

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, May 5, 2014

11:00 A.M.

Training 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](http://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.

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1. **11:00 AM Work Session and Training – Lone Star Room:** The Board of Adjustment will meet with staff to review parliamentary procedures, ethics policies, findings and other information pertinent to the conduct of the Board of Adjustment.
2. **1:00 PM - Public Hearing – Call to Order**
3. Roll Call
4. Pledges of Allegiance
5. **A-14-055:** The request of Aetna Sign Group for a 30-foot variance from the 150-foot separation distance for freestanding signs on a single premises to allow a separation distance of 120 feet for two freestanding signs on a single premises along a Primary Arterial Type A, located at 11219 Potranco Road. (Council District 4)
6. **A-14-053:** The request of Brian Nelson for up to a 28% reduction in the minimum 50% requirement for windows within the first story to allow a new school with no less than 22% windows on the first floor street façade, located at 1509-1523 E. Commerce Street. (Council District 2)
7. **A-14-050:** The request of Debbie Ballengee for a 2-foot variance from the 6-foot maximum fence height to allow an 8-foot tall fence in the rear yard located at 6731 Pembroke Street. (Council District 7)
8. **A-14-052:** The request of Frances Strawbun for a 3-foot variance from the 3-foot maximum height limitation to allow a solid fence 6 feet in height in the front yard, located at 7426 Meadow Hill. (Council District 6)
9. **A-14-054:** The request of Reynaldo Muniz for a 5-foot variance from the 5-foot side yard setback to allow accessory structures on the west side property line located at 713 Waverly Avenue. (Council District 1)
10. **A-14-051:** The request of Mike Wish for a 7.5-foot variance from the 15-foot Type C buffer required buffer 7.5 feet in width along the side and rear property line located at 11215 Culebra Road. (Council District 3)

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### 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. Approval of April 21, 2014 Board Meeting Minutes

12. Announcements and Adjournment

***ACCESSIBILITY STATEMENT - This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7268 or 711 (Texas Relay Service for the Deaf).***

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

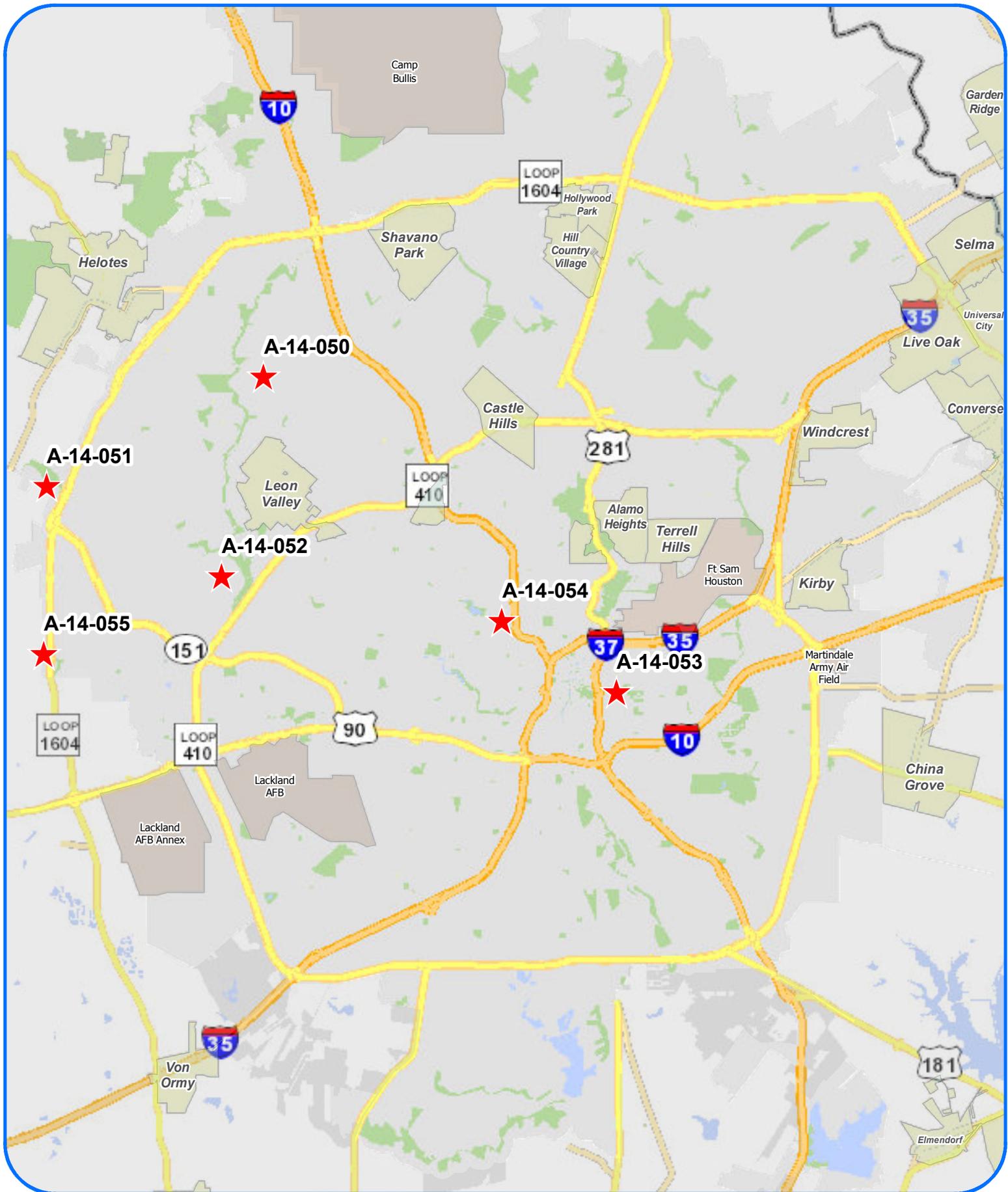
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**Board of Adjustment Membership**

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*Gene Camargo, Mayor*

**Alternate Members**

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



# **Board of Adjustment**

**Subject Property Locations  
Cases for 5th May 2014**





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

To: Board of Adjustment  
Case No.: A-14-055  
Date: May 5, 2014  
Applicant: Aetna Sign Group  
Owner: Madison's Market, Ltd.  
Location: 11219 Potranco Road  
Legal Description: Lot 4, Block 1, NCB 19604  
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request for a variance from Section 28-241(c)(1)c and Section 28-244(b)(3) of the Sign Code for a 30-foot variance from the 150-foot separation distance for freestanding signs on a single premises to allow a separation distance of 120 feet for two freestanding signs on a single premises along a Primary Arterial Type A.

### **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 April 16, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 2, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the northwest corner of Potranco Road and Loop 1604 and is part of the group of parcels being considered for a sign master plan. The specific sign is located on the north side of Potranco Road, approximately 841 feet west of Loop 1604.

The sign code requires that signs on a single premises – in this case, the entire area of the sign master plan agreement – be in conformity with the sign code including height, size, setbacks, and

separation distances. In this case, the two signs were originally intended to be on separate premises, thus no separation distance was required. As a result of new development in the area, the applicants are now requesting approval of a sign master plan agreement, which will treat the signs as though they were on a single premises, and, as such, trigger the 150-foot separation distance in Section 28-241(c)(1)c.

No changes are being proposed to either of the two signs.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Shopping Center

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 AHOD” Commercial Airport Hazard Overlay District	Gym / Vacant Property
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Retail Store
East	Right-of-way	Loop 1604
West	Outside of City Limits	Single-Family Residences

**Comprehensive Plan Consistency/Neighborhood Association**

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

**Criteria for Review**

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

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

**Both signs are existing signs and were erected on separate parcels without the need for the 150-foot separation. The applicant is now requesting a sign master plan which requires all signs to be in compliance and treated as a single-premises in order to be eligible. Because no changes are proposed to the signs, a variance is necessary.**

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 not grant a special privilege not enjoyed by other businesses similarly situated as a further review process is required from the Development Services Department in order for a sign master plan to be put in place.**

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

**The signs are existing, and no adverse impact from the signs is anticipated with the granting of the requested variance.**

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

**The requested variance does not appear to conflict with any of the stated purposes of Chapter 28.**

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to abandon plans for a sign master plan that includes these signs.

### **Staff Recommendation**

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

1. The signs are existing and the variance is only necessary due to the initiation of a sign master plan review.

### **Attachments**

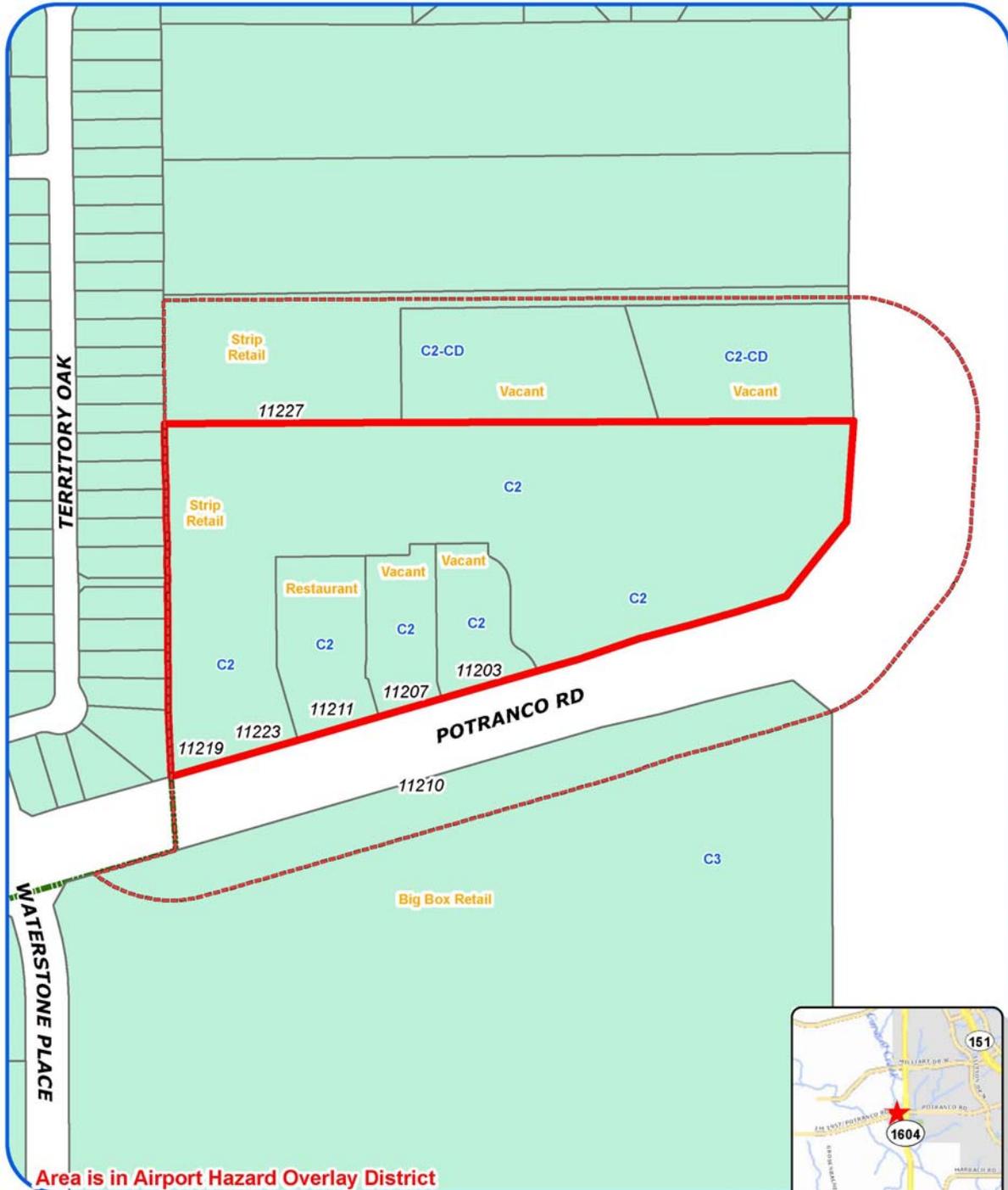
Attachment 1 – Notification Plan (Location Map)

