

# City of San Antonio Board of Adjustment

## Regular Public Hearing Agenda

Monday, October 6, 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](http://www.sanantonio.gov/dsd)), and the City Hall kiosk, at least seventy-two (72) hours prior to this public hearing, in compliance with the Texas Open Meetings Act.

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1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance.
4. **A-14-090: CONTINUED** The request of Rex Corporation for **1)** a 3-foot variance from the maximum 3-foot fence height to allow a 6-foot solid fence in the front yard; **2)** a 15-foot variance from the minimum 15-foot wide bufferyard to allow reduction and/or elimination of the required bufferyard; **3)** an 11-foot variance from the minimum 30-foot sideyard setback to allow a building 19 feet from the south property line; and **4)** a variance from the minimum required off-street parking stalls to allow a business with no off-street parking, located at 2710 St. Mary's Street. (Council District 1)
5. **A-14-092: CONTINUED** The request of Celeste Walkenhut for the elimination of off-street parking required to allow a 795 square foot art gallery within a home, located at 115 Michigan. (Council District 1)
6. **A-14-097:** The request of Shannon Goodman for a special exception to allow a one-operator beauty or barber shop in a home, located at 2506 Old Gate Road. (Council District 1)
7. **A-14-098:** The request of Manuela L Rodriguez for a special exception to allow a one-operator beauty or barber shop in a home, located at 322 Lemur. (Council District 1)
8. **A-14-100:** The request of KM Savannah Oaks, L.L.C. for **1)** a variance from the minimum 150 foot spacing between two signs to allow signs that are 103 feet apart and **2)** a variance from the requirement that a second sign be reduced 25% in sign area to allow a sign equal in size to the original, located 14614 Vance Jackson Road. (Council District 8)
9. **A-14-102:** The request of Mary J Williams for **1)** a 13'9" variance from the 16 foot maximum sign height in Section 28-239 to allow a pole sign on a local street 29'9" in height and **2)** a 23.3 square foot variance from the 75 square foot sign area maximum in Section 28-239 to allow a sign 98.3 square feet in area, located at 16331 Pleasantville Road. (Council District 10)

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### Board of Adjustment Membership

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

### Alternate Members

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

10. **A-14-099:** The request of Nicolas Acosta for a 10 foot variance from the minimum 20 foot rear yard setback to allow an attached garage 10 feet from the rear property line, located at 3018 Aragon Drive. (Council District 4)
11. **A-14-101:** The request of Barry & Virginia Flanders for **1)** a 36 foot variance from the minimum 36 foot garage setback to allow a garage in front of the principal building; **2)** a 2 foot variance from the minimum 5 foot side setback to allow a 3 foot setback for the attached garage, located at 803 & 807 Old Austin Road. (Council District 2)
12. **A-14-103:** The request of Rolando Montalvo for **1)** a 365 sq.ft. variance from the maximum 495 sq.ft. limitation to allow an accessory dwelling unit with 860 square feet and **2)** a 5 foot variance from the minimum 5-foot side setback to allow an accessory dwelling unit on the property line, located at 103 LeCompte Place. (Council District 5)
13. Approval of September 15, 2014 Board Meeting Minutes
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).***

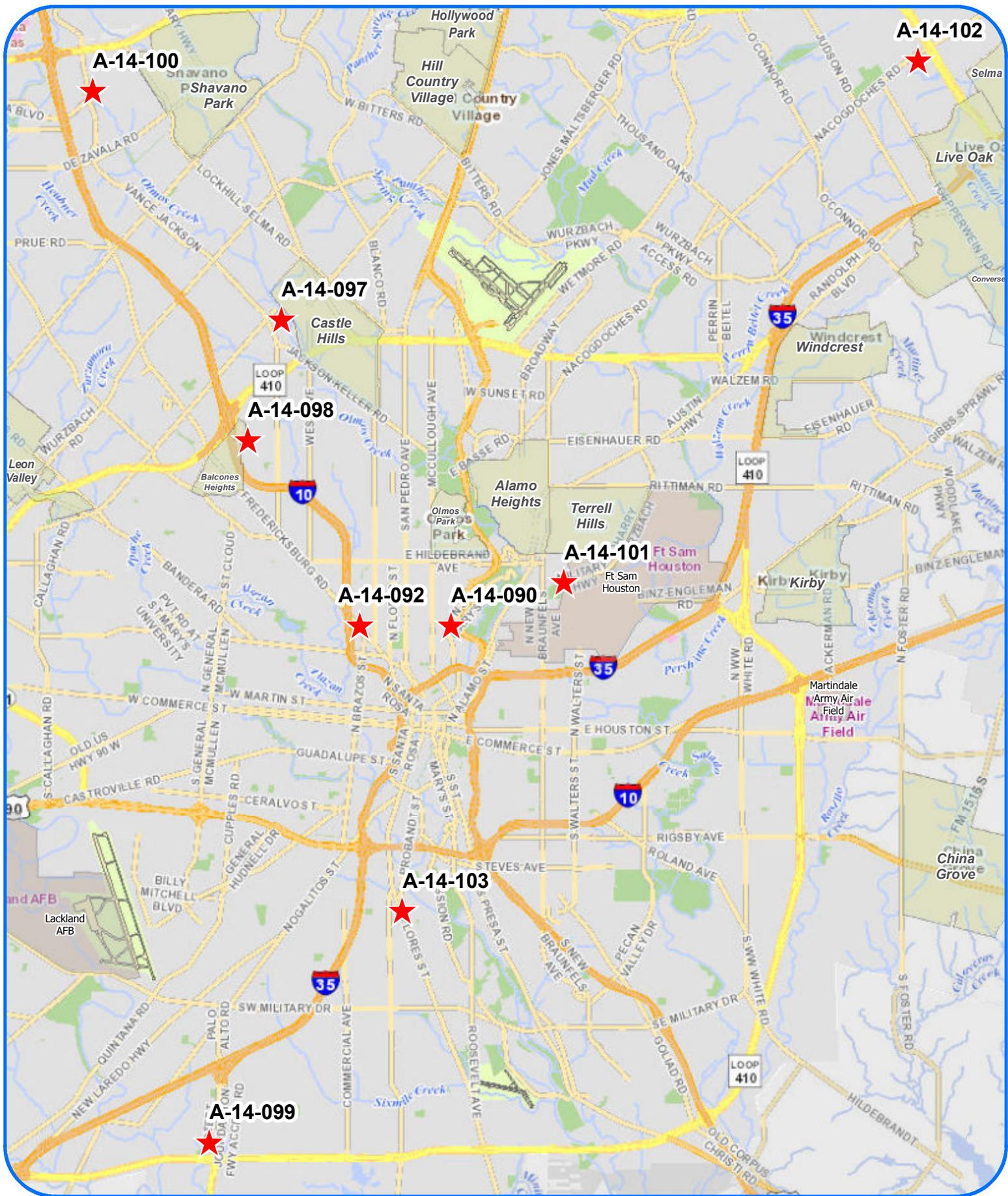
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**Board of Adjustment Membership**

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

**Alternate Members**

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



# Board of Adjustment

Subject Property Locations  
Cases for 6th October 2014





## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-14-090  
Date: October 6, 2014  
Applicant: Rex Corporation  
Owner: Sahak Karabulut  
Location: 2710 St. Mary's Street  
Legal Description: SW 58.32 ft of Lot 17, NCB 9582  
Council District: 1  
Zoning: "C-3 AHOD" Commercial Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for 1) a 3-foot variance from the maximum 3-foot fence height as described in Section 35-514 (d) to allow a 6-foot solid fence in the front yard; 2) a 15-foot variance from the minimum 15-foot wide bufferyard as described in Table 510-1 to allow reduction and/or elimination of the required bufferyard; 3) an 11-foot variance from the minimum 30-foot sideyard setback as described in Table 310-1 to allow a building 19 feet from the south property line; and 4) a variance from the minimum required off-street parking stalls as detailed in Table 526-3(b) to allow a business with no off-street parking.

### **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 August 29, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on August 29, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property contains 8,700 square feet and is located in the Tobin Hill Neighborhood on N. St. Mary's Street, which is classified as a secondary arterial on the Major Thoroughfare Map. According to the Tobin Hill Neighborhood Plan, adopted in 2008, the corridor began

transitioning from residential to commercial land uses with the advent of the streetcar line in the 1920's. Today, it is a vibrant neighborhood commercial corridor with improving property values. The development pattern however frequently reflects its 19<sup>th</sup> century beginnings as residential home sites, with lots that are narrow and deep and under 10,000 square feet of lot area.

The subject property has been owned by the same individual since 1987 and was last occupied by a Tattoo Studio. It is the applicant's intent to demolish the existing building and completely redevelop the site. Because of the lot width and the required setbacks and bufferyards, the applicant is requesting variances to assist in site design. Setbacks and bufferyards are waived when a commercial property is surrounded by other commercially zoned property, but are required when it abuts residential land uses. In addition, the applicant hopes to eliminate the 8 required off-street parking stalls and gain authorization for a 6-foot solid screen fence in the front yard.

The business plan is to construct a small building which includes permanent restrooms and a food and beverage service area. The proposed size of this structure is under 1,000 square feet. Outdoor seating areas would supplement the useable space. The plan includes a spot for a food truck to park and provide refreshments, along with a playground and gazebo. For protection of the outdoor improvements, a solid 6-foot fence is shown surrounding the property. An 8-foot wide bufferyard is proposed along east property line and half of the southern property boundary. The bufferyard is eliminated on the remaining southern property line to allow access for the food truck.

The proposed site design is completely contingent on the requested variances. The building, which is designed at 24 feet wide up against the northern side property line, encroaches 11 feet into the required 30 foot side setback, resulting in the need for the 11 foot variance. Picnic tables and playground equipment are shown within the standard 15 foot landscape bufferyard, which is proposed at 8 feet in width, resulting in the 7 foot bufferyard variance. In addition, the 6 foot solid fence is not allowed in the front yard without a variance.

The parking modification however is essential to the business plan. The only feasible parking layout for a site with less than 55 feet in width would be parallel parking, which requires 36 feet of pavement width and would only result in 5 stalls. Because the site is interior and without alley access, two way circulation is required. This alone requires 24 feet, and a parking stall is generally 18-20 feet deep. Traffic safety prohibits parking which requires backing out onto the street, so that historic option is no longer allowed. Regardless of the future use, the site will struggle to fit more than a few stalls and then only with a bufferyard variance.

It should be noted however, according to UDC Section 35-526 (b)7: "The Board of Adjustment has the authority to adjust the minimum or maximum parking requirement based on a showing by the applicant that a hardship is created by a strict interpretation of the parking regulations. Any adjustment authorized by the Board of Adjustment *shall apply only to the use in the original certificate of occupancy.*"

The applicant explains that the goal of the business is to create a walkable, family-friendly neighborhood spot. They state there will be no loud music.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3 AHOD” General Commercial Airport Hazard Overlay District	Structurally unsound building

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Tavern
South	“C-3 HE AHOD” & “R-6 AHOD” General Commercial Historically Exceptional Residential Single-Family Airport Hazard Overlay Districts	Tavern & Single-Family Residential
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Tire Dealer

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Tobin Hill Neighborhood Plan area and designated as mixed use. The plan specifically mentions goals for the St. Mary’s corridor as encouraging pedestrian scale neighborhood uses, with shared parking. The property is located within the boundaries of Tobin Hill Neighborhood Association, a registered neighborhood association, and as such, they were notified and asked to comment.

**Criteria for Review**

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

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

**The public interest in this case is represented by the goals and objectives detailed in the Tobin Hill Neighborhood Plan which encourage commercial redevelopment along this corridor, even identifying it as the cultural gateway into downtown. Therefore, the variances which would facilitate this revitalization would not be contrary to the public interest.**

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

**Transitioning lots platted for residential use into commercial businesses has created a neighborhood of non-conforming structures with little or no off-street parking. Literal enforcement of the ordinance would result in these structures remaining in a dilapidated**

**state and the tedious long-term assemblage of neighboring parcels to create a developable site, resulting in an unnecessary hardship.**

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 development pattern is similar to many other commercial sites along this 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-3 AHOD” Zoning District.**

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

**The essential character of the district, both in its current state and in its anticipated state according to the goals in the adopted Neighborhood Plan, envisions a mixed use area where commercial and residential uses enjoy their close association.** The homes which abut this site also abut the neighboring tavern and understand the challenges associated with this proximity. There are very few businesses along St. Mary’s with off-street parking and so the residential streets already experience the effects of this requested parking modification. **The applicant is hoping to improve this relationship, with financial investment and a family friendly walkable business. A bufferyard and perimeter fencing will be installed to reduce the off-site impacts to adjacent properties.**

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

**The plight of the applicant is unique in that he hopes to demolish the structure, losing all non-conforming rights to the site and begin fresh, with a smaller building and outdoor seating conducive to children at play. Current ordinance provisions did not anticipate commercial development on this shape and size parcel.**

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

The alternative to the applicant’s request is to renovate the existing building, using non-conforming rights.

### **Staff Recommendation**

Staff recommends approval, based on the following finding:

1. The requested variances will facilitate the type of business described in the goals of the Tobin Hill Neighborhood Plan and allow a consistent development pattern to other businesses along this commercial corridor.

## **Attachments**

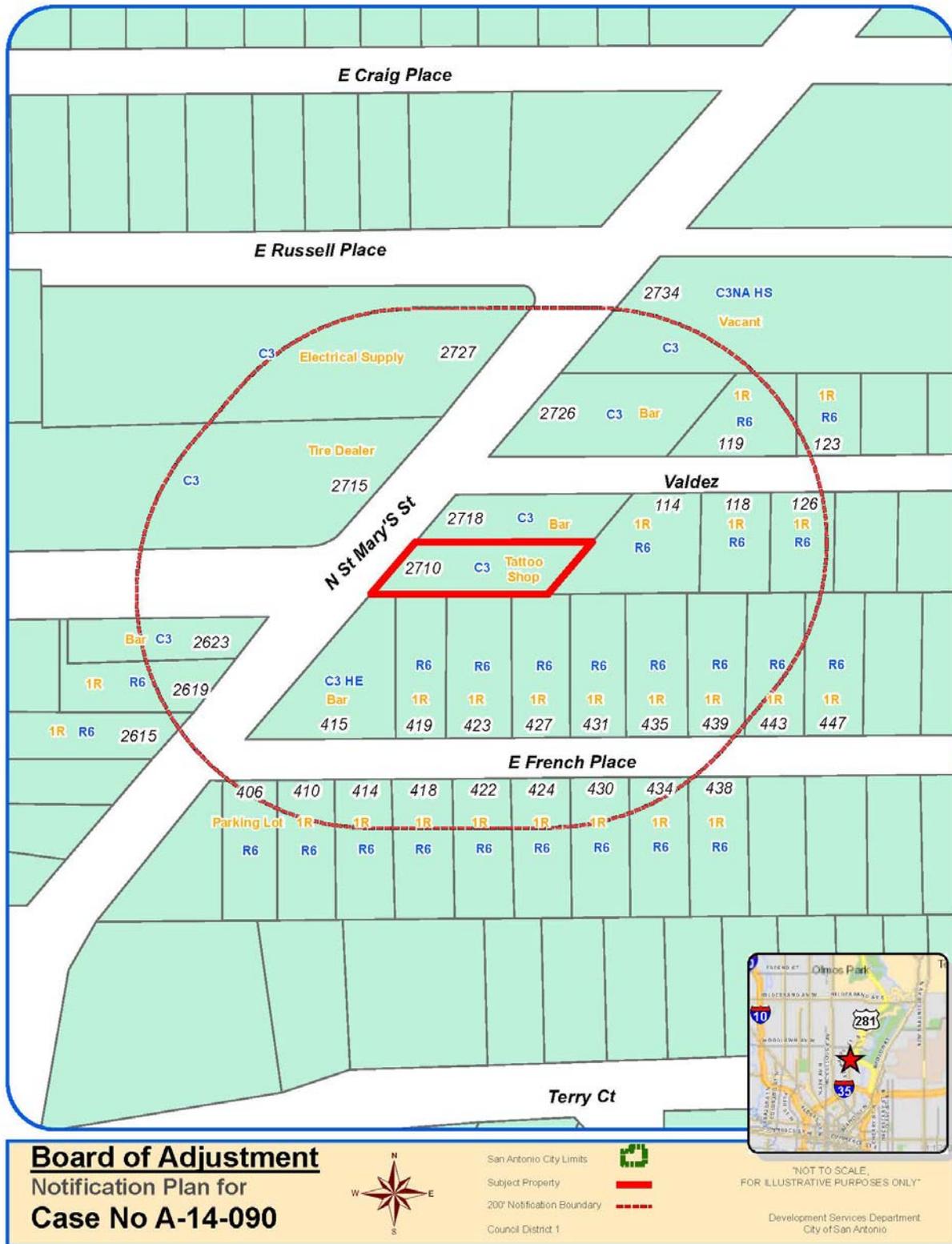
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

