

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, September 15, 2014

1:00 P.M.

Cliff Morton Development and Business Services Center

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

1. **1:00 PM** - Public Hearing – Call to Order
2. Roll Call
3. Pledges of Allegiance.
4. **A-14-088** : The request of Veronica Romo for **1)** a 3-foot variance from the maximum height of 3 feet to allow a 6-foot wall in a portion of the front yard and **2)** a 5-foot variance from the minimum 10 foot setback to allow a carport 5 feet from the front property line, located at 233 E. Hafer. (Council District 3)
5. **A-14-089**: The request of Delisa and Scott Duran a two-foot variance to the six-foot maximum to allow an 8-foot tall fence in the rear and side yards, located at 2507 W. Kings Hwy. (Council District 7)
6. **A-14-093**: The request of Raymond Navarro, Jr. for **1)** a 5-foot variance from the maximum 3-foot solid fence; **2)** a 1-foot variance from the maximum 4-foot open fence; **3)** a 2-foot variance from the maximum 6-foot fence and **4)** a variance from the clear vision area to allow an 8-foot tall fence in the rear, side and a portion of the front yard and a 5-foot wrought iron open fence in the remaining portion of the front yard, located at 363 E. Terra Alta. (Council District 10)
7. **A-14-090**: 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)
8. **A-14-091**: The request of Julia Rosenfeld for a 14-foot variance from the 20-foot required setback to allow a garage to be constructed in the rear yard 6 feet from the north side property line, located at 125 Muth St. (Council District 2)

Board of Adjustment Membership

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

Alternate Members

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

9. **A-14-095:** The request of Gary & Theresa Poenisch for a 15-foot variance from the minimum 20-foot rear yard setback to allow a building addition within 5 feet of the rear property line, located at 223 Laurel Heights Place. (Council District 1)
10. **A-14-092:** 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)
11. **A-14-094:** The request of Peter Greenblum for a variance from the minimum 4-foot separation required between a driveway and a sidewalk to allow a step stone sidewalk abutting the gravel driveway within the Mahncke Park Neighborhood Conservation District, located at 204 Carnahan. (Council District 2)
12. **A-14-096:** The request of Deborah Humphries for a variance from the Mahncke Park Neighborhood Conservation District design requirements to allow windows that do not match the original windows in dimensional proportions, framing, or materials, located at 302 Eleanor Ave. (Council District 2)
13. Approval of April 7, 2014 and August 18, 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).

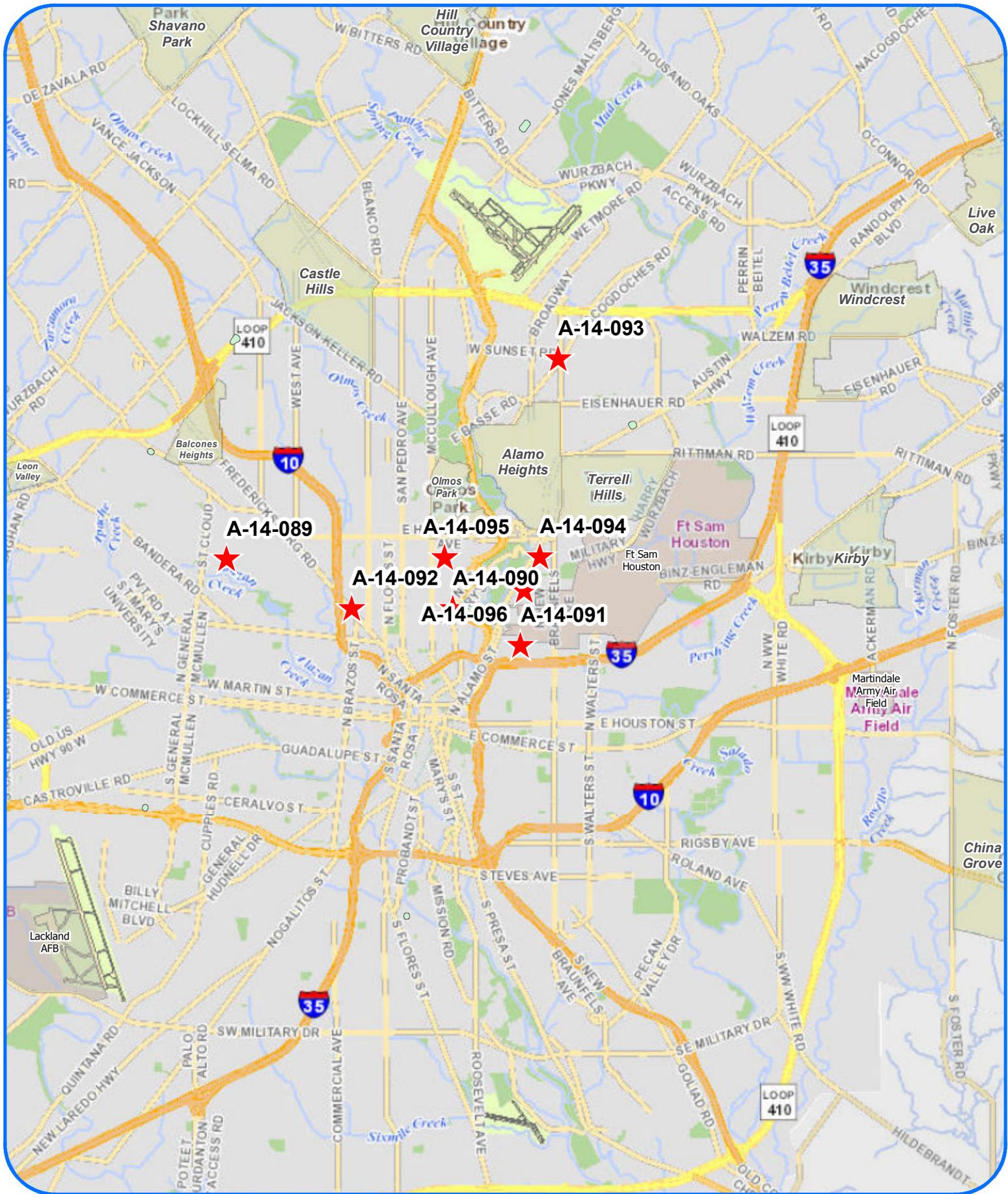
DECLARACIÓN DE ACCESIBILIDAD – Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

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

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Board of Adjustment

Subject Property Locations
Cases for 15th September 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-088
Date: September 15, 2014
Applicant: Veronica Romo
Owner: Veronica Romo
Location: 233 E. Hafer
Council District: 3
Legal Description: Lots 39 & 40, Block 3, NCB 6152
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 3-foot variance from the maximum height of 3 feet to allow a 6-foot wall in a portion of the front yard as detailed in Section 35-514(d); and 2) a 5-foot variance from the minimum 10 foot setback as detailed in Table 35-310 to allow a carport 5 feet from the front 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 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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located in the Lorraine Place Subdivision, recorded in 1919, and includes 6,250 square feet of lot area. The home was built in 1938 and the applicant has owned the property since 1999. The applicant has been very frustrated by crime in the neighborhood and believes that her next-door neighbors are to blame. The applicant built a 6-foot cinder block wall between the two homes and across a portion of her front yard, without a building permit and in conflict with the fencing regulations. According to the application, police have not been able to

reduce the harassment and she has recently moved. In addition, during a site visit, staff discovered the carport also encroaches into the minimum front setback and included a request for variance to allow it to remain. According to the Bexar County Tax Appraisal District, the attached carport was built in 1938, though it appears newer than that.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the South Central Plan area 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 is described as the general health, safety and welfare of the public at large. The construction of a partial cinder block wall does not increase the safety of the residents, nor improve the general welfare of the neighborhood. Therefore, it is likely that the requested variance to allow the wall to remain would be contrary to the public interest.

