

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, November 17, 2014

1:00 P.M.

Cliff Morton Development and Business Services Center

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

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance.
4. **A-15-005:** The request of Kenia Elizardo for a renewal to a special exception to allow a one operator beauty/barber shop in a single-family home located at 8715 Five Palms. (Council District 4)
5. **A-15-002:** The request of Sandra Machado for a two foot variance from the six foot maximum fence height to allow an eight foot tall privacy fence in the rear yard located at 1303 Whitman Drive. (Council District 5)
6. **A-15-006:** The request of Thomas Mote for a two foot variance from the six foot maximum to allow an eight foot tall wood privacy fence to remain located at 119 Marlena Drive. (Council District 1)
7. **A-15-004:** The request of Fred Schraub for a 3 foot variance from the minimum 5 foot side yard setback to allow a new carport 2 feet from the side property line located at 138 E. Agarita. (Council District 1)
8. **A-15-007:** The request of Michael R. Wille for a three foot variance from the 20 foot required rear building setback to allow an addition to an existing garage 17 feet from the rear property line located at 7703 Hartman Court. (Council District 10)
9. **A-15-009:** The request of O'Reilly Automotive Store for an eight foot variance from the required 30 foot rear building setback to allow a retail store 22 feet from the rear property line located at 2812 Pleasanton Road. (Council District 3)
10. **A-15-003:** The request of Erlinda Cortez for 1) a 52 foot variance from the NCD requirement that an attached carport be located behind the principal structure to allow an attached carport 10 feet in front of the home and 2) a 5 foot variance from the minimum side yard setback to allow the carport on the side property line located at 416 Pershing Avenue. (Council District 2)

Board of Adjustment Membership

Andrew Ozuna, District 8, Chair • *Mary Rogers, District 7, Vice Chair*
Frank Quijano, District 1 • *Alan Neff, District 2* • *Gabriel Velasquez, District 3* • *George Britton, District 4*
Maria Cruz, District 5 • *Jesse Zuniga, District 6* • *John Kuderer, District 9* • *Roger Martinez, District 10*
Gene Camargo, Mayor

Alternate Members

Harold Atkinson • *Paul E. Klein* • *Henry Rodriguez* • *Lydia Fehr* • *Jeffrey Finley* • *Christopher Garcia*

11. **A-15-008:** The request of Michael Lockridge for 1) a 1 foot variance from the minimum 5 foot side yard setback to allow an existing single-family home 4 feet from the side property line; 2) a 2 foot variance from the minimum 5 foot side yard setback to allow an existing 4-plex 3 feet from the side property line; and 3) a variance from the Mahncke Park Neighborhood Conservation District (NCD) standards to allow the replacement of windows and a reduction in the number of window openings inconsistent with NCD standards on the secondary street elevation located at 216 Eleanor & 215 Wesley. (Council District 2)

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).

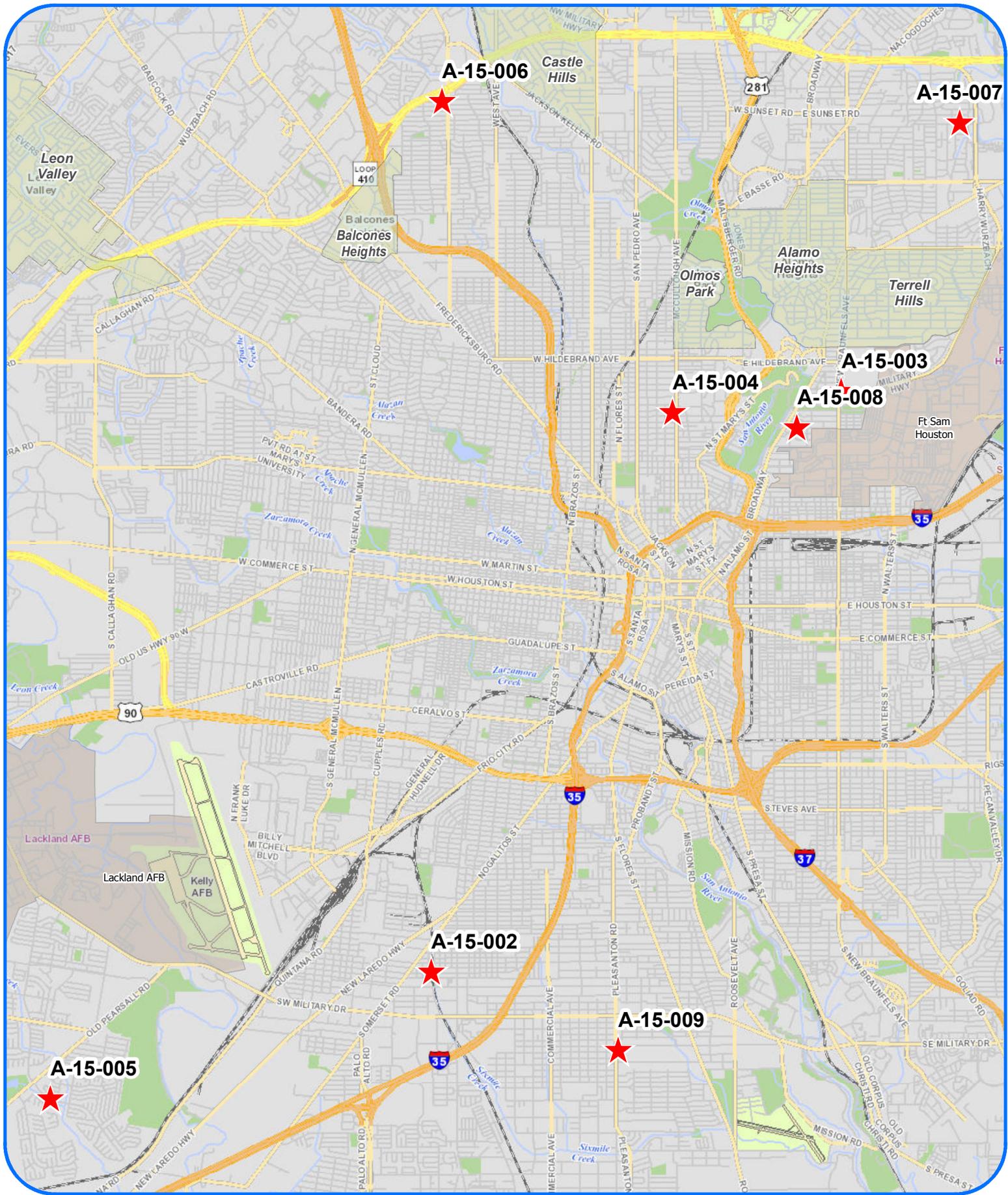
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

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Maria Cruz, District 5 • Jesse Zuniga, District 6 • John Kuderer, District 9 • Roger Martinez, District 10
Gene Camargo, Mayor

Alternate Members

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Board of Adjustment
Subject Property Locations
Cases for 17th November 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-005
Date: November 17, 2014
Applicant: Kenia Elizardo
Owner: Kenia Elizardo
Location: 8715 Five Palms
Council District: 4
Legal Description: Lot 97, Block 2, NCB 15972
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a renewal to a special exception to allow a one-operator beauty or barber shop in a home as described in Section 35-399.01.

Procedural Requirements

A special exception is a decision vested with the Board of Adjustment. The UDC prescribes specific factors that must be satisfied when deciding to grant a special exception. 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 October 30, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located approximately 180 feet southeast of Falling Timber Drive at 8715 Five Palms Drive. The applicant is seeking a renewal to a special exception to allow a one-operator beauty/barber shop in her home. The original special exception was granted on October 18, 2010. The applicant has met the requirements established by the Unified Development Code including the submission of site plans, size-limitation, signage, location within the dwelling, and the beauty/barber shop is limited to one operator.

The Board of Adjustment has the authority to limit the hours of operation when granting a special exception as noted in Section 35-399-01(g): "Hours of operation shall be regulated by the

Board of Adjustment and shall be specified in the minutes of the case”. The applicant has submitted the proposed hours of operation being Monday, Tuesday, Thursday, Friday, and Saturday 12:30pm – 7:00pm – a total of 32.5 hours of operation per week. Should the Board of Adjustment grant the special exception the allowed use will be in effect for a period not to exceed 4 years per Section 35-399-01(i).

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Southwest Community Association. As such, the neighborhood association was 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 special exception will be in harmony with the spirit and purpose of the chapter.*

The spirit of the chapter, in this case, is represented by minimum requirements to ensure that the operation of a one-operator beauty/barber shop does not negatively impact the character of the community. Staff noted that nothing about the home distinguishes it from others in the community. Also, the applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. As such, staff finds that the special exception is in harmony to the spirit of the chapter.

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

The applicant has already constructed the beauty/barber shop within her home and this is a request for a renewal to a special exception. She has been in operation for several years already without any issues with neighbors. Allowing the renewal to the special exception will allow the applicant to serve customers in her community and therefore the public welfare will be served.

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

The requested special exception is not likely to negatively impact adjacent property owners because the home is in character with those around it. During field visits staff noted nothing visible from the street that would indicate the presence of a beauty/barber shop. Also, during field visits staff noted a large driveway capable of providing any necessary parking for the proposed use.

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

The requested special exception is not likely to alter the essential character of the district as the property is still used, primarily, as a single-family residence. From the street, the home is not unlike other homes in the community.

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

The primary use of the dwelling remains a single-family home. The one-operator barber/beauty shop will have restricted hours, which are established by the Board of Adjustment. The applicant has met all other requirements established by the Unified Development Code.

Alternatives to Applicant's Request

The alternative to the applicant's request is to remove the beauty salon/barber shop from the home.

Staff Recommendation

Staff recommends **APPROVAL** of case A-15-005, based on the following findings:

1. The beauty salon/barber shop isn't visible from the street and does not negatively impact the character of the community.
2. The applicant has limited the hours of operation so as not to negatively impact the community.
3. The applicant is able to provide sufficient off-street parking.

Attachments

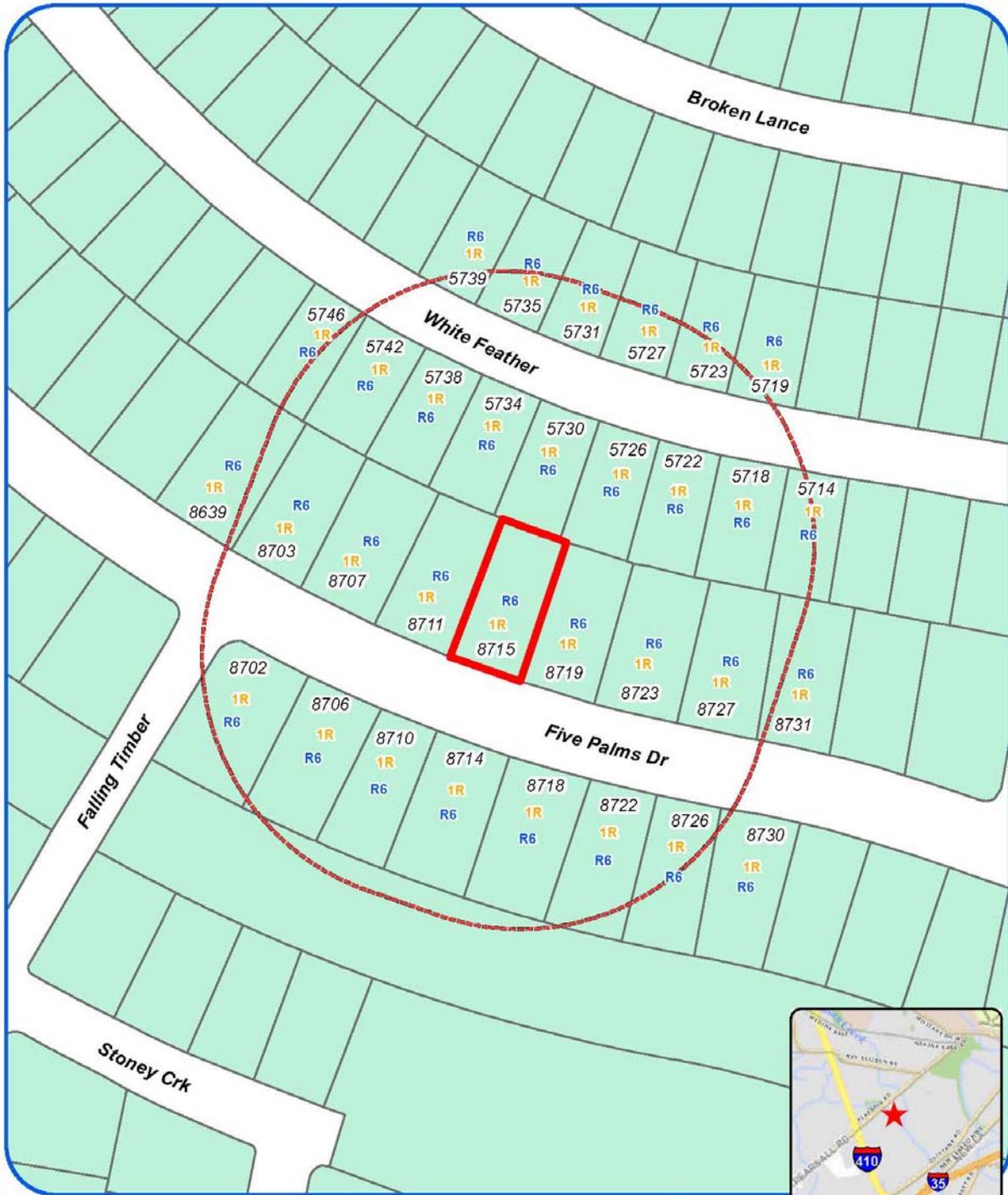
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



Board of Adjustment
Notification Plan for
Case No A-15-005

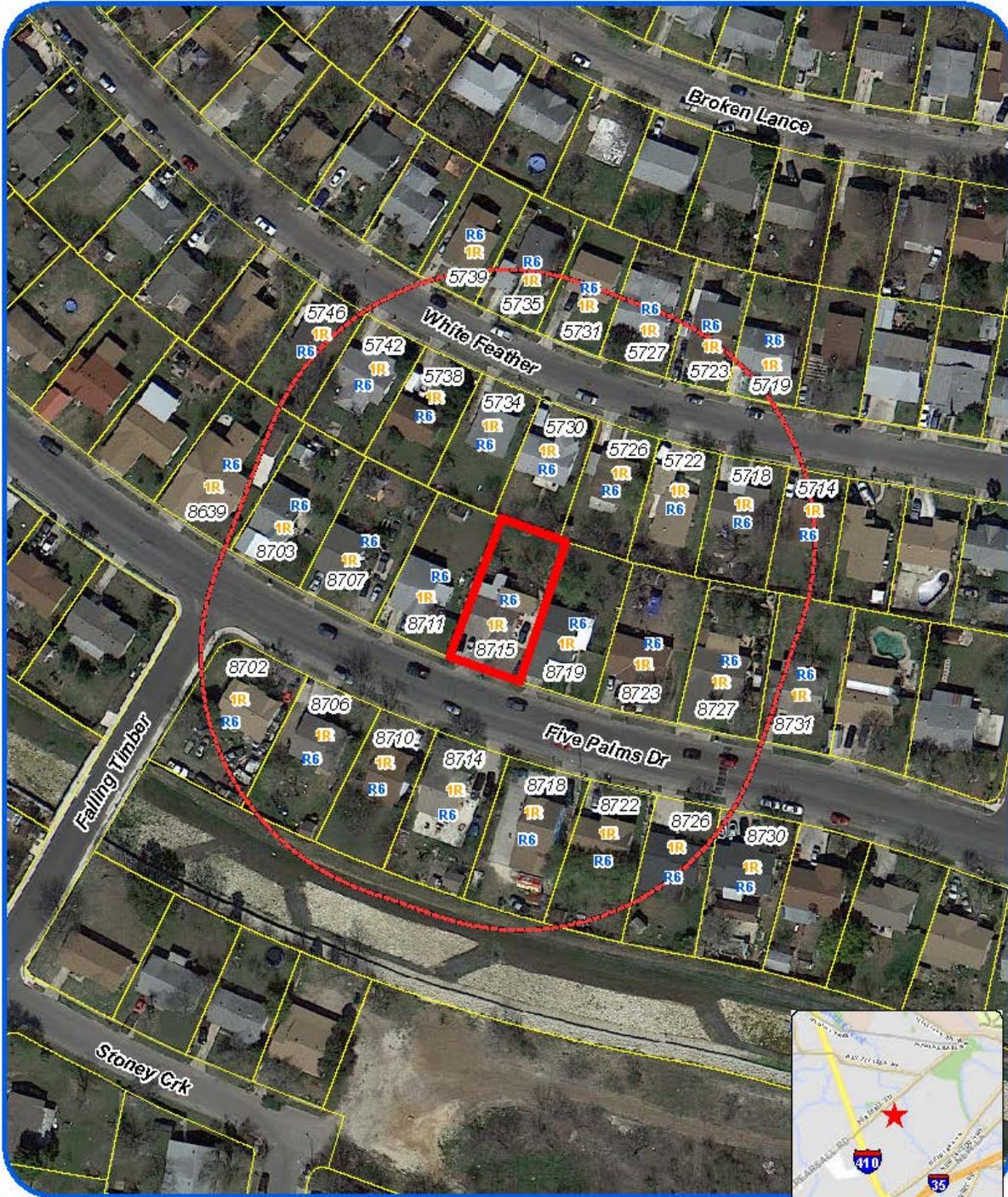
San Antonio City Limits 
 Subject Property 
 200' Notification Boundary 
 Council District: 4

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"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 1 (cont)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-15-005**



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

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Debra Kpeme at Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-005



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

8715 Five Palms

Development Services Department
City of San Antonio

**Attachment 2 (cont)
Plot Plan**



Variance Request: 1) a special exception to allow a one operator beauty/barber shop in a single-family home.

