

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, May 6, 2013

1:00 P.M.

Cliff Morton Development and Business Services Center, Board Room

Anytime during the public hearing, the Board of Adjustment may meet in Executive Session to consult on attorney-client matters (real estate, litigation, personnel and security matters), as well as to discuss any of the agenda items. This notice was posted on the Development Services Department website (www.sanantonio.gov/dsd), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance
4. **A-13-034:** The request of Manuel Sanchez for a special exception to allow an ornamental iron fence in the front yard, located at 7203 Camino Grove. (Council District 6)
5. **A-13-035:** The request of Landis & Azalia Wolfe for **1)** a 2-foot 2-inch variance from the maximum 6-foot fence height to allow an 8-foot 2-inch tall fence in the rear and side yards; and **2)** a variance from the prohibited materials to allow corrugated metal as an acceptable fencing material, located at 7430 Midcrown Drive. (Council District 2)
6. **A-13-036:** The request of Pape-Dawson Engineers, Inc. for a 4-foot fence/wall height variance to allow a fence/wall up to 12 feet in height, located at 5103 Rittiman Road. (Council District 2)
7. **A-13-037:** The request of Francisco B. Baez for **1)** an 8-foot sign height variance to allow two 16-foot high freestanding signs at a nonresidential use in a residential zoning district along a local street; **2)** a 14 square-foot size variance to allow two freestanding signs 50 square feet in area at a nonresidential use in a residential zoning district along a local street; **3)** a 9-foot setback variance to allow a freestanding sign 6 feet from the public right-of-way of Camilo Street at a nonresidential use in a residential zoning district along a local street; **4)** a 2-foot setback variance to allow a freestanding sign 13 feet from the public right-of-way of Chipinque Street at a nonresidential use in a residential zoning district along a local street, located at 500 Chipinque Street. (Council District 6)
8. Approval of the minutes – April 15, 2013
9. Adjournment

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

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

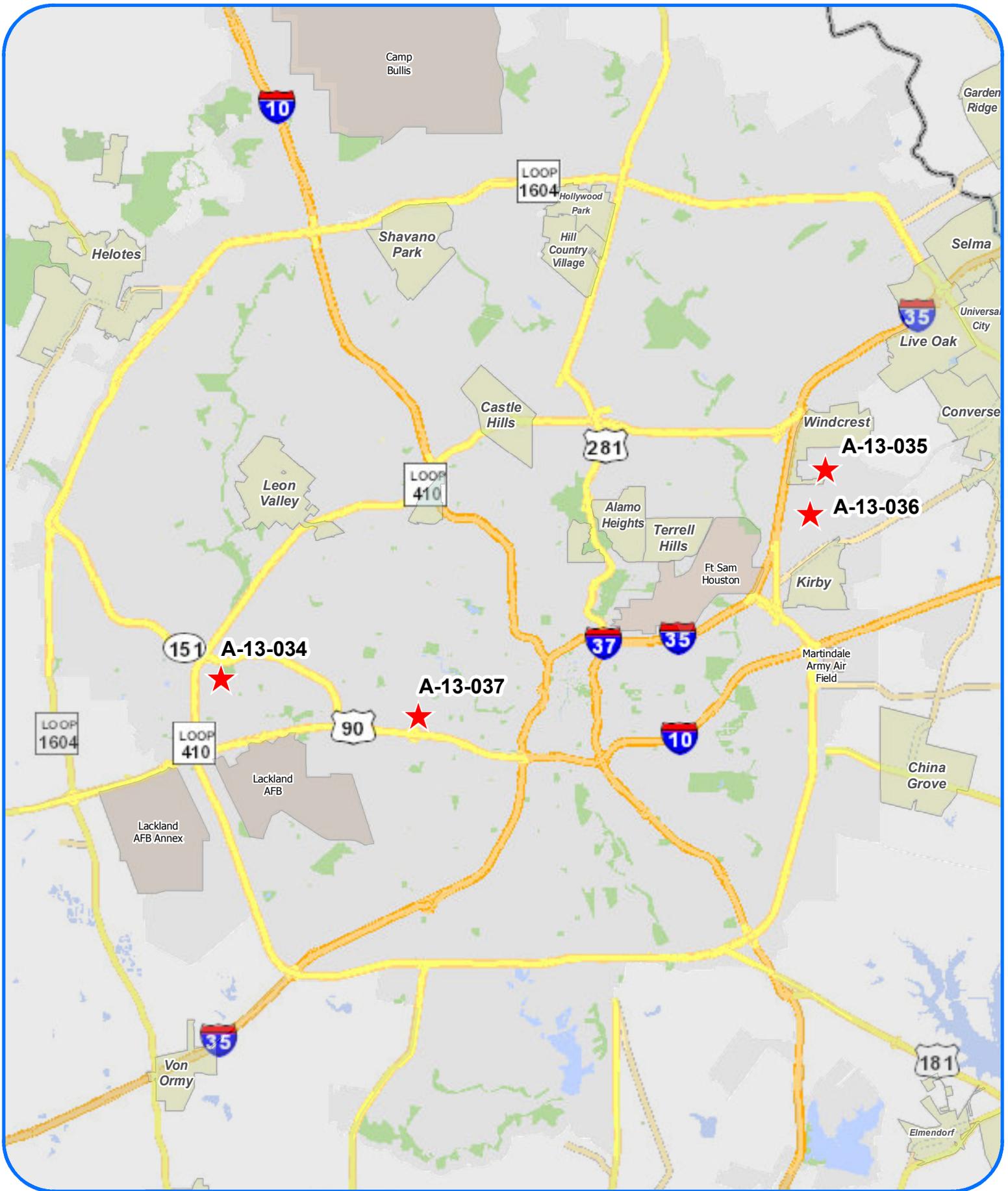
Board of Adjustment Membership

Michael Gallagher, District 10, Chair Andrew Ozuna, District 8, Vice Chair

Frank Quijano, District 1 • Edward Hardemon, District 2 • Helen Dutmer, District 3 • George Britton, District 4
Brian Smith, District 5 • Jesse Zuniga, District 6 • Mary Rogers, District 7 • John Kuderer, District 9 • Gene Camargo, Mayor

Alternate Members

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



Board of Adjustment

**Subject Property Locations
Cases for 6th May 2013**





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

To: Board of Adjustment
Case No.: A-13-034
Date: May 6, 2013
Applicant: Manuel Sanchez
Owner: Manuel Sanchez
Location: 7203 Camino Grove
Legal Description: Lot 30, Block 37 NCB 15345
Zoning: "R-6 AHOD" Residential Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant is requesting a special exception to allow an ornamental iron fence, 5-feet in height, in the front yard.