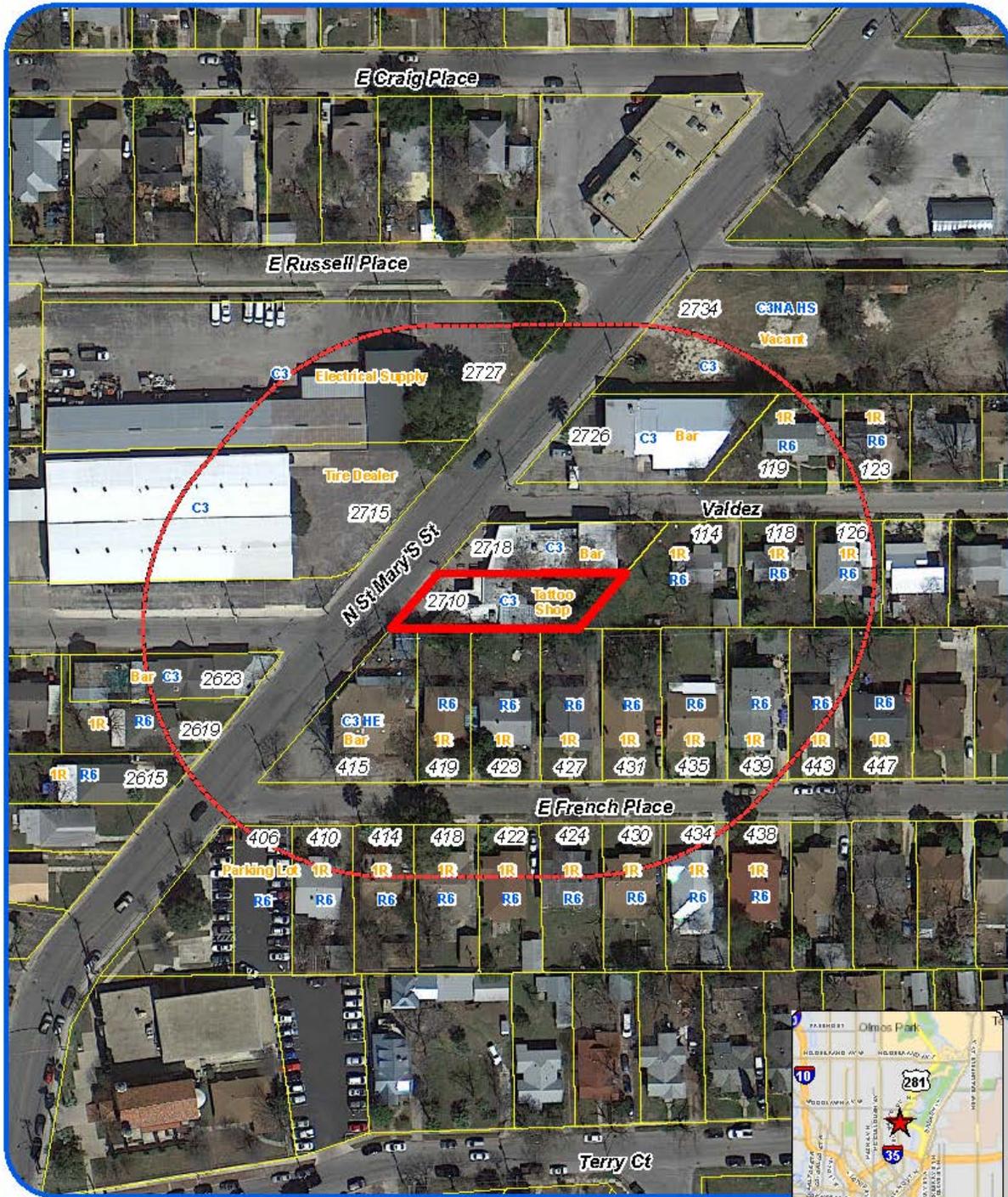
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

# Attachment 1 Notification Plan



**Attachment 1 (cont)  
Notification Plan**



**Board of Adjustment  
Notification Plan for  
Case No A-14-090**

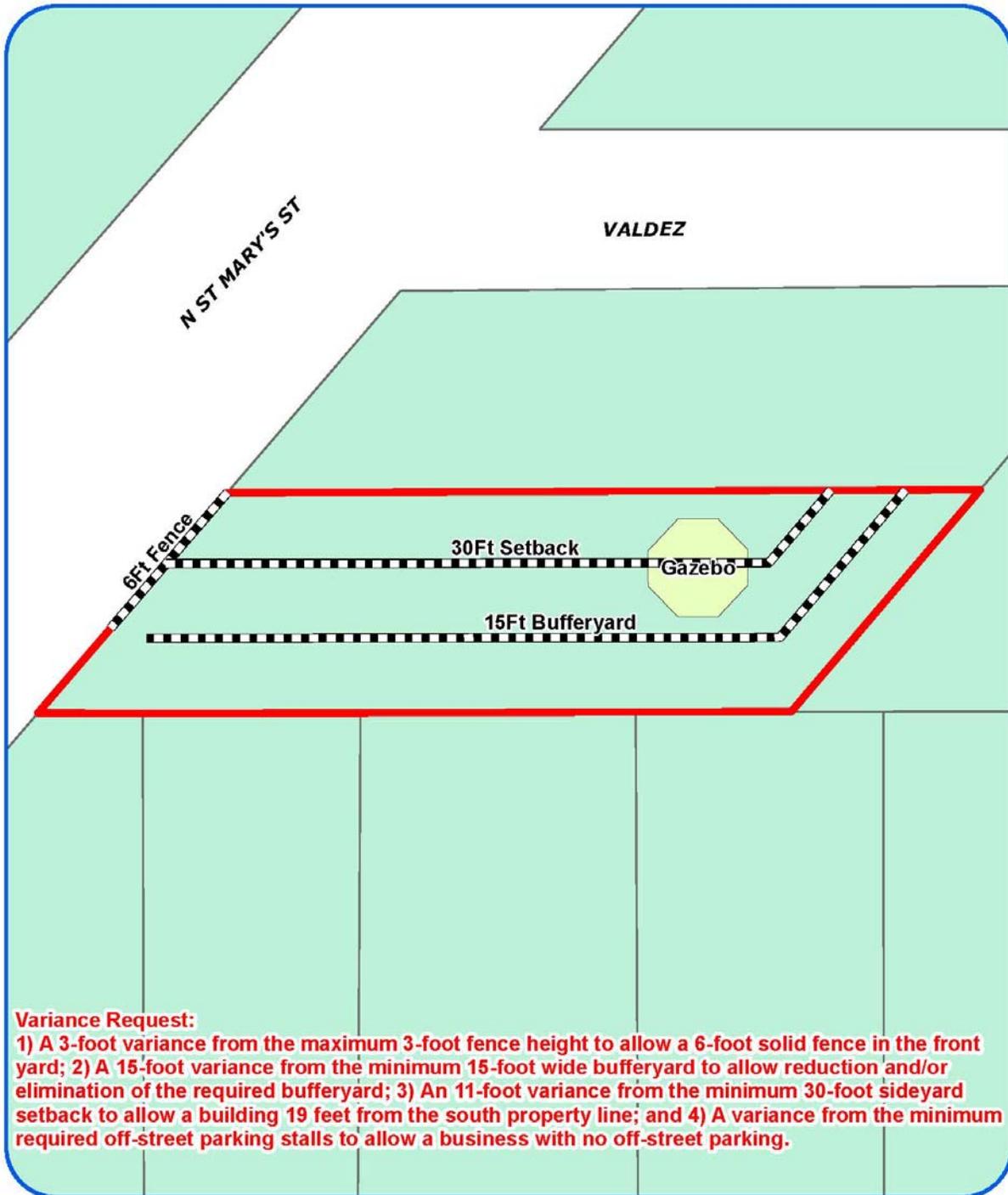


- San Antonio City Limits
- Subject Property
- 200' Notification Box & day
- Council District 1

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Debra Kpeme at Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Variance Request:**

- 1) A 3-foot variance from the maximum 3-foot fence height to allow a 6-foot solid fence in the front yard;
- 2) A 15-foot variance from the minimum 15-foot wide bufferyard to allow reduction and/or elimination of the required bufferyard;
- 3) An 11-foot variance from the minimum 30-foot sideyard setback to allow a building 19 feet from the south property line; and
- 4) A variance from the minimum required off-street parking stalls to allow a business with no off-street parking.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-090**



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

**2710 N St Marys** <sup>1:300</sup>

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-14-090

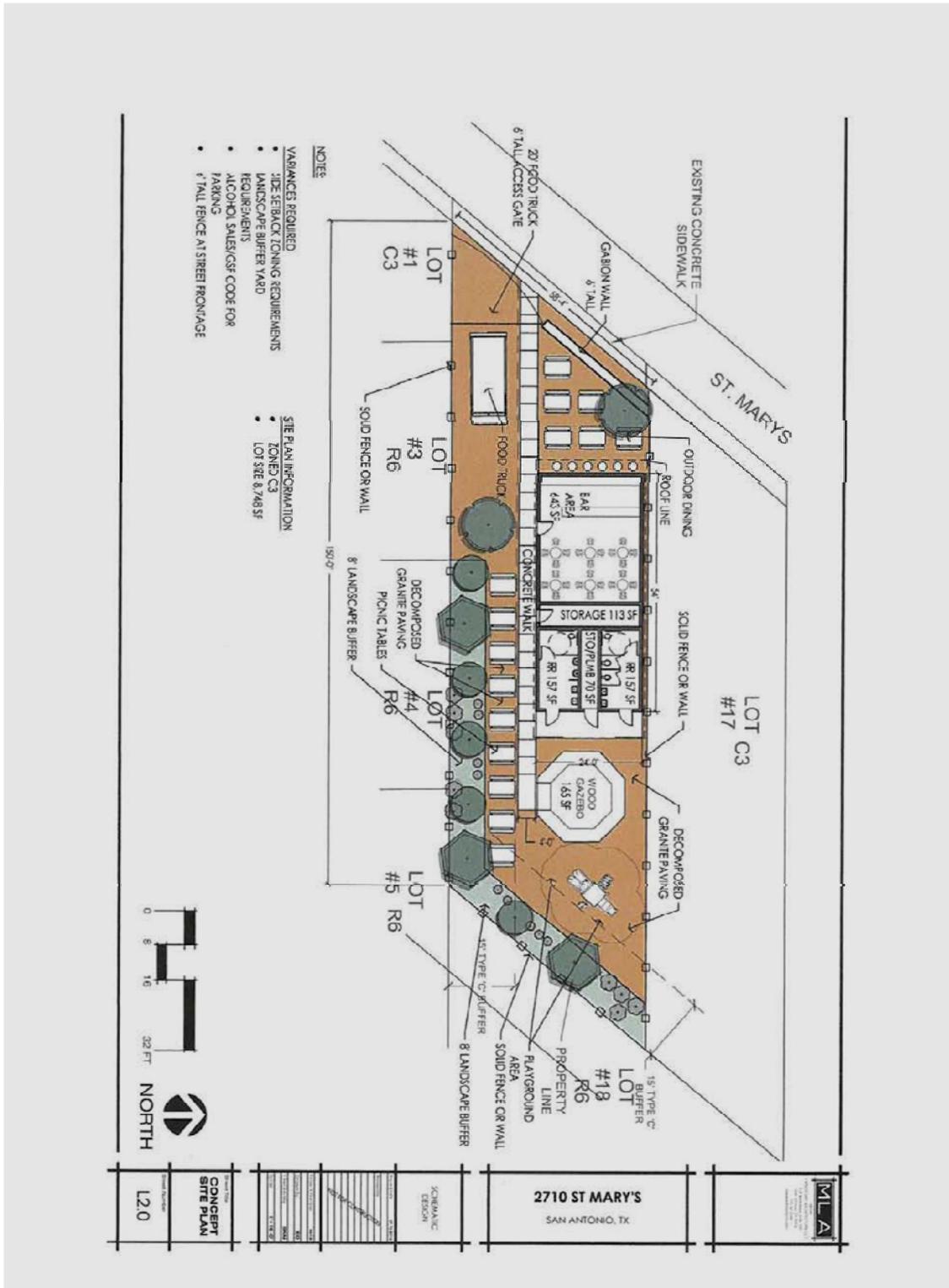


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 1

2710 N St Marys <sup>1:300</sup>

Development Services Department  
City of San Antonio

# Attachment 3 Applicant's Site Plan



- NOTES**
- VARIANCES REQUIRED**
- 20' SETBACK/TOPPING REQUIREMENTS
  - LANDSCAPE BUFFER 14'60"
  - REQUIREMENTS
  - ALCOHOL SALES/CSF CODE FOR PARKING
  - 7' TALL FENCE AT STREET FRONTAGE

- SITE PLAN INFORMATION**
- ZONED C3
  - LOT #17: 8,749 SF



	<p><b>2710 ST MARY'S</b> SAN ANTONIO, TX</p>	<p>DATE: 11/11/2024 TIME: 10:00 AM</p>	<p>SCALE: 1" = 10'</p>
<p><b>CONCEPT SITE PLAN</b></p>			
<p>L2.0</p>			

**Attachment 4  
Site Photos**



**Existing Site**



**Attachment 4 (cont)**  
**Site Photos**



**Neighboring Business to the West**



**Current Streetscape**



## City of San Antonio Development Services Department Staff Report

To: Board of Adjustment  
Case No.: A-14-092  
Date: September 15, 2014  
Applicant: Celeste Walkenhut  
Owner: Celeste Walkenhut  
Location: 115 Michigan Avenue  
Council District: 1  
Legal Description: South 44 ft. of Lots 5 & 6, Block 48, NCB 1872  
Zoning: "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Neighborhood  
Conservation Airport Hazard Overlay District  
Prepared By: Logan Sparrow, Planner

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### **Request**

A request for the elimination of three parking spaces of off-street parking required in Section 35-526 Table 526-3b to allow a 795 square foot art gallery within a 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 August 28, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on August 29, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located at 115 Michigan Avenue approximately 92 feet south of W Russell Place and within the Beacon Hill Neighborhood. The applicant is requesting the elimination of the off-street parking requirement to allow a 795 square foot art gallery in a home.

The building was originally constructed in 1945 and originally used as the Burke's Wood Workers furniture repair and fabrication store. The building is being considered for a historic landmark designation.

The UDC states in Chapter 35-526 that the minimum required parking is one space per 300 square feet. As such, the applicant would be required to provide three parking spaces per code. The site itself does not have any ability to provide parking spaces.

Per section 35-526 (b)7: “The Board of Adjustment has the authority to adjust the minimum or maximum parking requirement based on a showing by the applicant that a hardship is created by a strict interpretation of the parking regulations. Any adjustment authorized by the Board of Adjustment shall apply only to the use in the original certificate of occupancy.”

The applicant recently went before the Zoning Commission to rezone to “R-4 CD NCD-5 AHOD” with a conditional use for an art gallery. The Zoning Commission recommended approval and the case will be scheduled for City Council consideration on October 2, 2014.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“RM-4 NCD-5 AHOD” Residential Mixed, Beacon Hill Neighborhood Conservation, Airport Hazard Overlay District	Mixed-Residential

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 NCD-5 AHOD” Residential Mixed, Beacon Hill Neighborhood Conservation, Airport Hazard Overlay District	Mixed-Residential
South	“C3 NA NCD-5 AHOD” Residential Single Family Airport Hazard Overlay District	General Commercial
East	“R6 NCD-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Residential
West	“R6 NCD-5 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Midtown Neighborhood Plan area and designated for mixed use land use. The property is located within the boundaries of the Beacon Hill registered neighborhood association. The neighborhood association was notified and asked to comment.

**Criteria for Review**

According to Section 35-526(b)(7) of the UDC, in order for a parking adjustment to be granted, the applicant must demonstrate that a literal enforcement of the parking requirements would create a hardship for the applicant.

**In this case that hardship is represented by the minimal lot size. The building was originally constructed in 1945 and used as a commercial operation until 1998. Should the applicant have to provide three off-street parking spaces then the building, which is currently being considered for a building of historic significance, would have to be demolished to create the space necessary for the parking.**

**Alternatives to Applicant's Request**

The alternative to the applicant's request is to comply with the UDC requirements or provide a cooperative parking agreement.

**Staff Recommendation**

Staff recommends approval, based on the following findings:

1. Denying the variance would result in unnecessary hardship to the current owner because he would have to demolish some part of the building to become compliant or provide a cooperative parking agreement with adjacent commercial properties that also experience hardship with providing required off-street parking.
2. On street parking is not out of character within the community.

**Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

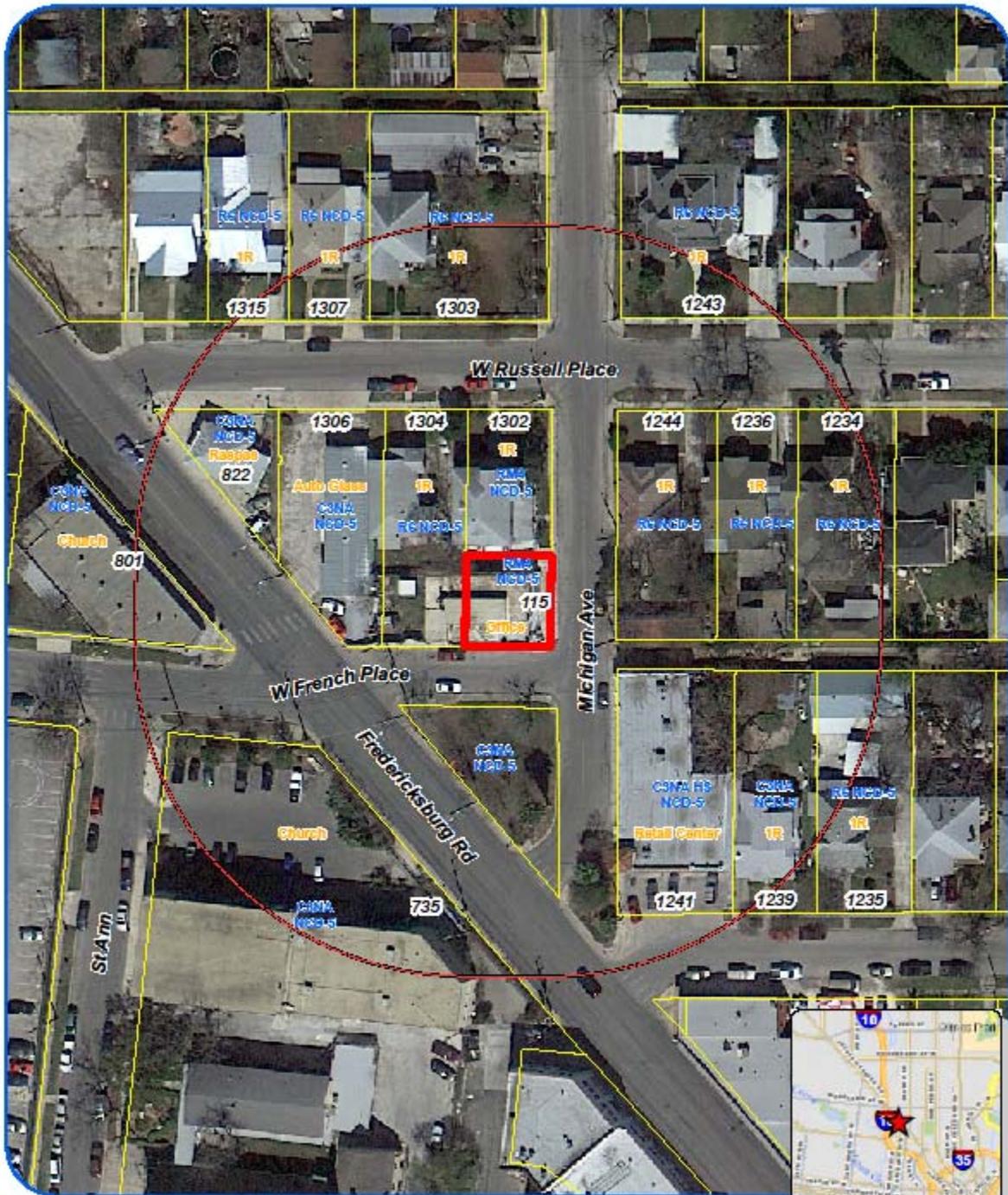
Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Notification Plan



**Attachment 1 (cont)  
Notification Plan**



**Board of Adjustment**  
Notification Plan for  
Case No A-14-092

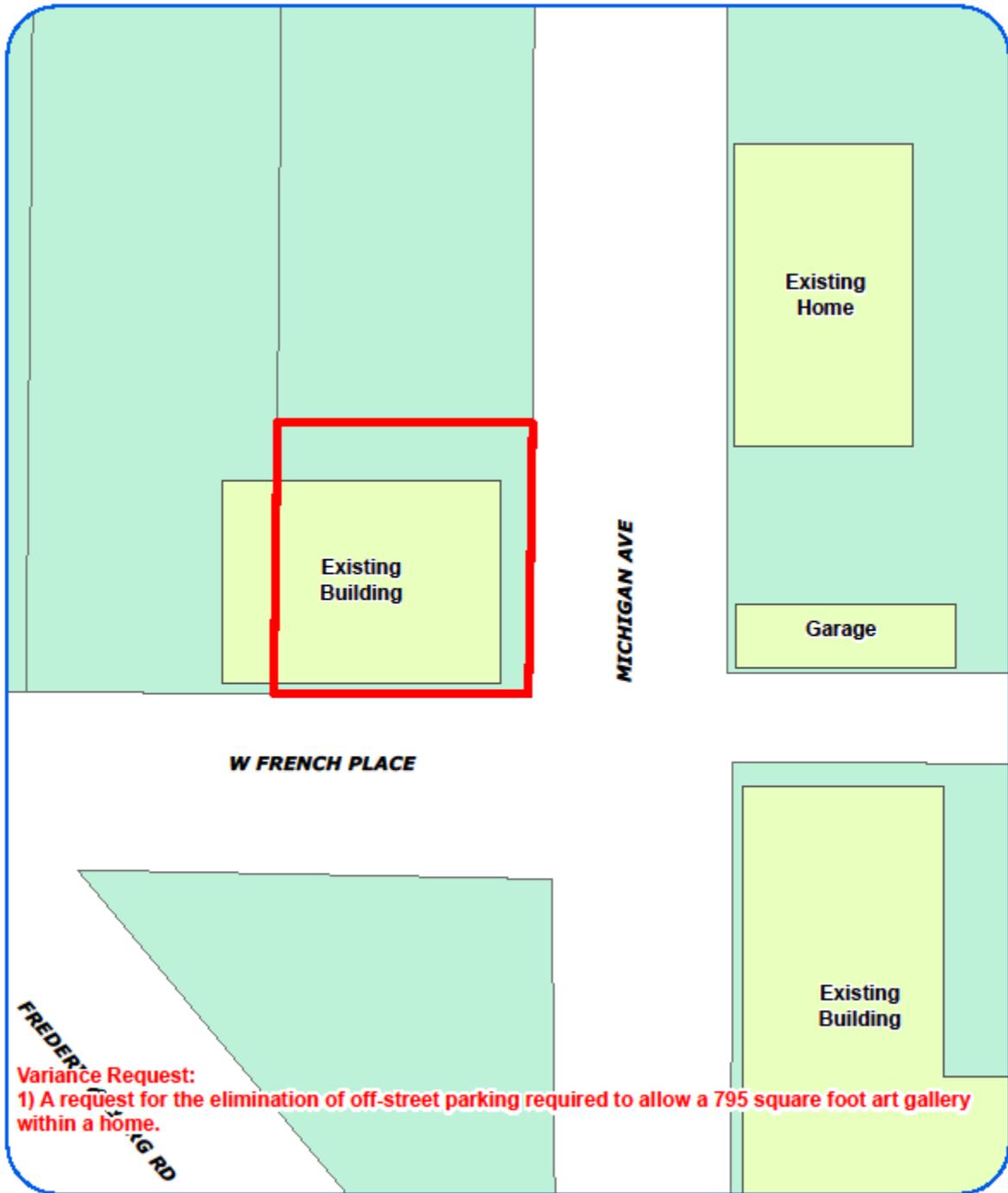


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 1

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

Attachment 2  
Plot Plan



**Variance Request:**  
1) A request for the elimination of off-street parking required to allow a 795 square foot art gallery within a home.

**Board of Adjustment**  
Plot Plan for  
Case No A-14-092



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

115 Michigan Ave <sup>1300</sup>

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-092**

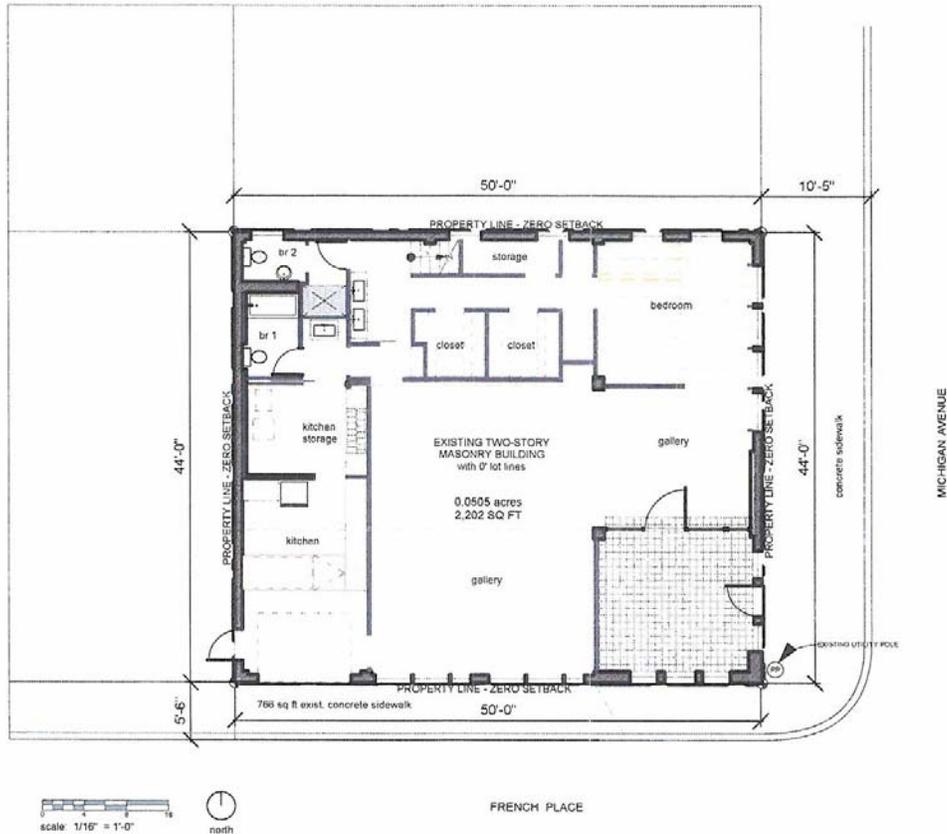


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 1

**115 Michigan Ave**

Development Services Department  
City of San Antonio

## Attachment 3 Applicant's Site Plan



PROPERTY INFORMATION:  
 ADDRESS: 115 MICHIGAN AVE. SAN ANTONIO, TEXAS 78201  
 CURRENT ZONING: RM4 NCD-5 AHOD  
 REQUESTED REZONING: RM4 NCD-5 AHOD WITH CONDITIONAL USE AS AN ART GALLERY  
 LEGAL DESCRIPTION: NCB 1872, BLOCK 48, SOUTH 44' OF LOTS 5 & 6  
 ACREAGE: 0.051 ACRES  
 PROPOSED USE: ART GALLERY

1. SITE PLAN TABULATIONS
  - A. BUILDING AREA:  
 BUILDING DIMENSIONS = 50'-0" X 44'-0"  
 BUILDING AREA = 2,202 SQ. FT.
  - B. ERZD REQUIREMENTS:  
 NO PORTION OF THE BUILDING IS LOCATED WITHIN THE ERZD
  - C. IMPERVIOUS COVER: 2,202 SQ. FT.
2. 115 MICHIGAN EXISTING AND PROPOSED SETBACKS:  
 FRONT = 0'  
 SIDE = 0'  
 REAR = 0'
3. PARKING REQUIREMENTS:  
 PROPOSED RETAIL ART GALLERY = 1 PER 300 GFA  
 2,202 GFA / 300 = 7 REQUIRED PARKING SPACES  
 PLUS 1 ACCESSIBLE SPACE IS REQUIRED  
 NO PARKING SPACES WILL BE PROVIDED ON SITE.
4. BUFFER REQUIREMENTS:  
 THE ADJACENT PROPERTIES HAVE SIMILAR ZONING DESIGNATIONS OF RM-4 NCD AND R-6 NCD. ACCORDING TO UDC SECTION 35-510, THERE ARE NO BUFFER REQUIREMENTS BETWEEN THESE ZONING DESIGNATIONS.
5. THE INTENDED USE OF THE BUILDING IS FOR AN ART GALLERY. IMPROVEMENTS TO THE BUILDING WILL BE INTERNAL TO FUNCTION AS AN ART GALLERY BUSINESS.
6. I, JEFFREY DERSH, THE PROPERTY OWNER, ACKNOWLEDGE THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSE OF REZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE UNIFIED DEVELOPMENT CODE. ADDITIONALLY, I UNDERSTAND THAT CITY COUNCIL APPROVAL OF A SITE PLAN IN CONJUNCTION WITH A REZONING CASE DOES NOT RELIEVE ME FROM ADHERENCE TO ANY / ALL CITY-ADOPTED CODES AT THE TIME OF PLAN SUBMITTAL FOR BUILDING PERMITS.

**Attachment 4  
Site Photos**

**Front View (W French Place)**



**Parking Along Michigan Avenue**



**Directly across from lot (W French Place)**



**Michigan Avenue Streetscape**





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

To: Board of Adjustment  
Case No.: A-14-097  
Date: October 6, 2014  
Applicant: Shannon Goodman  
Owner: Larry Goodman  
Location: 2506 Old Gate Drive  
Council District: 1  
Legal Description: Lot 18, Block 3, NCB 13522  
Zoning: "R-5" Residential Single-Family  
Prepared By: Logan Sparrow, Planner

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### **Request**

A request for a special exception to allow a one-operator beauty or barber shop in a home.

### **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 September 18, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located approximately 104-feet southeast of Oak Downs Drive on Old Gate Drive. The applicant is seeking a special exception to allow a one-operator beauty/barber shop in her home. 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 Tuesday – Friday 10am – 4pm – a total of 24 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). Since this is the first time the applicant has applied for a special exception, the Board may decide to follow precedence and issue the special exception for a two year period. Should the Board approve the special exception the applicant will still need to file for a Certificate of Occupancy and undergo all required inspections before being allowed to legally operate.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-5” Residential Single-Family	Single-Family Residential

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The property is located within the boundaries of the Vance Jackson 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 special exception will be in harmony with the spirit and purpose of the chapter.*

**The public interest in this case is represented by minimum requirements to ensure that the operation of 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 not contrary to the public interest.**

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

**The applicant has already constructed the beauty/barber shop within her home. As she has complied with all of the requirements established by the UDC a literal enforcement of the code and not granting the exception may result in unnecessary hardship.**

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

**The special exception request may be considered consistent with the spirit of the ordinance because the minimum requirements for a one-operator beauty/barber shop have been met by the applicant.**

- 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 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. Furthermore the applicant has limited the hours of operation to only four days at 6 hours per day. Also, during staff field visits staff noted a large driveway capable of providing any necessary parking for the proposed use.**

- 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 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-14-097, 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**

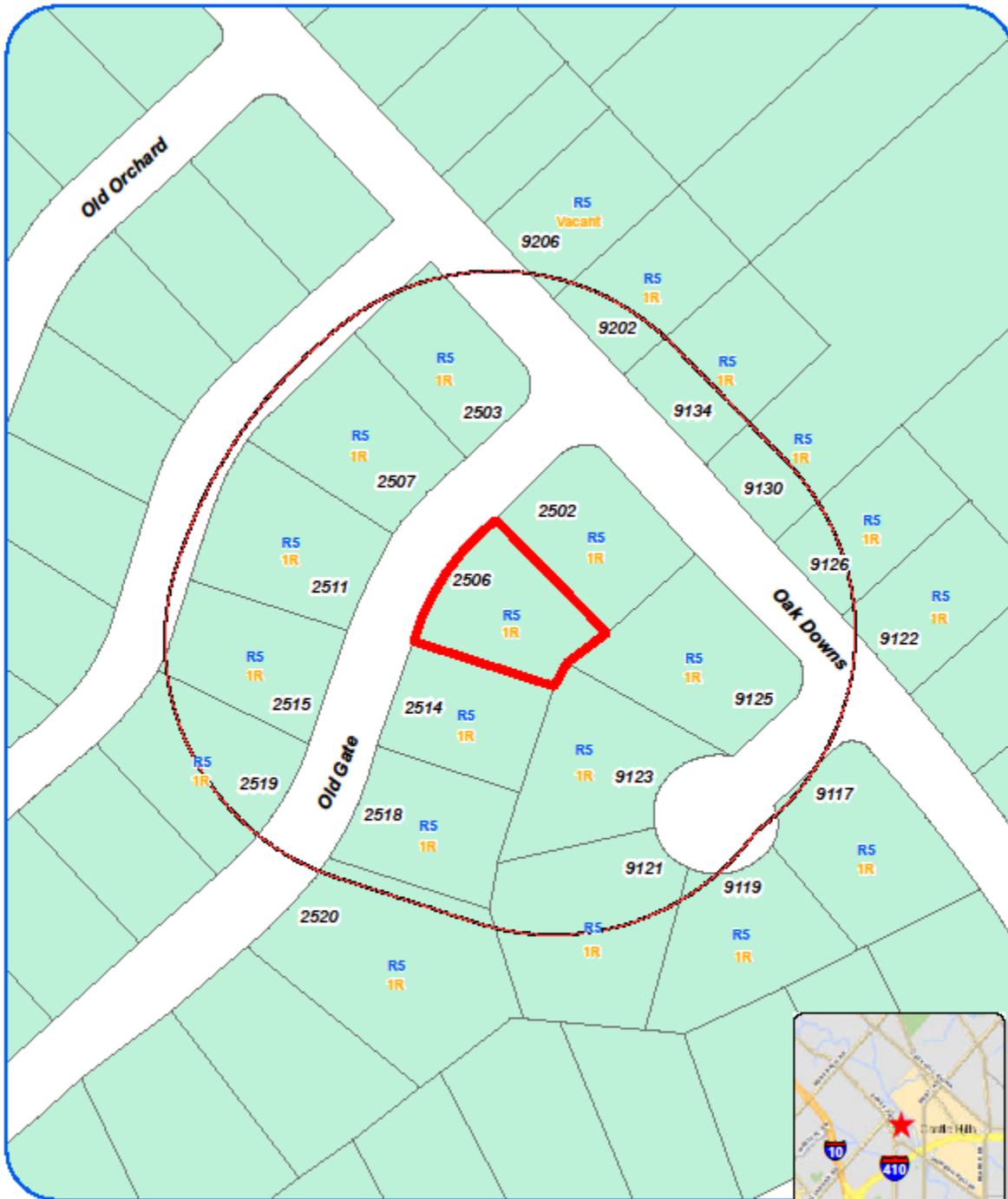
Attachment 1 – Notification Plan (Location Map)

