

City of San Antonio Board of Adjustment

Work Session and Regular Public Hearing Agenda

Monday, June 17, 2013

1:00 P.M.

Board Room, 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-13-045 (continued from June 3, 2013):** The request of George M. Ryan, Texas Neon Advertising Co. for **1)** a variance to allow two freestanding signs on a platted lot with one street frontage where only one freestanding sign is permitted; **2)** a 15-foot, 6-inch variance from the 24-foot maximum sign height to allow a freestanding sign 39 feet, 6 inches high along a commercial collector; and **3)** an 88 square-foot variance from the 150 square-foot maximum sign size to allow a 238 square-foot freestanding sign along a commercial collector, located at 408 Bushick. (Council District 3)
5. **A-13-047:** The request of Wulfe Development, Ltd. for a 25-foot side yard setback variance from the 30-foot side yard setback requirement to allow a side yard building setback of 5 feet, located at 2538 SW 36th Street. (Council District 5)
6. **A-13-048:** The request of Rogelio Rodriguez for a 1) a 6-foot variance from the requirement that the front setback be within 20% of the mean setback on a block face to allow a carport with a 14-foot setback; 2) a 3-foot variance from the required 5-foot minimum side yard setback to allow a carport with a 2-foot side yard setback, 3) a 4-foot variance from the maximum height of 10 feet to allow a carport 14 feet in height, 4) a variance from the requirement that the carport roof line match that of the primary structure to allow a gable roof on the carport, located at 2601 West Woodlawn Avenue. (Council District 7)
7. **A-13-049:** The request of Comet No. 10 & 14 LP for a 2-foot fence height variance from the 6-foot maximum fence height restriction to allow a fence 8 feet in height, located at 2206 Fawn Glen Street. (Council District 9)
8. **A-13-050:** The request of Facility Solutions Group for a 90-foot variance from the minimum 100-foot setback for a free-standing sign within 500 feet of a freeway, to allow a free-standing sign with a 10-foot setback, located at 102 El Paso. (Council District 1)

Board of Adjustment Membership

Michael Gallagher, District 10, Chair Andrew Ozuna, District 8, Vice Chair
Frank Quijano, District 1 • Edward Hardemon, District 2 • Helen Dutmer, District 3 • George Britton, District 4
Brian Smith, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • John Kuderer, District 9 • Gene Camargo, Mayor

Alternate Members

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

9. **A-13-051:** The request of Sandra Martinez for a 15.1-foot variance from the 20-foot rear yard setback requirement to allow an addition to a structure 4.9 feet from the rear property line, located at 5026 Meadowview Lane. (Council District 7)

10. Approval of the minutes – June 3, 2013

11. Adjournment

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

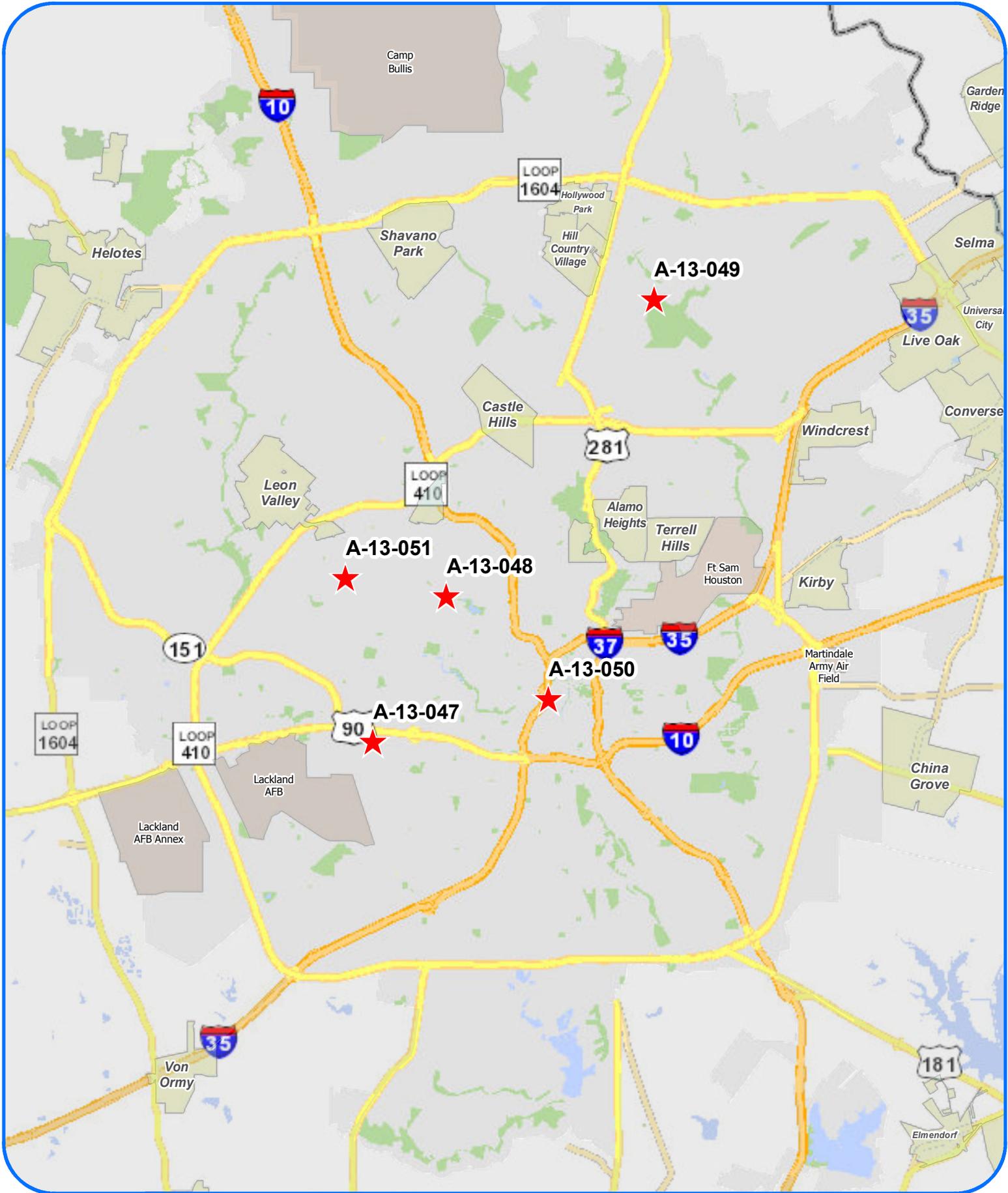
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

*Michael Gallagher, District 10, Chair Andrew Ozuna, District 8, Vice Chair
Frank Quijano, District 1 • Edward Hardemon, District 2 • Helen Dutmer, District 3 • George Britton, District 4
Brian Smith, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • John Kuderer, District 9 • Gene Camargo, Mayor*

Alternate Members

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



Board of Adjustment

Subject Property Locations
Cases for 17th June 2013





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-13-045
Date: June 17, 2013 (continued from June 3, 2013)
Applicant: George M. Ryan, Texas Neon Advertising Co.
Owner: University of the Incarnate Word
Location: 408 Bushick Street
Legal Description: Lot 23, Block 10, NCB 10506
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) a variance to allow two freestanding signs on a platted lot with one street frontage where only one freestanding sign is permitted; 2) a 15-foot, 6-inch variance from the 24-foot maximum sign height to allow a freestanding sign 39 feet, 6 inches high along a commercial collector; and 3) an 88 square-foot variance from the 150 square-foot maximum sign size to allow a 238 square-foot freestanding sign along a commercial collector.

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 May 16, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 17, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 31, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the east side of Bushick Street, approximately 200 feet north of Goliad Road, a Secondary Arterial, Type B. The portion of Bushick Street where the site is situated has been determined to be a commercial collector street. The site is currently occupied

by the University of the Incarnate Word's Pecan Valley Adult Degree Completion Program Center.

The site has a compliant sign located along Bushick Drive. The applicant is requesting a variance to allow a second sign on the site which exceeds the standards for a commercial collector, and is more appropriate Arterial Type A, the next highest street classification (See Table 1)

Table 1 - Section 28-239, Table 2, Maximum-Allowable Heights and Sizes for Freestanding Signs in Non-Residential Zoning Districts

<i>Street Classification</i>	<i>Height (Ft.)</i>	<i>Size (SF)</i>
Local	16	75
Arterial Type B/Commercial Collector	24	150
Arterial Type A	40	240
Expressway	50*	375

*Not to exceed fifty (50) feet in height above the adjacent street grade, not to exceed sixty (60) feet above ground level.

The applicant states in the application that the larger, taller signs are intended to be seen from intersection of Goliad Road and Pecan Valley Drive, more than 700 feet away from the site, and located behind several existing businesses.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-2 AHOD (Commercial)	University Program Center

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-4 AHOD (Residential Single-Family)	Single Family Residences
South	C-2 AHOD (Commercial)	Vacant Land
East	MF-33 AHOD (Multi-Family) and C-2 AHOD (Commercial)	Grocery Store
West	C-3NA AHOD (Commercial Non-Alcoholic Sales)	Auto Repair

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Highlands Community Plan, and designated as Community Commercial. The subject property is also located within the boundaries of the Highland Hills Neighborhood Association. As such, the Highland Hills Neighborhood Association was notified and asked to comment.

Criteria for Review

According to Section 28-247 of Chapter 28: Signs and Billboards, in order for a variance to be granted, the applicant must demonstrate:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

The location and orientation of the property is unique in that it is a large lot, with limited frontage. The frontage is on a commercial collector street, approximately 200 feet from the nearest arterial. Bushick Street is not heavily traveled, and is used primarily to access residences in the neighborhood to the north of the subject property. Only the southern 200 feet of Bushick serves commercial properties.

The use on the subject property, university adult degree completion program offices and classrooms, does not lend itself to drive-by, stop-in traffic. Rather, most persons would be coming to the site for classes. With an address on Bushick, and well marked street signs at the corner of Bushick and Goliad, access to the site is quite easy. Once on Bushick, adequate signage already exists which directs students to the building. These facts, combined with the proliferation of GPS technologies and internet mapping systems (i.e. Google Earth, Bing maps, etc.) reduce the requirement for large signs. As such, adequate and appropriate signage is already provided, and a strict enforcement of the article does not prevent adequate signs on the site; additionally, denial of the requested variance would likely not cause a cessation of the use on the property.

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 requested variance would grant a special privilege not enjoyed by other businesses similarly situated. The site does not have frontage along Goliad or Pecan Valley, as there are intervening lots between the site and those roads. The applicant wishes to have signage more appropriate for a lot with frontage along those lots.

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

The site abuts a residential subdivision to the north. Granting a sign variance for such a large sign on a property situated on a small street which primarily serves a residential neighborhood may adversely affect neighboring residential properties by introducing visual clutter.

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

Granting of the requested variance will substantially conflict with the stated purposes of the article, specifically Section 28-236(c) and Section 28-3(a)(3).

Section 28-236(c):

“To promote harmony and order in the on-premises signs along the city's streets by recognizing the relationship between the scale and function of a particular street and its on-premises signs, and ensuring that this relationship is sensitive to the surrounding neighborhood.”

Section 28-236(c) regarding relationship of scale and function expressly conflicts with the stated goals of the requested variance. The site is located along a local street, primarily serving a single-family residential area. The requested variance seeks to remove the distinction between street classifications by erecting a sign which is inappropriate in scale for the property and street.

Section 28-3(a)(3):

“Preserve, protect and enhance aesthetic and economic/property values regardless of whether they are of a natural or manmade environment by establishing requirements for the height, size, brightness and movement of on-premises signs.”

Section 28-3(a)(3) regarding aesthetic and property values is important because the requested variance seeks to allow a sign inappropriate in scale adjacent to single family residential homes. The proposed sign will tower over the existing single-story, single family homes, and will introduce an element of visual clutter along the horizon, which would adversely affect aesthetics for the occupants of those homes and may reduce residential property values.

Alternatives to Applicant's Request

The alternative to the applicant's request is to keep the existing signage within the limits allowed by the Chapter.