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-14-055

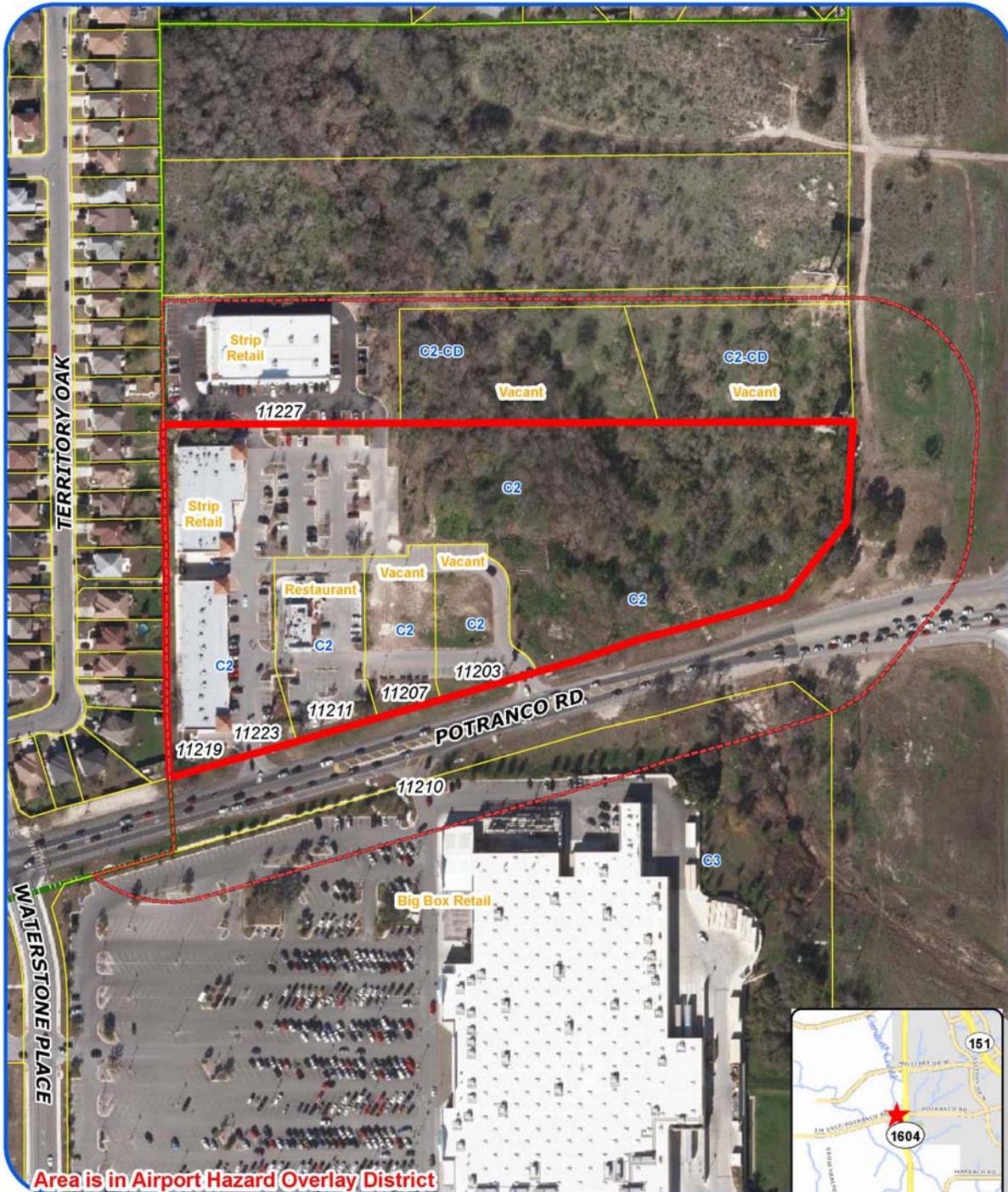


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 4

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 1 (Continued)  
Notification Plan**



**Board of Adjustment  
Notification Plan for  
Case No A-14-055**

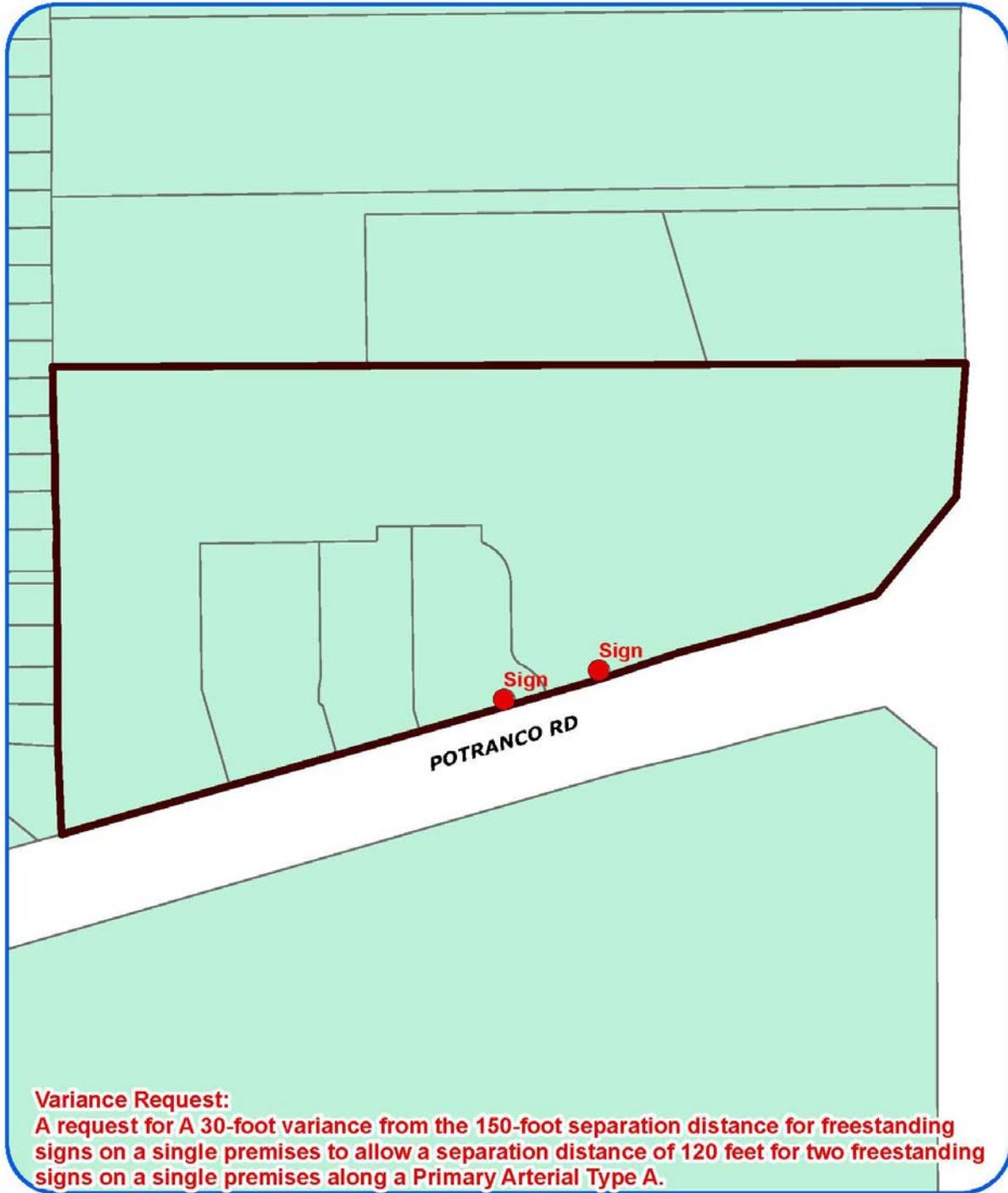


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
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"NOT TO SCALE,  
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Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-055**



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

**11219 Potranco**

Development Services Department  
City of San Antonio

11/18/13

Attachment 2 (Continued)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-055**

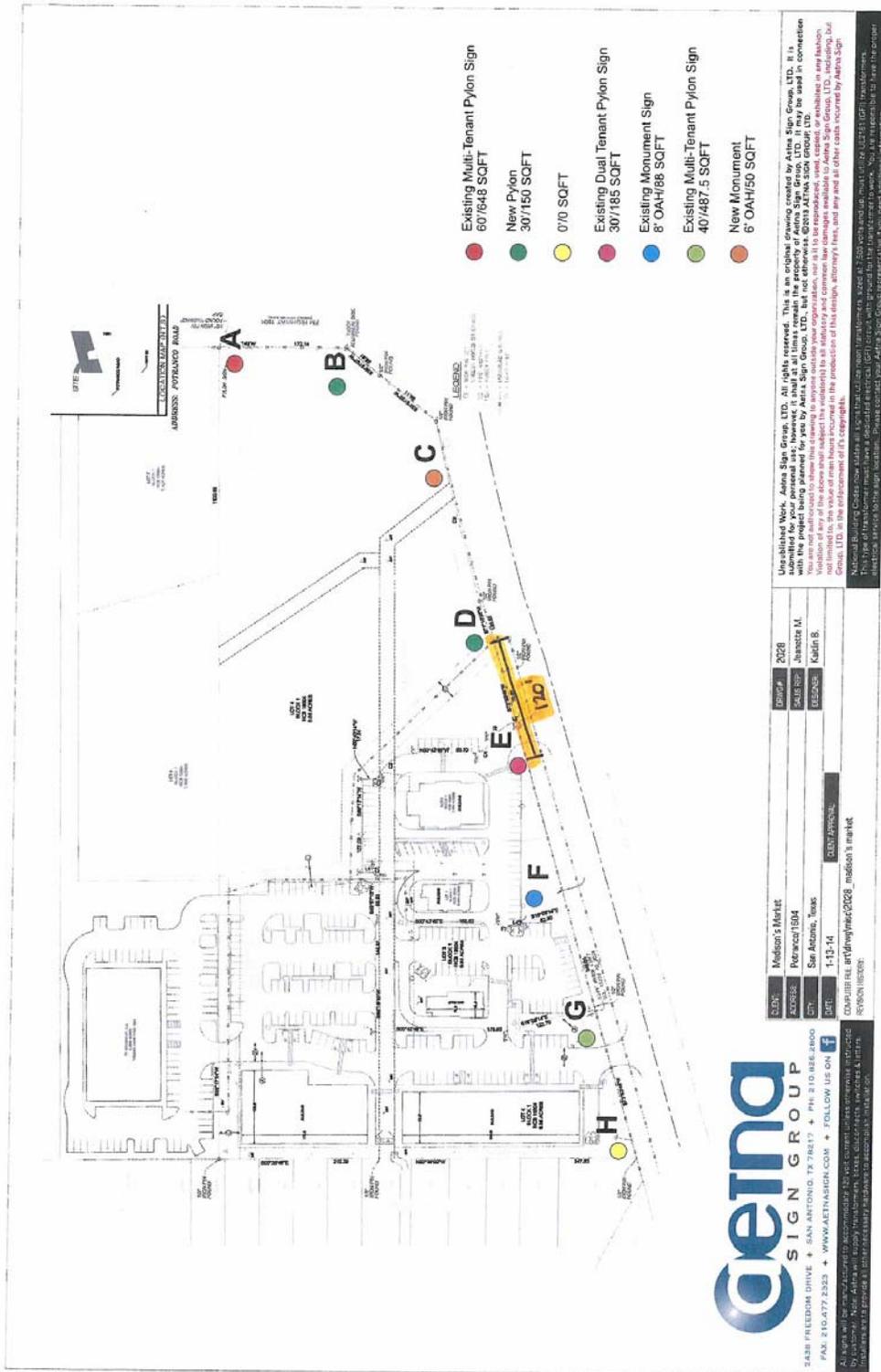


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 4

11219 Potranco 1:1,813

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-14-053  
Date: May 5, 2014  
Applicant: Brian Nelson  
Owner: City of San Antonio  
Location: 1509-1523 E. Commerce Street  
Legal Description: Lots 3, 4, 5, 14, 15, & 16, Block 5, NCB 594  
Zoning: "AE-1 AHOD" Arts & Entertainment Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

The applicant is requesting a 28% reduction in the minimum 50% requirement for windows within the first story to allow a new school with no less than 22% windows on the first floor street façade.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is decisions 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 April 17, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 2, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is in a redevelopment target area, owned by the City of San Antonio and under contract for purchase by the Idea Academy Charter School. The school currently owns and operates a charter school on the block to the north, the Carver Academy, and would like to add a middle school/high school campus nearby. The property is zoned "Arts & Entertainment", a design district that requires 50% glass on the street façade. This district was created and applied to this part of San Antonio in 2009 as a tool to assist in area revitalization. With great proximity to downtown entertainment venues, and a variety of vacant, underutilized buildings, the City Council saw growth and expansion inevitable. A variety of uses were envisioned and

permitted. With design guidelines in place, the Council hoped to encourage quality *placemaking*; the focus of the regulations was on street wall and pedestrian amenities.

