

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, October 20, 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-14-110:** The request of Gay Gueringer for **1)** a 16 foot variance from the 70 foot maximum to allow a multi-tenant sign 86 feet tall; **2)** a 250 square foot variance from the 650 square foot maximum to allow a multi tenant sign 900 square feet in area; **3)** a 205.75 square foot variance from the 281.25 square foot maximum to allow a single tenant sign that is 487 square feet in area and **4)** an 18 foot variance from the 150 foot minimum distance between signs to allow two signs 132 feet apart, located at 6715 NW Loop 410. (Council District 6)
5. **A-14-104:** The request of Bell-Mann Corporation for **1)** a 4 foot variance from the maximum 4 foot fence height and **2)** a 2 foot variance from the maximum 6 foot fence height to allow an 8 foot wrought iron perimeter fence, located at 230 Knollwood Drive. (Council District 4)
6. **A-14-105:** The request of Ralph and Susan Peay for a two foot variance from the six foot maximum to allow a fence that is eight feet in height in the rear and side of the property, located at 8522 Westgrove Drive. (Council District 7)
7. **A-14-112:** The request of Margie M Turner for a 2 foot variance to allow a solid fence 6 feet tall, which gradually drops to 4 feet tall along the north line of the property beyond the façade of the home, located at 17214 Bucher Lane. (Council District 9)
8. **A-14-107:** The request of Alvin G. Peters for 15 foot variance from the minimum 15 foot landscaped bufferyard on the south property line to allow traffic access for parking behind an existing building, located at 3510 N Main. (Council District 1)
9. **A-14-108:** The request of Brown and Ortiz, P.C. for a 15 foot variance from the minimum 30 foot rear setback to allow a private school within 15 feet of the rear property line, located at 18221 Bulverde Road. (Council District 9)

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

10. **A-14-109:** The request of Isaias Fajardo for **1)** a 28 foot variance from the minimum 30 foot rear setback to allow a new building 2 feet from the rear property line; **2)** a 1 foot variance from the maximum 6 foot fence height; and **3)** a variance from the prohibition of sheet metal as a fencing material to allow a 7 foot sheet metal fence around the side and rear of the property, located at 453 Castroville Road. (Council District 5)
11. **A-14-106:** The request of Joanne Kelly for **1)** a 5 foot variance from the minimum 10 foot side setback; **2)** a 23 foot variance from the minimum 30 foot rear setback; **3)** a 10 foot variance from the minimum 15 foot wide landscape bufferyard; **4)** a 35 foot variance from the maximum 20 foot front setback; **5)** a 2 foot variance from the maximum 4 foot open fence height; **6)** a 3 foot variance from the maximum 3 foot solid fence; **7)** a variance from the prohibition against using sheet metal as a fencing material; and **8)** a 1 foot variance from the maximum 15 feet allowed light pole height to permit two structures within 5 feet of the side property line, 7 feet from the rear property line, 55 feet from the front property line, with a 5 foot landscape buffer, a 6 foot solid metal fence, a 6 foot open front fence and 16 foot tall light poles, located at 920 Big Foot Drive. (Council District 5)
12. Approval of October 6, 2014 Board Meeting Minutes
13. Approval of the Meeting and Deadline Dates for Calendar Year 2015
14. 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).

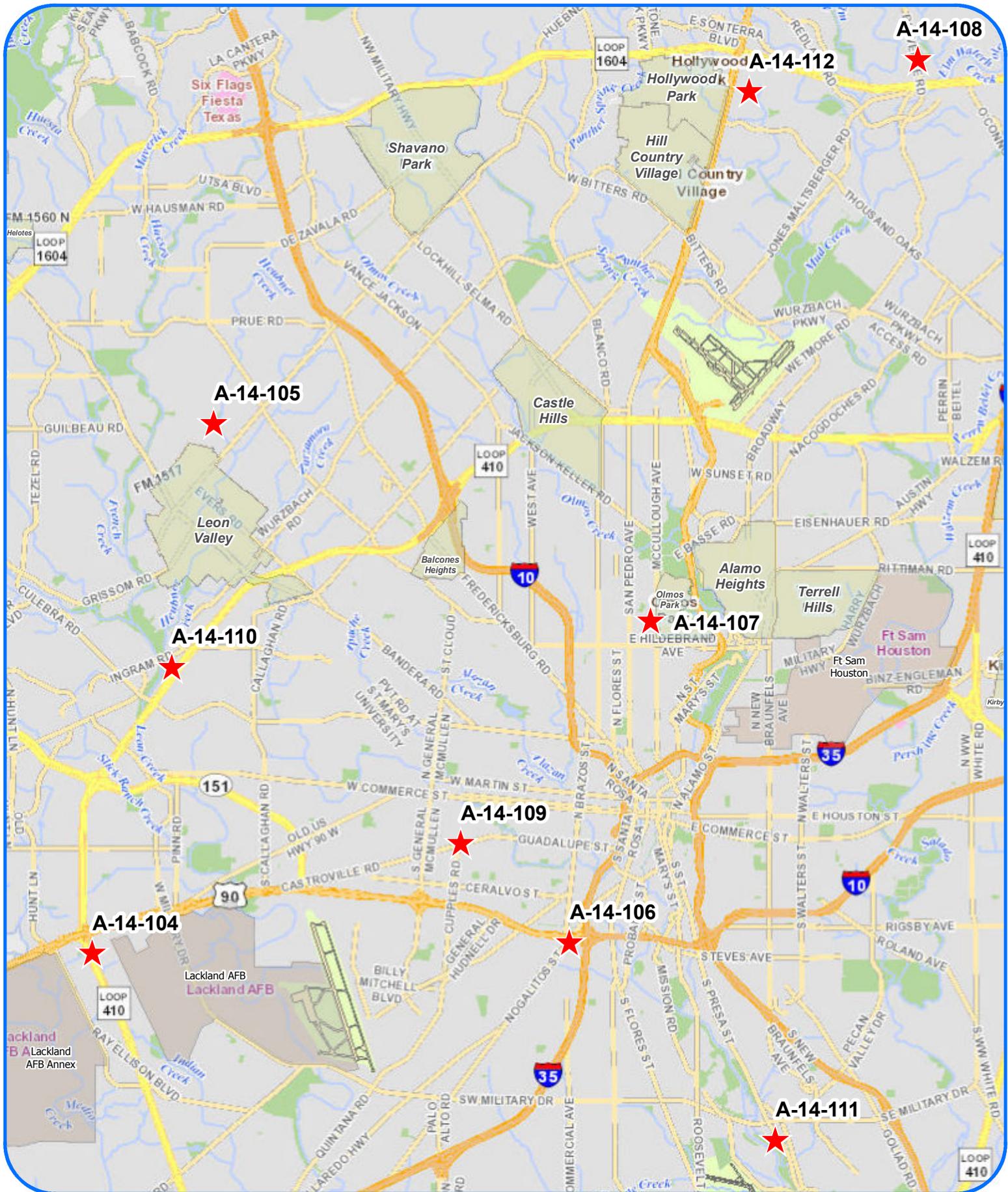
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

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Board of Adjustment

Subject Property Locations
Cases for 20th October 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-110
Date: October 20, 2014
Applicant: Gay Gueringer
Owner: BNR-Westpark Plaza San Antonio, LP
Council District: 6
Location: 6715 NW Loop 410
Legal Description: Lot 10, NCB 15327
Zoning: "C-3 AHOD" General Commercial Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for 1) a 16 foot variance from the 70 foot maximum as described in Chapter 28-239 Table 3 to allow a multi-tenant sign 86 feet tall and 2) a 250 square foot variance from the 650 square foot maximum as described in Chapter 28-239 Table 3 to allow a multi tenant sign 900 square feet in area and 3) a 205.75 square foot variance from the 281.25 square foot maximum as described in Chapter 28-239 Table 2 to allow a single tenant sign that is 487 square feet in area and 4) an 18 foot variance from the 150 foot minimum distance between signs to allow two signs 132 feet apart.

Procedural Requirements

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

Executive Summary

The subject property is located at 6715 NW Loop 410 and is approximately 493 feet southwest of Fairgrounds Parkway. The applicant is seeking several variances for their sign master plan.

The applicant is seeking to allow an existing multi-tenant sign to be 16 feet taller than the 70 feet allowed by code (86 feet tall). The applicant is also asking for that same sign to be 900 square feet in area – 250 square feet larger than allowed by code. Additionally the applicant is seeking a variance of 205.75 square feet to allow a single-tenant sign to be 487 square feet in area. Within 36 months the owner will convert this single-tenant sign into a multi-tenant sign – as a multi-tenant sign 487 square feet would be allowed by code. Lastly, the applicant is asking for an 18 foot variance from the 150 foot distance requirement between two signs.

If the variances are approved the owners will use only three signs to advertise their business. The plaza is allowed five signs by right. The Board will have to consider if removing two whole signs is worth allowing the additional height and square footage of the three remaining signs.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-3 AHOD” General Commercial Airport Hazard Overlay District	Shopping Center

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	C-3 AHOD” General Commercial Airport Hazard Overlay District	Shopping Center
South	C-3 AHOD” General Commercial Airport Hazard Overlay District	Hotel
East	C-3 AHOD” General Commercial Airport Hazard Overlay District	Restaurant
West	C-3 AHOD” General Commercial Airport Hazard Overlay District	Undeveloped-Creek

Comprehensive Plan Consistency/Neighborhood Association

The property is not within any neighborhood plan areas or located within the boundaries of a registered neighborhood association. The property is located in the West/Southwest Sector Plan with a General Urban Tier land use designation.

Criteria for Review

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

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

The proposed signage would allow the shopping plaza to be more easily identified by passing motorists. Currently there are more signs and none stand out to advertise the businesses in the plaza. Staff noted that the plaza is currently experiencing several vacancies with several buildings not being occupied by any businesses. Staff also noted during field visits that the shopping center itself has also been remodeled to be more visually appealing. It is possible that without the benefits of the sign master plan that the plaza would not be able to enjoy longstanding, active commercial use of the property.

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*

A. *Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.*

Though the applicants are asking for variances for three signs to be larger in height and area the signs collectively would still be significantly less than what is allowed by code without a sign master plan. The applicant would be allowed five signs totaling 2,598 square feet of area and 250 feet in height. With the variances they would have only three signs covering 1,462 square feet in area and 165 feet in height. Mathematically, this represents a use of only 56% of the available square footage and only 66% of the available height. As such, they would not enjoy rights not enjoyed by others.

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

It is unlikely that neighboring property owners will be negatively impacted by the proposed signage. The applicant is requesting the variances such that the property can be more effectively marketed to the community.

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

The legislative purposes of the adopted sign regulations are to provide minimum standards to protect the general public by regulating the design, construction, location, use and maintenance of out-door advertising signs. The owner is proposing the variances to make the property more visually appealing and to maintain longstanding, active commercial use of the property.

Alternative to Applicant's Request

The applicant could install five signs totaling 2,598 square feet in area and a total of 250 feet in height.

Staff Recommendation

Staff recommends **approval of A-14-110** based on the following findings of fact:

1. The proposed sign master plan would remove signage deemed unnecessary by the businesses that operate from that location.

Attachments

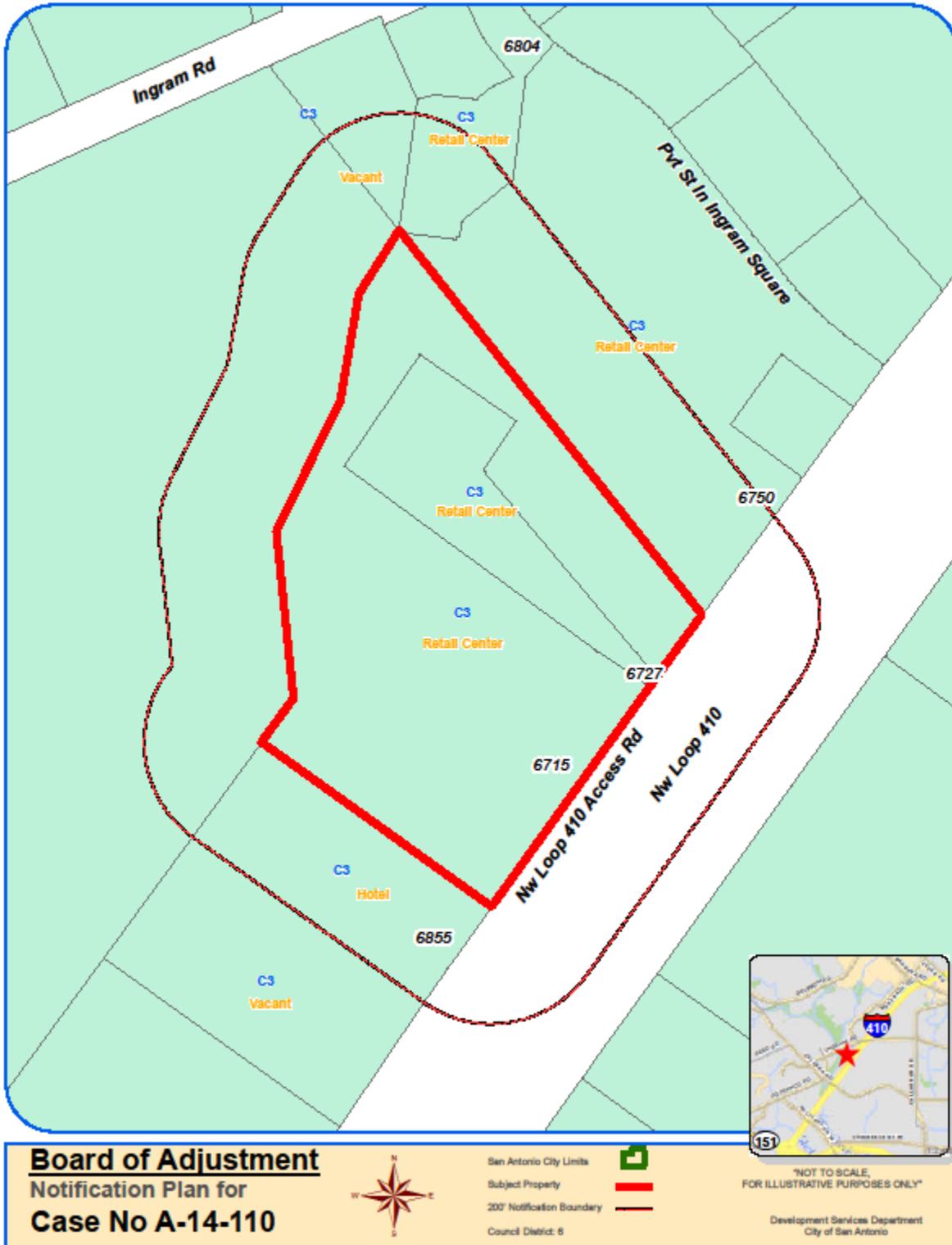
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan

