

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, March 3, 2014

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-14-018:** The request of Jesus Salazar for a 3-foot variance from the 5-foot minimum side yard to allow a carport 2 feet from the west side property line, located at 654 West Pyron Avenue. (Council District 3)
5. **A-14-026:** The request of Lisa A. Stafford for 1) a 1-foot variance from the 6-foot maximum allowed height within the side and rear yards; 2) a variance to allow a sheet, roll or corrugated metal fence; 3) a 5-foot variance from the 5-foot minimum side yard setback to allow a garage on the east property line, located at 205 West Huff. (Council District 3)
6. **A-14-027:** The request of Scott Ruch for 1) a 4-foot variance from the 4-foot maximum allowed height to allow a predominantly open fence 8 feet in height within the front yard; and 2) a 2-foot variance from the 6-foot maximum allowed height to allow a predominantly open fence 8 feet in height within the side and rear yards, located at 9550 Westover Hills Boulevard. (Council District 6)
7. **A-14-030:** The request of Dennis D. Brownley for a 5-foot variance from the 20-foot minimum rear setback to allow an addition 15 feet from the rear property line, located at 9251 Wind Dancer. (Council District 6)
8. **A-14-031:** The request of 302 Josephine, Ltd. for a 12.5 foot variance from the minimum 20-foot setback to allow three garages with varying setbacks, the shortest of which is 7.5 feet from the property line, located at 302 E. Josephine. (Council District 1)
9. **A-14-032:** The request of Cynthia Neal for a special exception to allow a one-operator beauty/barber shop in a single-family residence, located at 103 Gazel Drive. (Council District 1)
10. **A-14-033:** The request of KB Home for a 7-foot variance from the minimum 20-foot setback to allow a 13-foot rear yard setback on up to 90 of the 166 lots within the Pleasanton Farms Subdivision, generally located at 9819 Walhalla Avenue. (Council District 3)

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 O. Atkinson • Paul E. Klein • Henry Rodriguez • Vacancy • Vacancy • Vacancy

11. **A-14-034:** The request of Brown & Ortiz for 1) a 25-foot variance from the minimum 50-foot lot width to allow new single family lots at least 25 feet wide; 2) a 1-story variance from the maximum 2-story limitation to allow new single family homes with 3 stories; 3) a variance from the location and orientation standards to allow two attached garages facing the public street; 4) a 16-foot variance from the minimum 20-foot garage setback to allow two garages 4-feet from the property line; 5) a variance from the requirement that the front façade face the public street to allow five single-family homes oriented toward a pedestrian courtyard, and 6) a 6-foot variance from the minimum 10-foot separation to allow dwellings 4 feet apart, located at 150 Humphrey Avenue. (Council District 2)

12. Approval of the minutes – February 3, 2014

13. Executive Session – 1) Consultation with attorney regarding the case titled Sarosh Management and East Central I.S.D. v. San Antonio Board of Adjustment and possible action; 2) Review and discussion of January 13, 2014 minutes and possible action.

14. Announcements and Adjournment – District Court Appeals

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).

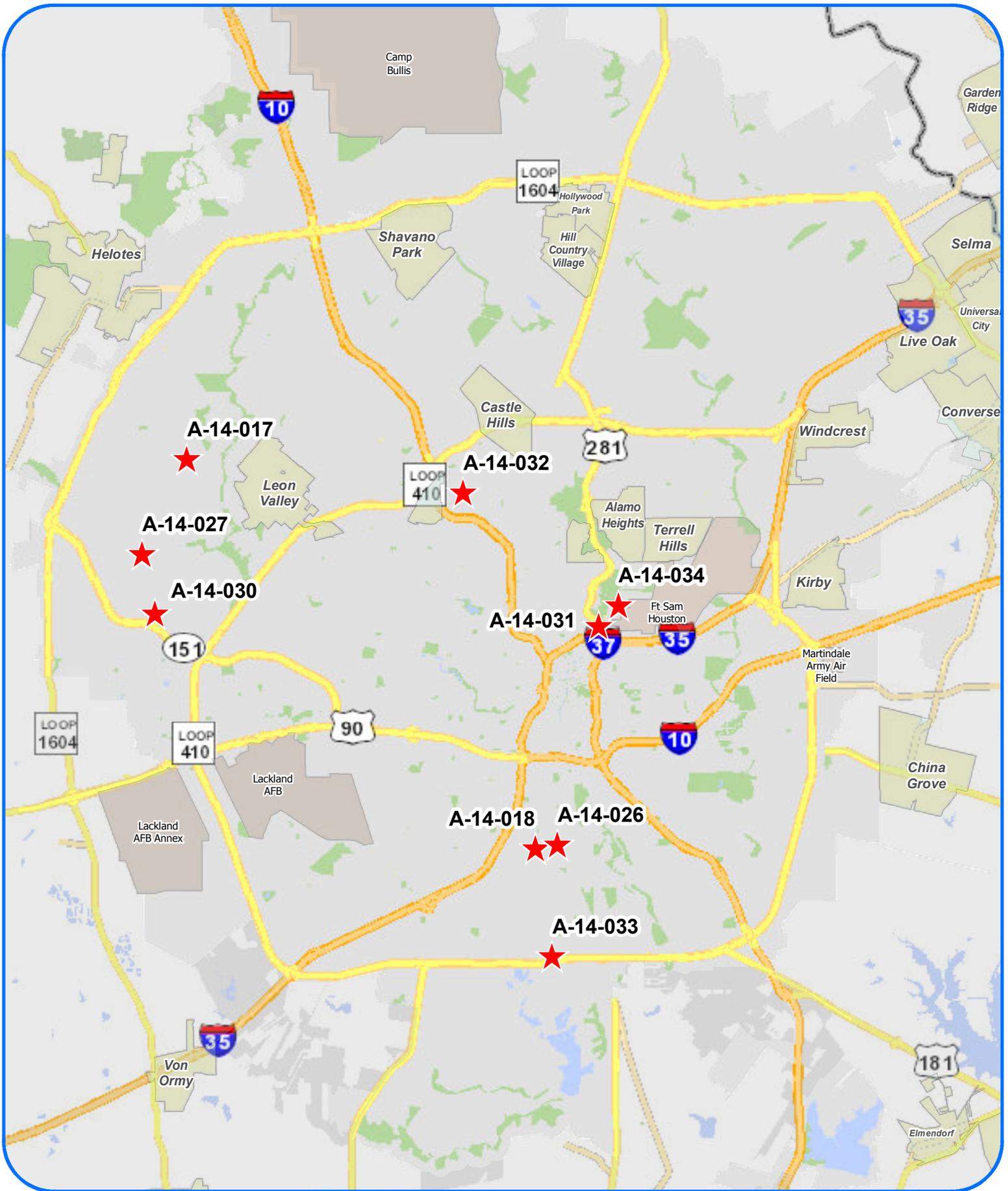
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

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Gene Camargo, Mayor

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Board of Adjustment

Subject Property Locations
Cases for 3rd March 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-018
Date: March 3, 2014 (Continued from February 3, 2014)
Applicant: Jesus Salazar
Owner: Jesus Salazar
Location: 654 West Pyron Avenue
Legal Description: The west 50 feet of the North one-half of Tract 206, NCB 7847
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) a variance from Table 310-1 of the UDC for a 3-foot variance from the 5-foot minimum side yard to allow an attached carport 2 feet from the west side 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 February 13, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the south side of West Pyron Avenue, approximately 656 feet west of Pleasanton Road.

The site is currently developed with a single-family residence. The applicant constructed an attached carport 2 feet from the west side property line without proper permits. The applicant states that the side yard variance is needed in order to have enough room to park two cars because of the narrowness of the lot.

The lot is approximately 50 feet in width and 224 feet long. There is sufficient area to place a covered carport in the rear of the structure.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central San Antonio Community 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:*

Building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings. The structure abuts the neighboring property’s side yard area. By allowing the addition to remain, it may adversely affect the neighboring property by not allowing for adequate access for maintenance of the structure.

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

The subject property is sufficiently deep to allow the construction of a compliant carport or garage in the rear of the main structure. Likewise, there is sufficient room for the applicant

to access the rear of the property with an automobile, and therefore, any garage or carport. As such, no special conditions exist on the property to warrant the granting of a variance.

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

The spirit of the ordinance will not be observed by granting the variance as the carport, as constructed, does not provide for adequate room to access the structure for maintenance and there are adequate alternatives to the structure's current placement.

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" 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, may injure the appropriate use of the adjacent property to the south because there is not adequate space to maintain the structure. It should be noted that, while there are other carports to the side of homes in the area, it is unknown whether these carports are in conformance with the requirements of the UDC.

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

There are no unique circumstances readily apparent to warrant the granting of the requested variances.

Alternatives to Applicant's Request

The alternative to the applicant's request is to construct a compliant carport or garage in the rear of the main structure.

Staff Recommendation

Staff recommends **denial of A-14-018** because of the following reasons:

- The addition does not allow enough room to be maintained and does not meet the spirit of the ordinance.

Attachments

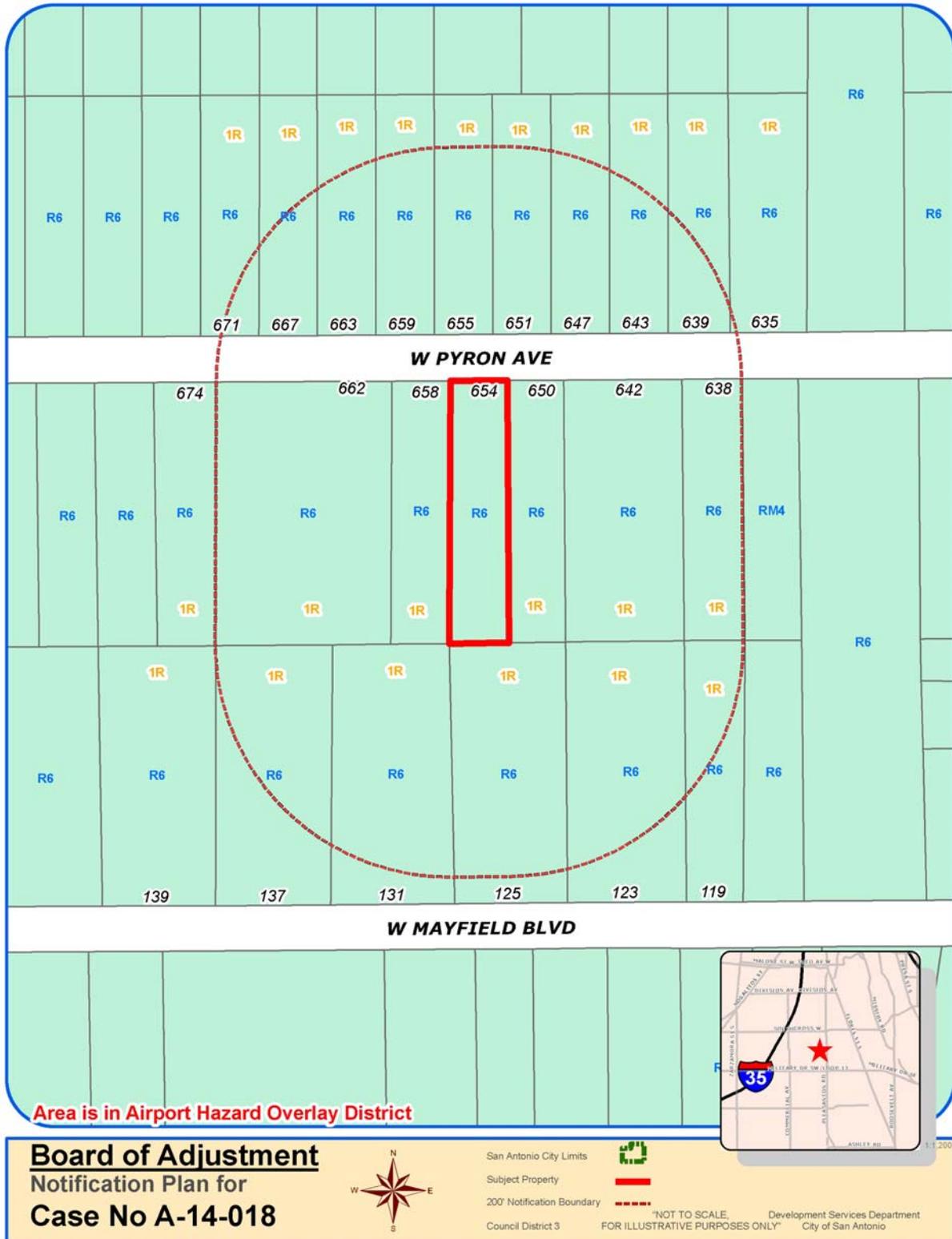
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

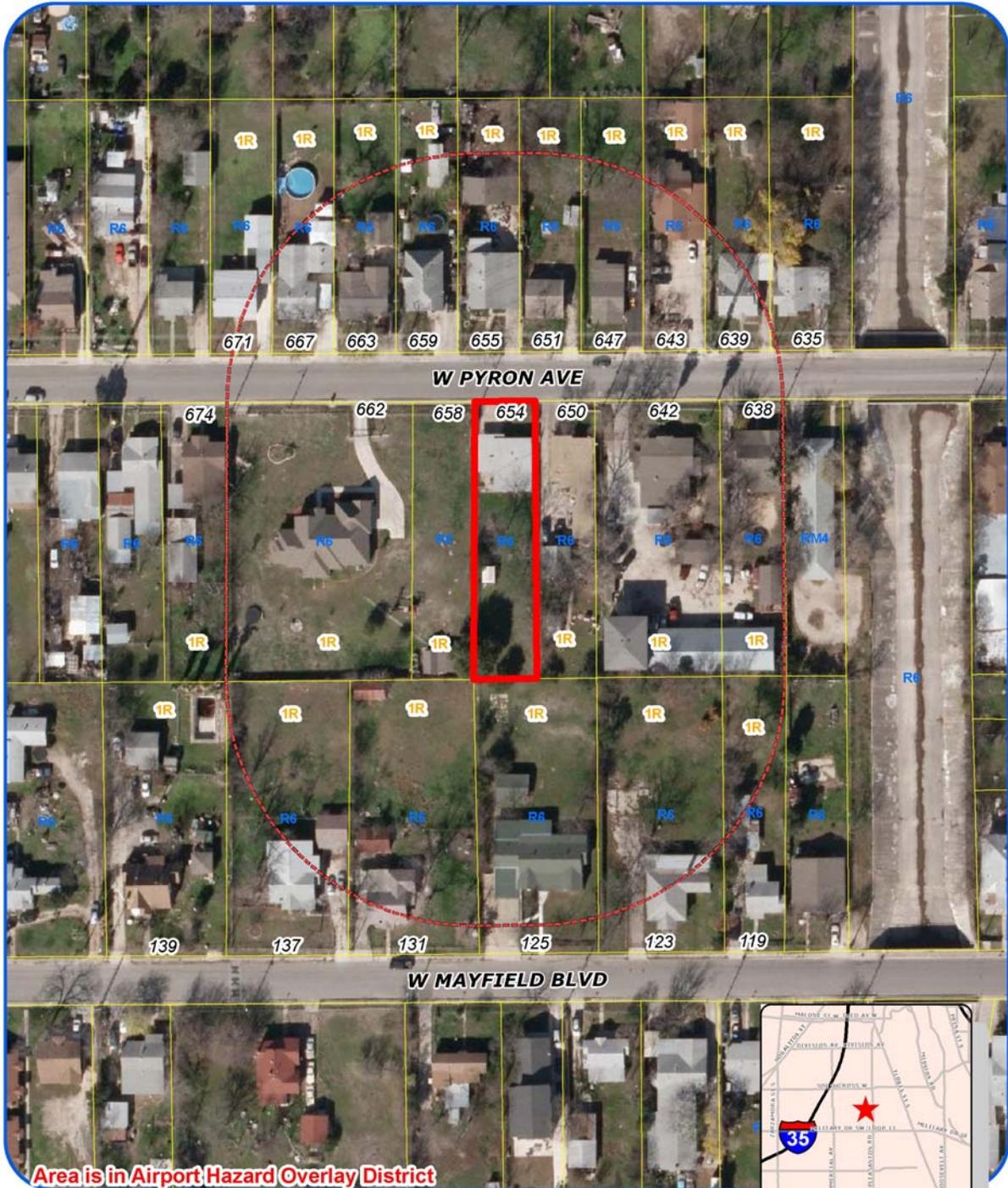
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



