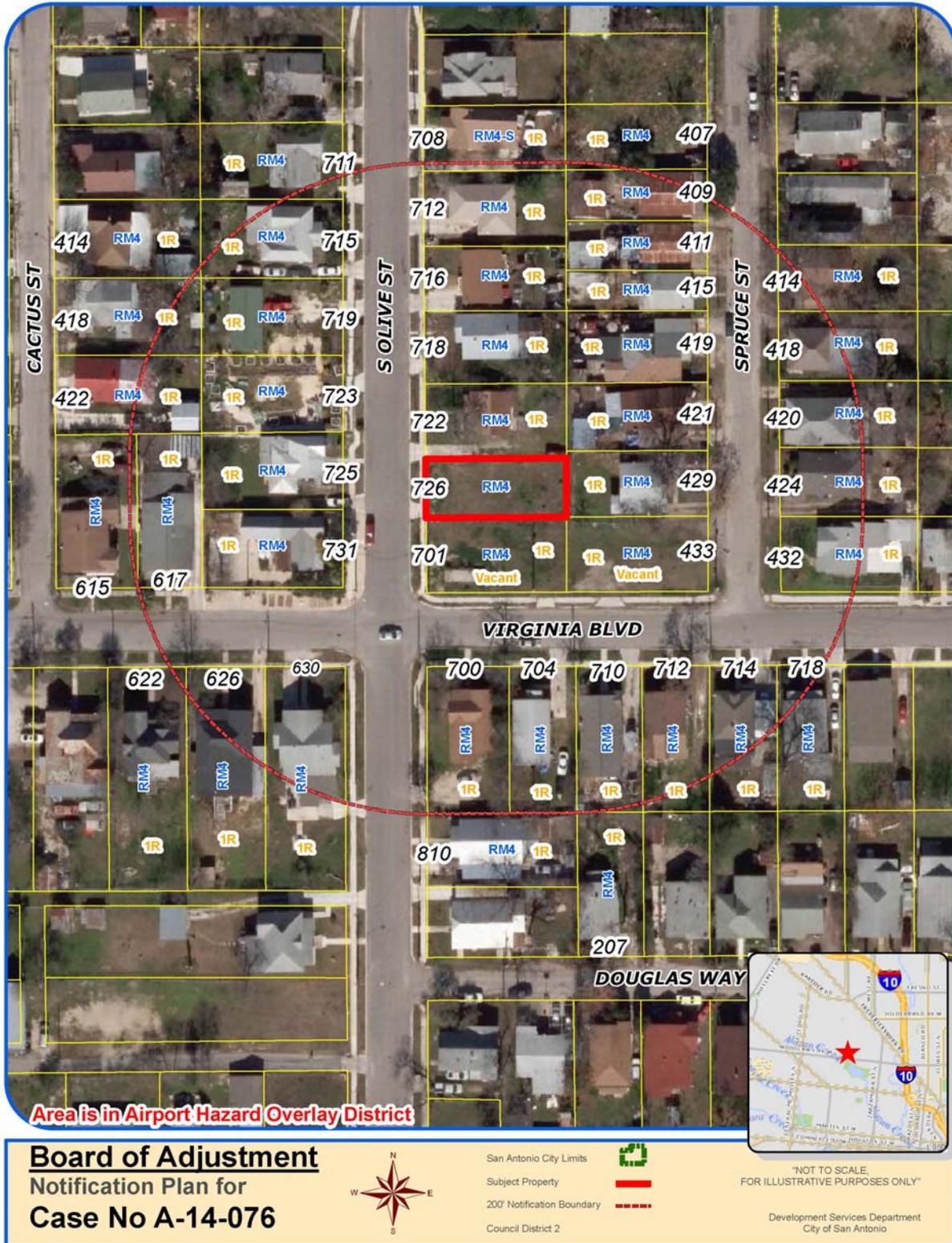
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1
Notification Plan (cont)**



**Attachment 2
Plot Plan**



Variance Request:
A request for special exception to authorize the relocation
of a residential structure onto the vacant lot. (at 726 S. Olive)

Board of Adjustment
Plot Plan for
Case No A-14-076



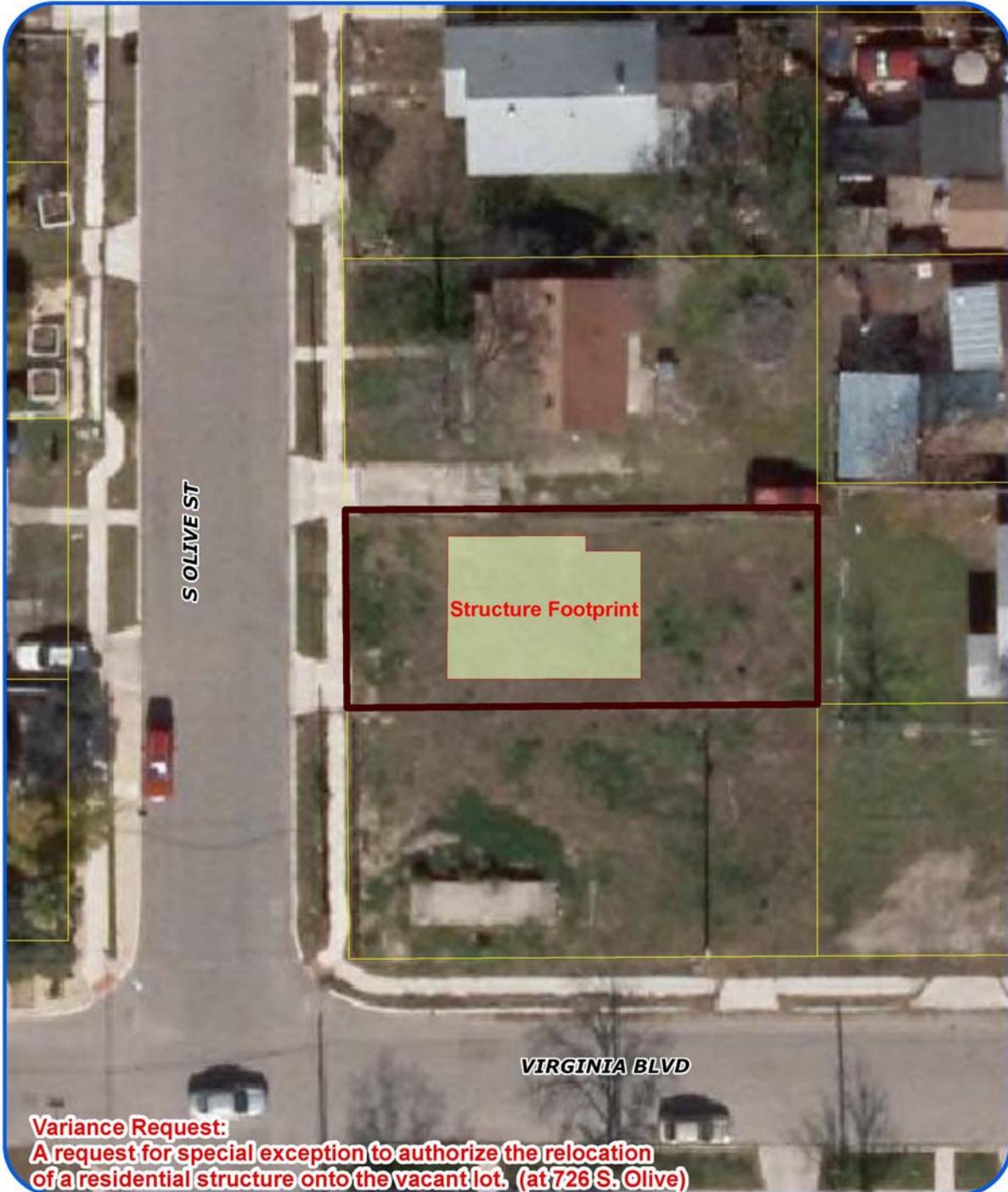
"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 2

726 S. Olive

1:300

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan (cont)**



Variance Request:
**A request for special exception to authorize the relocation
of a residential structure onto the vacant lot. (at 726 S. Olive)**

Board of Adjustment
Plot Plan for
Case No A-14-076



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

726 S. Olive

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

SUBJECT TO RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS AS FOLLOWS:			
VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS
VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS
VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS

N45°00'00"E 100.00'	RECORD INFORMATION	S45°00'00"W AS MEASURED IN FIELD 100.00'	<input checked="" type="checkbox"/> BARBED WIRE <input type="checkbox"/> IRON FENCE	<input checked="" type="checkbox"/> SMOOTH WIRE <input checked="" type="checkbox"/> CHAIN LINK FENCE	<input type="checkbox"/> WOOD FENCE <input type="checkbox"/> WATER FLOW
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NOTE: BEARINGS AND DISTANCES WERE BASED ON FIELD CONDITIONS.

NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY NOT SHOW ALL SETBACKS / EASEMENTS OR OTHER MATTERS AFFECTING THIS PROPERTY.

LOT(S) <u>8</u>	BLOCK <u>G</u>	N.C.B. <u>647</u>	SUBDIVISION <u> </u>	
VOLUME <u> </u> PAGE <u> </u> OF THE <u>DEED & PLAT</u> RECORDS OF <u>BEXAR</u> COUNTY, TEXAS				
WITNESS MY HAND AND SEAL THIS <u>6</u> DAY OF <u>MAY</u> , 20 <u>14</u>				
BUYER <u> </u>				
ADDRESS <u>726 S. OLIVE ST.</u> GF# <u> </u>				

**Attachment 4
Site Photos**



726 S. Olive Street



The home at 326 El Monte



City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-074
Date: July 7, 2014
Applicant: Mona Talukdar
Owner: KRSNA Properties, LLC
Location: 8245 Old Tezel Road
Legal Description: Lot 7, Block 1, NCB 18307
Zoning: "C-3" General Commercial District
Prepared By: Tony Felts, Planner

Request

A request for a special exception pursuant to Section 35-399.05 of the UDC to allow a front yard fence of 6-feet in height at a "C-3" zoned property.

Procedural Requirements

A special exception is a decision vested with the Board of Adjustment, and includes uses which may be authorized under certain circumstances. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before June 19, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 20, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before July 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the west side of Old Tezel Road, approximately 225 feet south of Guilbeau Road. The site is currently undeveloped; an assisted living facility is proposed for the property.

The applicant is requesting authorization from the Board to construct a predominantly open, wrought-iron fence of 6-feet in height within the front yard. The fencing is requested due to the requirements of the State of Texas Department of Aging and Disability Services for a walled or fenced open area of at least 800 square feet connected to and controlled by the facility.

The UDC allows a special exception to be considered for fences in the front yards of properties zoned "C-3" or industrial.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3” General Commercial District	Vacant Property (Proposed Assisted Living)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3” General Commercial District and “R-6” Residential Single-Family District	Daycare, Vacant Property, Automobile Paint and Body
South	“C-3” General Commercial District	Vacant Property
East	“R-6” Residential Single-Family District	Church
West	“C-3” General Commercial District	Shopping Center

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northwest Community Plan (designated as High Density Residential). The subject property is not located within the boundaries of a registered neighborhood association.

Criteria for Review

According to Section 35-482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-399.01):

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

The requested special exception will be in harmony with the spirit and purpose of the chapter **in that the proposed 6-foot high wrought iron front yard fence meets the requirements of the Unified Development Code and is a necessary component in the operation of the proposed use as an assisted living facility.**

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

Public welfare and convenience will be served with the granting of this request **as the proposed fence will serve to protect the residents of the assisted living facility and meet state requirements for the operation of assisted living facilities.**

3. *The neighboring properties will not be substantially injured by such proposed use.*

The subject property will be primarily used as a assisted living facility, an allowed use within the “C-3” zoning district. **Neighboring properties will not be substantially injured as the proposed fence will be unobtrusive and will allow for the protection of the residents of the facility.**

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

The requested special exception will not alter the essential character of the district **as the use is an allowed use and the fence is not within any required setbacks.**

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

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

Staff Recommendation

Staff recommends **approval of A-14-074** due to the following reasons:

1. The request meets all of the criteria for granting the requested special exception
2. The proposed fence is a necessary component of the proposed use