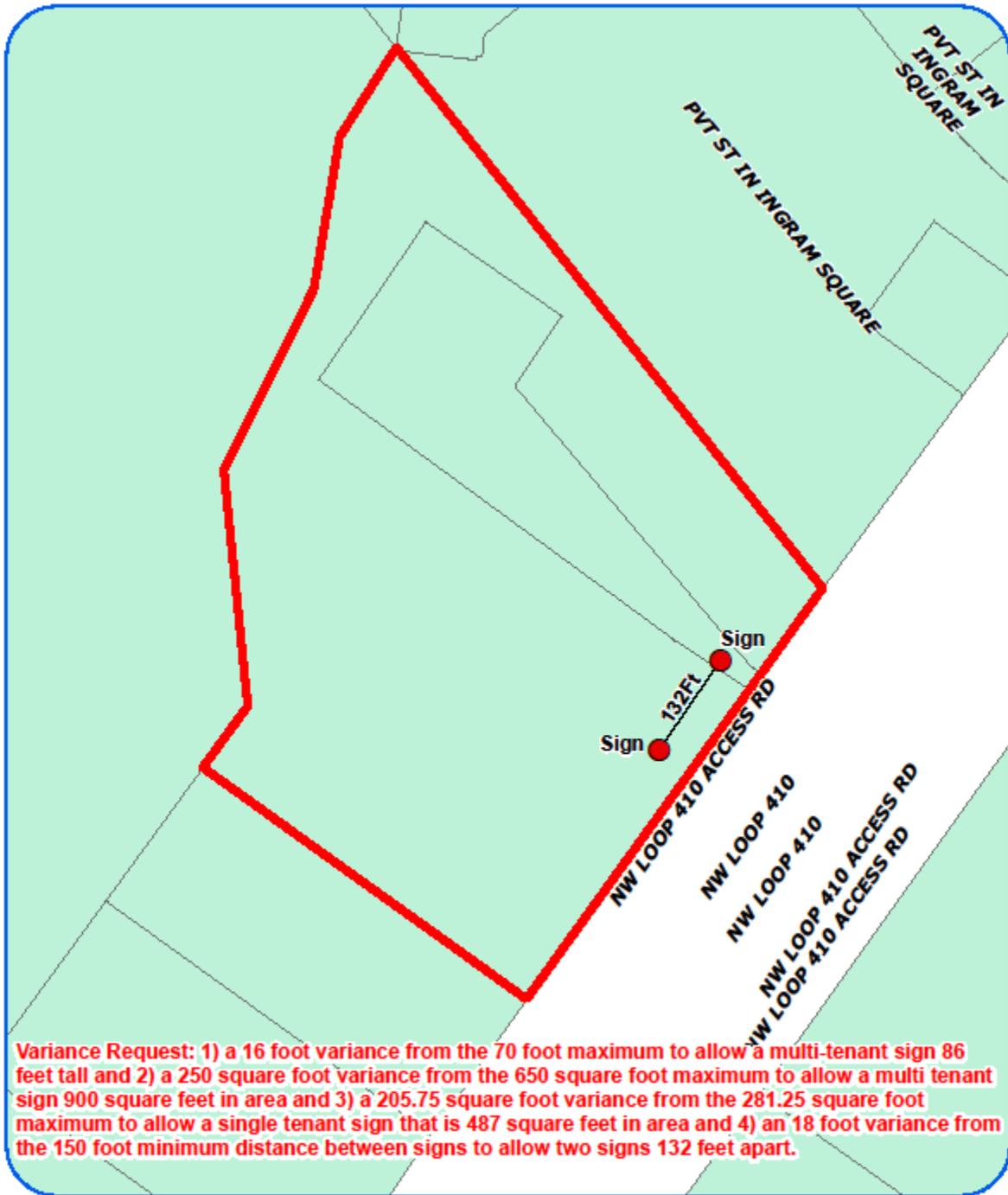


**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-14-110</p>		<p>San Antonio City Limits </p>	<p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 6 </p>	<p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p>Development Services Department City of San Antonio</p>
		<p>San Antonio City Limits </p>		

Attachment 2
Plot Plan



Variance Request: 1) a 16 foot variance from the 70 foot maximum to allow a multi-tenant sign 86 feet tall and 2) a 250 square foot variance from the 650 square foot maximum to allow a multi tenant sign 900 square feet in area and 3) a 205.75 square foot variance from the 281.25 square foot maximum to allow a single tenant sign that is 487 square feet in area and 4) an 18 foot variance from the 150 foot minimum distance between signs to allow two signs 132 feet apart.

Board of Adjustment
Plot Plan for
Case No A-14-110



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

6715 NW Loop 410 ^{1:1,000}

Development Services Department
City of San Antonio

Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-14-110



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

6715 NW Loop 410

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site

EXHIBIT A-4 SUMMARY OF SIGN MASTER PLAN INFORMATION

	Location	Available Sq. Footage	Proposed Sq. Footage	Available Height	Proposed Height
Sign #1	Tract II	650 sq. ft.	900 sq. ft.	70	86
Sign #2	Tract I	487 sq. ft.	487 sq. ft.	45	45 ¹
Sign #3	Tract I	281 sq. ft.	75 sq. ft.	37.5	34
Sign #4	Tract I	487 sq. ft.	-0-	45	0 ²
Sign #5	Tract I	487 sq. ft.	-0-	45	0 ²
Total		2,392 sq. ft.	1,462 sq. ft.	242.5' H	165' H

Sign Master Plan as proposed utilizes only 61% of available advertising square footage, giving up 39% of available square footage ($1462 \div 2392 = .61\%$).

Sign Master Plan as proposed utilizes only 68% of available height, giving up 32% of available height ($165 \div 242.5 = .68$).

Available Signs	5
Proposed Signs	3
Existing Signs to be Removed	1 ³



- ¹ Currently constructed as a single tenant sign 54' H with 300 sq ft of advertising space. Height will be reduced by 9'.
- ² Owner will agree not to construct this sign.
- ³ Owner will remove the 60' H pylon sign located at the back of the Property with 160 sq. ft. of advertising space (Sign #6).

Attachment 4 - Photos

View of sign across Loop 410



Westpark Plaza (Subject Property)



Single-Tenant Sign to be converted in 36 months to multi-tenant sign



Multi-tenant sign proposed to be 86 feet tall





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-104
Date: October 20, 2014
Applicant: Bell-Mann Corporation
Owner: Mohammad Reza Mizani
Council District: 4
Location: 230 Knollwood Drive
Legal Description: Lot 16, NCB 15178
Zoning: "C-2NA AHOD" Commercial Non-Alcoholic Sales Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 4 foot variance from the maximum 4 foot fence height and 2) a 2 foot variance from the maximum 6 foot fence height, as described in 35-514(d) to allow an 8 foot perimeter wrought iron fence.

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 8, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 17, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 230 Knollwood Drive and is approximately 100 feet east of the Loop 410 expressway. The applicant is seeking two variances. The first is a four foot variance from the four foot maximum to allow an eight foot tall fence in front of the building. The second variance is for two feet from the six foot maximum fence height to allow the same eight foot tall fence in the side and rear of the property.

The applicant has stated that even though construction is not yet completed, they have experienced five incidents of theft and vandalism at the dialysis center located on the property. The applicant is hoping that the additional height will help to reduce criminal activity and to provide security in the future for the equipment, employees and patients of the dialysis center.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2NA AHOD" Commercial Non-Alcoholic Sales Airport hazard Overlay District	Medical Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Car Dealership
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Church
East	"O-2 AHOD" High-Rise Office Airport Hazard Overlay District	Office
West	"C-2 AHOD" Residential Single-Family Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Springvale 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 protected as the fence height variance serves to provide added security for the property, employees and patients of the dialysis center.

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 an unnecessary hardship as the applicants would have to provide other crime deterrent options which may not protect the perimeter of the property.

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

The variances requested may be considered consistent with the spirit of the ordinance because the proposed fence will serve to mitigate criminal activity in the area. The variance would also provide added security for employees and the patients of this medical facility.

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 “C-2 NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay zoning district.

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

The requested variance is not likely to adversely affect adjacent property owners and the proposed wrought iron fence will be constructed to be visually appealing. The surrounding properties are all commercially developed and the property has direct frontage on the expressway.

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

The special condition present in this case is the crime in the area around this dialysis center. The business has fallen victim to this criminal activity on five separate occasions and the owners feel that the additional fence height will help to mitigate the problem. The crime in the community is not the fault of the applicant, nor merely financial in nature.

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-14-104** based on the following findings of fact:

1. The proposed eight foot tall fence will help to provide added security for the medical equipment, employees and patients of the dialysis clinic.

Attachments

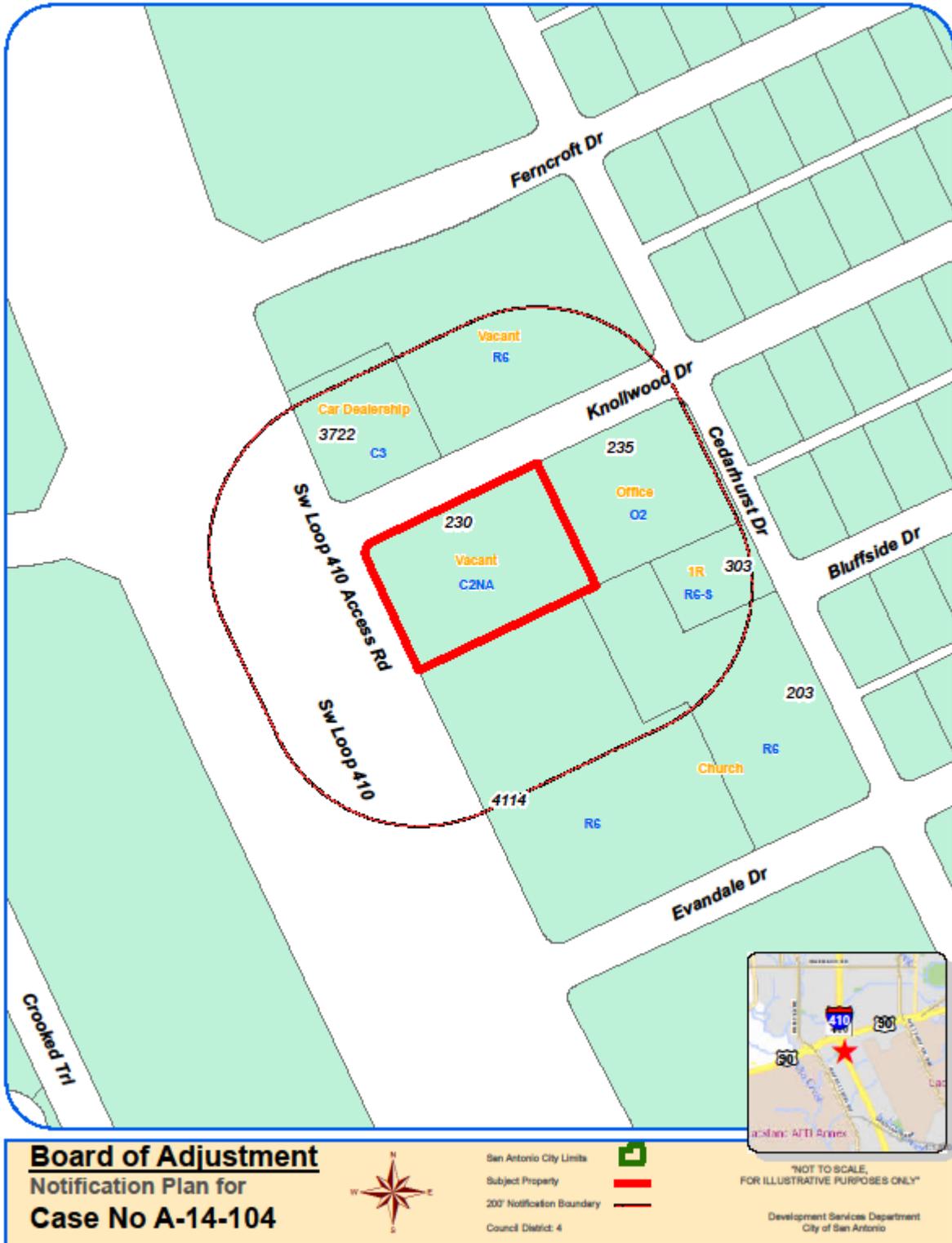
Attachment 1 – Notification Plan (Aerial Map)