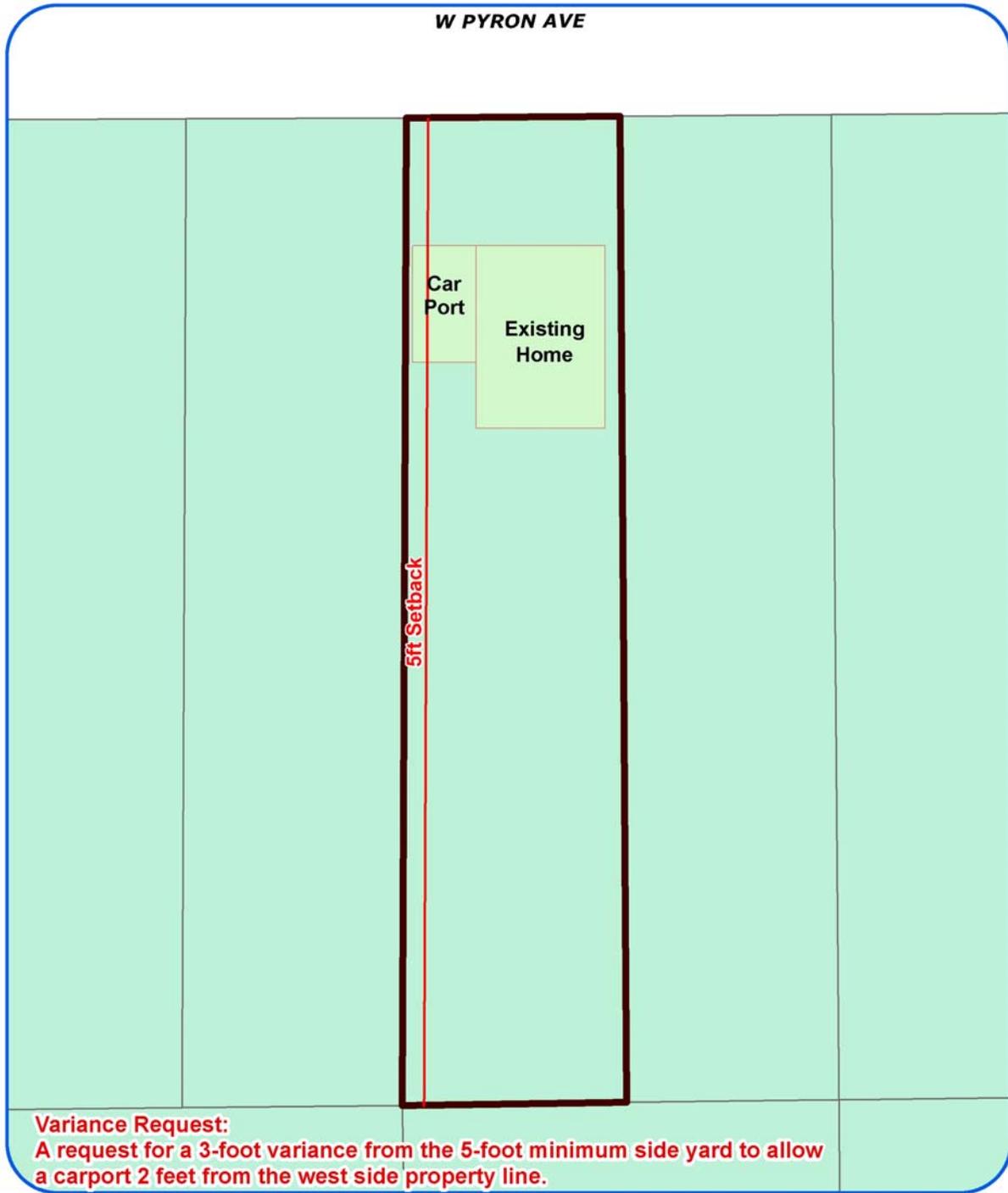
**Board of Adjustment
Notification Plan for
Case No A-14-018**



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

*NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY*
Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:
A request for a 3-foot variance from the 5-foot minimum side yard to allow a carport 2 feet from the west side property line.

Board of Adjustment
Plot Plan for
Case No A-14-018



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

654 W Pyron

Development Services Department
City of San Antonio

1.338

**Attachment 2 (Continued)
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-018



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

654 W Pyron

1.338

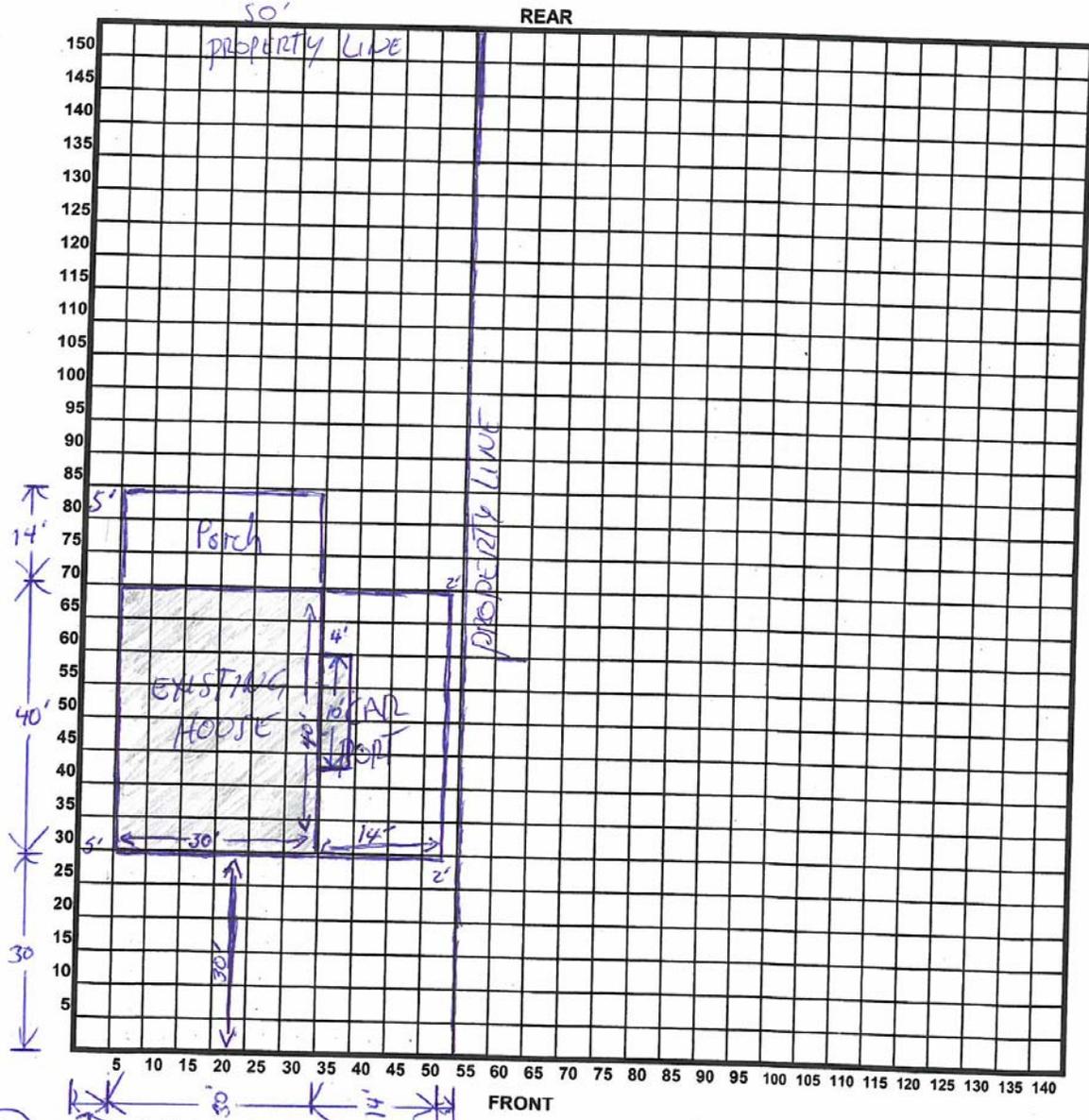
Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

PLOT PLAN

FOR
BLDG PERMITS

Address 654 W. PYRON Lot _____ Block _____ NCB _____



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

11/04/2013
Date
[Signature]
Signature of Applicant

**Attachment 4
Site Photos**





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

To: Board of Adjustment
Case No.: A-14-026
Date: March 3, 2014
Applicant: Lisa A. Stafford
Owner: Lisa A. Stafford & Juan Olguin
Location: 205 West Huff
Legal Description: Lot 14, Block 38, NCB 7820
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Osniel Leon, Planner

Request

A request for 1) a 1-foot fence variance from the 6-foot maximum height to allow a 7-foot fence along the side and rear property lines; 2) a variance to allow a sheet, roll or corrugated metal for use as fencing material; 3) a 5-foot variance from the 5-foot minimum side yard setback to allow a garage on the east 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 February 13, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of West Huff Avenue between Ramsdell Street and Sedalia Lane. The property is currently developed as a single-family residence measuring approximately 1,024 square feet, and constructed as of 1926 per BCAD records. The applicant built a 7-foot corrugated metal fence and a carport that encroaches into the east side yard setback without first obtaining the required permits.

Pursuant to Table 310-1 of the UDC, principal structures in the "R-6" Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line and five (5) feet from the side property line. Furthermore, per Section 35-516(g) of the UDC, carports

may be erected within the front yard so long as twenty (20) feet of total parking area depth is maintained within the lot.

The UDC regulates carports and garages under the identical provisions, calling them accessory structures. Accordingly, Section 35-370 (b) identifies the provisions including the required 5-foot setback from both side and rear property lines. Without any eaves or similar projections, the minimum setback for accessory structures may be reduced to 3 feet.

If the variance request is approved, fireproofing consistent with the International Residential Code (and any other applicable building or city code) will be required.

According to Section 35-514 of the UDC, sheet, roll or corrugated metal shall not be used for fencing. Additionally, no fence or wall shall be erected or altered in any side or rear yard to exceed a height of six (6) feet. All solid screen fences allowed to be constructed in excess of six (6) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central San Antonio Community Plan. The property is not located within the boundaries or within 200 feet of any registered neighborhood association.

Criteria for Review

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

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

Building setbacks are designed to maintain orderly and safe development and ensure access to air and light. The UDC does not contemplate any situations where the side setback is covered by a

structure. The public interest in this case is represented by minimum setbacks established to ensure activities on individual properties do not impact the rights of a neighboring property owner. Setbacks also allow property maintenance. The variance would be contrary to the public interest.

Fence and wall 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 for security or to reduce negative visual or noise-related impacts on the enjoyment of one's property. In this request for a variance of an additional foot, the impact to these goals is minimal. Therefore, the variance 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 subject property is not subjected to special conditions that create unnecessary hardship through the literal enforcement of the setback requirements. A literal enforcement of the side setback requirement will require the applicant to relocate the carport five (5) feet from the property line, and reduce the height of the fence by 1-foot with city approved materials. The Board will have to determine if this requirement creates an unnecessary hardship for the applicant. Further, the existing fence provisions do not prevent the applicant from developing and using their property in a manner similar to that of other property owners with properties in the same zoning district.

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

The variances requests are neither in keeping with the spirit of the ordinance nor would granting it do substantial justice. The UDC does not contemplate any situation where structures would be allowed to be placed within the side setback. The subject property is not uniquely influenced by oppressive conditions.

Perimeter fencing is a common and generally accepted improvement to one's property. In addition to security, fencing serves as a visual delineation between properties and property boundaries. In this case, substantial justice is done by encouraging the applicant to comply with the existing regulations.

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" 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 variances, if approved, may injure adjacent properties and alter the character of the district. By granting this variance, it will set a precedent to more construction of this type in the neighborhood.

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.*

No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards including fire rated materials and the requested variances would not be necessary. The result of the applicant's action to build a carport within the required side yard caused the violation on the property, thus self-imposing a hardship.

Fencing is more difficult to justify as a variance than the special exception process; there has to be a property-related feature that distinguishes it from others in the area. In this case, no unique characteristics have been identified. Instead, the applicant has invested in construction of a metal fence above the maximum height of 6-feet, a self-imposed hardship.

Alternatives to Applicant's Request

The alternative to the applicant's request is to comply with the UDC setback requirements, or remove the carport, and reduce the fence height to 6-feet with approved materials to maintain rear and side yard fencing consistent with what is allowed by right; or remove the fence.

Staff Recommendation

Staff recommends **denial of the request for 1) to allow a sheet, roll or corrugated metal for use as fencing material 2) a 5-foot minimum side yard setback to allow a garage on the east property line. Approval of the request for a 1-foot fence variance from the 6-foot maximum height to allow a 7-foot fence along the side and rear property lines** based on the following findings:

1. There are no special conditions or circumstances on the property that warrant the granting of the requested side yard setback variance.
2. There are no unique property-related circumstances which warrant a modification to the prohibition against metal as appropriate fencing material.
3. In this request for a fence height variance of an additional foot, the impact is minimal. Therefore, the variance would not be contrary to the public interest.

Attachments

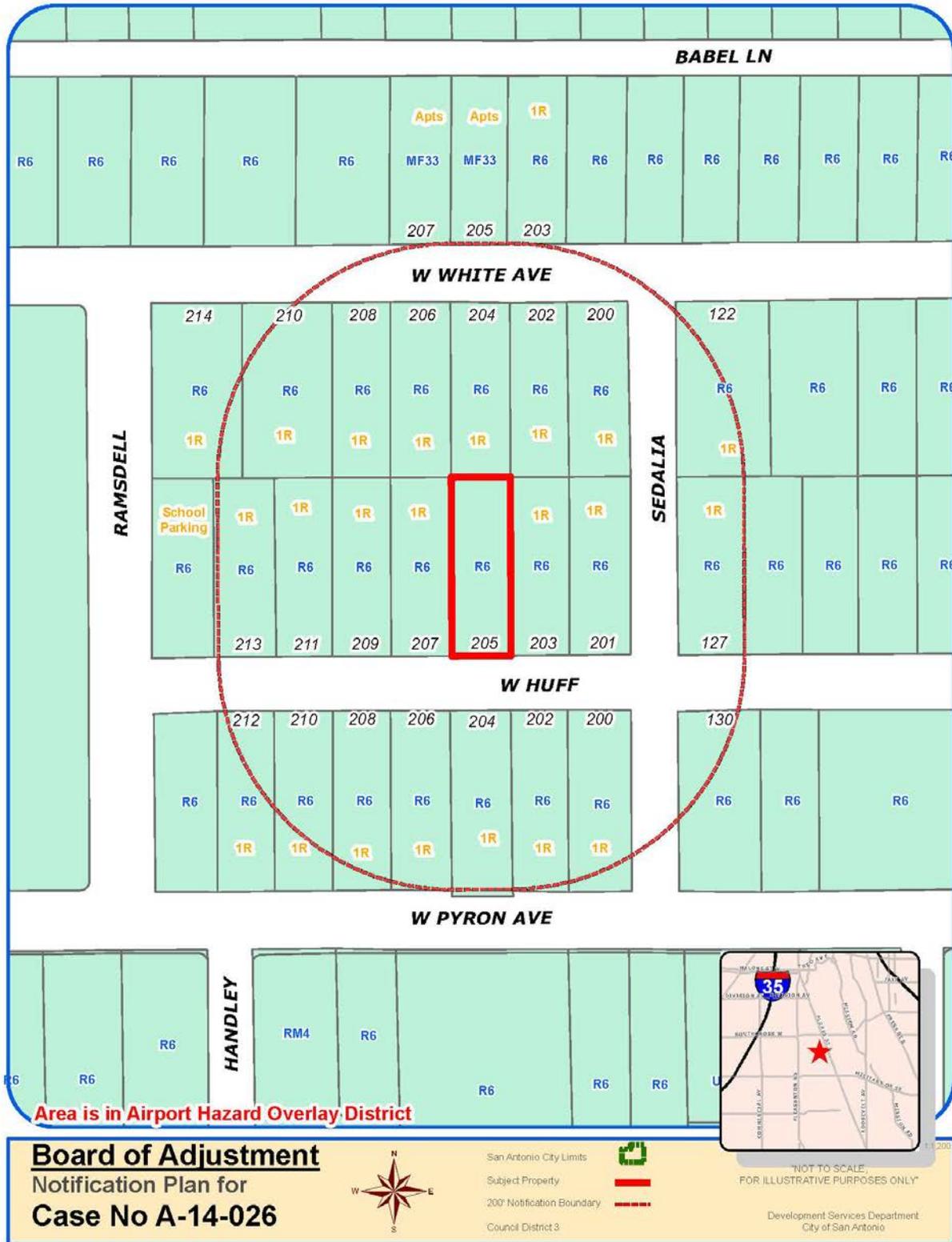
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 2
Plot Plan**



Variance Request:
1) a 1-foot fence variance from the 6-foot maximum allowed height within the side and rear yards;
2) a variance to allow a sheet, roll or corrugated metal fence;
3) a 5-foot variance from the 5-foot minimum side yard setback to allow a garage on the east property line.