Schools are an excellent addition to the district and will increase the district’s exposure. The proposed school is designed to satisfy all of the district requirements except one, the minimum percentage of glass on the first floor of the front façade. The “A & E” district requires 50% of the first story front façade to be glass. This requirement is intended to enhance the pedestrian experience and encourage window display in retail establishments. For the school, they assert that the street level windows would lead to possible safety and security concerns for the students and equipment. Instead, the design proposes windows 6 feet above the sidewalk and totaling 22% of the E. Commerce façade. The school will also have frontage on Robinson Place, but since the floor plan is designed with the cafeteria and the principal’s office here, the window percentage can be increased to 35% on this façade.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“AE-1 AHOD” Arts & Entertainment Airport Hazard Overlay District	Vacant and abandoned Buildings

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H AHOD” Residential Mixed Historic Airport Hazard Overlay District	School
South	“AE-1 AHOD” Arts & Entertainment Airport Hazard Overlay District	Hotel
East	“AE-1 AHOD” Arts & Entertainment Airport Hazard Overlay District	School
West	“AE-1 AHOD” Arts & Entertainment Airport Hazard Overlay District	Laundromat/Dry Cleaners

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Dignowity Hill Neighborhood Plan area and designated for high density mixed use. The property is located within the boundaries of Dignowity Hill Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment.

**Criteria for Review**

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

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

The public interest is defined as the general health, safety and welfare of the public at large. **The public interest in this case is the students who would be distracted by the constant**

**pedestrian and vehicle traffic along this major arterial, as well as their safety and the security of the equipment. Therefore the variance is not contrary to public interest.**

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

The Board of Adjustment is asked to evaluate the situation and determine if the literal enforcement of the ordinance results in an unnecessary hardship. **In this case, literal enforcement would expose the students to pedestrian and vehicle traffic and the ensuing distraction they cause, and create possible safety and security concerns, resulting in an unnecessary hardship.**

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

**If the applicant were forced to install the windows, they would also block visibility into the classrooms, defeating the purpose. The proposed design does include architectural detailing to retain visual interest and therefore will observe the spirit of the ordinance.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “AE-1 AHOD” zoning district.**

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

**The proposed addition of a school on this property will transform this site, previously characterized by barbed wire security fencing and an abandoned metal warehouse. The owner hopes that this investment will trigger other investments nearby and strengthen the district. Therefore, the variance will not injure 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.*

The applicant asserts that the intent of the design requirements was not based on attracting a school to the redevelopment area. Nevertheless, **the addition of the school furthers the goals of the target area. The school has special design needs for safety and focus of the students and these needs warrant consideration.**

### **Staff Recommendation**

Staff recommends **approval of A-14-053**, based on the following findings:

1. The proposed expansion of the Idea Academy Charter School warrants modification of the minimum percentage of windows to facilitate student focus, achievement, safety and security.

## **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

# Attachment 1 Notification Plan

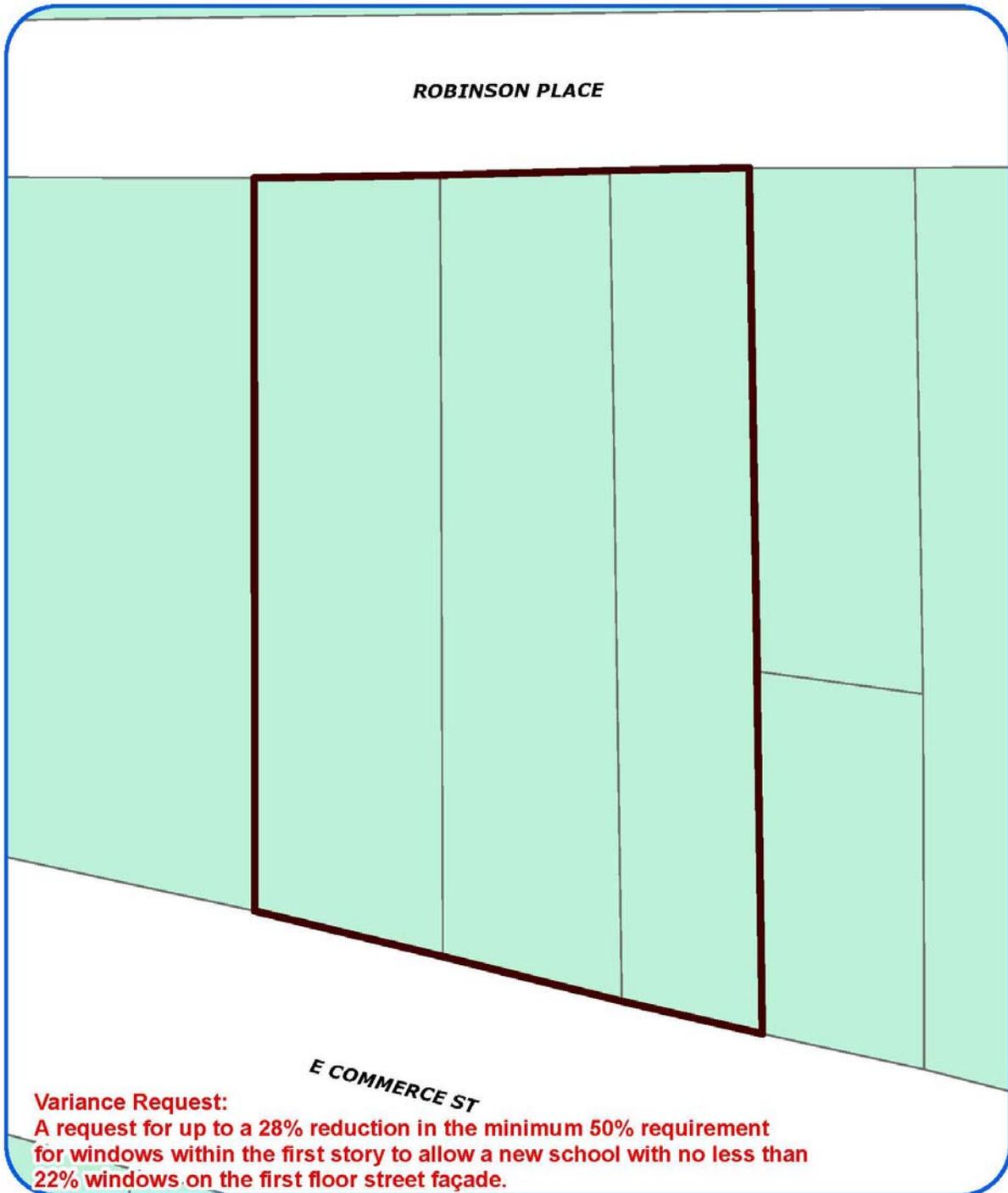


# Attachment 1 Notification Plan (cont)



## Attachment 2

**Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-053**



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

**1509 E. Commerce**

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan (cont)**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-053**

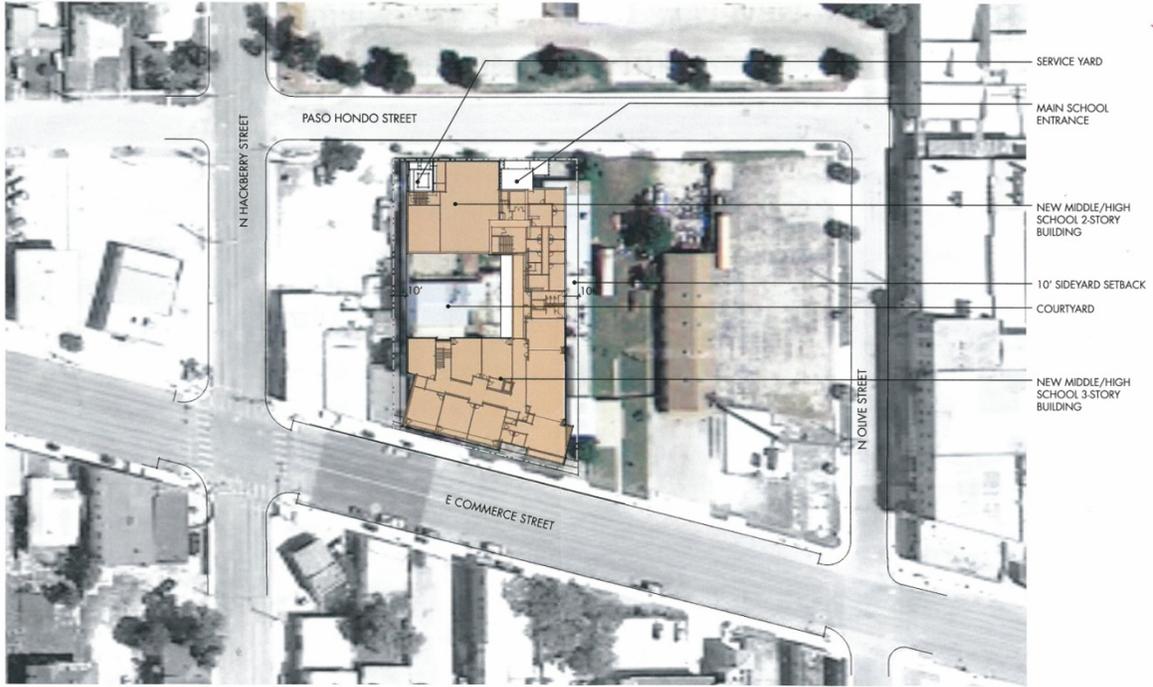


"NOT TO SCALE,  
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Council District 2

**1509 E. Commerce**

Development Services Department  
City of San Antonio

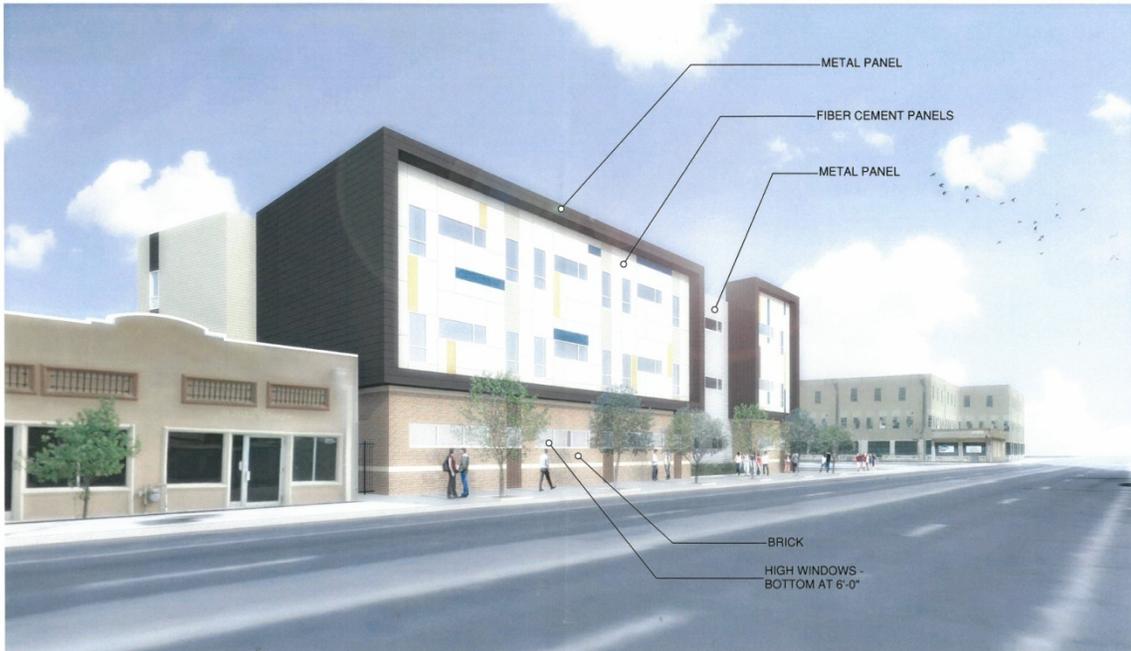
# Attachment 3 Applicant's Site Plan



IDEA CARVER ACADEMY - CONCEPTUAL SITE PLAN

EXHIBIT A - 7 pages

PAGE 01 **HKS**  
03/07/2014



IDEA CARVER ACADEMY - COMMERCE STREET PERSPECTIVE

PAGE 03 **HKS**  
03/07/2014

**Attachment 4  
Site Photos**



**The Redevelopment Site**



**The Carver Academy**



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

To: Board of Adjustment  
Case No.: A-14-050  
Date: May 5, 2014  
Applicant: Debbie Ballengee  
Owner: Aurora Diaz  
Location: 6731 Pembroke Street  
Legal Description: Lot 9, Block 1, NCB 16933  
Zoning: "R-20 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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**Request**

The applicant is requesting a 2-foot variance from the maximum 6-foot fence height to allow an 8-foot fence in the rear yard.