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 notification requirements are the same as those required for variances as specified in 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 18, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 19, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on May 2, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property was platted in 1968 with the recording of the Westwood Village Plat, Unit 17. The home was constructed shortly thereafter. The applicant has lived in the home for the last 44 years. Over time, the house has been burglarized on three separate occasions and each time a police report was filed. In speaking with other neighbors on the cul-de-sac, the applicant determined that many other homes on the block had also been burglarized. A licensed contractor was hired to furnish and install the fencing. The applicant was under the impression that the contractor had complied with all applicable rules and regulations. Recently, the applicant was cited by a Code Compliance Officer for constructing the fence without a building permit. A permit could not be issued however because the fence exceeds the maximum height allowed for fencing in the front yard. Therefore, the applicant is requesting a special exception.

Subject Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Airport Hazard Overlay District	Single Family Residence
South	“R-6 AHOD” Residential Airport Hazard Overlay District	Single Family Residence
East	“RM-4 PUD AHOD” Residential Planned Unit Development Airport Hazard Overlay District	Single Family Residence
West	“R-6 AHOD” Residential Airport Hazard Overlay District	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Meadow Village Neighborhood Plan, adopted by the City Council in February of 1993. A survey was sent to all area property owners during the preparation of this plan. Of the 75 surveys returned, 73 noted crime as the biggest issue facing the neighborhood. The Meadow Village Neighborhood Association is active in the area and was notified of the request and asked to comment.

<u>Technical Standard</u>	<u>Requirement</u>	<u>Proposed/Actual</u>	<u>Requirement Met?</u>
Height of fence	Maximum of 6 feet	Five (5) feet	Yes
Width of vertical bars/balusters	Maximum of 1 inch	1 inch	Yes
Spacing between vertical bars/balusters	Minimum of 5 ½ inches	5 ½ inches	Yes
Width of columns/posts	Maximum of 18 inches	3.5 inches	Yes
Spacing between columns/posts (Pedestrian Gate)	Minimum of 3 feet	Four (4) feet	Yes
Spacing between columns/posts (Vehicle)	Minimum of 8 feet	17 feet	Yes

Criteria for Review

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

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

The UDC allows fences taller than four feet in the front yard as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The applicant has a fence that satisfies the established criteria and as such would be in harmony with the spirit and purpose of the ordinance if the exception were granted.

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

The property owner has experienced several burglaries and hopes the installation of the fencing will deter crimes in the future. The public welfare and convenience can be served by the added protection of front yard fencing, allowing the owner to protect the property from future home invasions.

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

Neighboring property owners have responded to the notice of public hearing by expressing support and appreciation for the requested fencing. In addition, attractive fencing can improve the appearance of the neighborhood in general. For these reasons, the neighboring properties will not be injured if the special exception is granted.

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

A tour through the surrounding neighborhood showed several other ornamental iron fences in the front yard; most however were built within the four-foot limitation. Nevertheless, the presence of other iron fencing in the front yards has established a character feature which permits the proposed special exception to be consistent. Therefore, granting the exception will not be detrimental to the character of the district.

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

The purpose of the single-family residential zoning districts is to encourage patterns of residential development that provide housing choices and a sense of community. Fencing is restricted in height and transparency to allow visibility between the private property and the public property. This visibility enhances the sense of community. In this case, even though the fence is higher than allowed by right, this visibility is preserved. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternatives to Applicant's Request

The alternative to the applicant's request is to reduce the height of the fencing to 4-feet in the front yard.

Staff recommendation

Staff recommends **approval of A-13-034** based on the following findings:

1. The fence satisfies the established standards for the special exception.
2. The fence will be in harmony with the spirit and purpose of the UDC.
3. There are several other ornamental iron fences in the surrounding area.

Attachments

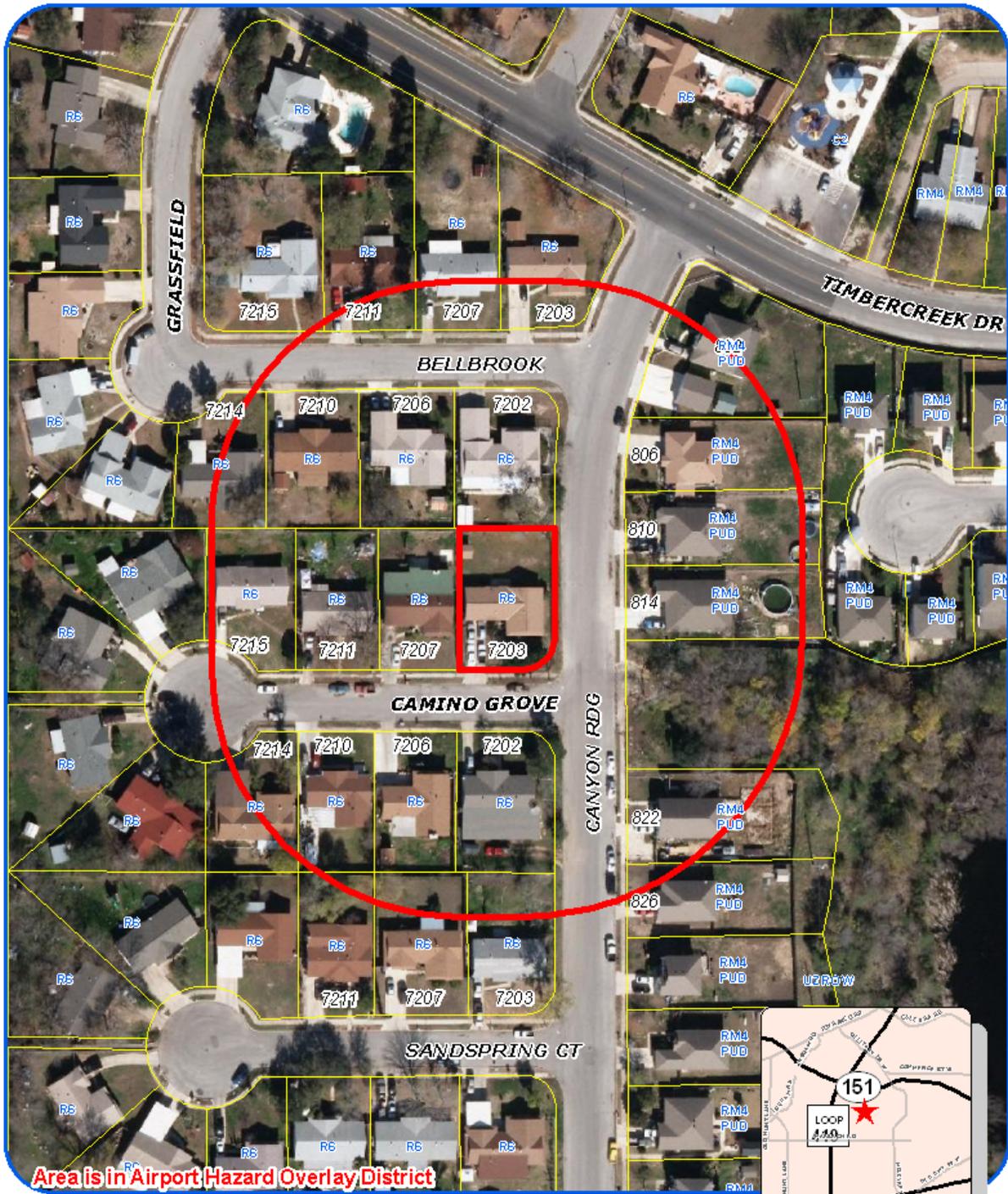
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant’s Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