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-14-104



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

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-104

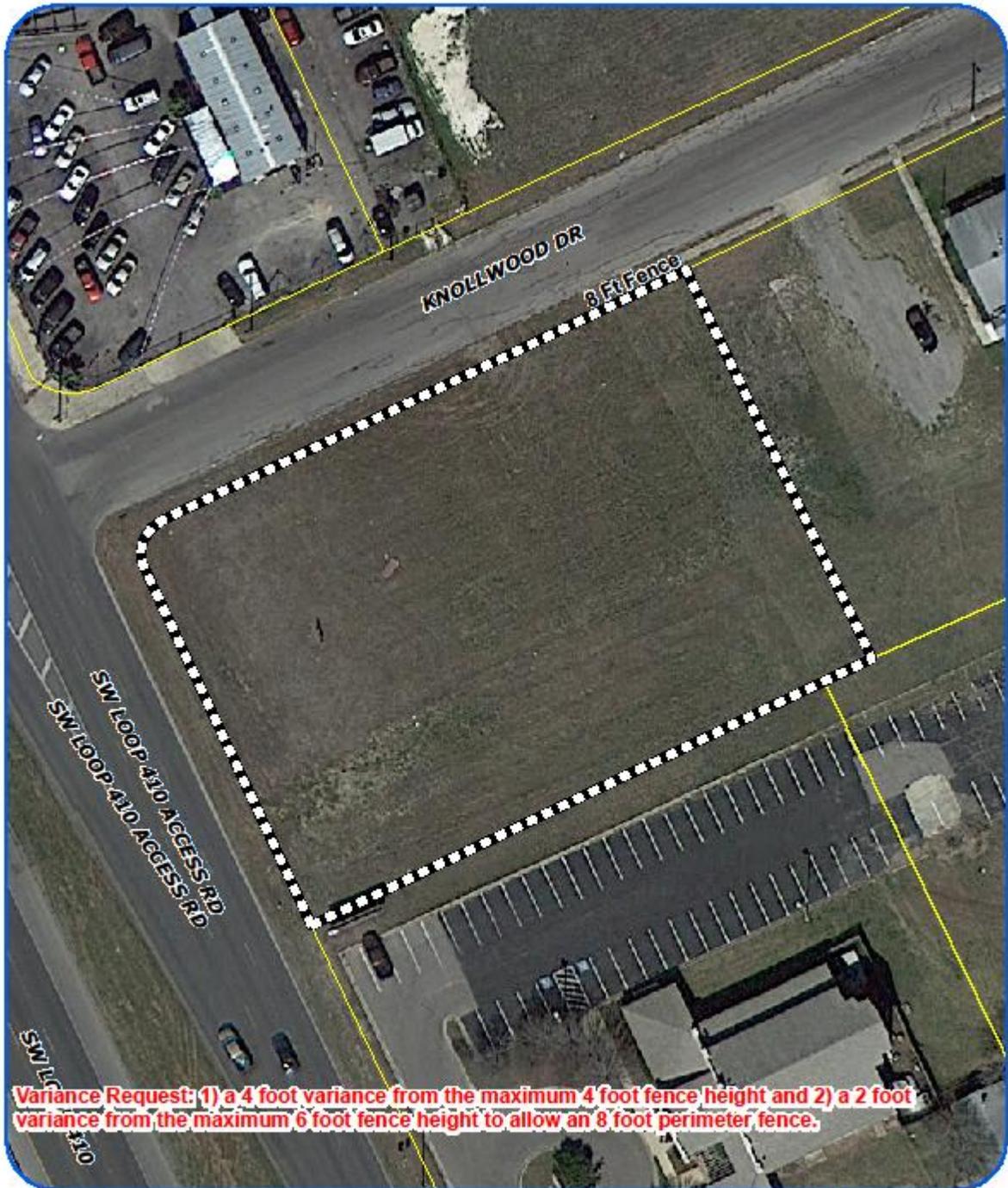


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 4

230 Knollwood Dr^{1:800}

Development Services Department
City of San Antonio

Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-14-104



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

230 Knollwood Dr

Development Services Department
City of San Antonio

Attachment 4 - Photos

230 Knollwood (Subject Property)



230 Knollwood (Subject Property)



230 Knollwood (Subject Property)



230 Knollwood Streetscape





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-105
Date: October 20, 2014
Applicant: Ralph and Susan Peay
Owner: Ralph and Susan Peay
Council District: 7
Location: 8522 Westgrove Drive
Legal Description: Lots 6, Block 3, NCB 16869
Zoning: "R-5 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 as described in Section 35-514(d) to allow a fence that is eight feet in height in the rear and side of the property.

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

Executive Summary

The subject property is located at 8522 Westgrove Drive approximately 317 feet north of Eckhert Boulevard. The applicants are seeking a two foot variance from the six foot maximum fence height to allow a fence eight feet tall in the side and rear yards. The applicants have been experiencing problems with a neighbor since September, 2011. The neighbor has planted several species of vine near the property line which have overwhelmed the existing six foot tall fence.

The applicant and the neighbor have been involved in litigation over damages caused by the vines. This legal process has added to frustrations between the two parties. During the process the neighbor has been seen and photographed, on several occasions, standing on a ladder to take pictures of the applicant’s property, including the back yard, patio, and bedroom. The neighbor has also reached over the current fence, which was constructed by the neighbor, to draw symbols and write sentences intended for the applicants to see. The applicant’s have also stated that since Huebner Creek Neighborhood Park, which abuts the rear of the applicant’s property, has opened, they have enjoyed less privacy.

As such the applicant’s are seeking the variance so that they may enjoy the added comfort and security of a taller fence and to minimize the adverse affects of the surrounding disturbances.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-family Dwelling
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-family Dwelling
East	“RM-4 PUD AHOD” Mixed Residential Planned Unit Development Airport Hazard Overlay District	Park
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Heubner/Leon Creeks Neighborhood Plan, with a future land use designation of low density residential. The subject property is located within the boundaries of the Alamo Farmsteads Babcock Road 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 compromised sense of privacy that

one should expect to enjoy in their own home. Further, the applicants propose to construct the fence to look visually appealing such that it does adversely affect the community.

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

There are two special conditions present in this case. The first condition is that the applicant's neighbor has been observed, many times over the past few years, taking pictures of the rear yard and bedroom of the applicant's property. The neighbor has also hung signs over the fence for the applicant's to see and left drawings and phrases on the applicant's side of the existing fence that was constructed by the neighbor. Additionally, the neighbor's vines have compromised the structural integrity of the existing fence and a new, stronger fence needs to be built.

The second condition is that a community park has been established in the rear of the applicant's property. Park-goers also intrude into the privacy that one should expect to enjoy in their home. Because of these conditions, a literal enforcement of the ordinance would create unnecessary hardship as the applicants would be guaranteed less privacy in their home.

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

The variances requested may be considered consistent with the spirit of the ordinance because the proposed fence will serve to mitigate issues between neighbors and to provide added privacy to the applicants.

- 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-5 AHOD" Residential Single-family zoning district.

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

The requested variance will not adversely affect the community as it will be built to be visually appealing. Further, it will help to mitigate problems between two neighbors that could be detracting 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 that of a neighbor that routinely violates the privacy of the applicants and because of a park that detracts from the enjoyment of their property. These unique circumstances are not merely financial in nature nor are they the result of general conditions in the area.

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. It is very likely that this alternative would lead to a compromised enjoyment of the applicant's home.

Staff Recommendation

Staff recommends **approval of A-14-105** based on the following findings of fact:

1. The proposed eight foot tall fence will help to provide added security and privacy for the applicant's home.
2. The proposed eight foot tall fence could help to mitigate problems between two feuding neighbors.
3. The proposed eight foot tall fence could help to reduce adverse affects felt by the applicants as a result of a public park being established in the rear of the property.

Attachments

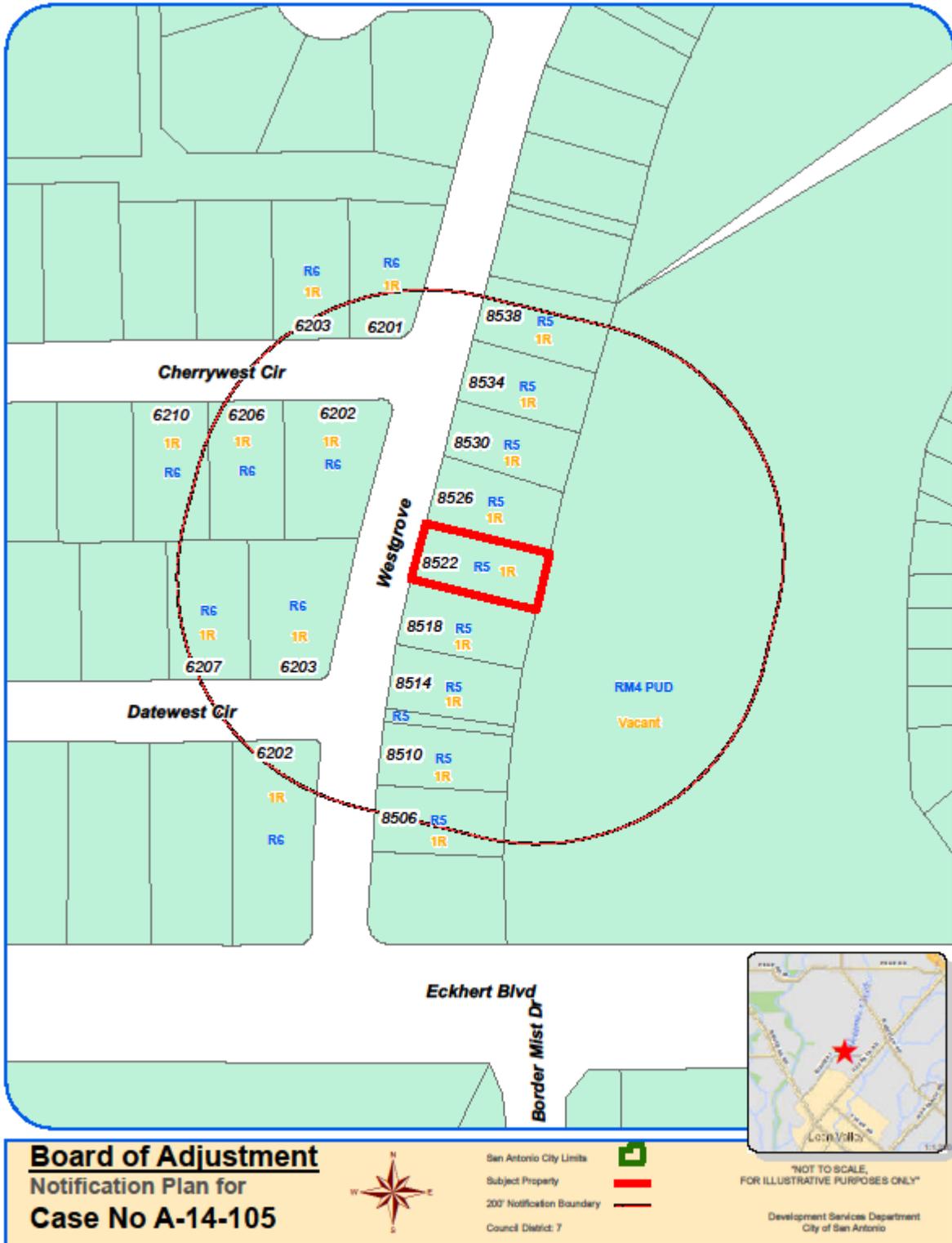
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1
Notification Plan (continued)**



<p>Board of Adjustment Notification Plan for Case No A-14-105</p>		<p>San Antonio City Limits </p>	<p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p>
		<p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District: 7 </p>	

**Attachment 2
Plot Plan**



Variance Request: 1) a request for a two foot variance from the six foot maximum to allow a fence that is eight feet in height in the rear and side of the property.

Board of Adjustment
Plot Plan for
Case No A-14-105



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

8522 Westgrove ^{1:300}

Development Services Department
City of San Antonio

Plot Plan (continued)



Variance Request: 1) a request for a two foot variance from the six foot maximum to allow a fence that is eight feet in height in the rear and side of the property.