**Procedural Requirements**

A variance from the requirements of the zoning ordinance is decisions 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 April 17, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 2, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

**Executive Summary**

The subject property is a 40,000 square foot lot created in 1980 with the recording of the Alamo Farmstead Unit #2 Subdivision. The owner purchased the property in 2009 and at the end of 2011 received a building permit to construct a new 3,800 square foot home. The construction was completed in December of 2012 and the Certificate of Occupancy issued. A six foot wrought iron fence was installed along the front yard, permissible since the lot qualifies as a large lot, over 20,000 square feet in size. The rear yard was fenced with 6-foot privacy fencing. The owner states that their quiet enjoyment of their rear yard has been interrupted by harassment from one of the neighboring property owners. The application states that rocks have been thrown over the fence, hitting her. Other neighbors corroborate this story and the Police have

been attempting to assist in a resolution. In an effort to dissuade the alleged harassment, the applicant installed the extra 2-foot lattice above the existing privacy fence.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-20 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home
South	“RE AHOD” Residential-Single-Family Airport Hazard Overlay District	Single-Family Home
East	“R-20 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	“R-20 AHOD” Residential Single-Family Planned Unit Development District	Single-Family Home

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Huebner/Leon Creeks Community Plan area and designated for low density residential estate land use. This neighborhood, Alamo Farmstead, was specifically highlighted in the plan. The 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.*

The public interest is defined as the general health, safety and welfare of the public at large. **The public interest in this case is represented by the expected quiet enjoyment of a large estate lot.** The property owner states that the neighbor climbs a ladder to harass and intimidate them. **The variance would allow an 8-foot fence that is not visible from the public right of way, and therefore, not contrary to the public interest.**

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

The Board of Adjustment is asked to evaluate the situation and determine if the literal enforcement of the ordinance results in an unnecessary hardship. **It is uncertain that the lattice will reduce the on-going problems between these two neighbors, however removing it may 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 applicant is requesting a variance from the current regulations that limit the rear yard privacy fence height to 6-feet. **This allowed fence height does provide privacy in most situations, but some circumstances warrant additional consideration. Therefore, the extra 2-feet in this situation will observe the spirit of the ordinance.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-20 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 existing section of lattice is currently installed only between the large lot and one of the three lots it abuts. **The variance would authorize the fencing to be cohesive along the entire rear property boundary.** The neighboring property owner with the lattice section submitted a photo of the unfinished lattice from her side of the fence, in opposition to the variance. **One of the other two abutting property owners has responded in favor of the requested variance.**

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.*

**According to the applicant, the unique circumstance existing on the property is a disgruntled neighbor, who has been upset since the existing trees on the large estate lot were removed. City records show that 26 trees were preserved and an additional 15 trees were planted, consistent with ordinance requirements. This situation is not the general condition of other homes in the district.**

### **Staff Recommendation**

Staff recommends **approval of A-14-050**, based on the following findings:

1. The situation warrants additional fence height for the same level of privacy most people enjoy with a 6-foot fence.

### **Attachments**

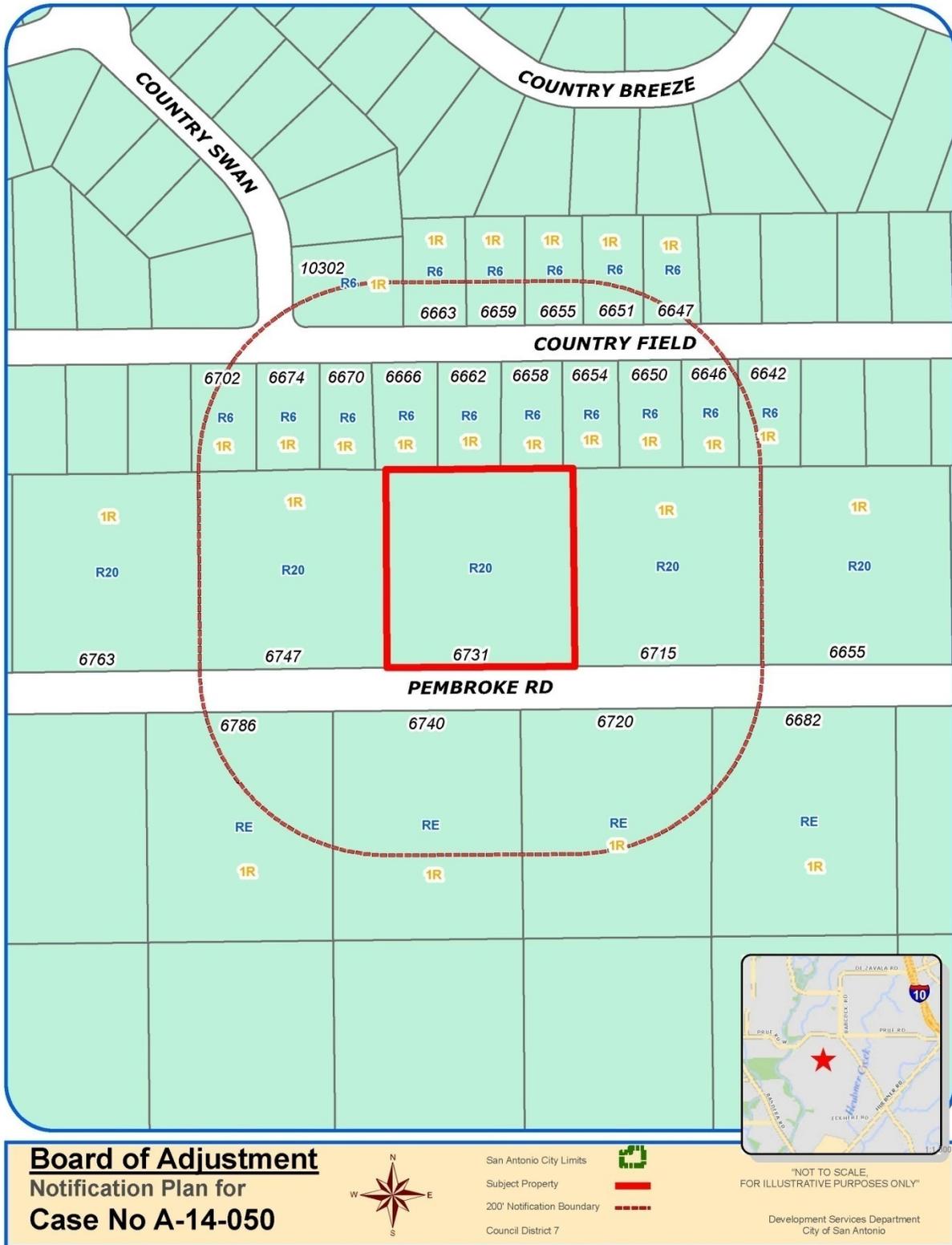
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

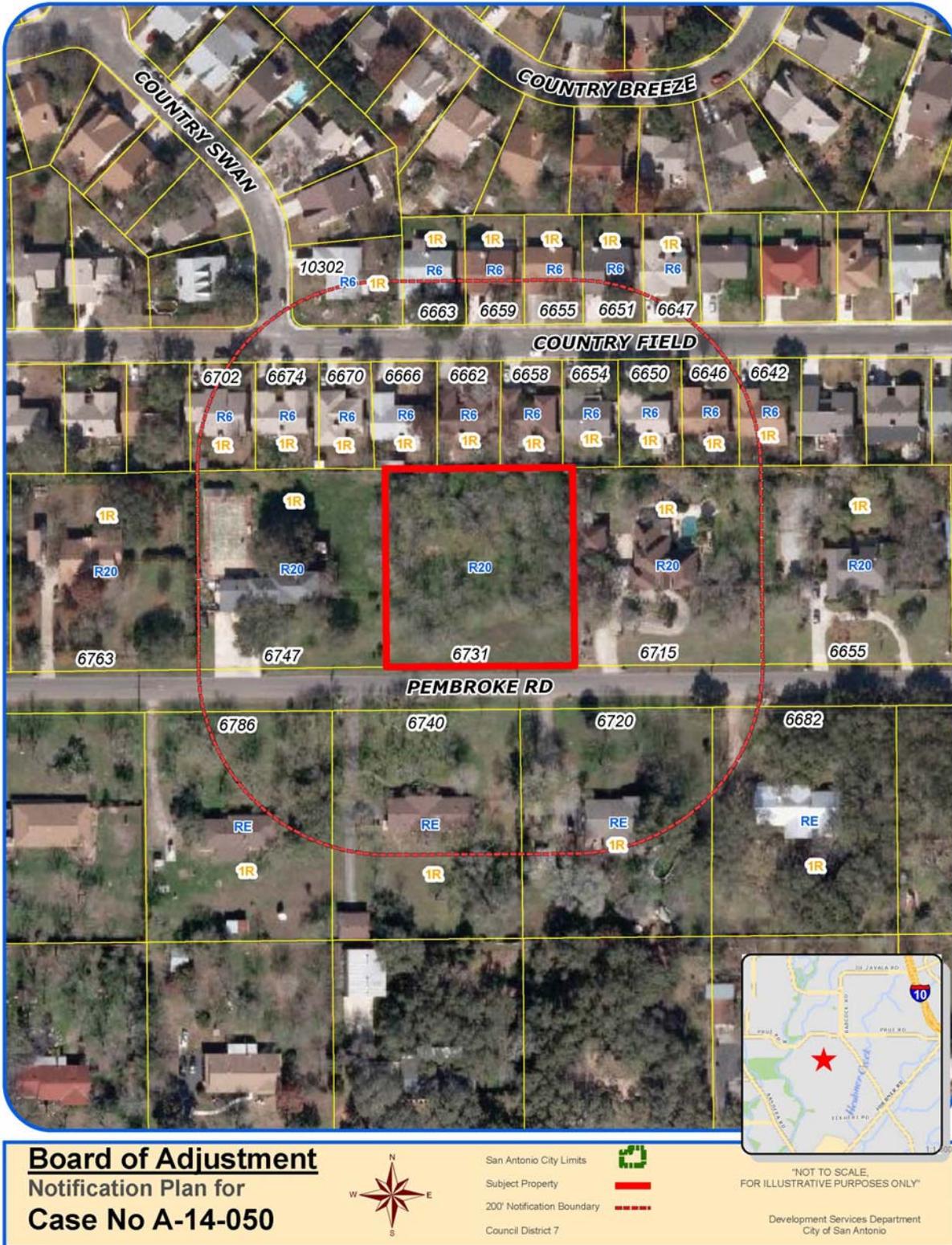
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