<p>Board of Adjustment Notification Plan for Case No A-13-034</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Color of Districts </p>	<p style="text-align: right;">Development Services Department City of San Antonio (512) 371-3133</p>
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Attachment 2
Plot Plan



Variance Request:
A special exception to allow an ornamental iron fence in the front yard.

Board of Adjustment
Plot Plan for
Case No A-13-034



Fence 



Council District 6

7203 Camino Grove

Development Services Department
City of San Antonio
(512) 375-2013

**Attachment 4
Site Photos**





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

To: Board of Adjustment
Case No.: A-13-035
Date: May 6, 2013
Applicant: Landis & Azalia Wolfe
Owner: Landis & Azalia Wolfe
Location: 7430 Midcrown Drive
Legal Description: Lot 30, Block 2, NCB 12260
Zoning: "R-6 AHOD" Residential Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant requests 1) a 2-foot 2-inch variance from the maximum 6-foot fence height to allow an 8-foot 2-inch tall fence in the rear and side yards; and 2) a variance from the prohibited materials to allow corrugated metal as an acceptable fencing material.

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 18, 2013. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 19, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on May 2, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The applicants purchased the property in 2010 and have been investing in various property improvements ever since. One of these improvements was the recent installation of fencing along their side property line to their north and around across the rear yard. The owner constructed this fence taller than the maximum 6-feet allowed for fencing in the side and rear yards. They determined the height needed to achieve a similar level of privacy from the neighboring property to the north. This neighboring parcel is elevated several feet above the applicant's property. The applicant submitted evidence showing a laser level exhibit which demonstrates the visibility and elevation difference. The elevation difference is spread across a 16 foot wide utility easement that separates the two yards. This easement, owned by each of the property owners to the north, has been fenced out of the neighboring property owners' yards. As the Board members know,

this practice of excluding private property because of an easement is rare. In this location, it creates a corridor that has no specific purpose benefitting the area residents. The applicants are requesting a fence height variance to allow 2-feet 2-inches of additional height.

The applicant was cited by the Code Compliance officer for using fencing materials that are specifically prohibited. According to Section 35-514 (a) 6, *all fences shall be constructed of wood, chain line, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other materials which are similar in durability. The following materials shall not be used for fencing: sheet, roll or corrugated metal.* The applicants are requesting a variance from this prohibition in the hopes of retaining the fence as installed, which includes corrugated metal panels between wooden posts.

Subject Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Camelot 1 Neighborhood Plan, adopted by the City Council in February of 2010. The area is designated for low-density residential land uses. The Camelot Neighborhood Association is active in the area and was notified of the request and asked to comment.

Criteria for Review

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

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

The public interest is defined as the general health, safety and welfare of the public at large. The public interest in this case is represented by the allowance for privacy fencing in the side and rear yards. The 6-foot maximum height does not guarantee complete privacy and many residents have accepted that occasional compromise in complete privacy as a routine occurrence. Other

property owners have requested allowance for additional height due to property related circumstances. In this case because of the change in elevation, additional height is warranted to provide a similar level of privacy enjoyed by other owners. Therefore, the variance for height is not contrary to public interest.

The variance to allow metal as a fencing material however is more difficult to evaluate in relation to the required findings. The City Council, acting as the legislative authority for the public, made a determination that metal fencing was contrary to the public interest and prohibited it. The applicant states that wooden fencing in the area has become an eyesore due to deferred maintenance. Instead they chose the metal as an alternative long lasting material. The Board must determine if the maintenance differences justify a modification to the prohibition.

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

A literal enforcement of the ordinance would deprive the applicant of a similar property right of privacy enjoyed by others spending time in their rear yard. The change in elevation along the side property line, combined with the under-utilized utility easement, makes literal enforcement of the maximum allowed height an unnecessary hardship.

The requested variance to allow metal as an authorized fencing material seems unrelated to special circumstances associated with the property. The applicant asserts that the easement area is a magnet for criminal behaviors and this increases their need for durable, vandal-resistant fencing materials. The Board will be required to determine if literal enforcement of the required fencing material section results in an unnecessary hardship.

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

Various zoning court cases have provided guidance as to the “spirit” of the ordinance as contrasted with the “strict letter” of the law. In observing the spirit, the Board is directed to weigh the competing interests of the property owner and the community. The intent of allowing additional height in side and rear yard fencing is to increase privacy and enjoyment in this portion of private property. Therefore, allowing extra height where topography has reduced the level of privacy is consistent with the spirit of the ordinance.

The requested variance to allow a material that is specifically prohibited by the Code is difficult to justify in relation to the spirit of the ordinance. When a material is prohibited, the legislative prerogative identified the material as detrimental to the public and the community aesthetic. The applicant states that the fencing is attractive and some neighboring owners have specifically commented to that effect. The applicant also states that the fencing is hardly visible. Other neighbors have expressed disapproval of the selected material, citing its frequent use as industrial storage screening.

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 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 fencing is located along an easement wide enough to mitigate any possible reduction in light or air impacting neighboring property owners as a result of the requested height. Therefore, the height will not injure or alter the essential character of the area. The same conclusion may not be supported regarding the variance to allow metal as an authorized fencing material. Some surrounding property owners have supported the variance while others have not, stating the metal is inappropriate. Wooden fencing is widely used in the surrounding neighborhood, though some of the fencing is old and weathered.