Board of Adjustment
Plot Plan for
Case No A-14-026



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

205 W Huff

1:300

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**

PLOT PLAN

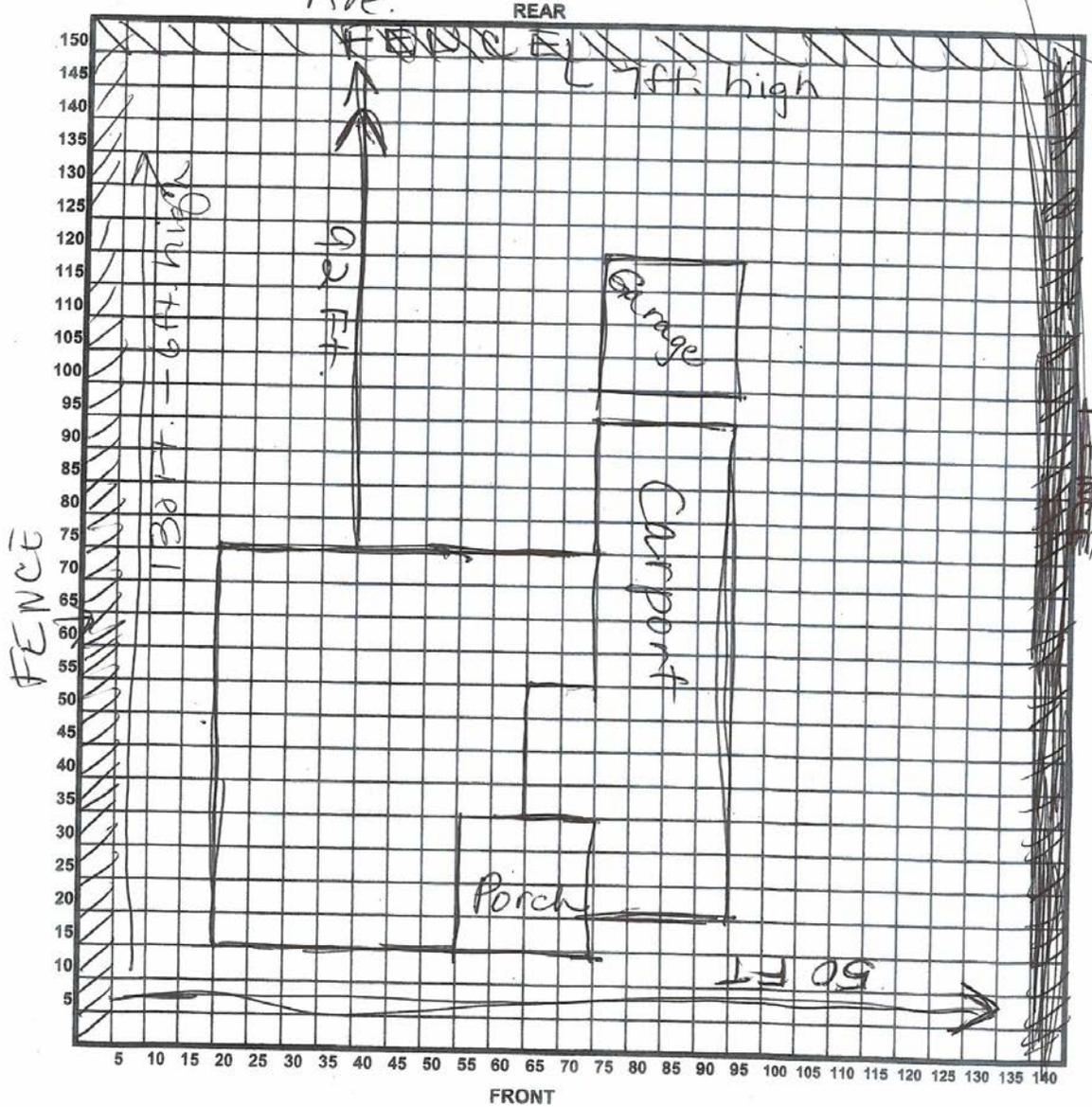
FOR
BLDG PERMITS

Address 205 W. Huff
Ave.

Lot 14

Block 38

NCB 7820



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

_____ Date

_____ Signature of Applicant

**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-027
Date: March 3, 2014
Applicant: Scott Ruch
Owner: IP Stream San Antonio, LLC
Location: 9550 Westover Hills Boulevard
Legal Description: Lot 1, Block 110, NCB 18820
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) a variance from Section 35-514(d) of the UDC for a 4-foot variance from the 4-foot maximum allowed height to allow a predominantly open fence 8 feet in height within the front yard; and 2) a variance from Section 35-514(d) of the UDC for a 2-foot variance from the 6-foot maximum allowed height to allow a predominantly open fence 8 feet in height within 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 February 13, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the southwest corner of Westover Hills Boulevard and Raba Drive. The site is currently under development as a data center.

The applicant is proposing to construct an ornamental iron fence 8 feet in height around the perimeter of the property. The applicant has stated that the fence is required for physical security of the building due to the sensitive nature of the work performed in the data center and the

applicant further states that topography of the subject property alone does not adequately meet the needs of the security needs of the site.

The Board has previously approved similar variances on similar data center sites along Westover Hills Boulevard and Rogers Road, within the vicinity of the subject property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Data Center (Under Construction)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3R AHOD” (General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District)	Vacant
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North 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(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:*

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community.

Data centers similar to the one under construction at the site are common in the area, and the Board, recognizing the unique security concerns presented in their operations, has approved similar variances in the vicinity for data centers. Given these facts, the requested variance is not contrary to the public interest.

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

Because of the unique security concerns present with the operation of a data center, a literal enforcement of the ordinance may 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 UDC contemplates that higher fences are sometimes required to protect properties. **The Board has in the past recognized that physical security concerns are present at data centers in the area, and as such, the spirit of the ordinance will be observed. Additionally, the proposed fence will be predominantly open, and will not obstruct clear vision areas and line of site.**

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-2” Commercial base 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 requested variance, if approved, will not substantially injure adjacent conforming properties, as the Board has approved similar fences in the vicinity. Additionally, data centers are common in the area, and the height of the fence will maintain visual aesthetic in 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.*

The unique circumstances existing on the property were not caused by the applicant, but are rather due to unique physical security concerns that result from the operation of a data center.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to construct a fence within the front yard of four feet in height and in the side and rear yards of six feet in height which may be insufficient due to physical security concerns.

Staff Recommendation

Staff recommends **approval** because of the following reasons:

- The additional height is necessary for the physical security of the operation.
- The Board had approved similar requests for additional fence height at data centers.

Attachments

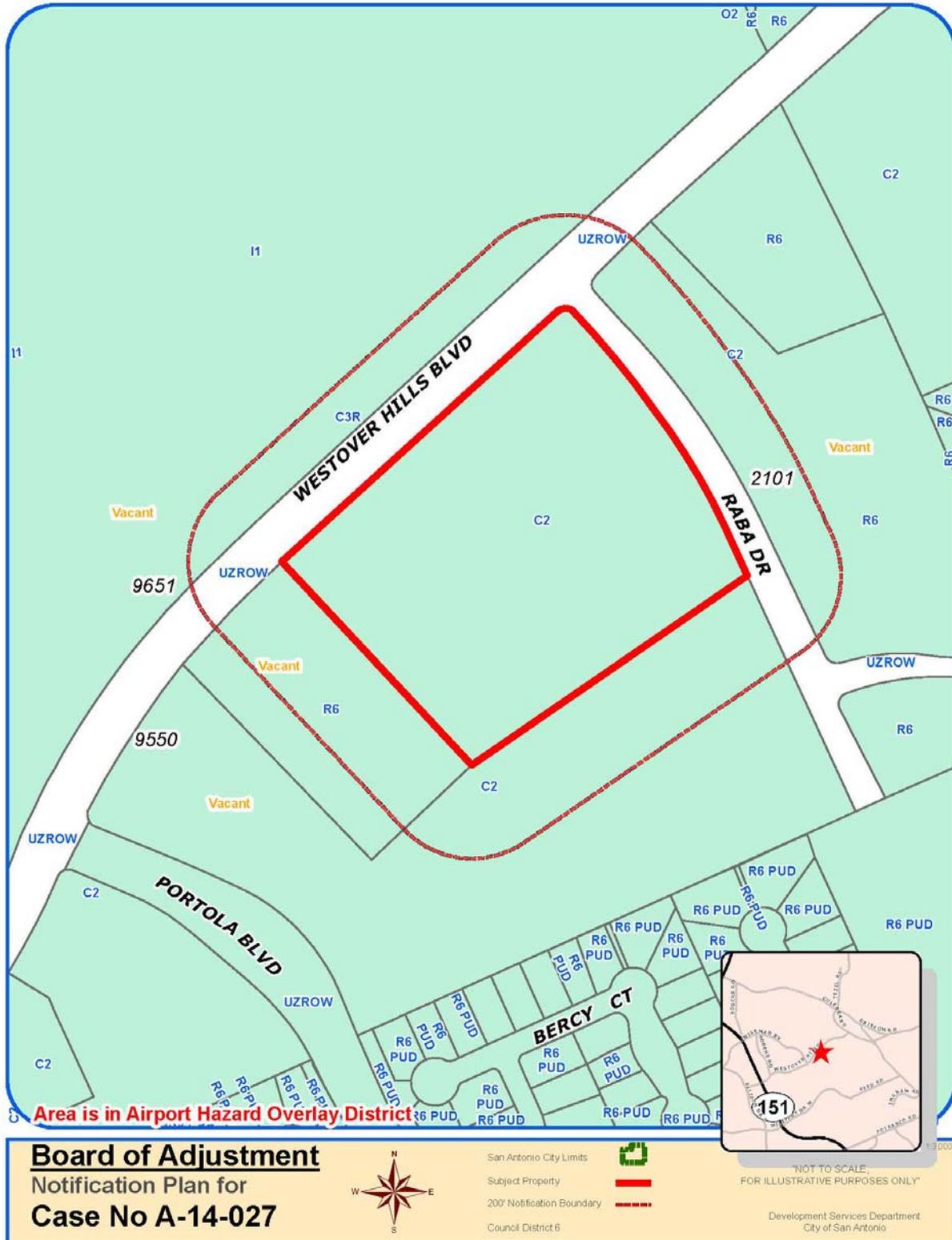
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

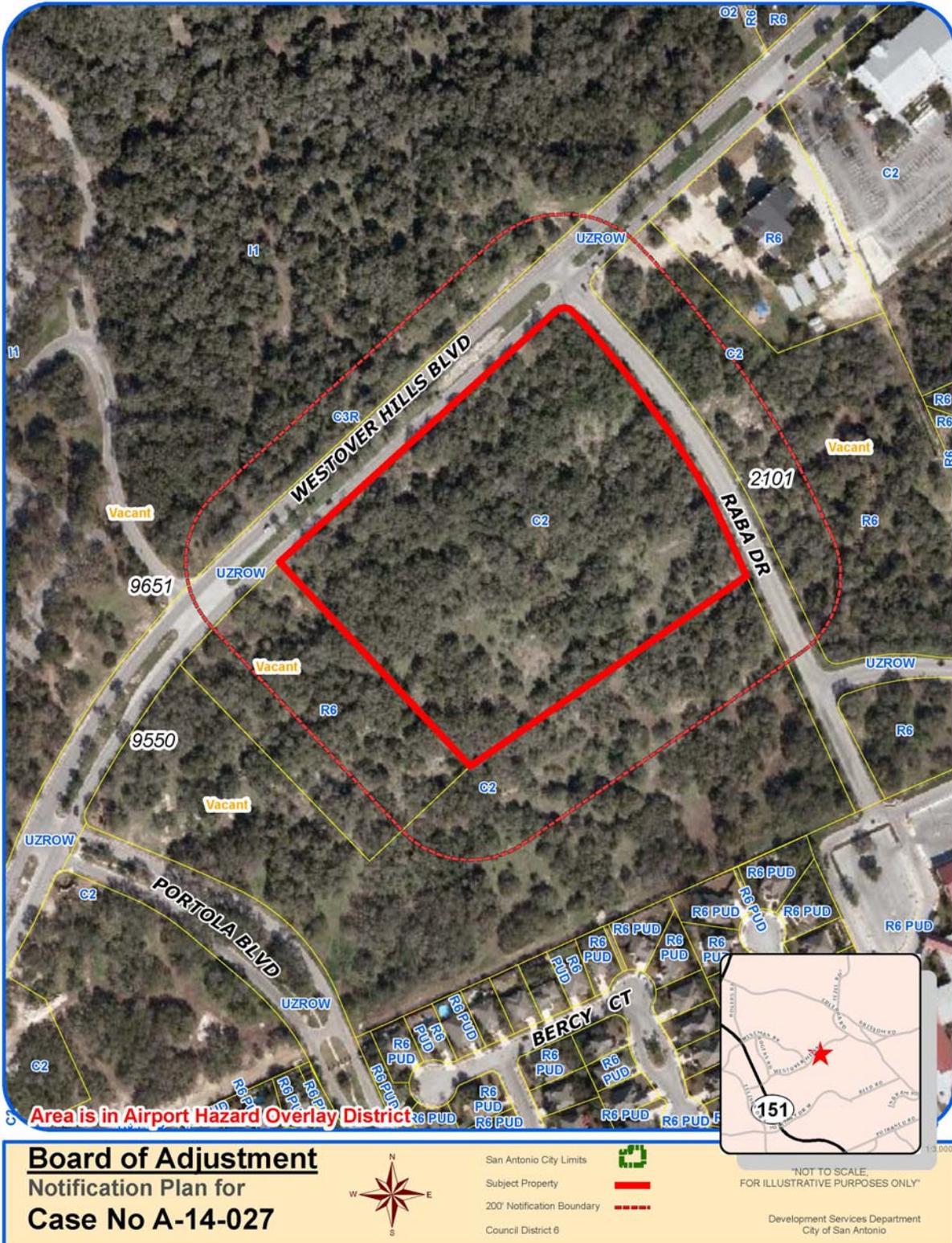
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

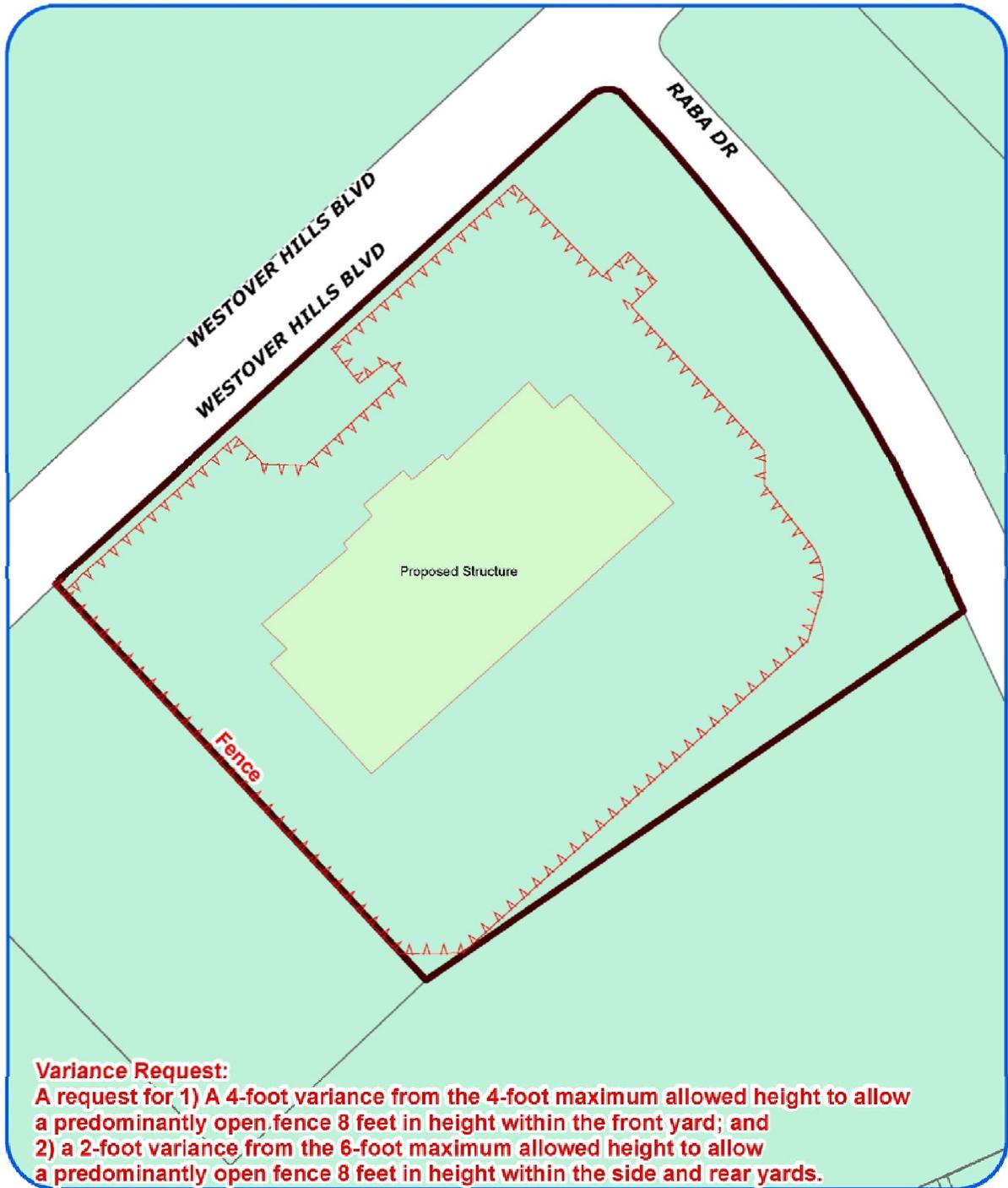
Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Attachment 2
Plot Plan**



Variance Request:

A request for 1) A 4-foot variance from the 4-foot maximum allowed height to allow a predominantly open fence 8 feet in height within the front yard; and 2) a 2-foot variance from the 6-foot maximum allowed height to allow a predominantly open fence 8 feet in height within the side and rear yards.