Staff Recommendation

Staff recommends **denial of the requested variance**, due to the following reasons:

1. The requested variance fails to meet any of the criteria established for granting a variance from Chapter 28.
2. The requested variance is out of scale for the property and street and will introduce an element of visual clutter to the property.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site photos

Attachment 4 – Proposed Sign

Attachment 5 – Applicant’s Site Plan

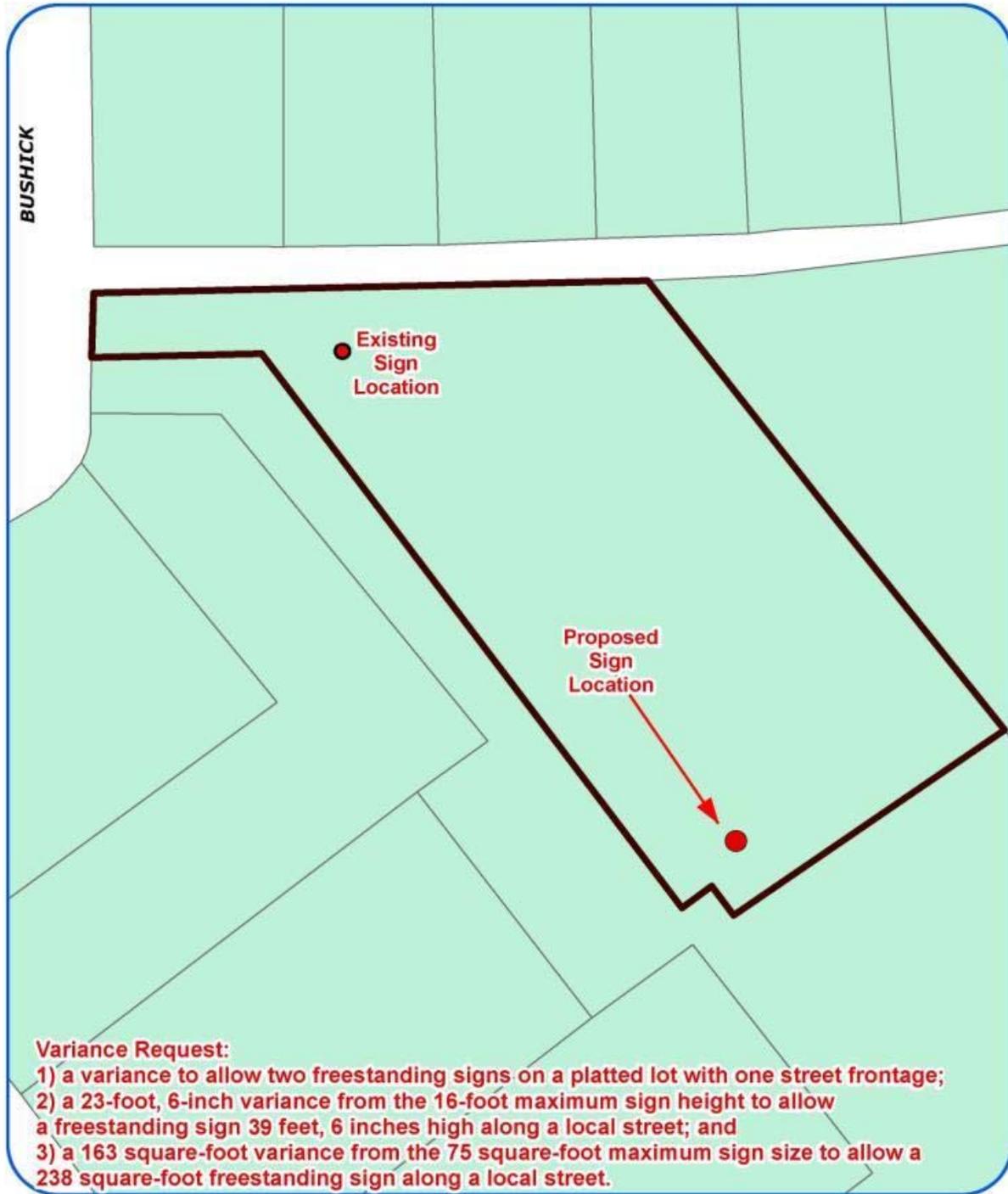
Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-045



Sign ●
NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 3

408 Bushick

Development Services Department
City of San Antonio
(06/03/2013)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-045



Sign ●
NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 3

408 Bushick

Development Services Department
City of San Antonio
(06/03/2013)

Attachment 3
Site Photos (with existing sign)



Attachment 4 Proposed Sign

PAGE 1

PROPOSED



Scale: 1/16" = 1'

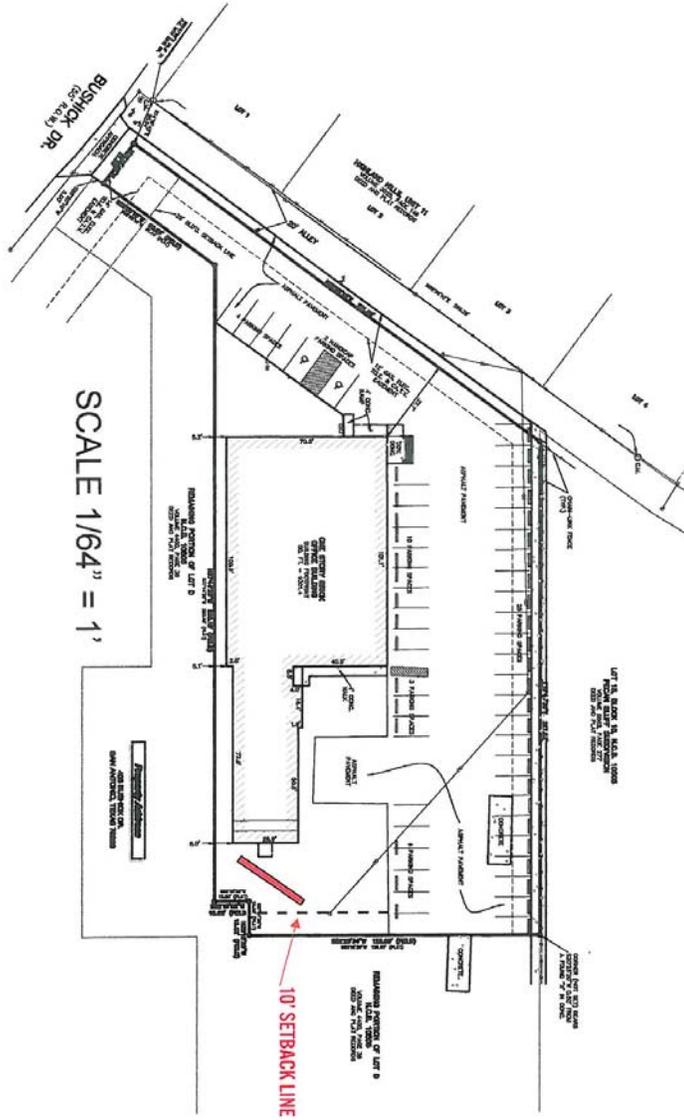


Sign Detail

Scale: 1/8" = 1'

	T.E.X.A.S. 245 W. JOSEPHINE SAN ANTONIO, TX 78212 210.234.6664 FAX: 210.234.6697	Client Name: UIW Location: 408 Bushlick San Antonio, TX.	Start Date: 11-12-12 Last Revision: 04-30-13 Drawing#: UIW_3B	* Client Approval _____ * Landlord Approval _____	Sales Rep: Mike Ryan Project Mgr: Designer: Benjamin Garza III
	THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF TEXAS SIGN ADVERTISING CO. ANY REUSE OR REPRODUCTION OF THESE DRAWINGS OR SPECIFICATIONS WITHOUT THE WRITTEN PERMISSION OF TEXAS SIGN ADVERTISING CO. IS STRICTLY PROHIBITED.				

Attachment 5 Applicant's Site Plan





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-13-047
Date: June 17, 2013
Applicant: Wulfe Development, Ltd.
Owner: Wulfe Development, Ltd.
Location: 2538 SW 36th Street
Legal Description: Lot 31 and the South 50 feet of Lot 14-I, Block 8, NCB 8084
Zoning: "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District; "C-3NA AHOD" General Commercial Non-Alcoholic Sales Airport Hazard Overlay District; "I-1 AHOD" General Industrial Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for a 25-foot side yard setback variance from the 30-foot side yard setback requirement to allow a side yard building setback of 5 feet.

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 May 30, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 31, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 14, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at the northeast corner of SW 36th Street and Dale Road. The subject property is currently configured into two separate lots, however, if the variance is approved, the property would be required to be replatted into a single lot. The applicant is proposing to construct an addition to the current building, an office/warehouse, on the north side of the building. The portion of the subject property where the addition would be constructed currently has a base zone of "C-3R" General Commercial Nonalcoholic Sales District. The base

zone of the adjacent property to the north is also “C-3R” General Commercial Nonalcoholic Sales District.

While the side and rear setbacks for properties zoned “C-3R” and adjoining other “C-3R” zoned properties are usually waived, Note 2 of Table 310-1 of the UDC specifies that the setback is not waived if the adjoining property is a residential use. 2611 El Jardin, north of and adjacent to the subject property, has a base zone of “C-3R” but is occupied and used as a single-family dwelling. As such, the code does not allow the minimum setbacks to be waived.

The applicant is proposing a 5 foot setback on the north side adjacent to 2611 El Jardin. The use of 2611 El Jardin as a single-family dwelling is not an allowed use as per Table 311-2 of the UDC. Though it has not been registered as such, the use as a single-family dwelling is likely non-conforming.

The properties were rezoned in 1987. The residence at 2611 El Jardin, according to BCAD records, was constructed in 1945. Non-conforming use rights are designed to eventually end once certain conditions are met with the notion that eventually the market or other driving forces will at some point render the property more useful as a conforming use.

This area is within the confines of the Kelly/South San PUEBLO Community Plan which designates these properties as “Community Commercial”. The designated future land use classification does not consider single-family residences as a conforming land use. Further, based on staff observations and the proximity to the runway at Port San Antonio, this area has clearly transitioned into a commercial and industrial center; as such, it is highly unlikely that a rezoning to any residential zoning classification would be approved at 2611 El Jardin, should such an application be submitted.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 AHOD (Industrial); C-3 NA AHOD (Commercial); C-3 R AHOD (Commercial)	Office/Warehouse

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 R AHOD (Commercial)	Single Family Residence
South	C-3 NA AHOD (Commercial); I-1 AHOD (Industrial)	Office/Warehouse
East	I-1 AHOD (Industrial); R-6 AHOD (Residential)	Single-Family Residences
West	C-3 NA AHOD (Commercial)	Office / Warehouse

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Kelly/South San PUEBLO Community Plan (designated as Community Commercial). 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:*

Building setbacks are designed to maintain orderly and safe development, and ensure access to air and light. Additionally, setbacks are also used, in part, as buffers between different intensity land uses. In this case, imposition of a 30-foot side setback on the lot will create disorganized property development and unusable space. Additionally, because the residential use is non-conforming with the zoning and the future land use plan, it is likely that at some point the structure will transition away from a residential use, thus ending the requirement for the setback. Lastly, the applicant proposes to maintain a fire-separation distance of 5 feet from the property line.

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

Imposition of a setback due to a non-conforming use could be considered an unnecessary hardship, as non-conforming uses are designed to terminate over time and become a conforming use.

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

The ordinance is designed to protect conforming uses, as non-conforming uses are intended to terminate over time. As this area is, and has been, in transition, it is reasonable that the current use of 2611 El Jardin as a residence will end. If that were to occur, the requirement for a setback would no longer be applicable. As such, the spirit of the ordinance will be observed and substantial justice will be done.

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-3R" zoning district. On the contrary, not granting the variance would provide protection for a non-conforming use and may serve to extend the non-conforming use's lifespan.

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 variance, as presented, would not substantially injure the appropriate use of adjacent conforming properties. While there may be an argument that the 5-foot setback may

substantially injure the current residential use of 2611 El Jardin, this residential use is inappropriate in this district, and is non-conforming. As such, this requirement is met.

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 circumstances existing on the property are unique and were not created by the owner. This area is in transition, and the owner of the subject property has a reasonable expectation to be able to develop the property in accordance with the current zoning, as well as the adopted future land use plan.

Alternatives to Applicant's Request

The alternative to the applicant's request is to construct the building with the required setbacks.

Staff Recommendation

Staff recommends **approval of A-13-047** because of the following reasons:

- The area is in transition, and the adjacent residential use is non-conforming
- The future land use plan does not consider single-family residential uses as being appropriate in this area
- The applicant meets the spirit of the ordinance.

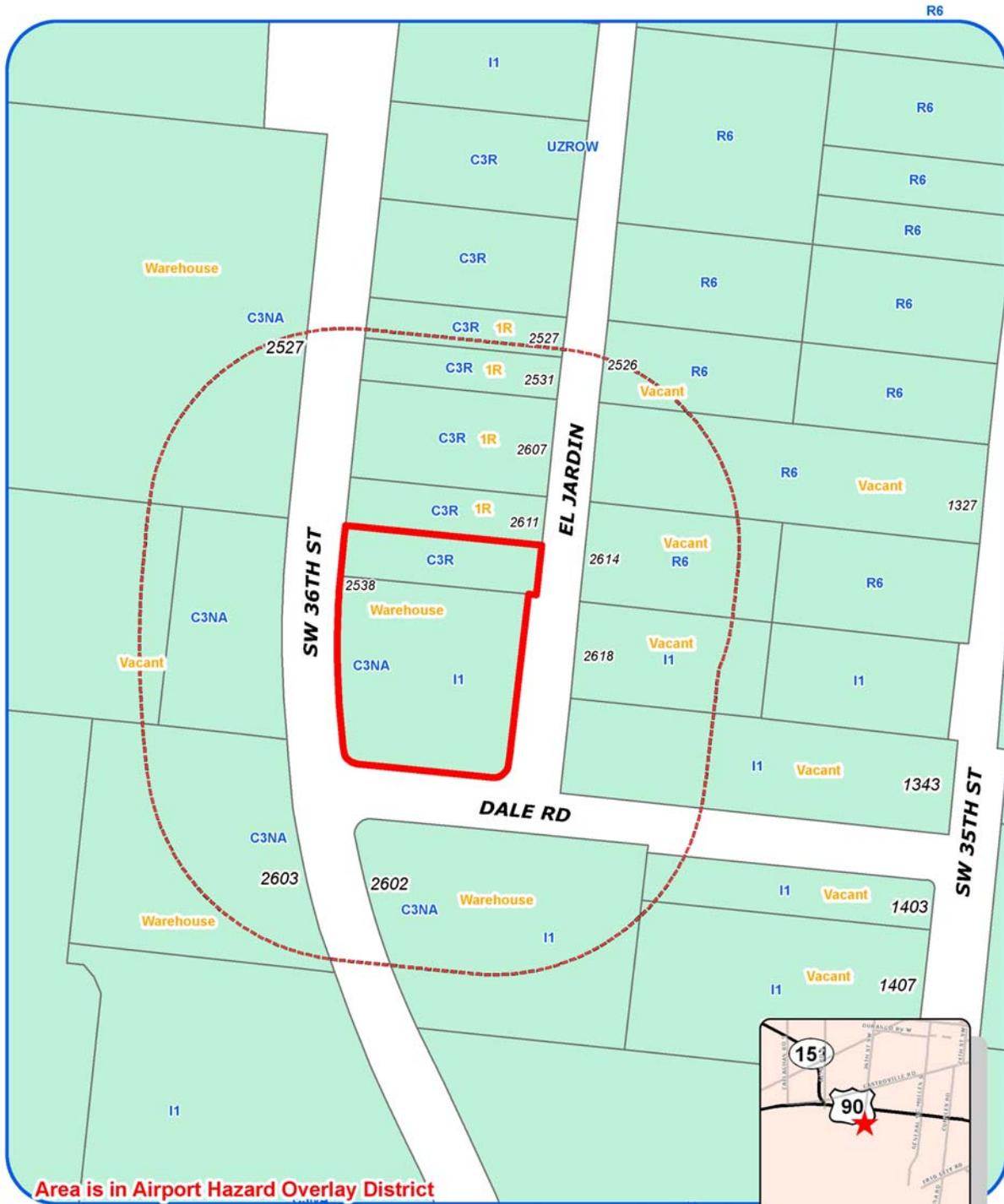
Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Plan