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 change in grade between the properties along the side property line is a unique circumstance on the property that justifies the modification to the maximum fence height. The evidence submitted supports the finding that the requested height provides a fence at the same vertical elevation as the neighboring fence.

In addition, this property line is along a 16-foot wide utility easement which creates an under-utilized corridor that could be targeted as a preferred location for criminal activity. A review of police calls during the last few months supports criminal mischief claims on two occasions in this vicinity. The mere potential that people without a legitimate purpose are trespassing on this utility easement does not seem to have a direct correlation to the proposed fencing materials.

Alternatives to Applicant's Request

The alternative to the applicant's request is to reduce the height of the fencing to 6 feet and install wooden planks between the posts rather than the metal panels currently in place.

Staff Recommendation

Staff recommends **approval of the requested variance for height, but denial of the variance to allow metal as an approved material, as outlined in A-13-035** based on the following findings:

1. Because of a difference in elevation, the requested additional fence height is required to provide a similar level of privacy enjoyed by other property owners in the district.
2. The subject property is located next to a 16-foot wide utility easement that mitigates any negative impact from the added fence height.
3. There are no unique property-related circumstances which warrant a modification to the prohibition against metal as appropriate fencing material.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Site Photos

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-035</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Contour of District 2 </p>		<p style="text-align: center;">Development Services Department City of San Antonio (512) 375-2113</p>
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Attachment 2
Plot Plan



Variance Request:
1) a 2-foot-2-inch variance from the maximum 6-foot fence height to allow an 8-foot-2-inch tall fence in the rear and side yards; and
2) a variance from the prohibited materials to allow corrugated metal as an acceptable fencing material.

Board of Adjustment
Plot Plan for
Case No A-13-035



Fence



Council District 2

7430 Midcrown

Development Services Department
City of San Antonio
(512) 375-2013

Attachment 3
Site Photos





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-13-036
Date: May 6, 2013
Applicant: Pape-Dawson Engineers, Inc.
Owner: H. E. Butt Grocery Company
Location: 5103 Rittiman Road
Legal Description: Lots 3 & 4, Block 1, NCB 16828
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District; "C-3 NA AHOD" General Commercial Non-Alcoholic Beverage Sales Airport Hazard Overlay District; "C-3 AHOD" General Commercial Airport Hazard Overlay District; "C-2 AHOD" Commercial Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for a 4-foot fence/wall height variance to allow a fence/wall up to 12 feet in height.

Procedural Requirements

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 18, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 19, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 3, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at the northeast corner of Rittiman Road and Fratt Road and extends northward along Fratt Road to the intersection of Village View Drive. The site consists of a large industrial warehousing and processing complex consisting of produce and product intake, processing, and shipping for HEB Grocery. The complex is quite large, covering about 46 acres. The site abuts single-family residential properties along Village Row and Ray Bon Drive.

The site is a 24-hour operation, and the building is quite tall. Large lights illuminate the site in all directions, and employee parking and driveways to access the rear of the building are located adjacent to the single family homes on Village Row.

The residents along Village Row have had issues with the noise and light levels at nighttime, and have reached out to their councilperson’s office and to HEB to try to find a solution. HEB has agreed to build a stone wall, similar to the one behind their snack plant located adjacent and to the east of this location. The stone wall is proposed to be up to 12-feet in height, the maximum height allowed for a wall by city code. The wall will have variable height of 8 to 12 feet, and will only be 12 feet in height in areas where topographical issues are a concern. The total length of the wall will be approximately 2,060 feet.

The aforementioned wall behind the adjacent snack plant was approved by the Board of Adjustment by a variance granted in 1997.

The applicant has stated that the wall will be properly engineered so as to ensure safety.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
I-1 (Industrial), C-3NA, C-2, C-3 (Commercial)	Warehousing and Processing

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	R-6 (Residential)	Single-Family Dwellings
South	I-1 (Industrial)	Commercial and Warehousing
East	R-6 (Residential), C-3 NA (Commercial), I-1 (Industrial)	Single-Family Dwellings and Snack Food Plant
West	C-3 (Commercial) I-1 (Industrial)	Commercial and Warehousing

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a community, land use, or sector plan. The subject property is not located within the boundaries of a registered neighborhood association.

Criteria for Review

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

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

Usually, fence and wall height restrictions are put into place in order to provide orderly development and encourage a sense of community. In this case, a large industrial warehouse and processing complex located adjacent to single-family residences has created issues of noise and light pollution. In an effort to be a good neighbor, and in conjunction with the neighbors, the applicant has proposed the subject wall as a means of mitigating some of the negative impacts of their operation. As such, the variance is not contrary to the public interest.

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

A literal enforcement of the ordinance would provide inadequate buffering and screening of the industrial use from the single-family residential homes adjacent to it, and as such would result in an unnecessary hardship to the residents of those homes.

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 and segregate incompatible land uses; the applicant's proposal is such a case. Because of this, the spirit of the ordinance will be observed and substantial justice done.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the Industrial and Commercial 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 injure the appropriate use of adjacent conforming properties but rather the variance would likely have the effect of enhancing the quality of life for the residents of the adjacent single-family residences by reducing noise and light pollution.

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 rather they are the result of a conforming use on the subject property adversely impacting adjacent single-family properties.

Alternatives to Applicant's Request

The alternative to the applicant's request is to construct a wall of only 8 feet in height uniformly, which may be insufficient to accomplish the applicant's goal of mitigating the negative impacts of their operation.

Staff Recommendation

Staff recommends **approval of A-13-036** because of the following reasons:

- The proposed wall will provide an effective light and noise barrier for the residents of the single-family homes adjacent to an industrial use.
- The proposed wall would was developed as a solution between neighbors to mitigate light and noise pollution.