Board of Adjustment
Plot Plan for
Case No A-15-005



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

8715 Five Palms

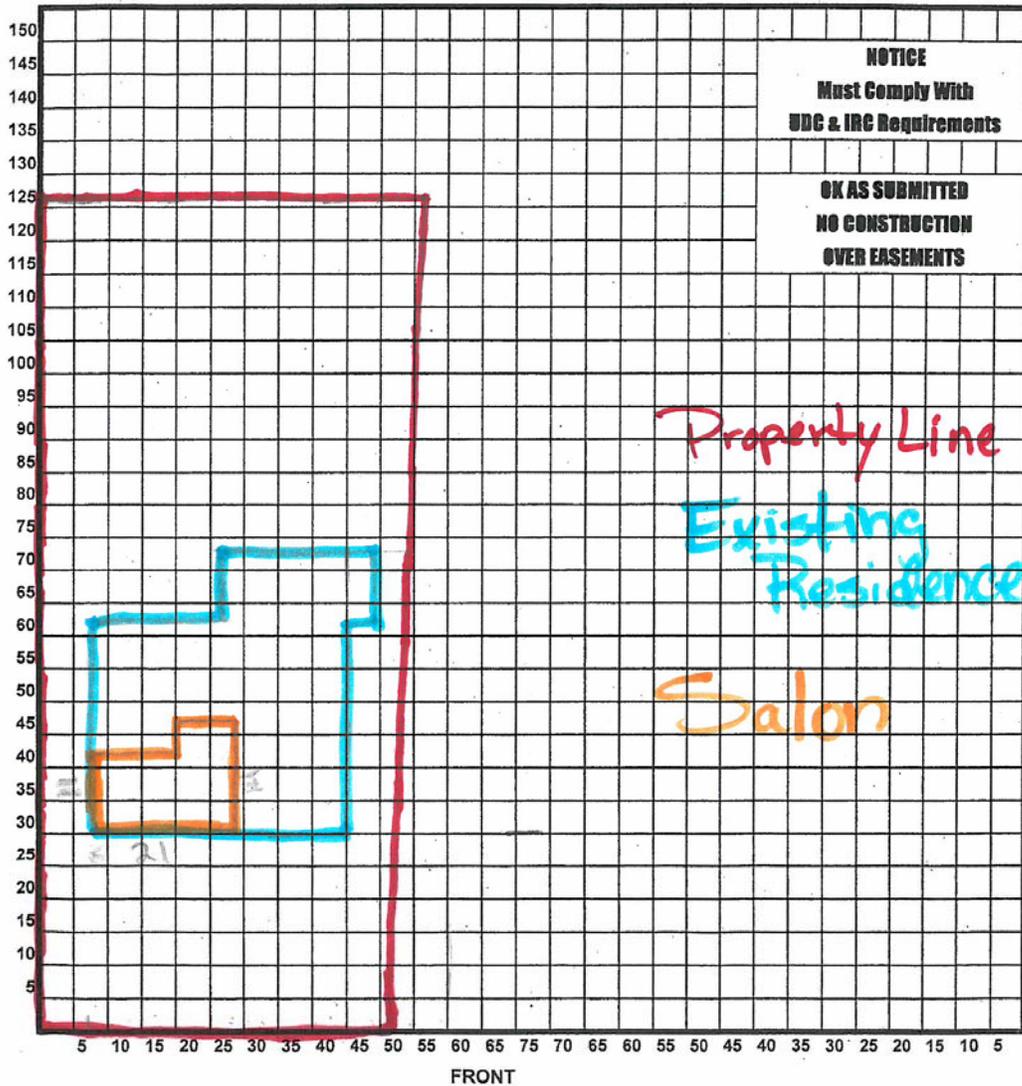
Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**

**PLOT PLAN
FOR
BLDG PERMITS**

Address 8715 Five Palms Lot 97 Block 2 NCB 15972

REAR



I certify that the above plot plan shows all improvements on this property

9-17-10
Date

[Signature]
Signature of Applicant

**Attachment 4
Site Photos
Subject Property (8715 Five Palms)**



Subject Property Side Yard (West)



Subject Property Side Yard (East)



Entrance to one Operator Beauty/Barber Shop





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-002
Date: November 17, 2014
Applicant: Sandra Machado
Owner: Herminia Machado
Council District: 5
Location: 1303 Whitman Avenue
Legal Description: Lots 19 & 20, Block 27, NCB 8519
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two foot variance from the six foot maximum fence height as described in Section 35-514(d) to allow an eight foot tall privacy fence in the rear 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 within two hundred (200) feet of the subject property on October 30, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 31, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 1303 Whitman Avenue approximately 172 feet east of Mallard Street. The applicant is seeking a variance to allow the construction of an eight foot tall fence in the rear of the property. The fence will extend to the rear of the dwelling on the east and to the façade of the home on the west. No portion of the front fence protrudes into the front yard. As such, the applicant is asking for a two foot variance from the six foot maximum, as described in Section 35-514(d), to allow the construction of an eight foot tall wooden privacy fence in the rear of the property.

The applicant has stated that the reason for her requested variance is to replace the current six foot tall fence which, over time, has fallen into disrepair. Additionally, the applicant has stated that her Labrador dog is able to jump out of the existing six foot tall fence. The additional two feet would help to keep the dog secured on the property. The applicant has also stated that the additional fence height is preferred to help secure the home from potential criminal activity in the community, although no criminal activities were reported to staff. Lastly, during the field visit to the property, staff noted the presence of railroad tracks approximately 40 feet from the subject properties east property line. The additional fence height may help to mitigate the effects of the railroad being so close to this single-family home.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Kelly/South San Pueblo neighborhood plan and is designated for future low-density residential land use. The subject 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.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, these criteria are related to the applicant’s proximity to the railroad tracks to the east of the property. The proposed fence could help to mitigate the effects of living 40 feet from a railroad. Additionally, the public interest will be served in this case as the applicants will be replacing an old six foot tall wooden fence that has fallen into disrepair with a new, eight foot tall wood privacy fence. Lastly, the additional height will help the applicant to secure their dog on their property which also serves the public interest.

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

The special conditions present in this case are the proximity to the railroad tracks to the east of the property. A literal enforcement of the ordinance would limit the applicant to a six foot tall wooden privacy fence, which would not adequately provide for separation between the railroad and the single-family residential use. Also, should the applicant construct only a six foot tall fence it is very likely that her dog would be able to get out of the fence and into the neighborhood.

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

The requested variance may be considered consistent with the spirit of the ordinance because the fence serves to keep the applicant's dog contained on her property. The fence will also help to separate the applicant's single-family home from the railroad tracks to the east of her property.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District.

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

The requested variances are unlikely to adversely affect the community as the fence will replace one which has fallen into disrepair. The proposed eight foot tall fence will also help to separate the single-family home from the railroad tracks located 40 feet to the east of the applicant's home. Lastly, allowing the applicant to construct a fence that will adequately contain the family's dog will not detract from the character of the community.

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

The unique circumstances existing on the property are the close proximity of the railroad tracks to the east of the property.

Alternative to Applicant's Request

The applicant would need to comply with the standards established by the Unified Development Code and construct a fence six feet in height.

Staff Recommendation

Staff recommends **approval of A-15-002** based on the following findings of fact:

1. The proposed eight foot tall fence will help to provide added separation from the railroad tracks for the applicant's home.
2. The proposed eight foot tall fence will replace the older fence which has fallen into disrepair.
3. The proposed eight foot tall fence will adequately contain the family's Labrador dog.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

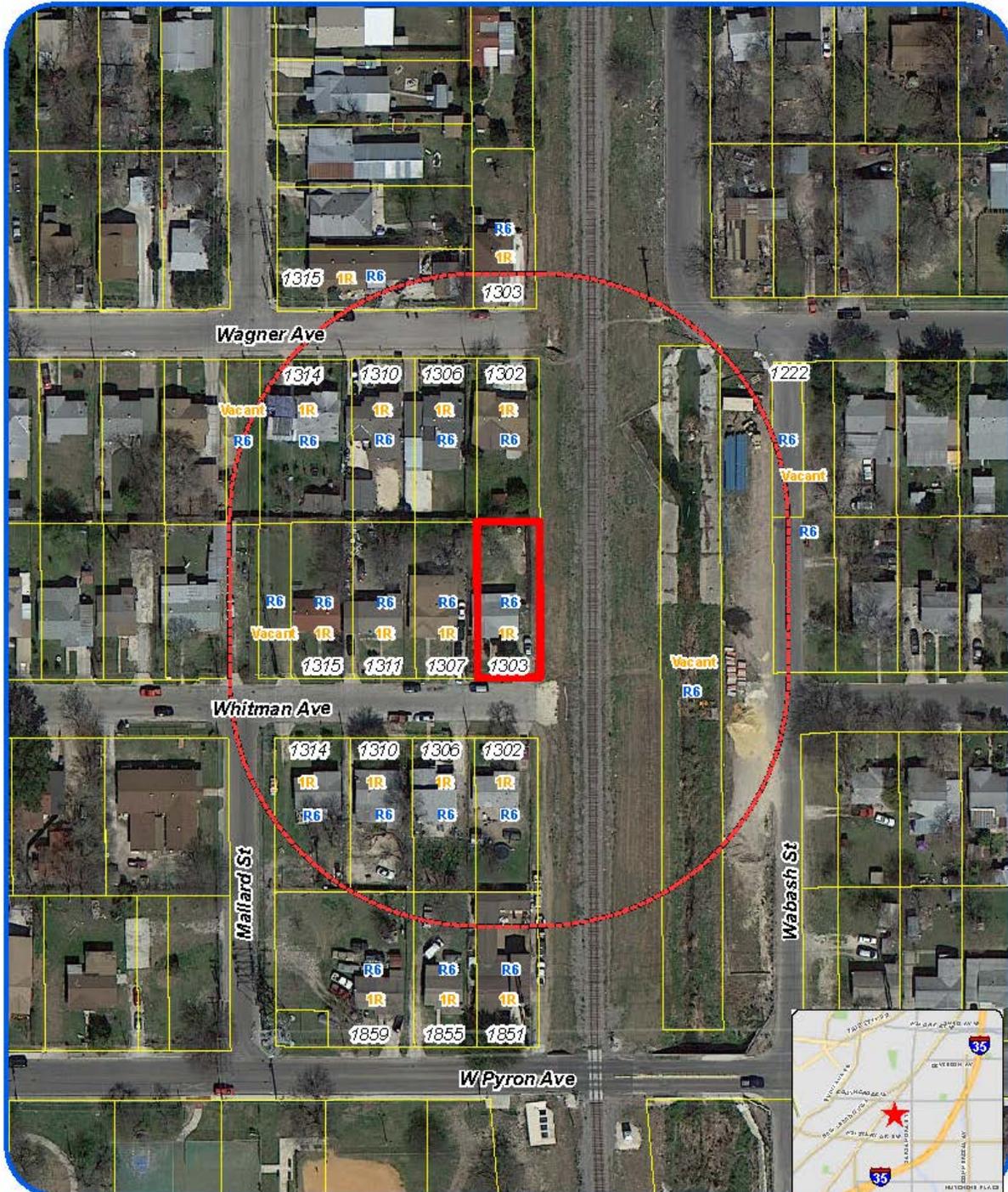
Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1
Notification Plan (continued)**