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-047</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 5 </p>	
<p>Development Services Department City of San Antonio (06/17/2013)</p>			<p>1:1,500</p>

**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-047</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 5 </p>	<p>Development Services Department City of San Antonio (08/17/2013)</p>

Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-047



NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY

Council District 5

2538 SW 36th

Development Services Department
City of San Antonio
(06/17/2013)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-047



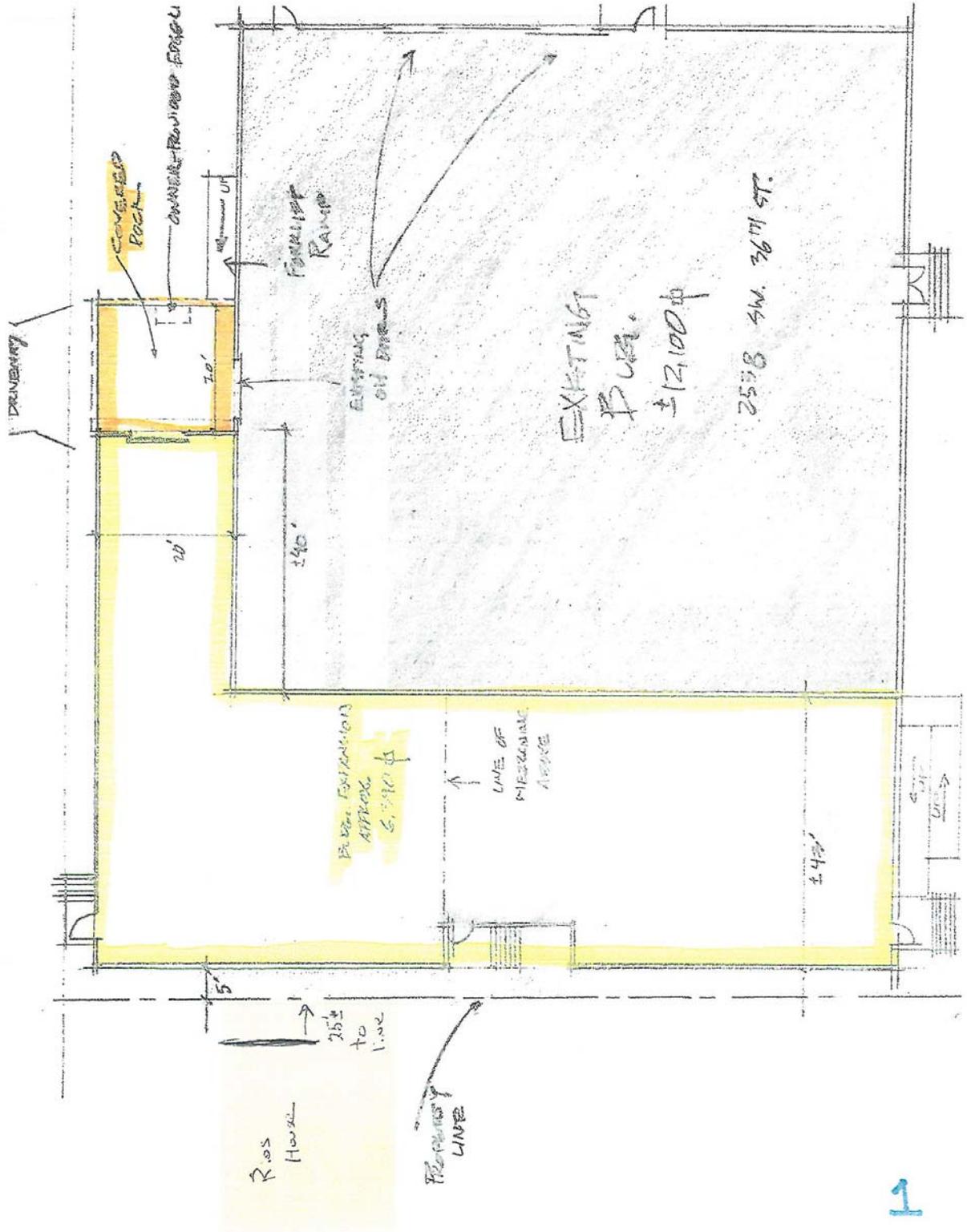
NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY

Council District 5

2538 SW 36th

Development Services Department
City of San Antonio
(06/17/2013)

Attachment 3
Site Plan





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

To: Board of Adjustment
Case No.: A-13-048
Date: June 17, 2013
Applicant: Rogelio Rodriguez
Owner: Rogelio Rodriguez
Location: 2601 W. Woodlawn Avenue
Legal Description: Lot 18, Block 12, NCB 9111
Zoning: "R-6 NCD-7 AHOD" Residential Jefferson Neighborhood Conservation District,
Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant requests 1) a 6-foot variance from the requirement that the front setback be within 20% of the mean setback on a block face to allow a carport with a 14-foot setback; 2) a 3-foot variance from the required 5-foot minimum side yard setback to allow a carport with a 2-foot side yard setback, 3) a 4-foot variance from the maximum height of 10 feet to allow a carport 14 feet in height, 4) a variance from the requirement that the carport roof line match that of the primary structure to allow a gable roof on the carport.

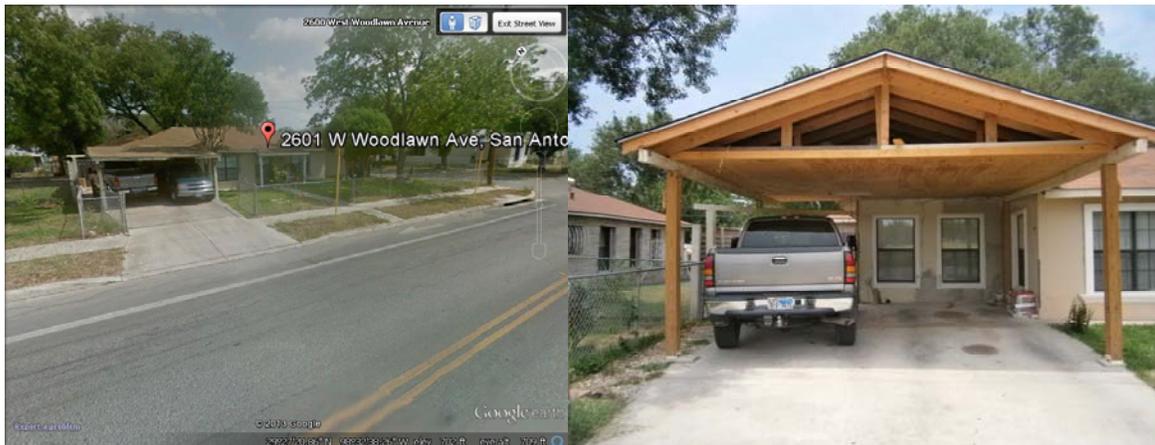
Procedural Requirements

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 May 30, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 31, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 14, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The applicants have owned the home since 1995 and old photos show it had a carport. The "original" carport had a nearly flat roof and a very low profile and as such was likely compliant with many of the Neighborhood Conservation District's (NCD) standards. Over time, it became unsafe and the owner decided to replace it. Not knowing he needed a building permit, he replaced the supports and the roof,

adding a gabled roof. Code Compliance Officers issued a citation and instructed the owner to get a building permit.



The carport could not be permitted. Four variances are required in order to maintain the carport as recently constructed. Each of these variances results from detailed design requirements in the Jefferson Neighborhood Conservation District, a neighborhood-based overlay district. The community was very involved in the preparation of these guidelines. These design standards were adopted to “perpetuate historical arrangements of buildings, celebrate and prevent concealment of the original character of buildings, de-emphasize and conceal spaces designed for the automobile, increase the number and quality of spaces designed for interaction between neighbors and improve the visual appeal of the entire area.” Regarding carports, the guidelines are detailed. In bold, large font, the section states **Carports shall not be the dominating feature of a residential structure.** It specifies prohibited materials, including canvas covering and piping supports, and describes desired features as well. The roofline must match that of the primary structure and the same building materials are also required. In addition, the height is restricted to 10-feet. For this carport, the front and side setbacks require variances and the roof is too tall and does not match the roofline of the house.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 NCD-7 AHOD” Residential Jefferson Neighborhood Conservation District Airport Hazard Overlay District	Single-family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-7 AHOD” Residential Jefferson Neighborhood Conservation District Airport Hazard Overlay District	Single-family Residential
South	“R-4 NCD-8 AHOD” Residential Woodlawn Lake Neighborhood Conservation District Airport Hazard	Assumption Seminary

	Overlay District	
East	“R-6 NCD-7 AHOD” Residential Jefferson Neighborhood Conservation District Airport Hazard Overlay District	Single-family Residential
West	“R-6 NCD-7 AHOD” Residential Jefferson Neighborhood Conservation District Airport Hazard Overlay District	Single-family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Near Northwest Community Plan area, adopted by the City Council in February of 2004. Housing was a significant topic in the plan with the primary goal to *preserve and revitalize the community’s unique mix of quality housing*. No neighborhood associations have been registered near here.

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 public in this case would be represented by the guidelines outlined in the NCD. These standards recognize that several homes in the area have carports and used these existing carports to identify features that complimented the character of the neighborhood. The applicant’s previous carport may well have been one of these examples. It had the same shingles as the main structure and did not dominate the view. It appears to have satisfied the height limitation.

The applicant has requested variances from the minimum setbacks in the front and on the side to replace the carport in the same location. This proposal provides an 18-foot deep parking stall, the minimum standard depth for an approved parking stall. It is pushed against a wall of the house, so it cannot be setback further from the front property line. The width is also 18 feet, wide enough for two cars and equal to the width of two parking stalls. The carport is located 2-feet from the property line. The neighbor immediately adjacent has indicated support for the proposed setback variances, stating that the carport has been in that location for a long time. For these reasons, the setback variances would not be contrary to the public interest.

The height and roofline variances required however, exemplify the differences between the original and the more recent carport. The gabled roof pitch, which seemed like an improvement to the owner, dominate the view of the property from the street, make the height out of compliance and contrast with the roof pitch of the main structure. The home has a hip roof, which slopes from the center toward all edges. Replacing the gable pitch on the recent carport in favor of a hip roof would likely require removing the front third of the roof and beginning the slope down for the hip roof-line. Allowing the tall, gable roofline to remain would be contrary to the public interest.

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

A literal enforcement of the ordinance would require the applicant to remove the carport entirely. Meeting the required front setback would not allow enough depth to park a car. Satisfying the side

setback would reduce the width to provide a cover for one vehicle. Evidence shows the home had a two-car covered parking spot provided by the original carport. Discussions in the NCD indicate that the neighborhood has a history of carports, making literal enforcement of the ordinance a hardship. The Board will have to evaluate whether the hardship is unnecessary, and whether the applicant should alter the carport to achieve compliance with most of the provisions of the ordinance.

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

The spirit of the ordinance is represented by an evaluation of the intent of the standard, rather than its literal, strict interpretation. In the Jefferson NCD, the spirit of the ordinance is represented by the bold statement that the carport should not be the dominating feature of the structure. It seems that the height variance would create a more dominating impact and therefore would not be in the spirit of the ordinance. The setbacks however are easier to justify as consistent with the spirit; the carport existed at those setbacks for more than 25 years.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 NCD-7 AHOD” zoning districts.

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 side and front setback variances would allow the reconstruction of a carport in the same location as it has existed for over 25 years and thus its continuation will not alter the character of the district. However, its altered shape from a flat roof to a taller, gabled roof is a change to the character and the variances authorizing these changes would injure adjacent properties. The Board will have to consider the evidence to determine if this character difference is essential.

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 owner of the property is seeking approval to replace a carport that had become dangerous. Repairs could have been allowed and variances would not have been necessary. The variance is not financial in nature, nor the result of general conditions. Reduced setbacks are justified to allow the continued use of the driveway for covered parking.

Alternative to Applicant’s Request

The applicant has no opportunity to have a compliant carport given the space available.

Staff Recommendation

Staff recommends **approval of the requested front and side yard setback variances and denial of the requested height and roofline variances for A-13-048** based on the following findings of fact:

1. The property has had a carport in this location for over 25 years and it needed repairs or replacement. The side and front setback variances are justified to allow its continuance.

2. The NCD has allowances for carports, recognizing their prevalence in the area.
3. The carport with its height and roofline would create a dominating impact and therefore would not be in the spirit of the ordinance.