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-14-097

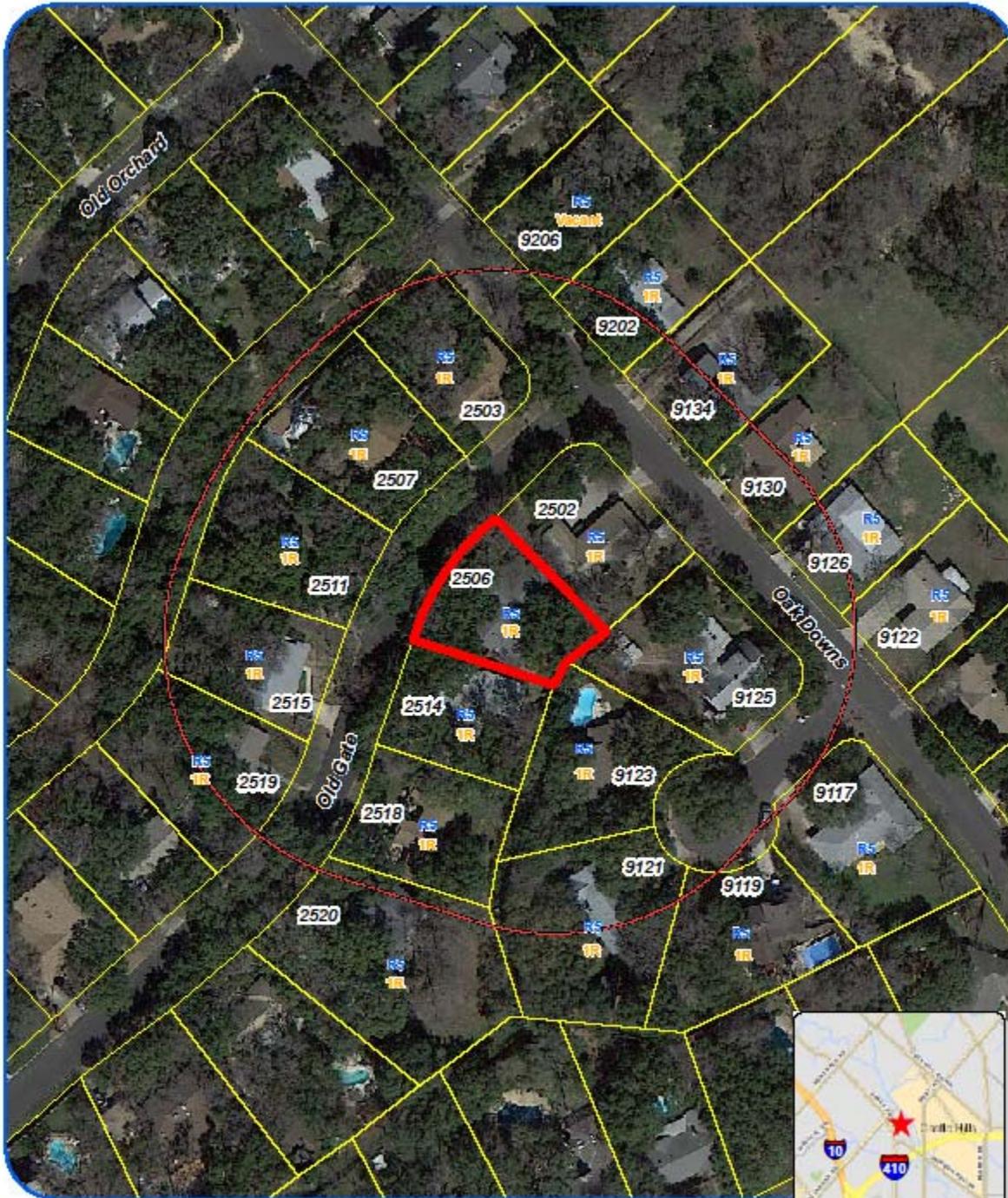


San Antonio City Limits   
Subject Property   
200' Notification Boundary   
Council District: 1 

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

Attachment 1 (cont)  
Notification Plan



**Board of Adjustment**  
Notification Plan for  
Case No A-14-097



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

"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department  
City of San Antonio

**Attachment 2  
Plot Plan**



**Variance Request: 1) A request for a special exception to allow a one-operator beauty or barber shop in a home.**

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-097**

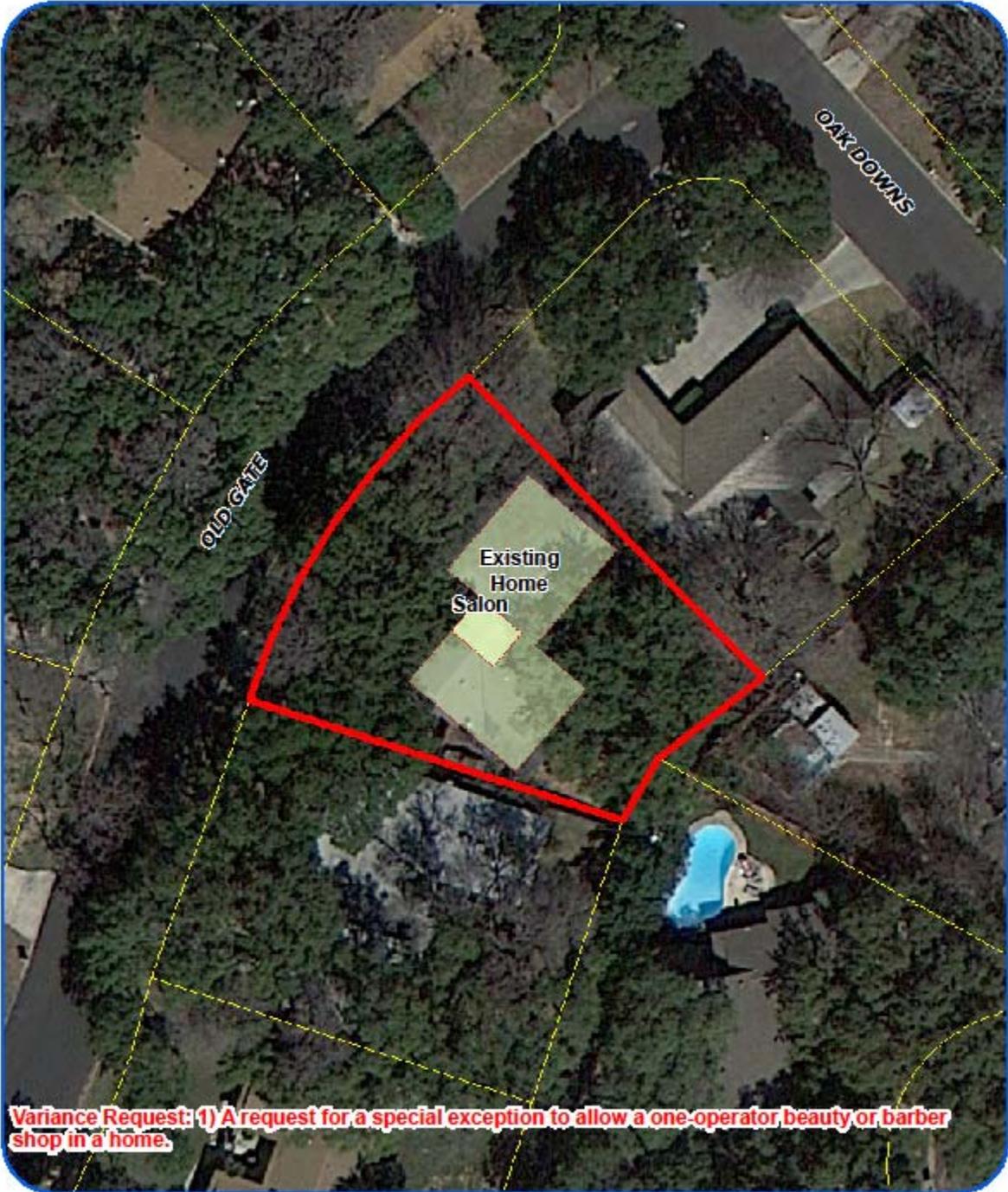


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 1

**2506 Old Gate** <sup>1:400</sup>

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-14-097



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

2506 Old Gate 1:400

Development Services Department  
City of San Antonio

# Attachment 3 Applicant's Site Plan

Location			
Address:	2506 Old Gate, San Antonio, Texas 78230	Legal Description:	NCB 13522 BLK 3 LOT 18
Neighborhood:	Colonial Oaks	Neighborhood ID:	98056
Property ID:	527555	Geographic ID:	13522-003-0100
Property Use Code:	61	Property Use Description:	Single Family
Type:	Real	MAPSCO:	549F6



**Attachment 4  
Site Photos**

**Front View**



**Streetscape**



**Driveway**



**Streetscape**





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

To: Board of Adjustment  
Case No.: A-14-098  
Date: October 6, 2014  
Applicant: Manuela Rodriguez  
Owner: Manuela Rodriguez  
Council District: 1  
Location: 322 Lemur Road  
Legal Description: Lot 6, Block 14, NCB 10195  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Logan Sparrow, Planner

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### **Request**

A request for a special exception to allow a one-operator beauty or barber shop in a home.

### **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 September 18, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located approximately 315-feet west of Barbet Drive on Lemur Road. The applicant is seeking a renewal to a special exception to allow a one-operator beauty/barber shop in her home. 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 Wednesday - Friday 8am – 2pm – a total of 18 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). The Board has approved these requests on:

- September 13, 1999
- September 18, 2000
- September 30, 2002
- September 13, 2004
- September 18, 2006
- September 20, 2010

During these years of operation staff was unable to find any incidents or neighborhood complaints regarding the operation of the beauty salon/barber shop.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the Greater Dellview Neighborhood plan and designated for future low-density residential land use. The property is located within the boundaries of the Dellview Area 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 special exception will be in harmony with the spirit and purpose of the chapter.*

**The public interest in this case is represented by minimum requirements to ensure that the operation of 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 not contrary to the public interest.**

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

**The applicant has already constructed the beauty/barber shop within her home. As she has complied with all of the requirements established by the UDC a literal enforcement of the code and not granting the exception may result in unnecessary hardship. Further, the applicant has helped to serve the needs of her community over the many years she has operated this shop. By renewing her exception the community will continue to be served.**

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

**The special exception request may be considered consistent with the spirit of the ordinance because the minimum requirements for a one-operator beauty/barber shop have been met by the applicant.**

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 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. Furthermore the applicant has limited the hours of operation to only four days at 6 hours per day. Also, during staff field visits staff noted a large driveway capable of providing any necessary parking for the proposed use.**

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 requirements established by the Unified Development Code.**

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

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

#### **Staff Recommendation**

Staff recommends approval of case A-14-098, based on the following findings:

1. The beauty/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**

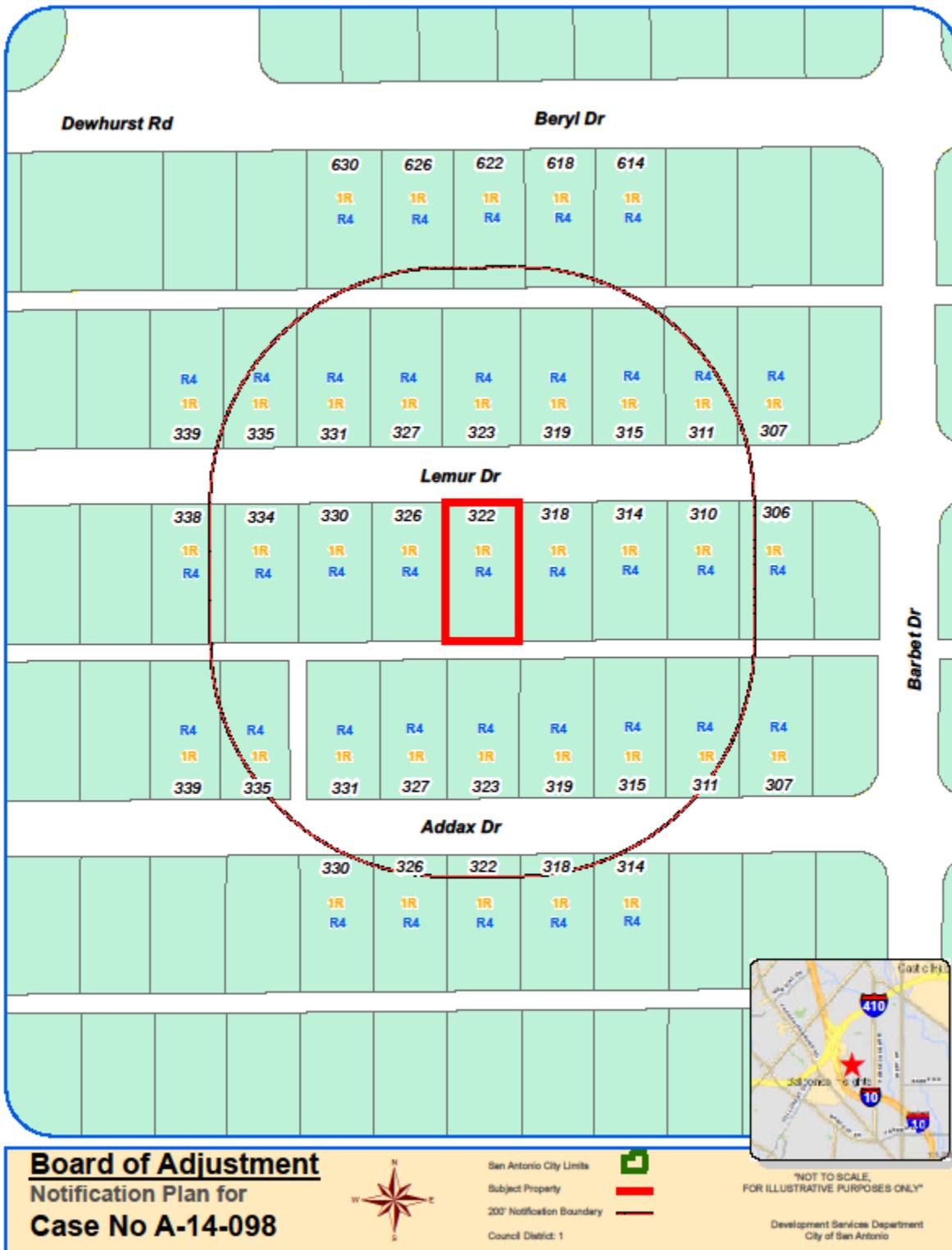
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

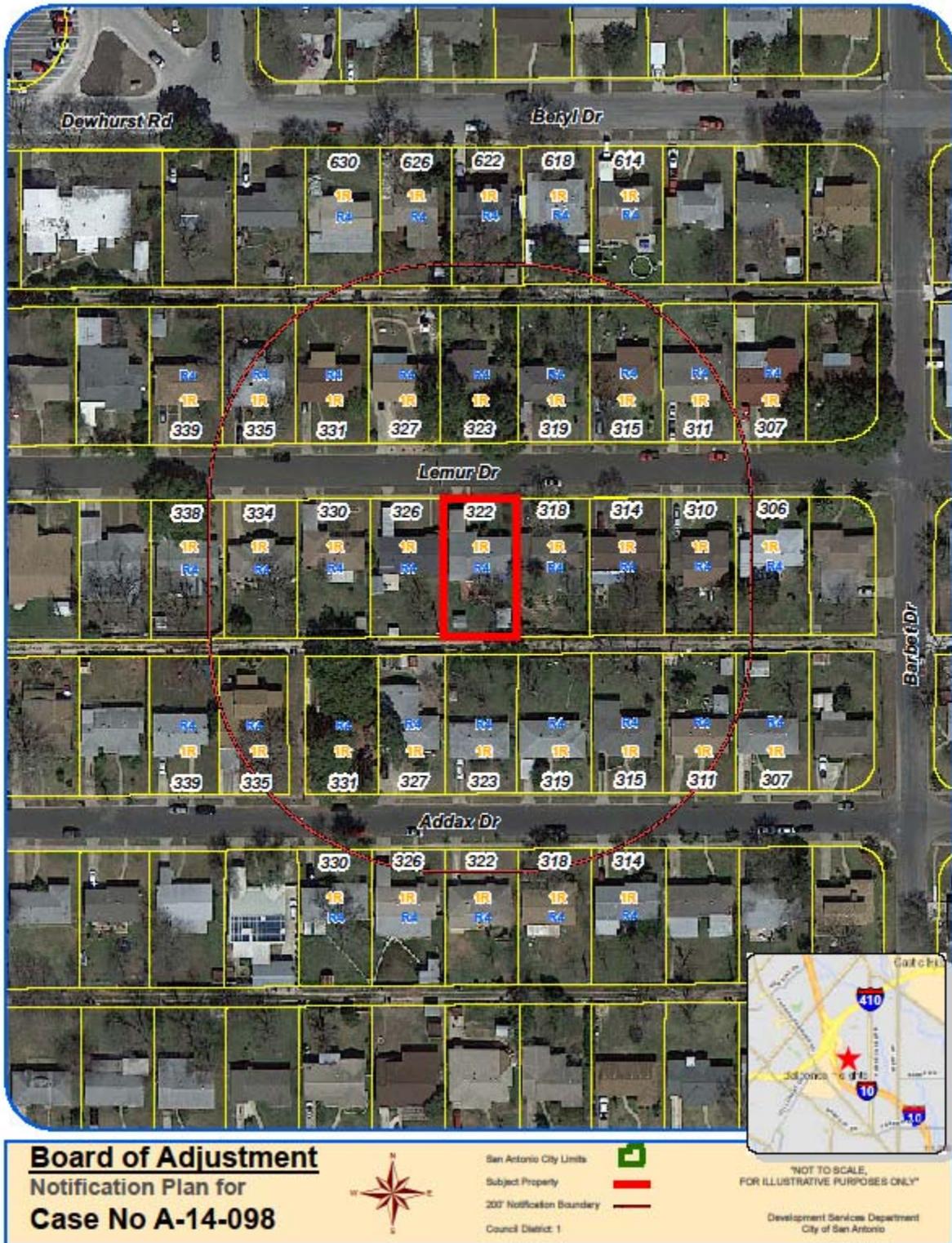
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