**Board of Adjustment
Notification Plan for
Case No A-15-002**


San Antonio City Limits 

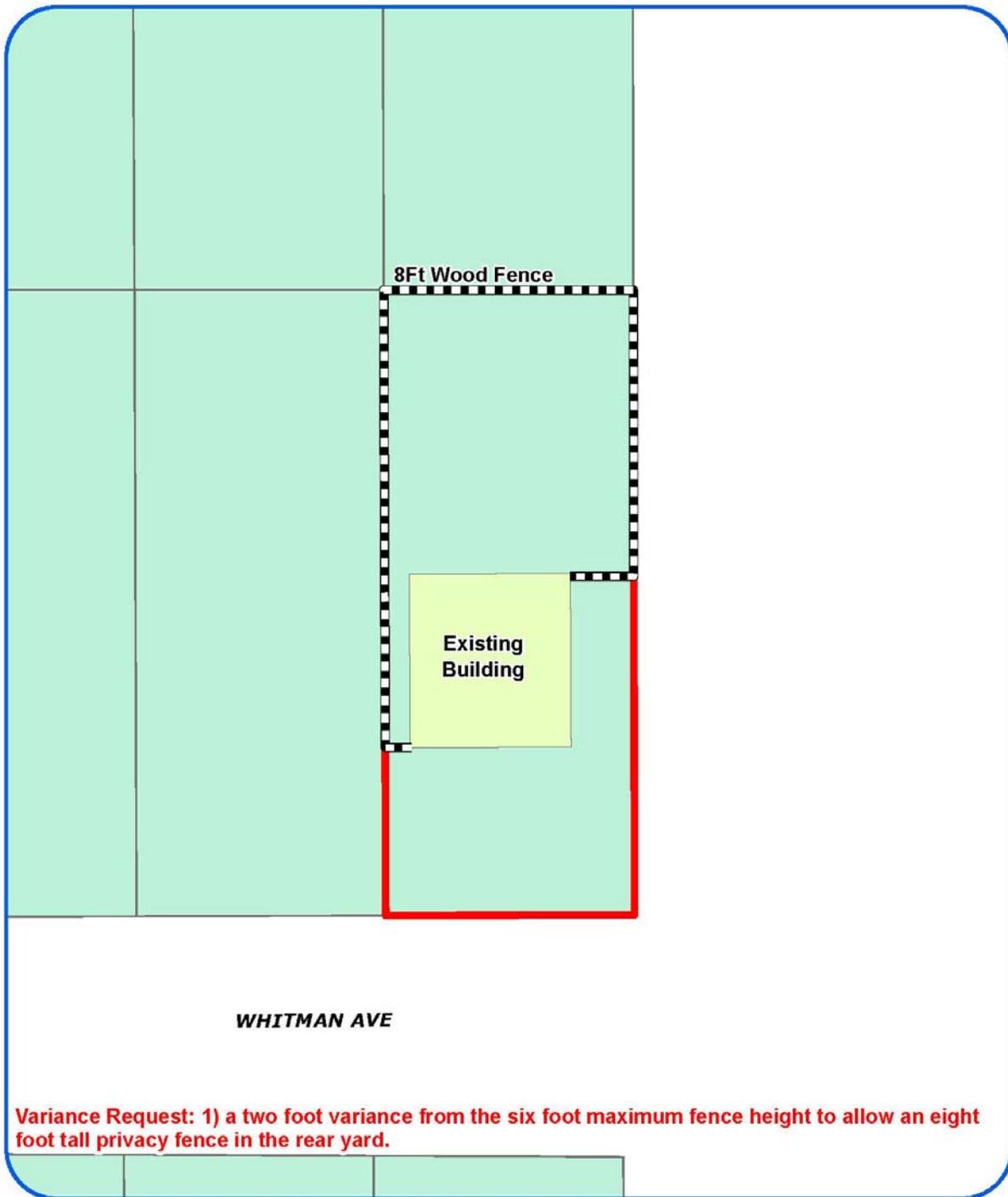
Subject Property 

200' Notification Boundary 

Council District 5 

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

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-002



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 5

1303 Whitman

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-15-002



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 5

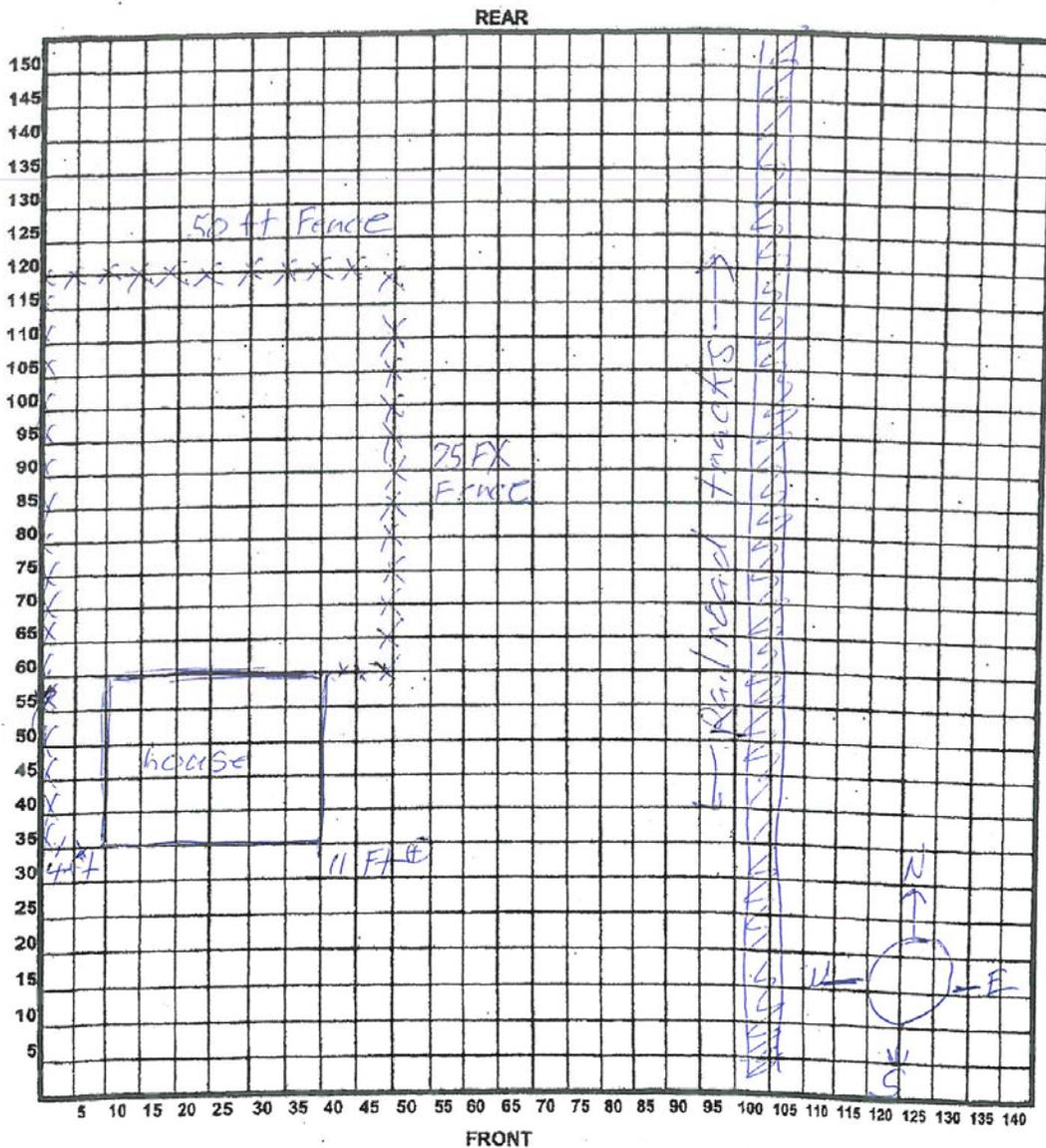
1300
1303 Whitman

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**

**PLOT PLAN
FOR
BLDG PERMITS**

Address 1303 Whitman Lot 19+20 Block 27 NCB 85/9



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

Attachment 4 - Photos

1303 Whitman Avenue (Subject Property)



1303 Whitman Avenue (Side View)



View of subject property from railroad tracks



Neighboring Property (Dense vegetation will conceal the proposed fence)





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-006
Date: November 17, 2014
Applicant: Thomas Mote
Owner: Joseph R. Dedo
Location: 119 Marlena Drive
Council District: 1
Legal Description: Lot 5, Block 62, NCB 10591
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two foot variance from the six foot maximum fence height as described in Section 35-514(d) to allow an eight foot tall privacy fence in the rear 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 within two hundred (200) feet of the subject property on October 30, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located approximately 264 feet west of Vance Jackson Road at 119 Marlena Drive. The applicant is seeking a variance to allow an eight foot tall privacy fence along the rear property line of the single-family home. The applicant sold the property to its current owners and shortly thereafter the new owners were cited by code enforcement. The original owner was unaware that he needed a permit to build the fence and has applied for the variance on behalf of the current owners.

Per the applicant, the alley behind the home experiences heavy vehicle traffic, and many of those vehicles are large trucks moving used furniture to and from a local furniture retailer. Additionally, the property behind the single-family home, on the other side of the alley, is a large, two story, multi-family complex. Considering the height of the apartment building, many tenants look directly into the applicant’s back yard. While the existing eight foot tall fence does not solve this problem completely, it does help to mitigate the adverse affects experienced by the abutting multi-family complex.

Lastly, the applicant has stated that crime has been a problem in the community. The alley way not only experiences heavy vehicle traffic, but foot traffic, too. The applicant states that drug paraphernalia, alcohol containers, and trash are commonly left in the alley by those who pass through. The additional fence height will help to separate the family from these activities.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“O-2 AHOD” High-Rise Office Airport Hazard Overlay District	Multi-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Greater Dellview neighborhood plan and has a future designated land use of low density residential. The property is located within the boundaries of the Dellview Area registered neighborhood association. The neighborhood association was 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. In this case, these criteria are related to the applicant’s desire to separate their single-family home from vehicle and foot traffic in the alley behind their property, as well as to separate themselves from the multi-family apartment complex to the rear of their property. The

current homeowners are raising a young family and would enjoy the added privacy and security that the existing eight foot tall fence would provide.

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

The special conditions present in this case are the proximity to the busy alley and the multi-family use abutting the property. A literal enforcement of the ordinance would limit the applicant to a six foot tall wooden privacy fence, which would not adequately provide for the separation between these uses. The current homeowner has also stated that there have been multiple attempted break-ins, though no police reports were provided to staff.

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

The requested variance may be considered consistent with the spirit of the ordinance because the fence serves to separate single-family from multi-family uses. Additionally, substantial justice will be done as those who pass through the alley behind the home have been known to leave drug paraphernalia and trash behind. The current residents benefit substantially from being able to separate their family from activities such as these. Lastly, substantial justice will be done because the fence will help to reduce the homes susceptibility to theft. The current homeowner has stated that the thieves have tried breaking into the home multiple times.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District.

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

The requested variances are unlikely to adversely affect the community as the fence is located along the rear property line of the single-family home. As such, the fence will not be seen from the street and will not negatively affect the character of the community. The existing eight foot tall fence will also help to separate the single-family home from the multi-family use at the rear of the applicant’s home.

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

The unique circumstances existing on the property are the close proximity of the multi-family development behind the home and the criminal activity in the alley behind the home.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to remove two feet of the eight foot tall fence to six foot tall, as allowed by code.

Staff Recommendation

Staff recommends approval of case A-15-006, based on the following findings:

1. The existing fence isn't visible from the street and does not negatively impact the character of the community.
2. The fence will serve to separate the single-family home from the multi-family use and the alley behind the home.

Attachments

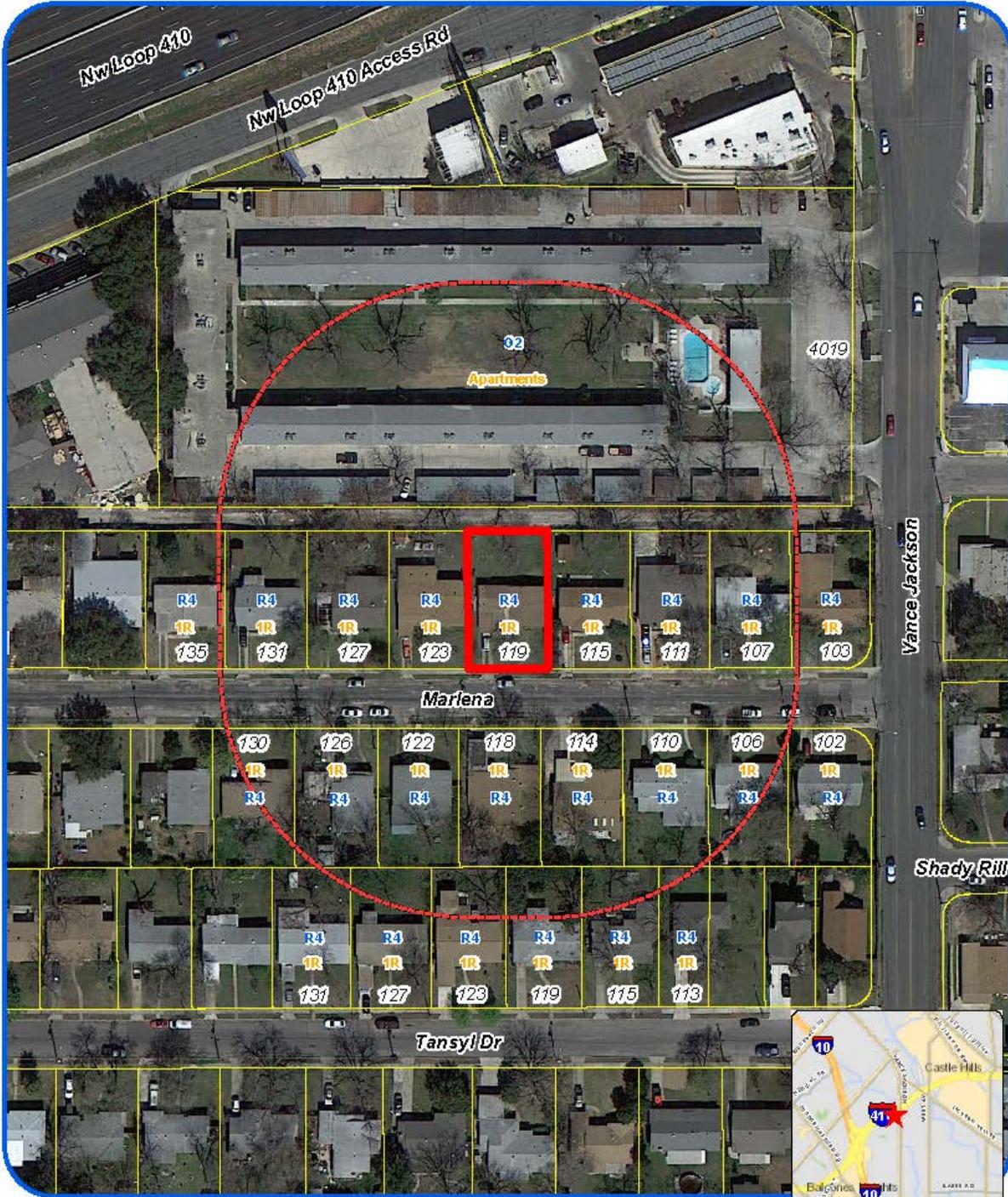
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

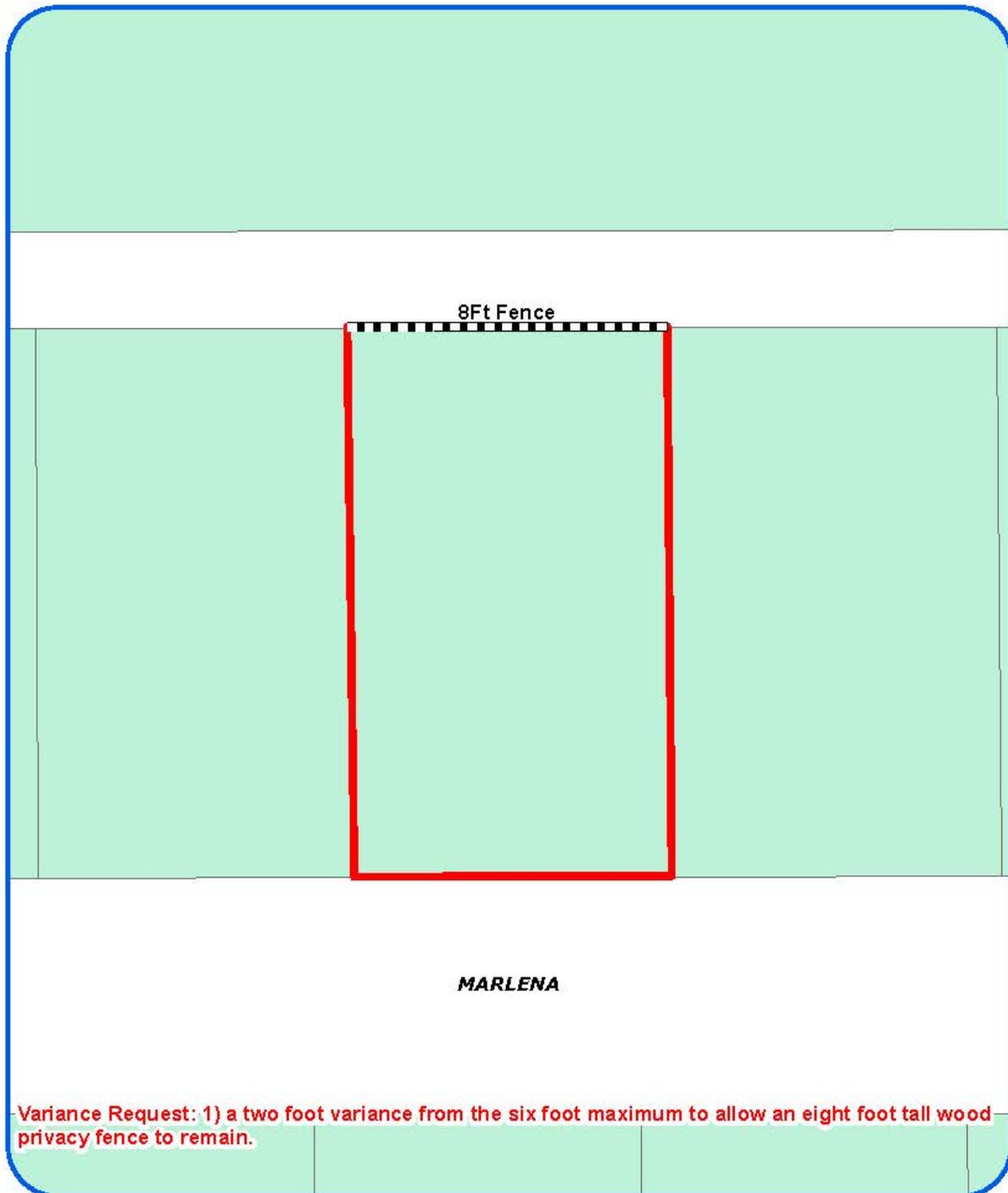
Attachment 4 – Photos

**Attachment 1 (cont)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-15-006</p>		<p>San Antonio City Limits </p>	<p align="right">*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</p> <p align="right">Debra Kpeme at Services Department City of San Antonio</p>
		<p>Subject Property </p>	
		<p>200' Notification Boundary </p>	
		<p>Council District 1 </p>	