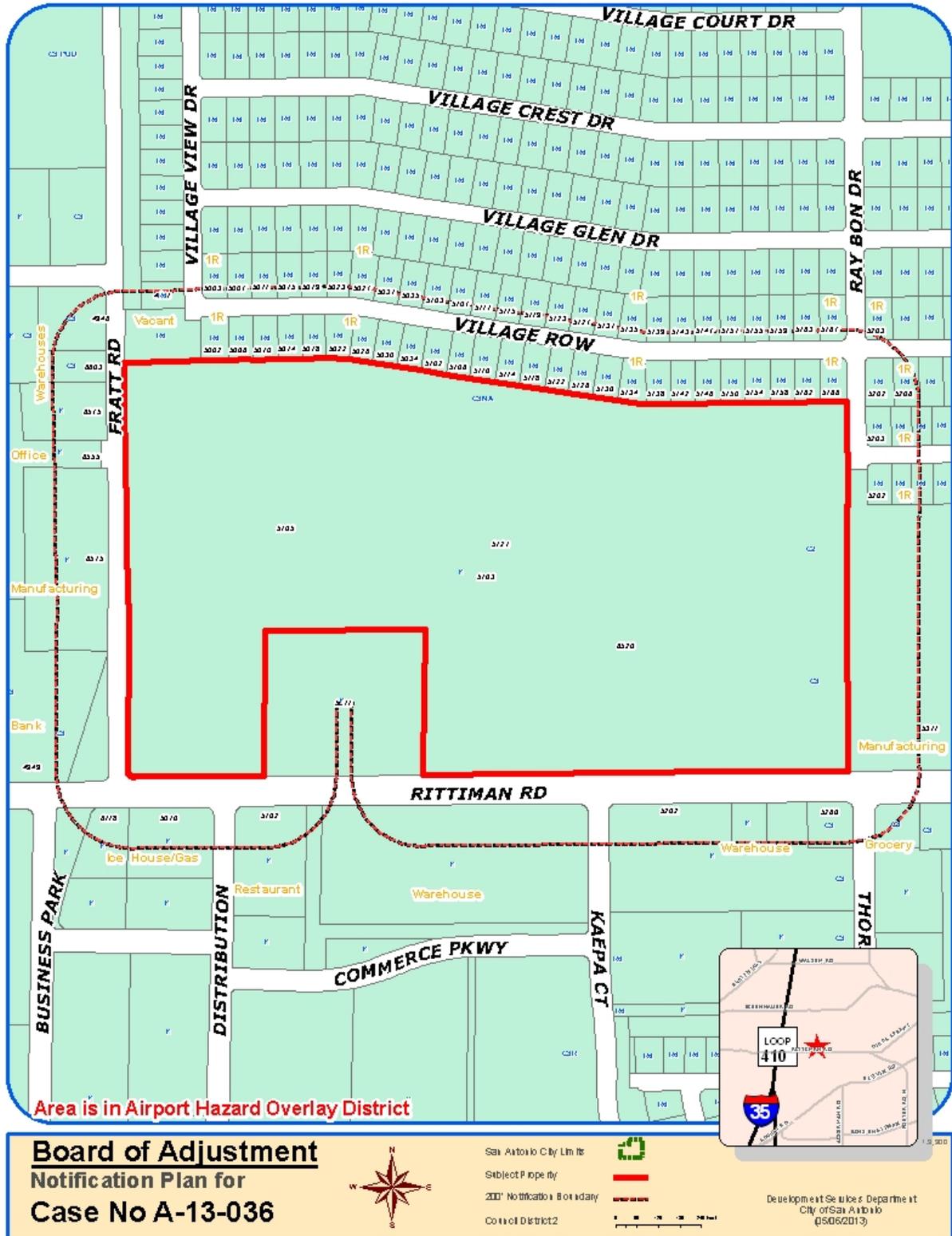
Attachments

Attachment 1 – Notification Plan (Location Map)

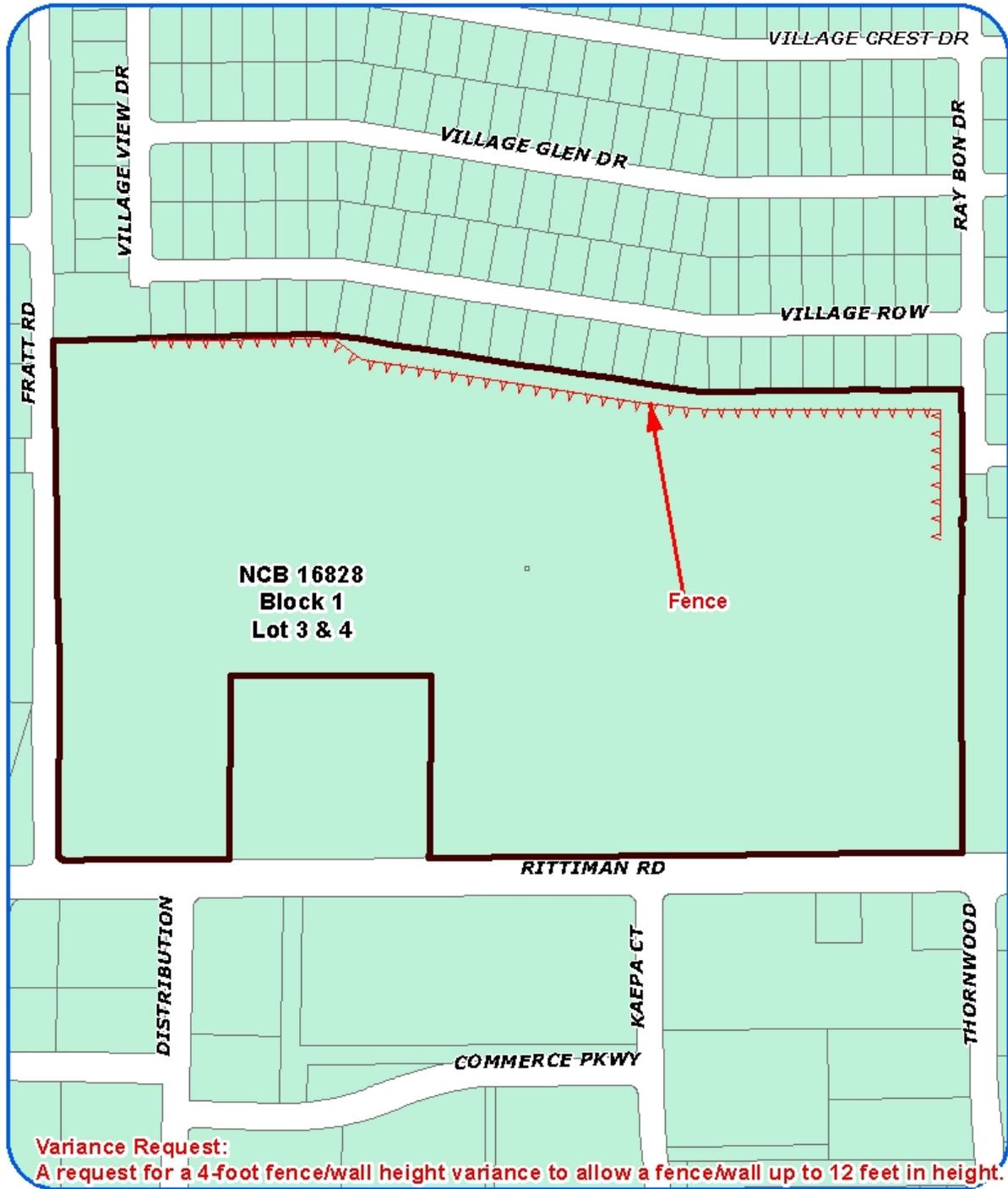
Attachment 2 – Plot Plan

Attachment 3 – Site Photos

Attachment 1 Notification Plan



Attachment 2
Plot Plan



Variance Request:
A request for a 4-foot fence/wall height variance to allow a fence/wall up to 12 feet in height.