Attachments

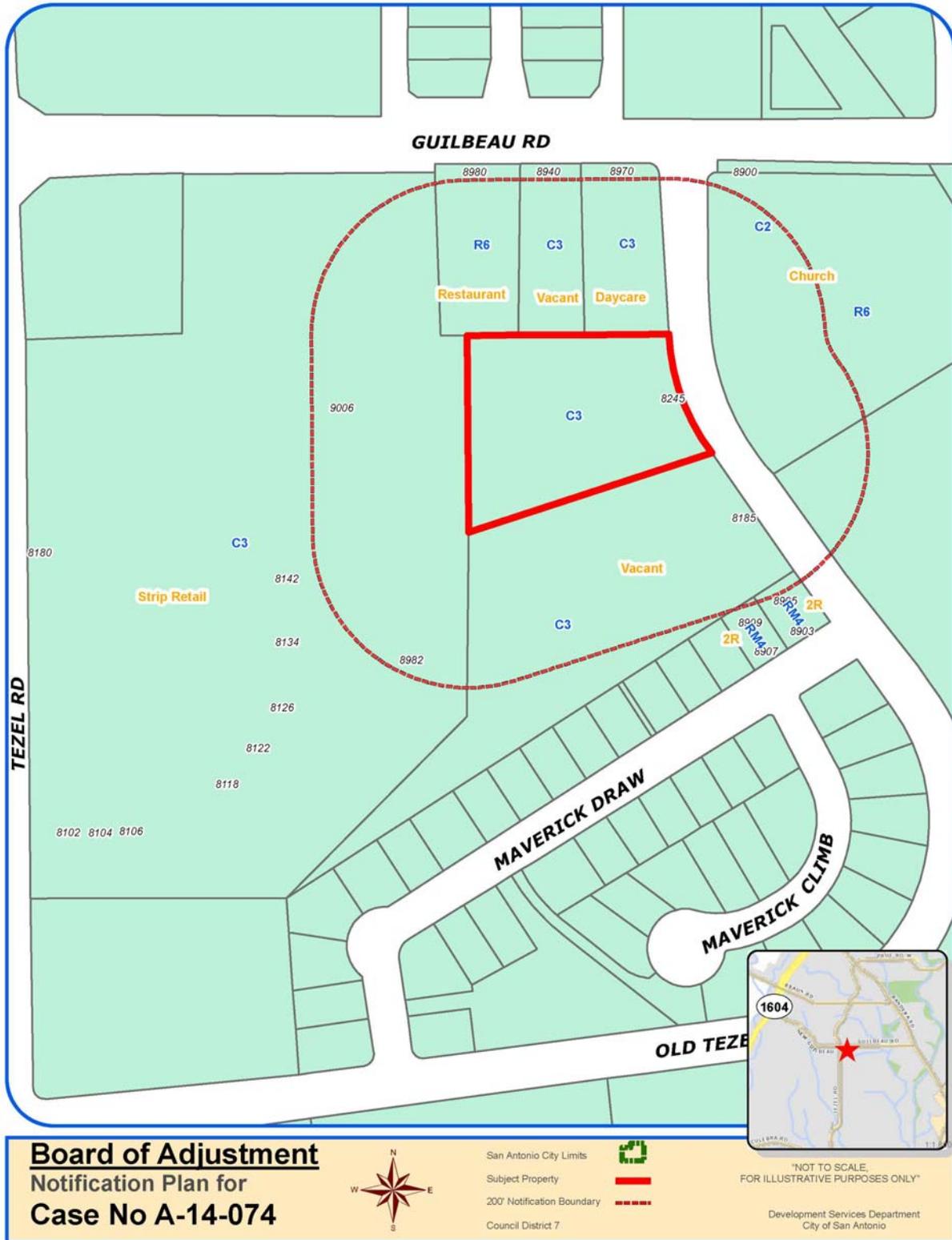
Attachment 1 – Notification Plan

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

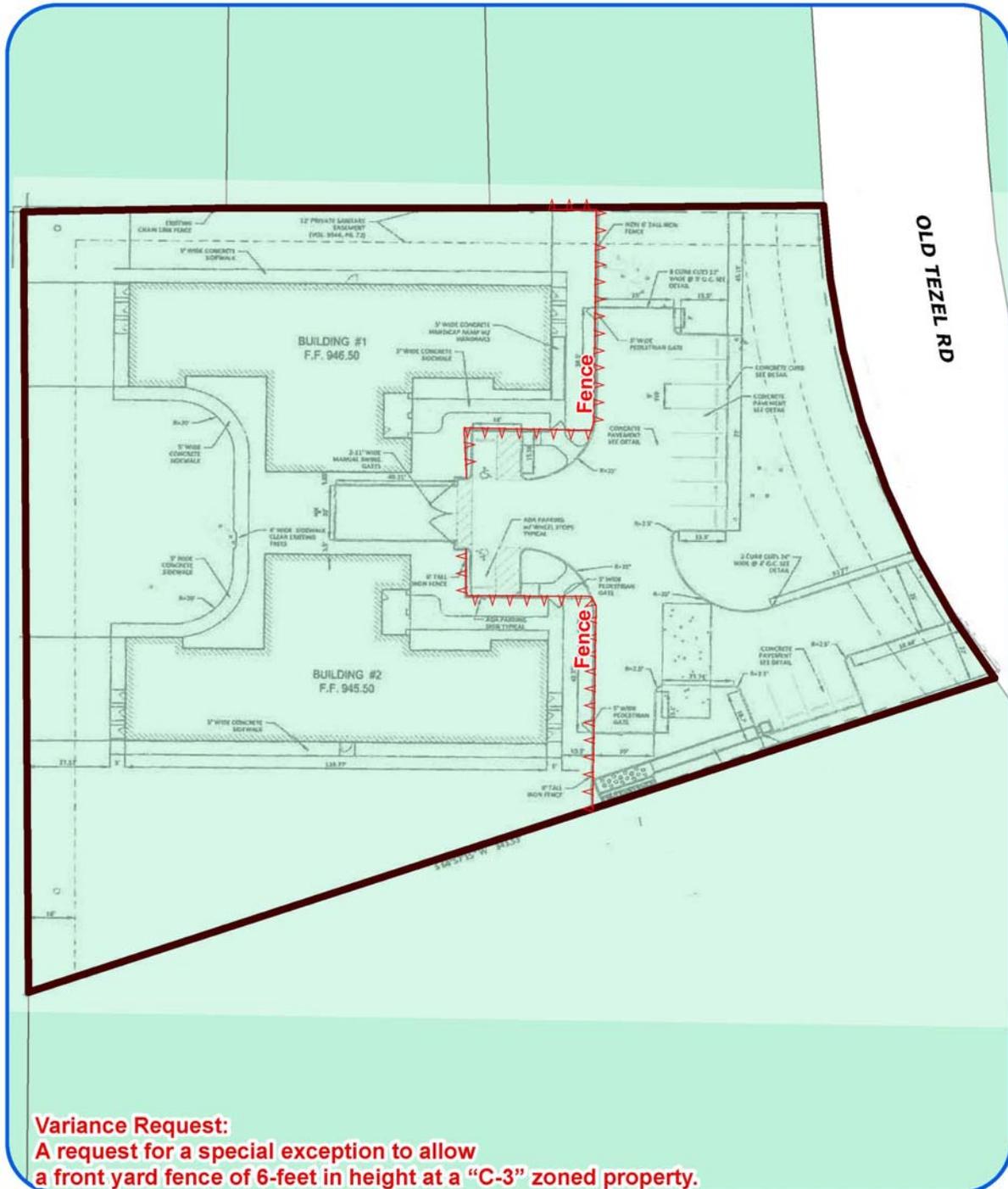
Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Attachment 2
Plot Plan**



Variance Request:
A request for a special exception to allow a front yard fence of 6-feet in height at a "C-3" zoned property.

Board of Adjustment
 Plot Plan for
Case No A-14-074



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

8245 Old Tezel Road

Development Services Department
 City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Variance Request:
A request for a special exception to allow
a front-yard fence of 6-feet in height at a "C-3" zoned property.

Board of Adjustment
 Plot Plan for
Case No A-14-074

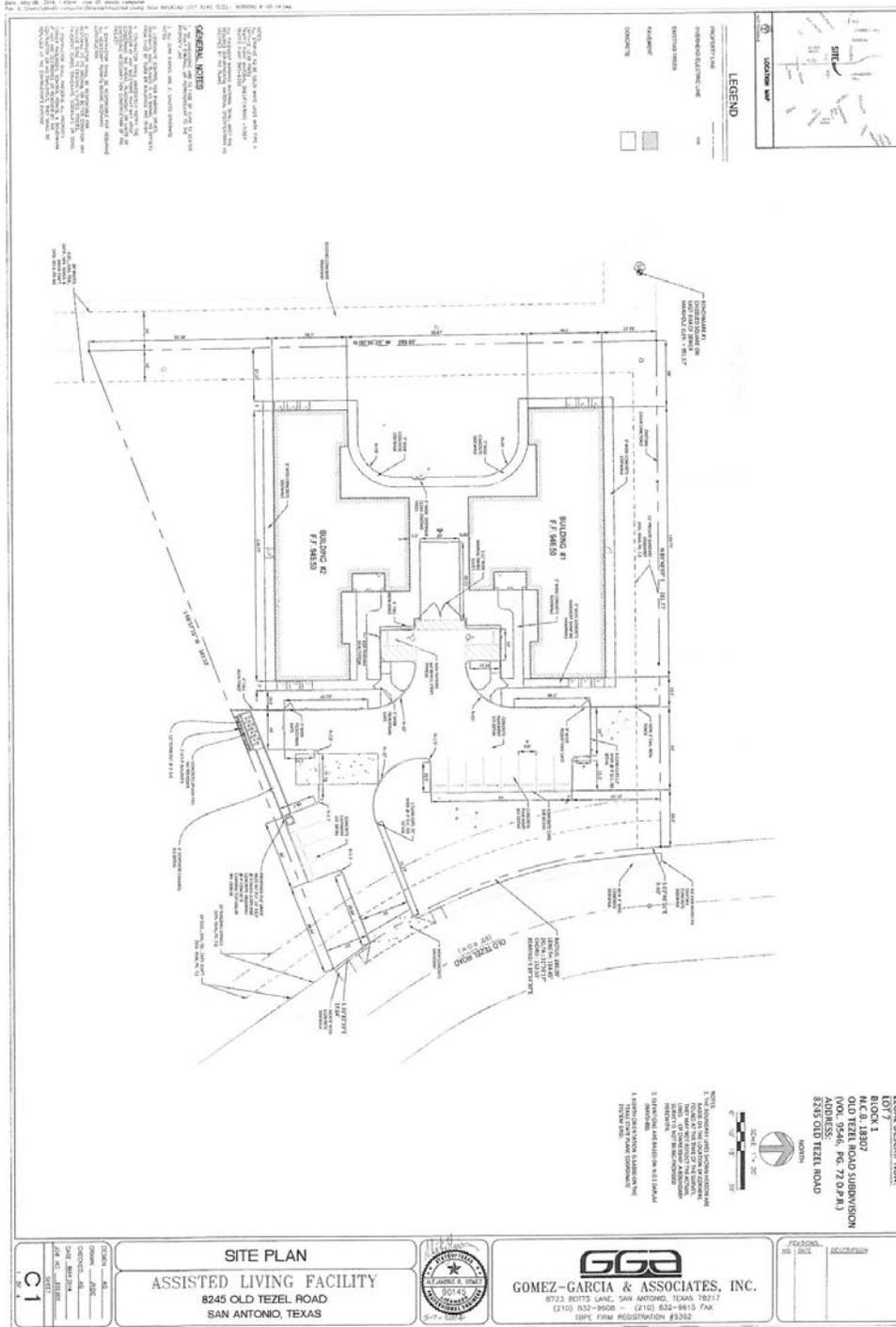


"NOT TO SCALE,
 FOR ILLUSTRATIVE PURPOSES ONLY"
 Council District 7

8245 Old Tezel Road

Development Services Department
 City of San Antonio

Attachment 3 Applicant's Site Plan



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-071
Date: July 7, 2014
Applicant: Harry Jewett
Owner: Park Drive Investments, LP
Location: 8615 US Highway 90 West
Legal Description: Lot 4, Block 40, NCB 15404
Zoning: "C-3 R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request from Section 35-514(d) for 1) a 4-foot variance from the 4-foot maximum height limit to allow a predominantly open fence 8 feet in height in the front yard, and 2) a 2-foot variance from the 6-foot maximum fence height to allow a predominantly open fence 8 feet in height in the side and rear yards.

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 and registered neighborhood associations within two hundred (200) feet of the subject property on or before June 19, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 20, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before July 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the northwest corner of US Highway 90 West and Horal Drive.

The site is currently undeveloped; a proposed sales and service center for recreational vehicles is under construction at the site. As part of the development of the site, the applicant is requesting to install a predominantly open wrought iron fence 8 feet in height along the front, side, and rear property lines.

The applicant has stated that the fence is required due to crime and thefts which have occurred not only in the area, but also at the construction site. The city’s online crime tracking tool does indicate that there have been several reports of crime in the area.

It should be noted that the proposed fence, if approved, will have to meet the clear vision requirements of the UDC in order to be constructed.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Vacant / RV Dealership Under Construction

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Offices
South	Right-of-way	US Highway 90 West
East	“C-3 R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District, “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant Property, Convenience Store, Duplexes
West	“C-3 R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District, “C-3 R CDAHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District with a conditional use for a mini-warehouse facility exceeding 2.5 acres, “C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant Property, Pool Supply, Mini Storage

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan (designated as Suburban Tier). The subject property is located within the boundaries of Rainbow Hills 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:*

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. **The applicant's proposed fence will serve to protect the property from crime issues in area; in fact, the site's construction trailer has already been broken into.**

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

The special conditions existing on the property are a function of criminal activity in the area, as such a literal enforcement of the ordinance would likely result in an 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 be observed as there are special conditions apparent to warrant the granting of a variance.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "C-3 R" General Commercial Restrictive Alcoholic Sales base zoning district.