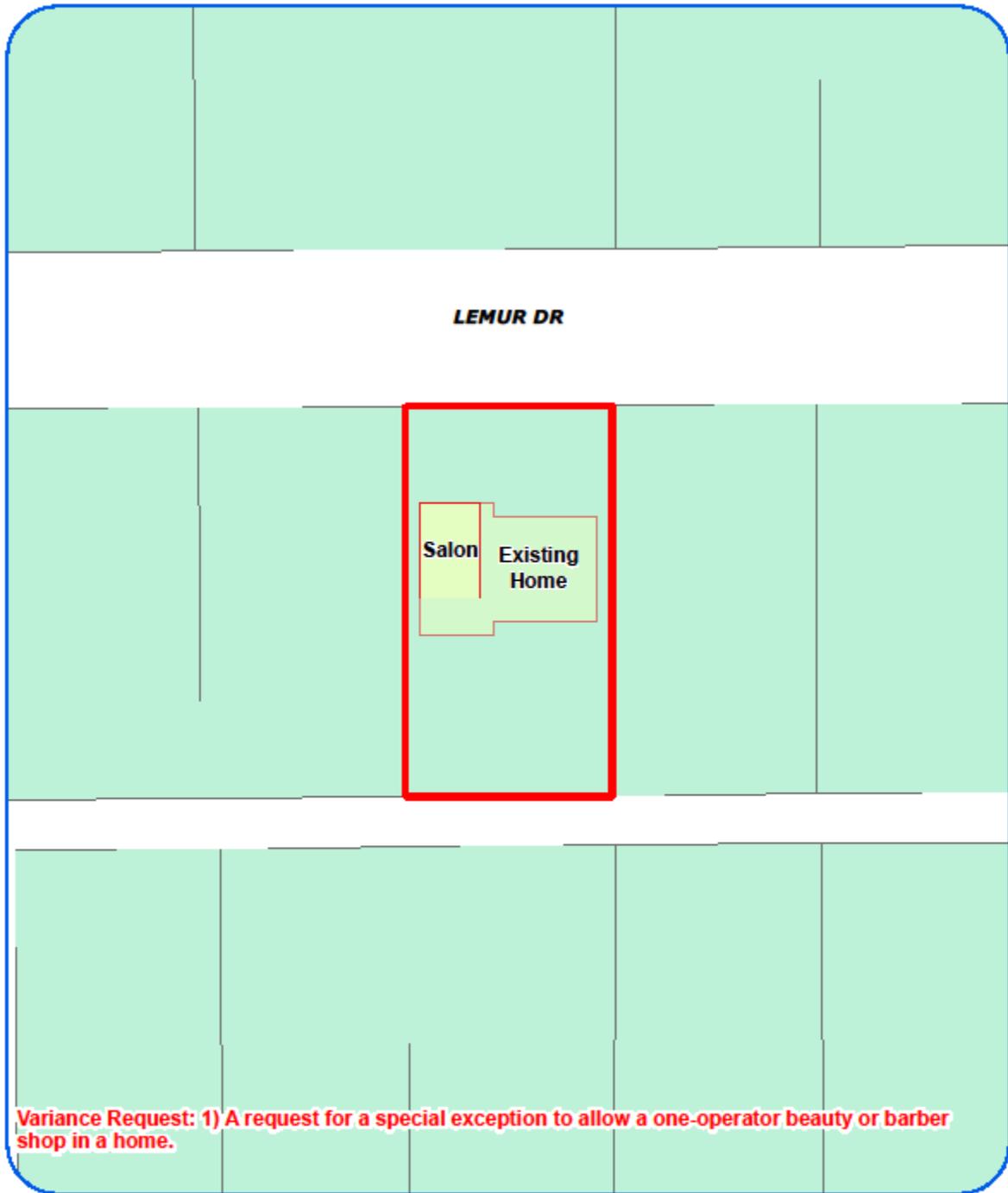
# Attachment 1 Notification Plan



**Attachment 1 (cont)  
Notification Plan**



**Attachment 2  
Plot Plan**



**Variance Request: 1) A request for a special exception to allow a one-operator beauty or barber shop in a home.**

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-098**



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

**322 Lemur**

1:400

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-14-098



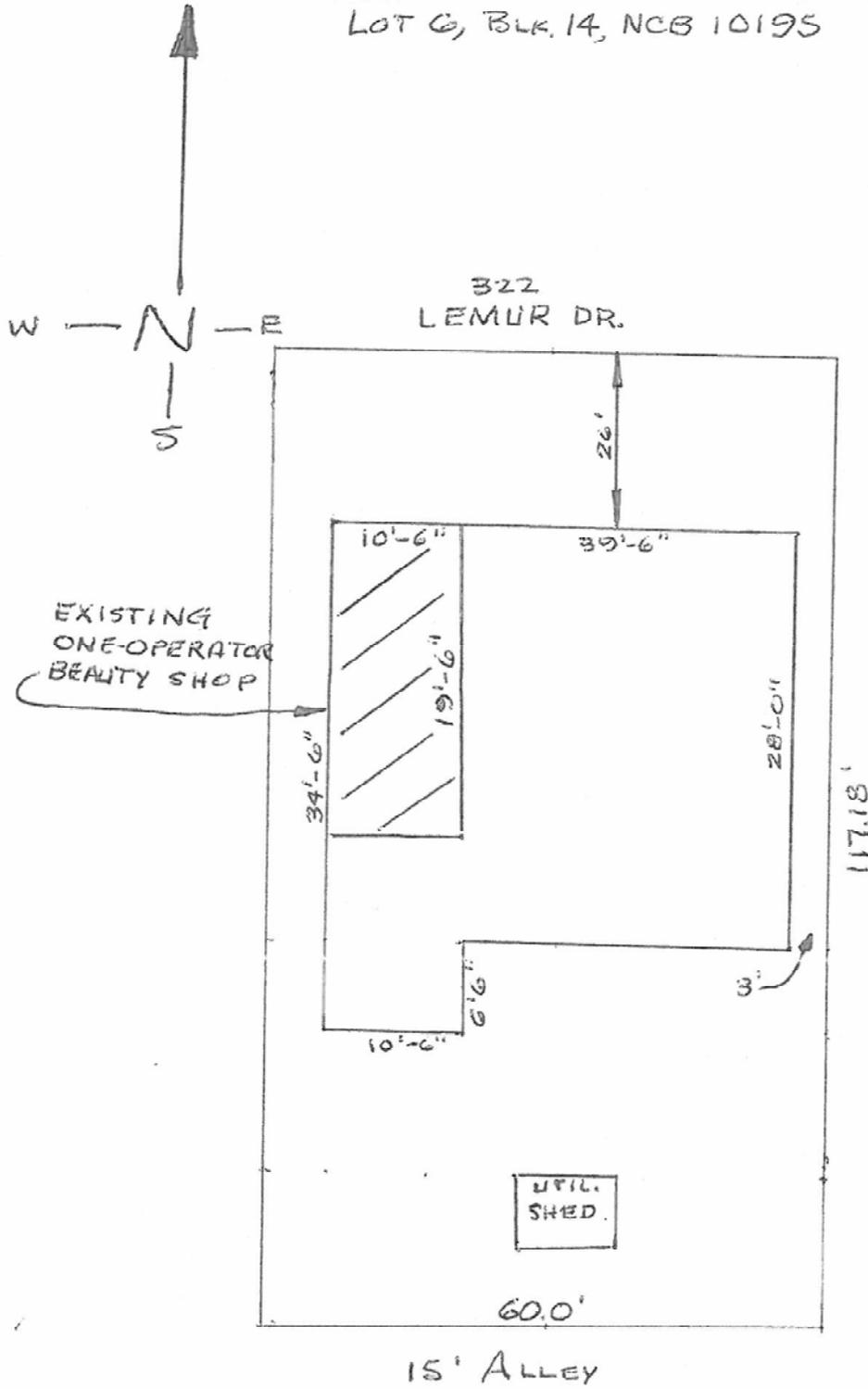
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 1

322 Lemur <sup>1:400</sup>

Development Services Department  
City of San Antonio

Attachment 3  
Applicant's Site Plan

MANUELA L. RODRIGUEZ  
LOT 6, BLK. 14, NCB 10195



**Attachment 4  
Site Photos**

**Front View**



**Streetscape**



**Streetscape**



**Driveway**





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

To: Board of Adjustment  
Case No.: A-14-100  
Date: October 6, 2014  
Applicant: KM Savannah Oaks, LLC  
Owner: KM Savannah Oaks, LLC  
Council District: 8  
Location: 14614 Vance Jackson Road  
Legal Description: Lot 3, Block 13, NCB 15825  
Zoning: "MF-18 MLOD AHOD, MF-50 MLOD AHOD" Multi-family Military  
Lighting Overlay Airport Hazard Overlay District  
Prepared By: Logan Sparrow, Planner

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### **Request**

A request for 1) a variance from the minimum 150 foot spacing between two signs to allow signs that are 103 feet apart and 2) a variance from the requirement that a second sign be reduced 25% in sign area to allow a sign equal in size to the original as detailed in Section 28-240c(1).

### **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 September 18, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on Vance Jackson Road, approximately 361-feet north of UTSA Boulevard on Vance Jackson Road. The lot is currently undeveloped and the owners plan to construct a multi-family apartment complex. The applicant has stated in the application that Vance Jackson Road winds and dips near the subject property. During field visits staff confirmed this to be the case.

The applicant is requesting a variance from the minimum distance between two signs of 150 feet to install two monument signs that are approximately 103 feet apart such that approaching traffic can easily see the signs when traveling both north and south on Vance Jackson Road. The applicant is seeking a second variance from the requirement that the second size be reduced to 75% the size of the original when the two signs share the same street frontage. The signs will be set back 34 feet and 24 feet from the road and surrounded by landscaping.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“MF-18 MLOD AHOD and MF-50 MLOD AHOD” Multi-family Military Lighting Overlay Airport Hazard Overlay District	Proposed Multi-family Dwelling

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 MLOD AHOD” Multi-family Military Lighting Overlay Airport Hazard Overlay District	Multi-family Dwelling
South	“C-3 MLOD” General Commercial Military Lighting Overlay District	Vacant
East	“C-3 MLOD” General Commercial Military Lighting Overlay District	Vacant
West	“MF-50 ERZD MLOD AHOD” Multi-family Edwards Aquifer Recharge Military Lighting Airport Hazard Overlay District	Multi-family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the North Sector Plan area, with a future land use designation as Mixed Use Center. The subject property is not located within the boundaries of a registered neighborhood association.

**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 apartment complex to be easily identified by passing motorists. Because of the topography of the site and Vance Jackson Road, denial of the variance could limit longstanding 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.*

**The applicants requested signage would not be unique. Other multi-family properties along Vance Jackson Road, though not all, enjoy similar signs due to similar constraints. As such the applicant is not provided a special privilege not enjoyed by others in the community.**

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 to provide easily readable signage for the property. It is likely that the requested variances will contribute to increased safety as the signs, though still in scale with the proposed use, are more easily readable to motorists accessing the property. Additionally, other neighboring property owners enjoy the benefit of very similar sign designs.**

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 visible, and thus safer, to motorists - doing so will help to protect the general public.**

### **Alternative to Applicant's Request**

The applicant could construct one sign perpendicular to Vance Jackson road, however it is likely that this design would infringe on clear vision requirements.

### **Staff Recommendation**

Staff recommends **approval of A-14-100** based on the following findings of fact:

1. The proposed signage is necessary to achieve longstanding, active use of the property
2. The proposed signage helps to make identifying the property more safe

### **Attachments**

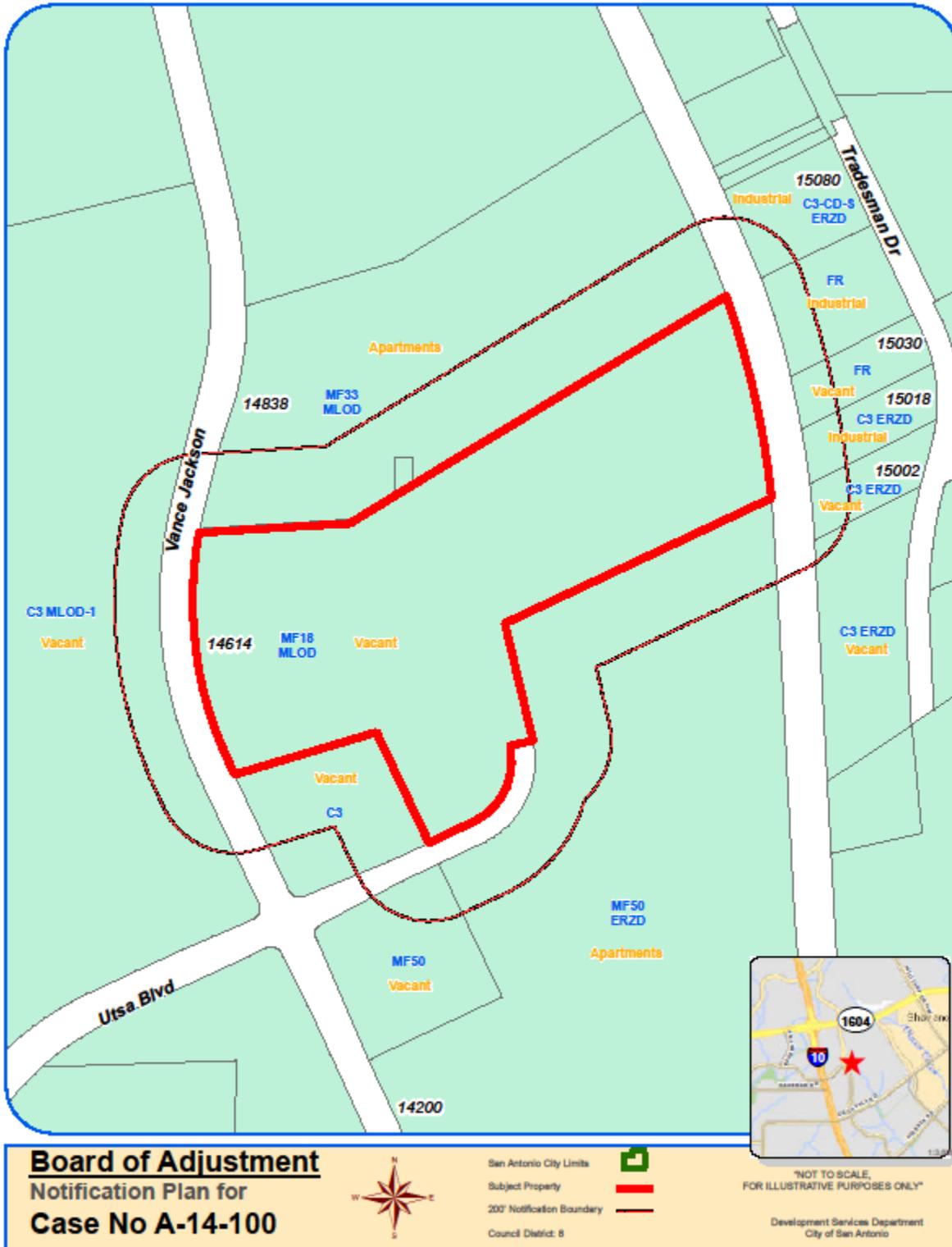
Attachment 1 – Notification Plan (Aerial Map)

Attachment 2 – Plot Plan (Aerial Map)