Board of Adjustment
Plot Plan for
Case No A-14-027



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

9550 Westover Hills ^{1:1,620}

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-027



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

9550 Westover Hills

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-14-030
Date: March 3, 2014
Applicant: Dennis Brownley
Owner: Dennis Brownley
Location: 9251 Wind Dancer
Legal Description: Lot 14, Block 28, NCB 17643
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) a variance from Table 310-1 of the UDC for a 5-foot variance from the 20-foot minimum rear yard setback to allow an addition 15 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 February 13, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of Wind Dancer, approximately 530 feet northwest of Wind Talker in the Enclave at Westover Hills Subdivision, located off of North Hunt Lane.

The site is currently developed with a single-family residence. The applicant wishes to construct an addition to the rear of the existing building which is proposed to encroach 5 feet into the required rear yard. Currently, the buildable area of the lot extends 10 feet beyond the existing structure. The subdivision has restrictive covenants in place that allow a 15-foot rear yard setback; however, zoning regulations for a 20-foot rear yard still apply. Additionally, the lot has

a 12-foot utility easement in the rear, but this easement would not be impacted by the requested variance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" (Residential Single-Family Airport Hazard Overlay District)	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" (Residential Single-Family Airport Hazard Overlay District)	Single-Family Residence
South	"R-6 AHOD" (Residential Single-Family Airport Hazard Overlay District)	Single-Family Residence
East	"R-6 AHOD" (Residential Single-Family Airport Hazard Overlay District)	Single-Family Residence
West	"R-6 AHOD" (Residential Single-Family Airport Hazard Overlay District)	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan (designated as Suburban Tier). The subject property is also located within the boundaries of The Enclave at Westover Hills HOA 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:*

Building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings. There are no special conditions readily apparent on the property to warrant the granting of the variance.

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

The subject property is sufficiently deep to allow the construction of a compliant addition to the rear, and the applicant has not provided any documentation of a special condition existing except for the existence of less-restrictive private covenants. Notwithstanding these private

covenants, there are no special conditions on the property to warrant the granting of a variance.

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

The spirit of the ordinance will not be observed by granting the variance as there are no special conditions or circumstances readily apparent to warrant the granting of the variance.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6” 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, may injure the appropriate use of the adjacent properties on either side of the structure by reducing the access to light and free flow of air to the adjacent properties.

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

There are no unique circumstances readily apparent to warrant the granting of the requested variances.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to construct a compliant addition.

Staff Recommendation

Staff recommends **denial of A-14-030** because of the following reasons:

- There are no special conditions readily apparent to warrant the granting of the requested variance.

Attachments

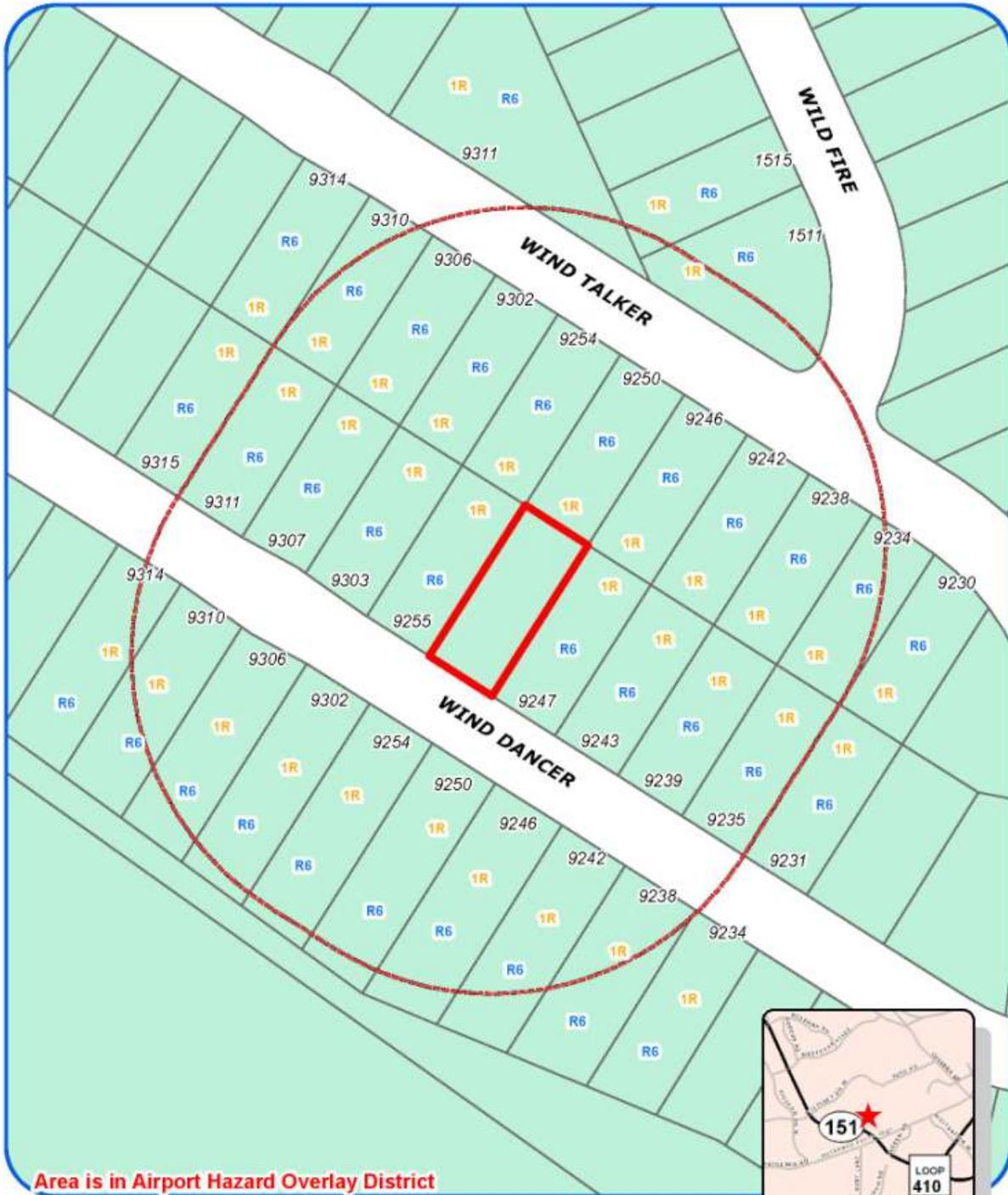
Attachment 1 – Notification Plan (Location Map)

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-14-030



- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 6



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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-14-030**



- San Antonio City Limits 
- Subject Property 
- 2007 Notification Boundary 
- Council District 6



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FOR ILLUSTRATIVE PURPOSES ONLY*

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:
A request for a 5-foot variance from the 20-foot minimum rear setback to allow an addition 15 feet from the rear property line.

Board of Adjustment
Plot Plan for
Case No A-14-030

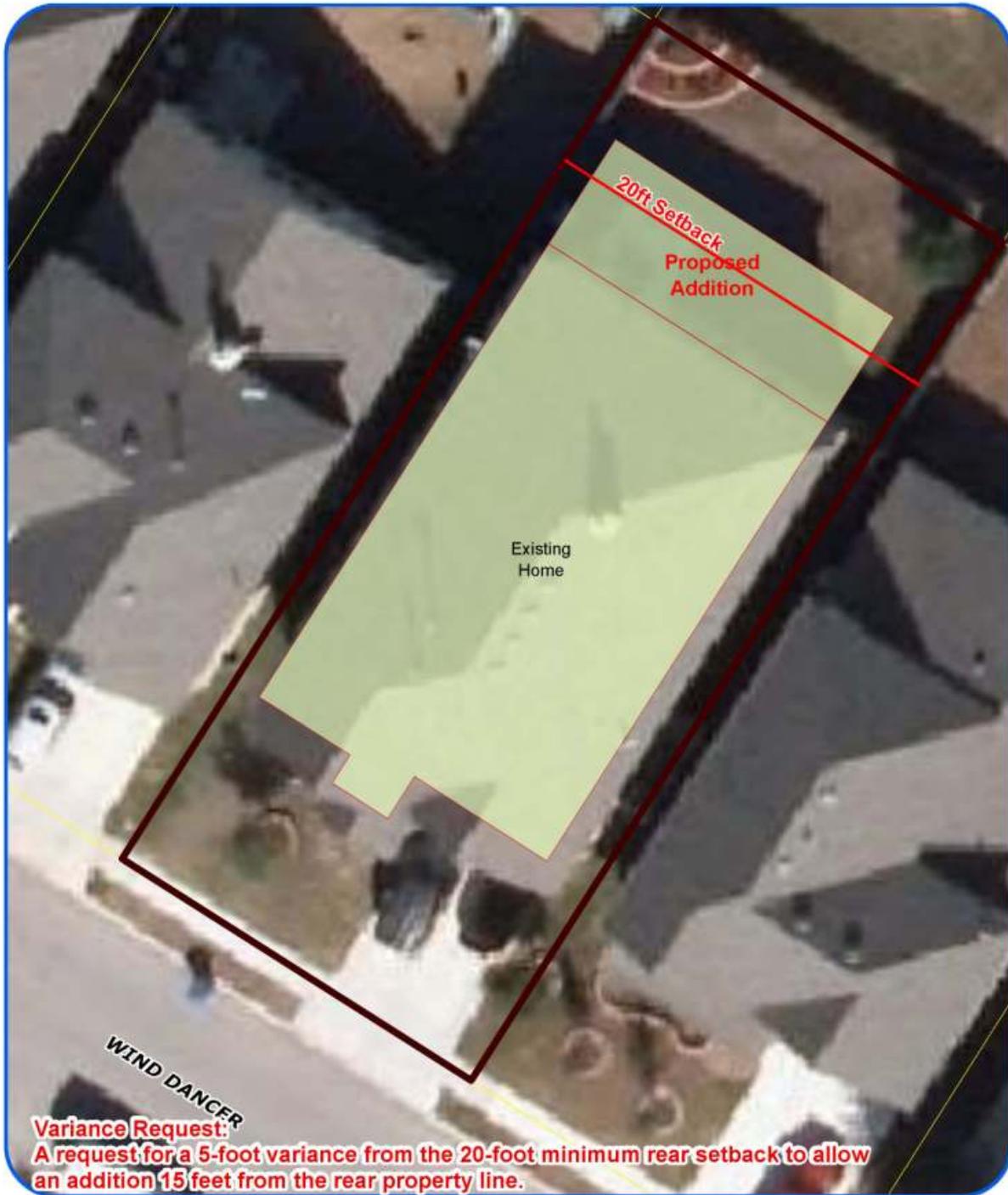


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Council District 6

9251 Wind Dancer

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Variance Request:
A request for a 5-foot variance from the 20-foot minimum rear setback to allow an addition 15 feet from the rear property line.

Board of Adjustment
Plot Plan for
Case No A-14-030

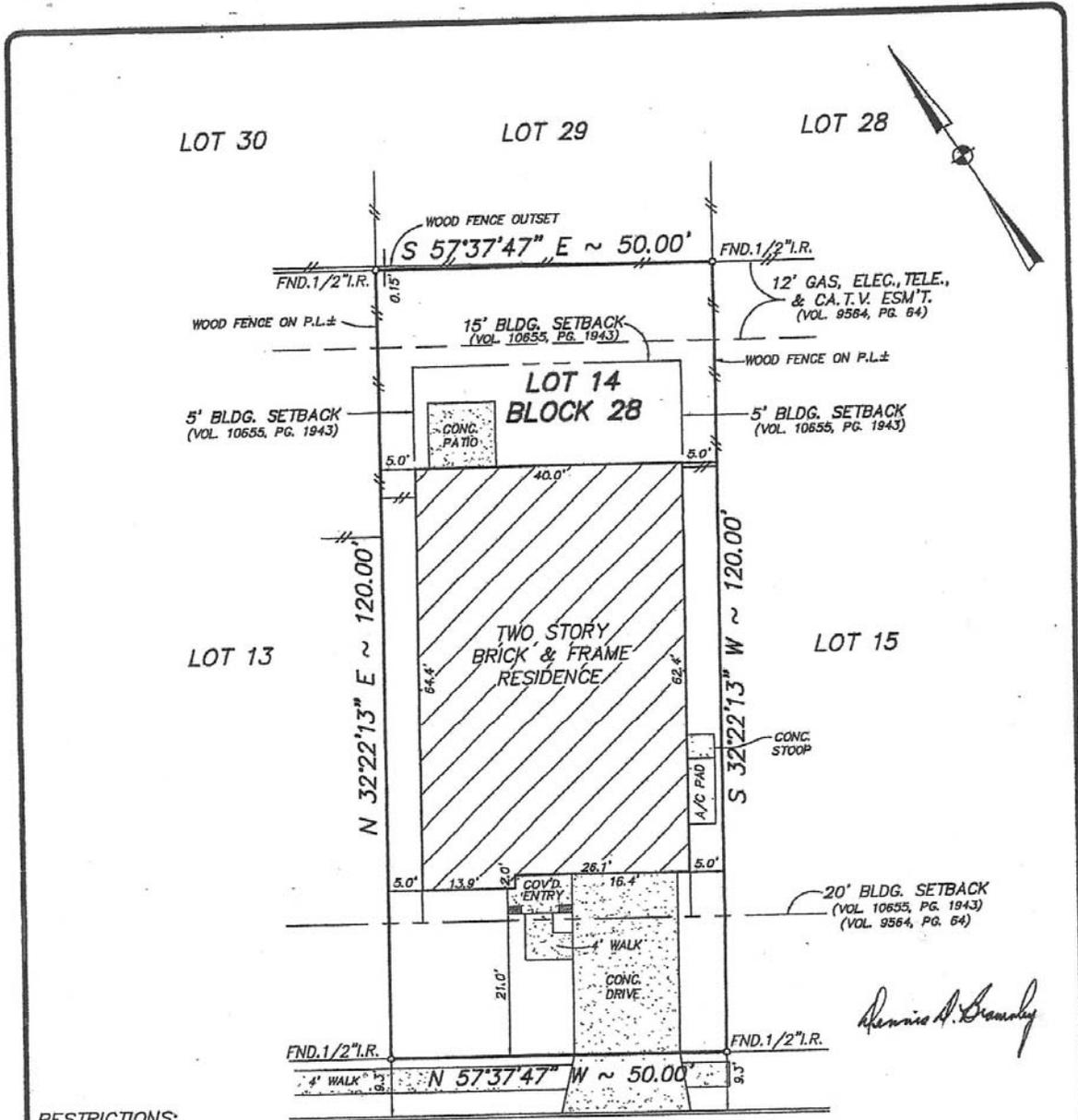


"NOT TO SCALE,
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Council District 6

9251 Wind Dancer

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**



Dennis A. Stanley

RESTRICTIONS:
VOL. 9564, PG. 64-65 D.P.R.
VOL. 9925, PG. 2365 R.P.R.
VOL. 10655, PG. 1943 R.P.R.
VOL. 11351, PG. 14 R.P.R.