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

The requested variance, if approved, will likely not injure the appropriate use of any adjacent conforming properties, and the fence will likely not have a harmful effect on the character of the area.

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.*

Due to crime issues in the area, there are unique circumstances readily apparent to warrant the granting of the requested variance.

Alternatives to Applicant's Request

The alternative to the applicant's request is to modify the fence to 4 feet in height within the front yard and 6 feet in height within the side and rear yard; or modify the fence to 6 feet in height within the front yard and request a special exception from the Board of Adjustment.

Staff Recommendation

Staff recommends **approval of A-14-071** because of the following reasons:

- The prevalence of thefts in the area.
- The fence does not detract from the character of the area.

Attachments

Attachment 1 – Notification Plan (Location Map)

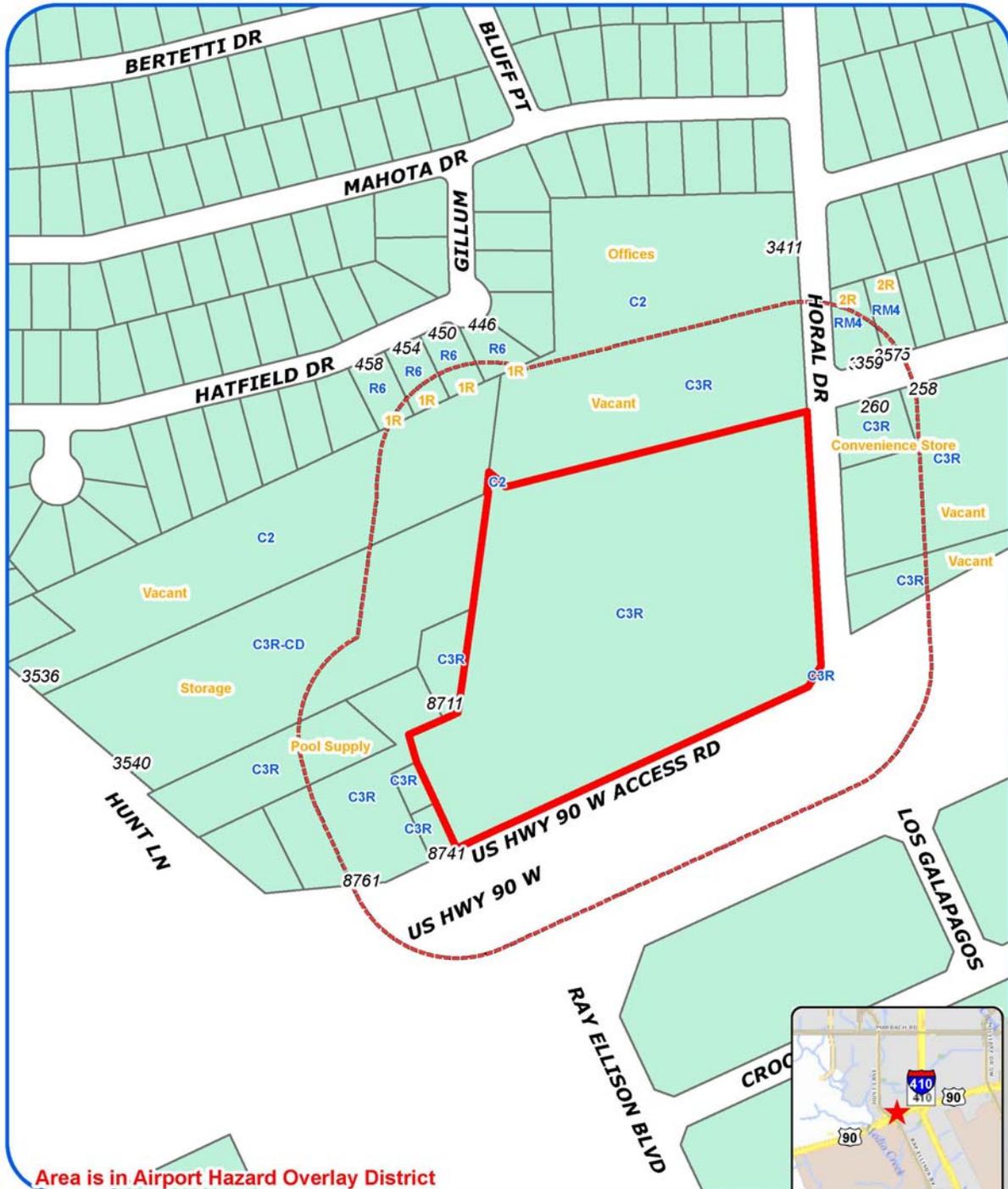
Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Fence Detail

Attachment 5 – Site Photos

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

Board of Adjustment
Notification Plan for
Case No A-14-071



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 4



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FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District



**Board of Adjustment
Notification Plan for
Case No A-14-071**

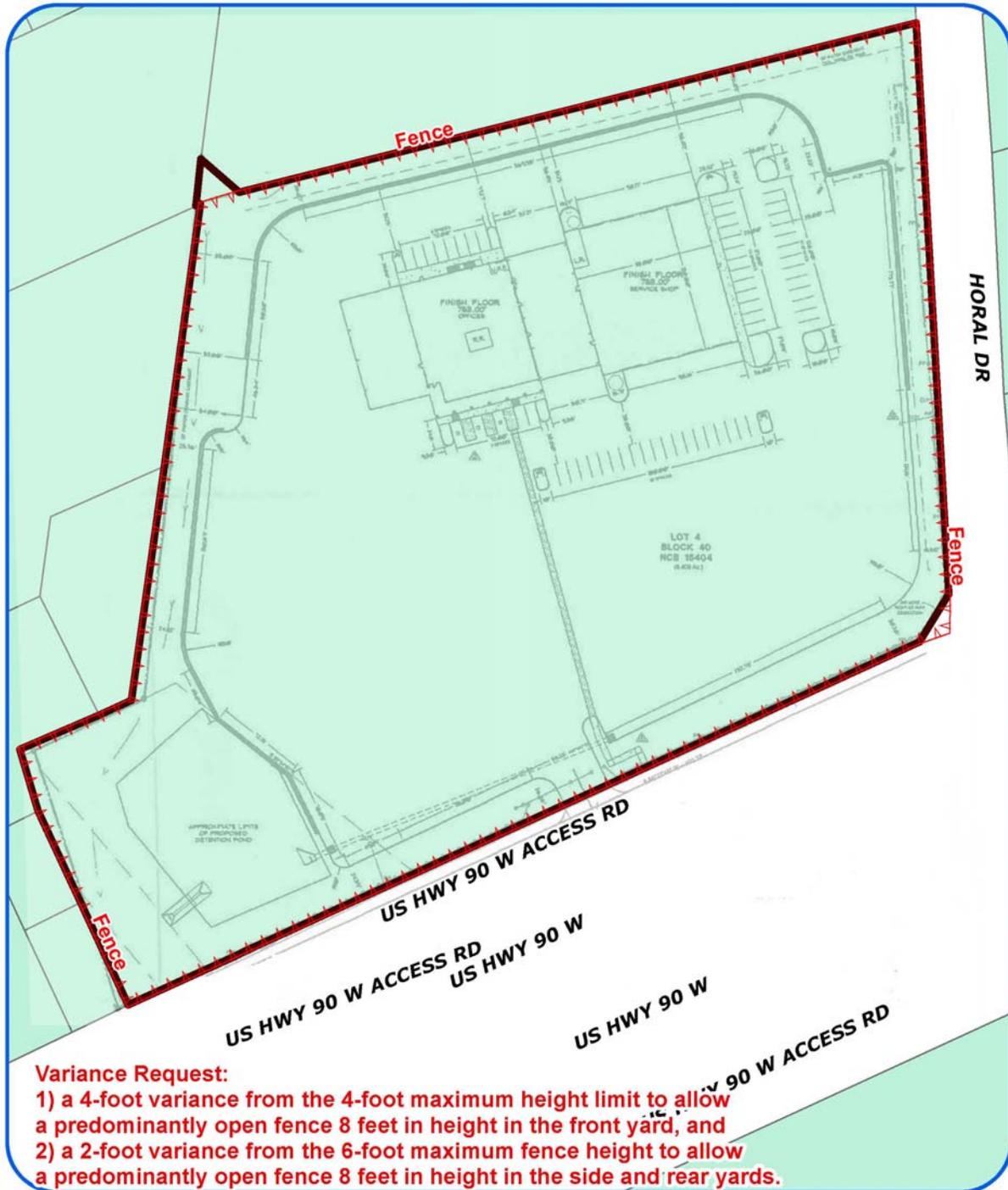


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 4

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Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:

- 1) a 4-foot variance from the 4-foot maximum height limit to allow a predominantly open fence 8 feet in height in the front yard, and
- 2) a 2-foot variance from the 6-foot maximum fence height to allow a predominantly open fence 8 feet in height in the side and rear yards.