However, the carport was likely constructed more than a decade ago and does not encroach into the right of way. Therefore, it 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 would require that the applicant reduce the height of the wall to 3 feet, consistent with the allowed height for solid fences in the front yard. The Board will have to determine if removing the cinder block wall creates an unnecessary hardship for the applicant.

The location of the carport has not changed and perhaps, literal enforcement would result in an unnecessary hardship.

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

The Board is charged with evaluating the spirit of the ordinance compared to the literal interpretation. This requested variance would double the height of the allowed solid fencing located in a front yard. However, the applicant states that the on-going harassment is unique and requires a solution.

Regarding the carport, it does not encroach onto the right of way and maintains a 5-foot setback, observing the spirit.

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 fence and carport variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-5 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 cinder block wall detracts from the character of the neighborhood, and is the only solid wall in the front yard on the block. Most of the homes have a chain-link fence.

The requested carport 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 cinder block wall to hide views of a neighboring property; the wall is inadequate for protection or effective for privacy. The plight of the owner, however, was not created by the owner and may not be similar for other owners on the block. The Board must evaluate the evidence submitted and determine if the variance is warranted.

The carport variance seems justified by the age of the carport and its potential non-conforming status.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC maximum height for solid fencing in the front yard and remove the blocks to 3 feet. Regarding the carport alternative, the applicant can decrease the length to comply with the 10-foot setback.

Staff Recommendation

Staff recommends denial of the variance for the solid wall, based on the following finding:

1. The wall is inconsistent with the character of the neighborhood and the property has no unique features warranting a variance for fence height.

Staff recommends approval of the variance for the carport, based on the following finding:

1. The carport has existed for some time and provides shelter to one vehicle.

Attachments

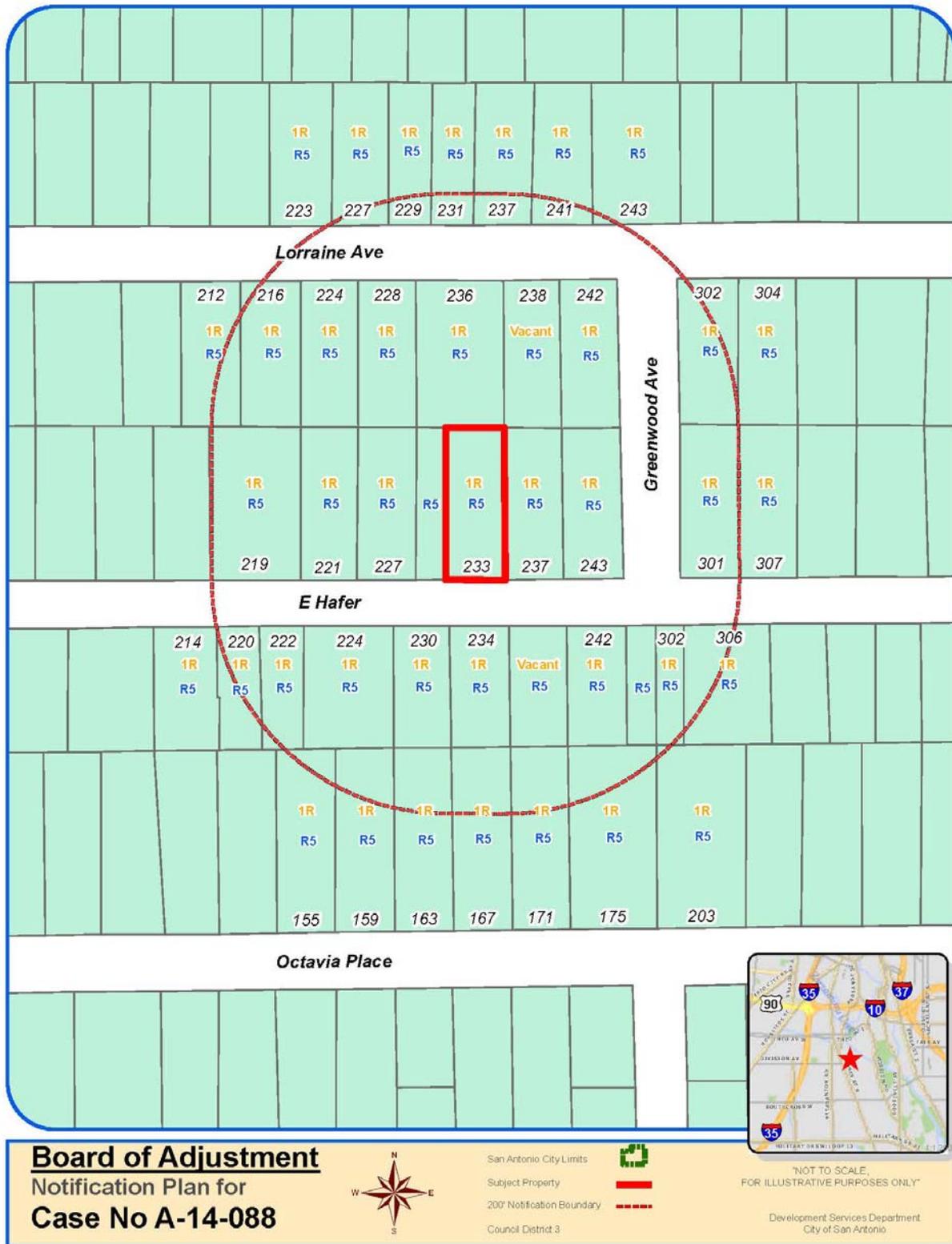
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

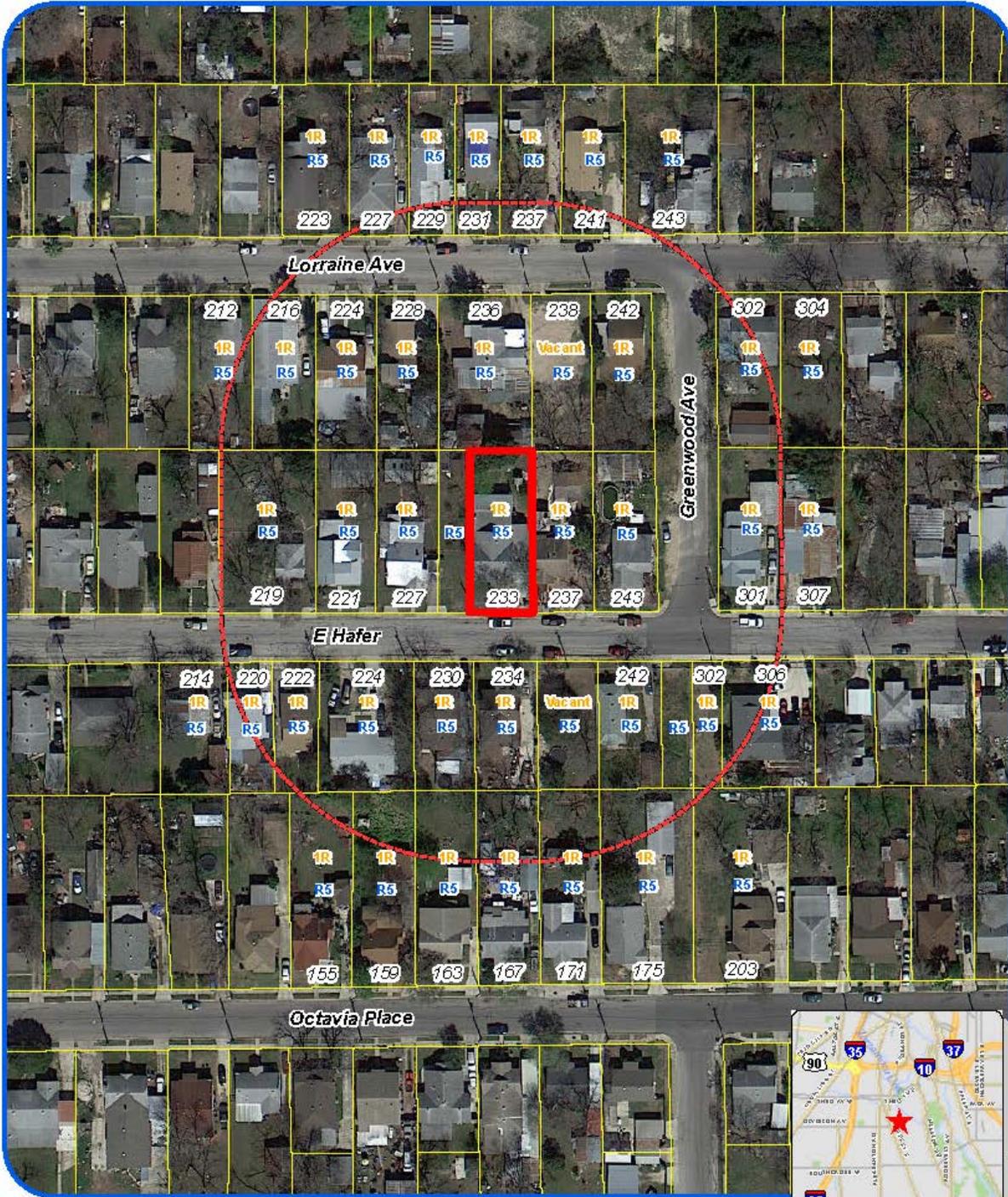
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 1 (cont)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-14-088**