Board of Adjustment
Plot Plan for
Case No A-14-105

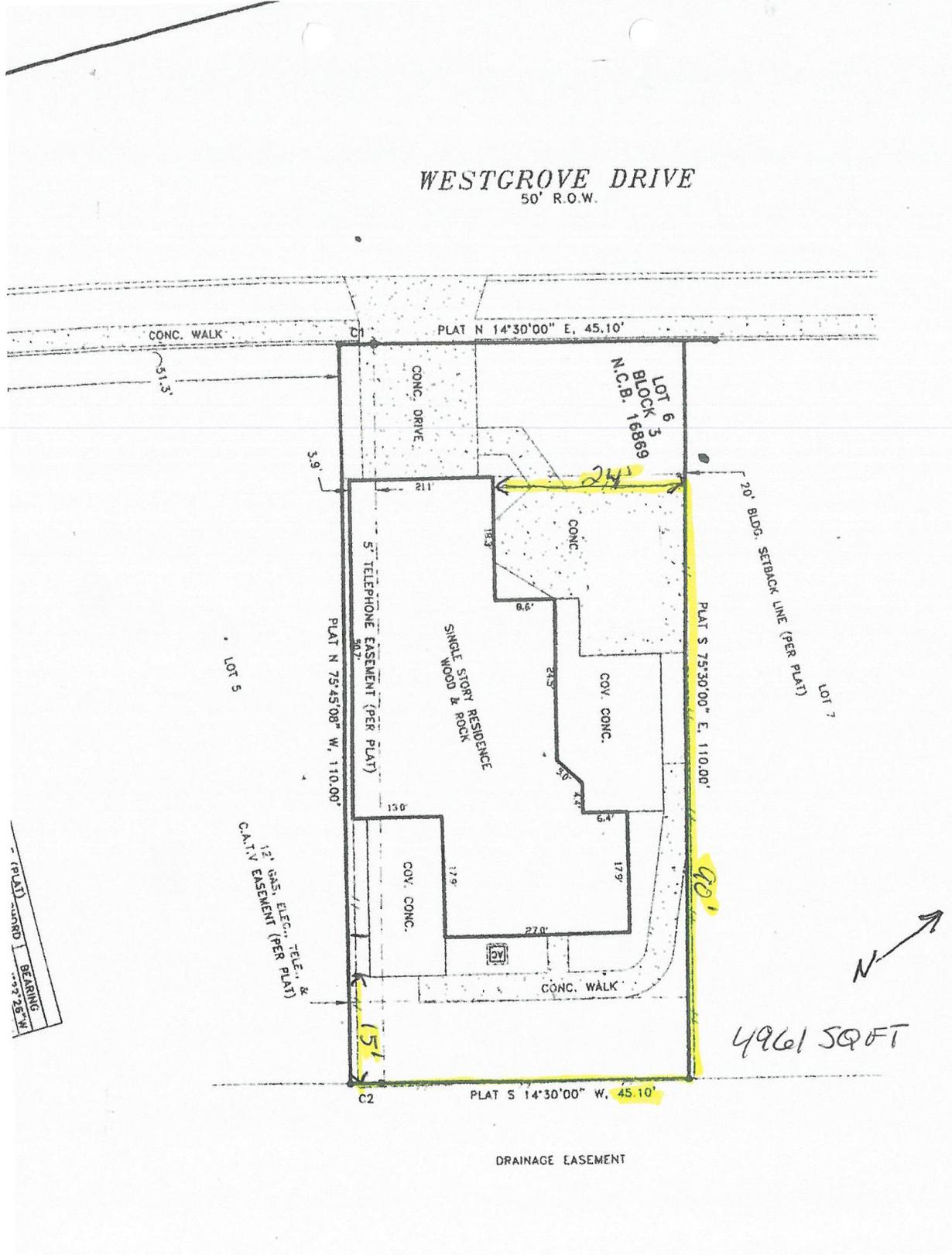


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 7

8522 Westgrove

Development Services Department
City of San Antonio

Attachment 3
Applicant's Site



(PLAT) BEARING
...°'28"W

Attachment 4 - Photos

8522 Westgrove Drive (Subject Property)



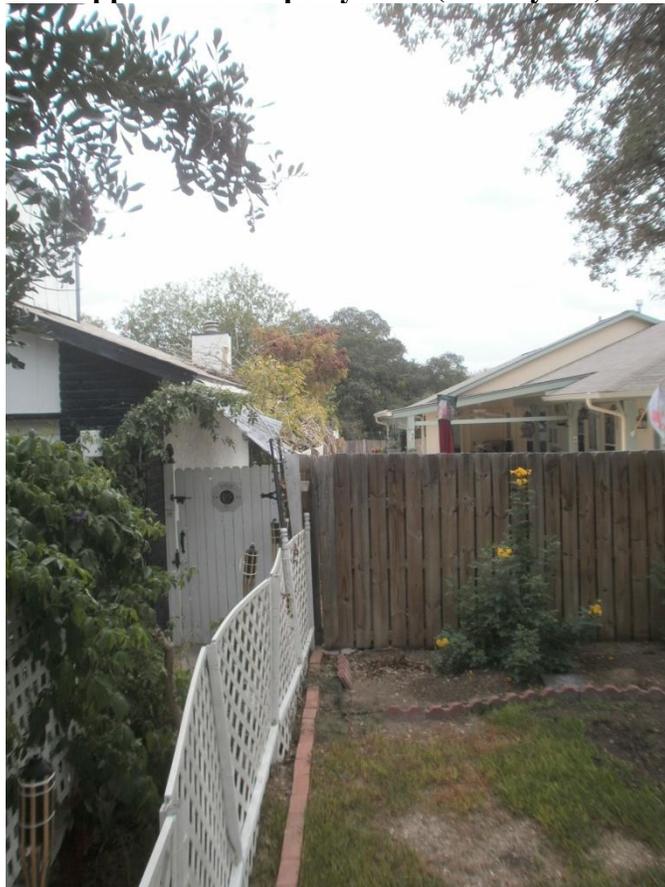
Applicant's Side Yard



Applicant's Side Yard



Applicant's Property Line (Front yard)





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-112
Date: October 20, 2014
Applicant: Margie M Turner
Owner: Margie M Turner
Council District: 9
Location: 17214 Bucher Lane
Legal Description: Lot 10, Block 10, NCB 14826
Zoning: "R-6 ERZD MLOD" Residential Single-family Edwards Aquifer Recharge
Military Lighting Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a two foot variance to the three foot maximum as described in Section 35-514(d) to allow a solid fence six feet tall, which gradually drops to four feet tall, along the north line of the property beyond the façade of the home.

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

Executive Summary

The subject property is located at 17214 Bucher Lane and is approximately 134 feet southeast of Town Oak Drive. The applicant constructed a solid-screen fence that is six feet tall, gradually dropping to four feet tall, made of wood beyond the façade of the home. The applicant stated that the reason for constructing this fence was to deter the many deer in the area from eating her plants and flowers. She states that while it does not totally prevent the deer from eating them, it

does help to reduce the occurrences. During the field visit staff noted at least 30 deer in the immediate area.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 ERZD MLOD" Residential Single-Family Edwards Aquifer Recharge Military Lighting Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 ERZD MLOD" Residential Single-Family Edwards Aquifer Recharge Military Lighting Overlay District	Single-Family Dwelling
South	"R-6 ERZD MLOD" Residential Single-Family Edwards Aquifer Recharge Military Lighting Overlay District	Single-Family Dwelling
East	"R-6 ERZD MLOD" Residential Single-Family Edwards Aquifer Recharge Military Lighting Overlay District	Single-Family Dwelling
West	"R-6 ERZD MLOD" Residential Single-Family Edwards Aquifer Recharge Military Lighting Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within any neighborhood plan areas or located within the boundaries of a registered neighborhood association.

Criteria for Review

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

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

The public interest is defined as the general health, safety, and welfare of the public. The public interest is unlikely to be adversely affected in this case as the fence runs along only the north property line of the home and abuts an alleyway. As such, no neighbor is directly affected by this proposed variance.

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

The special conditions present on this property are that large number of deer reside in the community and eat much of the vegetation planted by the applicant. A literal

enforcement of the code would require that the applicant drop the fence to three feet above grade, a height that deer could easily jump over.

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

The variances requested may be considered consistent with the spirit of the ordinance because the proposed fence does not abut a neighbor, but an alley. As such it is unlikely that any neighbor will be adversely affected.

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 ERZD MLOD” Residential Single-Family Edwards Aquifer Recharge Military Lighting 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 will not adversely affect the neighboring properties as the fence does not abut the neighbors, but an alley.

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 number of deer that eat the vegetation planted by the applicant. These conditions are not created by the applicant or merely financial in nature.

Alternative to Applicant’s Request

The applicant could lower the fence height to three feet to become compliant, though it is likely that doing so will greatly reduce the deterrent to the deer that the taller fence provides.

Staff Recommendation

Staff recommends **approval of A-14-112** based on the following findings of fact:

1. The fence does not abut a neighboring property and as such is unlikely to negatively impact any neighbors.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

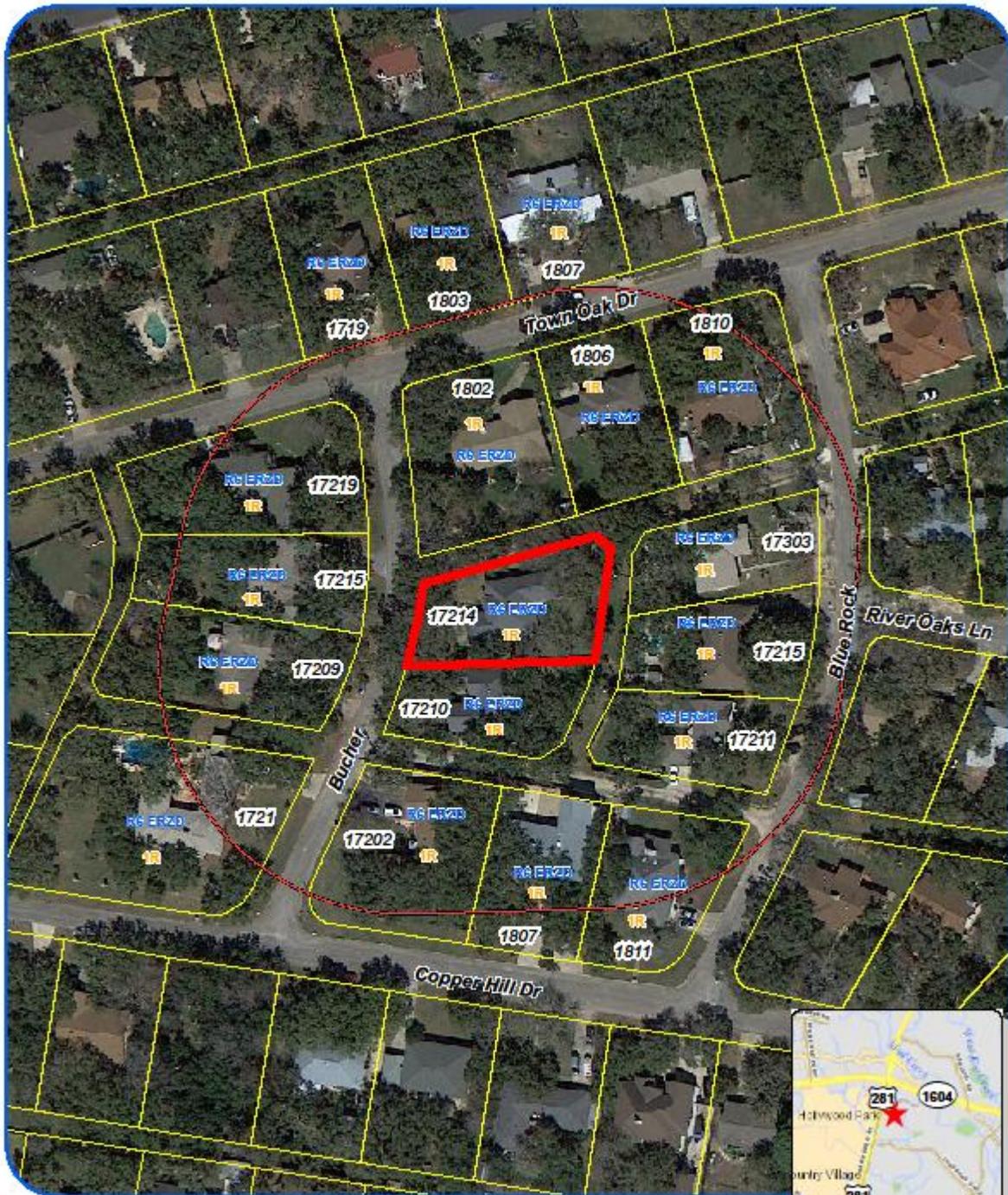
Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1
Notification Plan (continued)**



Board of Adjustment
Notification Plan for
Case No A-14-112



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

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FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Variance Request: 1) a request for a 2 foot variance to allow a solid fence 6 feet tall, which gradually drops to 4 feet tall along the north line of the property beyond the façade of the home.

Board of Adjustment
Plot Plan for
Case No A-14-112



"NOT TO SCALE,
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Council District: 9

17214 Bucher Ln

Development Services Department
City of San Antonio

Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-14-112

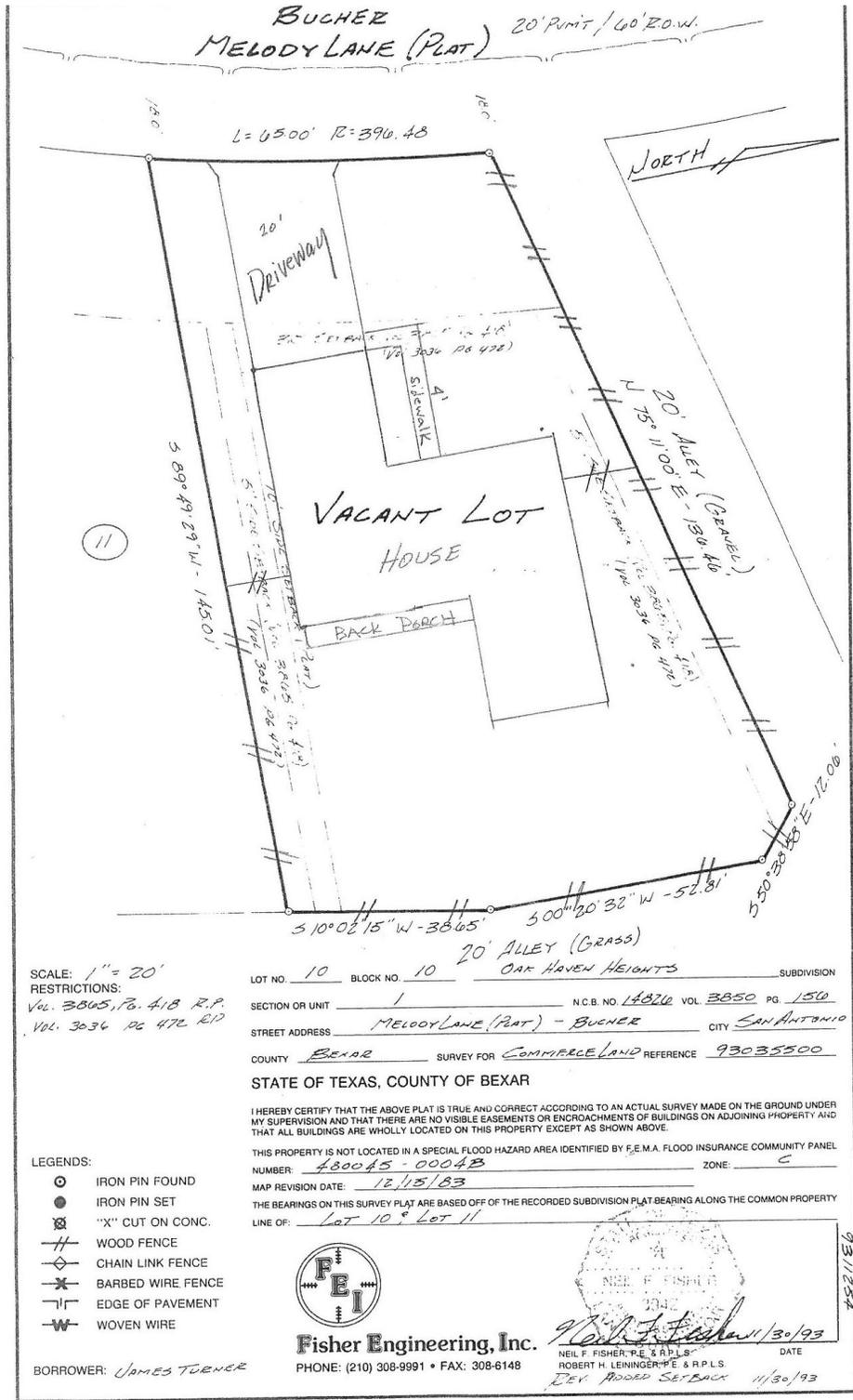


"NOT TO SCALE,
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Council District: 9

17214 Bucher Ln

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



Attachment 4 - Photos

17214 Bucher Lane (Subject Property)



Alley near subject property



Deer common in the community



Deer common in the community





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-107
Date: October 20, 2014
Applicant: Alvin G. Peters
Owner: Betty Aguilar
Council District: 1
Location: 3510 N Main Avenue
Legal Description: Lot 1, Block 33, NCB 8569
Zoning: "O-1 HL AHOD" Historic Landmark Office Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 1) 15 foot variance from the minimum 15 foot landscaped bufferyard, as required by Table 510-1 of the UDC, to allow access for parking behind an existing building.