Board of Adjustment
Plot Plan for
Case No A-14-071



"NOT TO SCALE,
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Council District 4

8615 US Hwy 90 W

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Variance Request:

- 1) a 4-foot variance from the 4-foot maximum height limit, to allow a predominantly open fence 8 feet in height in the front yard, and
- 2) a 2-foot variance from the 6-foot maximum fence height to allow a predominantly open fence 8 feet in height in the side and rear yards.

Board of Adjustment
Plot Plan for
Case No A-14-071



"NOT TO SCALE,
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Council District 4

8615 US Hwy 90 W

Development Services Department
City of San Antonio

**Attachment 5
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-072
Date: July 7, 2014
Applicant: Robert A. Armstrong, Jr.
Owner: Colette E. Reynders
Location: 15507 Trail Bluff Drive
Legal Description: Lot 35, Block 4, NCB 18890
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request from Section 35-514(d) for a 2.5-foot variance from the 6-foot maximum height limit to allow a solid fence 8.5 feet in height in the side 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 and registered neighborhood associations within two hundred (200) feet of the subject property on or before June 19, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 20, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before July 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the east side of Trail Bluff Drive, approximately 185 feet south of Green Spring Drive.

The site is currently developed as a single-family residence. The applicant has installed a solid wood fence 8.5 feet in height along the side property lines, without a permit.

The applicant has stated that the fence is required due to elevation differences on the property, as well as to provide effective screening of an elevated deck around an in-ground pool. The applicant states that the height of the decking results in an effective 6-foot high fence when

viewed from inside the property. A higher fence than allowed by code would preserve the desired level of privacy for the applicants, as well as for the abutting property to the south.

Finally, the fence, if approved, will need to have a certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the building code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5” Residential Single-Family District	Single-family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5” Residential Single-Family District	Single-Family Residence
South	“R-5” Residential Single-Family District	Single-Family Residence
East	“C-2” Commercial District	Church
West	“R-5” Residential Single-Family District	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the San Antonio International Airport Vicinity Land Use Plan (designated as Low Density Residential). The subject property is not located within the boundaries of a 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:*

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. **The applicant’s side yard fence serves to limit visibility into the rear yard which results from the topography of the lot.**

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

The special conditions existing on the property are a function of topography, which would limit the applicant’s desired level of privacy in his rear yard.

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 there are special conditions apparent to warrant the granting of a variance.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-5” Residential Single-Family base zoning district.

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

The requested variance, if approved, will likely not injure the appropriate use of any adjacent conforming properties, and the fence will likely not have a harmful effect on the character of the area.

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.*

Due to the topography in the neighborhood, there are unique circumstances readily apparent to warrant the granting of the requested variance.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to modify the fence to 6 feet in height within the side and rear yard.

Staff Recommendation

Staff recommends **approval of A-14-072** because of the following reasons:

- The change in elevation on the lot as well as the elevated deck around the applicant’s swimming pool.
- The fence does not detract from the character of the neighborhood.

Attachments

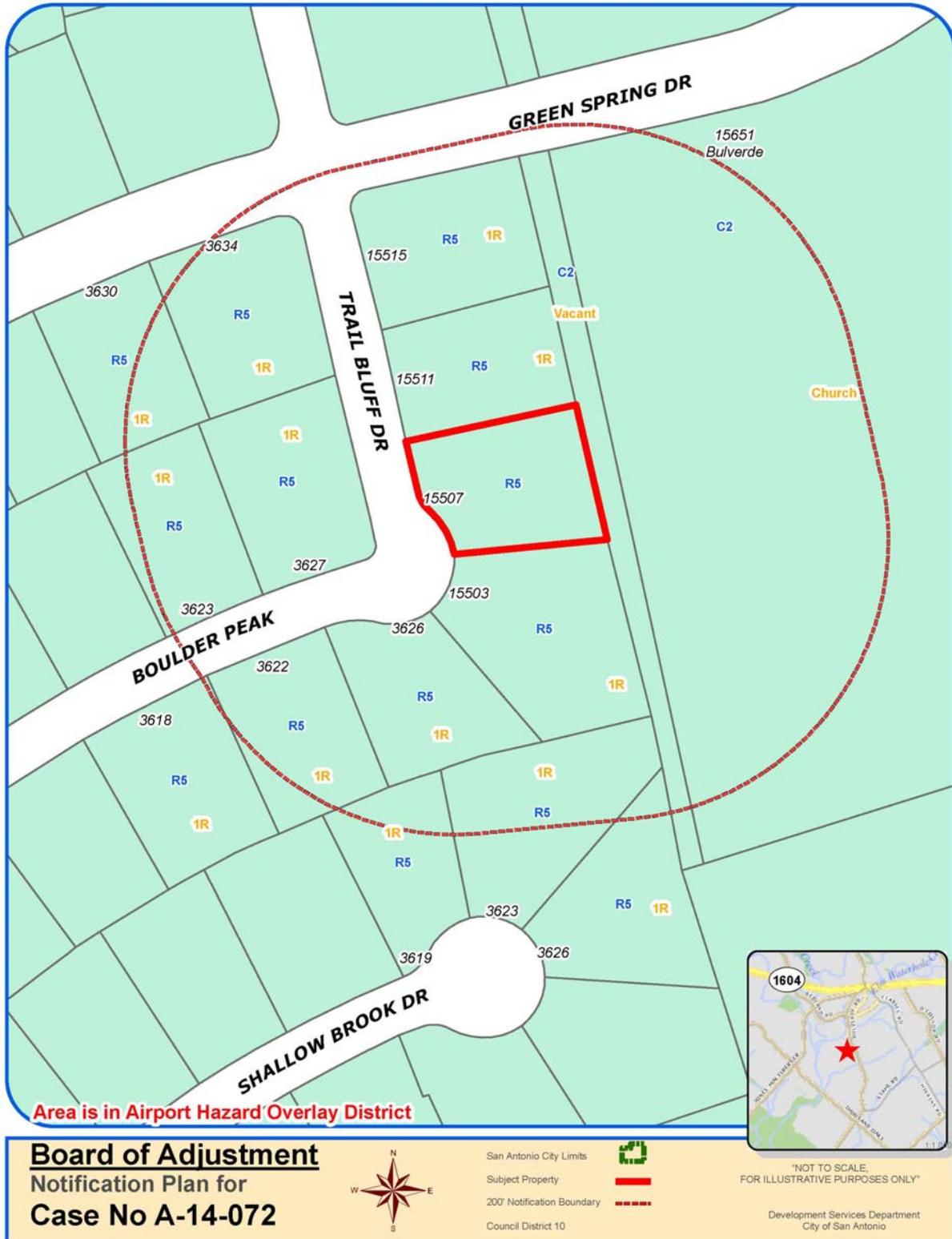
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