Attachments

Attachment 1 – Notification Plan

Attachment 2 – Plot Plan

Attachment 3 – Original Carport

Attachment 4 – Site Photos

Attachment 5 – Applicant’s Site Plan

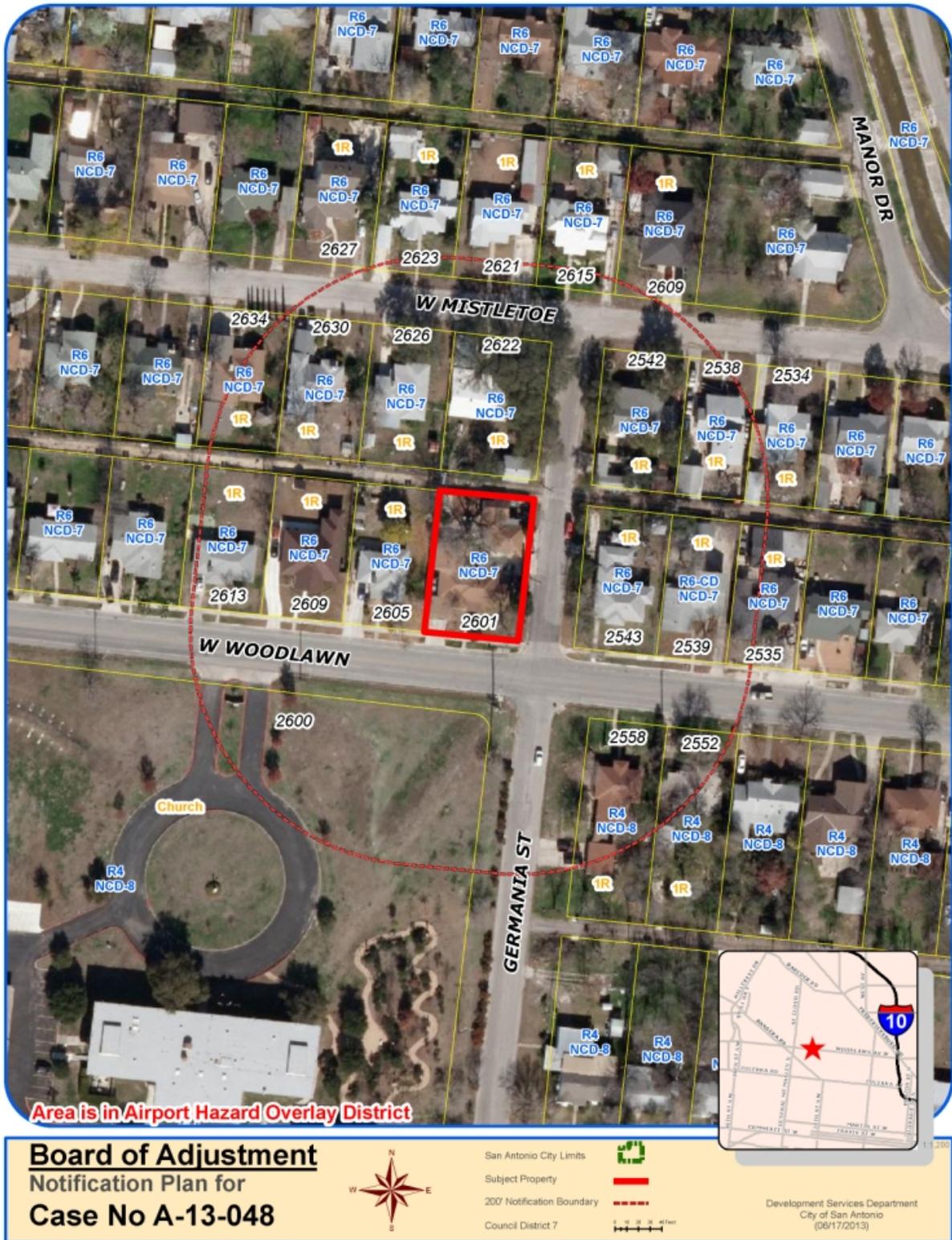
Attachment 1 Notification Plan



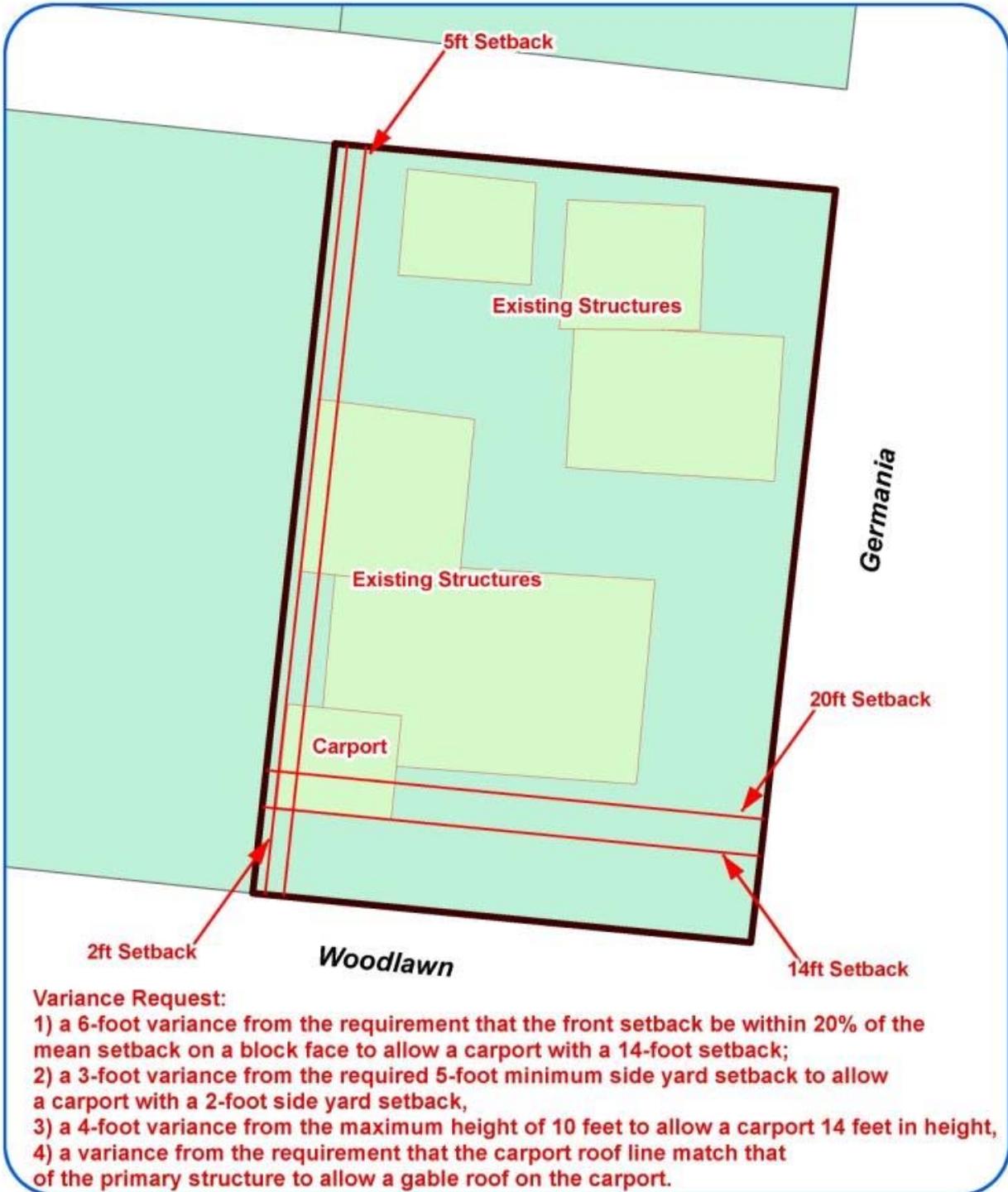
Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-048</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 7 </p>	
Development Services Department City of San Antonio (06/17/2013)			

Attachment 1 (Continued) Notification Plan



**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-13-048



NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 7

2601 W Woodlawn

Development Services Department
City of San Antonio
(06/17/2013)

**Attachment 2 (Continued)
Plot Plan**



Variance Request:

- 1) a 6-foot variance from the requirement that the front setback be within 20% of the mean setback on a block face to allow a carport with a 14-foot setback;
- 2) a 3-foot variance from the required 5-foot minimum side yard setback to allow a carport with a 2-foot side yard setback,
- 3) a 4-foot variance from the maximum height of 10 feet to allow a carport 14 feet in height,
- 4) a variance from the requirement that the carport roof line match that of the primary structure to allow a gable roof on the carport.

Board of Adjustment
Plot Plan for
Case No A-13-048



NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY

Council District 7

2601 W Woodlawn

Development Services Department
City of San Antonio
(06/17/2013)

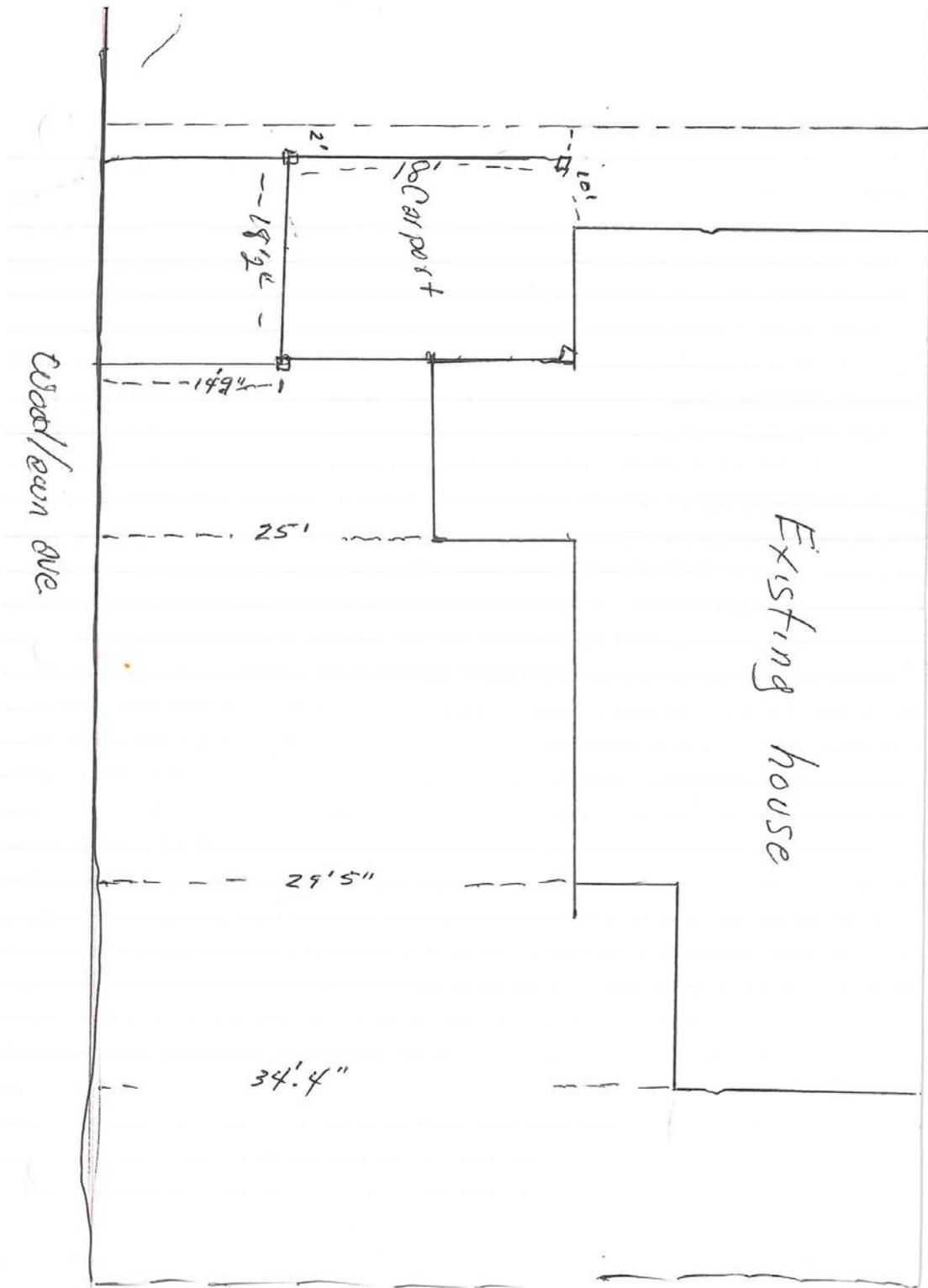
Attachment 3 Original Carport



Attachment 4
Site Photos



Attachment 5
Applicant's Site Plan





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

To: Board of Adjustment
Case No.: A-13-049
Date: June 17, 2013
Applicant: Comet 10 & 14, LP
Owner: Comet 10 & 14, LP
Location: 2206 Fawn Glen Street
Legal Description: Lot 18, Block 16, NCB 16614
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 2-foot fence height variance from the 6-foot maximum fence height restriction to allow a fence 8 feet in height.

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 May 30, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 31, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 14, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the south side of Fawn Glen Street, approximately 125 feet east of Carlton Oaks. Additionally, the lot is bordered on the south by Jones-Maltsberger Road, a Secondary Arterial, Type A. The lot is also bordered on the west by a dry cleaning business with a base zoning district of "C-2".

The applicant has been making repairs and improvements to the home. Part of those improvements included constructing a fence 8 feet in height along the western and southern property lines. The applicant did not have a permit for the fence. The remaining eastern portion of the property line has an existing 6-foot fence that is proposed to remain.

The 8-foot fence along the western property line adjacent to the “C-2” zoned dry cleaning business is allowed by Section 35-514(d)(2)E of the UDC. That section of code allows for up to an 8-foot fence along a side or rear property line when abutting “C-2” or “C-3” zoned properties, among others. As such, the variance request is only for the rear property line where the property abuts Jones-Maltsberger Road.

It should be noted that the UDC does allow a fence up to 8 feet in height for multiple lot subdivisions that abut an arterial street, but the fence must cover all of the lots abutting the street, and not just one. Because of the singular nature of this request, a variance is required.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
RM-4 AHOD (Mixed Residential)	Single Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	RM-4 AHOD (Mixed Residential)	Single Family Residential
South	R-5 AHOD	McAllister Park
East	RM-4 AHOD (Mixed Residential)	Single Family Residential
West	C-2 AHOD	Dry Cleaners

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan (designated as Suburban Tier). 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:

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

Fence and wall height restrictions are put into place in order to provide orderly development and encourage a sense of community. The UDC does contemplate that sometimes higher fences than that which are normally allowed are sometimes necessary in order to provide for security or reduce negative impacts from visual distractions or noise. In this case, the UDC already allows a higher fence on one side of the property due to the adjacent land use. Likewise, the taller fence height would also be allowed along Jones-Maltsberger Road if the fence were being constructed on all lots in the subdivision bordering Jones-Maltsberger.

Jones-Maltsberger is heavily traveled, and is designated as a Secondary Arterial street in the Major Thoroughfare Plan. Given this, and the property owner's desire to block noise from the road, an 8-foot fence would not be contrary to the public interest.

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

The applicant is requesting the additional height in order to mitigate the negative aspects of the heavily traveled roadway adjacent to their property. A literal enforcement of the ordinance may not adequately protect the applicant's right of full enjoyment of their property. As such, a literal enforcement of the ordinance would result in an unnecessary hardship.

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

Because the UDC would allow an 8-foot fence if the fence were across the entire edge of the subdivision along Jones-Maltsberger, the spirit of the ordinance will be observed and substantial justice done.