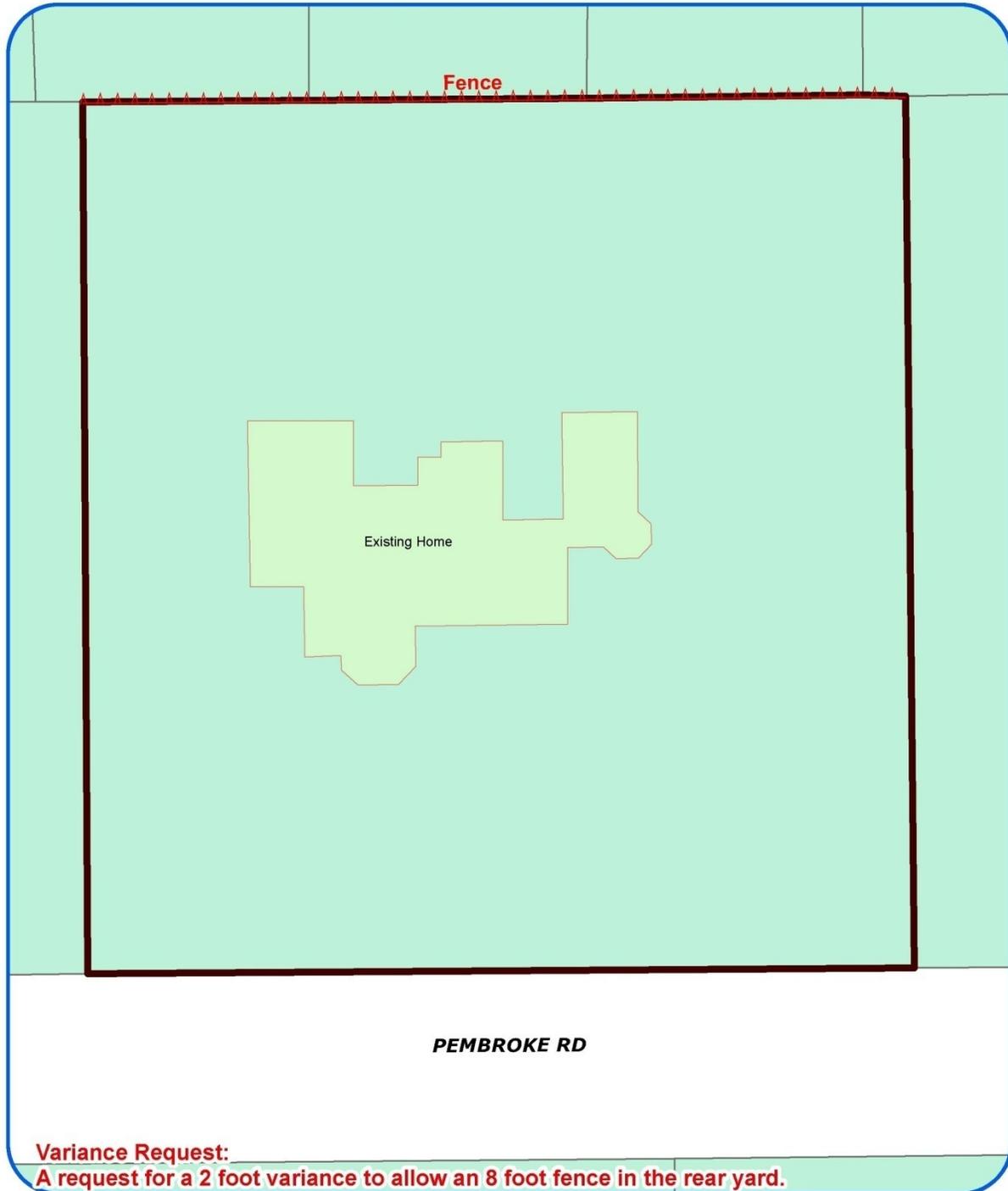
# Attachment 1 Notification Plan



**Attachment 1  
Notification Plan (cont)**



**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-050**



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

**6731 Pembroke**

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan (cont)**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-050**



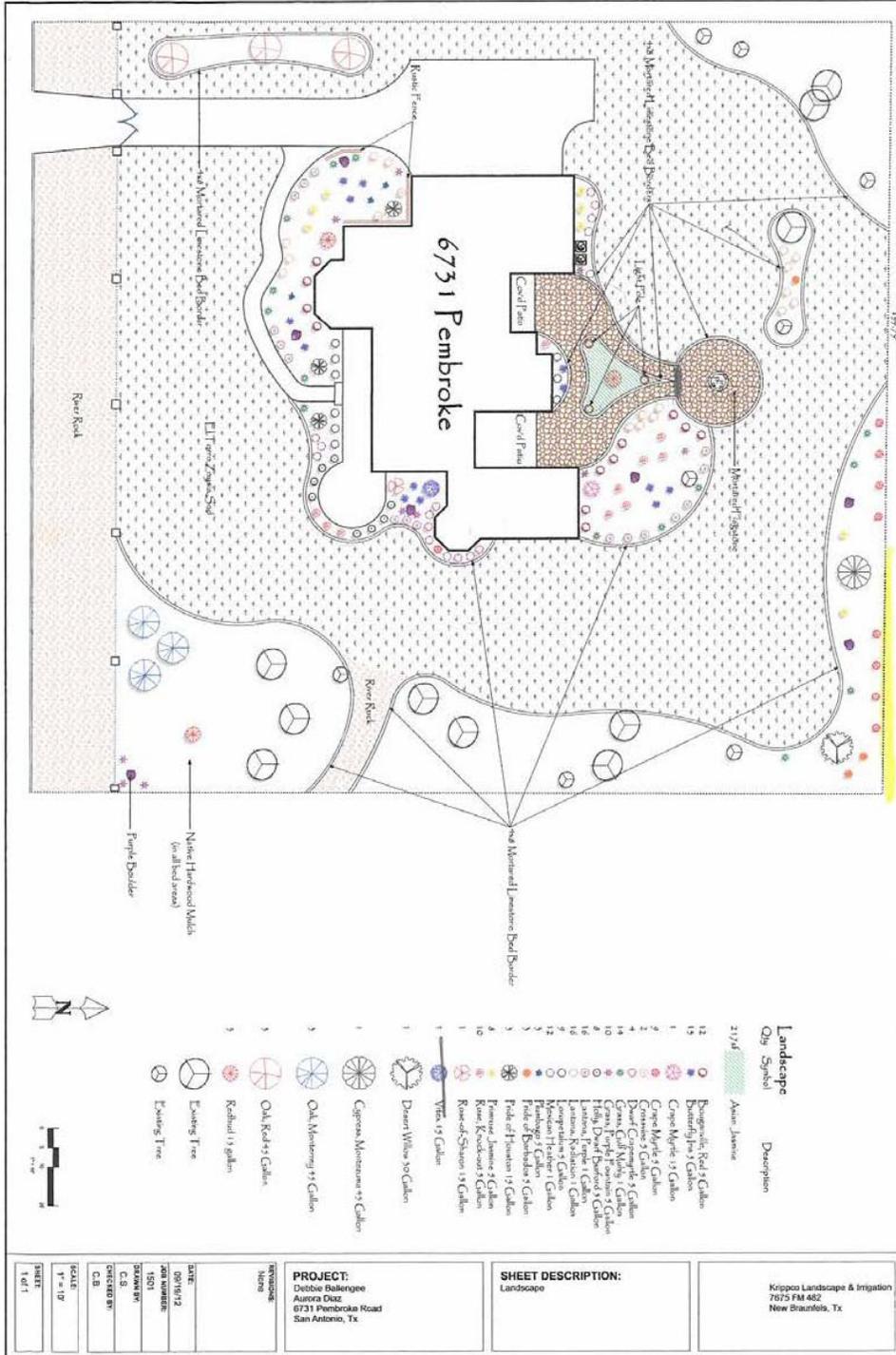
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 7

**6731 Pembroke**

Development Services Department  
City of San Antonio

1:360

# 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-14-052  
Date: May 5, 2014  
Applicant: Frances Strawbun  
Owner: Frances Strawbun  
Location: 7426 Meadow Hill  
Legal Description: Lot 7, Block 4, NCB 18054  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Tony Felts, Planner

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### **Request**

A request from Section 35-514(d) for a 3-foot variance from the 3-foot maximum fence height to allow a solid fence up to 6 feet in height in the front yard.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before April 16, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 2, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on the west side of Meadow Hill, approximately 437 feet north of Joe Newton Street.

The site is currently developed as a single-family residence. The applicant has installed a solid wood fence 6 feet in height, and tapering downward in height toward the street, without a permit. Additionally, the fence appears to have clear vision distance issues. Fences require a clear vision area of 14.5 feet from the curb; the subject fence begins 9 feet from the curb. If the fence were to be approved by the Board, it would need to be moved back 5.5 feet in order to comply with clear vision area.

The applicant has stated that the fence is required due to problems with the neighbors of the adjoining property to the south.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family 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 West/Southwest Sector Plan (designated as Suburban Tier). The subject property is located within the boundaries of Pipers Meadow Neighborhood Association, a registered neighborhood association; as such, they were notified and asked to comment.

**Criteria for Review**

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

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

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. Front yard fences are not common in this area, and the subject property appears to be the only example of the solid fence within the front yard on this street. As such, the variance appears to be contrary to the public interest.

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

There are no special conditions readily apparent to warrant the granting of the requested 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 as there are no special conditions readily apparent to warrant the granting of a variance. The applicant cited crime and issues with the neighbors in the application, but there is no documentation of any crime issues or police report in either the application or on the city's online tracking tool.

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 Residential Single-Family 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, may have the effect the injuring the appropriate use of other properties in the area as this fence is the only example of its type on the street and the fact the fence obstructs the clear vision area for adjacent driveways.

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 variance.

### **Alternatives to Applicant's Request**

The alternative to the applicant's request is to modify the fence to 3 feet in height uniformly, where the fence is in front of the front façade of the dwelling.

### **Staff Recommendation**

Staff recommends **denial of A-14-052** because of the following reasons:

- There are no special conditions readily apparent on the property to warrant the granting of the variance.
- The fence obstructs the clear vision area for adjacent driveways.

### **Attachments**

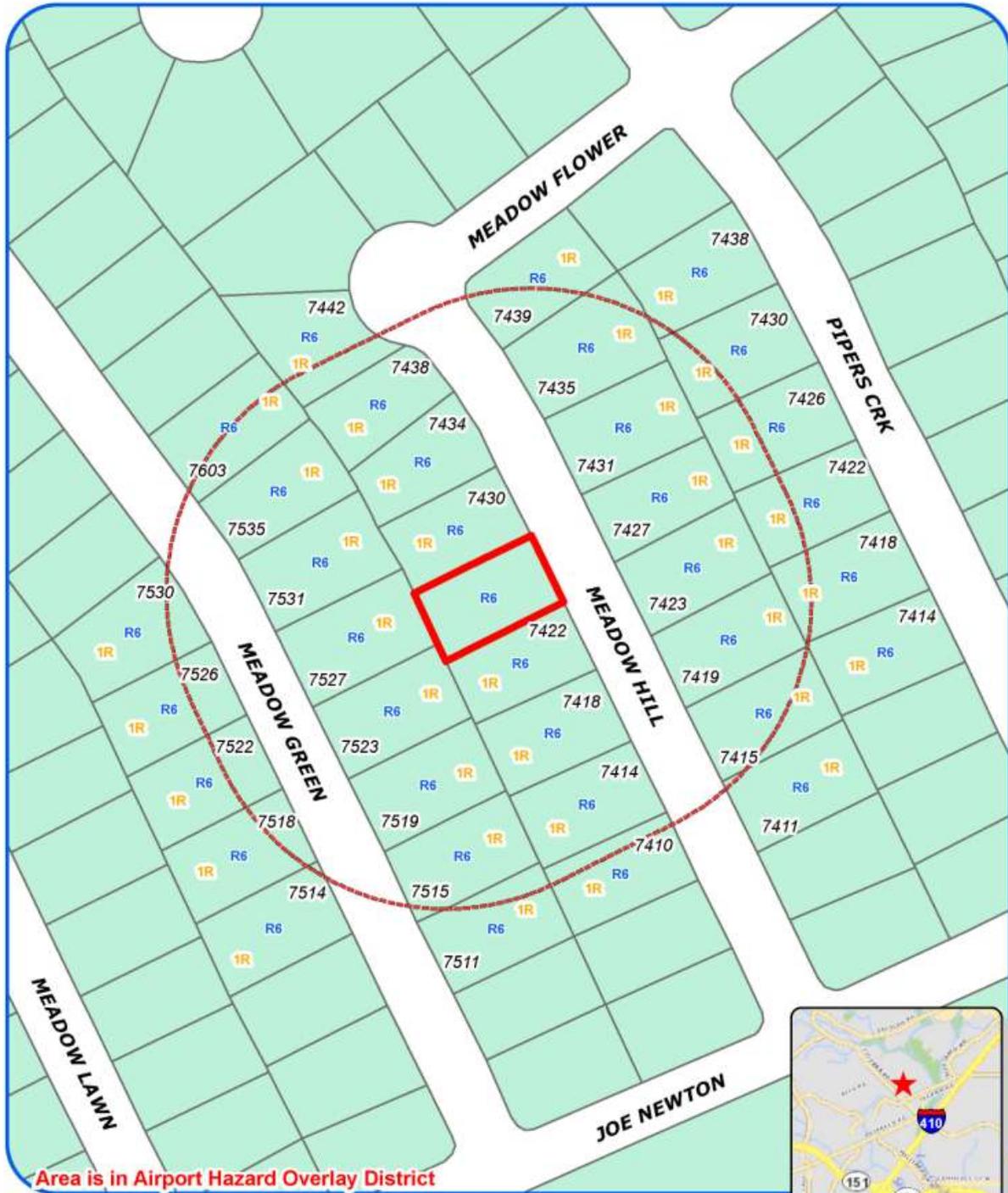
Attachment 1 – Notification Plan (Location Map)