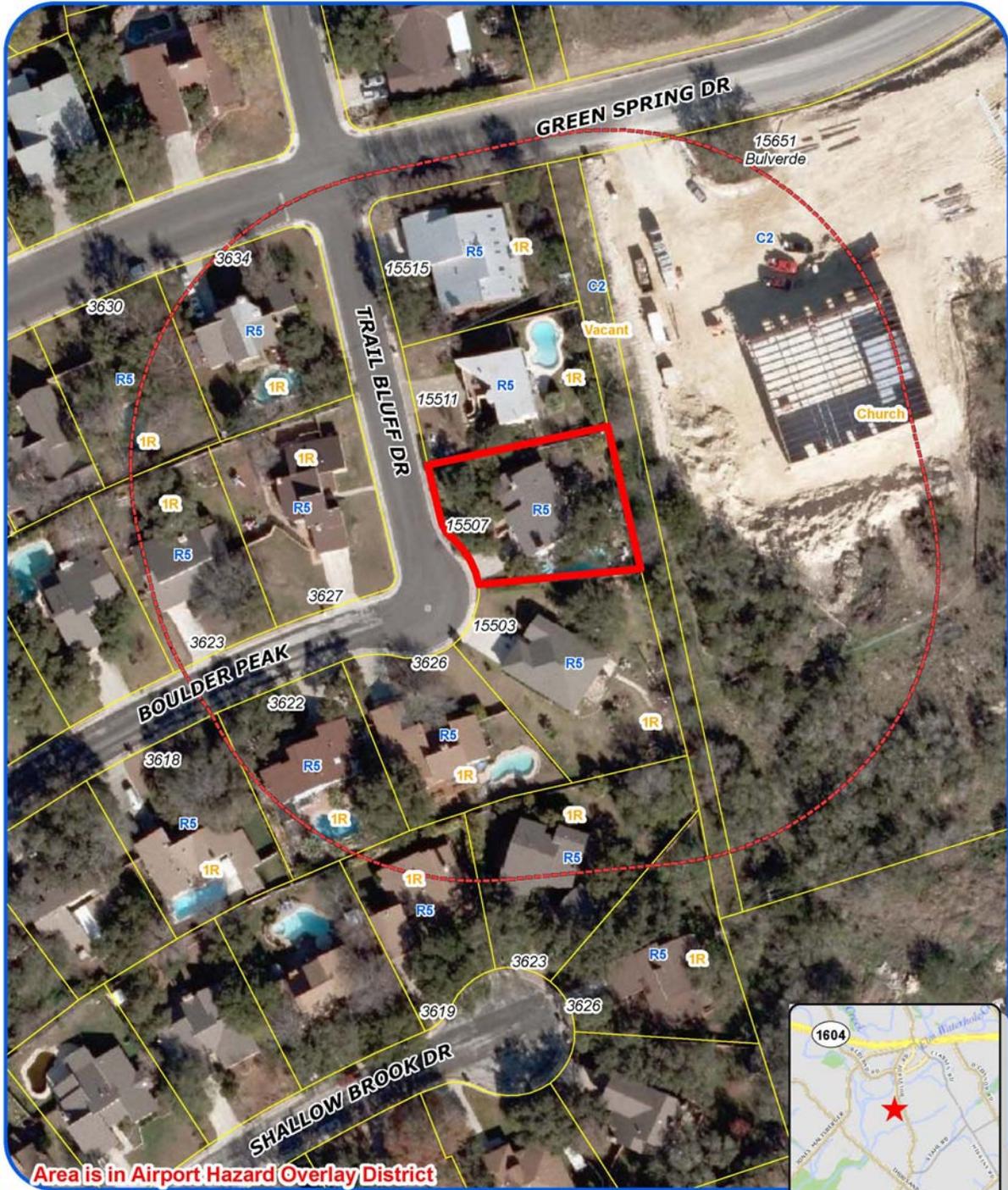
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan

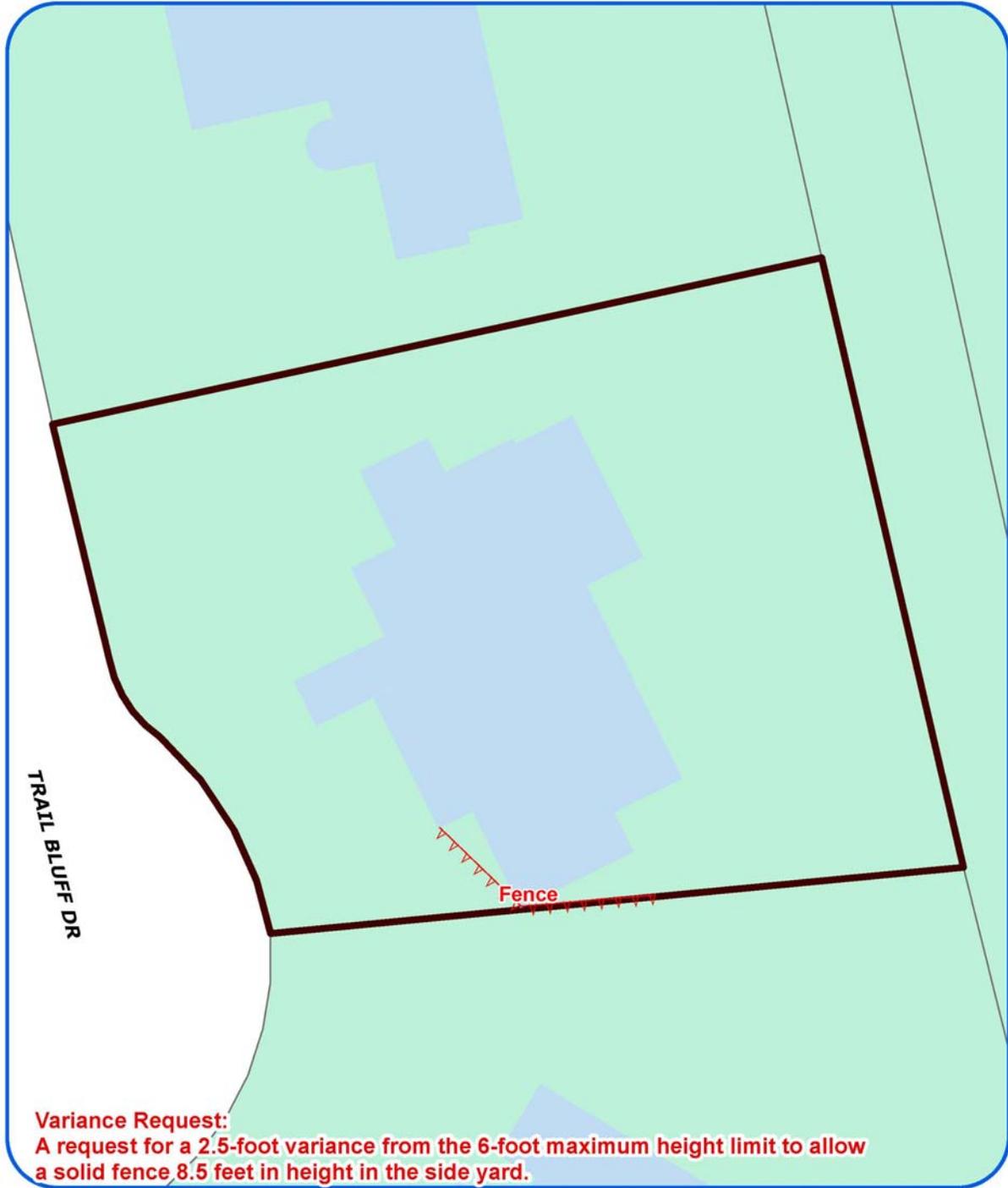


**Attachment 1 (Continued)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-14-072</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 10 </p>	<p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p>Development Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-072



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

15507 Trail Bluff¹⁻²³⁴

Development Services Department
City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Variance Request:
A request for a 2.5-foot variance from the 6-foot maximum height limit to allow a solid fence 8.5 feet in height in the side yard.

Board of Adjustment
Plot Plan for
Case No A-14-072



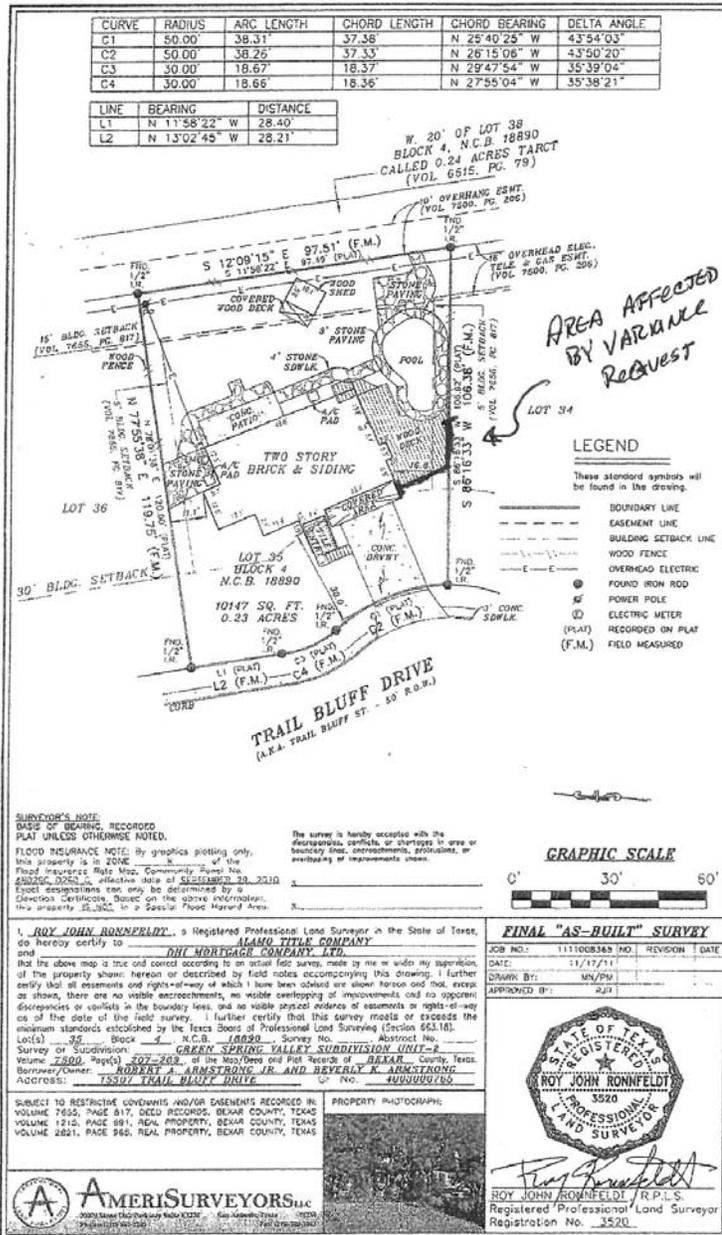
"NOT TO SCALE,
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Council District 10

15507 Trail Bluff

Development Services Department
City of San Antonio

1-234

Attachment 3 Applicant's Site Plan



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-075
Date: July 7, 2014
Applicant: Ricart Properties LP
Owner: Ricart Properties LP
Location: 3119 Roosevelt Avenue
Legal Description: Lot 6, Block 1, NCB 7660
Zoning: "C-2 H MC-1 AHOD" Commercial Historic Roosevelt Avenue
Metropolitan Corridor Overlay, Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 30-foot variance from the minimum 30-foot rear yard setback, as detailed in Table 35-310-1 to allow two in-line additions on the property line.