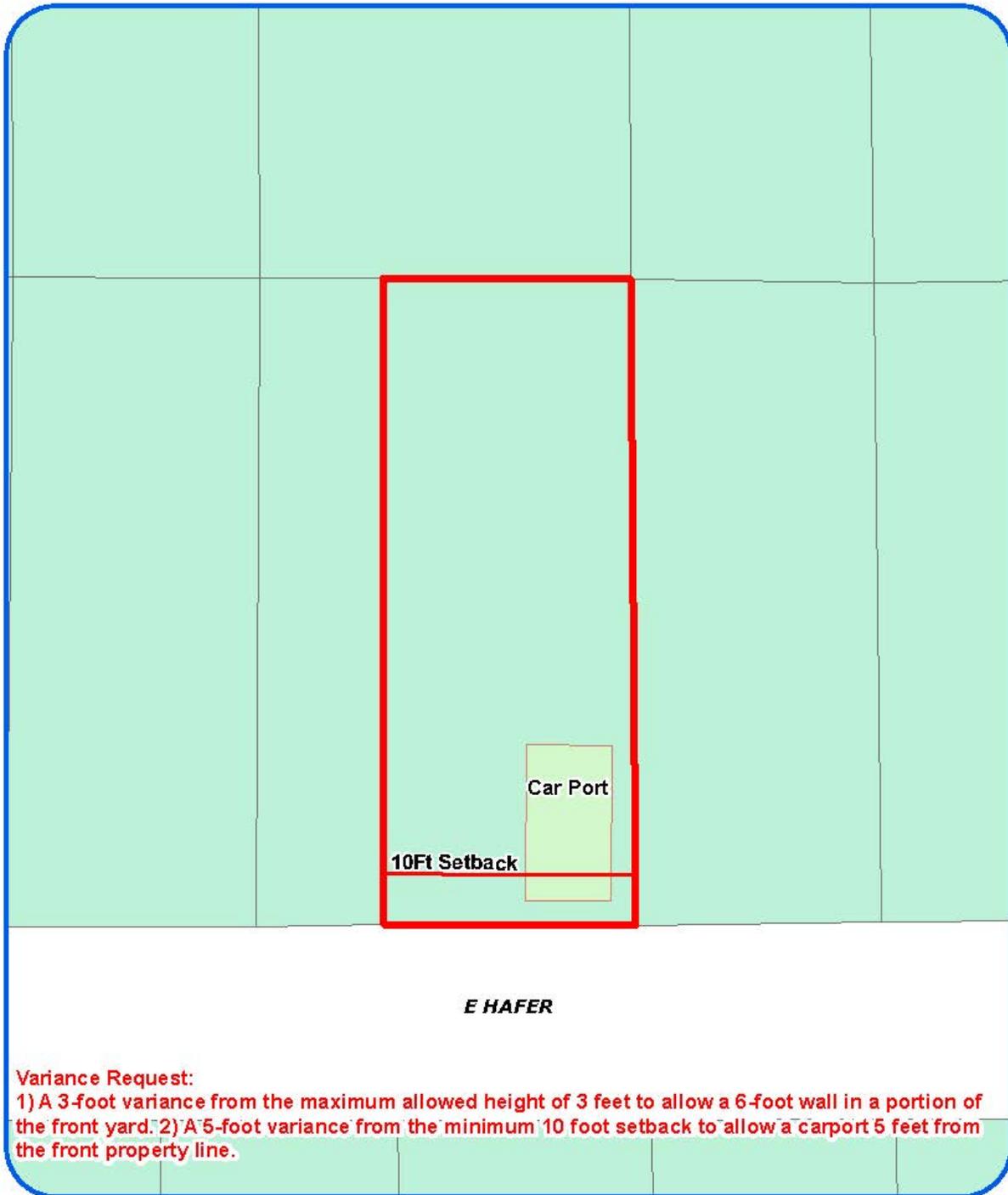
-  San Antonio City Limits
-  Subject Property
-  200' Notification Boundary
-  Council District 3



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:

1) A 3-foot variance from the maximum allowed height of 3 feet to allow a 6-foot wall in a portion of the front yard. 2) A 5-foot variance from the minimum 10 foot setback to allow a carport 5 feet from the front property line.

Board of Adjustment
Plot Plan for
Case No A-14-088



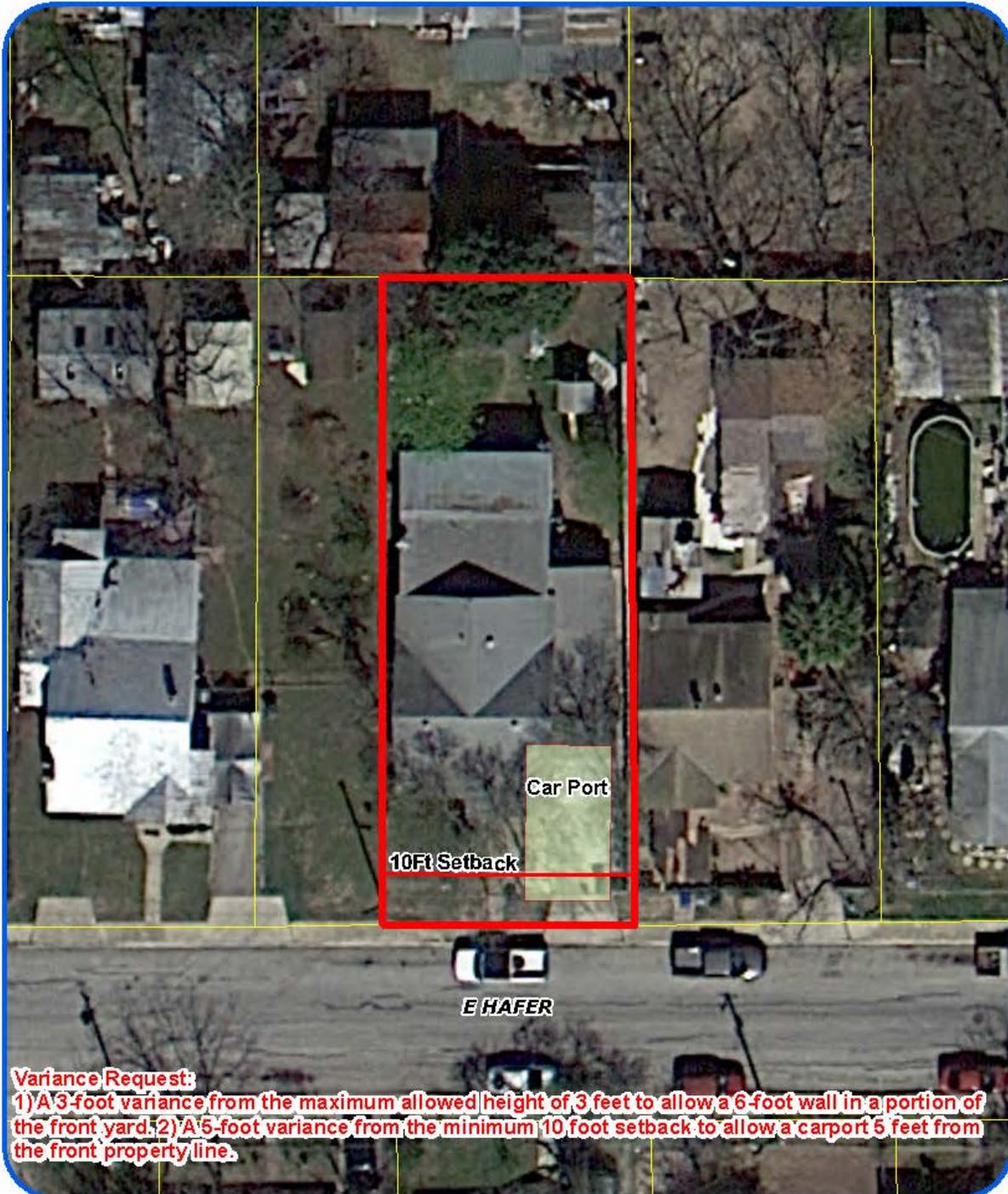
"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 3