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-14-052

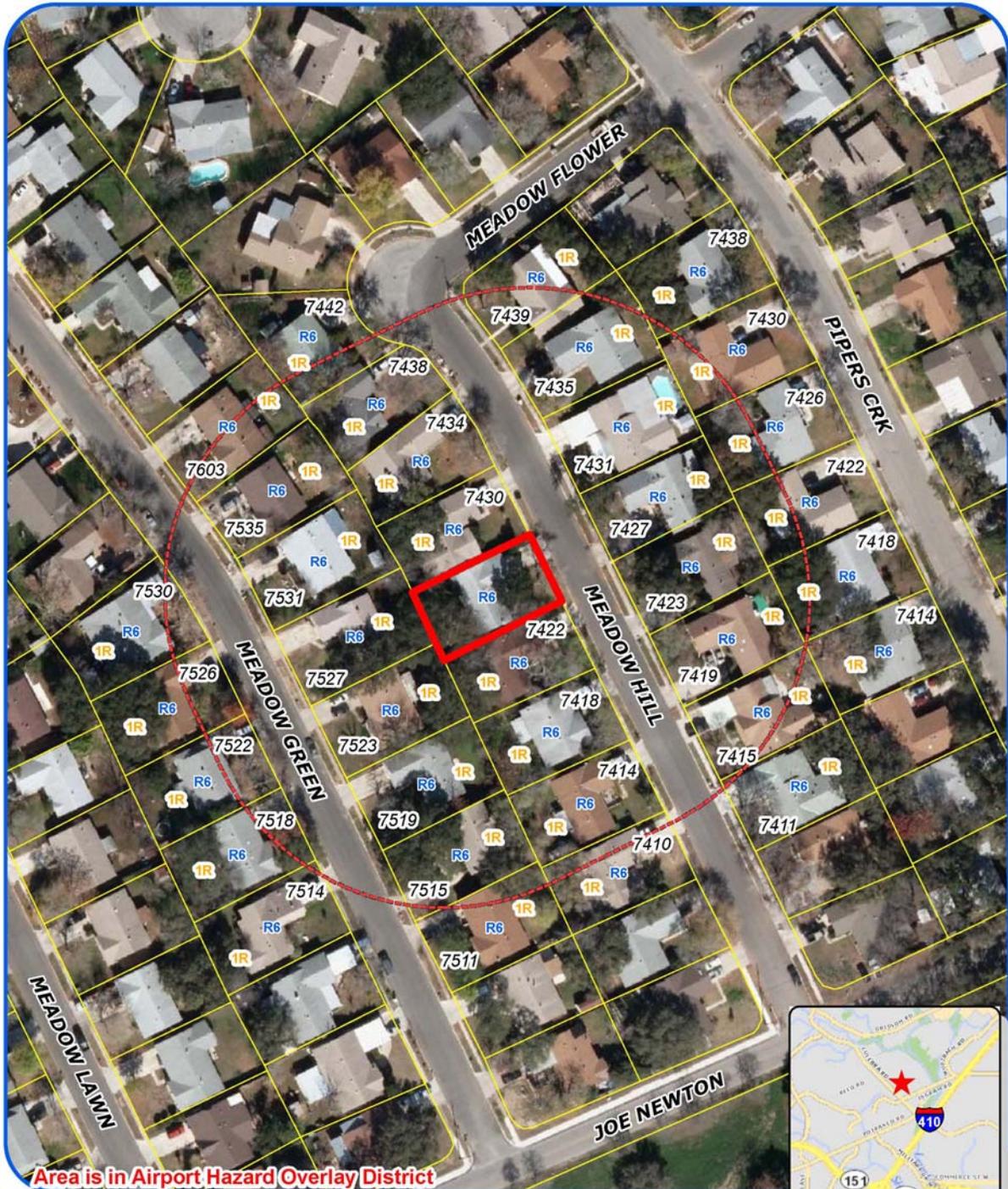


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 6

"NOT TO SCALE,  
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-14-052**

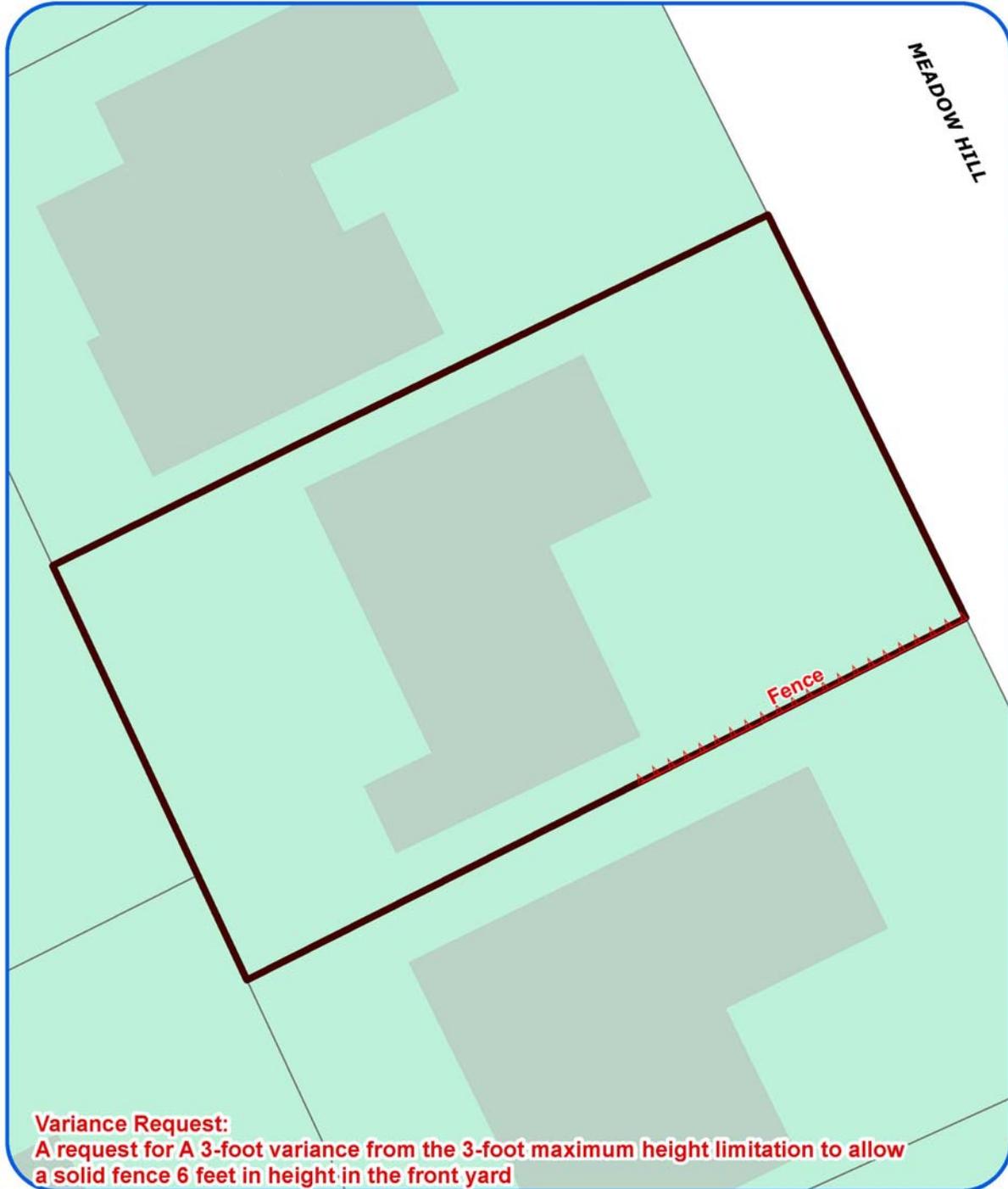


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 6

"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-14-052**



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

**7426 Meadow Hill** <sup>1:197</sup>

Development Services Department  
City of San Antonio

**Attachment 2 (Continued)  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-052**



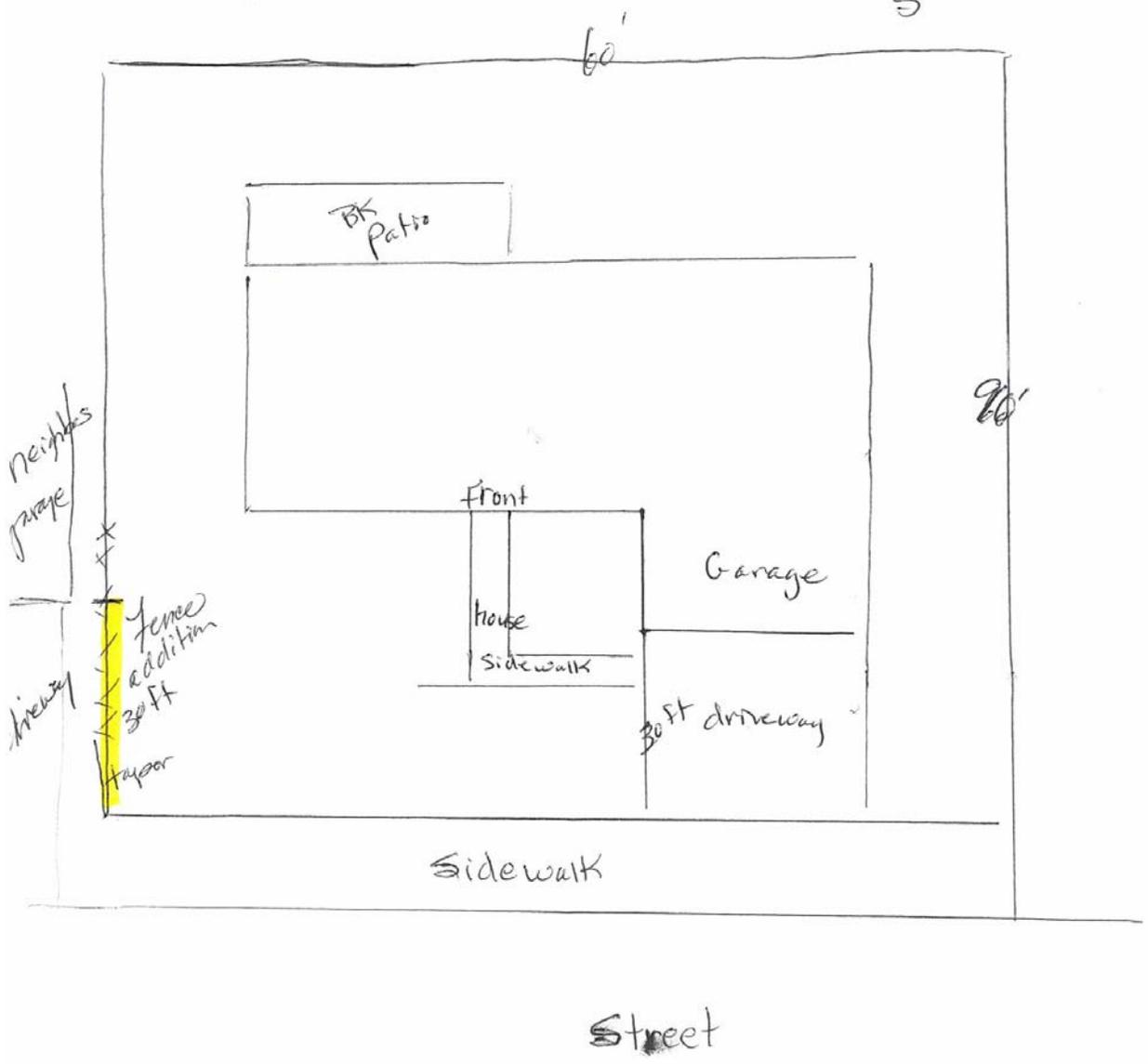
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District 6