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 June 20, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on June 20, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before July 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at an awkward 5-point intersection on Roosevelt Avenue across from the Mission Drive-In. The convergence of these streets has influenced the shape of all of the adjoining parcels. In 1986, the applicant built a 4,000 square foot restaurant on the 24,500 square foot lot. It has been in operation since that time by the same family and has become a popular community gathering spot. The applicant is requesting a variance to allow the addition of a small pantry on the south side of the building and a walk-in cooler on the north side. The locations of these improvements are restricted by the functional space divisions in a restaurant. A restaurant has a front, where customers sit and a rear where staff works. As such, the staff has to gain access to the cooler and the pantry without walking through the eating area. The parcel

abuts a multi-family housing complex of approximately 250 units on 9 acres of land, constructed in 1968 according to Bexar County Appraisal District records. A 1979 aerial photograph confirms that the apartments were built prior to the restaurant. Table 35-310 of the UDC requires a 30-foot building setback between commercial and residential land uses. Parking is allowed in the setback. The existing site design, with the building on the rear property line and the parking in the front, prevent the applicant from accommodating this setback. The application also states that a letter was sent to the owner of the apartment project to discuss the potential variance, but no response was received.

In checking the development provisions in place when the building was originally constructed, a 20-foot building setback would have been required. Records of a variance were unavailable, as were the original building permit documents.

From the fire-rated construction comments on the proposed building permit application, the applicant will be required to fire-sprinkle the additions and fire-rate the walls as well.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 H MC-1 AHOD” Commercial Historic Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District	Restaurant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 NA H MC-1 AHOD” Commercial Historic Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay Districts	Restaurant
South	“MF-33 H MC-1 AHOD” Multi-family Historic Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay	Multi-family Residential
East	“IDZ HS MC-1 AHOD” Infill Development Zone Historically Significant Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay Districts	Drive-In & Library
West	“MF-33 H MC-1 AHOD” Multi-family Historic Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay	Multi-family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the area of the South Central Community Plan, adopted by the City Council in October of 2005. The property was designated as appropriate for mixed land

uses. The subject property is located within the boundary of the Mission San Jose Neighborhood Association, a registered neighborhood association. As such, they were notified of the request 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 described as the general health, safety and welfare of the community at large. The UDC requires a building setback along a property line between residential and commercial uses, but allows parking in this setback. **The applicant asserts that parking near this property line would be more disruptive to the peace and enjoyment of the apartments than the building. Therefore, the variance in this case would be in the public interest.**

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

Literal enforcement of the ordinance would prevent the restaurant from adding the walk-in cooler or the pantry. In their application, they assert that it is necessary for efficient service to their customers and will decrease wait time for food service. The Board will have to determine if denying this request results in an unnecessary hardship.

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

For each requested variance, the Board must determine the “spirit” of the ordinance as contrasted with the “strict letter” of the requirement. In this case, **the applicant is requesting approval to allow an expansion of two additions along the same property line the building has abutted for the last 34 years. The building is a better buffer to the neighbors than the parking lot would be therefore satisfying the spirit of the ordinance.**

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-3 H MC-1 AHOD” zoning district.

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

The property is very well-maintained, with attractive landscaping. Located in the Mission Historic District, **the project has recently received conceptual approval by the Historic and Design Review Commission pending the outcome of the requested variance. The property is also located in a corridor overlay zoning district, requiring façade design details. Therefore, the addition will 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 describes the triangular shape of the property as the primary property-related circumstance existing on the property resulting in the need for the variance.

Alternatives to Applicant's Request

The applicant has no alternative location to construct the proposed additions and would instead have to relocate their restaurant to a larger site.

Staff Recommendation

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

1. The proposed variance would allow necessary in line additions to a building constructed on the property line 34 years ago; and
2. The building on the property line is less disruptive to the neighboring apartments than an active parking lot would be.

Attachments

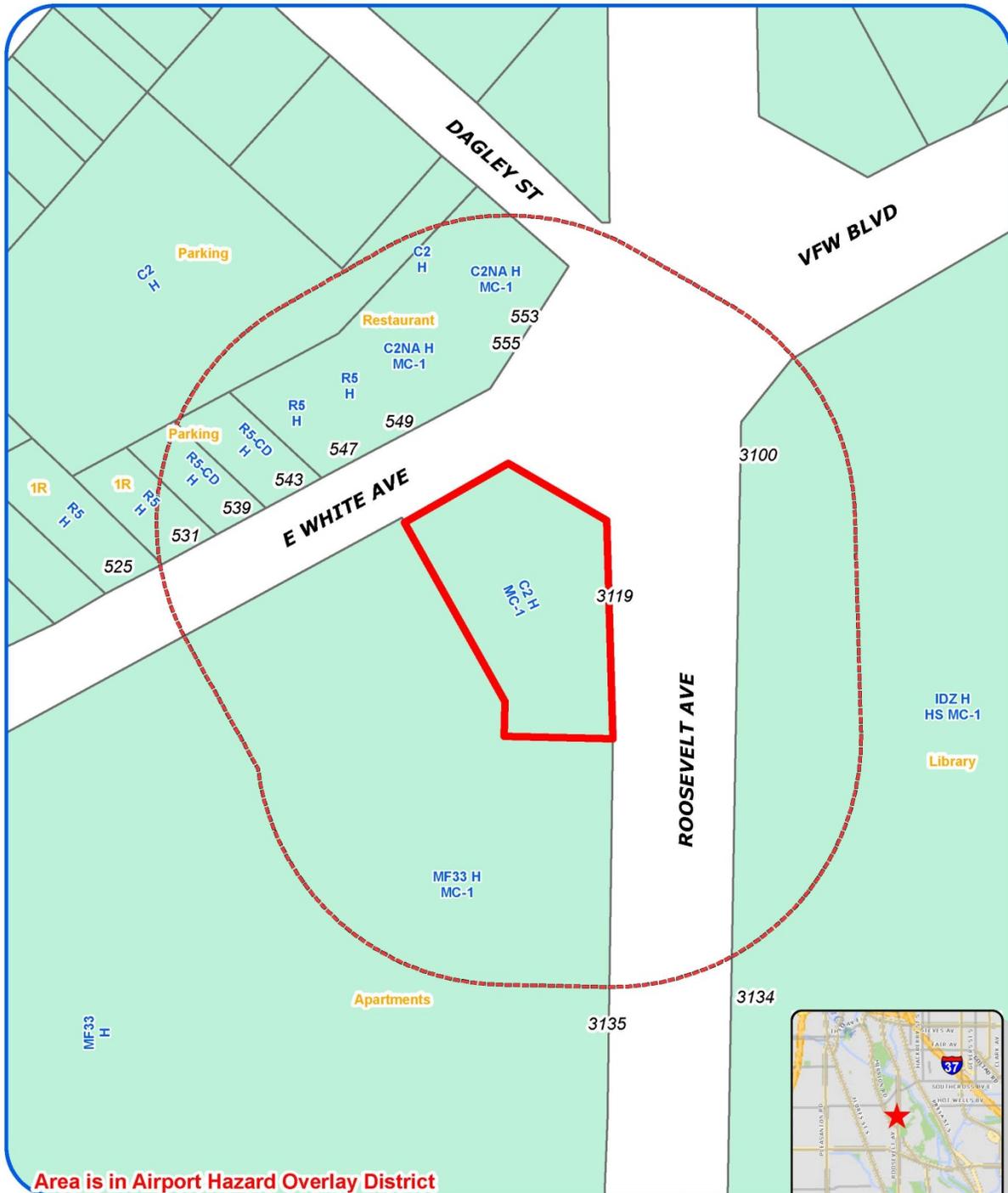
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