233 E Hafer

Development Services Department
City of San Antonio

1:300

Attachment 2 (cont)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-088



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

233 E Hafer

Development Services Department
City of San Antonio

Attachment 3 Crime tracker tool

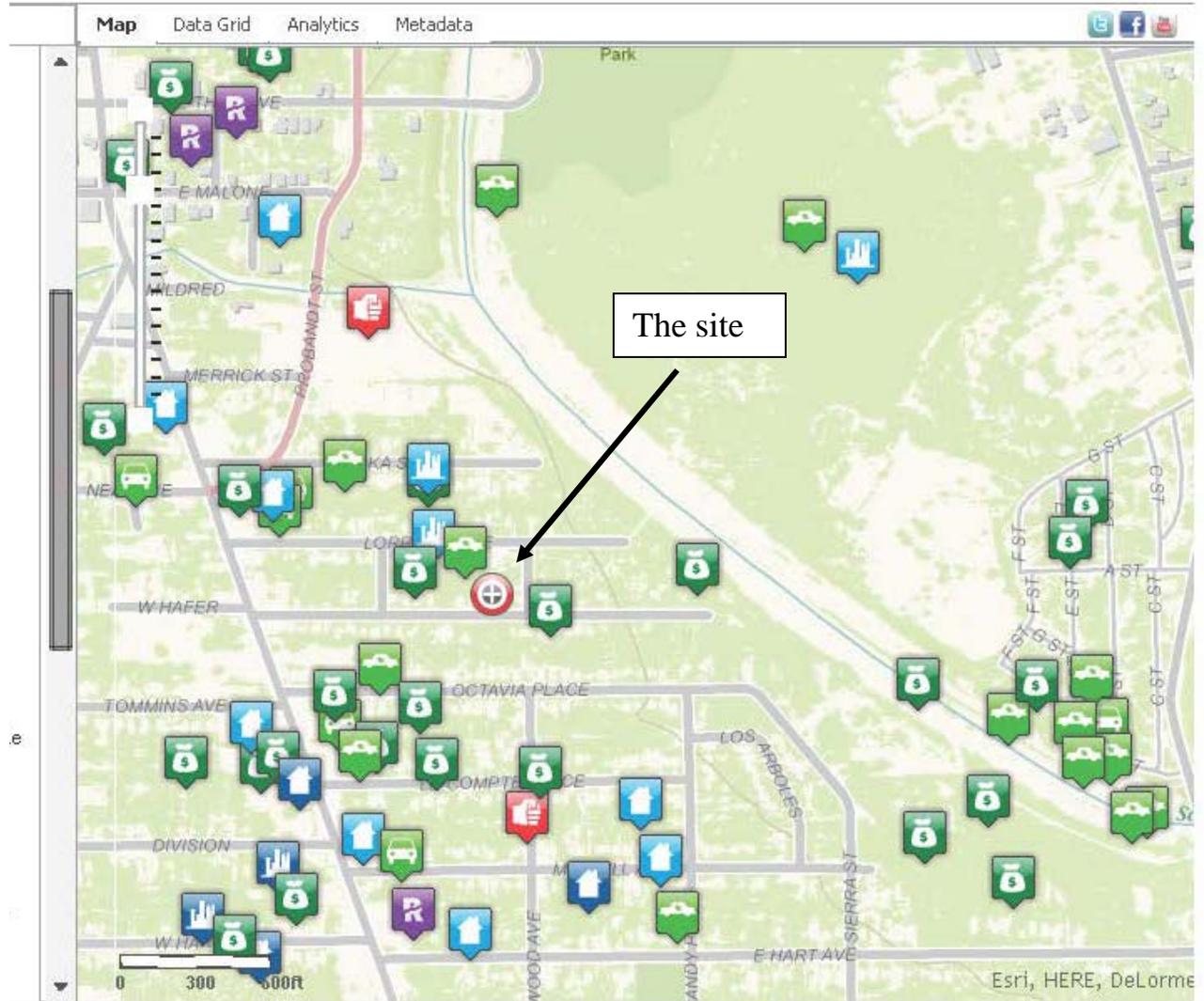
RAID S Online: Regional Analysis and Information Sharing

for the public

Home

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Sign up for crime alerts



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-089
Date: September 15, 2014
Applicant: Delisa and Scott Duran
Owner: Delisa and Scott Duran
Location: 2507 W Kings Hwy
Council District: 7
Legal Description: Lot 29, NCB 9178
Zoning: "R-6 NCD-7 AHOD" Residential Single Family Jefferson Neighborhood
Conservation Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a 2 foot variance from the 6 foot maximum as described in Section 35-514(d) to allow an 8 foot tall fence in the rear and side yards.

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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 2507 W Kings Hwy and is approximately 96 feet west of Manor Drive. The applicant is asking for a 2 foot variance from the 6 foot maximum to allow an 8 foot tall fence, which was constructed without permits, to run along the rear property line up to an existing garage, along the west property line up to the dwelling, and along a small portion of the rear yard between the existing garage and the dwelling.

In the application the applicant has stated that the purpose for the fence is to deter theft from the home. It has been stated that the applicant’s property has been burglarized 3 times in the previous year and that the variance in height will help to deter this activity.

The rear property line abuts a service alley so it is unlikely that neighboring properties will be harmed. The applicants believe that the thieves are accessing their property via the service easement. The proposed additions meet the requirements of the Jefferson Neighborhood Conservation District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
South	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
East	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
West	“R-6 NCD-7 AHOD” Residential Single-Family Jefferson Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Near Northwest Neighborhood Plan area and designated for low-density residential land use. The property is located within the boundaries of the Jefferson/Woodlawn Lake registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

Criteria for Review

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

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

The public interest in this case is represented by maximum fence heights so as not to create a visual blight to neighboring property owners. The rear property line abuts a service alley and will, therefore, not negatively impact the neighboring properties. The portion of the fence that runs from the garage to the house is not visible from the street and will therefore not be contrary to the public interest. While a case may be made that the fence running along the west side of the property may be contrary to the interests of the neighbors, there exists dense vegetation between the properties, in affect creating a dense separation between properties already.