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 8, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 17, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 3510 N. Main Avenue approximately 146 feet north of Earl Road. The property was formerly a school, then a day care, but has not been used for some time. The applicants are seeking to turn the building into a professional services office. The existing building is approximately 10 feet from both the north and south property lines. Currently, the property is required to provide a 15 foot landscape bufferyard on its northern and southern property boundaries. The buffers are required on these property lines because the adjacent

property is zoned “R-5” Residential Single Family. The applicants are asking for a variance to eliminate the bufferyard to the south to provide access into a proposed parking lot behind the building. On the north, the applicants are requesting a reduction in the bufferyard to retain the existing building location, which is approximately 10 feet from the property line and add a few additional parking stalls. The smallest bufferyard proposed on this shared boundary is 4 feet, but then only 15 linear feet of that size. The neighboring property along the rear property line is zoned “MF-33”, Multi-Family, which does not trigger any bufferyard requirements.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“O-1 HL AHOD” Historic Landmark Office Airport Hazard Overlay District	Proposed professional services building

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“MF-33 AHOD Multi-Family Airport Hazard Overlay District	Multi-Family Dwelling
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Prospect Hill 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, these criteria are met as the business, with the variance, would be able to provide off-street parking. This solution leads to increased safety for the community, and puts an unoccupied building back into productive use.

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

A literal enforcement of the code would be very likely to cause unnecessary hardship to the applicant. The previous day care used cut back parking along the street, but traffic would

not allow this to be expanded. The parking lot is proposed behind the building, in a preferred location.

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

The variances requested may be considered consistent with the spirit of the ordinance because the proposed variance would help to provide additional off-street parking and contribute to increased safety in the community. Also, the parking lot is located in the rear of the property such that waiving the landscape buffer would have less of an adverse affect visually on the local community.

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 “O-1 HL AHOD” Historic Landmark Office 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 will not adversely affect the community as it will be built to provide additional off-street parking and facilitate renovation of a building. As a result the variance would contribute to increased safety in 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 abnormally small parking area in front of the building. While some of these spaces will remain as customer parking, additional parking is required to meet today’s standards. These conditions are not the fault of the applicant and are not merely financial in nature.

Alternative to Applicant’s Request

The applicant would need to comply with the standards established by the Unified Development Code and request a parking modification to reduce the required off-street parking.

Staff Recommendation

Staff recommends **approval of A-14-107** based on the following findings of fact:

1. The proposed variance would help to provide more off-street parking by allowing a larger parking lot that contributes to area safety.

Attachments

Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

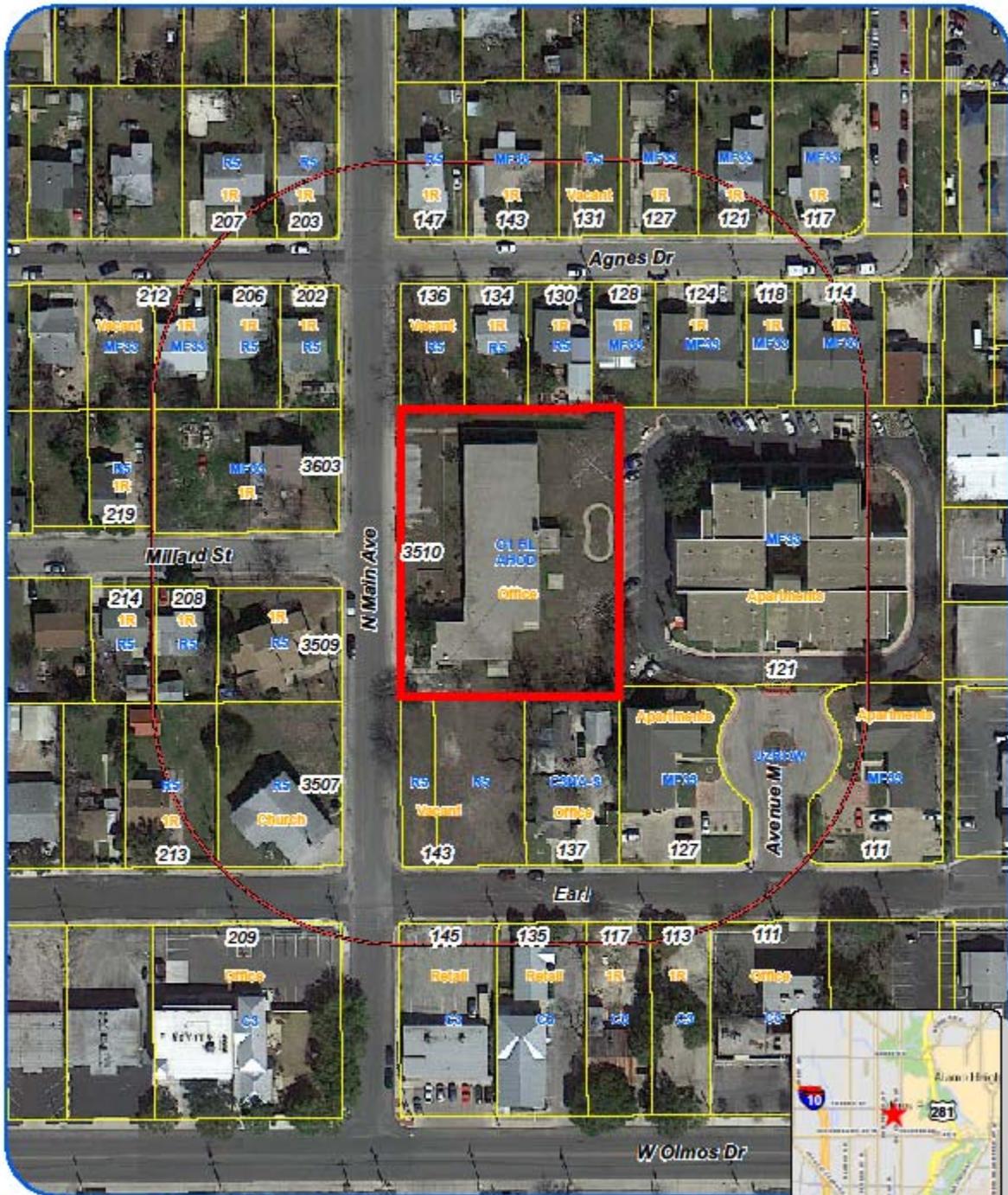
Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1
Notification Plan (continued)**



Board of Adjustment
Notification Plan for
Case No A-14-107

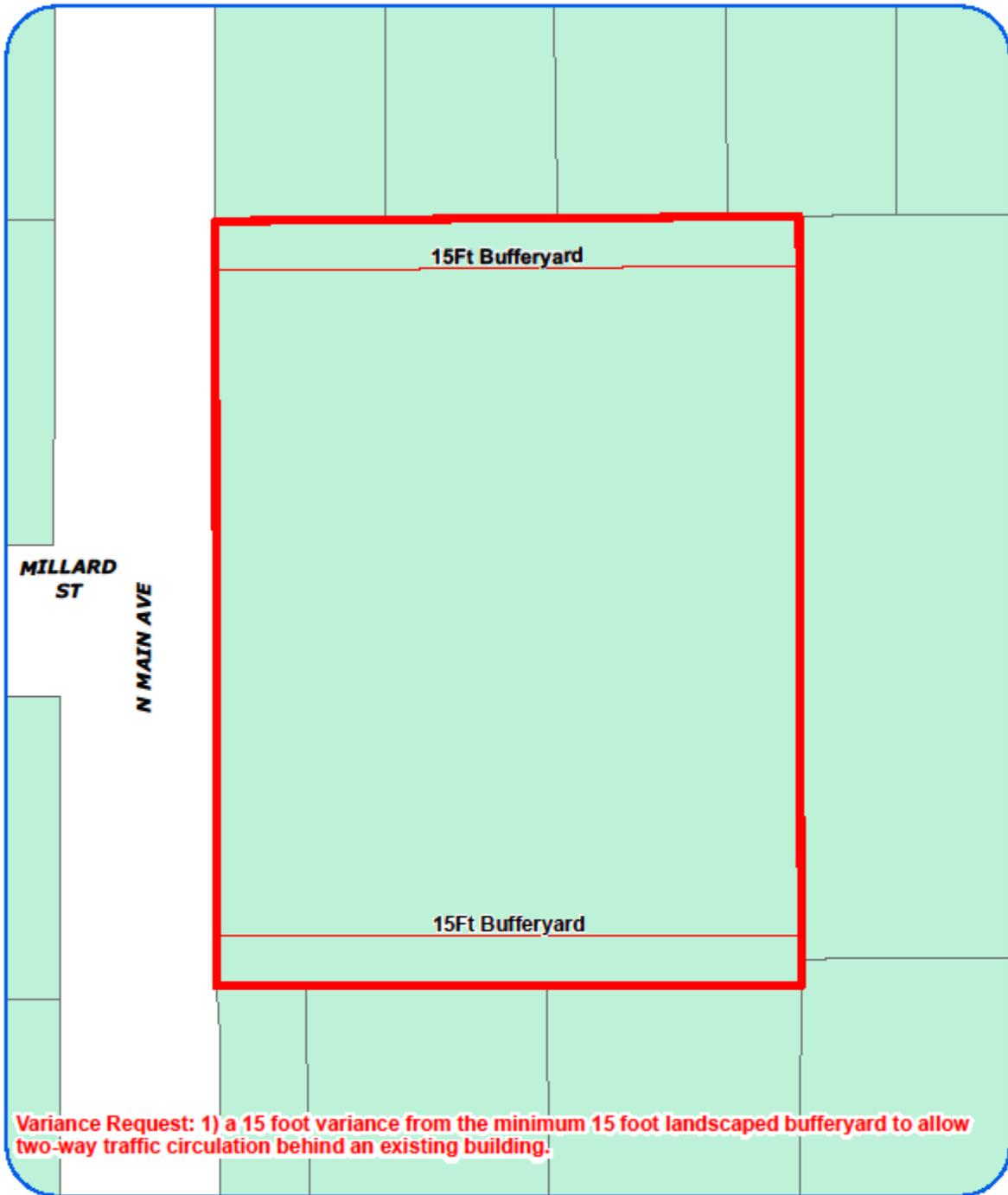


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 1

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FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request: 1) a 15 foot variance from the minimum 15 foot landscaped bufferyard to allow two-way traffic circulation behind an existing building.