Attachment 3 – Elevation of Sign

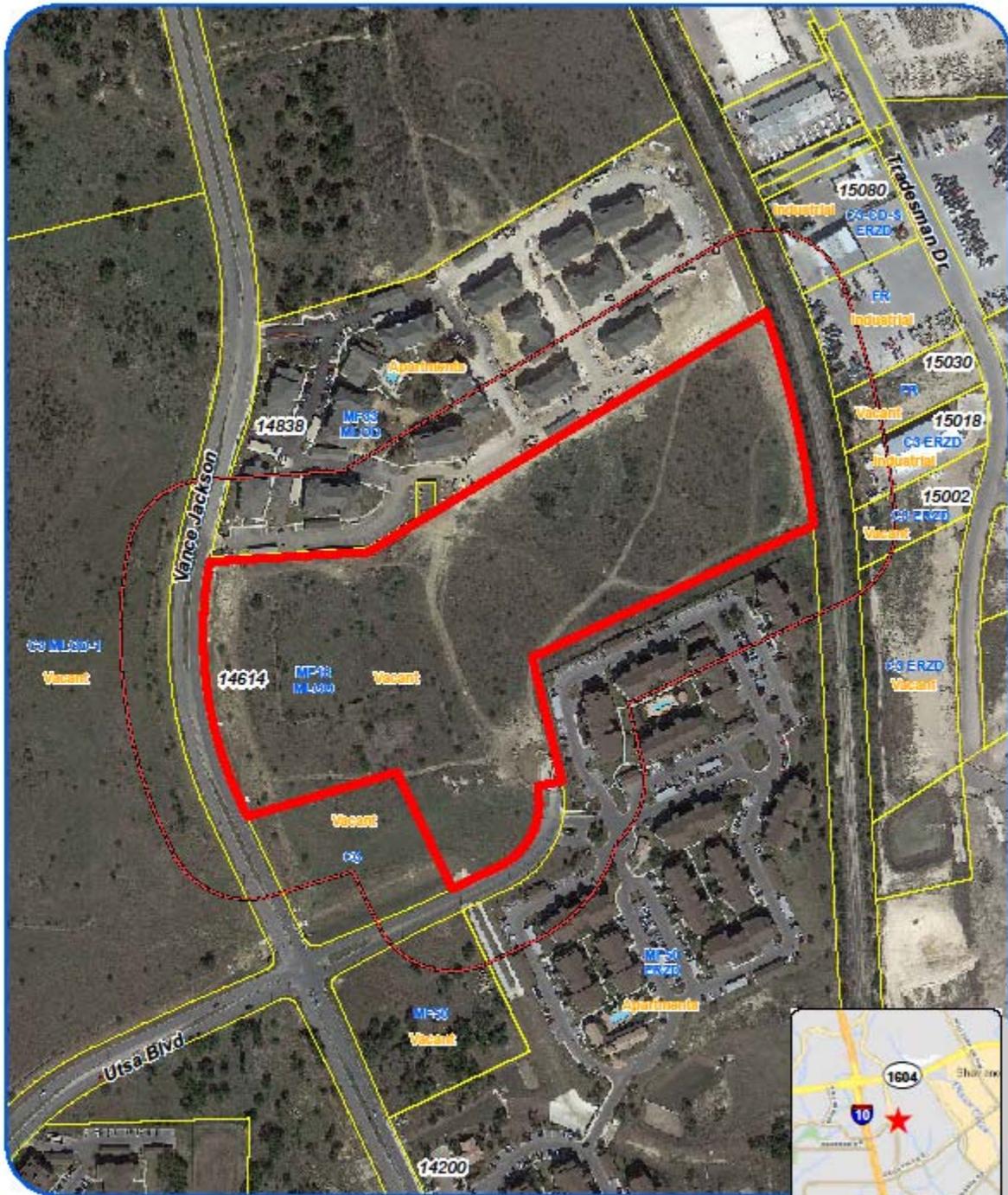
Attachment 4 – Site Photos

# Attachment 1 Notification Plan



Attachment 1

Notification Plan (continued)



**Board of Adjustment**  
**Notification Plan for**  
**Case No A-14-100**

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



**"NOT TO SCALE,  
 FOR ILLUSTRATIVE PURPOSES ONLY"**

Development Services Department  
 City of San Antonio

Attachment 2  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-14-100



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 8

14614 Vance Jackson Rd

Development Services Department  
City of San Antonio

Plot Plan (continued)



Variance Request: 1) A variance from the minimum 150 foot spacing between two signs to allow signs that are 103 feet apart and 2) a variance from the requirement that a second sign be reduced 25% in sign area to allow a sign equal in size to the original.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-100**



"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 8

**14614 Vance Jackson Rd**

Development Services Department  
City of San Antonio

Attachment 3  
Applicant's Site



Savannah Oaks



July 24, 2014

Koontz McCombs

Scale 1" = 10'-0"

Entry Sign Exhibit

**Attachment 4 - Photos**

**Property Streetscape**



**Vance Jackson Road**



**Signs of similar construction**



**Signs of similar construction**





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

To: Board of Adjustment  
Case No.: A-14-102  
Date: October 6, 2014  
Applicant: Mary Williams  
Owner: Commodore Properties, LLC  
Council District: 10  
Location: 16331 Pleasantville Road  
Legal Description: Lots 21,22,23,24, NCB 16581  
Zoning: "I-1 AHOD" Light Industrial Airport Hazard Overlay District  
Prepared By: Logan Sparrow, Planner

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### **Request**

A request for 1) a 13'9" variance from the 16 foot maximum sign height in Section 28-239 to allow a pole sign on a local street 29'9" in height and 2) a 23.3 square foot variance from the 75 square foot sign area maximum in Section 28-239 to allow a sign 98.3 square feet in area.

### **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 September 18, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on Pleasantville Road, a small cul-de-sac, approximately 256-feet southeast of Nacogdoches Road. Because this street is classified as a local street, Chapter 28 allows the subject property a 16-foot tall sign by right. The applicant is seeking a 13-foot 9-inch variance from the 16-foot maximum allowed because a sign 16-foot tall would not be visible from Nacogdoches Road. This is because it would be obstructed by a tall car washing operation at the corner of Nacogdoches and Pleasantville Roads.

The sign that the applicant is proposing to use is the same sign as other John Deere dealerships in San Antonio. Due to its size the applicant will need a second variance from Chapter 28 which allows a sign no larger than 75 square-feet in area to establish a sign that is 98.3 square feet in area.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"I-1 AHOD " Light Industrial Airport Hazard Overlay District	Tractor Dealership

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"C-3 R AHOD" General Commercial Airport Hazard Overlay District	Car Wash
South	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Office Building
East	"C-3 AHOD" General Commercial Airport Hazard Overlay District	Vacant
West	"R-6 AHOD" Residential Single-family Airport Hazard Overlay District	Vacant

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the North Sector Plan area, with a future land use designation as Mixed Use Center. The subject property is not located within the boundaries of a registered neighborhood association.

**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 John Deere dealership to be more easily identified by passing motorists. Because of the existing car wash development in front of the property denial of the variance could limit 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.*

**The applicants requested signage would serve only to market the business to the community. The variance is only requested because of existing construction that limits the visual field to the sign. Allowing the applicant's sign to be visible to motorists on the commercial collector would not constitute a special privilege not enjoyed by other commercial properties in the community.**

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 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 visible, and to maintain longstanding, active commercial use of the property.**

### **Alternative to Applicant's Request**

The applicant could consider a sign master plan with other businesses located in the cul-de-sac to create signage that serves the needs of the businesses, without the need for variances.

### **Staff Recommendation**

Staff recommends **approval of A-14-102** based on the following findings of fact:

1. The proposed signage is necessary to achieve longstanding, active use 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)



**Board of Adjustment**  
**Notification Plan for**  
**Case No A-14-102**



San Antonio City Limits   
Subject Property   
200' Notification Boundary   
Council District: 10

**"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-14-102**



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

**16331 Pleasantville Rd**

Development Services Department  
City of San Antonio

Plot Plan (continued)



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-102**



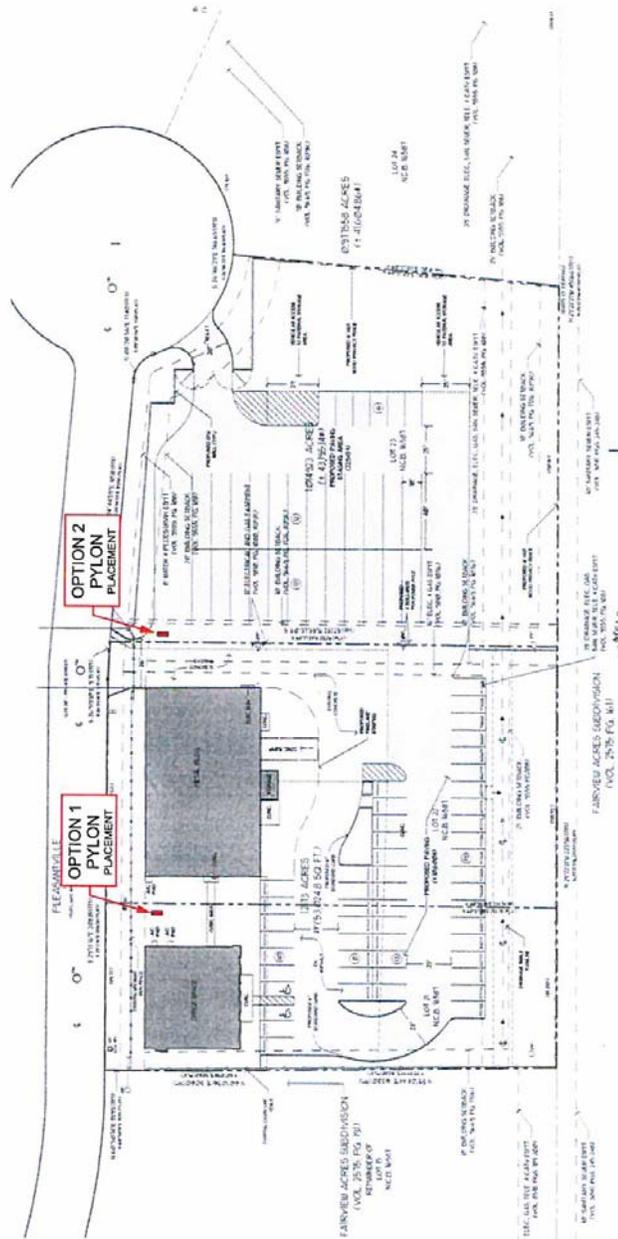
"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 10

**16331 Pleasantville Rd**

Development Services Department  
City of San Antonio

**Attachment 3  
Applicant's Site**

**Reinstall Location: 16331 Pleasantville Rd., San Antonio, Tx 78233**  
**See Site Plan They Marked Locations Reading Option 1 Placement**  
**And Option 2 Placement.**



**PLEASANTVILLE RD.  
SITE PLAN**

*ATTACHMENT A*

	
<a href="http://www.pinnacle-signs.com">www.pinnacle-signs.com</a>	
150 N. Loop 1604E, Suite 202 San Antonio, TX, 78232 P: 210-349-9777 F: 210-366-1788	Signs will be manufactured and installed by Pinnacle Signs, LLC. All Pinnacle Signs services to the client are provided by Pinnacle Signs, LLC. Pinnacle Signs, LLC is not responsible for the accuracy of the information provided in this proposal. Pinnacle Signs, LLC is not responsible for the accuracy of the information provided in this proposal. Pinnacle Signs, LLC is not responsible for the accuracy of the information provided in this proposal.
Date: 7.22.14 Client: John Deere Suite: Address: 16331 Pleasantville City-State: San Antonio, TX Sales: MW Designs, GS	Revision - Date Approved with changes as noted Changes Needed
	
CUSTOMER APPROVAL LANDLORD APPROVAL	
<b>1 of 4   14214</b>	

**Attachment 4 - Photos**

**John Deere Dealership (Subject Property)**



**Car Wash**



**Streetscape**



**Car Wash**





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

To: Board of Adjustment  
Case No.: A-14-099  
Date: October 6, 2014  
Applicant: Nicolas Acosta  
Owner: Nicolas Acosta & Alma Garcia  
Location: 3018 Aragon Drive  
Council District: 4  
Legal Description: Lot 5, Block 4, NCB 14428  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for a 10-foot variance from the minimum 20-foot rear yard setback, as described in Table 35-310-1, to allow an attached garage 10 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 September 19, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on Aragon Street within the Palo Alto Terrace Subdivision. The house was built in 2011 by the owner of the house just to the west. The two lots have been owned together since about 1980. The owner recently decided to construct an attached two-car garage to the rear, but proceeded without permits. A recent attempt to pull a building permit for the garage, including submittal of an engineer's report for the foundation was rejected due to the setback encroachment. Proper permits and inspections were in order however for the construction of the home in 2011.

The applicant states that the variance is needed to provide room for two cars in the garage. The garage is not visible from the street and as constructed provides adequate room for maintenance. In addition, the garage does not encroach into the side yard setback or the 10-foot utility easement along the rear property line.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the West/Southwest Sector Plan area, designated for suburban tier land uses. The property is not located within the boundaries of a registered neighborhood association.

**Criteria for Review**

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

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

The public interest in this case is represented by minimum setbacks established to ensure that activities on individual properties do not impact the rights of a neighboring property owner and allow for property maintenance. **In this case, since the applicant has adequate room for maintenance, the setback 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.*

Literal enforcement of the ordinance would result in the applicant removing the second parking stall in the attached garage. The Board will have to determine if this action creates an unnecessary hardship for the applicant. **Had the applicant decided to construct a detached**

**garage, the garage could be closer to the rear property line. That option however would have placed the garage over the utility easement.**

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

**The variance request may be considered consistent with the spirit of the ordinance because the purpose of setbacks is to allow air, light and access for maintenance, which the proposed setback retains.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 AHOD” Zoning District.**

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

**The applicant states that the garage will include the same stucco finish as the main house and is not visible from the street. Therefore, the requested variance will likely not alter the characteristics of the district.**

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

The owner constructed the addition without the benefit of a building permit review, which could have identified the issue. According to the applicant, **the garage is necessary to provide two protected parking stalls and will be finished to match the materials and color of the home. The rear utility easement prevents the applicant from constructing a detached garage in the setback as allowed by Code.**

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

The alternative to the applicant’s request is to remove a portion of the garage to comply with the rear yard setback or disconnect the garage from the main house.

### **Staff Recommendation**

Staff recommends approval, based on the following finding:

1. The requested variance is not contrary to the public interest since the property owner has adequate space to maintain the structure.
2. The rear yard is encumbered by a 10 foot utility easement which should remain accessible.

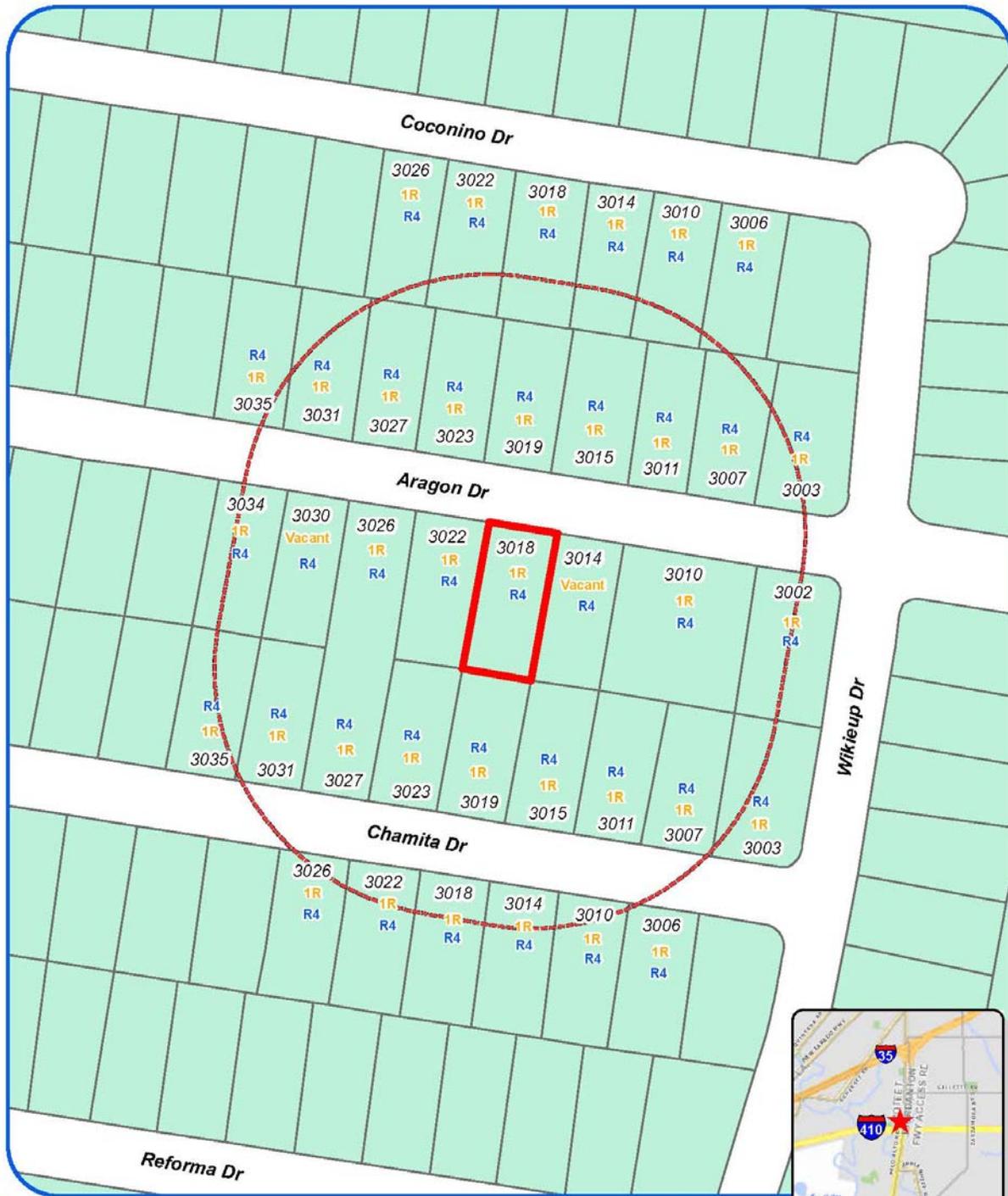
### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 –Applicant’s Site Plan  
Attachment 4 – Photos