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

In this case the special conditions existing on the property are the thefts occurring on a regular basis – three times in one year. The applicants are asking for the variance to deter theft and to provide a greater sense of comfort in their homes.

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 fences are not visible from the street and are constructed of the same materials as other fences common in the community.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-6 NCD-7 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 requested variance will likely not alter the character of the district because most of the fence is not easily visible to the public and because the portion of the fence abutting the neighboring property will also be concealed, in part, by existing vegetation, making it more visually appealing.

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 condition that exists on the property is that the house is being burglarized on a regular basis. These conditions are not created by the homeowners and are not merely financial in nature.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC fence height requirements and reduce the height of the fence back to six feet.

Staff Recommendation

Staff recommends approval, based on the following finding:

1. The increased fence height will not negatively influence neighboring property owners.

Attachments

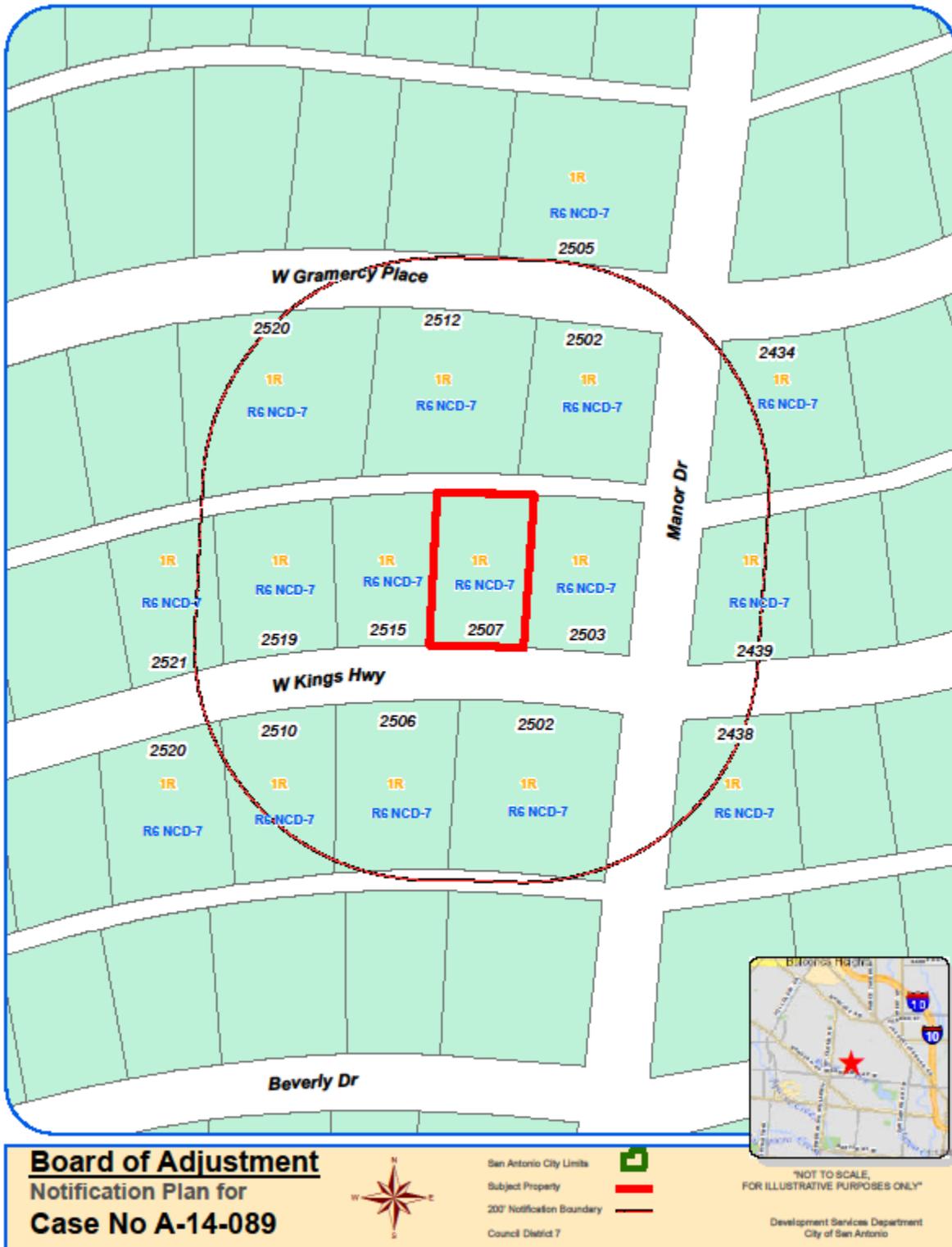
Attachment 1 – Notification Plan (Location Map)

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-14-089

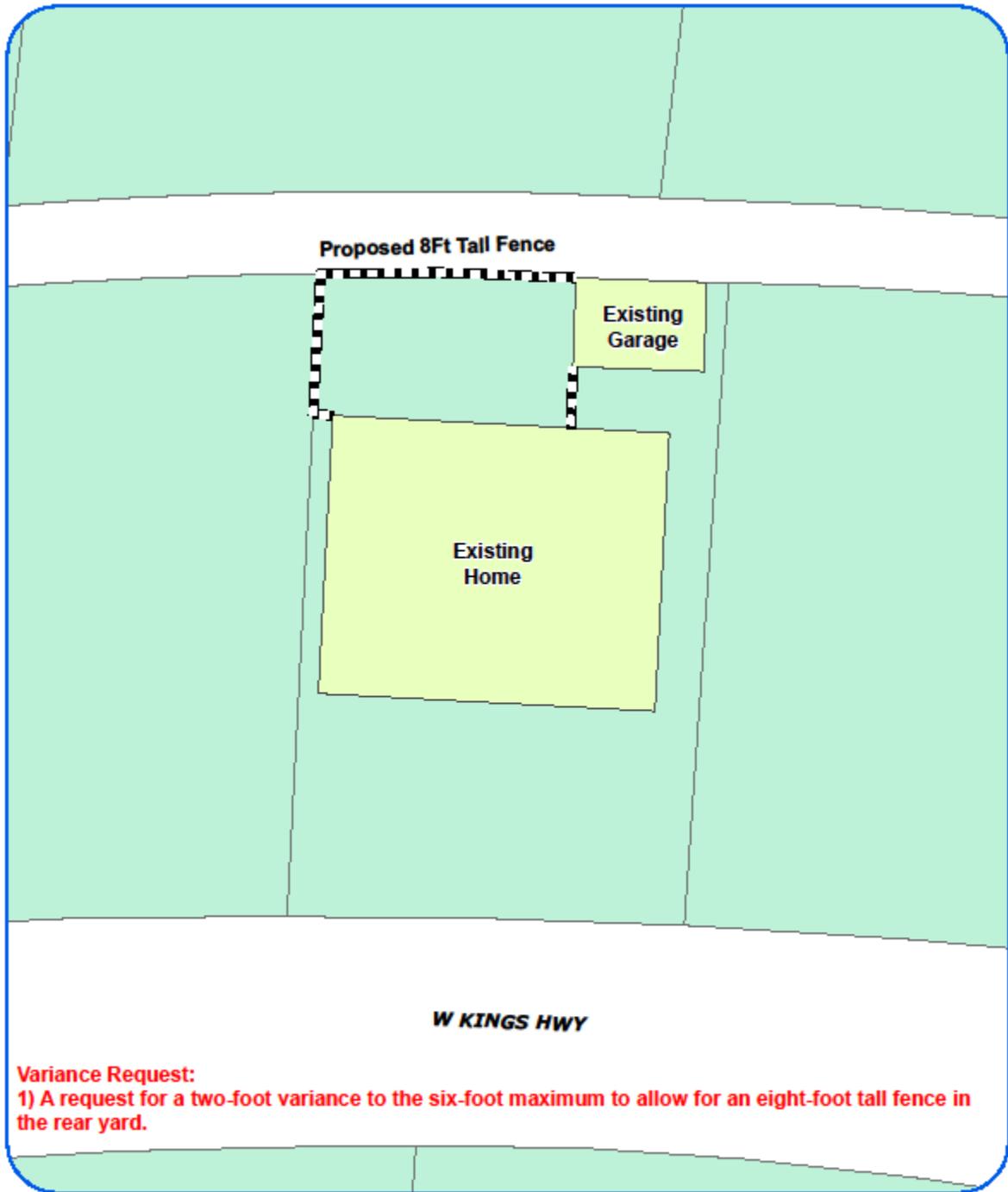


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 7

"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 two-foot variance to the six-foot maximum to allow for an eight-foot tall fence in the rear yard.