Board of Adjustment
Plot Plan for
Case No A-13-036



Fence 

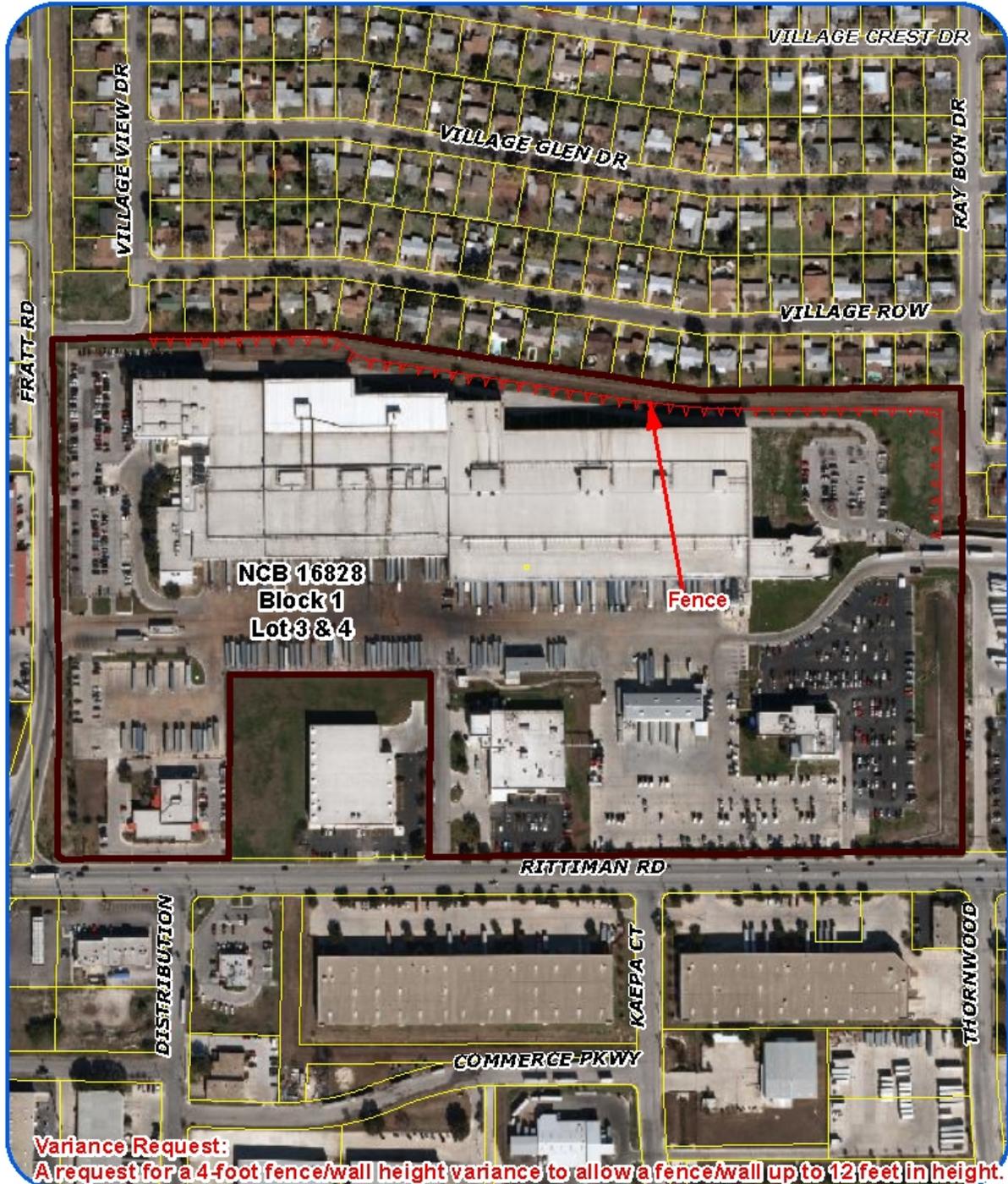


Council District 2

5103 Rittiman Road

Development Services Department
City of San Antonio
(512) 371-1313

Attachment 2 (Continued)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-036



Fence 



Council District 2

5103 Rittiman Road

Development Services Department
City of San Antonio
65062013

**Attachment 3
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-13-037
Date: May 6, 2013
Applicant: Francisco B. Baez
Owner: Francisco B. Baez
Location: 500 Chipinque
Legal Description: Lots 1, 2, 3, 32, 33, & 34, Block 15, NCB 7414
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request for 1) an 8-foot sign height variance to allow two 16-foot high freestanding signs at a nonresidential use in a residential zoning district along a local street; 2) a 14 square-foot size variance to allow two freestanding signs 50 square feet in area at a nonresidential use in a residential zoning district along a local street; 3) a 9-foot setback variance to allow a freestanding sign 6 feet from the public right-of-way of Camilo Street at a nonresidential use in a residential zoning district along a local street; 4) a 2-foot setback variance to allow a freestanding sign 13 feet from the public right-of-way of Chipinque Street at a nonresidential use in a residential zoning district along a local street.

Procedural Requirements

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 18, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 19, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 3, 2013, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at the southwest corner of Chipinque and Camilo, both local streets, and extends southward to Remolino, also a local street. The property is currently

developed as a church, which is classified as a nonresidential use, though the site is zoned single-family residential.

Churches, and other similar places of religious worship, are permitted by right in single-family districts. As such, signage on the site is governed by Section 28-240 of the Sign Ordinance. The site currently has two freestanding signs, as well as wall signs.