Board of Adjustment
Plot Plan for
Case No A-14-107

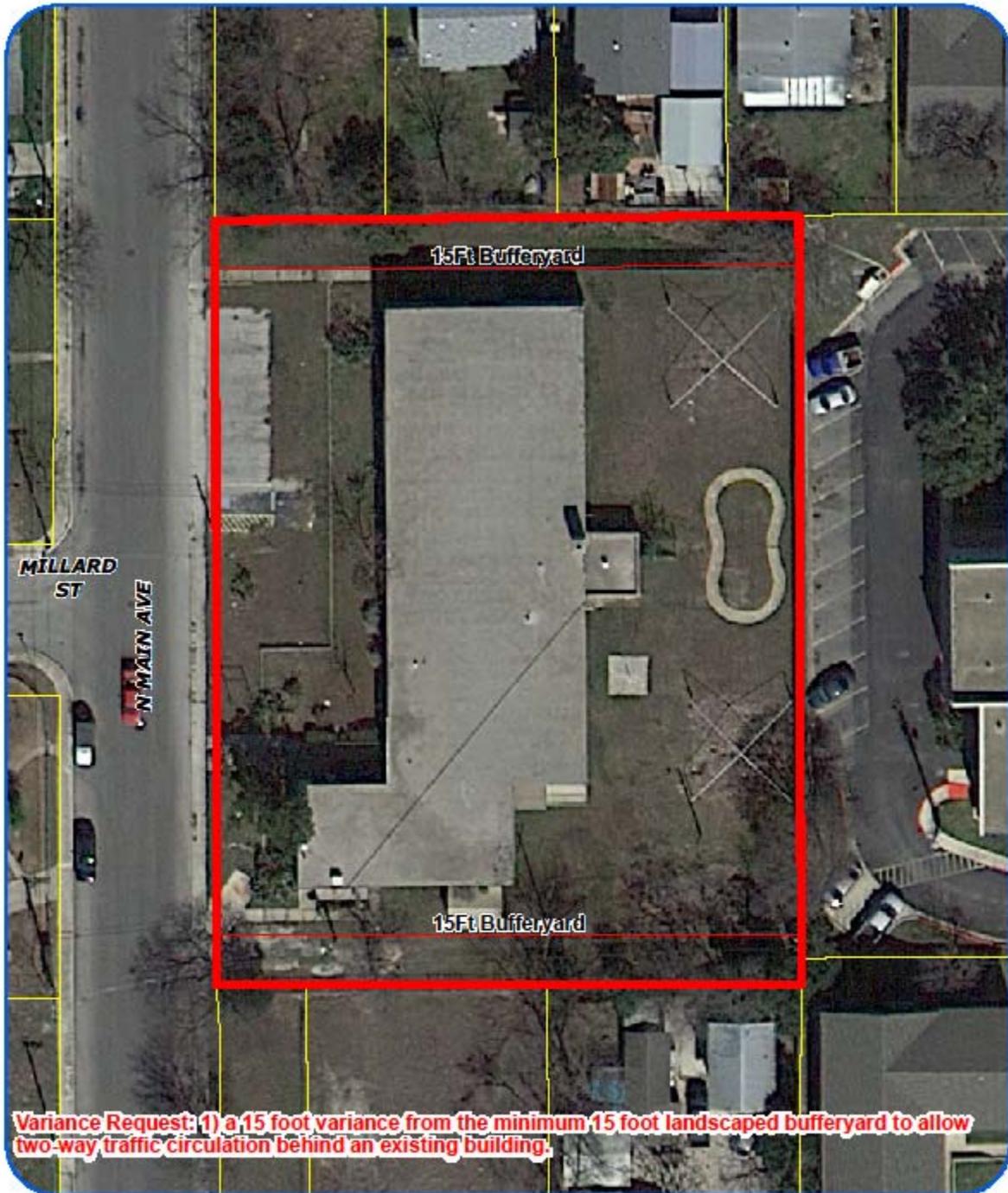


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Council District: 1

3510 N Main

Development Services Department
City of San Antonio

Plot Plan (continued)



Variance Request: 1) a 15 foot variance from the minimum 15 foot landscaped bufferyard to allow two-way traffic circulation behind an existing building.

Board of Adjustment
Plot Plan for
Case No A-14-107



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

3510 N Main

Development Services Department
City of San Antonio

Attachment 4 - Photos

3510 N Main (Subject Property)



Location of proposed driveway



Location of existing cut-back parking



3510 N Main Streetscape





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-108
Date: October 20, 2014
Applicant: Brown and Ortiz, PC
Owner: Newton Bulverde Road, Ltd
Council District: 9
Location: 18221 Bulverde Road
Legal Description: Parcel 7A, NCB 34955
Zoning: "C-2 PC-1 ERZD" Commercial Bulverde Road Preservation Corridor
Edwards Recharge Zone District
Prepared By: Logan Sparrow, Planner

Request

A request for a 15 foot variance from the minimum 30 foot rear setback as described in Table 310-1 of the UDC to allow a private school within 15 feet of 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 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 17, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 18221 Bulverde Road approximately one half mile north of Loop 1604. The applicant is requesting a variance from the rear building setback requirement of 30 feet to allow a private school to be constructed 15 feet from the property line. An apartment complex abuts the property to the rear and itself provides a 50 foot separation between the apartment building and the subject property line. As such, if the variance is granted, there would still be a 65 foot distance between the school and the nearest apartment building.

As a result of the subject property being located in the Bulverde Road Preservation Corridor it must comply with large front setbacks, being 35 feet from the property line, that force the building further back than would otherwise be required. If the property was constructed outside of the Bulverde Road Preservation Corridor then the setback requirements would have no front setback requirements as noted in Table 310-1. The applicant feels that a variance to allow a 15 foot setback would be the more visually appealing than requesting a variance from the 35 foot front setback requirement.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District	Proposed-private school

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District	Multi-Family Dwelling
South	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District	Vacant
East	“C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone District	Fire Station
West	“MF-25 PC-1 ERZD” Multi-Family Bulverde Road Preservation Corridor Edwards Recharge Zone District	Multi-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within any neighborhood plan areas or located within the boundaries of a registered neighborhood association.

Criteria for Review

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

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

The public interest is defined as the general health, safety, and welfare of the public. In this case, these criteria are related to the distance between the commercial use of a private school and the abutting residential apartment complex. Though the applicant is requesting a variance of 15 feet there would still be a 65 foot distance between the

school and the nearest apartment building. This distance would protect the general health, safety, and welfare of the public and is, therefore, 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 on this property are that the Bulverde Road Preservation Corridor design requirements require the building to be set back 35 feet from the street. This requirement forces the building back and triggers the need for the variance. The alternative would be to construct a two or three story building that requires less space, but this would also require a variance. As such, a literal enforcement of the design requirements would constitute an unnecessary hardship on the property owner.

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

The variances requested may be considered consistent with the spirit of the ordinance because the proposed private school will still enjoy a 65 foot distance between it and the nearest apartment building while remaining compliant with the design requirements of the Bulverde Road Preservation Corridor.

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 “C-2 PC-1 ERZD” Commercial Bulverde Road Preservation Corridor Edwards Recharge Zone 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 will not adversely affect the neighboring apartment complex as there will still be a 65 foot separation between the private school and the nearest apartment building.

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 design requirements of the Bulverde Road Preservation Corridor being applied to a small lot. These circumstances are not created by the owner and are not merely financial in nature.

Alternative to Applicant's Request

The applicant could construct a smaller building that occupies less area. It is likely that a building this small would not meet the needs of the school. The applicant could also seek a variance from the Bulverde Road Preservation Corridor design requirements to allow construction within the 35 foot front setback from the Bulverde Road right-of-way.

Staff Recommendation

Staff recommends **approval of A-14-108** based on the following findings of fact:

1. The proposed school would still enjoy a 65 foot separation between it and the residential use that abuts the property.
2. The Bulverde Road Preservation Corridor design standards impose large front setbacks that make compliant construction on smaller lots more difficult.

Attachments

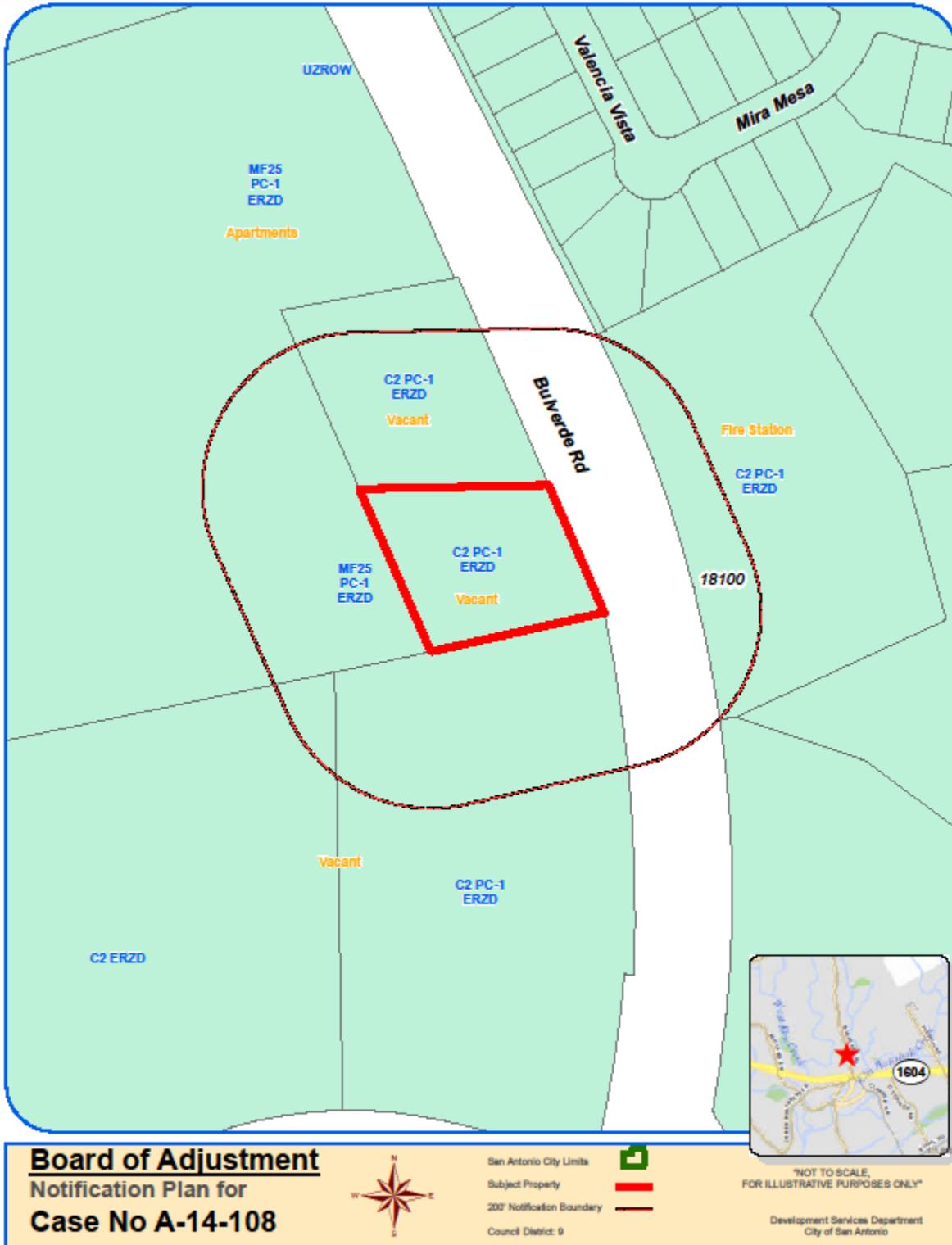
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

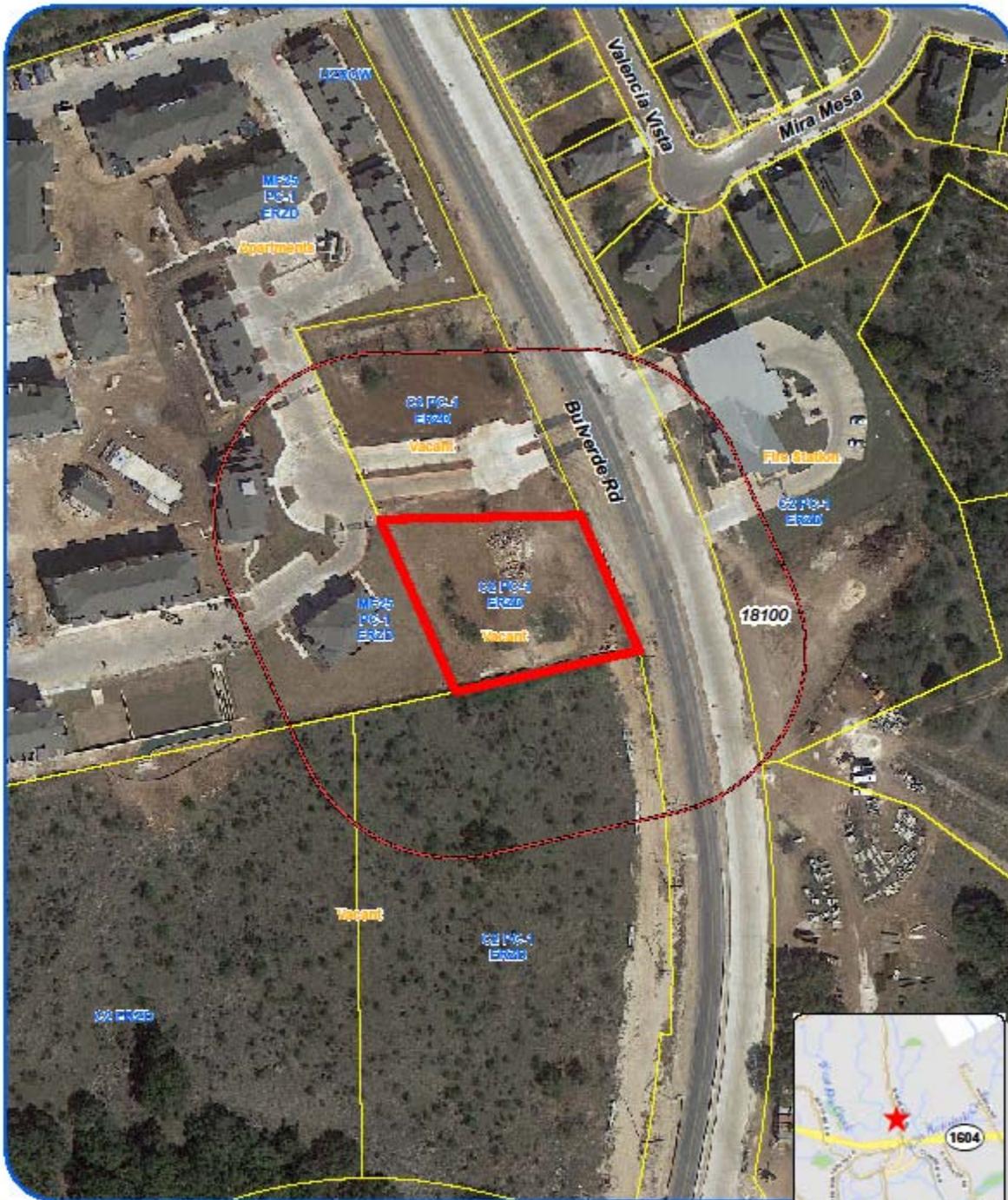
Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

Attachment 1 Notification Plan



Attachment 1
Notification Plan (continued)



Board of Adjustment
Notification Plan for
Case No A-14-108



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



"NOT TO SCALE,
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Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-108



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 9

18221 Bulverde¹⁸²¹¹

Development Services Department
City of San Antonio

Plot Plan (continued)



Board of Adjustment
Plot Plan for
Case No A-14-108



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 9

18221 Bulverde

Development Services Department
City of San Antonio

Attachment 4 - Photos

18221 Bulverde Road (Subject Property)



18221 Bulverde Road (Subject Property)



Apartment Complex Abutting Rear of Subject Property



Bulverde Road Streetscape (Front of subject property)





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-109
Date: October 20, 2014
Applicant: Isaias Fajardo
Owner: Isaias Fajardo
Council District: 5
Location: 453 Castroville Road
Legal Description: Lot 22, Block 113, NCB 8177
Zoning: "C-3 R CD AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District with a conditional use for stone working.
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant is requesting 1) a 28 foot variance from the minimum 30 foot rear setback, as detailed in Table 35-310-1 to allow a new building 2 feet from the rear property line; 2) a 1 foot variance from the maximum 6 foot fence height; and 3) a variance from the prohibition of sheet metal as a fencing material, as detailed in 35-514 (d) to allow a 7 foot sheet metal fence around the side and rear of the property.