Board of Adjustment
Plot Plan for
Case No A-14-089



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

2507 W Kings Hwy ^{1:300}

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request:
1) A request for a two-foot variance to the six-foot maximum to allow for an eight-foot tall fence in the rear yard.

Board of Adjustment
Plot Plan for
Case No A-14-089

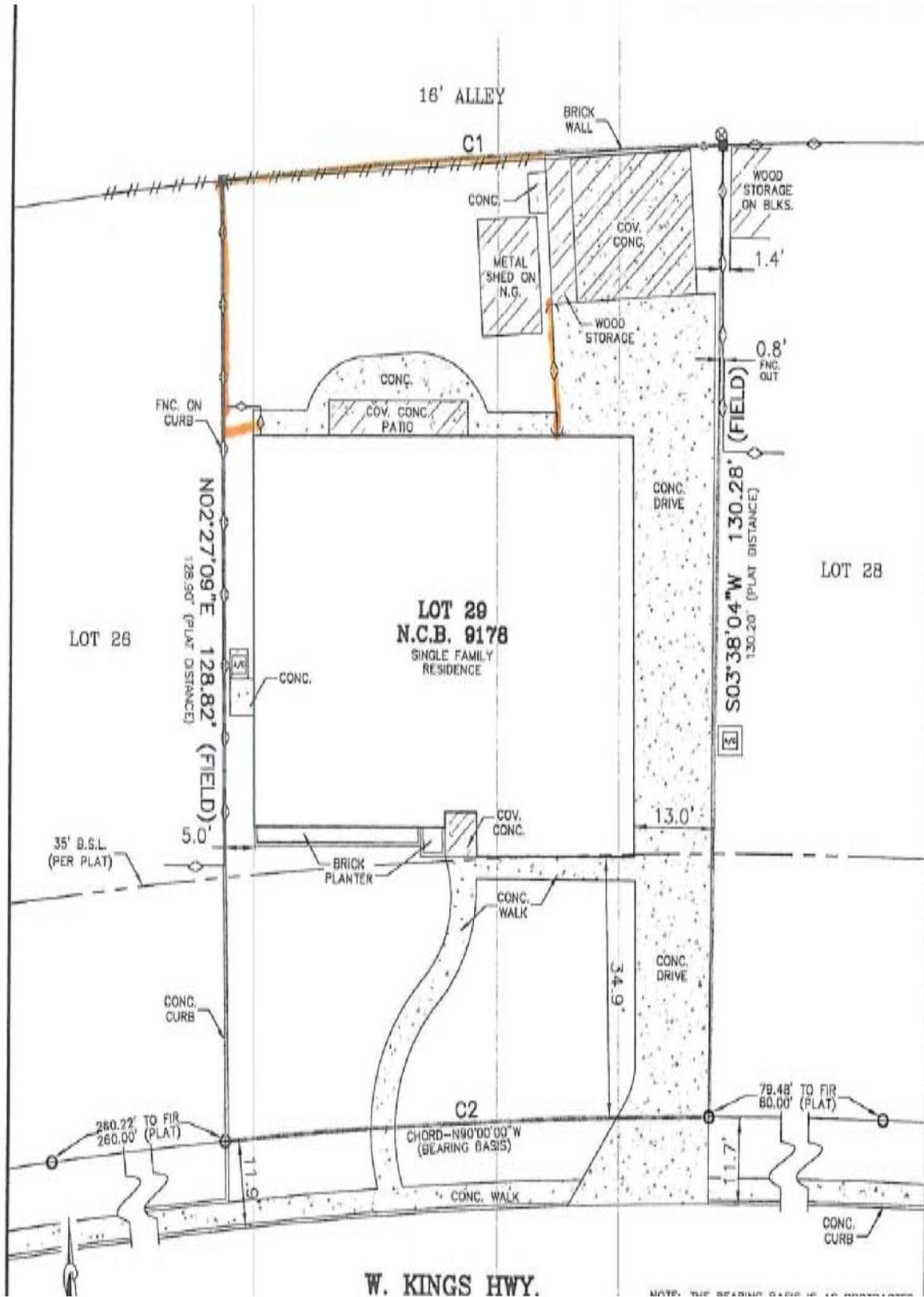


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 7

2507 W Kings Hwy

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**



**Attachment 4
Site Photos**

Street View



Service Alley View



Service Alley View



Streetscape





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-093
Date: September 15, 2014
Applicant: Raymond Navarro Jr.
Owner: Raymond Navarro Jr.
Location: 363 E. Terra Alta Drive
Council District: 10
Legal Description: Lots 2 & 3, NCB 11889
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 5-foot variance from the maximum 3-foot solid fence; 2) a 1-foot variance from the maximum 4-foot open fence; 3) a 2-foot variance from the maximum 6-foot fence, as detailed in Section 35-514(d) and 4) a variance from the clear vision area, as detailed in Section 35-506 to allow an 8-foot tall fence in the rear, side and a portion of the front yard and a 5-foot wrought iron open fence in the remaining portion of the front yard.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners 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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 363 Terra Alta Drive and is approximately 99 feet west of a five leg intersection with N. New Braunfels Avenue, Nacogdoches Road and Terra Alta. The surrounding area is a regional commercial area with numerous small businesses, a grocery store and fast food outlets. The applicant's home is directly adjacent to a Goodwill Donation Center

and a dry-cleaners to the east. To the north abutting the rear yard is a multi-family residential complex, specifically the parking area. The applicant recently purchased the property and is making some improvements, including landscaping and fencing. Several variances are being requested; a 1-foot variance to allow a 5-foot wrought iron fence in the front yard and a 2-foot variance to allow an 8-foot tall privacy fence in the rear and side yards. The applicant has also requested a variance to allow the 8-foot privacy fence to extend into the front yard abutting the commercial property to the east. Because the commercial use gains access in this location, a variance from the clear vision requirement was also requested.

According to UDC 35-514 (d) 2 E. an 8-foot privacy fence is allowed on a side lot line which abuts a “C-2” zoning district. This provision makes a portion of the requested 8-foot privacy fencing allowed by right. This is not the case for the rear lot line or the other side property boundary, both of which require the 2-foot variance. In addition, once the fencing is aligned with the front façade of the home, it becomes classified as a front yard fence.