# Attachment 1 Notification Plan

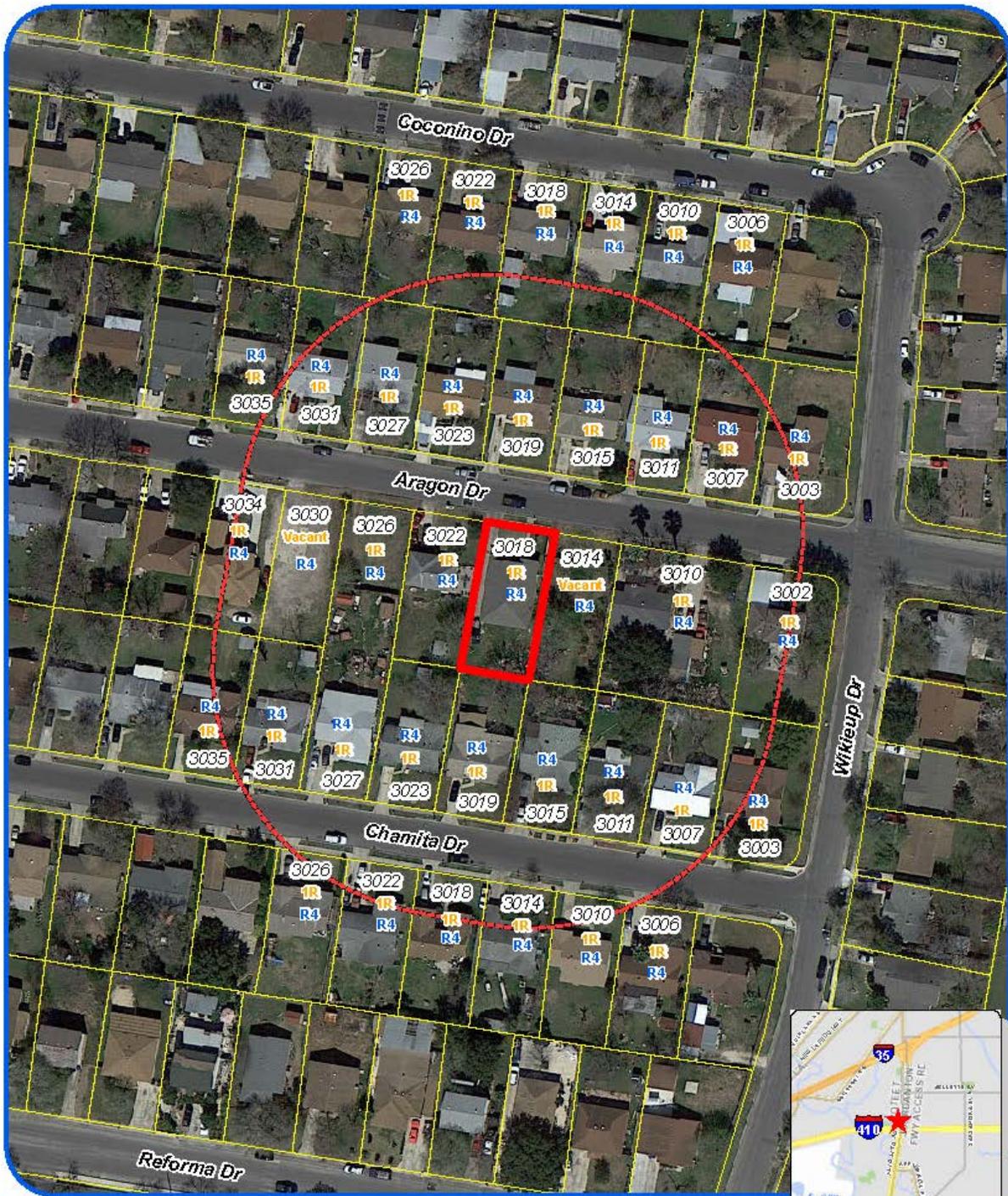


**Board of Adjustment**  
**Notification Plan for**  
**Case No A-14-099**


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

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

**Attachment 1 (cont)  
Notification Plan**



<p><b>Board of Adjustment</b> Notification Plan for Case No A-14-099</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 Buffer </p>	
		<p>Council District 4 </p>	

**Attachment 2  
Plot Plan**



**Variance Request: 1) A 10 foot variance from the minimum 20 foot rear yard setback to allow an attached garage 10 feet from the property line.**

**Board of Adjustment**  
Plot Plan for  
Case No A-14-099



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

**3018 Aragon**

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



Variance Request: 1) A 10 foot variance from the minimum 20 foot rear yard setback to allow an attached garage 10 feet from the property line.

**Board of Adjustment**  
Plot Plan for  
Case No A-14-099



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

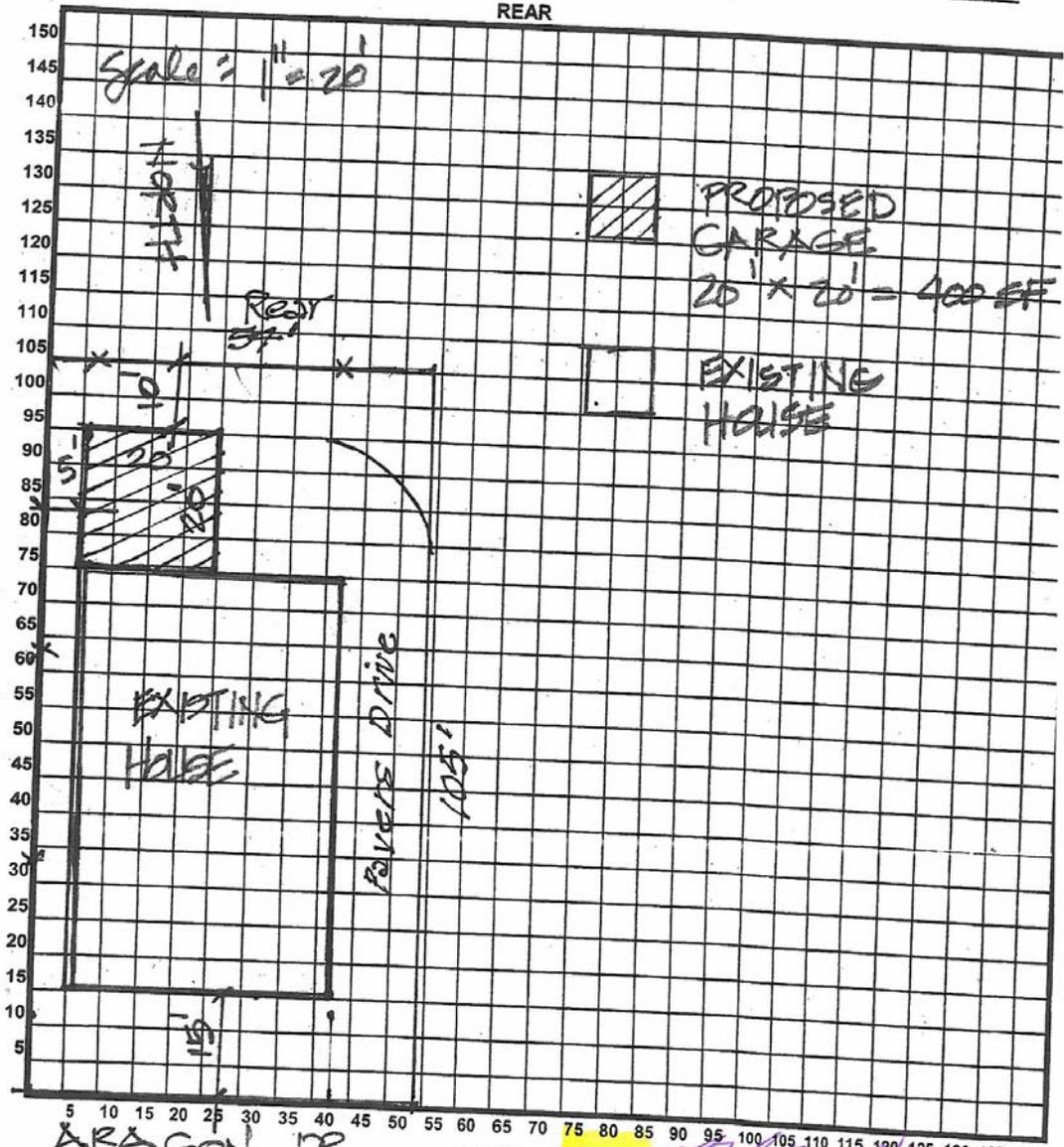
3018 Aragon <sup>1:300</sup>

Department Services Department  
City of San Antonio

**Attachment 3  
Applicant's Site Plan**

**PLOT PLAN  
FOR  
BLDG PERMITS**

Address 3018 Aragon Dr. Lot 5 Block 4 NCB 14428



**ARAGON DR.**

**FRONT**

*[Handwritten Signature]*  
**Signature of Applicant**

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

8-27-14  
**Date**

**Attachment 4  
Site Photos**





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

To: Board of Adjustment  
Case No.: A-14-101  
Date: October 6, 2014  
Applicant: Barry & Virginia Flanders  
Owner: Barry & Virginia Flanders  
Location: 803 and 807 Old Austin Road  
Council District: 2  
Legal Description: Lots 14 & 15, Block 3, NCB 6526  
Zoning: "R-4 NCD-6" Residential Single-Family Mahncke Park Neighborhood Conservation District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for **1)** a 36 foot variance from the minimum 36 foot garage setback to allow a garage in front of the principal building; and **2)** a 2 foot variance from the minimum 5 foot side setback to allow a 3 foot setback for the attached garage.

### **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 September 19, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located in Mahncke Park on the far-east end of Old Austin Road, near the back entrance into Fort Sam Houston. The property is unique in its location; it is surrounded on three sides by large landowners. The San Antonio Botanical Gardens, Fort Sam Houston and the San Antonio Country Club combine to own the surrounding 550 acres. Nevertheless, there are homes which front on Pershing that connect these lots to the Mahncke Park neighborhood.

According to historic photographs, a large home occupied all three lots up until approximately 2008 and was addressed as 577 Pershing Avenue. The properties were purchased by the applicant in August of 2014. A third lot was purchased by a different buyer. The first lot closest to Pershing includes about 8,000 square feet of lot area, and the middle lot includes closer to 7, 000 square feet. Each lot is 52 feet wide. The vacant lots are subject to the design requirements of the Mahncke Park Neighborhood Conservation District (NCD).

The Mahncke Park NCD was adopted as a design overlay zone in January 2008 after several years of research and surveys. These survey activities documented a remarkable consistency in style and rhythm. This consistency was reinforced by the front porch, sidewalk and detached rear garage. As stated in the commentary *the intent of this document is to promote those common predominant features in this neighborhood so that those features may be preserved and perhaps enhanced in future developments for future generations to enjoy.* Many of the specifics address repairs but new construction is also anticipated. The regulations require a “transition space” (porch) with specific minimum dimensions, a front sidewalk that leads from the curb to the door, and a garage that is located at least 36 feet behind the front façade. The applicant is proposing a home design on both lots that does not resemble the anticipated bungalow image.

The applicant states that the subject lots are two of the only five lots that directly abut the golf course. Accordingly, the main goal for these proposed houses is to incorporate patios with views of the course. This dominant rear feature then requires that the garage be built in front of the home; a side entry garage is proposed for each home. Two variances from the development standards are required to facilitate this proposed design. The first is to allow the garage in front of the façade, and the second variance is to reduce the minimum side setback to accommodate the maneuvering area.

The applicant also describes other property related conditions for consideration. A six foot wide sewer easement traverses the lots in the rear, generally located along the minimum 20 foot rear setback. In addition there is a slope toward the rear of the lot.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Country Club Golf Course
South	“MR” Military Reservation	Military Post
East	“R-4 NCD-6” Residential Single-Family	Single-Family Residential

	Mahncke Park Neighborhood Conservation District	
West	“R-4 NCD-6” Residential Single-Family Mahncke Park Neighborhood Conservation District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Mahncke Park Neighborhood Plan, adopted by the City Council in September of 2001 and designated for low-density residential land use. The property is also located within the boundaries of Mahncke Park Neighborhood Association, a registered neighborhood association. As such, they were notified and asked to comment. The Association returned a vote in opposition to the requested variances. The property owners to the east also submitted their letters of opposition to the requested variances.

**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 in this case is represented by the NCD standards that were adopted to require consistency in the architectural infill of vacant or underutilized properties. Within the last few years, several new houses have been built in the boundaries of the overlay district and in compliance with its requirements. The applicant states that the garages have been designed for side-entry to conceal the garage door. This side entry then requires a larger maneuvering area, triggering the requested side yard setback variance. The dominant driveway, and the impact this has on pushing the front entry so far from the street make these variances contrary to the public interest.

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

According to the applicant, the unnecessary hardship is the required rear garage will prevent the construction of a patio with a view of the golf course. The topography however might actually help in this case; the garage can be as close as 3 feet from the rear property line and with a flat roof and the main structure closer to the street, the patio could readily look right over the garage. Literal enforcement of the ordinance would result in the applicant redesigning the two homes.

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

It is difficult to assert that the variance requests are consistent with the spirit of the ordinance. The spirit of the NCD was to ensure some consistency of shape and rhythm. One of the primary character defining features of this neighborhood is its invisible rear garages. The public benefits of having the garage in the rear include the added natural surveillance of living space closer to the street. Generally, when designing for a 50 foot wide lot and providing two 5 foot side yard

setbacks, the remaining width is 40 feet. A two car garage is going to require half of that space, regardless of its orientation.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 NCD-6” 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 applicant describes the isolated nature of these two lots, in a block face of 5 lots, with no homes facing them and no homes behind them. The applicant also explains that the lots with frontage on Pershing to the west, many of which conform to the NCD requirements, are all wider than these. Additional lot width does make it easier to fit a driveway down one side to a rear garage. But the average house width in Mahncke Park is 35 feet, to accommodate the 10 foot driveway on one side and the 5 foot setback on the other. Even though the applicant is installing windows on the garage façade, it is the impact on the location of the front door that negatively alters the essential character of the district. Therefore, the requested variances will alter the characteristics of the district.

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

The applicant states that it the unique location abutting the golf course that justifies the variance for the front garage. They further state that the side-entry aspect of the garage requires the intrusion into the 5 foot side yard setback, triggering the second variance. From a buildable area perspective however detaching the garage actually increases the buildable area since a detached garage is permitted in the rear setback. Alternatives were never presented and except for the side entry garages, the houses remain the same as was presented to staff on August 1st.

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

The alternative to the applicant’s request is to redesign the homes to comply with the Mahncke Park Neighborhood Conservation District requirements.

### **Staff Recommendation**

Staff recommends denial, based on the following finding:

1. The requested variance is creates a distant front door and transition space, contrary to the public’s interest
2. There are design alternatives that reduce the proposed negative impacts.
3. The rear garage is a character defining feature of this neighborhood.

**Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

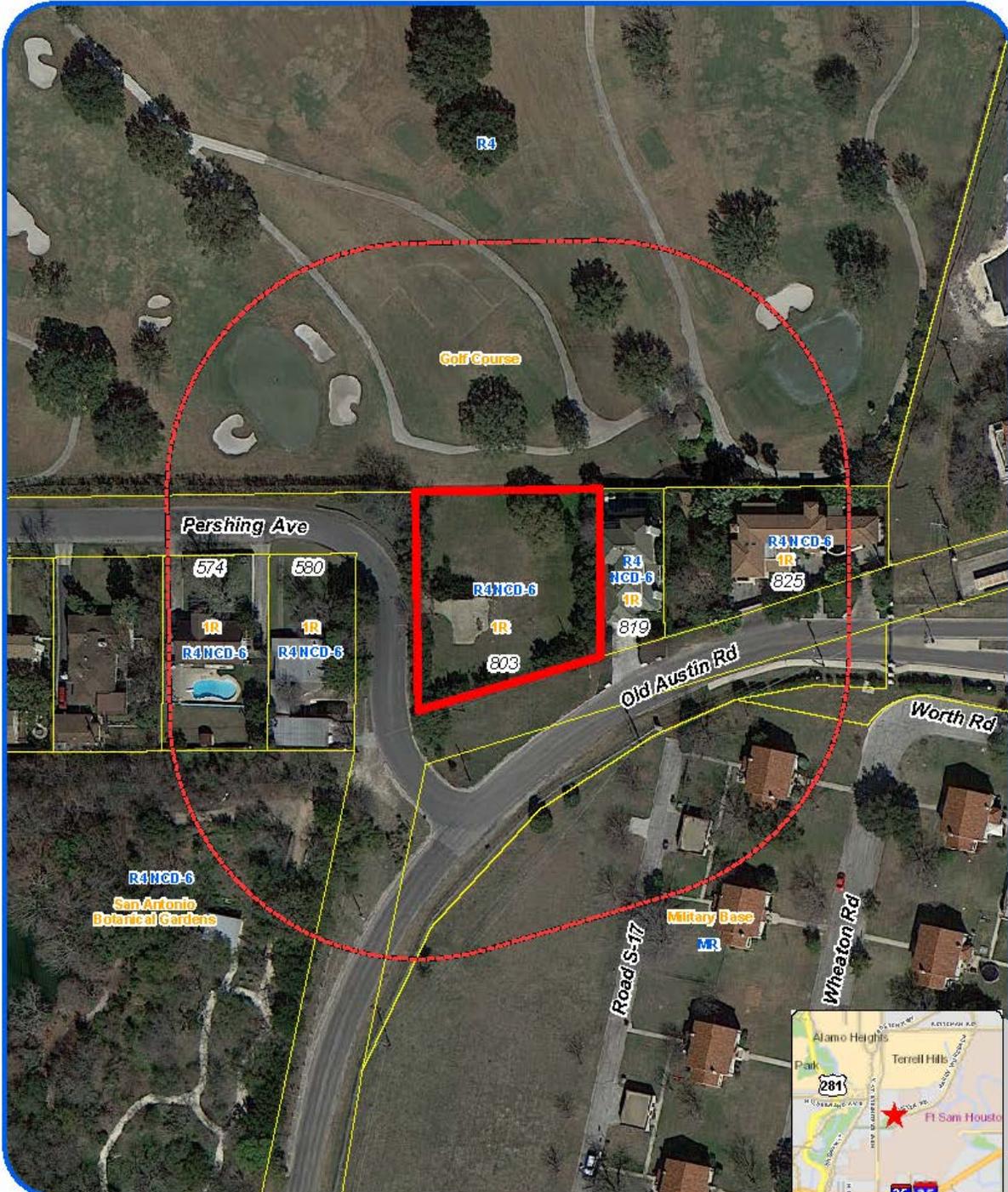
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

# Attachment 1 Notification Plan



Attachment 1 (cont)  
Notification Plan



<p><b>Board of Adjustment</b> Notification Plan for Case No A-14-101</p>		<p>San Antonio City Limits </p>	<p>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p>Deane Kpeme at Services Department City of San Antonio</p>
		<p>Subject Property </p>	
		<p>200' Notification Boundary </p>	
		<p>Council District 2 </p>	
		<p>City of San Antonio </p>	

Attachment 2  
Plot Plan



Variance Request: 1) A 36 foot variance from the minimum 36 foot garage setback to allow a garage in front of the principal building; 2) a 2 foot variance from the minimum 5 foot side setback to allow a 3 foot setback for the attached garage.