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 8, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 17, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 453 Castroville Road approximately 172 feet east of SW 26th Street. It is the location of Cornerstone Memorials, creating cemetery headstones and statues for the last 65 years. The applicant is seeking three variances to allow the addition of a 1,340 square

foot steel metal building. The first variance is a 28 foot variance from the 30 foot rear setback to allow a principal structure two feet from the property line. This setback is required because the neighboring property is residential. The second variance is for a one foot variance from the six foot maximum fence height to allow a fence seven feet tall. The last variance is to allow that same fence to be constructed of sheet metal which is prohibited by code.

The applicant has outgrown his current building and is in need of a second. He has indicated in his application that the neighboring properties are owned by the same person, owner of a neighboring florist business, and she is in support of the proposed variances.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 R CD AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District with Conditional Use for stone working	Stone Working Facility

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	“I-1 AHOD” Residential Single-Family Airport Hazard Overlay District	Supermarket
East	“C-3 R HL AHOD” Historic Landmark General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District	Flower Shop
West	“C-3 R AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District	Gas Station

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Prospect Hill 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 proposed variances fail to provide for the public interest. While the current neighbor may approve, any future owners may not approve of the stone-working business located only two feet

from the property line. The business uses sand-blasting to carve out the stones is a loud process. It is very likely that having a use this intense only two feet from a residential property line would harm the public interest.

Additionally, the look of the sheet metal fence clearly detracts from the visual appeal of the community. **Staff does find, however, that the added fence height produces no adverse affect on the public interest.**

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

There are no special conditions present on the property that warrant the variance for a 28 foot variance, nor the use of sheet metal as fencing material. Staff would recommend that the proposed building be set back at least five feet from the property line. Though this request would still require a 25 foot variance it would allow a bit more separation between two very different use-intensities as well as provide adequate room for the maintenance of the proposed structure.

A literal enforcement of fencing material requirements would not constitute an unnecessary hardship. The fence was constructed without a fence permit. Had the applicant have pulled the fence permit then the issue would have been identified before construction.

Lastly, staff finds that asking the applicant to remove one foot of his fence may constitute an unnecessary hardship as the additional height allows the applicant to secure the business after hours.

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

The requested variances are not consistent with the spirit of the ordinance. Building setbacks are established to provide adequate and fair access to air, light, and fire separation. Should the variance be granted, the neighbor's property is likely to be negatively affected. Though the current owner has indicated that she is in support of the proposed variances, that may not be the case with future owners of that property.

The fence materials limitation is established to ensure that fences are constructed in a way that does not detract from the visual appeal of the community while still providing security and privacy for the local community. The current sheet metal fencing, which was built without permits, is visually unappealing.

Staff finds that allowing the additional fence height is in keeping with the spirit of the ordinance because it provides additional security for the business, especially after hours.

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 "C-3 R CD AHOD".

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 may adversely affect neighboring property owners. Though the current neighbor, per the applicant, has stated that they are in support of the proposed building, it is likely that future owners would not be. Should the Board allow a use as intensive as stone working within two feet of a residential home it may detract from the enjoyment of that property. According to the applicant, the home is owned by the neighboring flower shop. The applicant hopes to purchase the house for his business expansion, which could mitigate the requested variances.

The sheet metal fence is visually unappealing and detracts from the character of the community. As such, it is very likely that the sheet metal fencing injures adjacent uses.

Staff finds that the seven foot tall fence is not likely to injure adjacent uses.

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

There are no unique circumstances present on the property that would allow the construction of a building within two feet of the rear property line. Staff asks that the applicant consider construction five feet from the property line for more separation between uses and to provide adequate space for maintenance of the structure.

Additionally, there are no conditions present on the lot that merit a sheet metal fence. This type of fencing detracts from the local community's visual appeal.

Lastly, staff does find that crime in the area merits the additional fence height so that the applicant can more easily secure the business after hours.

Alternative to Applicant's Request

The applicant could construct the building five feet from the property line to provide better separation between it and the residential neighbor, as well as to provide adequate space for the maintenance of the structure.

Staff Recommendation

Staff recommends **denial of A-14-109** based on the following findings of fact:

1. The proposed two foot setback is very likely to negatively affect the adjacent neighbor.
2. The sheet metal fence very likely detracts from the visual appeal of the community.

Staff recommends **approval of the following:**

1. The requested additional one foot of fence height so that the applicant can secure the business after operating hours.
2. A 25 foot rear yard setback variance to allow the metal building 5 feet from the residential property line.

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)**



<p>Board of Adjustment Notification Plan for Case No A-14-109</p>		<p>San Antonio City Limits </p>	<p><small>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</small></p> <p><small>Development Services Department City of San Antonio</small></p>
		<p>Subject Property </p>	
		<p>200' Notification Boundary </p>	
		<p>Council District: 5 </p>	

Attachment 2
Plot Plan



Variance Request: 1) a 28 foot variance from the minimum 30 foot rear setback to allow a new building 2 feet from the rear property line; 2) a 1 foot variance from the maximum 6 foot fence height; and 3) a variance from the prohibition of sheet metal as a fencing material to allow a 7 foot sheet metal fence around the side and rear of the property.

Board of Adjustment
Plot Plan for
Case No A-14-109



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

453 Castroville Rd

Development Services Department
City of San Antonio

Plot Plan (continued)



Variance Request: 1) a 28 foot variance from the minimum 30 foot rear setback to allow a new building 2 feet from the rear property line; 2) a 1 foot variance from the maximum 6 foot fence height; and 3) a variance from the prohibition of sheet metal as a fencing material to allow a 7 foot sheet metal fence around the side and rear of the property.

Board of Adjustment
Plot Plan for
Case No A-14-109

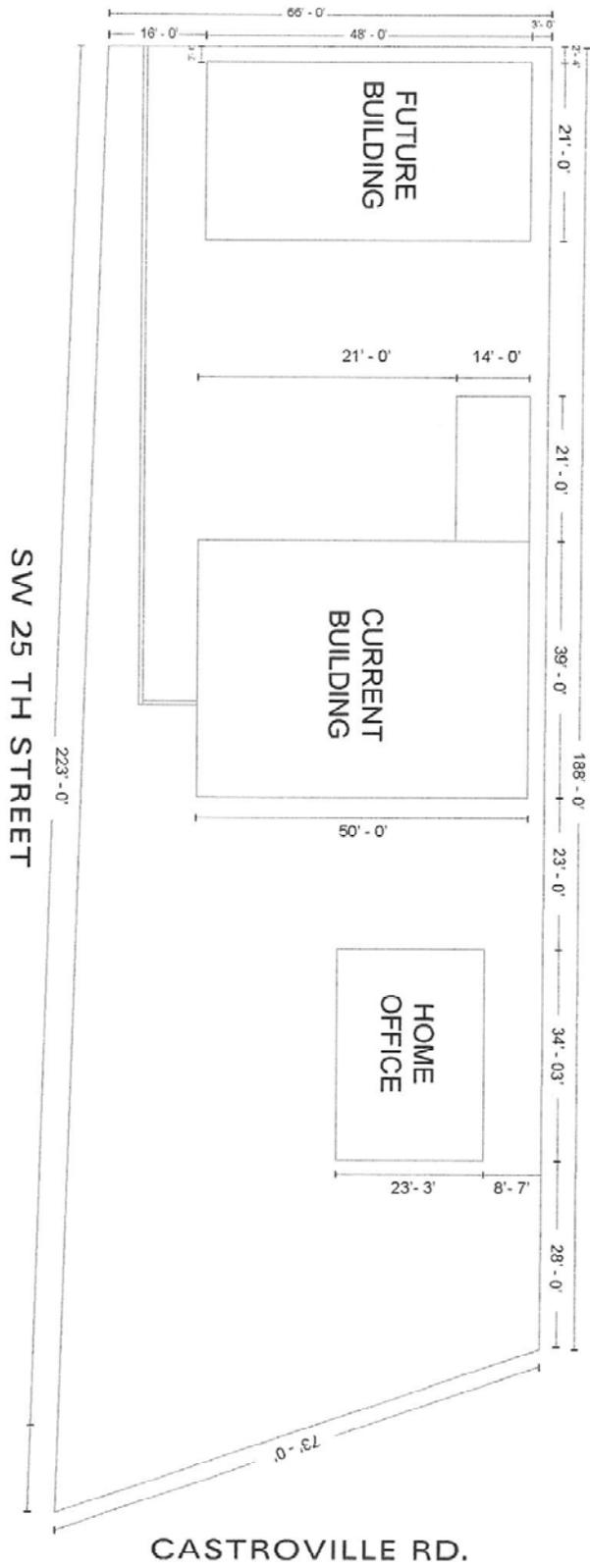


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 5

453 Castrovile Rd

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site**



453 CASTROVILLE RD.
SAN ANTONIO TEXAS

Attachment 4 - Photos

453 Castroville (Subject property)



Location of proposed building



Existing structure



Flower shop east of the property





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-106
Date: October 20, 2014
Applicant: Joanne Kelly
Owner: Gabriel Aragon
Council District: 5
Location: 920 Big Foot
Legal Description: Lots 11, 12, 13, Block 21, NCB 2630
Zoning: "C-1 CD AHOD" Commercial Airport Hazard Overlay District with conditional use for auto and light truck repair
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for **1)** a 5 foot variance from the minimum 10 foot side setback; **2)** a 23 foot variance from the minimum 30 foot rear setback; **3)** a 10 foot variance from the minimum 15 foot wide landscape bufferyard; **4)** a 35 foot variance from the maximum 20 foot front setback; **5)** a 2 foot variance from the maximum 4 foot fence; **6)** a 3 foot variance from the maximum 3 foot solid fence **7)** a variance from the prohibition against using sheet metal as a fencing material and **8)** a 1 foot variance from the maximum 15 feet allowed light pole height as specified in Tables 35-310-1 and 35-510-1, 35-514 (d) and 35-392 to permit two structures within 5 feet of the side property line, 7 feet from the rear property line, 55 feet from the front property line, with a 5 foot landscape buffer, a 6 foot solid metal fence and 16 foot tall light poles.

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 8, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on October 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 17, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 920 Big Foot approximately 331 feet south of US-90 expressway. In 2005 the applicant rezoned the property from “R-4” Residential Single Family to “C-1 C” Commercial with a conditional use for short-term parking/storage of vehicles for the auto repair shop located next door at 1904 Nogalitos Street. As a condition of that approval, a 15 foot landscape buffer was required along the two property lines which abut residential uses. This bufferyard was never installed.

The applicant prepared a proposed site improvement plan last year in response to code enforcement and began the process of bringing the site into compliance. The previous conditional use approval needed to be amended to reflect the new “uses” and layout. The property was successfully rezoned on May 1, 2014, when the City Council approved the rezoning of that property to allow for auto and light truck repair. The variances would be the final step, prior to building permits, to allow the completion of this project.

The applicant is seeking several variances from the UDC in order to keep improvements installed without permits and in direct conflict with his original conditional use approval granted in 2005. The first variance is to allow an office building, constructed 5 feet from the residential property line. This office building requires modification of both the minimum building setback and the required bufferyard. In addition, the building was constructed 55 feet from the front property line, far in excess of the maximum front setback of 20 feet. Another variance is requested to modify this setback.

The next series of variances are required to allow a tall steel canopy structure measuring roughly 50 feet by 40 feet, built in the rear. This building and a large cement slab were installed only 7 feet from the residential property lines. This location violated the side and rear building setbacks and the minimum landscape bufferyard.

The last series of variances would allow the fencing, both installed and proposed and the existing two 16 foot tall light poles. The applicant has built some wooden fencing toward the rear and some sheet metal along the residential side yard. The chain link fencing along the front property line is in disrepair and would be replaced. A variance would allow this front fence to be installed at 6 feet, necessary for security of the premises. The light poles were shown on both of the previous City Council site plan, approved with a condition that they be full cut-off fixtures. Nevertheless, these approvals do not authorize additional height. No shielding has ever been installed on these lights.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
C-1 CD AHOD” Commercial Airport Hazard Overlay District with conditional use for auto and light truck repair	Short-term vehicle storage

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3R AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District	Barber Shop
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	“C-3R AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District	Auto Repair Shop

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Palm Heights 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 the public is adversely affected. The building located only five feet from the property line, and which abuts a residential home, fails to provide adequate access to air and light, as well as fire separation, from the neighbor. The neighbor has also complained that rain water runoff lands in their yard after falling from the commercial structure.

The metal fence detracts from the character of the community, is visually unappealing, and is strictly prohibited from use by the Unified Development Code. The bufferyard should be provided to separate uses of different intensity, failing to provide this will negatively affect the public interest. The light fixtures, as installed, are not full cut-off fixtures and flood the neighbor’s house in light. A variance to allow them to stay as installed would be contrary to the public interest.