WIND DANCER
(50' R.O.W.)
(VOL. 9564, PG. 64)

ADDRESS:
9251 WIND DANCER
LOT AREA = 6,000 sq. ft.

- NOTES:**
1. DIRECTIONAL CONTROL LINE = CENTERLINE
 2. = DENOTES CONCRETE CURB.
 3. BEARING BASIS = PLAT AS REFERENCED BELOW
 4. INSET OR OUTSET DIMENSIONS FOR FENCES, IF ANY, ARE TO CLOSEST EDGE OF POST.
 5. THE FOREGOING PROPERTY IS LOCATED WITHIN THE LIMITS OF ZONE X ACCORDING TO THE APPLICABLE FEMA FLOOD INSURANCE RATE MAP #48029C0408 E, DATED FEBRUARY 16, 2006. ZONE X IS NOT WITHIN A 100 YEAR FLOOD HAZARD ZONE.

SCALE: 1"=20'

**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-031
Date: March 3, 2014
Applicant: 302 Josephine, Ltd.
Owner: 302 Josephine, Ltd.
Location: 302 E. Josephine Street
Legal Description: Lot 14, Block 18, NCB 975
Zoning: "IDZ RIO-2 AHOD" Infill Development Zone River Improvement Overlay
Airport Hazard Overlay Districts
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 12.5 foot variance from the minimum 20-foot setback to allow three garages with varying setbacks, the shortest of which is 7.5 feet from 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 February 13, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property was rezoned from "C-3" Commercial to the "IDZ" Infill Development Zone in August of 2012. This map amendment facilitated the construction of eight condominium units, currently underway. Though the IDZ zoning designation waives required parking, the applicant hopes to provide off-street parking for each of the units. Six stalls may be accommodated in the proposed "storage" areas however the required garage setback of 20 feet could not be satisfied. The applicant is seeking a variance to allow these areas to be used as garages.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay Airport Hazard Overlay Districts	Condominium Under Construction

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“IDZ RIO-2 AHOD” Infill Development Zone River Improvement Overlay Airport Hazard Overlay Districts	Laboratory
South	“C-3 RIO-2 AHOD” Commercial River Improvement Overlay Airport Hazard Overlay Districts	Warehouse
East	“C-3 RIO-2 AHOD” Commercial River Improvement Overlay Airport Hazard Overlay Districts	Parking
West	“C-3 NA RIO-2 AHOD” Commercial Non-alcoholic Sales River Improvement Overlay Airport Hazard Overlay Districts	Residential

Comprehensive Plan Consistency/Neighborhood Association

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

Criteria for Review

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

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

The public’s interest in the minimum 20-foot garage setback is to provide a parking stall in the driveway without blocking the sidewalk when access to the garage is unavailable. When the setback is severely reduced, as proposed in this scenario, parking in the driveway is impossible. **The property was rezoned to IDZ to facilitate a mixed use development and waive off-street parking requirements. The applicant’s intent to provide some off-street parking within the proposed garages and seeking relief from the required setback is not contrary to the public’s interest.**

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

The applicant is currently constructing the storage space for the condominiums that could be used as a garage if the setback were reduced. **The proposed development does not have to meet off-street parking requirements, however the applicant would like to provide parking options and enforcement of the setback would eliminate this option.** The Board will have to determine if the literal enforcement of the ordinance 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 property was rezoned to IDZ to facilitate its redevelopment. Modifying the garage setback is consistent with this intent.**

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 “IDZ-RIO-2 AHOD” zoning district.

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

Off-street parking is essential to many buyers in search of downtown living. The variance will allow six additional stalls. **The proposed setbacks are short enough that the driveways will never be used for parking. Therefore the variance 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.*

Residential infill development in downtown is generally challenging. **The parcel measures 86 feet in width and contains several mature Pecan trees. The owner is requesting a reduction in the required garage setback to facilitate protected parking for three of the residential units.**

Alternatives to Applicant’s Request

The applicant could require owners to use the space as storage rather than parking.

Staff Recommendation

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

1. The proposed shortened driveway will not allow parking under any circumstance.

Attachments

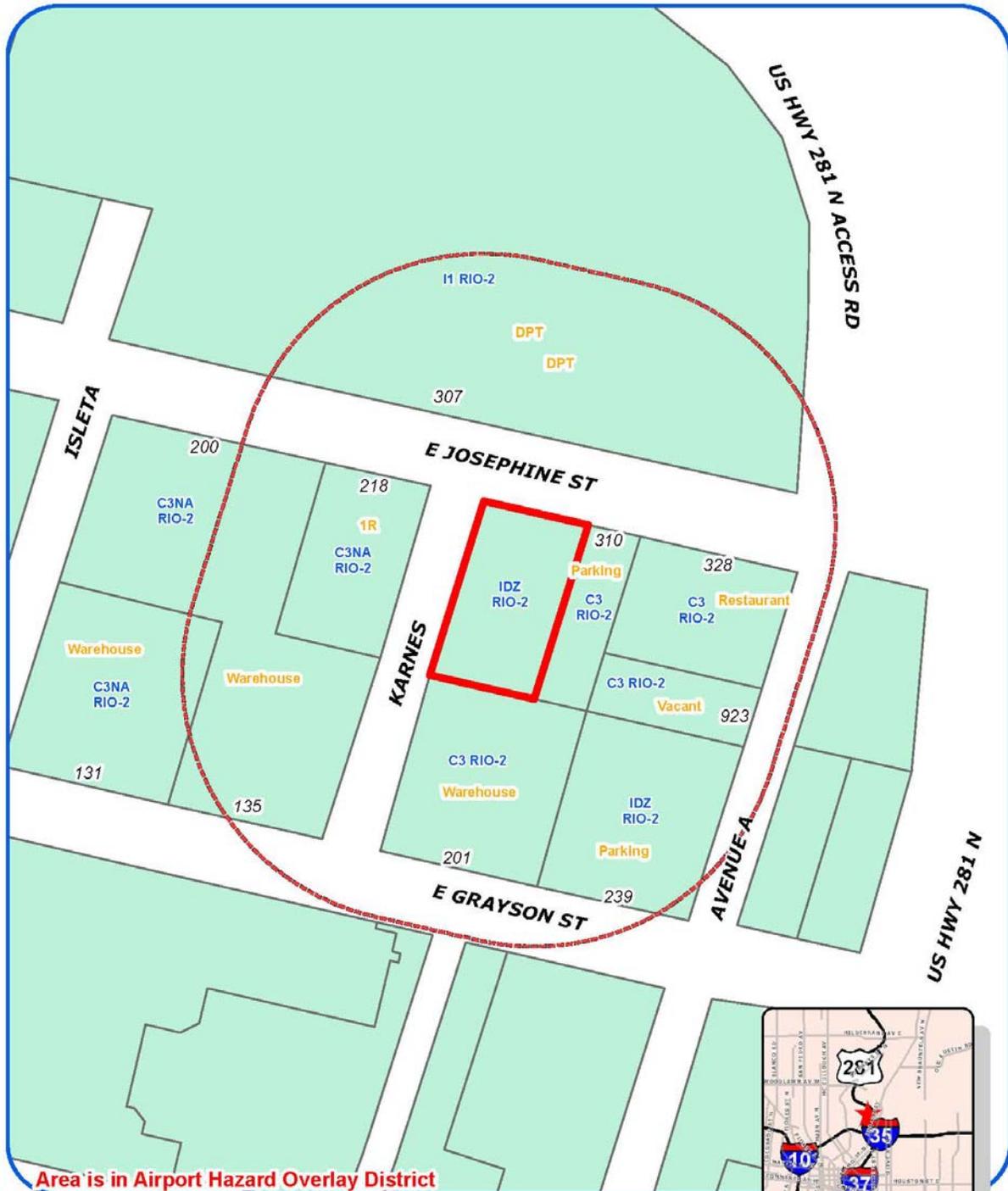
Attachment 1 – Notification Plan (Location Map)

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-14-031



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

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FOR ILLUSTRATIVE PURPOSES ONLY

Development Services Department
City of San Antonio

**Attachment 1
Notification Plan (continued)**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case No A-14-031**



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

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FOR ILLUSTRATIVE PURPOSES ONLY

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Variance Request:
A request for a 12.5 foot variance from the minimum 20-foot setback to allow three garages with varying setbacks, the shortest of which is 7.5 feet from the property line.

Board of Adjustment
Plot Plan for
Case No A-14-031



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

302 E. Josephine^{1:300}

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request:
A request for a 12.5 foot variance from the minimum 20-foot setback to allow three garages with varying setbacks, the shortest of which is 7.5 feet from the property line.

Board of Adjustment
Plot Plan for
Case No A-14-031

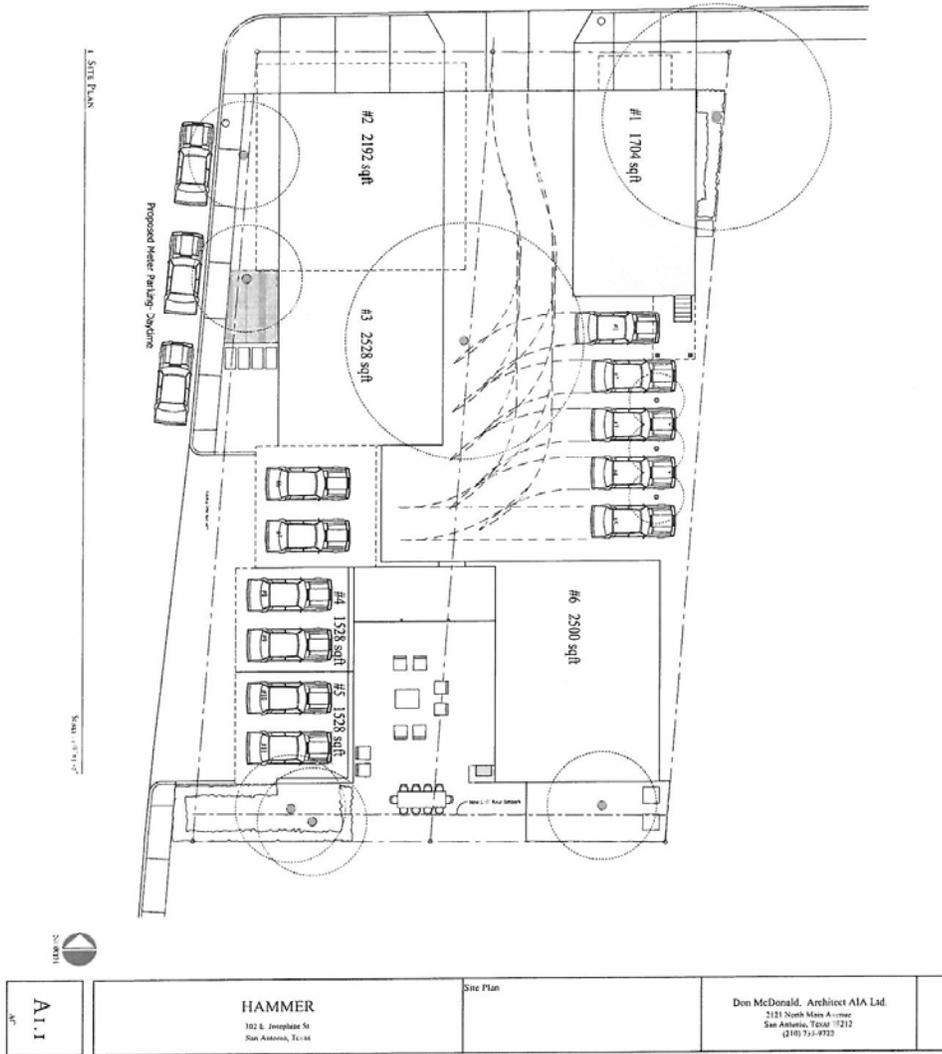


"NOT TO SCALE,
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Council District 1

302 E. Josephine ^{1:300}

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-14-032
Date: March 3, 2014
Applicant: Cynthia Neal
Owner: Larry and Cynthia Neal
Location: 103 Gazel Drive
Legal Description: Lot 15, Block 5, NCB 10186
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for a special exception pursuant to Section 35-399.01 of the UDC to allow a four-year renewal of a special exception for a one-operator beauty shop in a single family home.

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 February 13, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at the northwest corner of Gazel Drive and Ratzel Drive. The site is currently developed with an existing single-family residence which includes a one-operator beauty shop within the residence.

The Board of Adjustment first granted approval for this one-operator beauty salon in 1997. Subsequent approvals have been obtained from the Board in 2000; 2002; 2004; 2006; and lastly on July 19, 2010. The last approval was for a period of four years. The current approval expires on July 19, 2014. Section 35-399.01(i) of the UDC allows the Board to approve the requested special exception for a period not to exceed four years.

The applicant has proposed hours of operation as Mondays, 9:30am until 3:00pm; Wednesdays, 9:00am until 6:00pm; Thursdays, 9:00am until 11:00am, and Fridays, 8:00am until 3:00pm, Saturdays 8:00am until 2:00pm. The beauty shop is proposed to be closed on Tuesdays and Sundays. The proposed hours of operation total 29.5. These proposed hours are the same as the previously approved hours of operation. The applicant will be the only cosmetologist at the location.

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported. The one-operator beauty salon does have a 1 foot by 1 foot sign on the door, which is allowed as per 35-399.01(c) of the UDC.

It has been the Board’s policy that when considering renewals to a granted special exception application for one operator beauty salons to time limit any approval to four years after an initial two-year period. As such, if approval is contemplated by the Board, it should be for a time limit of four years (48 months). If approved for four years, the current special exception request would expire March 3, 2018.

It should be noted that the applicant will be required to obtain a new Certificate of Occupancy for the one operator beauty shop, if the request is approved by the Board.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling with a one-operator beauty salon

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Shopping Center
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Greater Dellview Area Community Plan (designated as Low Density Residential). The subject property is located within the boundaries of the Dellview Area Neighborhood Association, a registered neighborhood association, and as such, they were notified of the request 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 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 one-operator beauty salon will follow the specified criteria established in Section 35-399.01** of the Unified Development Code.

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

Public welfare and convenience will be served with the granting of this request **as it will provide a valuable and needed public service to the residents of the neighborhood and it will not negatively impact surrounding properties.**

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

The subject property will be primarily used as a single-family residence. **The beauty shop will occupy only a small part of the structure, and the fact that a beauty shop is being operated from the home will likely be indiscernible to passersby.** As such, neighboring properties will not be substantially injured.