Section 35-506, Transportation and Street Design includes a provision entitled *Intersection Sight Distance*, which is established to protect views of approaching motorists. *The clear vision area is that portion of a property over which motorists must see to judge and execute a driving maneuver onto the street.* The speed and volume of traffic is taken into account. For the subject property, the applicant states that a fence currently exists together with vegetation that blocks the clear vision area. Staff verified this to be true, although these types of safety hazards are never *grandfathered*. The Traffic Engineering staff has evaluated this request and determined that 14.5 feet of clear vision area, as measured from the curb of the public street, is required to protect the safety of motorists using this facility.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 AHOD” Multi-Family, Airport Hazard Overlay District	Multi-Family Residential
South	“C-2 AHOD” Commercial, Airport Hazard Overlay District	Service Station
East	“C-2 AHOD Commercial, Airport Hazard Overlay District	Retail Center
West	“R-5 AHOD” Residential Single-Family, Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northeast Inner Loop Community Plan area and designated for future Neighborhood Commercial land use. The property is located within the

boundaries of the Oak Park-Northwood, a registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

Criteria for Review

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

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

The applicant is requesting **the variances to his fencing in order to provide more separation from the apartments to the rear and the commercial properties to the south and east. Because of the inherent conflicts that arise between a single family home and the more intense neighboring land uses, additional fencing is warranted and would not be contrary to the public interest.**

However, the requested privacy fencing in the front yard along the east property boundary requires additional consideration. The Traffic Engineering Division has stated that the first 14.5 feet from the street of the privacy fencing would interfere with clear sight requirements. The Board will have to determine if the 5-foot variance to the maximum allowed height of 3 feet for privacy fencing in the front yard is also contrary to the public interest, or if the public's interest is simply impacted by the clear vision area.

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

The special conditions present in this case are that the subject property abuts multi-family and commercially zoned properties. The applicant seeks to separate his home from the neighboring uses by using increased fence heights. Requiring the applicant to adhere to the UDC requirements could lead to unpleasant living conditions due to sound and traffic encroachment and could be considered an unnecessary hardship.

However, the Board will have to determine if limiting the proposed 8-foot *front yard* privacy fencing or adhering to the clear vision requirements result in an unnecessary hardship.

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

The applicant is permitted an 8 foot fence along the east side of his property by right up to the façade of the home, as it separates a residential use from a commercial use. The variance request to allow an 8 foot fence in the rear and west side of the property may be considered in keeping with the spirit of the ordinance because allowing the applicant to maintain a consistent fence height will help to contribute to the character of the community. In addition, front wrought iron fencing can be and is allowed in certain circumstances.

However, the spirit of the ordinance will not be served if the applicant continues that same 8 foot fence to the property line as it will negatively impact clear vision requirements.

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-5 AHOD” Residential Single-Family Airport Hazard Overlay District.

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

The requested fence height variances will likely not alter the character of the local community as the applicant merely seeks to separate his home from neighboring uses. The proposed front wrought fencing will be attractive and consistent with the Mediterranean style of the home, contributing to the character.

However, the requested variance from the clear vision requirements could negatively impact the community.

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

The condition that exists on the property is that the property is situated near properties zoned for commercial and multi-family uses. According to the owner, the location demands additional security measures to provide a similar level of protection other properties have from separation.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC requirements and adjust all fences accordingly. Other alternatives to the applicants request are to bring the 14.5 foot section of the wood fence along the east side of the property into compliance by continuing the wrought iron fence around the corner 14.5 feet back from the street.

Staff Recommendation

Staff recommends approval, based on the following findings:

1. The fences along the rear of the property will help to separate the applicant’s home from the neighboring multi-family parking lot.
2. The wrought iron fence in the front of the property is consistent with the neighborhood.
3. The 8 foot tall fence along the east side of the property up to the façade of the home is permitted by right. Allowing the applicant to continue the 8 foot tall fence along the rear property line and along the west property line would help to achieve a more consistent design.

Staff recommends denial of the requested variance from clear vision requirements, based on the following findings:

1. Allowing the applicant to construct an 8 foot tall fence in the front of the property will result in a traffic safety hazard.

Attachments

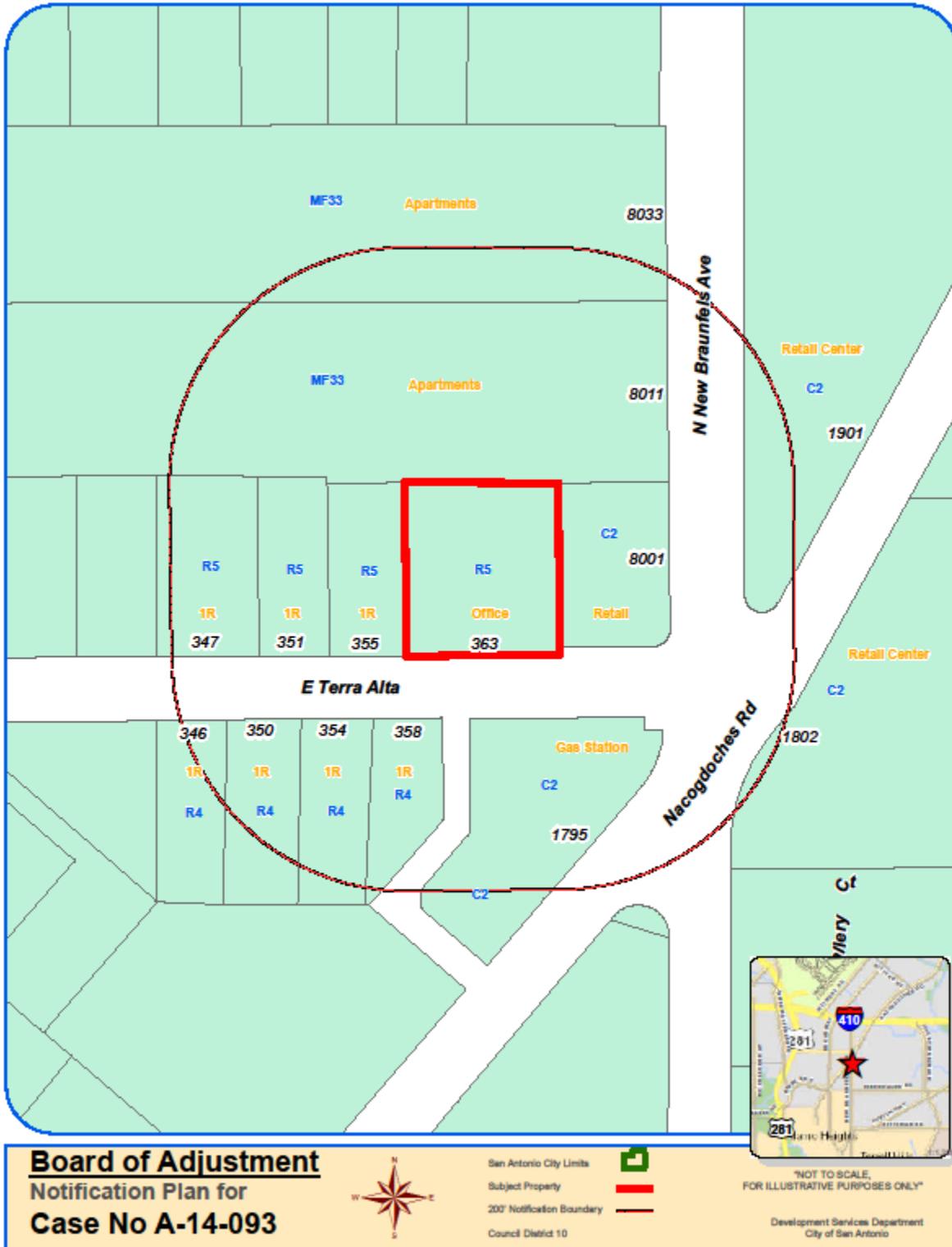
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