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 "RM-4 AHOD" districts.

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

The requested variance will not injure the appropriate use of adjacent conforming properties but rather the variance would likely have the effect of enhancing the quality of life for the applicant by reducing noise and negative aspects of the adjacent roadway.

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 existing on the property are due to the site's proximity to Jones-Maltsberger Road, and were not created by the applicant.

Alternatives to Applicant's Request

The alternative to the applicant's request would be to reduce the fence height to 6 feet along Jones-Maltsberger Road which would be inadequate to accomplish the goals of reducing noise and pollution coming into their back yard.

Staff Recommendation

Staff recommends **approval of A-13-049** because of the following reasons:

- The proposed fence will mitigate the negative impact of Jones-Maltsberger Road.
- The UDC already allows fences up to 8 feet in height for multiple lot subdivisions along roadways with the same classification as Jones-Maltsberger Road.

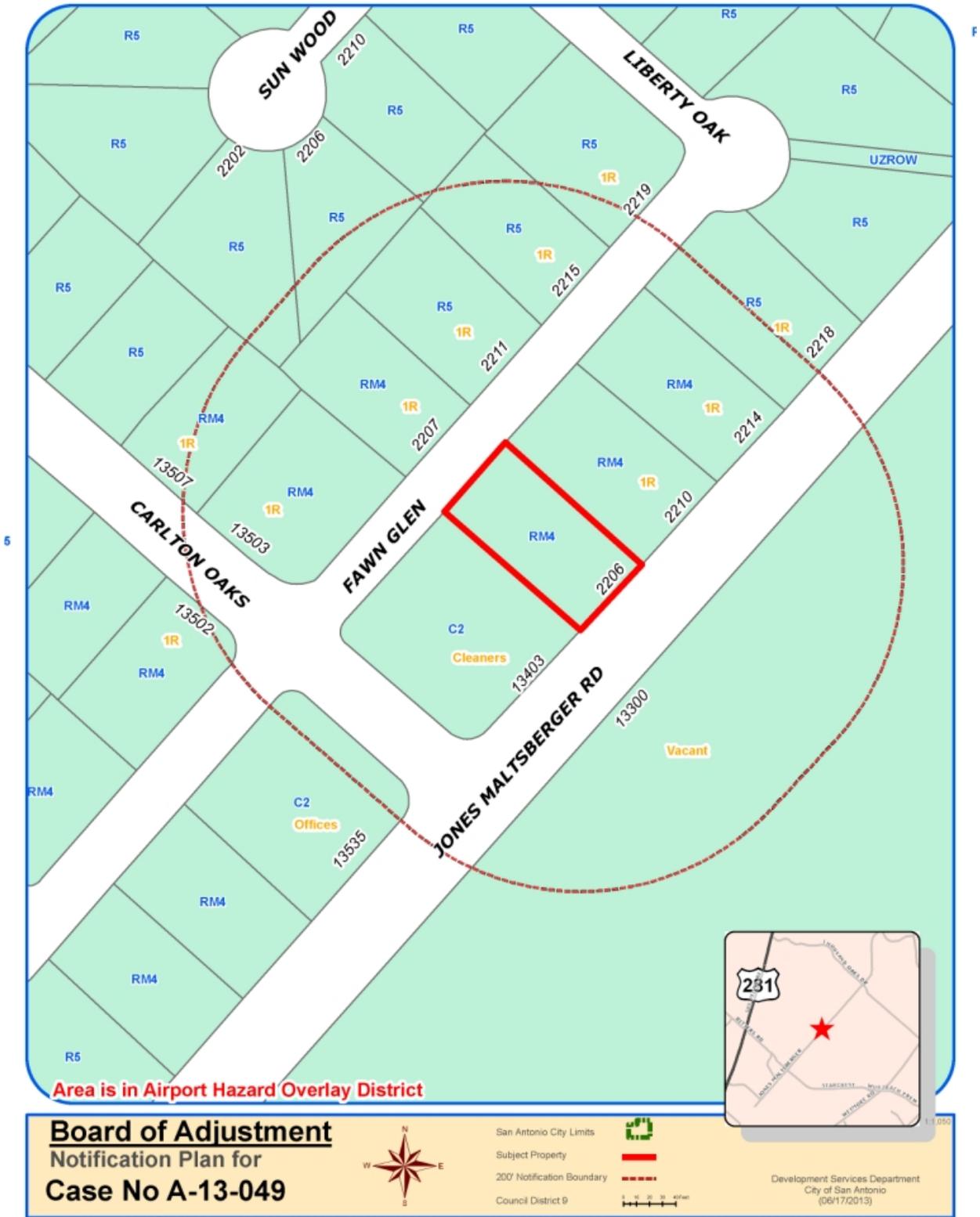
Attachments

Attachment 1 – Notification Plan

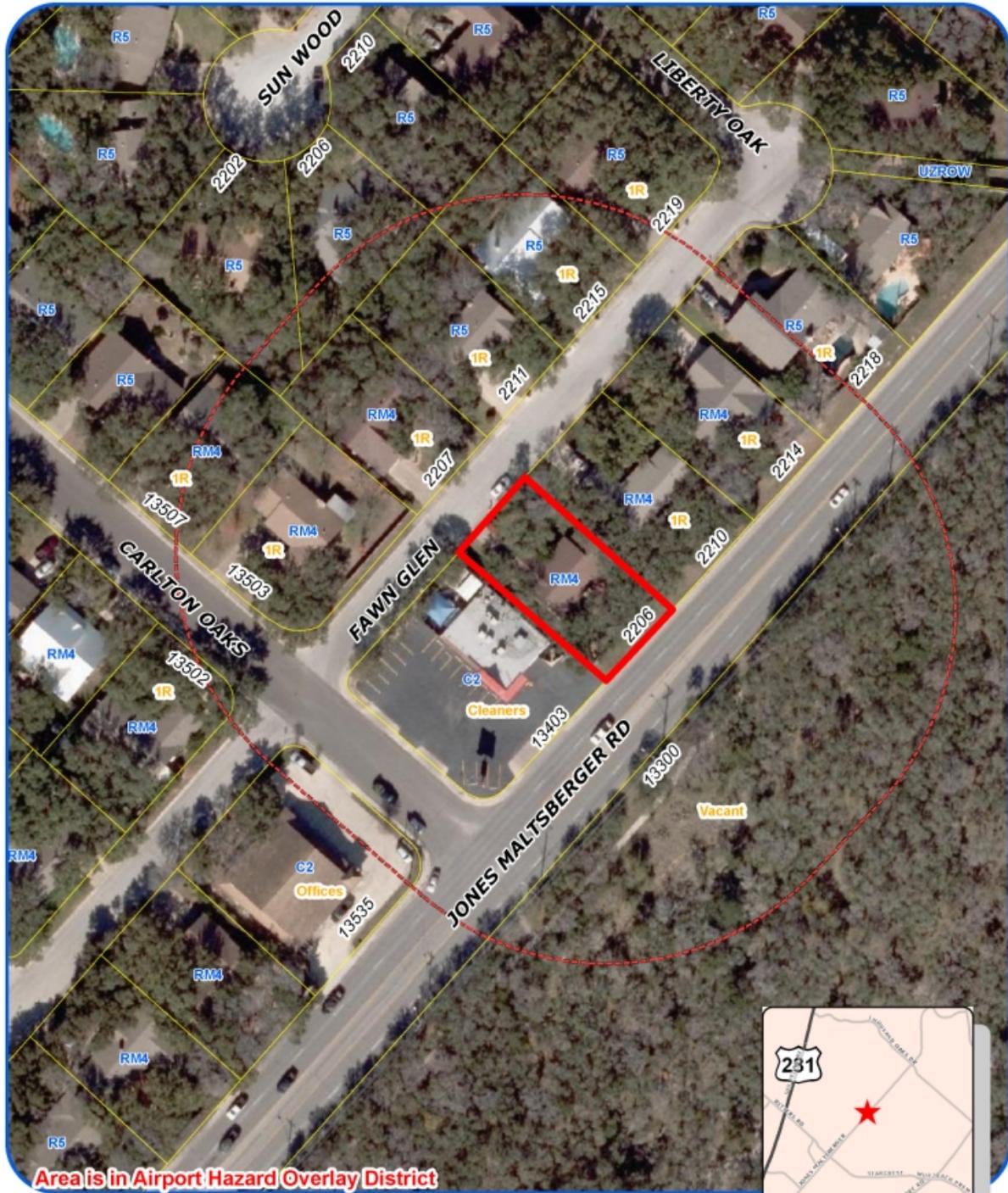
Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Notification Plan Attachment 1



**Attachment 1 (Continued)
Notification Plan**

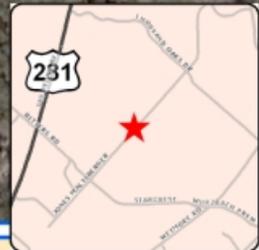


Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case No A-13-049**

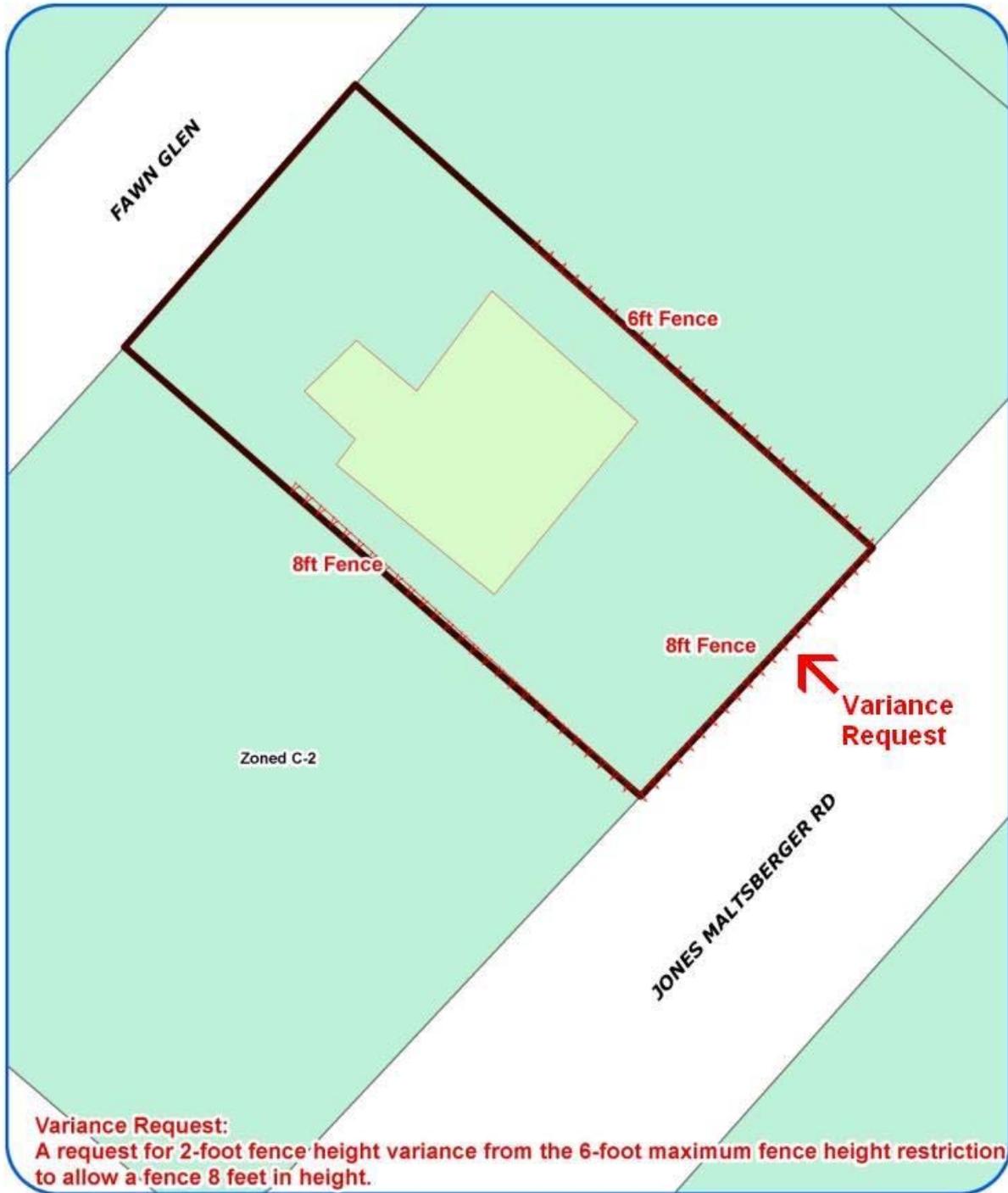


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 9



Development Services Department
City of San Antonio
(06/17/2013)

Attachment 2
Plot Plan



Variance Request:
A request for 2-foot fence height variance from the 6-foot maximum fence height restriction to allow a fence 8 feet in height.

Board of Adjustment
Plot Plan for
Case No A-13-049



Fence 
NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 9

2206 Fawn Glen

Development Services Department
City of San Antonio
(08/17/2013)

Attachment 2 (Continued)
Plot Plan



Variance Request:
A request for 2-foot fence height variance from the 6-foot maximum fence height restriction to allow a fence 8 feet in height.