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 will likely be indiscernible to passersby.**

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-14-039 for a period of 48 months with hours of operation not to exceed 29.5 hours per week (Mondays, 9:30am until 3:00pm; Wednesdays, 9:00am until 6:00pm; Thursdays, 9:00am until 11:00am, and Fridays, 8:00am until 3:00pm, Saturdays 8:00am until 2:00pm, Closed on Tuesdays and Sundays),** due to the following reasons:

1. The request meets all of the criteria for granting the special exception

Attachments

Attachment 1 – Notification Plan

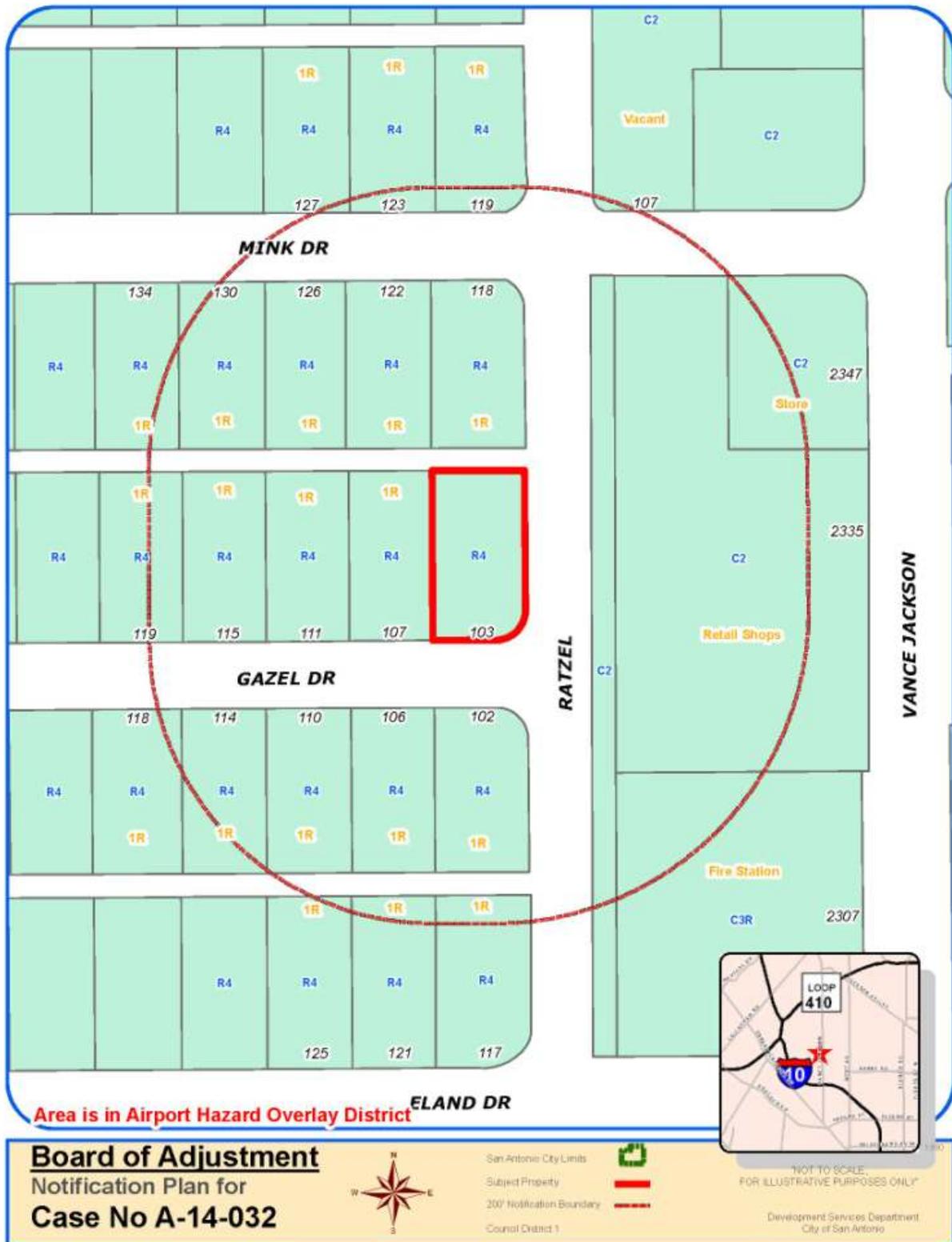
Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 5 – Interior Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District



**Board of Adjustment
Notification Plan for
Case No A-14-032**

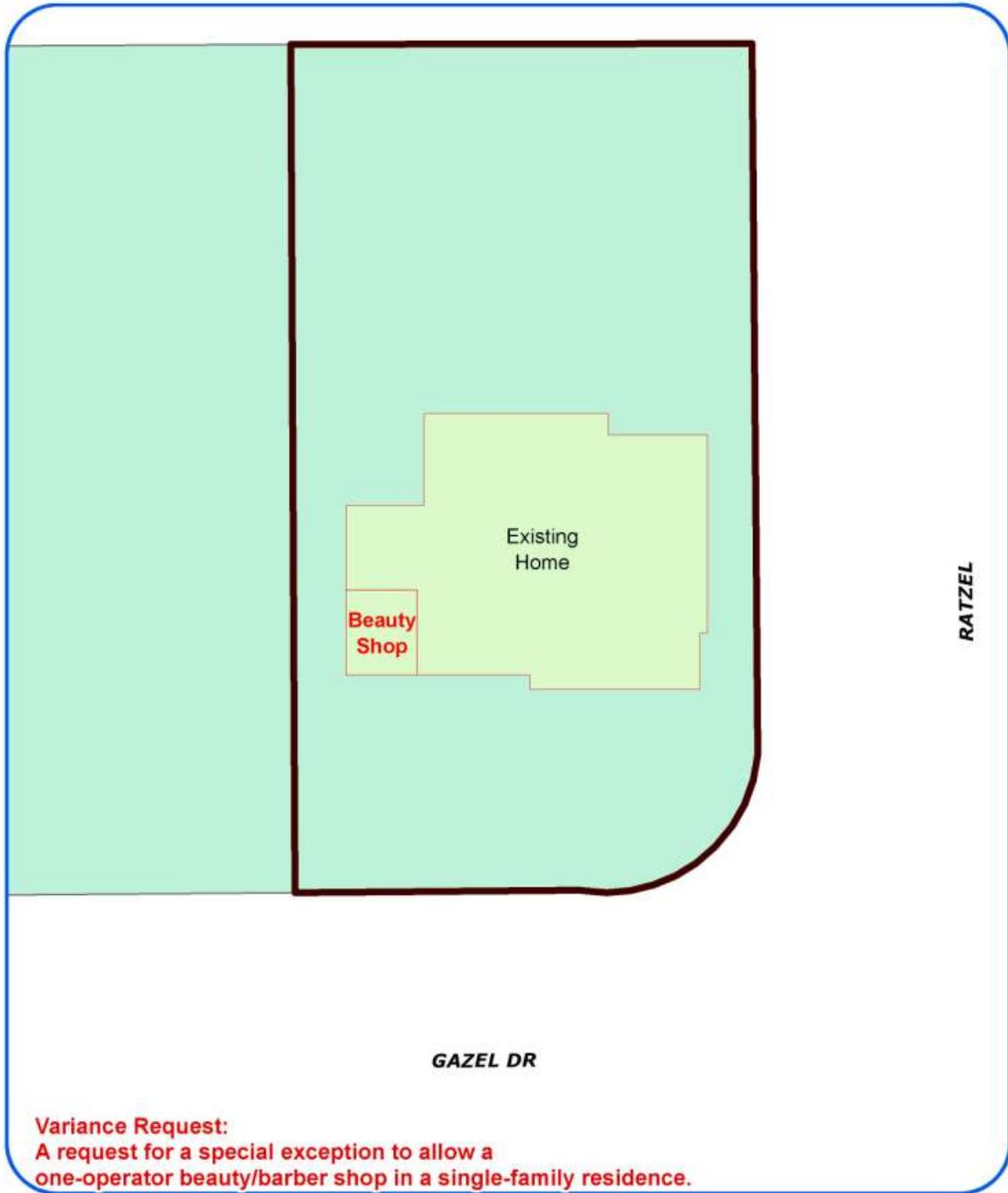


- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 1 

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:
A request for a special exception to allow a
one-operator beauty/barber shop in a single-family residence.

Board of Adjustment
Plot Plan for
Case No A-14-032



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

103 GAZEL

Development Services Department
City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Variance Request:
A request for a special exception to allow a one-operator beauty/barber shop in a single-family residence.

Board of Adjustment
Plot Plan for
Case No A-14-032



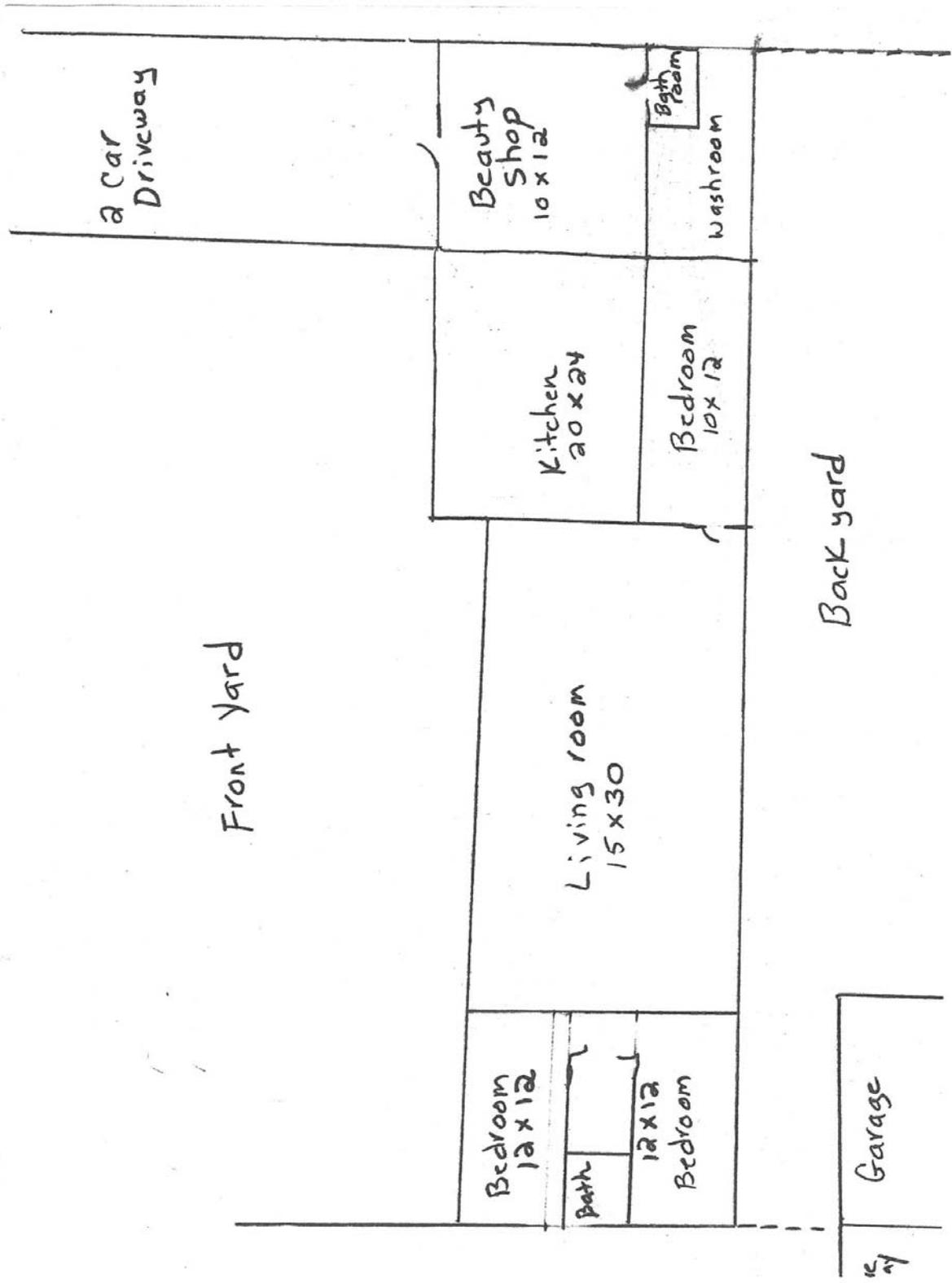
"NOT TO SCALE,
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Council District 1

103 Gazel

Development Services Department
City of San Antonio

1.218

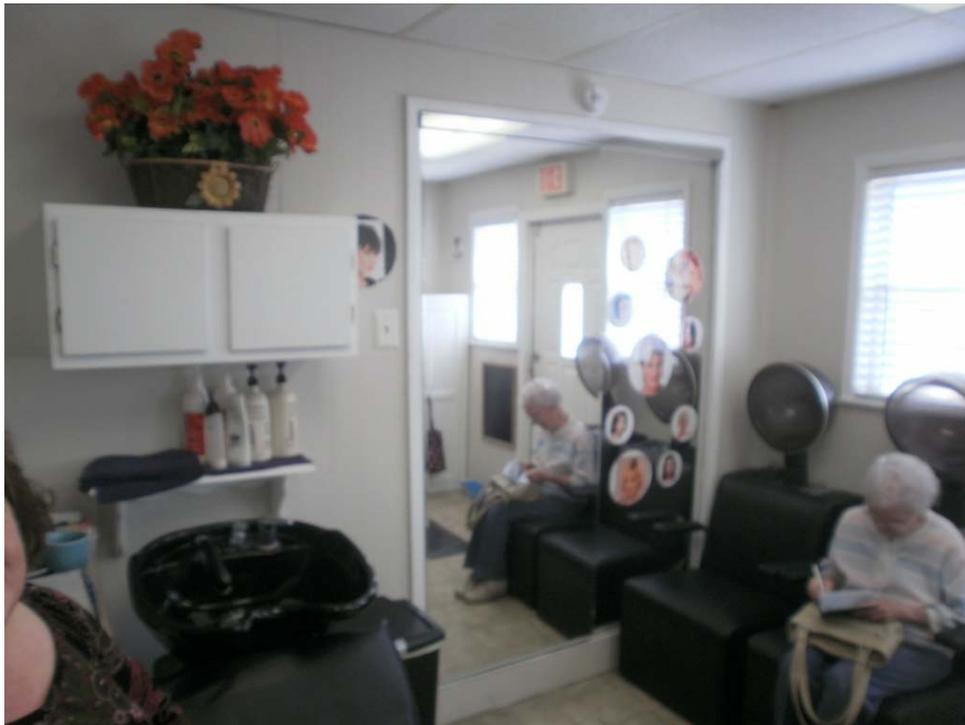
Attachment 3
Applicant's Site Plan



**Attachment 4
Site Photos**



**Attachment 5
Interior Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-033
Date: March 3, 2014
Applicant: Veronica Valdez
Owner: KB Home
Location: Generally located at 9819 Walhalla Avenue.
Legal Description: Block 1, Lots 28-37; Block 2, Lots 1-12 and Lots 14-24; Block 3, Lots 1-11 and Lots 17-27; Block 4, Lots 1-12 and Lots 17-27; Block 5, Lot 16; Block 6, Lots 1-4 and Lots 13-15; Block 8, Lots 1, 8, & 9; NCB 12509
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 7-foot variance from the minimum 20-foot setback to allow a 13-foot rear yard setback on up to 90 of the 166 lots within the Pleasanton Farms Subdivision.

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 February 13, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located just north of Loop 410 east of Pleasanton Road. It was subdivided into 166 residential lots in 2007 under the R-4 zoning designation. This district requires a minimum of 4000 square feet of lot area and at least 35 feet of lot width. Each of these lots meets or exceeds these standards and most measure 40 feet by 100 feet. The applicant KB HOME, purchased the property in July of 2013 with the intention of building out the community. Their website shows the selection of homes and floor plans established for this neighborhood, ranging in price from \$120,000 to \$170,000.

Like many production builders, the KB Home business model allows potential buyers to choose the lot, the floor plan and the finishes of their home. Even though they have sold only a handful of homes in the project, they have found the single-story floor plans to be the most popular. These homes are approximately 70 feet deep and therefore could only be built on 21 of the lots within the project. According to their application materials, if the variance were granted, this would increase the availability to 102 lots or 61%. It should be noted that the applicant will be required to obtain at least one building permit within 6 months.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay	Vacant Residential Subdivision

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay	Residential Single-Family
South	"UD AHOD" Urban Development Airport Hazard Overlay District	Police Training Center
East	"MF-33 AHOD" Multi-Family Residential	Vacant
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay	Residential Single Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Stinson Airport Vicinity Plan, adopted by the City Council in April of 2009. The future land use plan designated this property as appropriate for community commercial uses. The subject property is not located within the boundary 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.*

The public interest is defined as the general health, safety and welfare of the public at large. **The subdivision is surrounded on three sides by streets; only their northern boundary is shared with other residential lots. No variance is requested on these 25 lots, eliminating the impact on neighboring properties. Therefore the variance is in the public interest.**

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

The applicant states that literal enforcement of the 20-foot rear setback would limit the single-story homes in the project to only 21 of the 166 lots. Given the popularity of single story homes, the Board will have to determine if the literal enforcement of the ordinance 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 two-story homes will satisfy the minimum 20-foot setback, but the single-story homes with the proposed variance would be 7 feet closer to the shared property line. Given that the majority of residential districts (8 of 14) allow a 10-foot rear setback, the spirit of the ordinance may be observed by allowing the proposed 13-foot rear setback.**

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 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 smaller setbacks will be interior to the community and likely not have a negative impact on surrounding conforming homes. All of the other required setbacks will be satisfied.

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 purchased the subdivision already platted and did not design the lot sizes. **The lots are a reasonable depth at 100 feet but the minimum garage setback is forcing the homes further back than the 10-foot front setback. Balancing the competing setbacks, the applicant is requesting a modification of the rear setback.**

Alternatives to Applicant’s Request

The applicant could limit the buyer choice on many lots to the two-story option.