Staff finds that the requested fence height variance is not contrary to the public interest, so long as it is constructed of materials allowed by the Unified Development Code.

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

A literal enforcement of the code would not result in unnecessary hardship. The applicant chose to build the existing structures and fences without the benefit of any permits. Had the applicant applied for the permits, Development Services would have identified any potential issues and provided remedies for the applicant by proposing alternatives.

Staff does find that not allowing a six foot fence in the front of the property may constitute an unnecessary hardship as, should the applicant comply with the four foot maximum, the applicant may struggle to effectively secure the business after hours.

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

Should the Board of Adjustment grant the requested variances, the spirit of the ordinance would not be observed and no justice shall be done. The original rezoning conditions of approval, if implemented, would have at least provided landscaping and separation for the narrow residential lot next door. If granted, these variances will adversely impact neighboring properties by blocking fair access to air, light, and fire separation. Their house is flooded in bright light. The sheet metal fencing is visually unappealing and detracts from the community.

In granting the requested additional two feet of fence height the spirit of the ordinance would be observed as the applicants would be able to secure their business after hours, leading to necessary security.

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 “C-1 CD AHOD” Commercial Airport Hazard Overlay District, with a conditional use for auto and light truck repair.

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.

It is very likely that the requested variances would injure the appropriate use of adjacent properties. Neighboring properties will have access to air, light, and fire separation reduced by the proposed variances. The lighting is intrusive. The sheet metal fencing detracts from the appeal of the community.

Staff finds that it is unlikely that the requested additional fence height will not adversely affect adjacent properties.

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

There are no unique circumstances present on this lot that merit the granting of these variances. The need for the variances resulted from the applicant building without the benefit of any permits.

Staff does find that crime in the area is not the fault of the applicant, nor merely financial in nature. As such, staff finds that the applicant should be granted the variance for the added fence height.

Alternative to Applicant's Request

The applicant would need to comply with the standards established by the Unified Development Code and construct the structures with appropriate setbacks, bufferyards and fencing materials in compliance with code. Additionally, the applicant could remove two feet of fencing to become totally compliant.

Staff Recommendation

Staff recommends **denial of A-14-106** based on the following findings of fact:

1. The proposed setback variances are very likely to negatively affect neighboring properties.
2. The proposed fencing material variance is very likely to detract from the visual appeal of the community.

Staff recommends **approval of the following:**

1. The additional two feet of fence height for front yard fencing is needed to provide added security for the business after hours.

Attachments

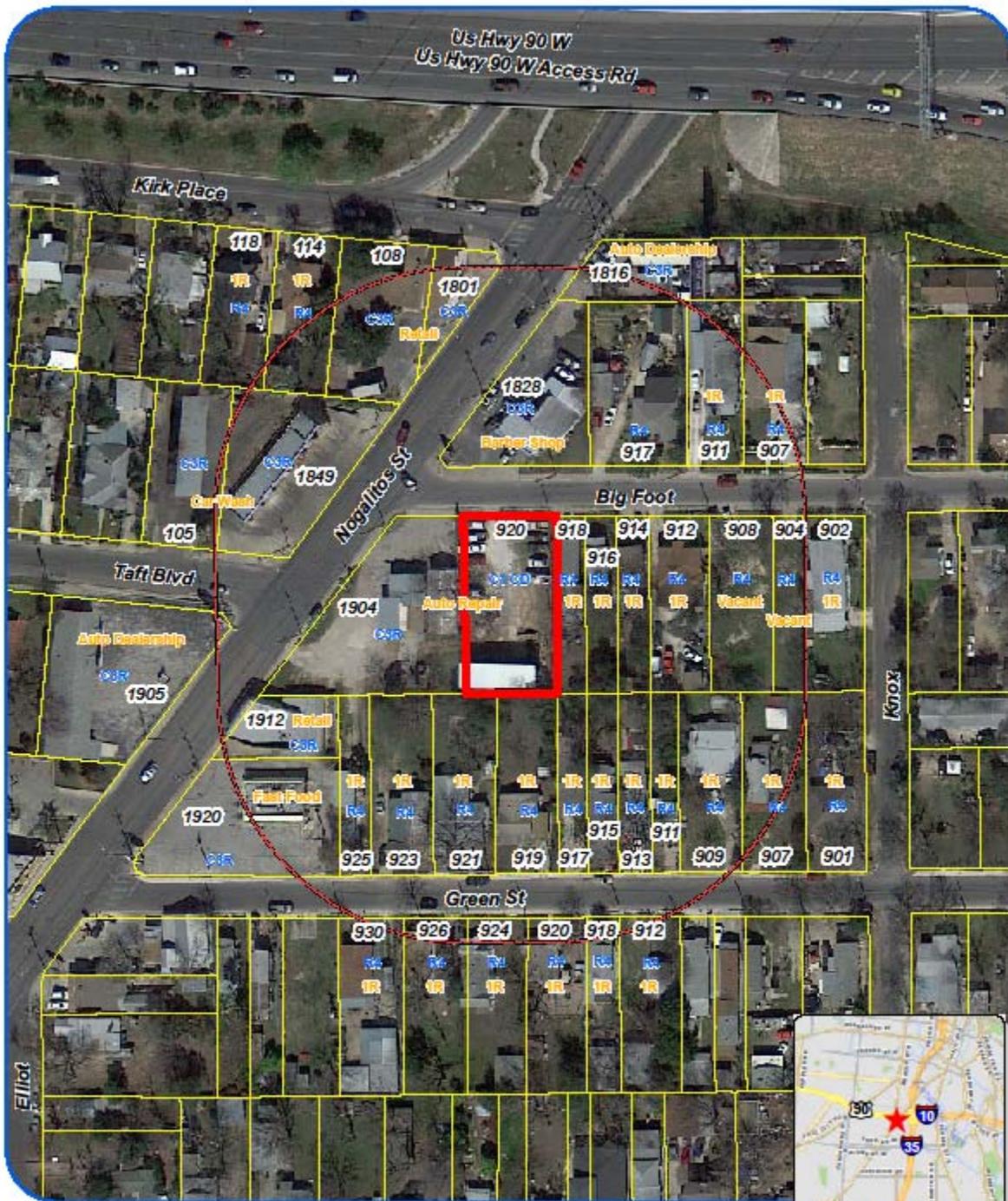
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

Attachment 4 – Site Photos

**Attachment 1
Notification Plan (continued)**



Board of Adjustment
Notification Plan for
Case No A-14-106



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 5

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request: 1) a 5 foot variance from the minimum 10 foot side setback; 2) a 23 foot variance from the minimum 30 foot rear setback; 3) a 10 foot variance from the minimum 15 foot wide landscape bufferyard; 4) a 35 foot variance from the maximum 20 foot front setback; 5) a 2 foot variance from the maximum 4 foot fence; 6) a variance from the prohibition against using sheet metal as a fencing material and 7) a 1 foot variance from the maximum 15 feet allowed light pole height to permit two structures within 5 feet of the side property line, 7 feet from the rear property line, 55 feet from the front property line, with a 5 foot landscape buffer, a 6 foot metal fence and 16 foot tall light poles.

Board of Adjustment
Plot Plan for
Case No A-14-106



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

920 Big Foot

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan (continued)**



Variance Request: 1) a 5 foot variance from the minimum 10 foot side setback; 2) a 23 foot variance from the minimum 30 foot rear setback; 3) a 10 foot variance from the minimum 15 foot wide landscape bufferyard; 4) a 35 foot variance from the maximum 20 foot front setback; 5) a 2 foot variance from the maximum 4 foot fence; 6) a variance from the prohibition against using sheet metal as a fencing material and 7) a 1 foot variance from the maximum 15 feet allowed light pole height to permit two structures within 5 feet of the side property line, 7 feet from the rear property line, 55 feet from the front property line, with a 5 foot landscape buffer, a 6 foot metal fence and 16 foot tall light poles.

Board of Adjustment
Plot Plan for
Case No A-14-106

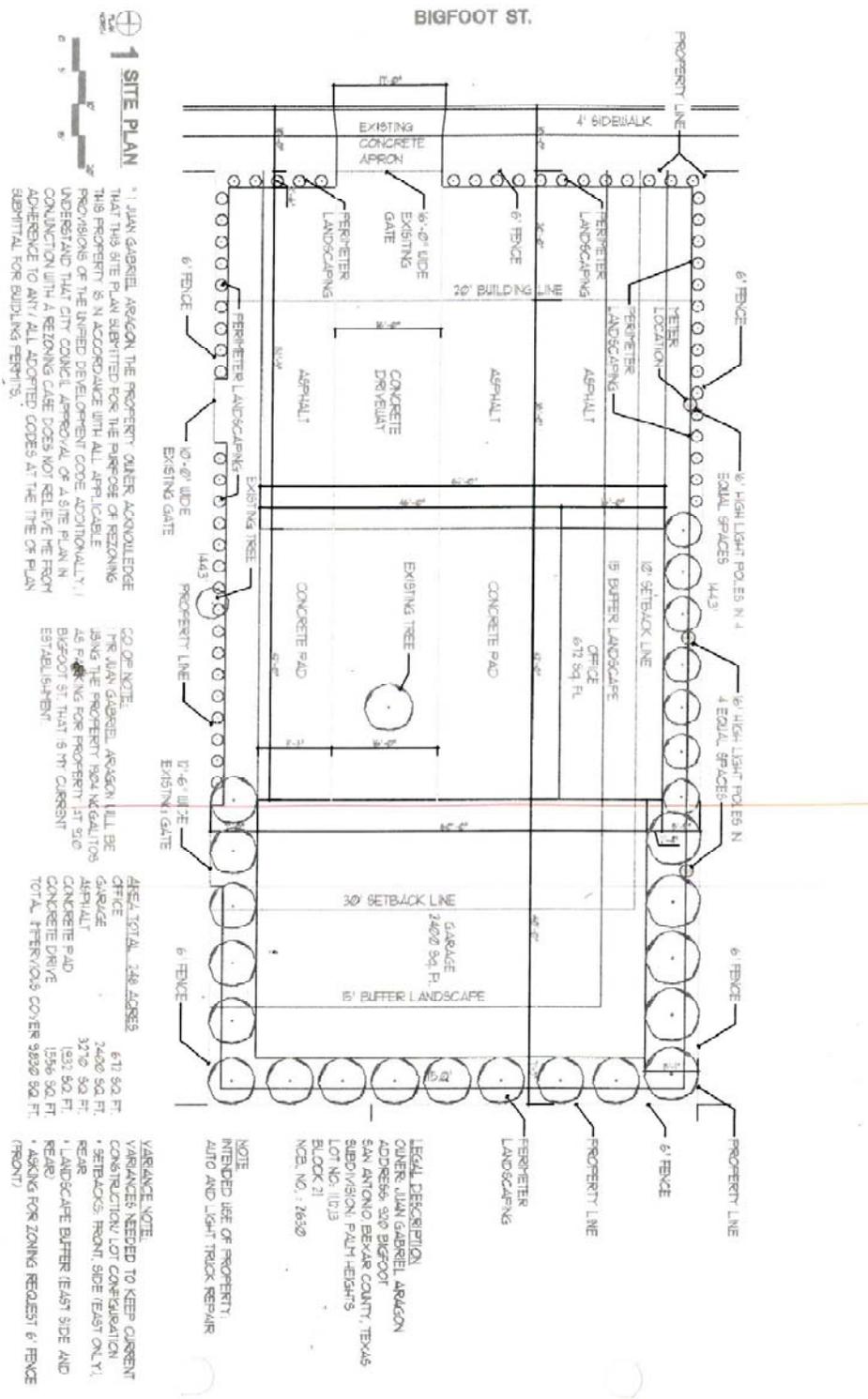


"NOT TO SCALE,
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Council District: 5

920 Big Foot

Design Services Department
City of San Antonio

Attachment 3 Applicant's Site



SITE PLAN

JUAN GABRIEL ARAGON THE PROPERTY OWNER ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF ZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE UNIFIED DEVELOPMENT CODE, ADDITIONALLY, UNDERSTAND THAT CITY COUNCIL APPROVAL OF A SITE PLAN IN CONNECTION WITH A ZONING CASE DOES NOT RELIEVE THE FROM ADHERENCE TO ANY/all ADOPTED CODES AT THE TIME OF PLAN SUBMITTAL FOR BUILDING PERMITS.

CO-OP NOTE:
FR. JUAN GABRIEL ARAGON WILL BE USING THE PROPERTY FROM NE GALATOS AS PARKING FOR PROPERTY AT 510 BIGFOOT ST THAT IS CURRENT ESTABLISHMENT

AREA TOTAL	248 ACRES
OFFICE	671 SQ. FT.
GARAGE	2400 SQ. FT.
ASPHALT	3379 SQ. FT.
CONCRETE PAD	1931 SQ. FT.
CONCRETE DRIVE	1536 SQ. FT.
TOTAL INTERIORS COVER	3920 SQ. FT.

VARIANCE NOTE:
VARIANCES NEEDED TO KEEP CURRENT CONSTRUCTION/LOT COMPENSATION (REAR, SIDE (EAST ONLY), REAR LANDSCAPE BUFFER (EAST SIDE AND REAR) ASKING FOR ZONING REQUEST 6' FENCE (FRONT)

NOTE:
INTENDED USE OF PROPERTY: AUTO AND LIGHT TRUCK REPAIR

LEGAL DESCRIPTION:
OWNER: JUAN GABRIEL ARAGON
ADDRESS: 510 BIGFOOT
SAN ANTONIO BECHAR COUNTY, TEXAS
SUBDIVISION: PALM HEIGHTS
LOT NO.: 1013
BLOCK 21
NCE. NO.: 26620

Attachment 4 - Photos

920 Big Foot (Subject property)



Applicant's Side



Applicant's Side Yard Setback (Neighboring residential use)



Applicant's Property Line (Front yard)