The applicant has stated in the application that the church has had an issue with graffiti and “tagging” of their church signs, and has provided a police report to document the vandalism. In an effort to curb the vandalism, the church is proposing to raise the height of the signs, and to relocate one of the signs in an effort to make them less accessible. The additional height and refurbishment of the signs, as well as relocation and reconstruction of the signs, necessitates the need for the requested variances.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a community, land use, or sector plan. 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*

In this case, the height variances are necessary to protect the applicant’s signage from documented vandalism in order that their ministry (business) might succeed.

Regarding the size variance request, the request represents a 38% increase over what is allowed in a residential district. There are no unique dimensional, topographical, or landscaping features that would block the view of the sign, especially given the low residential speed limits (30 miles per hour).

Regarding the setback variance requests, there is ample space to locate compliant signage on the site without the need for any setback variances, including in front of the site along Chipinque.

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.*

In regards to the height variance request, the applicant is merely trying to protect the signage from vandalism; which the Board has historically considered to be a hardship. As such, granting of this portion of the variance would not provide a special privilege.

Regarding the size and setback variances, the applicant has stated no reasons that would constitute a need for these variances to be granted, and, as these are new signs, a special privilege could be considered to be conveyed by granting this portion of variance request.

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

The height, alone, of the signs will likely not adversely impact neighboring properties. However, the requested size and location of the signs, especially given that they are proposed to be illuminated, may adversely impact the residential character of the neighborhood.

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

Regarding the sign height, the requested variance will not conflict with the stated purposes of the chapter as the purpose of the excess height is to protect the sign from vandalism. The existing signage's base is currently nine feet above grade, and the sign has been subject to vandalism. The additional 3 feet above the ground will better protect the sign from criminal activity.

The variances regarding sign size and setback, however, will conflict with the scale of the neighborhood and the streetscape, and will adversely affect the residential character of the neighborhood. Again, the applicant has provided no justification for these particular variance requests, and a site visit by staff revealed no extenuating circumstances to warrant the granting of this portion of the request.

Alternatives to Applicant's Request

The alternative to the applicant's request is to place signage within the limits allowed by the Chapter, with the exception of the requested height.

Staff Recommendation

Staff recommends **approval of the height variance requests only and denial of the size and setback variance requests**, due to the following reasons:

1. The extra height is necessary to provide protection from documented vandalism.
2. There are no unique dimensional, topographical, or landscaping features that would block the view of the sign, especially given the low residential speed limits (30 miles per hour).
3. There is ample space on the site to meet all required setbacks for the signage.

Attachments

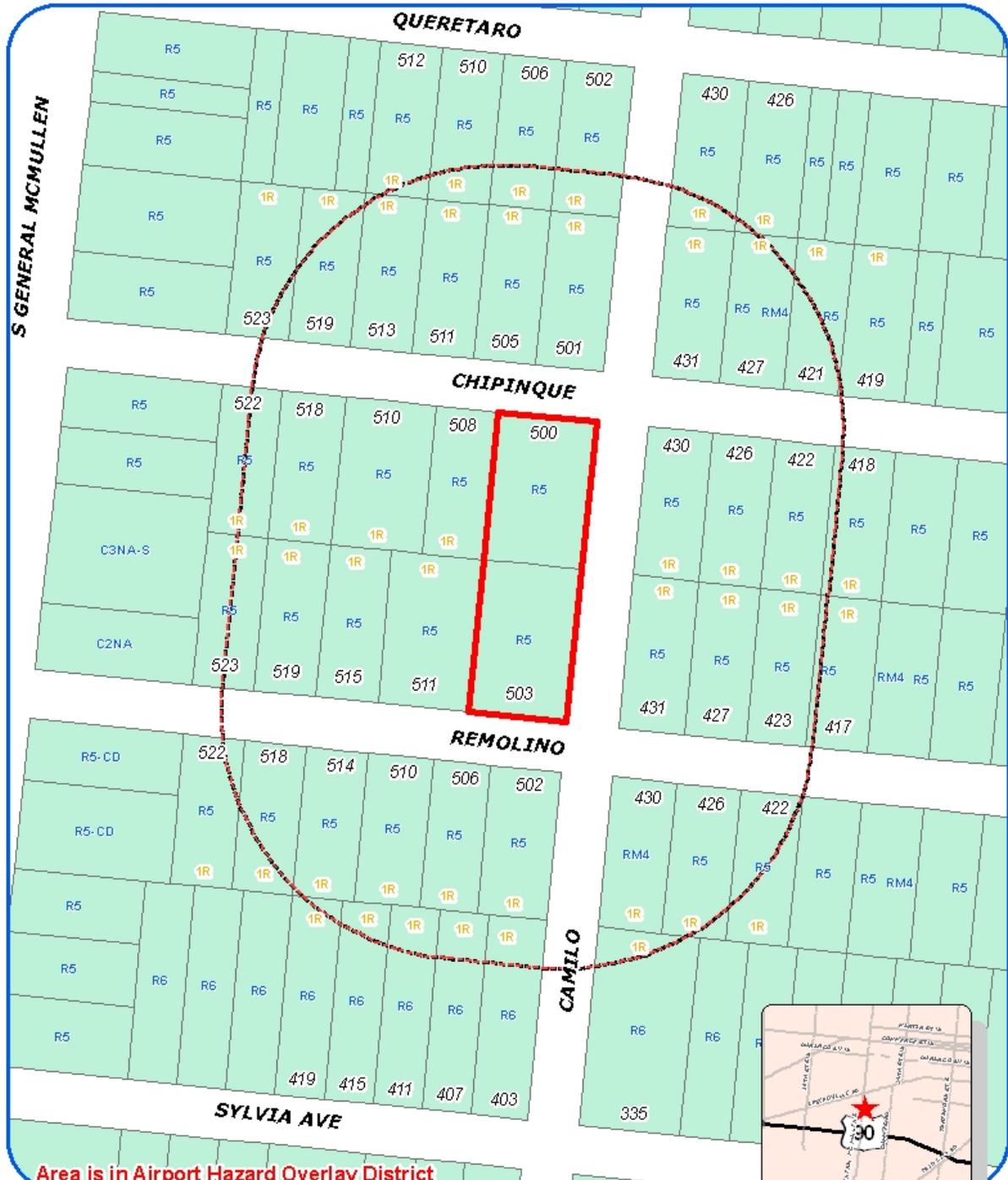
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Existing signage.

Attachment 4 – Proposed signage.