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-006



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

119 Marlena

Development Services Department
City of San Antonio

**Attachment 2 (cont)
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-006

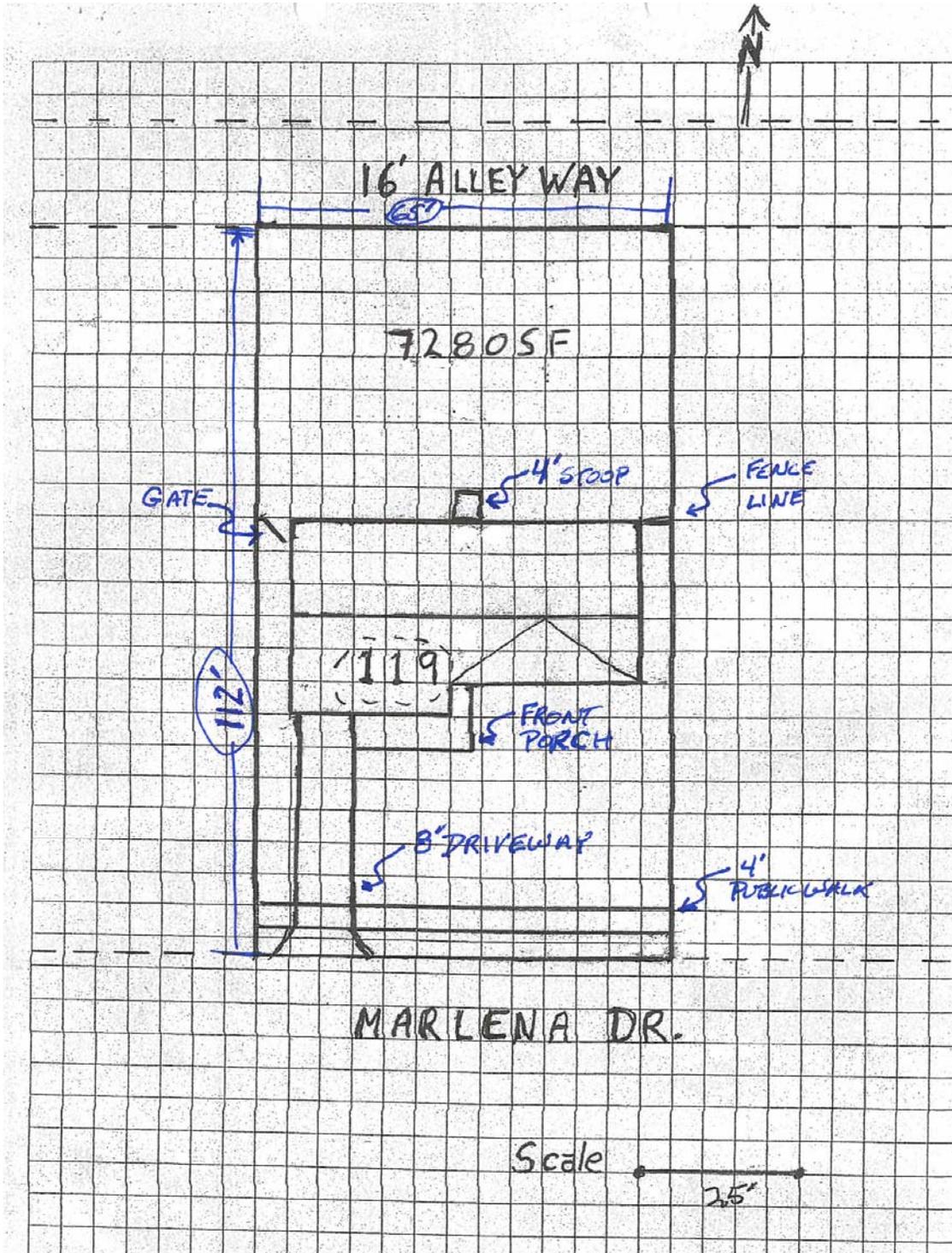


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

119 Marlena

Development Services Department
City of San Antonio

Attachment 3
Applicant's Site Plan



**Attachment 4
Site Photos
Subject Property (119 Marlana)**



Subject Property Rear Yard (Multi-family apartment complex under renovation)



Subject Property Side Yard (Gate)



Alley behind the home, vehicle traffic apparent





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-004
Date: November 17, 2014
Applicant: Fred Schraub
Owner: Fred Schraub
Council District: 1
Location: 138 E. Agarita Avenue
Legal Description: Lot 10 & W. 12.5 ft of Lot 11, Block 4, NCB 1701
Zoning: "R-4 H AHOD" Residential Single Family Monte Vista Historic Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 3 foot variance from the minimum 5 foot side yard setback, as detailed in Table 35-310-1, to allow a carport 2 feet from the side property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on October 31, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 31, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located in the Monte Vista Historic District and according to Bexar County Tax Appraisal District, the home was built in 1922. These records also indicate that a carport, containing 324 square feet, was constructed in 1922. The applicant has owned the home for more than 20 years, routinely repairing the carport, but would now like to replace it. A structural engineer was consulted to determine if any of the existing carport, including the foundation, could be salvaged but concluded that the entire structure needed to be rebuilt. The

carport is located in the rear corner of the property with access from a long narrow driveway leading from Agarita Avenue. The applicant would like to rebuild the new carport in the same location, which requires the requested 3 foot variance from the minimum 5 foot side yard setback. According to the applicant, this remaining 2 feet would provide adequate room for maintenance and fire protection, stating that the east wall would be constructed with a two hour fire rating. The applicant has gained a positive recommendation from the Monte Vista Historical Association architectural review committee, but has not sought approval from the Historic Design and Review Commission.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 H AHOD” Residential Single Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Monte Vista Historic Neighborhood Association, a registered neighborhood association. As such, the neighborhood association was 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. In this case the public interest would be represented by the need for an adequate setback as required for air,

light and access for long-term maintenance. **However, on this property, an accessory structure has occupied this space for over 90 years. The applicant has discussed the proposed reconstruction with the abutting property owners, who expressed no concerns over the location. Therefore, the requested variance would not be contrary to the public interest.**

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

A literal enforcement of the 5 foot setback would force a vehicle to enter the new carport on an angle, thereby reducing the available storage space from two vehicles to one. The existing driveway is less than 8 feet in width, leaving no room for maneuvering. This special condition makes literal enforcement of the 5 foot setback an unnecessary hardship.

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

The spirit of the ordinance will be observed by allowing the carport to be reconstructed in the same location it has been for over 90 years, given it will have room for maintenance without trespass and will be constructed with fire-rated materials.

4. *The 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 H AHOD” Monte Vista Historic District Residential Single Family Airport Hazard Overlay 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 would allow the reconstruction of an existing carport in the rear yard of a historic home in the Monte Vista Historic District. While the carport design has not been granted a Certificate of Appropriateness, it has been reviewed and approved by the architectural committee of the historic district’s neighborhood association.

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 plight of the owner is not financial, but instead due to the narrow lot and the structural integrity of the existing carport. The variance if granted would still provide room for maintenance and fire protection as envisioned by the setbacks.

Alternative to Applicant’s Request

The applicant would need to comply with the standards established by the Unified Development Code, building a smaller carport setback 5 feet from the side property line.

Staff Recommendation

Staff recommends **approval of A-15-004** based on the following findings of fact:

1. The proposed variance would provide adequate room for maintenance and fire safety, while allowing the reconstruction of a carport in its historic location, in keeping with the traditional lot development patterns of the neighborhood.

Attachments

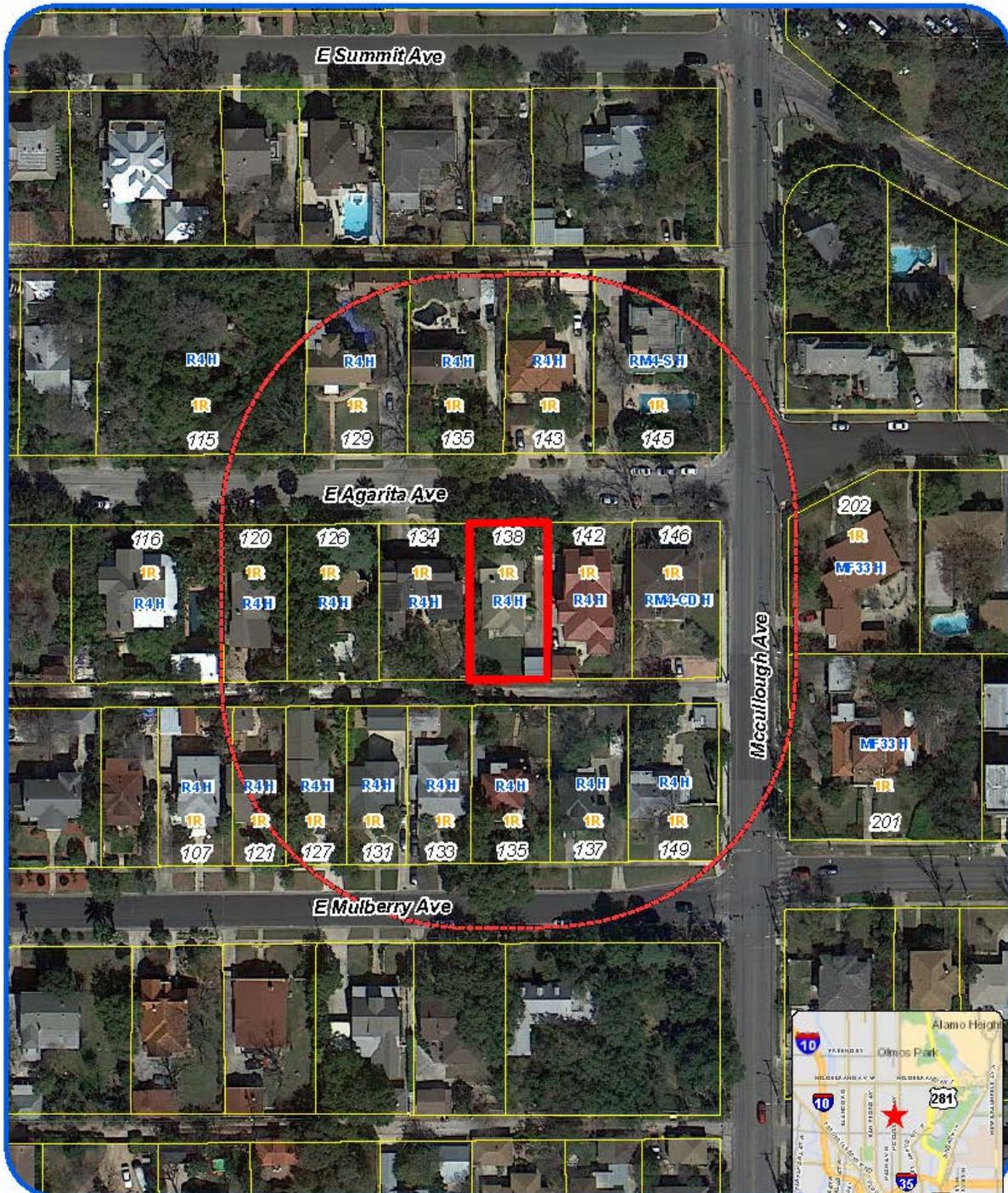
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Applicant Site Plan

Attachment 4 – Site Photos

**Attachment 1
Notification Plan (continued)**



**Board of Adjustment
Notification Plan for
Case No A-15-004**



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

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Department of Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-004



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

138 E Agarita

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-15-004

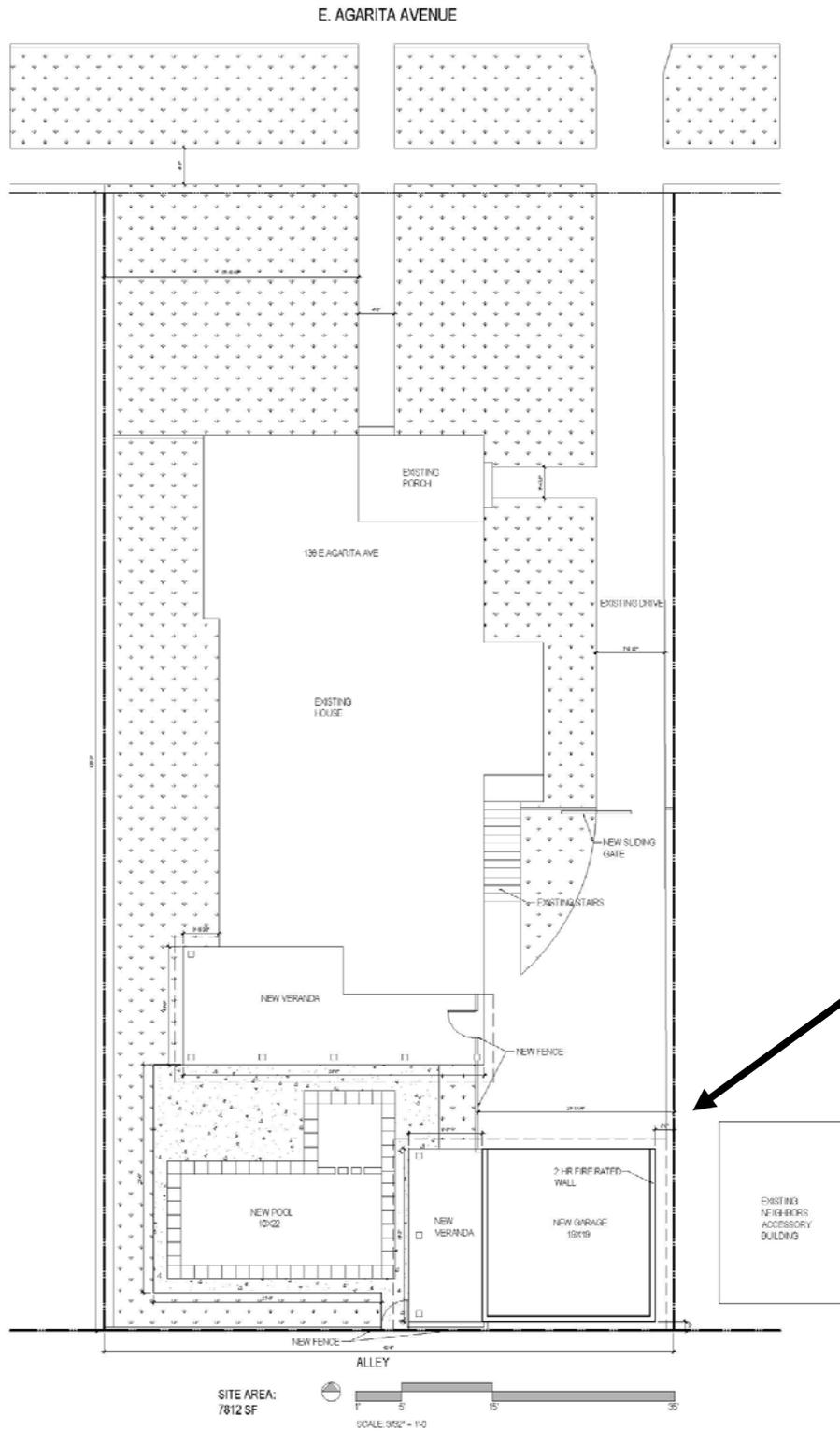


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

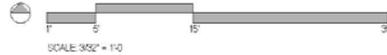
138 E Agarita

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site



SITE AREA:
7812 SF



SITE PLAN

Attachment 4 - Photos

138 E Agarita Ave (Subject Property)





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-007
Date: November 17, 2014
Applicant: Michael Wille
Owner: Michael Wille
Location: 7703 Hartman Court
Council District: 10
Legal Description: Lot 15, NCB 11824
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a three foot variance from the 20 foot required rear building setback as described in Section 35-310.01 to allow an addition to an existing garage 17 feet from the rear property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on October 30, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located approximately 325 feet west of Robin Rest Drive at 7703 Hartman Court. The applicant is seeking a variance to allow construction of an addition to the homes existing garage. The applicant hopes to construct the garage for additional parking and storage space.

The Unified Development Code requires a 20 foot rear setback, as described in Section 35-310.01. With the proposed addition the garage would end 17 feet from the rear property line.

Currently, the home, which is on a corner lot, abuts a church at the rear of the property. From the applicants rear property line to the church parking lot is a distance of nearly 65 feet. As such, allowing a three foot encroachment into the homes rear setback would still permit a total of 82 feet of separation between the applicant’s home and the commercial use. Current standards allow for a 20 foot wide curb cut to serve residential uses. The applicant’s curb cut is already 28 feet wide. As such, the applicant would not be permitted any additional curb cut to service the proposed addition to the garage.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Northeast Inner Loop neighborhood plan and has a future designated land use of low density residential. The property is located within the boundaries of the Oak Park - Northwood registered neighborhood association. The neighborhood association was 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. In this case, these criteria are related to the balance between the applicant’s need for additional parking and storage space and the separation needs between residential and commercial uses. Though the applicant is asking for a three foot variance from the 20 foot required rear setback, the proposed garage addition will still be 82 feet from the nearest commercial

use being the parking lot for the church. With 82 feet a separation between uses the variance is not contrary to the public interest.