**Board of Adjustment**  
Plot Plan for  
**Case No A-14-101**

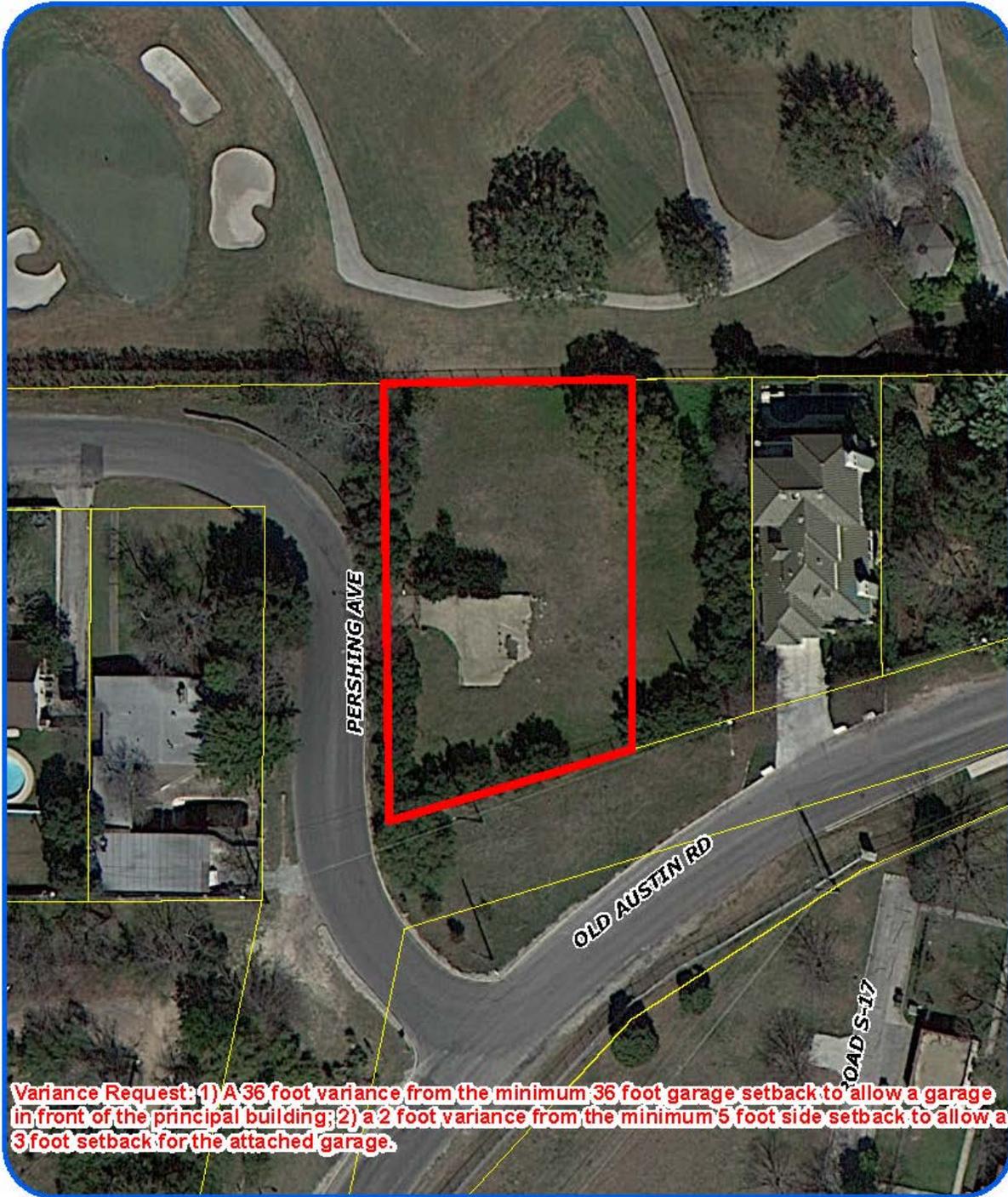


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 2

803 Old Austin Rd

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



**Board of Adjustment**  
Plot Plan for  
Case No A-14-101



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

**803 Old Austin Rd**

Development Services Department  
City of San Antonio



**Attachment 4  
Site Photos**





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

To: Board of Adjustment  
Case No.: A-14-103  
Date: October 6, 2014  
Applicant: Rolando Montalvo  
Owner: Rolando & Sylvia Montalvo  
Location: 103 LeCompte Place  
Council District : 5  
Legal Description: Lot 4, Block 1, NCB 7781  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
Prepared By: Margaret Pahl, AICP Senior Planner

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### **Request**

A request for 1) a 365 sq.ft. variance from the maximum 495 sq.ft. limitation to allow an accessory dwelling unit with 860 square feet and 2) a 5 foot variance from the minimum 5-foot side setback, as described in Section 35-371, to allow an accessory dwelling unit on the property line.

### **Procedural Requirements**

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on September 19, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on September 19, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before October 3, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

### **Executive Summary**

The subject property is located on LeCompte Place, approximately 66 feet from S. Flores Street. The lot includes 9,000 square feet of lot area, and a house with approximately 1,238 square feet of living space. Accessory dwelling units are allowed in every residential zoning district, but are limited in size to 40% of the principal structure and no larger than 800 square feet. For this property, an accessory dwelling unit would be limited to no larger than 495 square feet. Recently the applicant decided to expand an existing accessory dwelling unit by adding a second

story. With the addition, the size increased from 484 square feet to 860 square feet. The work was begun without a building permit but stopped by Code Compliance. Because the structure did not meet the minimum side yard setback and was larger than the maximum size, a building permit could not be issued for the project. The applicant is applying for a variance from these two standards in the hopes of retaining the partially constructed dwelling unit. According to the application, the dwelling is for a daughter who is living with the family to assist in their care.

The structure is located on the east property line and therefore is requesting the elimination of a side yard setback. The applicant has secured a permanent maintenance easement agreement from the abutting property owner to ensure that the building can be maintained without the required setback. If the variance is granted, the applicant will record this easement document, currently in the file. In addition, the applicant submitted signatures from nine of the abutting neighbors in support of his request.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	“C-3 NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Motor Vehicle Sales
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“C-3 NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Auto & Light Truck Repair

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the South Central San Antonio Community Plan, adopted by the City Council in October of 2005 and designated for low-density residential land use. The property is not located within the boundaries of a registered neighborhood association.

**Criteria for Review**

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

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

The public interest in this case is represented by minimum setbacks established to ensure that activities on individual properties do not impact the rights of a neighboring property owner and allow for property maintenance. **In this case, since the applicant has a maintenance easement, the setback variance would not be contrary to the public interest.** In addition, the public interest is protected by a requirement that accessory structures remain subservient to the principal dwelling unit. **In this case, since the rear yard is bounded by a public alley and mature trees, the variance to allow the increase in size for the accessory structure is not contrary to the public interest.**

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

Literal enforcement of the ordinance would result in the applicant removing the second story addition to the existing accessory structure, reducing its appeal for the caretaker-daughter. The Board will have to determine if this action creates an unnecessary hardship for the applicant. In the alternative, **the additional height and square footage do not seem overwhelming, and allow for adequate air and light in the yard. A maintenance easement makes literal enforcement of the setback an unnecessary hardship.**

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

**The variance request may be considered consistent with the spirit of the ordinance because the purpose of setbacks is to allow air, light and access for maintenance, which the easement provides. The additional square footage included in the accessory structure is not visible from the public way.**

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 AHOD” Zoning District.**

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

**The applicant states that the structure is adjacent to the neighboring commercial property, and very attractive. Therefore, the requested variances will likely not alter the characteristics of the district.**

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

The owner constructed the addition without the benefit of a building permit review, which could have identified the issue. According to the applicant, **the addition is to create an attractive living space for the daughter who wants to stay nearby to assist the parents. The mother was injured on the job and is now permanently disabled. This situation is unique and not created by the owner.**

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

The alternative to the applicant's request is to comply with the UDC accessory structure requirements, and remove the addition.

### **Staff Recommendation**

Staff recommends approval, based on the following finding:

1. The requested variance is not contrary to the public interest since the property owner has a maintenance agreement; and
2. The additional square footage in the accessory dwelling unit is stacked, leaving adequate rear yard open space.

### **Attachments**

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

# Attachment 1 Notification Plan





**Attachment 2  
Plot Plan**



**Board of Adjustment**  
Plot Plan for  
**Case No A-14-103**

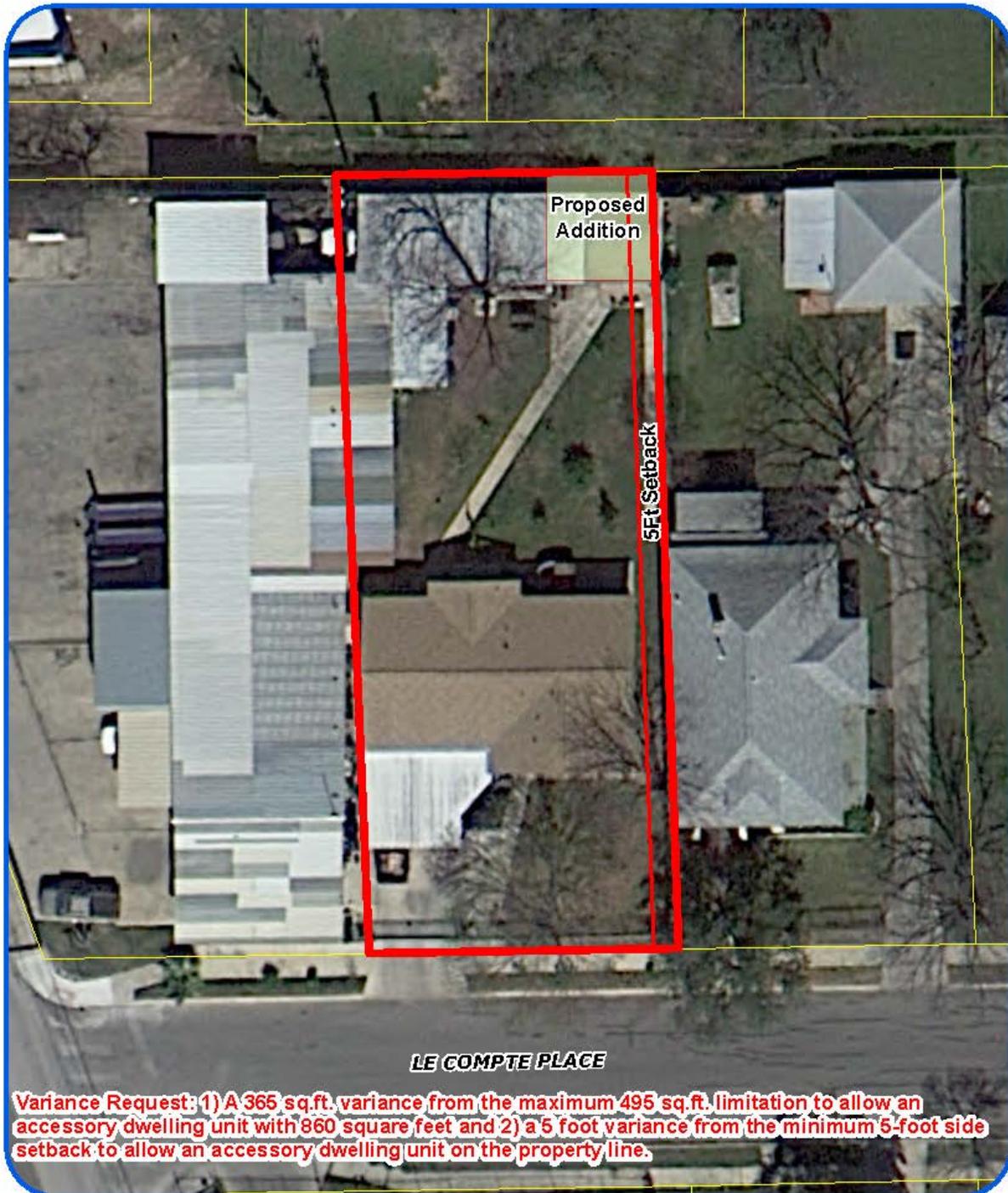


"NOT TO SCALE,  
FOR ILLUSTRATIVE PURPOSES ONLY"  
Council District: 5

**103 Le Compte Place** <sup>1:300</sup>

Development Services Department  
City of San Antonio

Attachment 2 (cont)  
Plot Plan



**Variance Request: 1) A 365 sq.ft. variance from the maximum 495 sq.ft. limitation to allow an accessory dwelling unit with 860 square feet and 2) a 5 foot variance from the minimum 5-foot side setback to allow an accessory dwelling unit on the property line.**

**Board of Adjustment**  
Plot Plan for  
Case No A-14-103



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

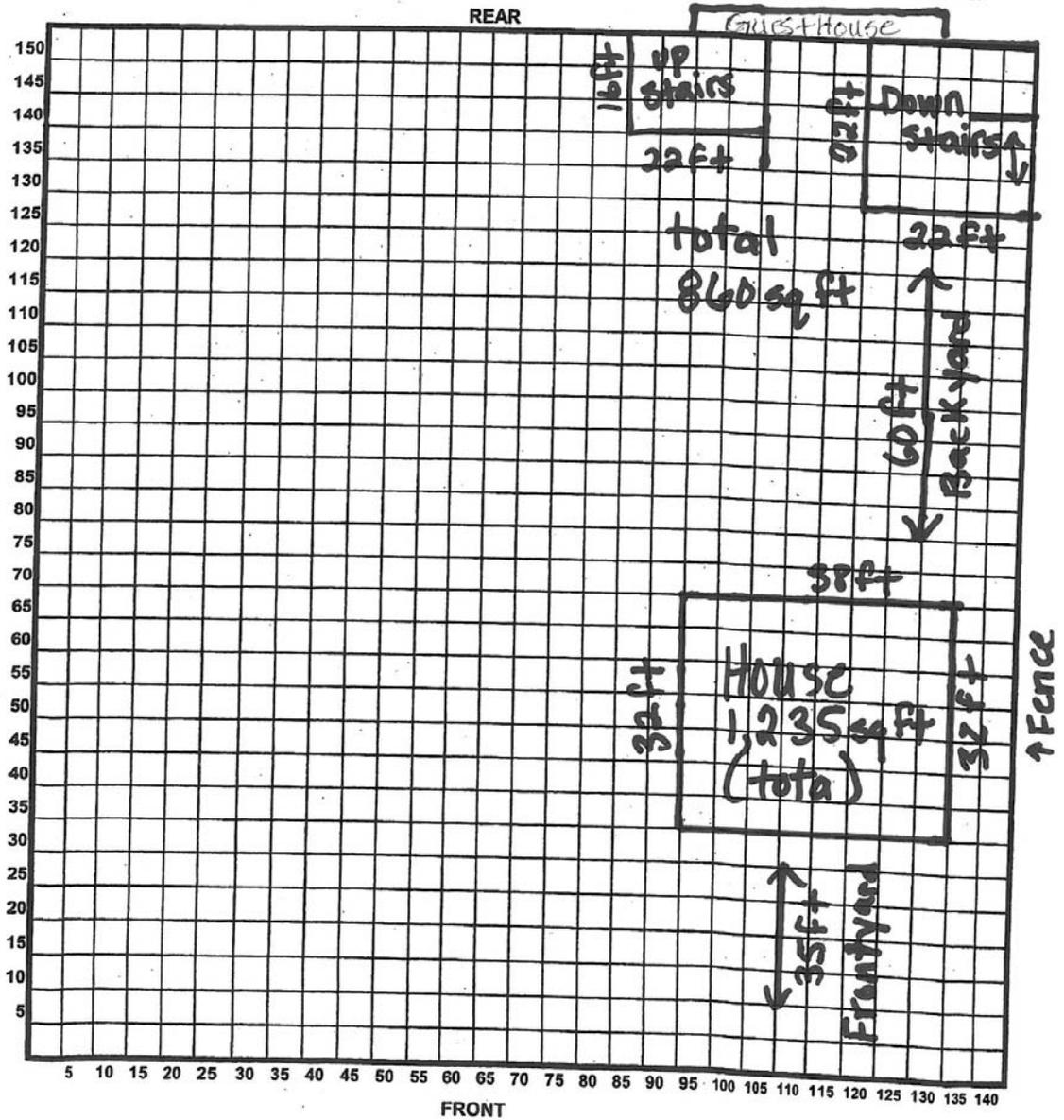
103 Le Compte Place <sup>1:300</sup>

Development Services Department  
City of San Antonio

# Attachment 3 Applicant's Site Plan

## PLOT PLAN FOR BLDG PERMITS

Address 103 Le Comte Pl. Lot 4 Block 1 NCB 7781



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  
Site Photos**