Staff Recommendation

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

1. The requested reduction in rear setback will not be discernable from the public way and will be limited to single-story homes which already have a reduced impact on neighboring uses.

Attachments

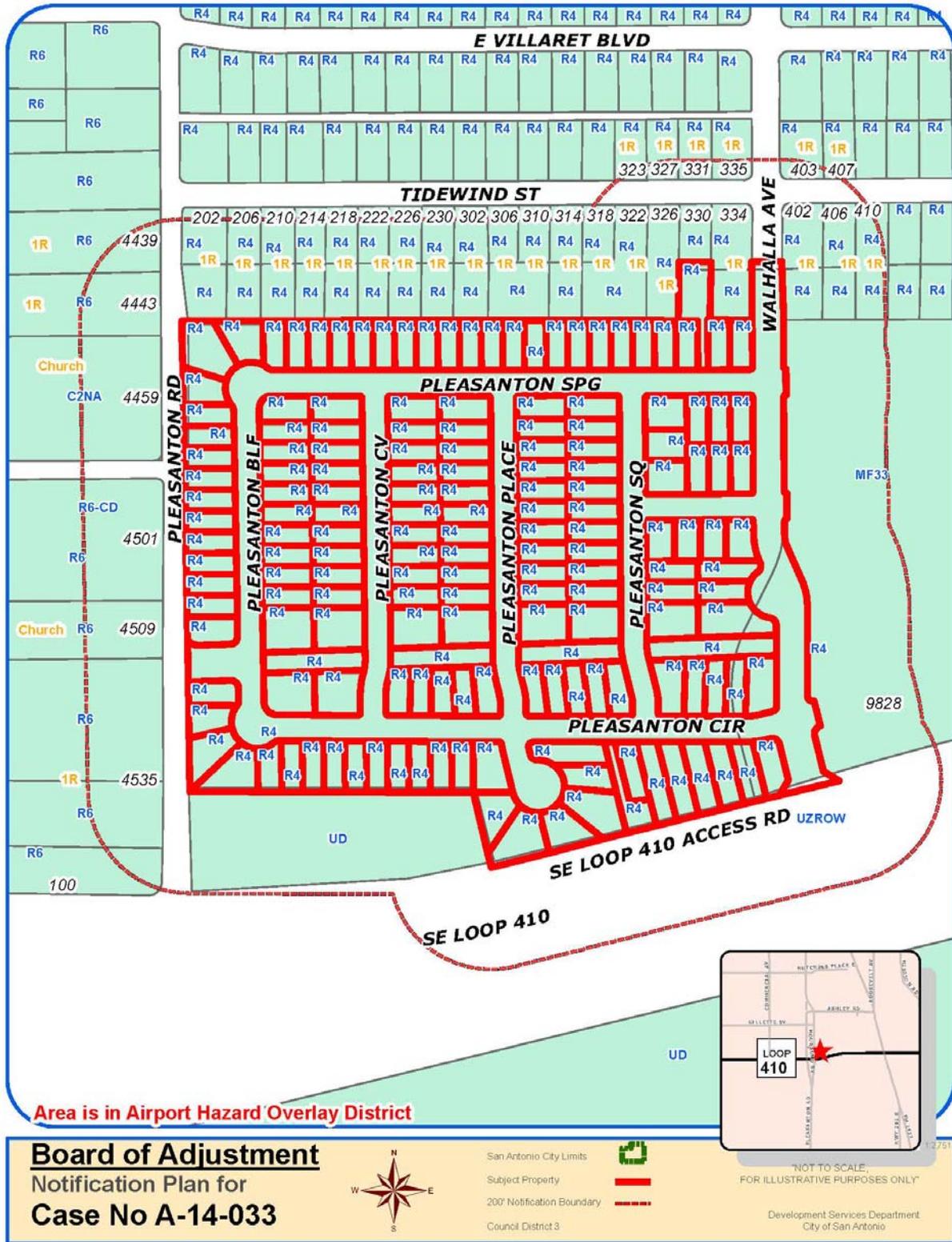
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1
Notification Plan (continued)**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case No A-14-033**



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



NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-033

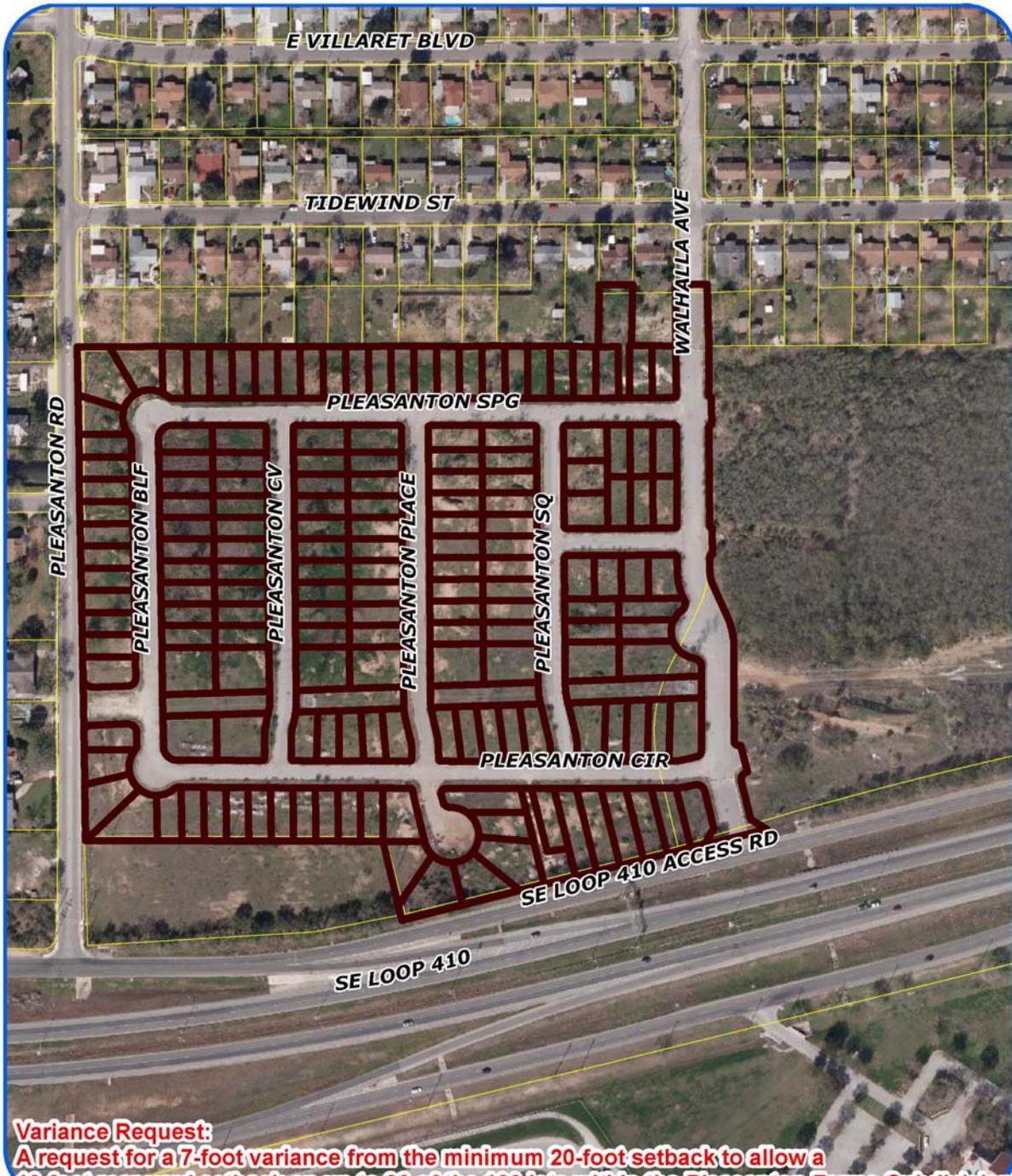


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Council District 3

NCB 12509, Blk 2,3,4,6,8

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-14-033

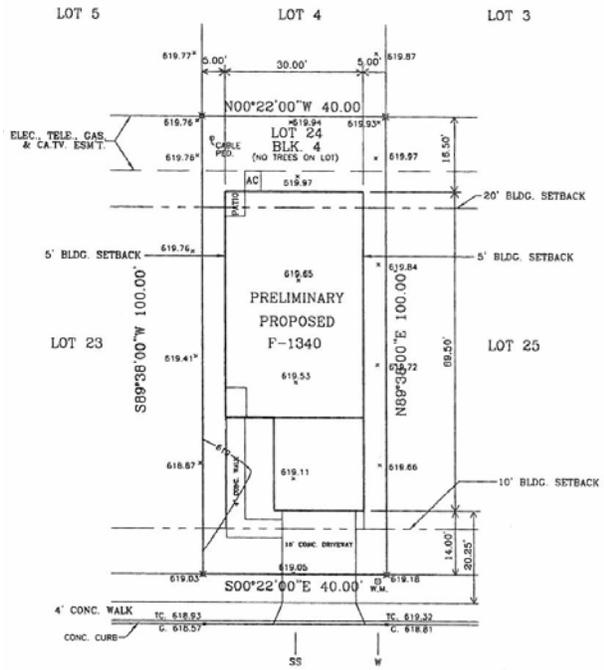
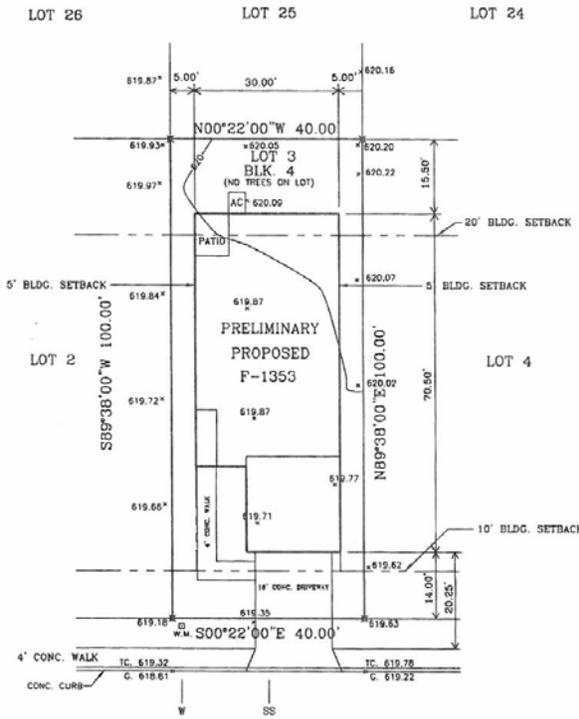


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Council District 3

NCB 12509, Blk 2,3,4,6,8

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-14-034
Date: March 3, 2014
Applicant: Brown & Ortiz.
Owner: Everest Lodging LLC
Location: 150 Humphrey Avenue
Legal Description: E. 150 ft. Lot 15, Block 15 and the E. 135 ft. Lot 14, Block 14, NCB 1067
Zoning: "IDZ NCD-6 AHOD" Infill Development Zone, Mahncke Park
Neighborhood Conservation District, Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a **1)** a 25-foot variance from the minimum 50-foot lot width to allow new single family lots at least 25 feet wide; **2)** a 1-story variance from the maximum 2-story limitation to allow new single family homes with 3 stories; **3)** a variance from the location and orientation standards to allow two attached garages facing the public street; **4)** a 16-foot variance from the minimum 20-foot garage setback to allow two garages 4-feet from the property line; **5)** a variance from the requirement that the front façade face the public street to allow five single-family homes oriented toward a pedestrian courtyard; and **6)** a 6-foot variance from the minimum 10-foot separation to allow dwellings 4 feet apart.

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 February 13, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on February 14, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before February 28, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is the site of the Oak Motor Lodge, a classic 1960s motel with multiple single-story cottages clustered around mature trees. The one acre parcel is located on the

southern edge of the Mahncke Park neighborhood. In 2008, a conservation overlay district (NCD) was adopted to maintain compatible infill within Mahncke Park as the residential structures aged beyond 60 years. These design standards have succeeded in preserving many defining features of the neighborhood on a lot by lot basis. The standards have also proven challenging when designing larger housing projects, such as the apartment complex immediately east of the subject property. In September of 2012, the Board of Adjustment granted three variances from the conservation district standards to facilitate this infill project.

The motel property was recently the subject of a rezoning application to approve “IDZ” Infill Development Zoning. This process included a site plan and building elevations shown throughout the review. The project garnered support from the neighborhood association and the City Council. Though the rezoning requires a site plan, the approval does not vest the design shown in the site plan. The requested variances are required to construct the project as shown.

The site plan showed 22 single family structures, individually platted on 25-foot wide parcels, with access from a private lane. The lot width and proximity of the homes to each other both require variances. The NCD requires a 50-foot wide lot for single family homes and a minimum of 10 feet between houses. The project also has frontage on three public streets. On two of the three streets, houses are oriented to the street creating that desired streetscape of porch and entrance. A variance is requested to allow houses on the third street to gain access internally from a pedestrian courtyard. In addition, while 20 of the homes do not have garages facing the street, a variance is required to allow the other two garages which face the street. These two garages do not satisfy the minimum 20 foot setback for a garage, triggering another variance. Lastly, the applicant is seeking a variance to allow a third story; the conservation district limits single family homes to only two stories. This additional story will provide space for the attached garage, not necessarily additional height. The buildings will remain under 35 feet.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“IDZ NCD-6 AHOD” Infill Development Zone, Mahncke Park Neighborhood Conservation District, Airport Hazard Overlay District	Vacant pending demolition

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 NCD-6 AHOD” Commercial Neighborhood Conservation District-6 Airport Hazard Overlay	Multi-family Residential
South	“MR AHOD” Military Reservation Airport Hazard Overlay	Various military activities
East	“C-2 NCD-6 AHOD” Commercial AND “MF-33 NCD-6 AHOD” Multi-Family 33,	Apartment Project under construction

	Neighborhood Conservation District-6 Airport Hazard Overlay	
West	“C-2 NCD-6 AHOD” Commercial Neighborhood Conservation District-6 Airport Hazard Overlay	Multi-family Residential

Comprehensive Plan Consistency/Neighborhood Association

The Mahncke Park Neighborhood Plan was adopted in September 2001. In its land use component, the subject property is designated as appropriate for mixed uses. The subject property is located within the boundary of the Mahncke Park Neighborhood Association, and within 200 feet of the Westfort Alliance group, registered neighborhood associations. As such, they were both notified and asked to comment.

Criteria for Review

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

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

The property is surrounded by taller, high-density housing and is located on the fringe of the neighborhood conservation district. While many provisions of the NCD must be modified to allow the project to be constructed, the variances would not be contrary to the public interest.

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

Literal enforcement of the NCD provisions would result in a series of 50 foot wide lots with a bungalow similar to those found on local streets throughout the neighborhood. **The applicant purchased the property for a different type of project not typical in this area. A site design was prepared for review and approval of a zoning map amendment and later determined that there were several standards that prevented its construction as approved.** The Board will have to determine if the literal enforcement of the ordinance 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. **The spirit of the NCD is based on preserving the continuity of the single-family home on a 50 foot wide lot found on most of the blocks in the neighborhood. This characteristic is not present in this part of the neighborhood.**

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “IDZ-NCD-6 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 variances are requested to facilitate construction of a residential infill project. **In this isolated location, surrounded by three and four story apartment buildings, the project will not alter the essential 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 property includes some heritage trees that are proposed for protection. The site improvement plan was designed to satisfy as many of the NCD goals as possible, orienting homes toward the public streets, hiding the garages in the back and providing pedestrian connectivity.

Alternatives to Applicant's Request

The applicant could reduce the density and satisfy the conservation district standards.

Staff Recommendation

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

1. The property was rezoned to facilitate the proposed infill project.
2. The conservation district standards were not designed for infill situations.