Board of Adjustment Notification Plan for Case No A-14-075



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



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Development Services Department
City of San Antonio

**Attachment 1
Notification Plan (continued)**

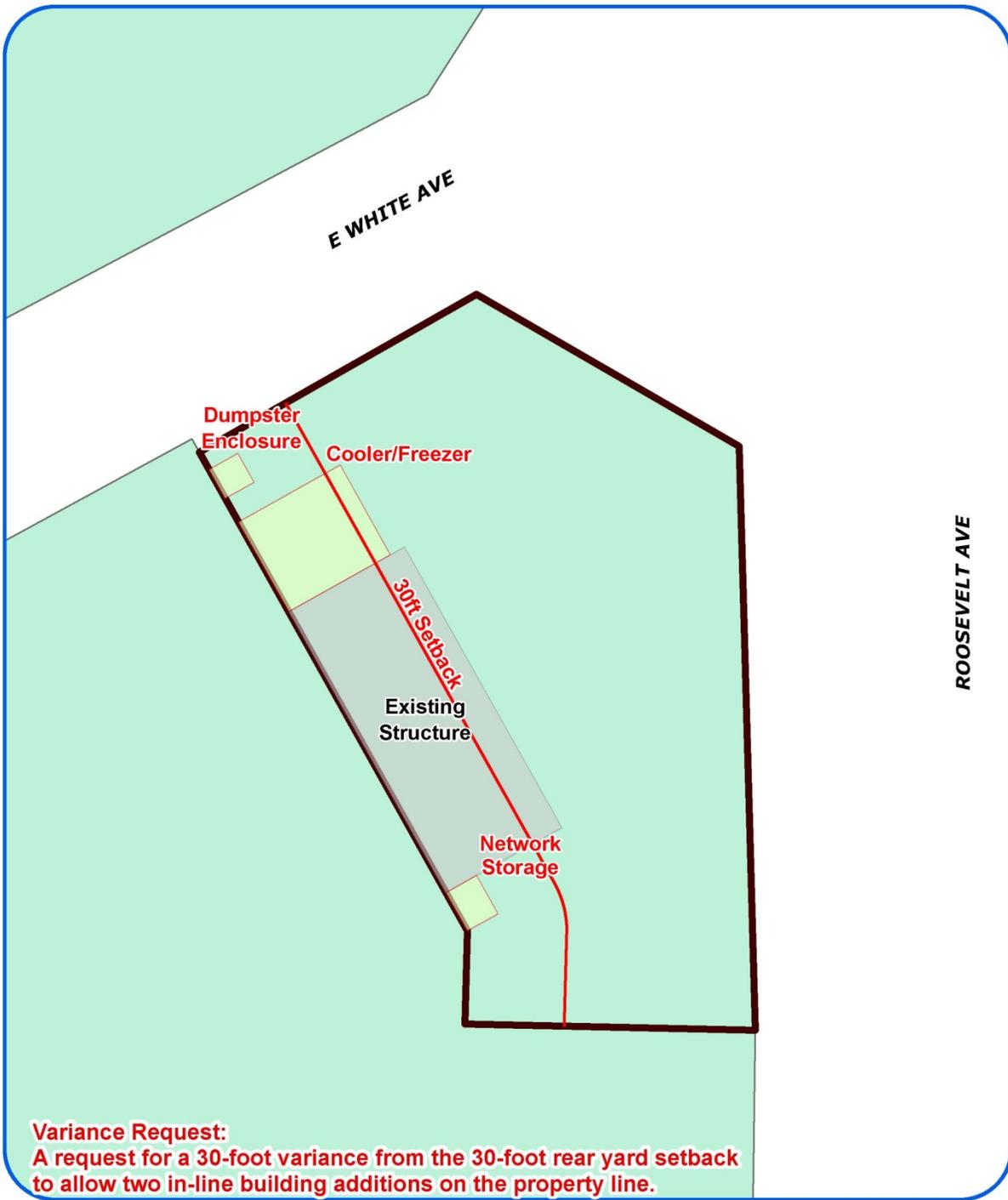


Area is in Airport Hazard Overlay District



<p>Board of Adjustment Notification Plan for Case No A-14-075</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 3</p>	<p></p> <p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p>Development Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Variance Request:
A request for a 30-foot variance from the 30-foot rear yard setback to allow two in-line building additions on the property line.

Board of Adjustment
Plot Plan for
Case No A-14-075



"NOT TO SCALE,
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Council District 3

3119 Roosevelt

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request:
A request for a 30-foot variance from the 30-foot rear yard setback to allow two in-line building additions on the property line.

Board of Adjustment
Plot Plan for
Case No A-14-075

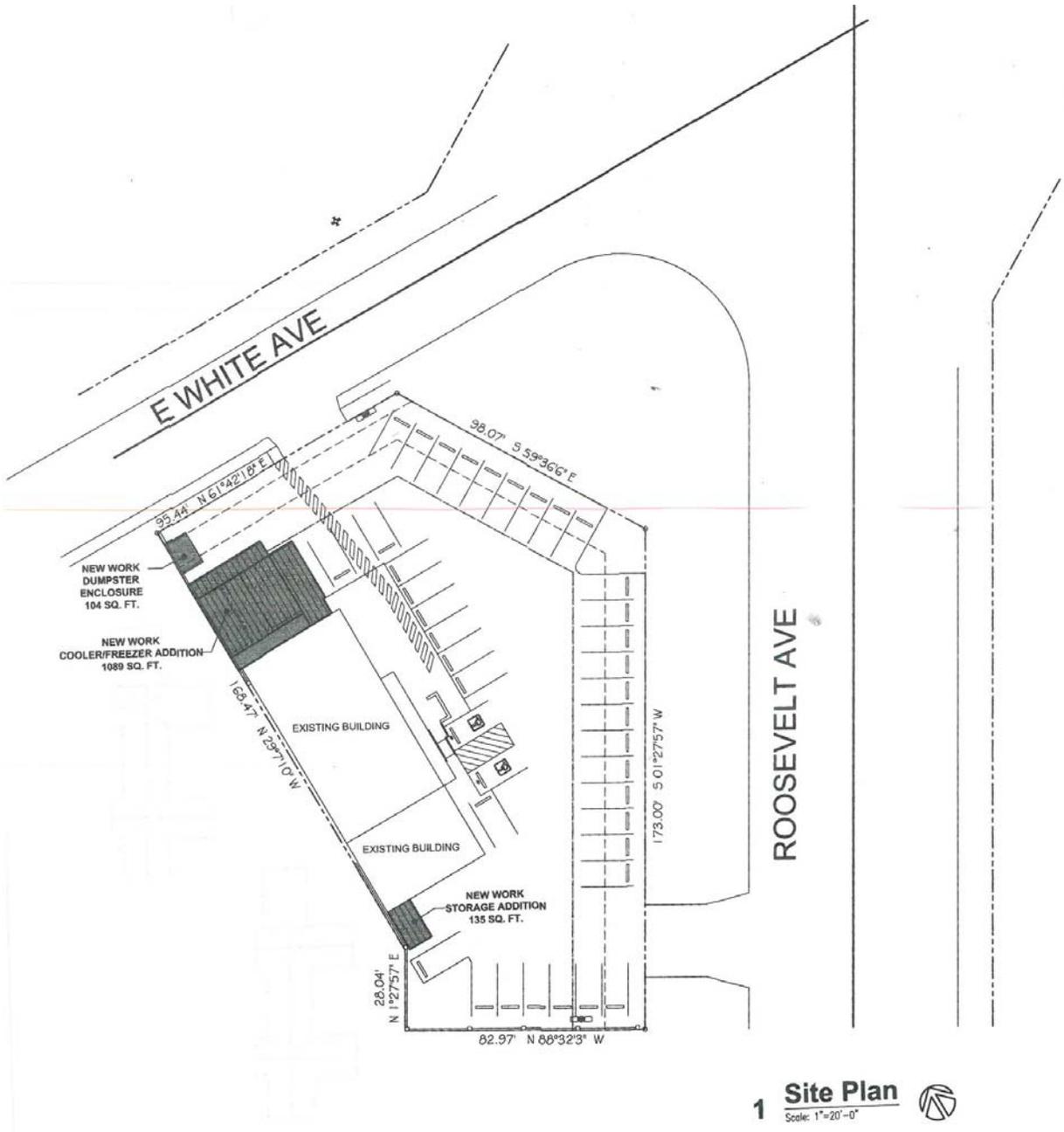


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 3

3119 Roosevelt

Development Services Department
City of San Antonio

Attachment 3
Applicant's Site Plan



Attachment 4
Site Photos