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

The special conditions present in this case are the proximity to the commercial use abutting the rear of the applicant's property. The requested variance would still provide for 82 feet of separation between the proposed garage addition and the nearest use. As such, denying the applicant's request will result in an unnecessary hardship. The applicant would not be permitted an expansion to the existing curb cut. The existing curb cut already exceeds the maximum of 20 feet by eight feet.

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

The requested variance may be considered consistent with the spirit of the ordinance because the proposed garage addition would still be 82 feet from the nearest use, being the church parking lot. An 82 foot space is adequate for separation for fire protection and is enough space to provide for fair access to air and light. As such, the requested variances may be considered consistent with the spirit of the ordinance. The applicant should not be permitted any additional curb cut to accommodate the proposed addition as the existing cut already exceeds that allowed by code by eight feet.

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District.

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

The requested variances are unlikely to adversely affect the community as the proposed addition will be 82 feet from the nearest neighboring use. This distance more than provides for fire separation requirements and fair access to air and light.

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

The unique circumstances existing on the property are 20 foot required front building setbacks which push the dwelling further back than is common on other, similar residential lots. If the home was built with a 10 or 15 foot front setback, as is common on residential lots in San Antonio, then the variance wouldn't be necessary. The requested variance is not simply financial in nature.

Alternatives to Applicant's Request

The alternative to the applicant's request is to construct the addition in the rear of the existing garage for additional storage space, though it is unlikely that the applicant would ever be able to park a car in that space.

Staff Recommendation

Staff recommends approval of case A-15-007, based on the following findings:

1. The proposed addition is unlikely to adversely affect neighboring properties as large separation between uses will be maintained.

Attachments

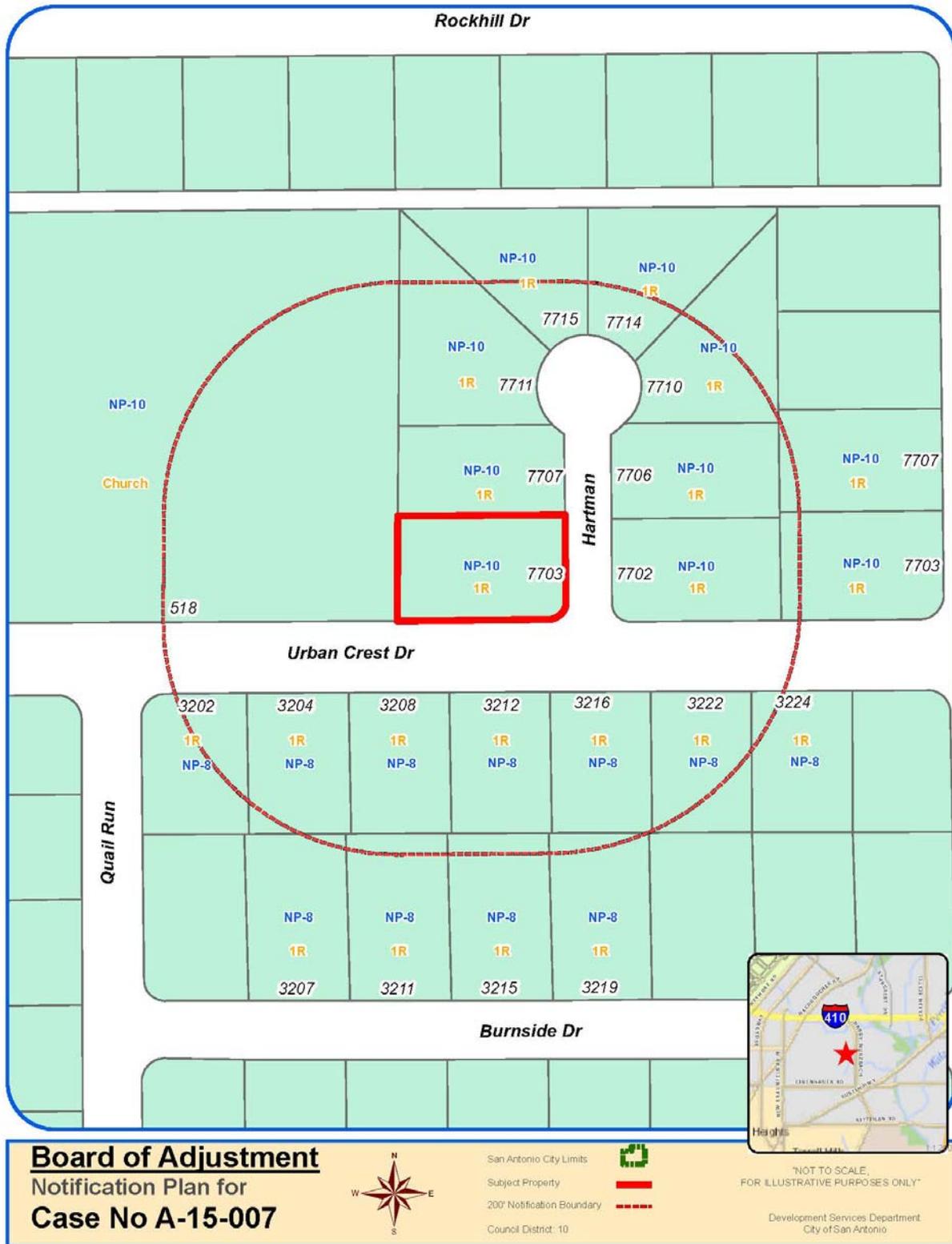
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

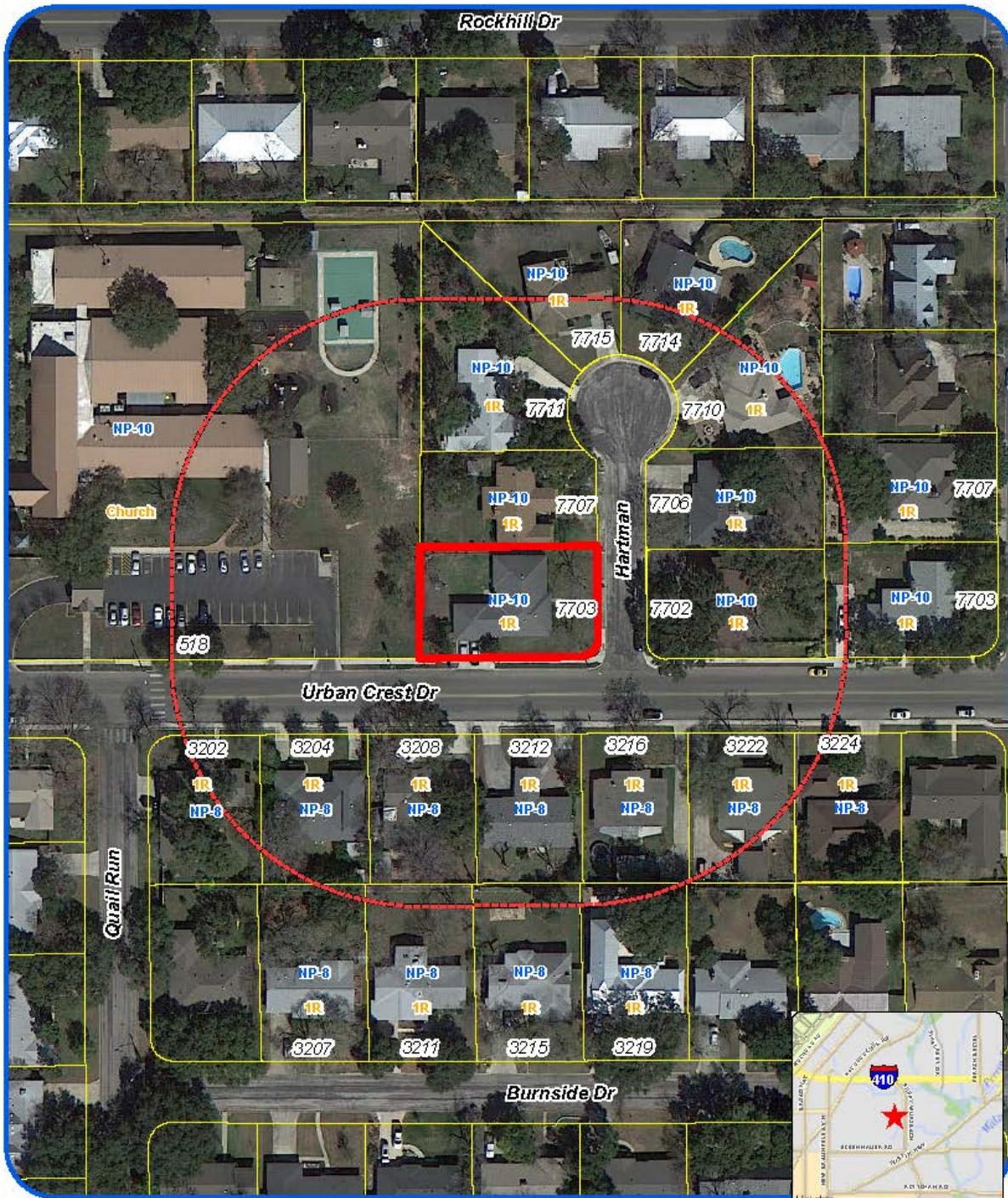
Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan

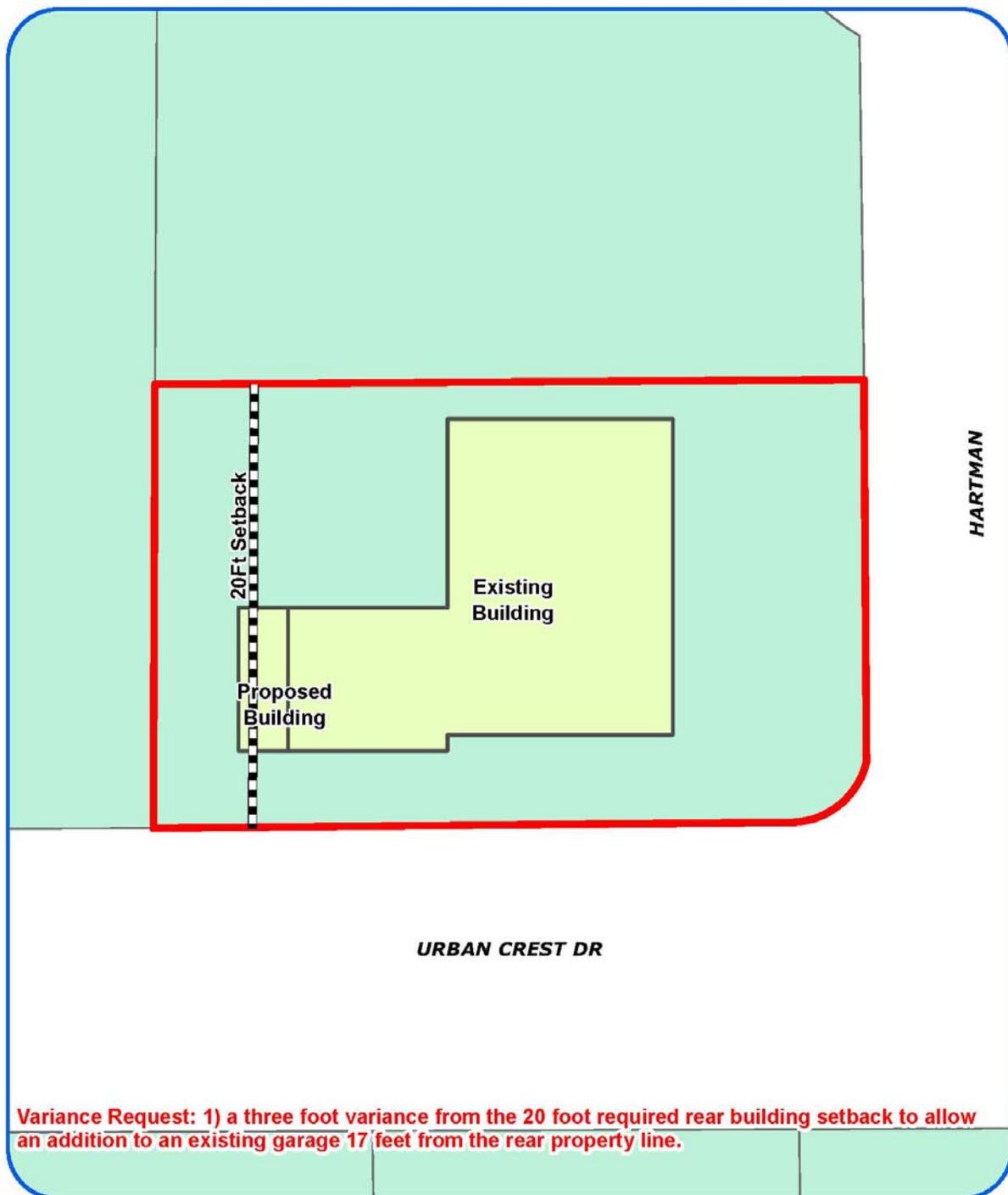


**Attachment 1 (cont)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-15-007</p>		<p>San Antonio City Limits </p>
		<p>Subject Property </p>
		<p>200' Notification Boundary </p>
		<p>Council District 10 </p>
	<p><small>*NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY*</small></p> <p><small>Debra Kpeme at Services Department City of San Antonio</small></p>	

**Attachment 2
Plot Plan**



Variance Request: 1) a three foot variance from the 20 foot required rear building setback to allow an addition to an existing garage 17 feet from the rear property line.

Board of Adjustment
Plot Plan for
Case No A-15-007



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

7703 Hartman Ct

Development Services Department
City of San Antonio

**Attachment 2 (cont)
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-007



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

7703 Hartman Ct

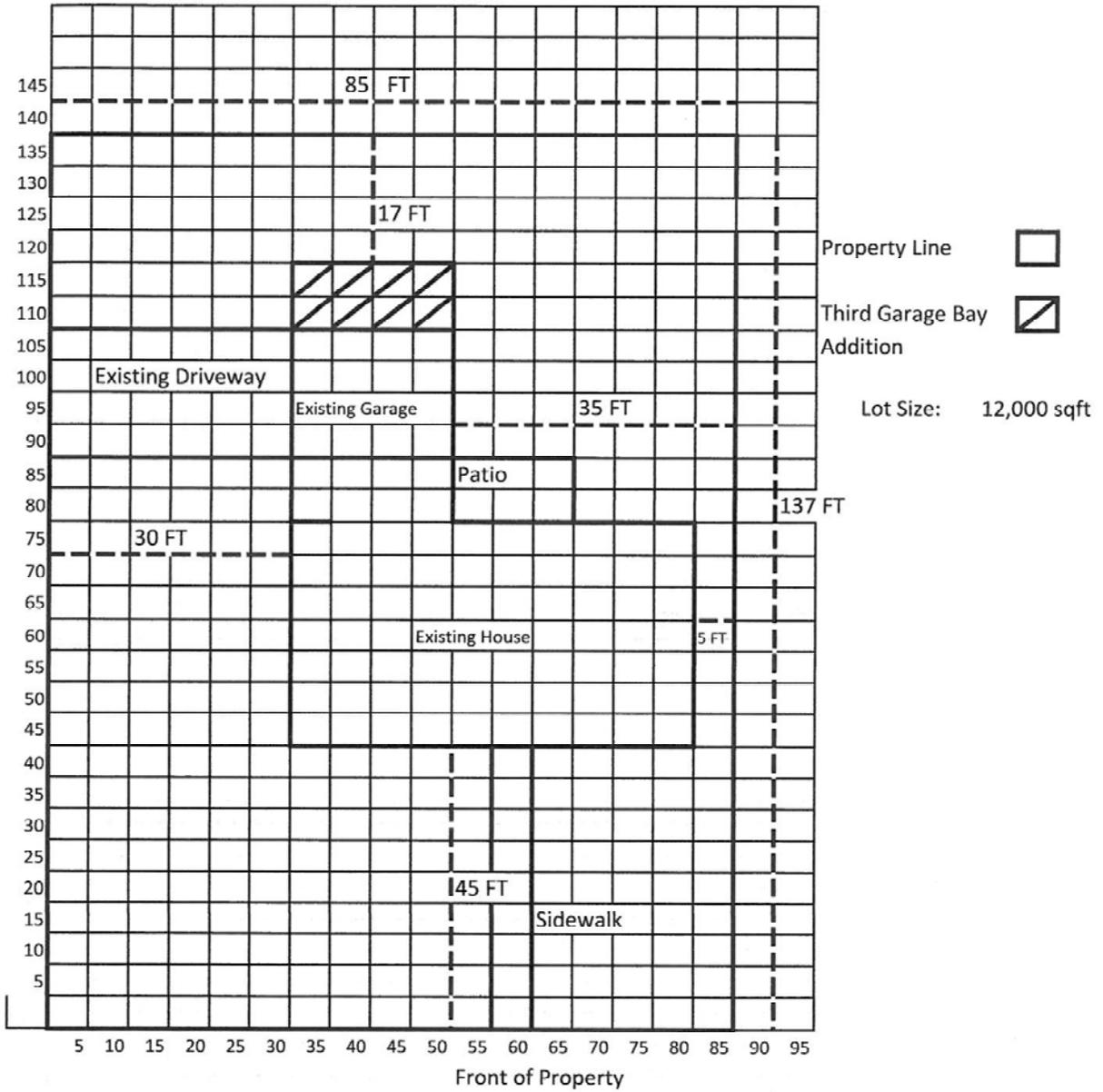
Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

Address: __ 7703 Hartman 78209
Property ID: 492313

Lot: 15 Block: NCB: 11824

Rear of Property



**Attachment 4
Site Photos
Subject Property (7703 Hartman Court)**



Subject Property Side Yard



Subject Property Rear Yard (Location of proposed addition)



Streetscape





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

To: Board of Adjustment
Case No.: A-15-009
Date: November 17, 2014
Applicant: O'Reilly Automotive Store
Owner: Jack Genede, CarPar Property II, LLC
Location: 2812 Pleasanton Road
Council District: 3
Legal Description: Lot 116, NCB 9483
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for an eight foot variance from the required 30 foot rear building setback as described in Section 35-310.01 to allow a retail store 22 feet from the rear property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on October 30, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 30, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located approximately 142 feet south of West Harding Boulevard at 2812 Pleasanton Road. The applicant is seeking a variance to allow construction of an addition to the existing store to stock a larger inventory.