Attachments

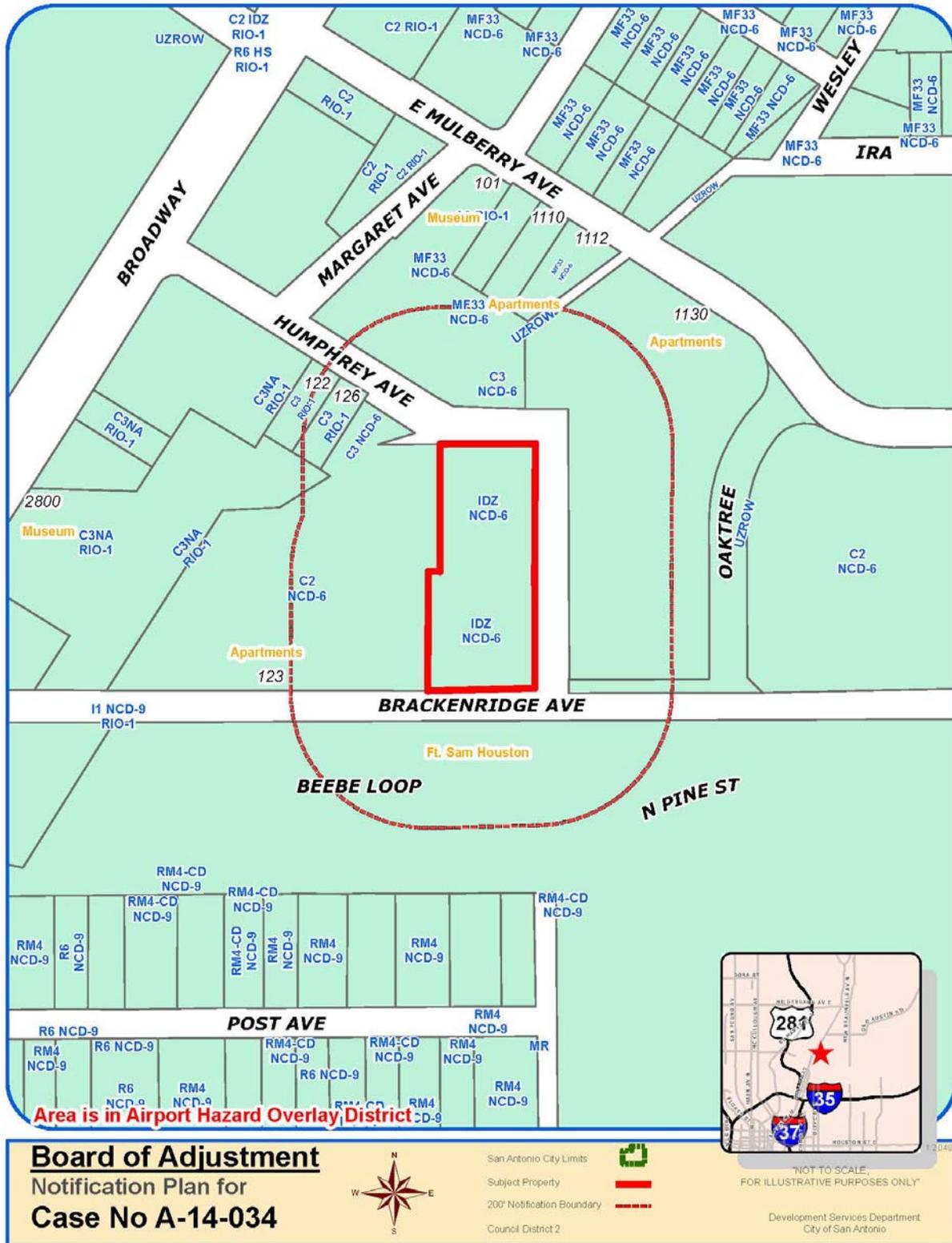
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

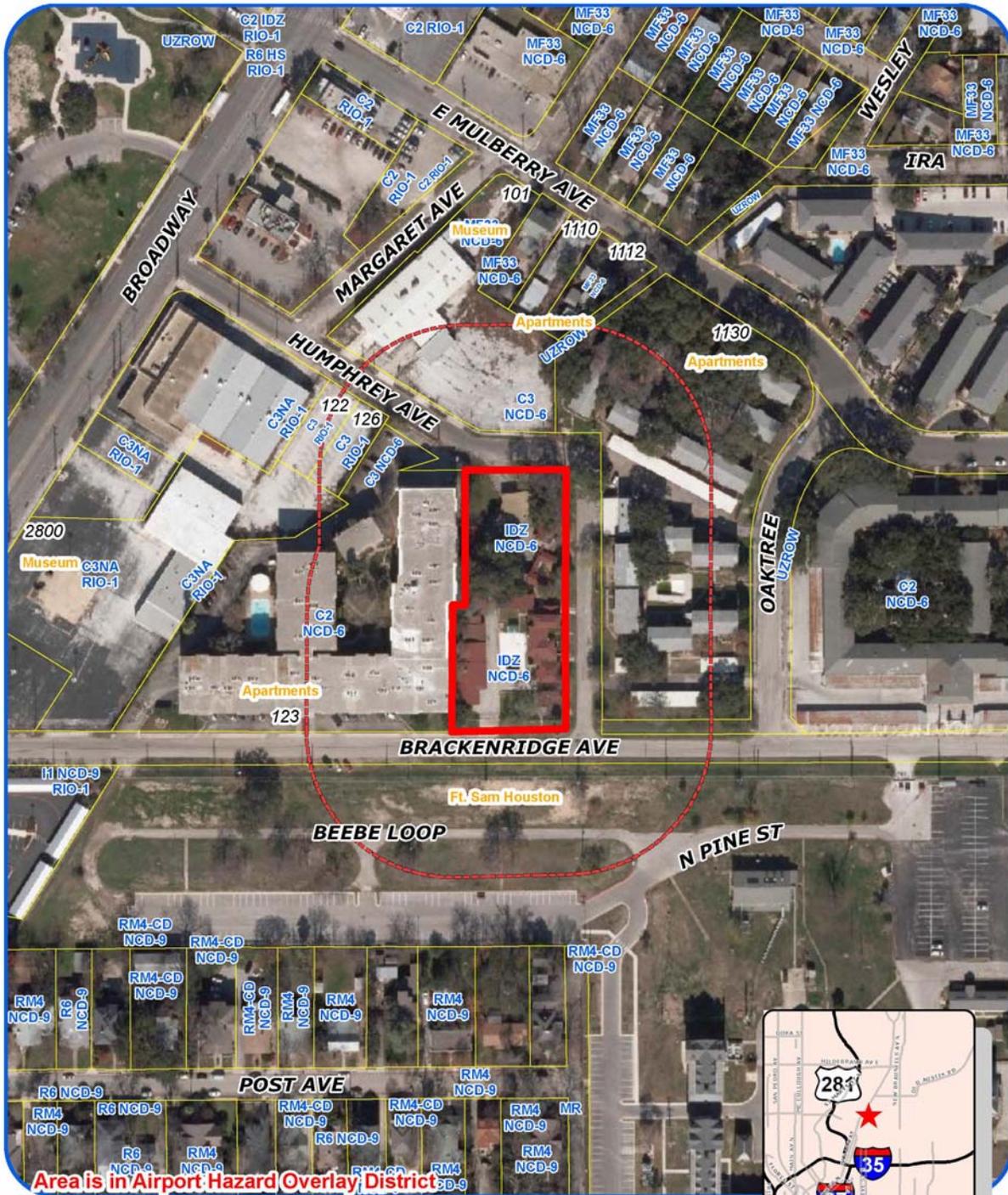
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



Attachment 1 Notification Plan (continued)



Board of Adjustment
Notification Plan for
Case No A-14-034

San Antonio City Limits

Subject Property

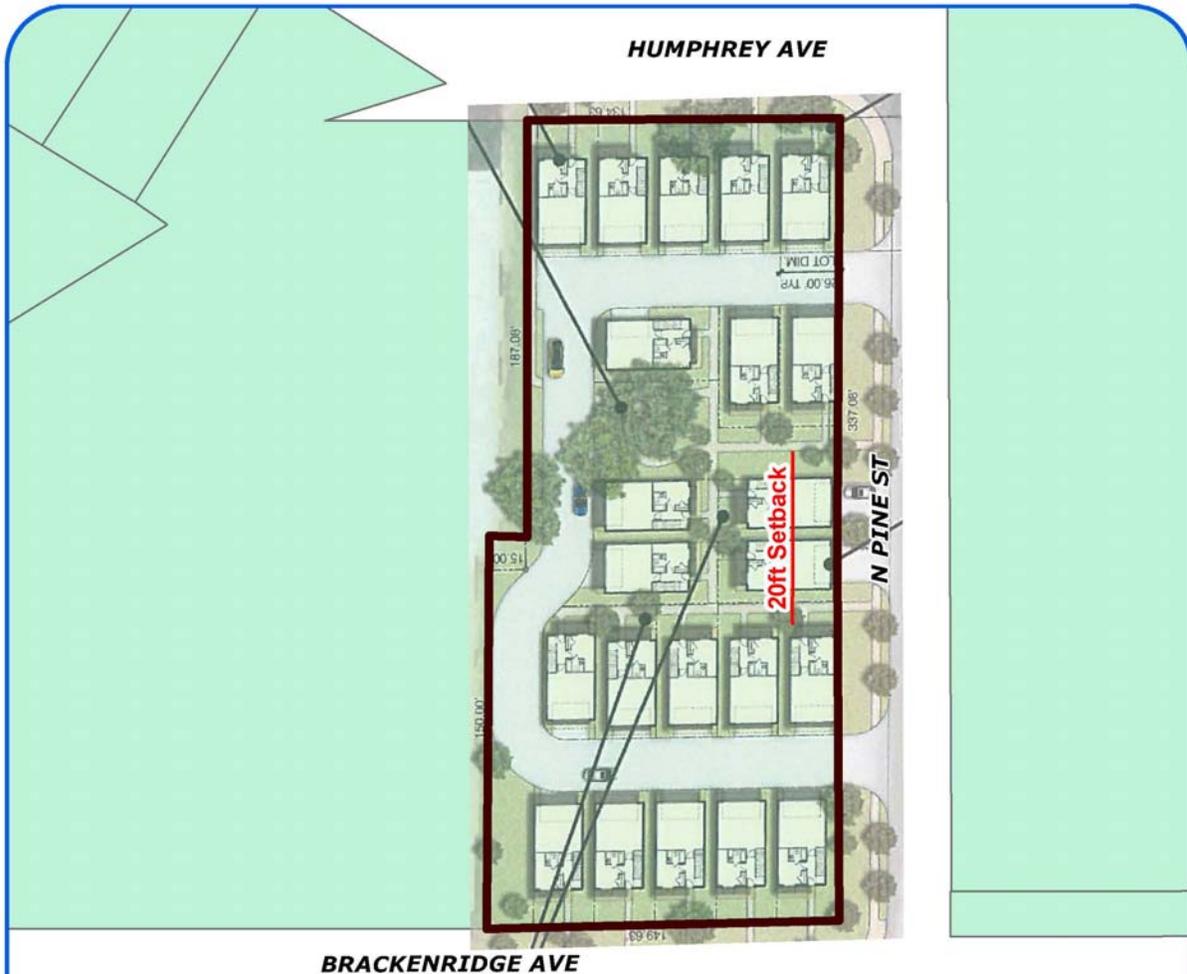
200' Notification Boundary

Council District 2

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FOR ILLUSTRATIVE PURPOSES ONLY**

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:

1. A 25-foot variance from the minimum 50-foot lot width to allow new single family lots at least 25 feet wide;
2. A 1-story variance from the maximum 2-story limitation to allow new single family homes with 3 stories;
3. A variance from the location and orientation standards to allow two attached garages facing the public street;
4. A 16-foot variance from the minimum 20-foot garage setback to allow two garages 4-feet from the property line; and
5. A variance from the requirement that the front façade face the public street to allow five single-family homes oriented toward a pedestrian courtyard.
- 6) a request for a 6-foot variance from the minimum 10-foot building separation to allow dwellings no closer than 4 feet apart.

Board of Adjustment
Plot Plan for
Case No A-14-034



"NOT TO SCALE,
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Council District 2

150 Humphrey ^{1/780}

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan (continued)**



Variance Request:

1. A 25-foot variance from the minimum 50-foot lot width to allow new single family lots at least 25 feet wide;
2. A 1-story variance from the maximum 2-story limitation to allow new single family homes with 3 stories;
3. A variance from the location and orientation standards to allow two attached garages facing the public street;
4. A 16-foot variance from the minimum 20-foot garage setback to allow two garages 4-feet from the property line; and
5. A variance from the requirement that the front façade face the public street to allow five single-family homes oriented toward a pedestrian courtyard.
- 6) a request for a 6-foot variance from the minimum 10-foot building separation to allow dwellings no closer than 4 feet apart.

Board of Adjustment
Plot Plan for
Case No A-14-034

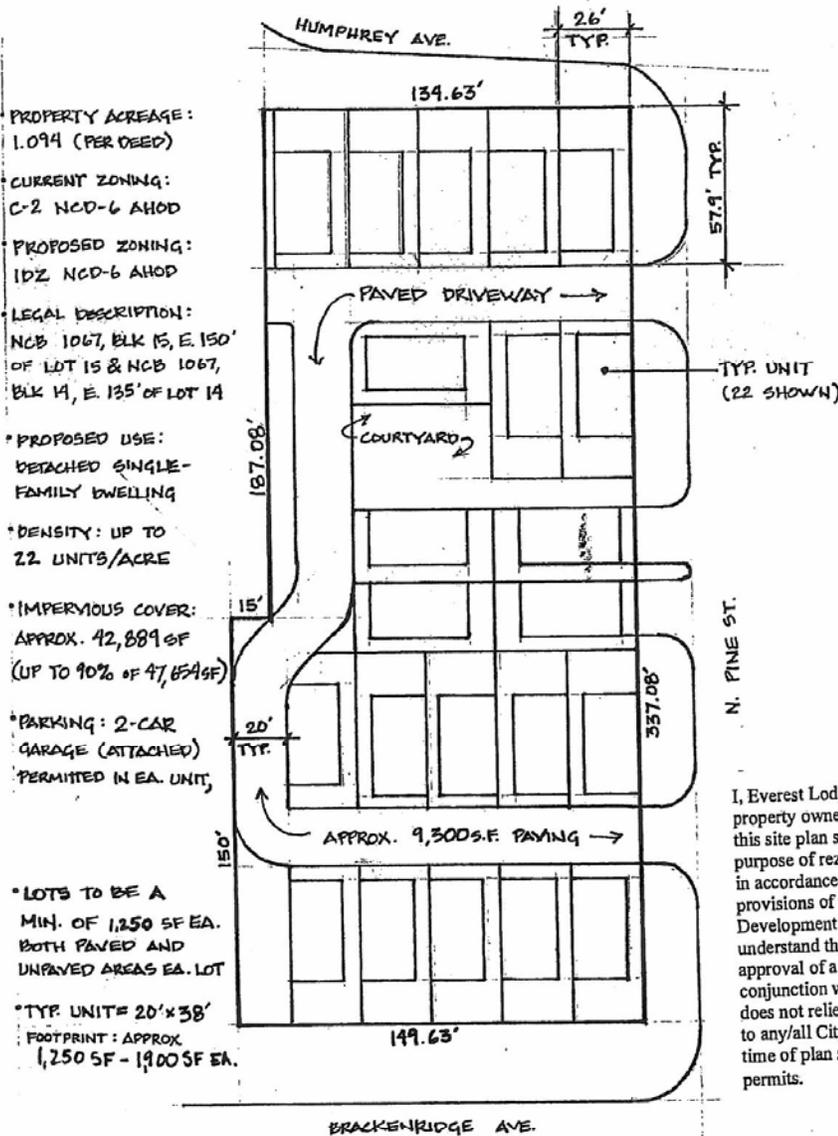


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Council District 2

150 Humphrey ^{1:780}

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



PROPERTY ACREAGE:
1.094 (PER DEED)

CURRENT ZONING:
C-2 NCD-6 AHOD

PROPOSED ZONING:
IDZ NCD-6 AHOD

LEGAL DESCRIPTION:
NCB 1067, BLK 15, E. 150'
OF LOT 15 & NCB 1067,
BLK 14, E. 135' OF LOT 14

PROPOSED USE:
DETACHED SINGLE-
FAMILY DWELLING

DENSITY: UP TO
22 UNITS/ACRE

IMPERVIOUS COVER:
APPROX. 42,889 SF
(UP TO 90% OF 47,654 SF)

PARKING: 2-CAR
GARAGE (ATTACHED)
PERMITTED IN EA. UNIT,

LOTS TO BE A
MIN. OF 1,250 SF EA.
BOTH PAVED AND
UNPAVED AREAS EA. LOT

TYP. UNIT = 20' x 38'
FOOTPRINT: APPROX
1,250 SF - 1,900 SF EA.

I, Everest Lodging, LLC, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

PROPOSED REZONING SITE PLAN
SCALE: 1" = 50'

Note:
Nothing in this site plan shall relieve the applicant from complying with the Mahneke Park NCD-6 development standards or from, otherwise, seeking any required variances.

**Attachment 4
Site Photos**