**7426 Meadow Hill**<sup>1:197</sup>

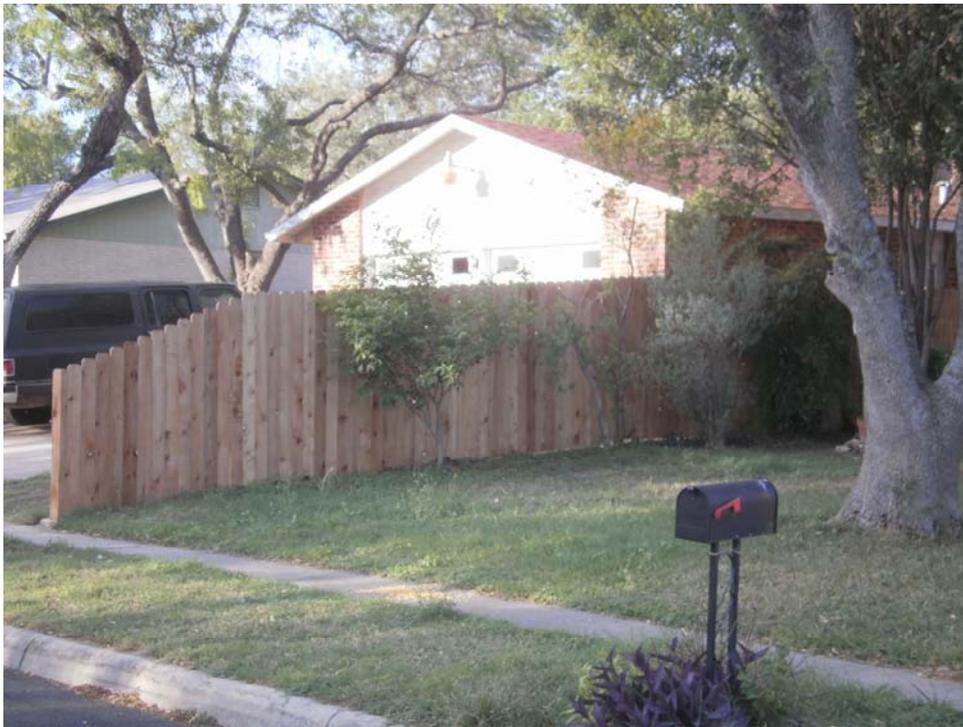
Development Services Department  
City of San Antonio

**Attachment 3  
Applicant's Site Plan**

7426 Meadow Hill  
San Antonio, Tx. 78251  
NCB 18054  
Blk 4  
Lot 7  
approx. 90ft x 60ft  
Acreage 00000.1515



**Attachment 4  
Site Photos**





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

To: Board of Adjustment  
Case No.: A-14-054  
Date: May 5, 2014  
Applicant: Reynaldo R. Muniz  
Owner: Reynaldo R. & Inocencia E. Muniz  
Location: 713 Waverly Avenue  
Legal Description: Lot 6, Block 6, NCB 6609  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Osniel Leon, Planner

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**Request**

A request for a 5-foot variance from the required 5-foot side yard setback, as detailed in Table 35-310-1, to allow accessory structures encroaching into the west side yard setback.

**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 April 16, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on May 2, 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 Waverly Avenue, between North Navidad Street and North Calaveras Street. The property is currently developed as single-family residence measuring approximately 1940 square feet, constructed in 1928 per BCAD records. The applicant placed wood sheds encroaching into the west side yard setback without first obtaining the required permits and approval from the City. The request, as properly noticed and advertised, will cover both storage sheds that have been constructed adjacent to each other.

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 setback may be reduced to 3 feet.

It should be noted that if the variance request is approved, fireproofing consistent with the International Residential Code (and any other applicable building or city code) will be required for the wood built shed.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Northwest Community Plan. The property is not located within the boundaries of any registered neighborhood association.

**Criteria for Review**

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

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

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.

- 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 accessory structures five (5) feet from the property line.

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

The variance request is 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, and its reasonable use is not contingent upon accessory structures at the side property line. The subject property has ample space on the lot to comply with the required five (5) feet from the west side property line.

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” 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 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 and this variance request would not be necessary. The result of the applicant’s action to place accessory structures within the required side yard caused the violation on the property, thus self-imposing the hardship.

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to comply with the UDC setback requirements, or remove the accessory structures.

### **Staff Recommendation**

Staff recommends **denial of A-14-017**, based on the following findings:

1. There are no special conditions or circumstances on the property that warrant the granting of the requested variance.

## **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

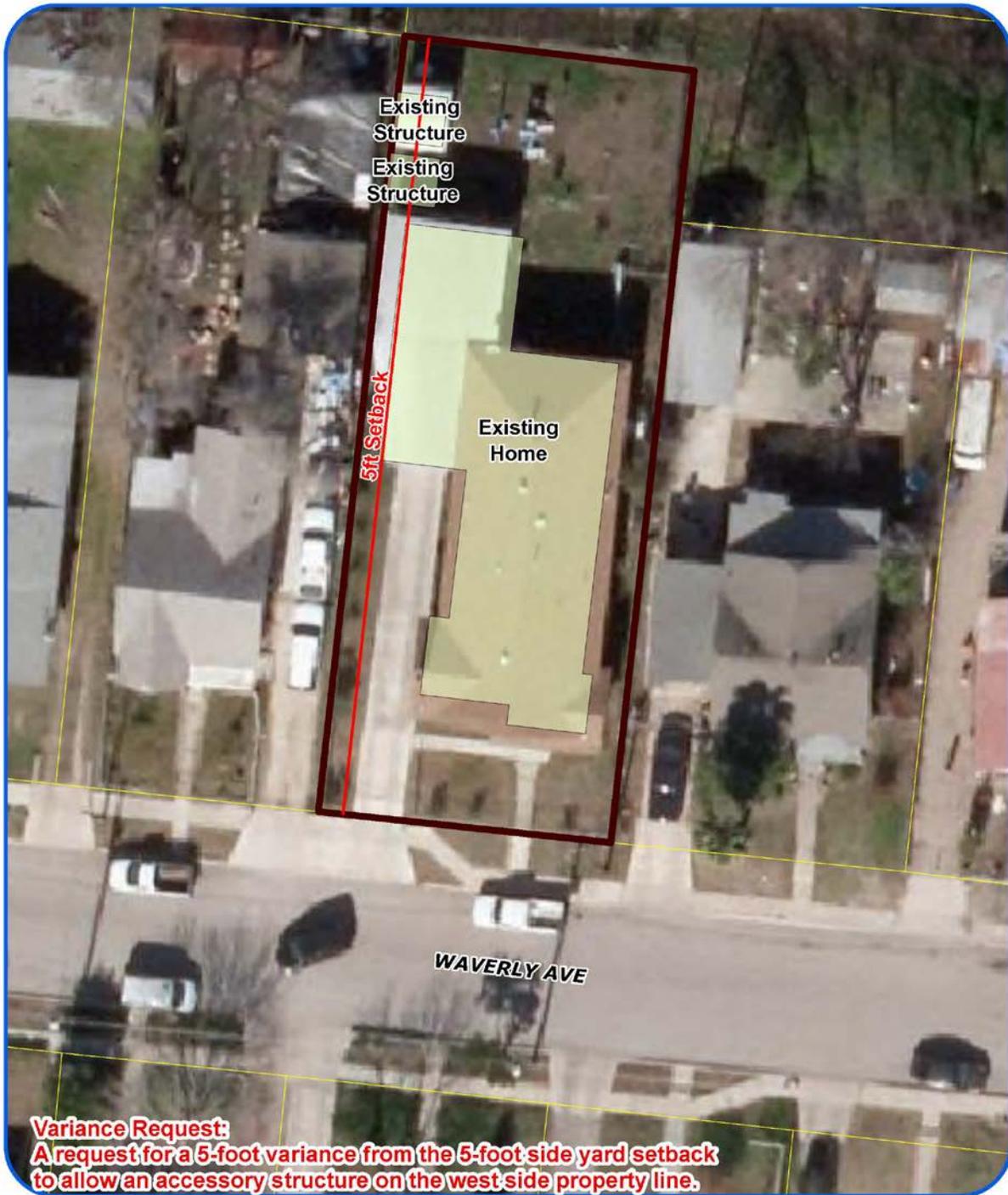
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

# Attachment 1 Notification Plan



**Attachment 2  
Plot Plan**



**Variance Request:**  
A request for a 5-foot variance from the 5-foot side yard setback to allow an accessory structure on the west side property line.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-054**



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

**713 Waverly**

1:300

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-14-051  
Date: May 5, 2014  
Applicant: Mike Wish  
Owner: Weingarten Realty Investors  
Location: 11215 Culebra Road  
Legal Description: Lot 27, Block 17, NCB 17635  
Zoning: "C-3R S" General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for sales of alcoholic beverages for on premise consumption incidental to consumption of food  
Prepared By: Tony Felts, Planner

---

### **Request**

A request from Tables 510-1 and 510-2 of the UDC for a 7.5-foot variance from the 15-foot Type C buffer required between a property with a base zoning district of "C-3R" and a property with a base zoning district of "MF-25" to allow a buffer 7.5 feet in width along the side and 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 April 16, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 2, 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 Culebra Road, approximately 925 feet west of Westwood Loop.

The site is currently vacant, but is proposed to be developed as a fast-food restaurant. The site abuts "MF-25" zoned property to the north and east, and this property is currently developed with a multi-family apartment complex. The north side of the property is abutted by the parking lot for one of the buildings in the apartment complex, which measures approximately 40 feet in

width. On the east, the parking lot is abutted by an approximately 50-foot wide driveway leading to the apartment complex. This driveway also provides access to the subject property and another fast-food restaurant to the east.

The applicant is requesting a reduction of 7.5 feet from the required 15 feet in order to accommodate additional parking spaces and a wider drive-thru lane.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3R S” General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for sales of alcoholic beverages for on premise consumption incidental to consumption of food	Vacant – Proposed restaurant

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-25” Low Density Multi-Family District	Apartments
South	Outside City Limits	Retail
East	“MF-25” Low Density Multi-Family District	Apartments
West	“C-3R S” General Commercial Restrictive Alcoholic Sales District with a Specific Use Authorization for sales of alcoholic beverages for on premise consumption incidental to consumption of food	Auto Repair

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within West/Southwest 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:

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

Buffers are designed to provide landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction. In this case, **the eastern property line abuts a private driveway used to access a multi-**

**family development. No residential use occurs on this portion of the property. On the northern property line, the subject property abuts a parking lot for the multi-family development, and this distance provides at least 60 feet of separation between the property line and nearest multi-family structure. As such, a reduction of the required buffer yard is appropriate.**

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

**The eastern property line abuts a private driveway used to access a multi-family development. No residential use occurs on this portion of the property. On the northern property line, the subject property abuts a parking lot for the multi-family development, and this distance provides at least 60 feet of separation between the property line and nearest multi-family structure. As such, a reduction of the required buffer yard is appropriate.**

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

**The spirit of the ordinance will be observed by granting the variance as the site design of both properties will maintain adequate buffers to separate commercial and residential land uses.**

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 S” General Commercial 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 is unlikely to injure the appropriate use of the adjacent property as there will be adequate buffers and separations present.**

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

**The unique circumstances present are a function of the adjacent multi-family residential property’s site design.**

### **Alternatives to Applicant’s Request**

The alternative to the applicant’s request is to construct the buffers at 15 feet which would require a reduction in parking on the subject property.

## **Staff Recommendation**

Staff recommends **approval of A-14-051** because of the following reasons:

- The design of the adjacent multi-family residential property provides adequate buffering.