The Unified Development Code requires a 30 foot rear setback, as described in Section 35-310.01, because the property is zoned industrial and abuts a residential use to the rear. With the proposed addition the building would end 22 feet from the rear property line.

During field visits staff noted that the current store has several flood lights to illuminate the rear yard of the property. Staff asked if O’Reilly would be willing to relocate or remove the flood lighting from the proposed addition so that the residential property behind the store doesn’t experience the negative impacts of the lighting encroaching into their yard. The applicant stated in emails to staff that they would remove the rear flood lights for the benefit of their neighbors and will provide an additional landscape buffer to better separate the commercial and residential uses.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1AHOD” Light Industrial Airport Hazard Overlay District	Automotive Parts Store

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 AHOD” Light Industrial Airport Hazard Overlay District	Single-Family Dwelling
South	“C-2 NA AHOD” Commercial Non-Alcohol Sales Airport Hazard Overlay District	Commercial (Store)
East	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“C-3 NA AHOD” General Commercial Non-Alcohol Sales Airport Hazard Overlay District	Commercial (Store)

Comprehensive Plan Consistency/Neighborhood Association

The property is not located within the boundaries of any neighborhood plan and has no future designation land use. The property is located within the boundaries of the Harlandale Park registered neighborhood association. The neighborhood association was 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. In this case, these criteria are related to the balance between the applicant’s need for additional retail space and the needs of the neighboring properties to be able to enjoy their property. Because the requested variance will bring the retail store within 22 feet of the rear neighbors property, the applicant has told staff that O’Reilly will remove existing flood lighting at the rear of the building so that the neighbors yard is not illuminated overnight.

Also, the applicant has volunteered to plant additional landscape buffering for better separation between the two uses.

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

The special conditions present in this case are the proximity of the commercial use abutting the residential use at the rear of the applicant's property. Because the applicant is removing exterior lighting and adding more landscaping to meet the spirit of the ordinance a literal enforcement of code would result in an unnecessary hardship because the store could not expand to better serve area residents.

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

The requested variance may be considered consistent with the spirit of the ordinance because the proposed addition will not have any flood lighting that could infringe on the enjoyment of the neighbors property, especially after hours. Also, the applicant is proposing to add a larger buffer yard to better separate the commercial and residential uses. Substantial justice will be done because of the efforts of the applicant to meet 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "I-1 AHOD" Light Industrial Airport Hazard Overlay District.

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

The requested variances are unlikely to adversely affect the neighboring property because the applicant is removing exterior flood lights and adding landscape buffering. With these two mitigation efforts in place it is unlikely that adjacent, conforming uses will be harmed.

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

The unique circumstances existing on the property are the large setbacks required when industrially zoned land meets residentially zoned land. The store, which is situated on an irregularly shaped lot is in need of expansion to keep up with demand from the community. Because of the irregularly shaped lot the proposed addition encroaches into the required setback by eight feet. These conditions are not the fault of the owner and are not merely financial in nature.

Alternatives to Applicant's Request

The alternative to the applicant's request is to construct a smaller addition only to the south end of the building, which would not require a variance.

Staff Recommendation

Staff recommends approval of case A-15-009, based on the following findings:

1. The proposed addition is unlikely to adversely affect neighboring properties as the applicants have volunteered to remove exterior lighting and have offered to add additional landscape buffering.

Attachments

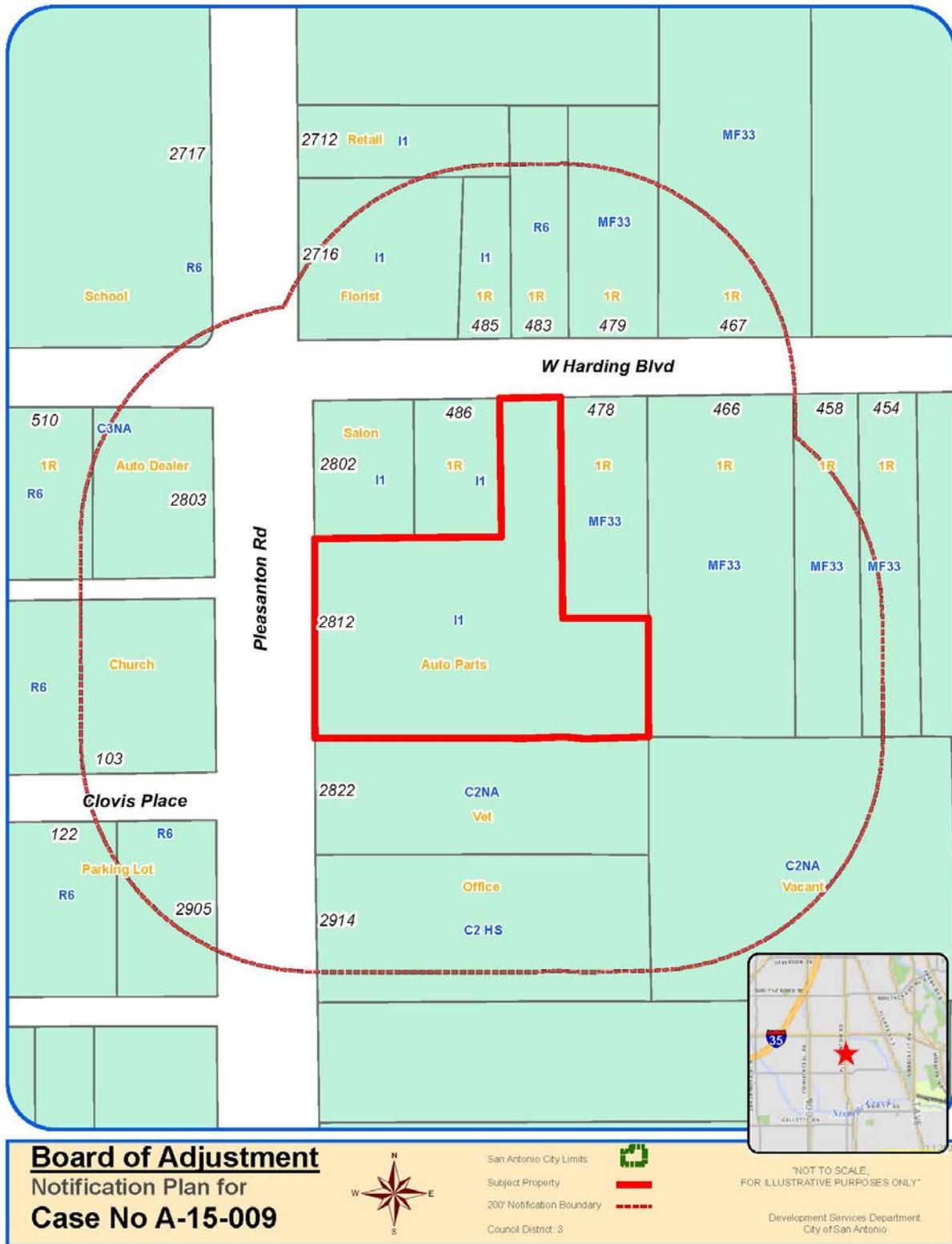
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

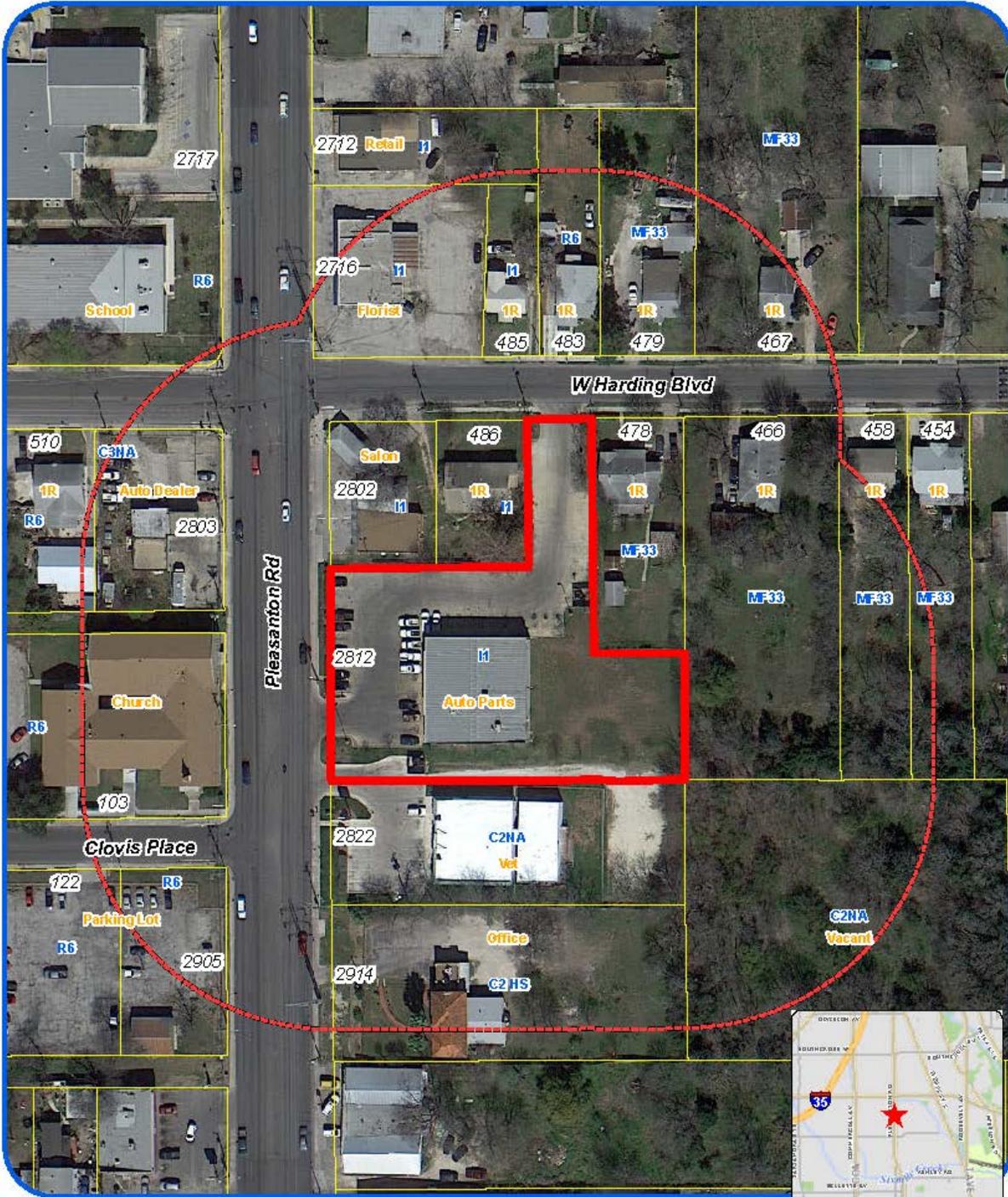
Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 1 (cont)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-15-009**


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

*NOT TO SCALE,
 FOR ILLUSTRATIVE PURPOSES ONLY*
 Debra Koppe at Services Department
 City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-009



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

2812 Pleasanton

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request: 1) an eight foot variance from the required 30 foot rear building setback to allow a retail store 22 feet from the rear property line.

Board of Adjustment
Plot Plan for
Case No A-15-009

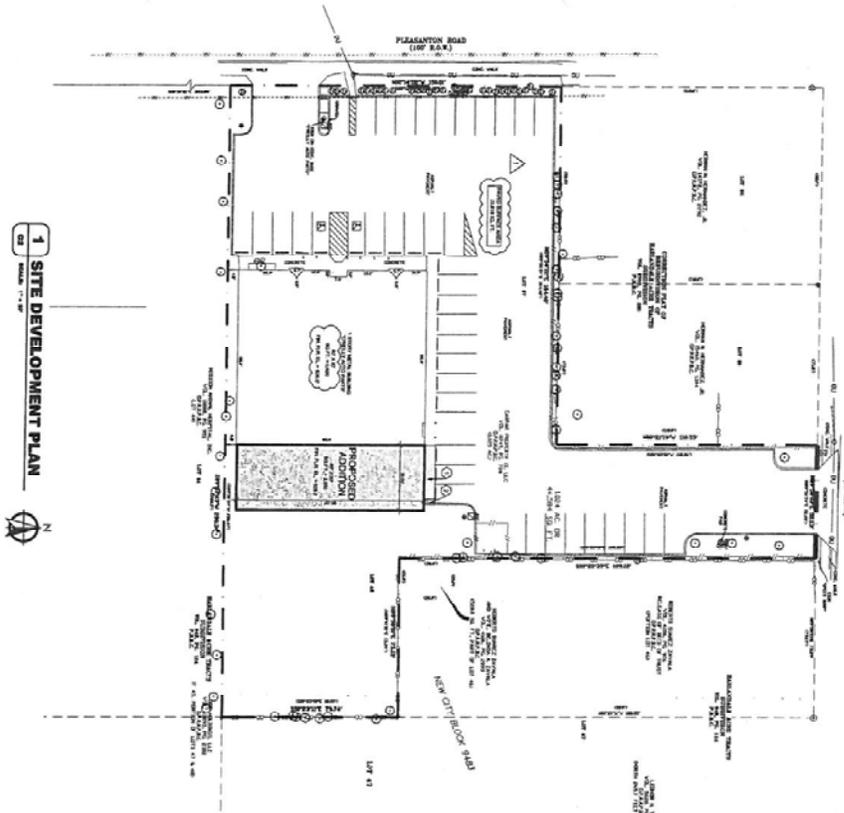


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 3

2812 Pleasanton

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



CAUTION:
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL OF THIS SITE PLAN. THE CITY ENGINEER'S APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S APPROVAL IS LIMITED TO THE INFORMATION PROVIDED HEREON AND DOES NOT EXTEND TO ANY OTHER INFORMATION OR TO ANY OTHER ASPECTS OF THE PROJECT. THE CITY ENGINEER'S APPROVAL IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S APPROVAL IS LIMITED TO THE INFORMATION PROVIDED HEREON AND DOES NOT EXTEND TO ANY OTHER INFORMATION OR TO ANY OTHER ASPECTS OF THE PROJECT.