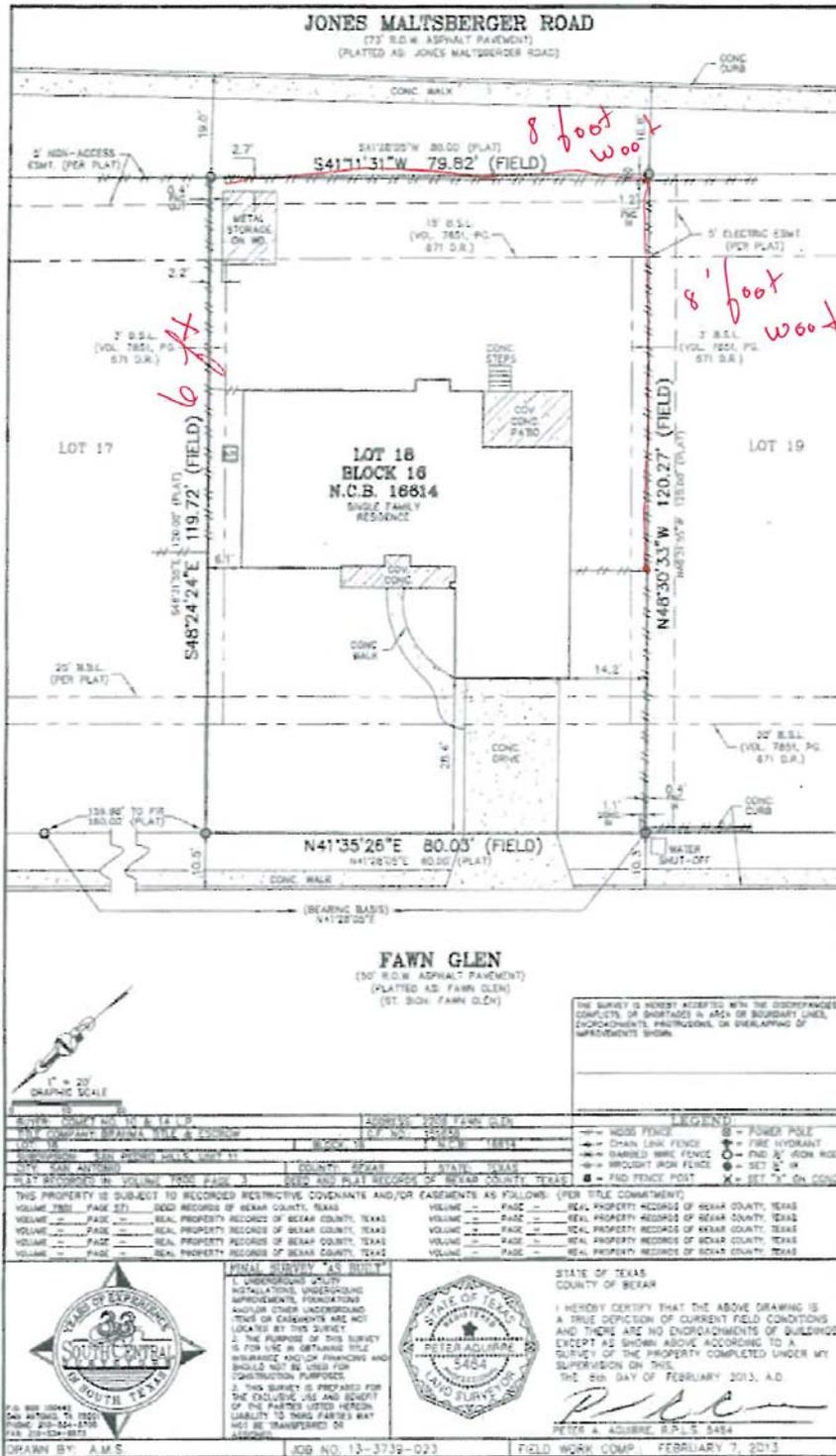
Board of Adjustment
Plot Plan for
Case No A-13-049



Fence 
NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 9

2206 Fawn Glen ^{1:300}
Development Services Department
City of San Antonio
(06/17/2013)

Attachment 3 Applicant's Site Plan





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

To: Board of Adjustment
Case No.: A-13-050
Date: June 17, 2013
Applicant: Facility Solutions Group
Owner: Sita Hospitality Inc.
Location: 102 El Paso
Legal Description: Lot 14, Block 1, NCB 311
Zoning: "C-3NA AHOD" Commercial Non-Alcohol Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant requests a 90-foot variance from the minimum 100-foot setback for signs on properties without freeway frontage located within 500 feet of a freeway to allow a free-standing sign with a 10-foot setback.

Procedural Requirements

A variance from the requirements of the sign 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 May 30, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 31, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 14, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property, currently developed as a Holiday Inn Express, is approximately one acre with frontage on three streets, Laredo, El Paso and San Saba. Although it does not have frontage on the freeway (IH 10), it is less than 150 feet away. This proximity to the freeway gives the site a sign bonus of qualifying for freeway signage; however the privilege comes with a requirement of a 100-foot setback from the nearest street. Each of these three streets requires the 100-foot setback, making it difficult, if not impossible, to satisfy the setback standard.

The assumed intent for this provision is to prevent a disruption in an otherwise consistent *signscape*. Many newer cities with commercial development having occurred within the last 20 years for instance,

have blocks of consistent, conforming signs of similar height. In this scenario, a sudden individual sign taller than the others would be a distraction. Oftentimes, this setback requirement can result in the sign being placed toward the rear of the site, with smaller, more consistent signage along the frontage. This is a very unique property. The property has no scenario where the 100-foot setback can be satisfied. Therefore, given this challenge, it makes sense for the owner to place the sign as close to the freeway as possible. That selected location on the site happens to be on the smallest street with very little traffic and no sign clutter.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3NA AHOD" Commercial Non-Alcohol Sales Airport Hazard Overlay	Hotel

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"D AHOD" Downtown Airport Hazard	Office
South	"C-3NA AHOD" Commercial Non-Alcohol Sales Airport Hazard Overlay	Warehouse
East	"I-1 AHOD" Industrial Airport Hazard	Wholesale Distribution
West	"C-3NA AHOD" Commercial Non-Alcohol Sales Airport Hazard Overlay	Ice House

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Downtown Community Plan area, with a future land use designation as *mixed use*. No neighborhood associations have been registered near here.

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*

The hotel was originally constructed in 2000 and has 65 rooms. It has two wall signs currently installed on a dormer feature of the roof, one of which is visible from the freeway. It is small and unassuming. When the operator negotiated an agreement with Holiday Inn, the franchise owner requested a free-standing pole sign with orientation toward the freeway. It is typical for hotel companies to place strict requirements on operators in exchange for the privilege of using their name. Hotels gain a portion of their business from the weary traveler passing by and the Cesar Chavez exit lane is already beginning as this hotel comes into view. Without the variance, the applicant could install a 24-foot tall free-standing sign with a 10-foot setback on Laredo Street,

which is classified as an Arterial Type B. Currently, a monument sign is located on this corner as the business's primary signage. This is inadequate according to the Holiday Inn Express branding team.

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 applicant states that other businesses with frontage on the freeway, or those that are within 500 feet of the freeway, enjoy the same opportunity for freeway signage. It is certainly rare for a property within a downtown area to have frontage on three streets; most blocks are larger and include more than one parcel per block. That being said, most other similarly situated properties could find a location on their parcel to satisfy the setback requirement.

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

All of the neighboring properties are zoned for commercial uses and located in the heart of downtown San Antonio. Owners of property nearby anticipate a variety of commercial activities, including signage. A free-standing pole sign is usually elevated high enough that surrounding owners do not focus on the pole in their viewshed. Although the sign should not have an adverse impact on neighboring properties, a few of the other property owners have responded in opposition to the requested variance.

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 property is almost located along the freeway, separated by a short dead end section of San Saba Street. The next time San Saba appears as a street is 2,000 feet to the north where it begins again at Nueva. For this reason, the variance to allow the freeway sign without the setback required of properties without freeway frontage will not substantially conflict with the purposes of this article.

Alternative to Applicant's Request

The applicant can install the 24 foot tall pole sign on Laredo, consistent with signage allowed for businesses along Arterial Type B streets.

Staff Recommendation

Staff recommends **approval of A-13-050** based on the following findings of fact:

1. The site has the unique characteristic of streets on three sides of the parcel, making a setback requirement based on the streets impossible to satisfy.
2. The Holiday Inn Express franchise owners have required a freeway oriented sign as a condition of using the company name and brand.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 5 – Applicant's Site Plan

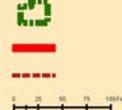
Attachment 1 Notification Plan



Board of Adjustment
Notification Plan for
Case No A-13-050



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

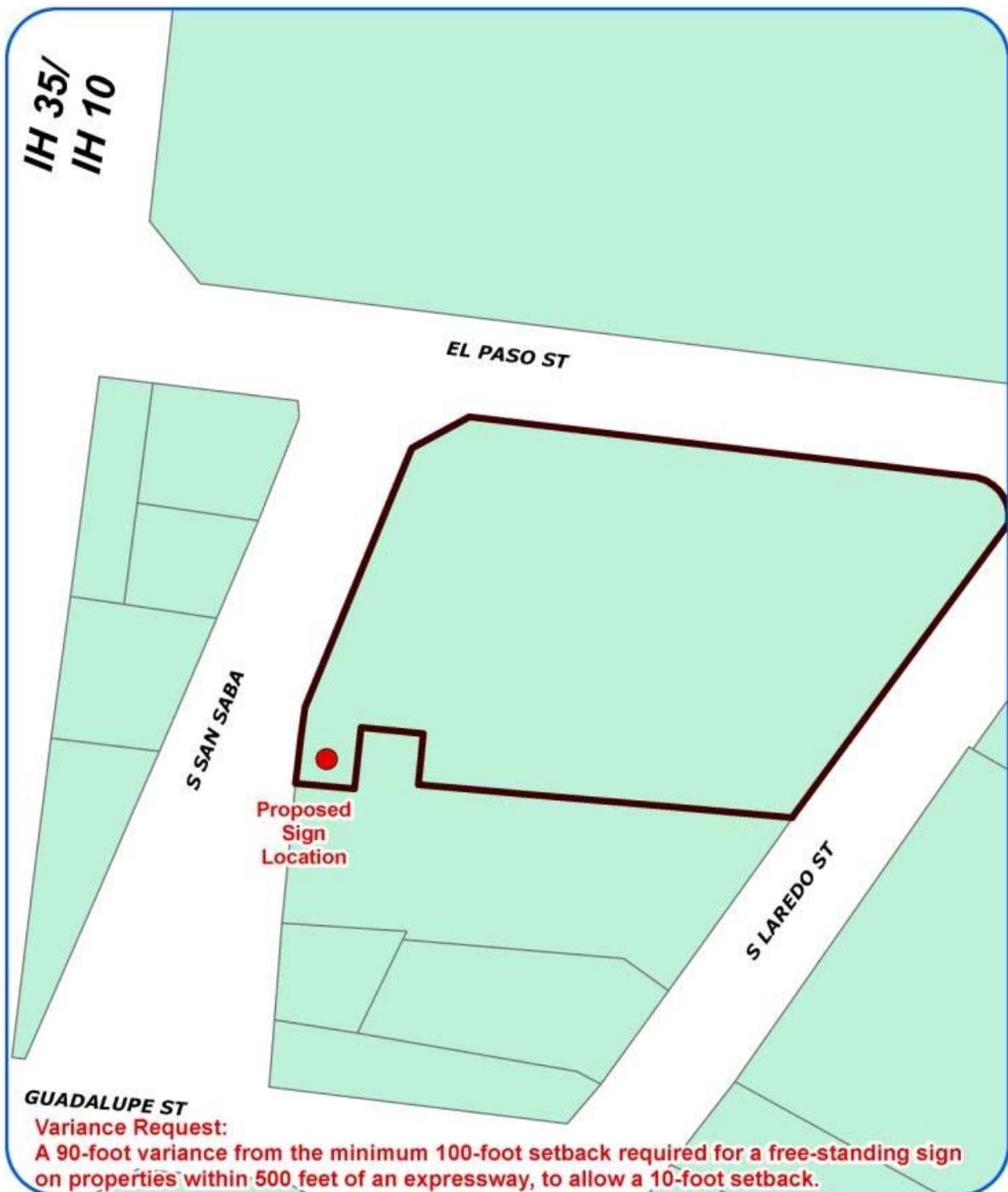


Development Services Department
 City of San Antonio
 (06/17/2013)

**Attachment 1 (Continued)
Notification Plan**



Attachment 2
Plot Plan



Variance Request:
A 90-foot variance from the minimum 100-foot setback required for a free-standing sign on properties within 500 feet of an expressway, to allow a 10-foot setback.

Board of Adjustment
Plot Plan for
Case No A-13-050



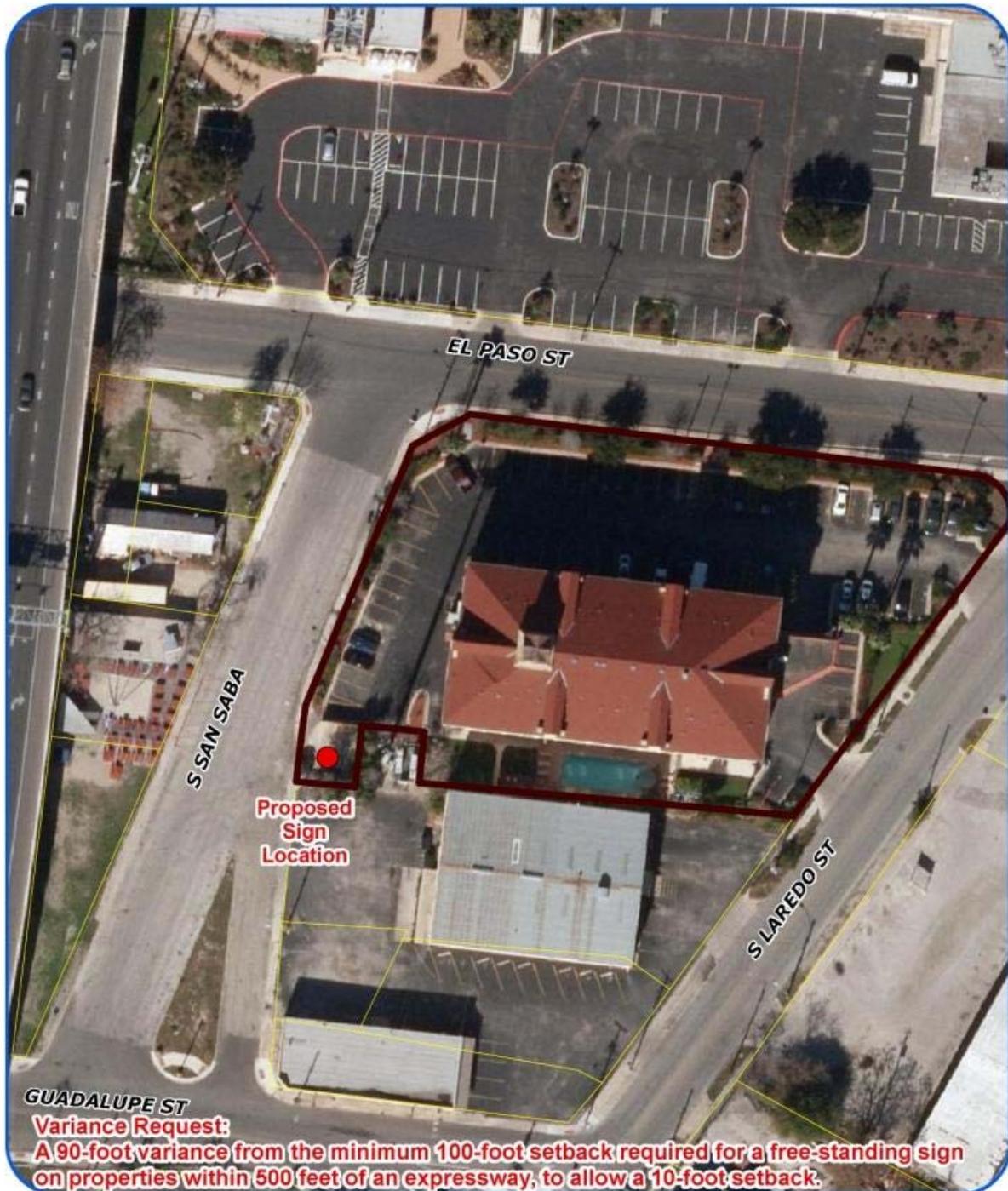
Sign ●

NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 1

102 El Paso

Development Services Department
City of San Antonio
(06/17/2013)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-050