## **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan (Full Buffer)

Attachment 4 – Applicant's Site Plan (Reduced Buffer)

Attachment 5 – Site Photos



**Attachment 1 (Continued)  
Notification Plan**



**Board of Adjustment  
Notification Plan for  
Case No A-14-051**

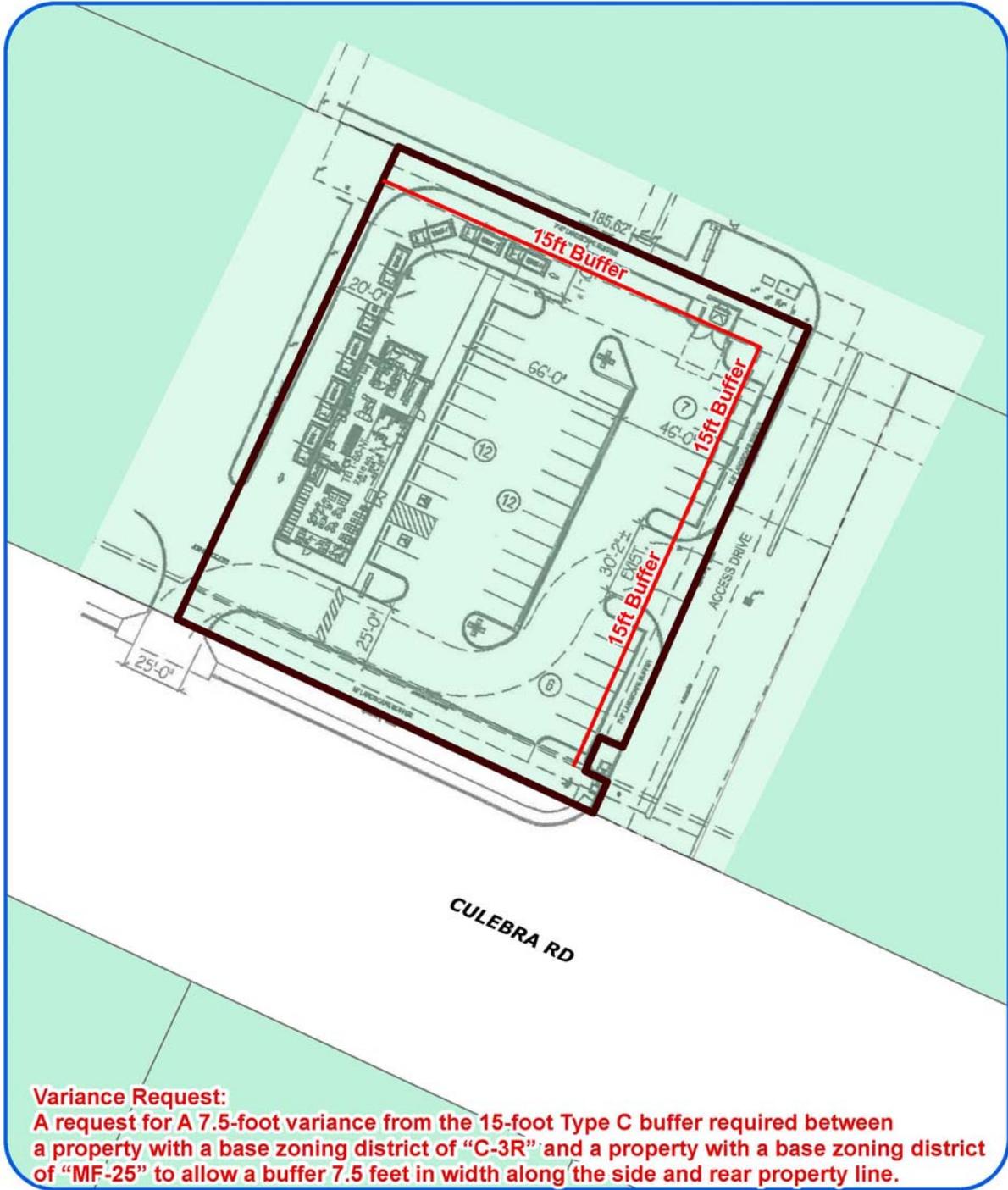


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 6

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

Attachment 2  
Plot Plan



**Variance Request:**  
A request for A 7.5-foot variance from the 15-foot Type C buffer required between a property with a base zoning district of "C-3R" and a property with a base zoning district of "MF-25" to allow a buffer 7.5 feet in width along the side and rear property line.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-051**



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

**11215 Culebra**

Development Services Department  
City of San Antonio

Attachment 2 (Continued)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-051**



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

11215 Culebra

Development Services Department  
City of San Antonio

# Attachment 3 Applicant's Site Plan (Full Buffer)

41516

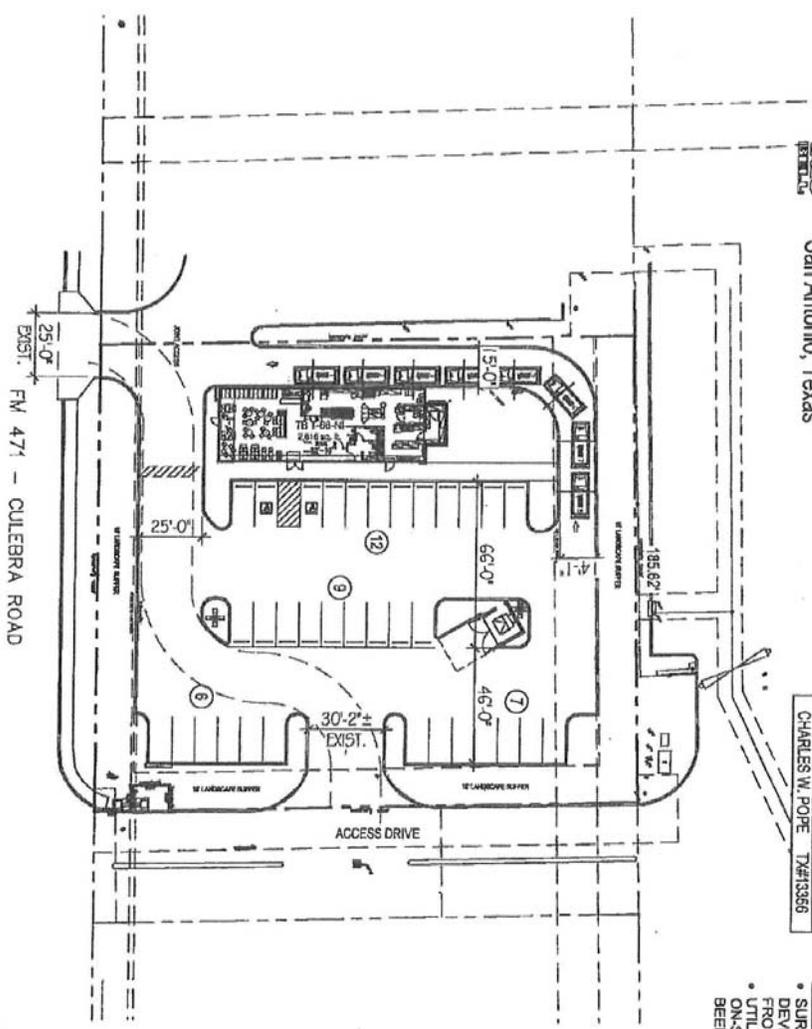


Culebra @ Loop 1604  
San Antonio, Texas

**PRELIMINARY**  
THIS DOCUMENT IS FOR INTERIM REVIEW AND  
NOT RECOMMENDED FOR CONSTRUCTION.  
CHARLES W. POPE TX#13366

Date: 11.15.13

- GENERAL NOTES:**
- SURVEY: THIS DRAWING DEVELOPED USING SURVEY FROM PAPE-DAWSON
  - UTILITIES: AVAILABILITY OF ON-SITE UTILITIES HAVE NOT BEEN VERIFIED



- PENDING ISSUES:**
- COVENANTS
  - EASEMENTS
  - SETBACKS
  - ENTRY "THROAT"
  - SITE UTILITIES
  - GAS
  - ELEC
  - WATER
  - SEWER
  - FIRE HYDRANTS
  - LANDSCAPE REVIEW
  - PLAT STATUS
  - TITLE COMMITMENT
  - CIVIL REVIEW
  - SIGNAGE

**PRELIMINARY DATA**  
ON CALAMITAS AND LINDEN AVENUE

**SITE AREA:** 39,334 sq. ft.

**BUILDING AREA:** 2,616 sq. ft.

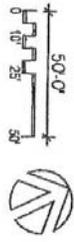
**RECD PARKING:** 18 CARS @ 1:150 = 18 CARS  
(San Antonio UDCs Food w/ Drive Thru)

**PROVIDED PARKING:** 34 Cars

CHARLES WILLIAM POPE  
& ASSOCIATES - ARCHITECTS  
TEL: (210) 349-6005

**PRELIMINARY SITE PLAN** Version **G**

SCALE: 1" = 50'-0"



# Attachment 4 Applicant's Site Plan (Reduced Buffer)

41516



Culebra @ Loop 1604  
San Antonio, Texas

**PRELIMINARY**  
THIS DOCUMENT IS FOR INTERNAL REVIEW AND NOT INTENDED FOR RECORD, PERMIT OR CONSTRUCTION PURPOSES.  
CHARLES W. POPE TX#13386

Date: 11.18.13

**GENERAL NOTES:**

- SURVEY: THIS DRAWING DEVELOPED USING SURVEY FROM PAPE-DAWSON
- UTILITIES: AVAILABILITY OF ON-SITE UTILITIES HAVE NOT BEEN VERIFIED

**PENDING ISSUES:**

- COVENANTS
- EASEMENTS
- SETBACKS
- ENTRY THROAT
- SITE UTILITIES
- GAS
- WATER
- SEWER
- FIRE HYDRANTS
- LANDSCAPE REVIEW
- PLAT STATUS
- TITLE COMMITMENT
- CIVIL REVIEW
- SIGNAGE

**PRELIMINARY DATA**  
CALCULATED FROM SURVEY DATA

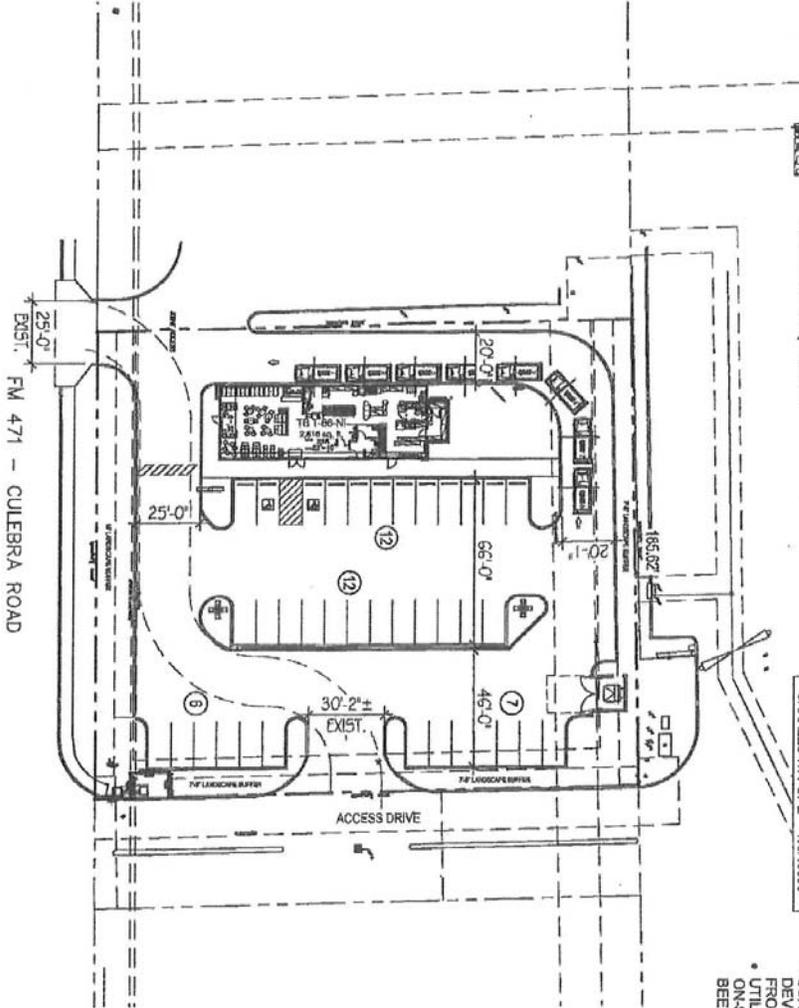
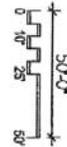
**SITE AREA:** 39,334 sq. ft.  
**BUILDING AREA:** 2,616 sq. ft.  
**REQD PARKING:** 18 CARS  
(San Antonio UDC Food & Drive Thru)  
**PROVIDED PARKING:** 37 CARS

CHARLES WILLIAM POPE  
& ASSOCIATES - ARCHITECTS  
TEL: (210) 349-6005

**PRELIMINARY SITE PLAN**

Version **H**

SCALE: 1" = 50'-0"



**Attachment 5  
Site Photos**