CONCRETE CURB SECTION
CONCRETE CURB SHALL BE 4" HIGH AND 18" WIDE. THE CURB SHALL BE SET ON A 4" THICK CONCRETE SLAB. THE CURB SHALL BE SET ON A 4" THICK CONCRETE SLAB. THE CURB SHALL BE SET ON A 4" THICK CONCRETE SLAB.

ASPHALT PAVING SECTION
ASPHALT PAVING SHALL BE 4" THICK. THE PAVING SHALL BE SET ON A 4" THICK CONCRETE SLAB. THE PAVING SHALL BE SET ON A 4" THICK CONCRETE SLAB. THE PAVING SHALL BE SET ON A 4" THICK CONCRETE SLAB.

KEY NOTES:
1. ALL DIMENSIONS TO THE CENTERLINE OF CURB UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS TO THE CENTERLINE OF CURB UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS TO THE CENTERLINE OF CURB UNLESS NOTED OTHERWISE.

SYMBOLS LEGEND

[Symbol]	EXISTING CURB
[Symbol]	NEW CURB
[Symbol]	EXISTING ASPHALT
[Symbol]	NEW ASPHALT
[Symbol]	EXISTING CONCRETE
[Symbol]	NEW CONCRETE
[Symbol]	EXISTING PAVEMENT
[Symbol]	NEW PAVEMENT

GENERAL NOTES:
1. ALL DIMENSIONS TO THE CENTERLINE OF CURB UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS TO THE CENTERLINE OF CURB UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS TO THE CENTERLINE OF CURB UNLESS NOTED OTHERWISE.

O'Reilly AUTO PARTS
 PROJECT: ADDITION TO O'REILLY AUTO PARTS STORE
 2812 PLEASANTON ROAD
 SAN ANTONIO, TEXAS

ANDERSON ENGINEERING, INC.
 ENGINEERS - SURVEYORS - LABORATORIES - DRAINAGE
 2812 PLEASANTON ROAD, SAN ANTONIO, TEXAS 78204

PROJ# 10107-11
 DWG# WB-109-455

SITE DEVELOPMENT PLAN

DATE: 01/15/14
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN

**Attachment 4
Site Photos
Subject Property (2812 Pleasanton Road)**



Home at rear of the property



Floodlights on rear of existing structure



Neighbors rear yard, O'Reilly store visible from street





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-003
Date: November 17, 2014
Applicant: Erlinda Cortez
Owner: Erlinda Cortez
Council District: 2
Location: 416 Pershing Avenue
Legal Description: Lots 8 & 9, Block 1, NCB 6524
Zoning: "R-4 NCD-6" Residential Single Family Mahncke Park Neighborhood
Conservation District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 52 foot variance from the Mahncke Park Neighborhood Conservation District requirement, Section 3.6, that an attached carport be located behind the principal structure to allow an attached carport 10 feet in front of the home and 2) a 5 foot variance from the minimum side yard setback, detailed in Table 35-310-1, to allow the carport on the side property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on October 31, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 31, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on Pershing Avenue across from the San Antonio Country Club Golf Course, within the Mahncke Park neighborhood. According to the Bexar County Appraisal District, the home was constructed in 1935 and includes approximately 1,400 square feet of floor

area. A detached two car garage, made out of the same historic limestone, is constructed in the rear yard.

The applicant is requesting the two variances to allow the addition of a carport trellis structure over the existing 9 foot wide driveway. The metal posts constructed to support the trellis roof will be located within a foot of the side property line. The carport is proposed to extend out almost 10 feet in front of the front façade. Originally, the application only included a request for a variance from the minimum 5 foot side yard setback, but the Neighborhood Conservation District (NCD) design standards require that carports be located to the rear of the principal structure. Therefore, a second variance is requested to modify the NCD standards.

In particular, Section 3.6 of the Mahncke Park Neighborhood Conservation District Standards: Garages, Carports, Accessory Structures and Accessory Dwellings:

When a garage or carport entry faces in the same direction as the front façade of the principal dwelling, the garage or carport shall be detached from the principal structure and located behind the principal dwelling.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4” Residential Single-Family District	Golf Course
South	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Duplex
East	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Residence
West	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Mahncke Park Neighborhood Association, a registered neighborhood association. As such, the neighborhood association was 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. In this case the public interest would be represented by the Mahncke Park NCD standards, which were adopted to protect the prominent defining characteristics of the neighborhood. In this situation, the variance to allow the carport to protrude in front would be contrary to the public interest. Perhaps the Board could consider a reduced variance to allow the carport adjacent to the principal building. However, **given that the proposed carport structure will be metal, approving the requested side setback variance may be in the public's interest.**

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

A literal enforcement of the code would result in the applicant having to construct the carport structure behind the home. The requested NCD variance would eliminate the location design standard and allow the carport in front of the front façade. A more modest modification of the design standard to allow the carport adjacent to the structure would have less negative impact on the streetscape. **Since no portion of the proposed carport trellis will be flammable, and the 9 foot driveway is constructed on the property line, a literal enforcement of the 5 foot setback would result in an unnecessary hardship.**

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

The spirit of the ordinance will not be observed by allowing the carport to extend 10 feet in front of the façade of the home; this requested location would give the carport visual prominence. The NCD standards were designed to prevent this. **The Board could instead reduce the requirement that the carport be located behind the structure and allow the carport to be built adjacent to the structure behind the front façade. The requested side yard variance would allow the trellis to be located over the driveway, in keeping with the spirit of the ordinance.**

4. *The 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation 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 NCD variance is likely to adversely affect adjacent property owners by allowing a metal trellis structure in front of the historic front façade of the existing home. The essential character of the Mahncke Park neighborhood is the minimal visual impact of rear garages. In checking each of the houses on this block of Pershing Avenue, only one includes a garage (attached) visible from the street. **If the carport were built behind the front façade, even 5 feet behind, the visual impact would be significantly reduced. The proposed side setback variance will not injure the adjacent property, since the carport structure is metal.**

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 design standards of the Neighborhood Conservation District impact nearly 1,000 homes, making the plight of the owner not unique. The driveway is located on the side of the house and is the same width of a parking stall. **A side yard variance is required to cover the driveway; the setback would require the support system be constructed in the middle of the drive. The purpose of the typical setback is to provide fire separation and room for maintenance without trespass, two features not required by the proposed design.**

Alternative to Applicant's Request

The applicant would need to comply with the standards established by the Unified Development Code and build the carport in the rear yard away from the side property line.

Staff Recommendations

Staff recommends **denial of the NCD variance, detailed in A-15-003** based on the following finding of fact:

1. The proposed NCD variance to allow the carport 10 feet in front of the front façade of the home would interfere with the traditional street pattern of hidden accessory structures.

Staff recommends **approval of the side yard setback variance, detailed in A-15-003** based on the following finding of fact:

1. That the design of the carport trellis includes non-flammable materials which require no maintenance.

Staff recommends **approval of a reduced NCD variance to allow the proposed carport adjacent to the home, setback from the front façade at least 5 feet** based on the following finding of fact:

1. That setting the carport behind the front façade will reduce its prominence and eliminate the negative visual impact.

Attachments

- Attachment 1 – Notification Plan (Aerial Map)
- Attachment 2 – Plot Plan (Aerial Map)
- Attachment 3 – Applicant Site Plan
- Attachment 4 – Site Photos

Attachment 1 Notification Plan



Board of Adjustment
Notification Plan for
Case No A-15-003

San Antonio City Limits

Subject Property

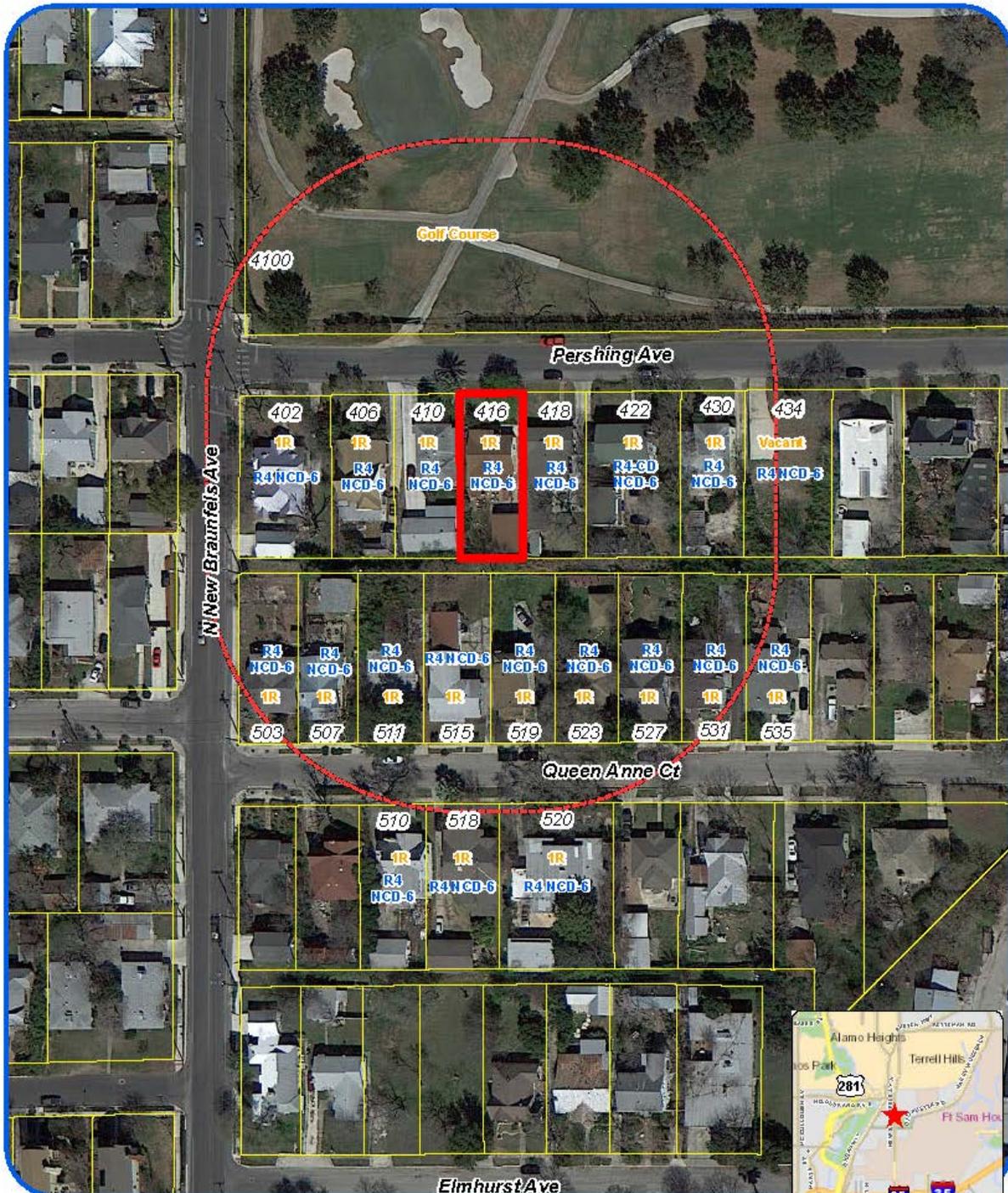
200' Notification Boundary

Council District: 2

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

Attachment 1 Notification Plan (continued)



Board of Adjustment
Notification Plan for
Case No A-15-003

San Antonio City Limits

Subject Property

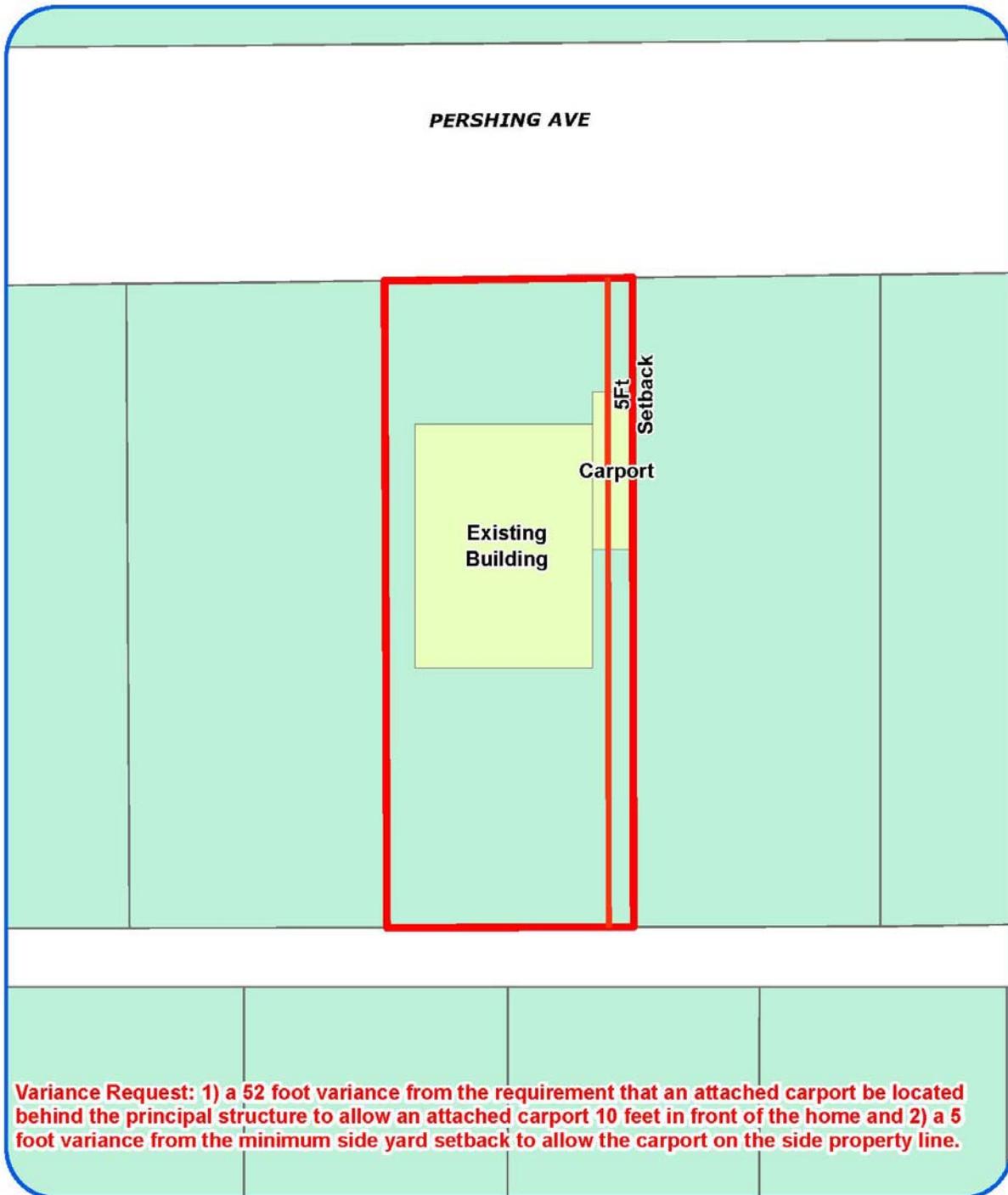
200' Notification Box radius

Council District 2

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Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-15-003