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-037</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>City of District 6 </p>	<p style="text-align: right;">Development Services Department City of San Antonio (512)622-1313</p>
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**Attachment 1 (Continued)
Notification Plan**



Area is in Airport Hazard Overlay District

<p>Board of Adjustment Notification Plan for Case No A-13-037</p>		<p>San Antonio City Limits </p>	<p align="right">Development Services Department City of San Antonio (512)622-1313</p>
	<p>Subject Property </p>	<p>200' Notification Boundary </p>	
	<p>City of District 6 </p>	<p></p>	

Attachment 2
Plot Plan



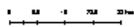
Variance Request:

- 1) an 8-foot sign height variance to allow two 16-foot high freestanding signs at a nonresidential use in a residential zoning district along a local street;
- 2) a 14 square-foot size variance to allow two freestanding signs 50 square feet in area at a nonresidential use in a residential zoning district along a local street;
- 3) a 9-foot setback variance to allow a freestanding sign 6 feet from the public right-of-way of Camilo Street at a nonresidential use in a residential zoning district along a local street;
- 4) a 2-foot setback variance to allow a freestanding sign 13 feet from the public right-of-way of Chipinque Street at a nonresidential use in a residential zoning district along a local street.

Board of Adjustment
Plot Plan for
Case No A-13-037



Signs ●



Council District 6

500 Chipinque

Development Services Department
City of San Antonio
(512) 375-2013

**Attachment 2 (Continued)
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-13-037



Signs ●
0 10 20 30 Feet
Council District 6

500 Chipinque

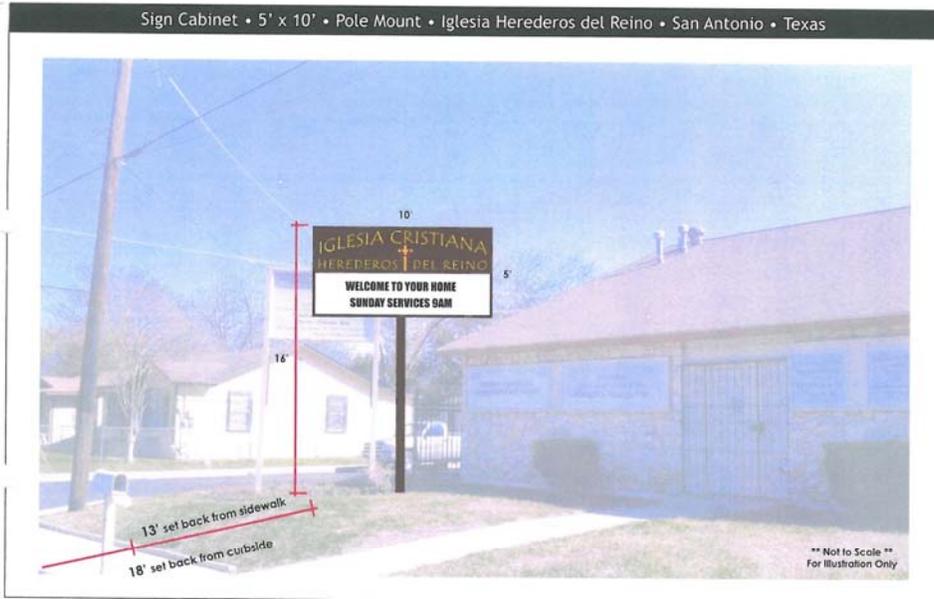
Development Services Department
City of San Antonio
(512) 371-2113

Attachment 3
Existing Sign Photos



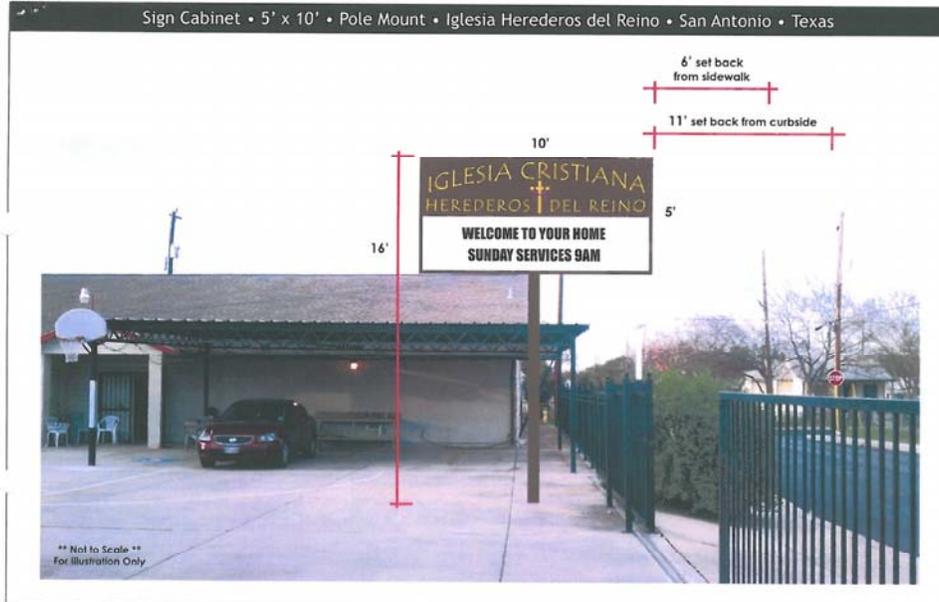
9"

Attachment 4 Proposed Sign Elevations



**Sign facing
Chipinque street**

<p>Client Name: Iglesia Cristiana Herederos del Reino</p> <p>Location: 500 Chipinque San Antonio, TX, 78237</p>	<p>Start Date:</p> <p>Last Revision:</p> <p>Job#:</p> <p>Drawing#:</p> <p>Page: 1 of 2</p>	<p>.....</p> <p>Client Approval</p> <p>.....</p> <p>Landlord Approval</p>	<p>Sales Rep: Homer Morales</p> <p>Designer: N/A</p> <p style="text-align: right;"> </p>
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**Sign facing
Camilo street**

<p>Client Name: Iglesia Cristiana Herederos del Reino</p> <p>Location: 500 Chipinque San Antonio, TX, 78237</p>	<p>Start Date:</p> <p>Last Revision:</p> <p>Job#:</p> <p>Drawing#:</p> <p>Page: 1 of 2</p>	<p>.....</p> <p>Client Approval</p> <p>.....</p> <p>Landlord Approval</p>	<p>Sales Rep: Homer Morales</p> <p>Designer: N/A</p> <p style="text-align: right;"> </p>
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