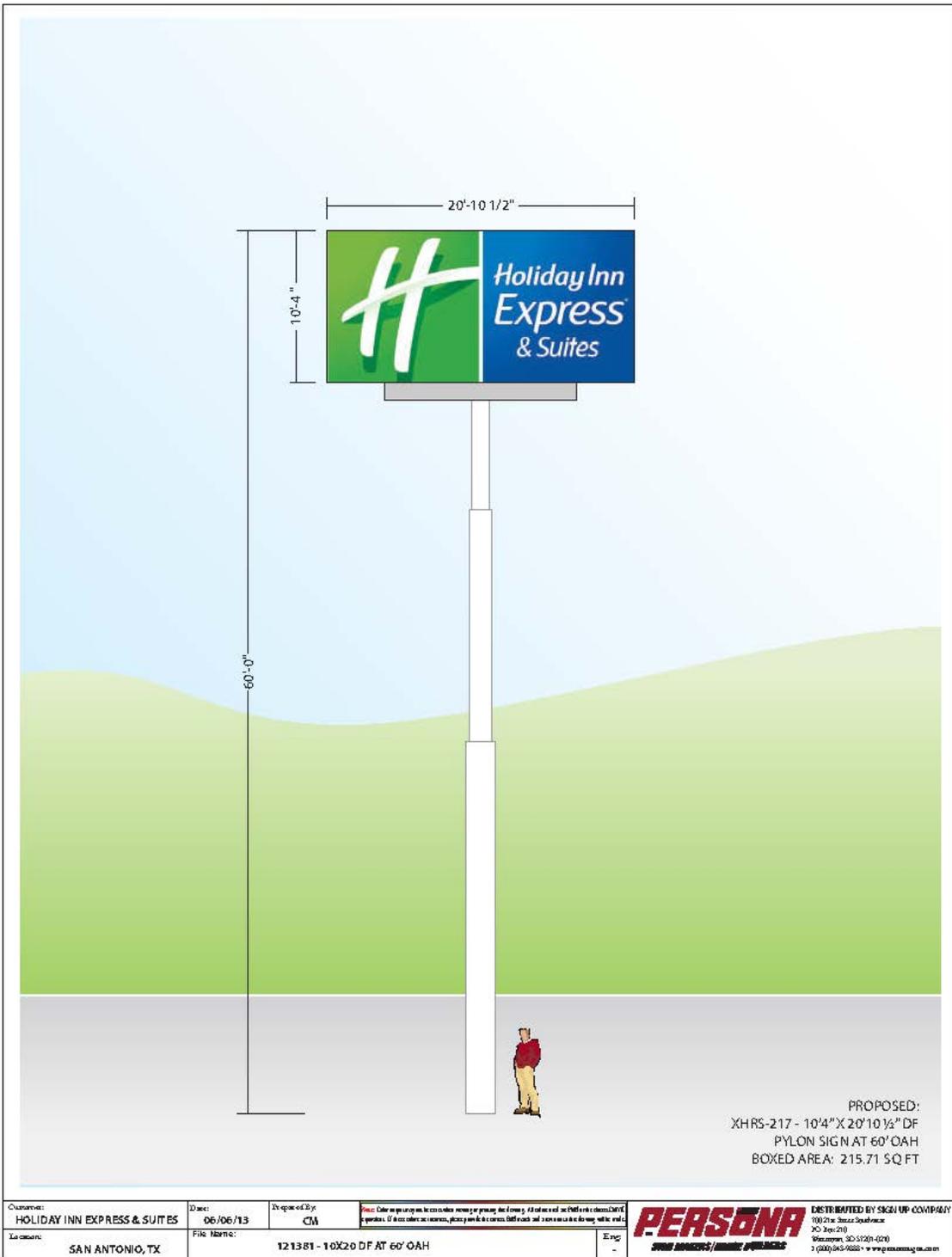
Sign ●
NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 1

102 El Paso

Development Services Department
City of San Antonio
(06/17/2013)

1:720

Attachment 3 Sign Elevations

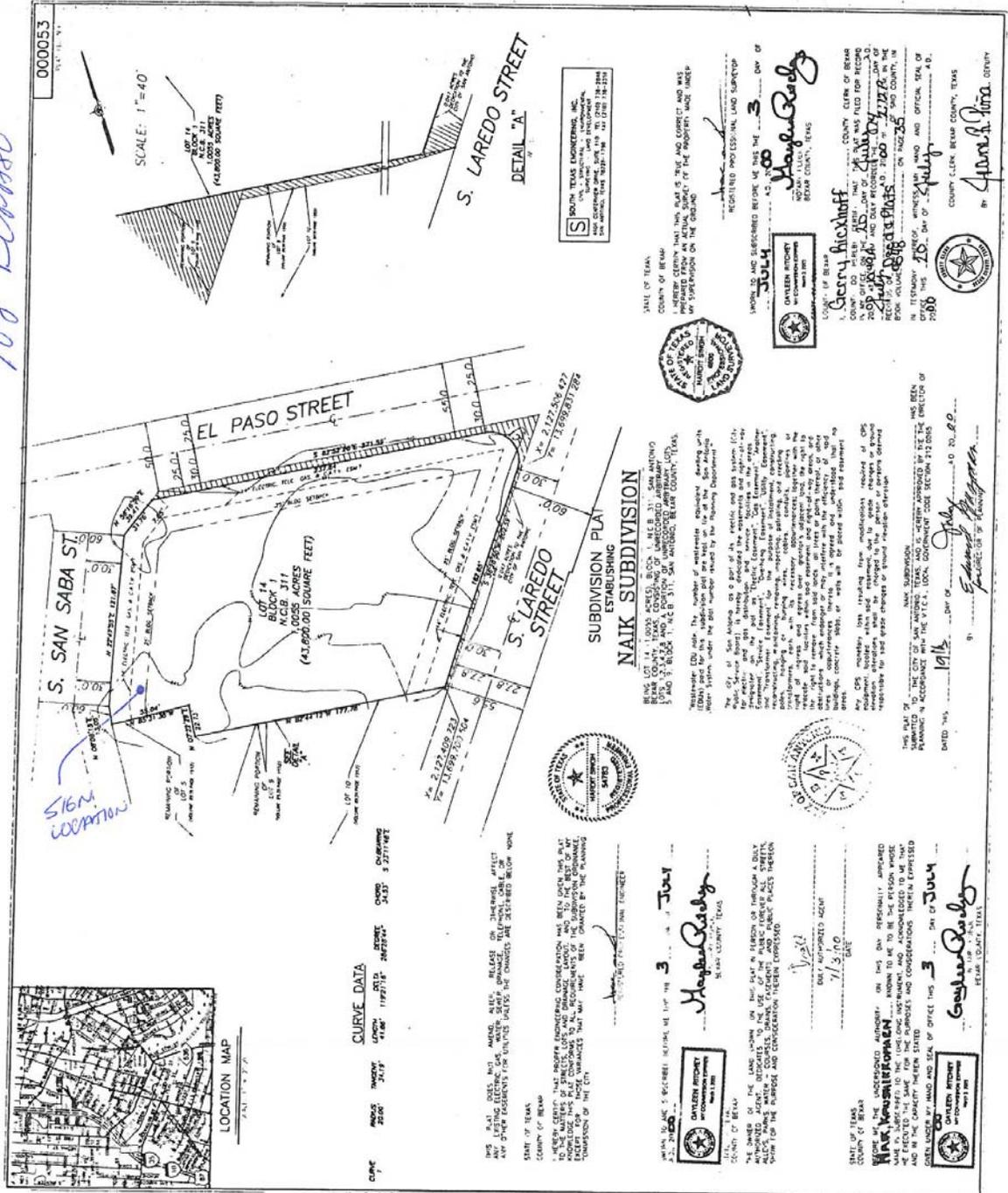


Attachment 4
Site Photos



Attachment 5 Applicant's Site Plan

107 EL PASO





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-13-051
Date: June 17, 2013
Applicant: Sandra M. Martinez
Owner: Sandra M. Martinez
Location: 5026 Meadowview Lane
Legal Description: Lots 6, 7, 8, & 9, Block 2, NCB 11442
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for a 15.1-foot variance from the 20-foot rear yard setback requirement to allow an addition to a structure 4.9 feet from the rear 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 and registered neighborhood associations within two hundred (200) feet of the subject property on or before May 30, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 31, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before June 14, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the south side of Meadowview Lane, approximately 265 feet west of Benrus Drive.

The subject property is currently developed with a non-conforming structure, constructed (according to BCAD) in 1950. The structure is 4.9 feet from the rear property line. Table 310-1 of the UDC requires a minimum rear yard setback of 20 feet. The applicant wishes to construct an addition to the structure in-line with existing structure, 4.9 feet from the property line.

The UDC does not contemplate in-line additions on non-conforming structures where the non-conformity exists in the rear yard.

It should be noted that if the variance is granted, the applicant would not be relieved of fire code requirements regarding fire-rated walls (if any) and would be required to apply for a certificate of determination from the Land Entitlements Section in order to cross the residential lot line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
R-5 AHOD (Residential)	Single-Family Dwelling

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector Plan (designated Rural Estate Tier). The subject property is also located within the boundaries of Thunderbird Hills Neighborhood Association, and 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:*

Building setbacks are designed to maintain orderly and safe development, and ensure access to air and light. In this case, the proposed construction is in-line with an existing non-conforming structure, and the addition would be no closer to the property than the existing structure already is. Additionally, the new construction would have to meet all building and fire safety codes in order to be granted a building permit. As such, the variance is not contrary to the public interest.

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

The non-conforming structure on the lot is the special condition that exists. Again, the proposed addition is in line with the existing structure, and requiring the addition to meet the required setback could be considered an unnecessary hardship.

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

The UDC does contemplate that non-conforming structures can continue to be occupied, as well as be added on to. In fact, the UDC allows, under certain conditions, for the side yard setback to be modified so long as a minimum side yard of 3 feet is maintained. The UDC, however, does not contemplate additions when the rear yard setback is out of compliance. Given the nature of the request, and the fact that non-conformity will not be increased, the spirit of the ordinance will be observed.

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” (Residential) zoning district.

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

The requested variance, if approved, will likely not substantially injure adjacent conforming properties, as the degree of non-conformity will not be increased, and neighboring structures will be required to comply with the full 20-foot required 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.*

The special condition on the lot is a function of the existing non-conforming structure and was not created by the owner and is not merely financial. The property owner merely wishes to construct an in-line addition to a non-conforming structure.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to construct the addition with the required 20-foot rear yard setback.

Staff Recommendation

Staff recommends **approval of A-13-051** because of the following reasons:

- The proposed addition is in-line with the existing non-conforming structure.