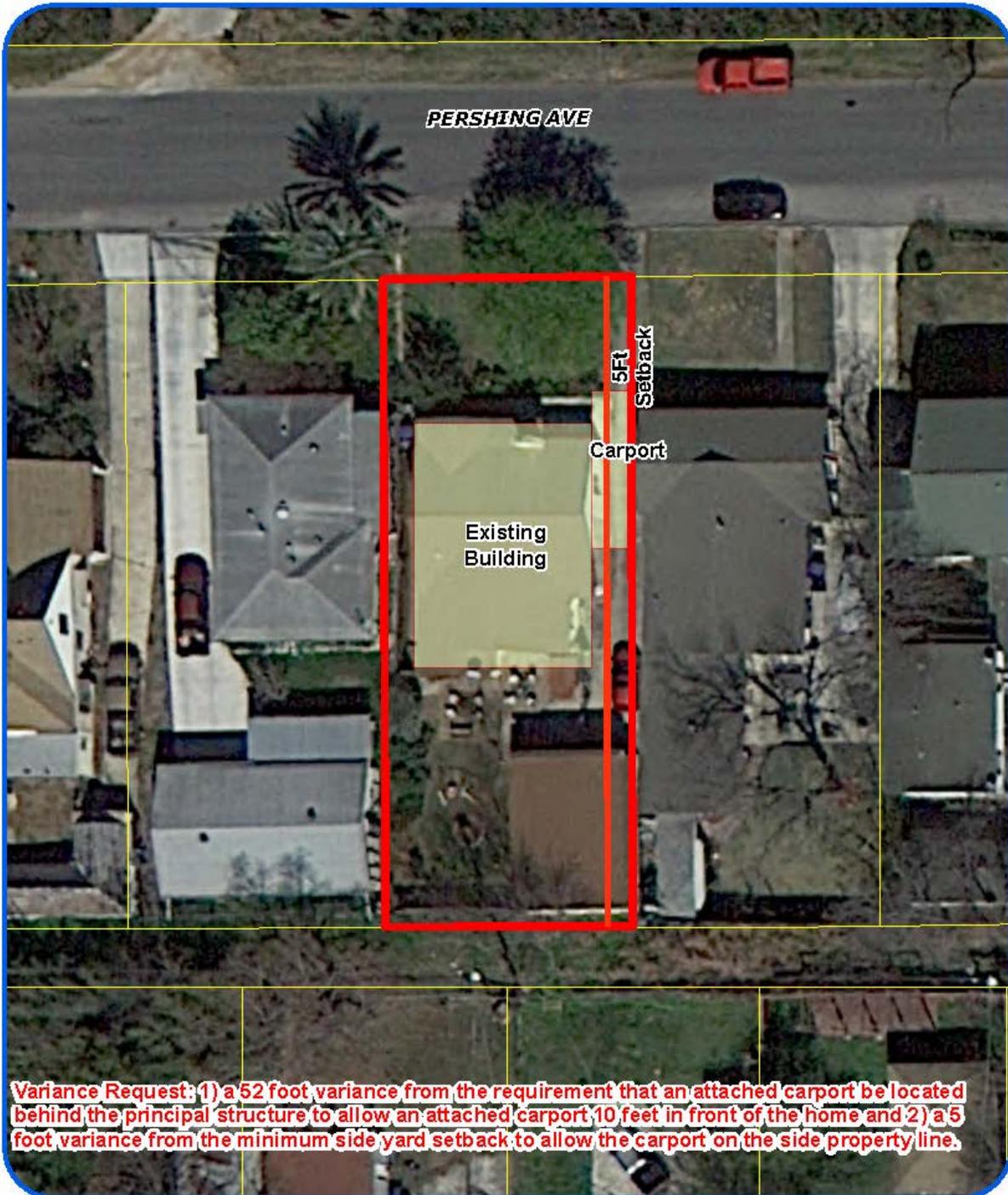


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 2

416 Pershing

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Variance Request: 1) a 52 foot variance from the requirement that an attached carport be located behind the principal structure to allow an attached carport 10 feet in front of the home and 2) a 5 foot variance from the minimum side yard setback to allow the carport on the side property line.

Board of Adjustment
Plot Plan for
Case No A-15-003

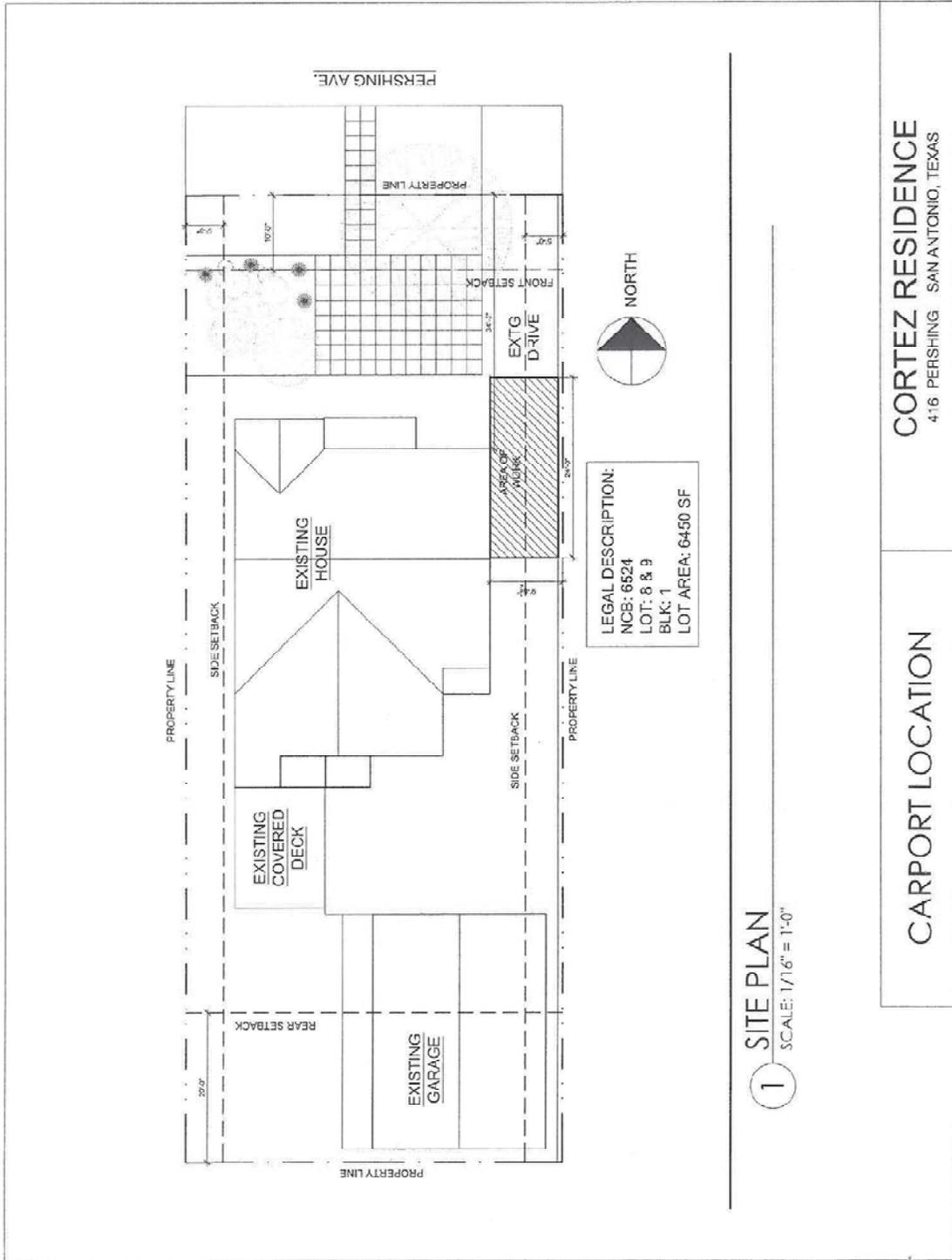


"NOT TO SCALE,
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Council District: 2

416 Pershing

1:300
Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site**



1 SITE PLAN
SCALE: 1/16" = 1'-0"

CORTEZ RESIDENCE
4-16 PERSHING SAN ANTONIO, TEXAS

CARPORIT LOCATION

Attachment 4 - Photos

416 Pershing Ave (Subject Property)





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-15-008
Date: November 17, 2014
Applicant: Michael Lockridge
Owner: Michael Lockridge
Council District: 2
Location: 216 Eleanor & 215 Wesley
Legal Description: Lots 5 & 6, Block 9, NCB 3868
Zoning: "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood
Conservation Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 1 foot variance from the minimum 5 foot side yard setback, as detailed in Table 35-310-1, to allow an existing single family home 4 feet from the side property line; 2) a 2 foot variance from the minimum 5 foot side yard setback, as detailed in Table 35-310-1, to allow an existing 4-plex 3 feet from the side property line; and 3) a variance from the Mahncke Park Neighborhood Conservation District standards 3.4.6 to allow the replacement of windows and a reduction in the number of window openings inconsistent with the standards on the secondary street elevation.

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 October 31, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 31, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before November 14, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the corner of Eleanor and Wesley within the Mahncke Park Neighborhood. The applicant purchased the property a year ago and has been renovating it since.

The 12,600 square foot parcel is zoned for multi-family housing and includes two buildings. According to the Bexar County Appraisal District, the multi-family four-plex, 3,340 square feet in size, was constructed in 1918. The smaller single-family home was added to the property in 1955. Two of the requested variances would make the buildings’ reduced setbacks conforming. The third variance is a requested deviation from the Mahncke Park Neighborhood Conservation District (NCD) standards regarding windows.

In particular, Section 3.4.6 of the Mahncke Park Neighborhood Conservation District Standards regarding Principal Elevation Features:

For additions or renovations to existing structures, windows on the facades fronting a primary street and a secondary street in the case of a corner lot shall match the height to width dimensional proportions, configuration and appearance of existing windows. Replaced windows shall also match the existing windows in framing and material as found on existing or adjacent structures on site.

The applicant secured several building permits during the year for new wiring, plumbing, heating, foundation repairs and window replacement on the Eleanor façade. The window work on the Wesley façade could not be permitted, because the applicant was unwilling to preserve every window. The applicant is now requesting the NCD variance after the reduction in windows has been completed. According to the applicant, the previous windows were installed over time, made of differing materials and of different shapes, creating a haphazard appearance. On the first floor, a group of three windows was removed. On the second floor, two banks of four windows were each reduced to groups of two, resulting in the loss of four total. The applicant asserts that the changes were necessary for functional interiors and a cohesive exterior appearance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Multi-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
South	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
East	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
West	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Mahncke Park Neighborhood Association, a registered neighborhood association. As such, the neighborhood association was 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. In this case the public interest would be represented by the Mahncke Park NCD standards, which were designed to protect the integrity of the existing housing stock. **It is likely that the intent was to preserve the symmetry of the original architecture, rather than incremental additions and changes made by various owners over time. Therefore, the variance to allow the renovated windows would be in the public’s interest. In addition, granting the variance to conform the existing setbacks is also in the public’s interest.**

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

A literal enforcement of the code would result in the applicant having to reinstall additional windows, some of which would include different sizes. The requested NCD variance would allow the existing window installation to remain. The other variances to allow the existing building setbacks create special conditions warranting approval.

- 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 requested setback variances, given that both buildings were constructed over 50 years ago. The spirit of the window design guidelines is more difficult to determine. The applicant details the measures taken, such as trim and sill installations, to achieve the intent of the requirement. The Board may determine that these mitigation measures observe the spirit of the ordinance.

- 4. The 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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation District Airport Hazard Overlay 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 NCD variance is not likely to adversely affect adjacent property owners; the renovations made to the structures improve their overall appearance. In addition, the

original façade details facing Eleanor were completely retained. While the Wesley façade originally had more windows, the resulting elevation does not detract from the character of the property.

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 plight of the owner originated from the previous window additions made to the Wesley façade over time. A view of the previous windows showed a variety of styles and shapes. The applicant has completed updating the building, including the addition of the new windows and the removal of some of the window openings. These have been replaced with closets and cabinets, consistent with the needs of tenants.

Alternative to Applicant's Request

The applicant would need to comply with the standards established by the Mahncke Park Neighborhood Conservation District and re-install the missing windows along the Wesley façade.

Staff Recommendation

Staff recommends **approval of A-15-008** based on the following findings of fact:

1. The two side setback variances will bring the existing buildings into conformance.
2. The requested NCD variance to allow the renovated windows on the Wesley façade to remain observes the spirit of the ordinance.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Applicant Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



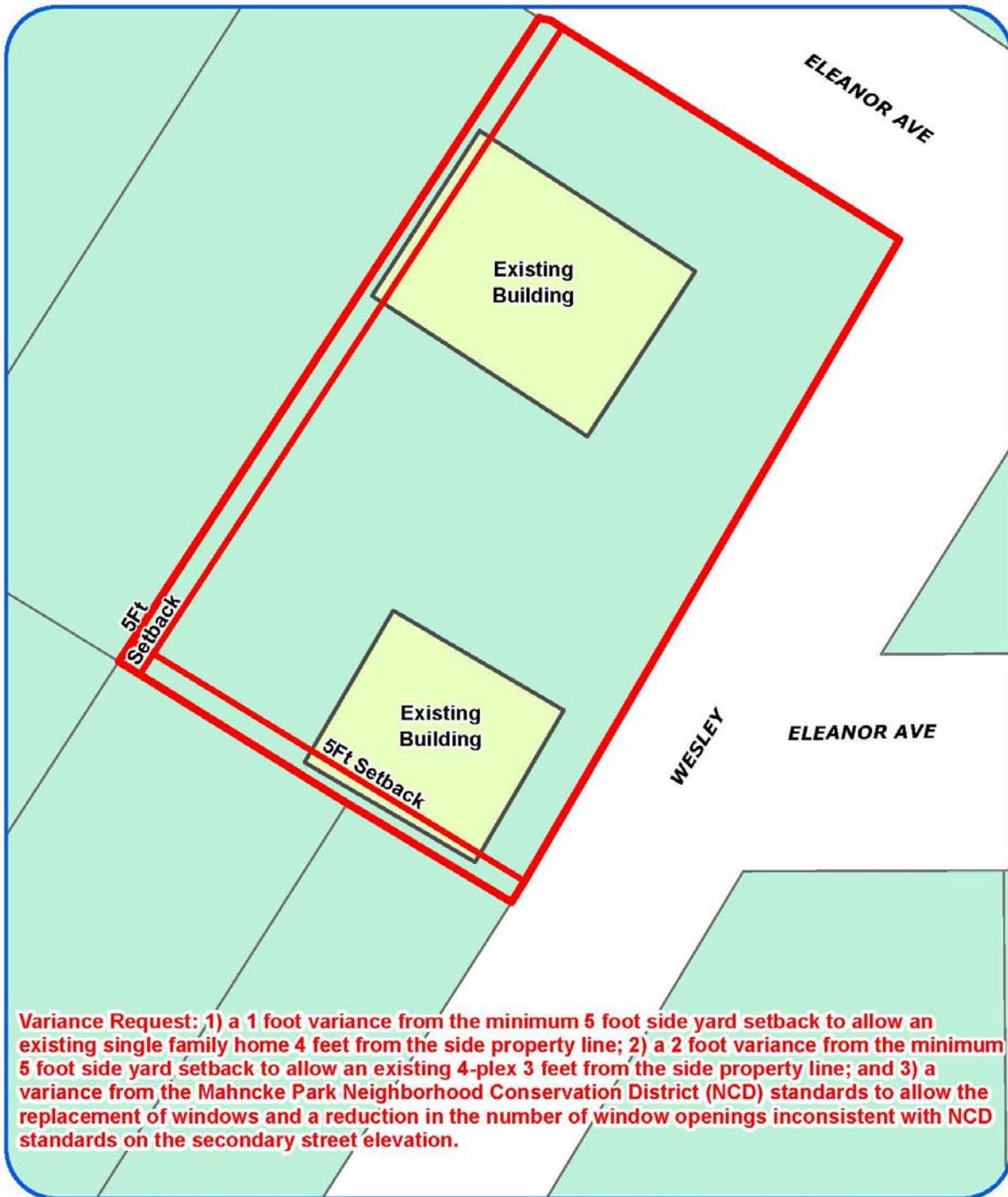
<p>Board of Adjustment Notification Plan for Case No A-15-008</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 2</p>	<p style="text-align: center;">NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY</p> <p style="text-align: center;">Development Services Department City of San Antonio</p>
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**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-15-008</p>		<p>San Antonio City Limits </p>
		<p>Subject Property </p>
		<p>200' Notification Boundary </p>
		<p>Council District 2 </p>
		<p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p>Debra Kpeme at Services Department City of San Antonio</p>

**Attachment 2
Plot Plan**



Variance Request: 1) a 1 foot variance from the minimum 5 foot side yard setback to allow an existing single family home 4 feet from the side property line; 2) a 2 foot variance from the minimum 5 foot side yard setback to allow an existing 4-plex 3 feet from the side property line; and 3) a variance from the Mahncke Park Neighborhood Conservation District (NCD) standards to allow the replacement of windows and a reduction in the number of window openings inconsistent with NCD standards on the secondary street elevation.

Board of Adjustment
Plot Plan for
Case No A-15-008



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

216 Eleanor

Development Services Department
City of San Antonio

Attachment 2
Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-15-008



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

216 Eleanor ^{1:300}

Department Services Department
City of San Antonio

**Attachment 4 - Photos
216 Eleanor (Subject Property)**