Attachments

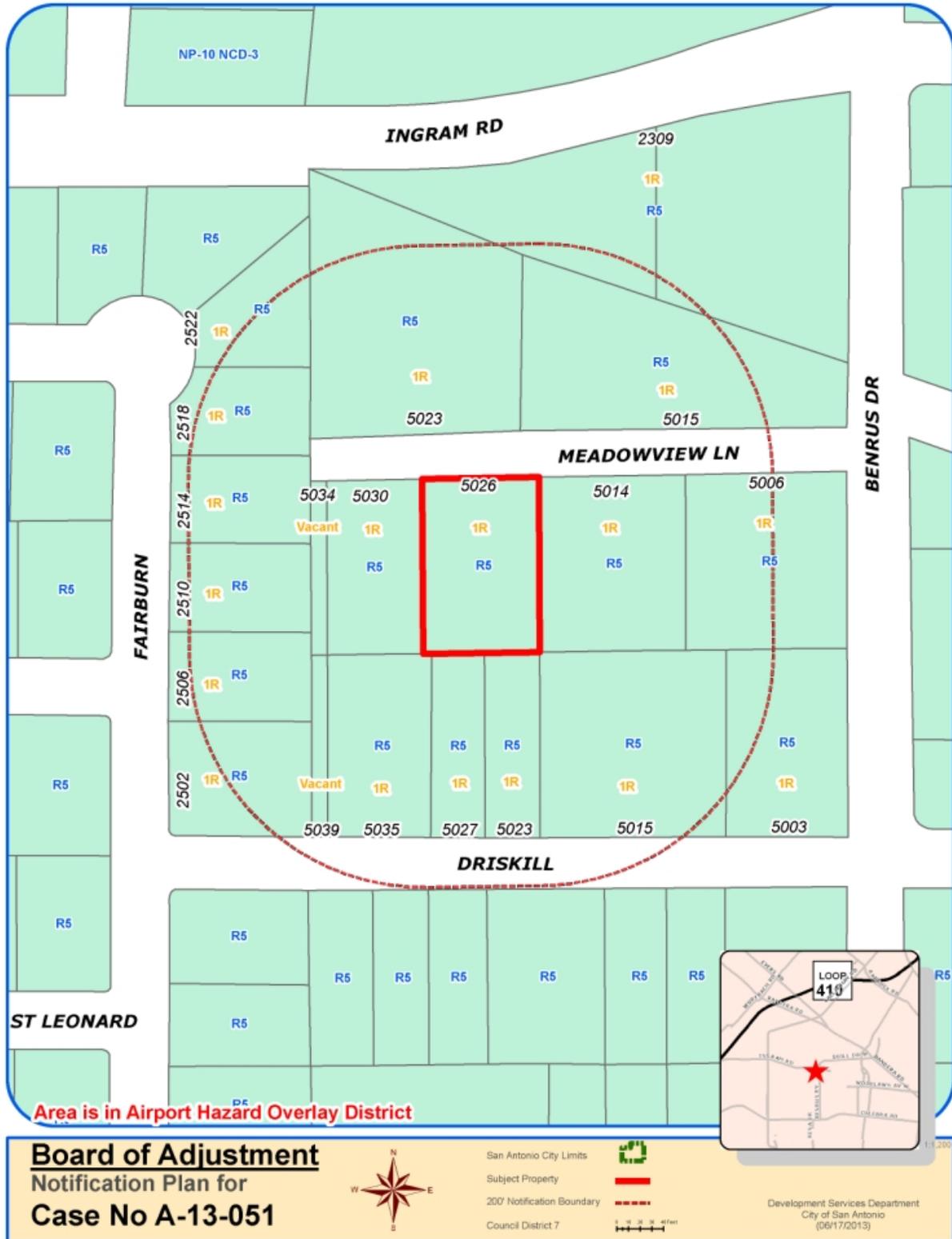
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

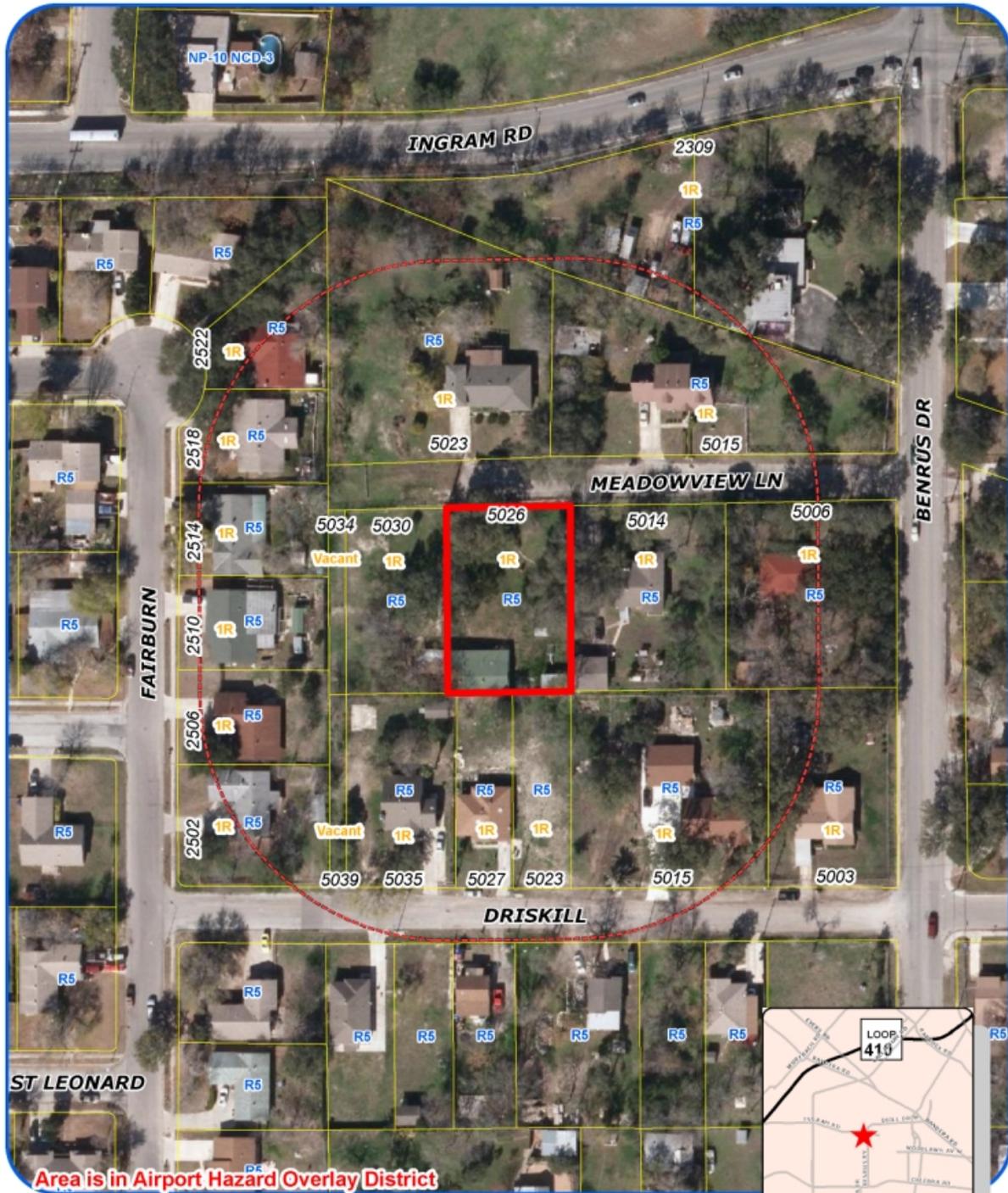
Attachment 3 – Survey

Attachment 4 – Site Plan

Attachment 1 Notification Plan



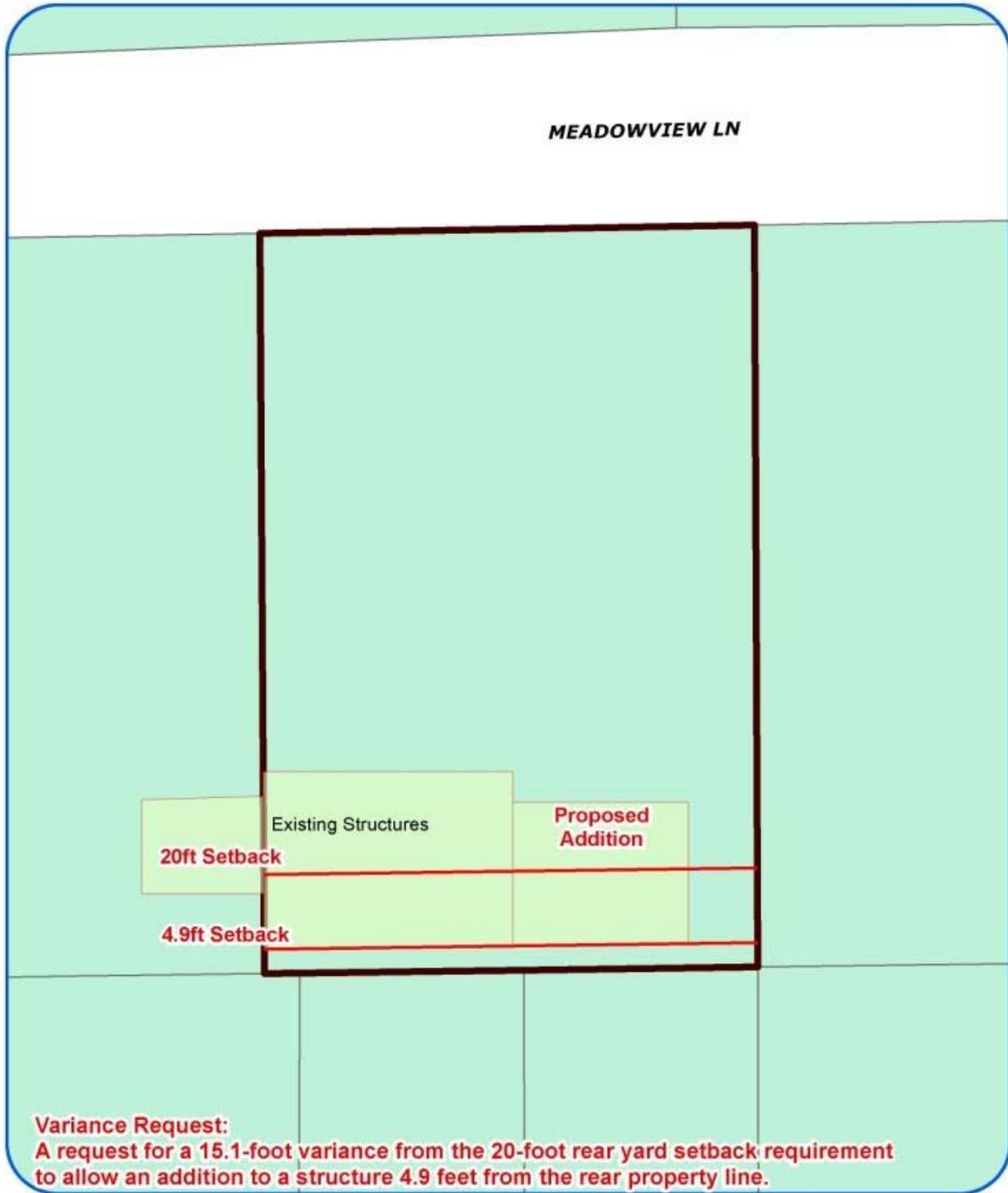
**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-051</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 7 </p>	<p>Development Services Department City of San Antonio (06/17/2013)</p>
---	--	--	---

**Attachment 2
Plot Plan**



Variance Request:
A request for a 15.1-foot variance from the 20-foot rear yard setback requirement to allow an addition to a structure 4.9 feet from the rear property line.

Board of Adjustment
Plot Plan for
Case No A-13-051



NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 7

5026 Meadowview

Development Services Department
City of San Antonio
(06/17/2013)

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-051

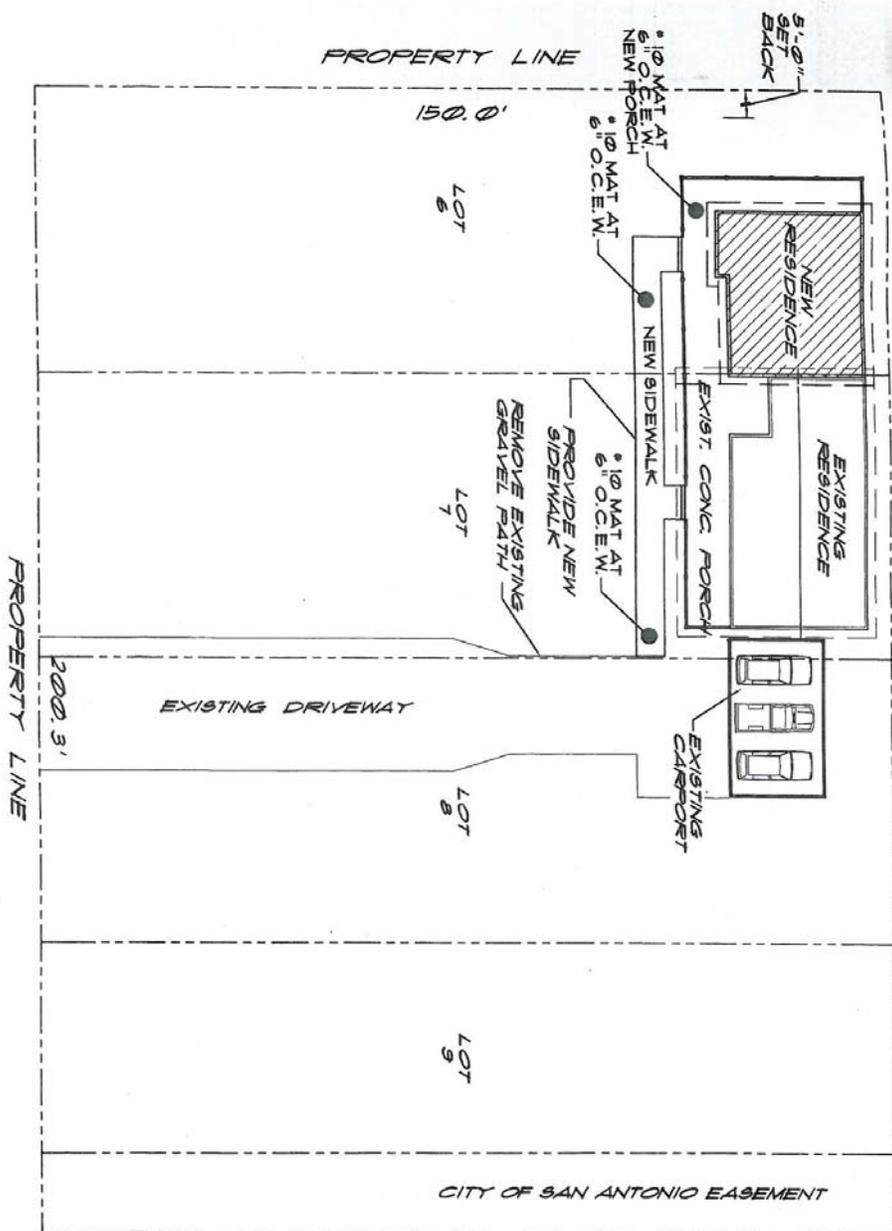


NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY
Council District 7

5026 Meadowview

Development Services Department
City of San Antonio
(06/17/2013)

Attachment 4 Site Plan



LEGAL DESCRIP
 5026 MEADOW VII
 NCB 11442
 BLK 2
 LOT 6, 7, 8 E365

PROPERTY I.D.
 TYPE REAL

NEIGHBORHOOD:
 MAGNOLIA FIG
 CONS (NS/SA)