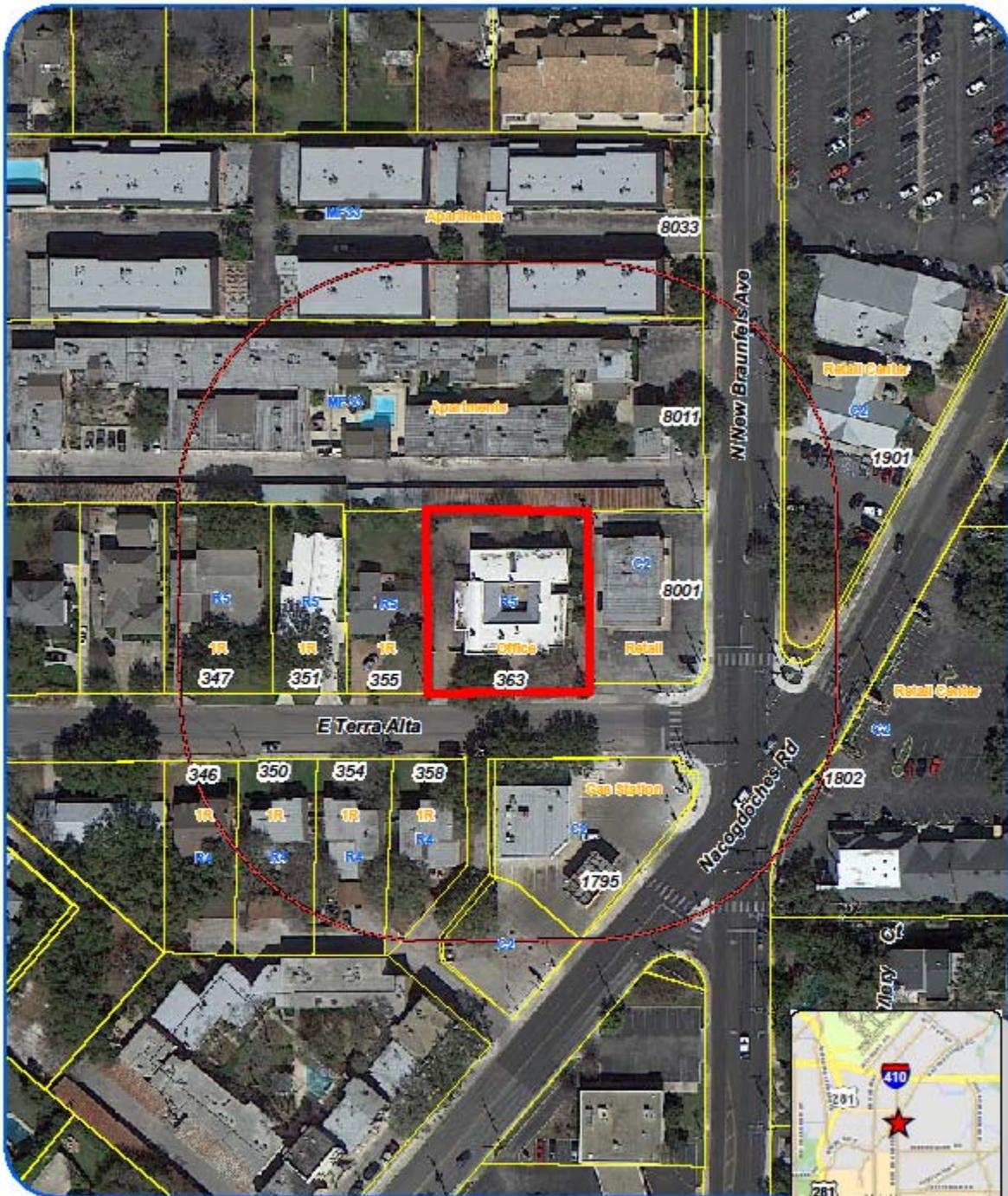
Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 1 (cont)
Notification Plan**



Board of Adjustment
Notification Plan for
Case No A-14-093

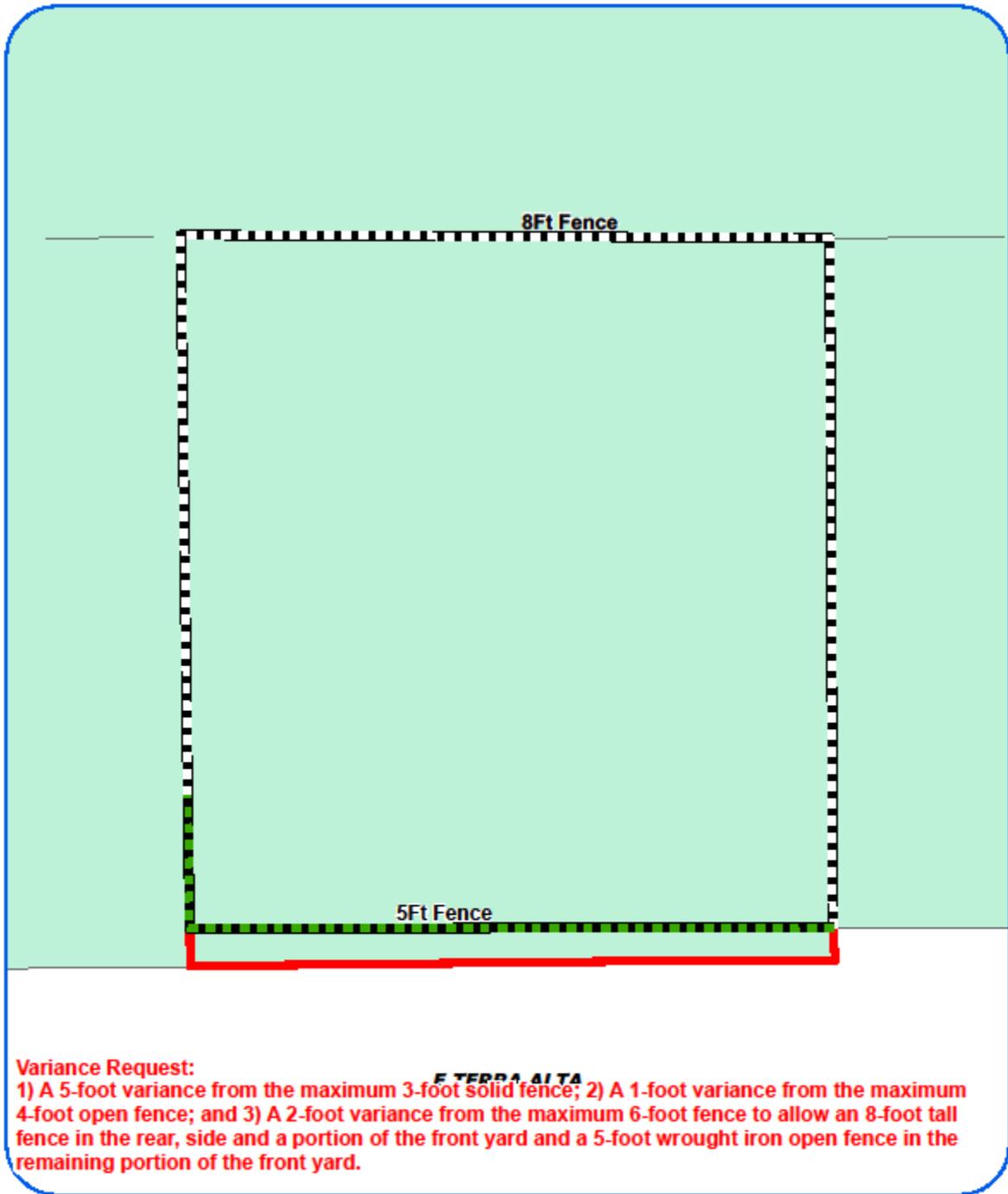


- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 10

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Variance Request:
1) A 5-foot variance from the maximum 3-foot solid fence; 2) A 1-foot variance from the maximum 4-foot open fence; and 3) A 2-foot variance from the maximum 6-foot fence to allow an 8-foot tall fence in the rear, side and a portion of the front yard and a 5-foot wrought iron open fence in the remaining portion of the front yard.

Board of Adjustment
Plot Plan for
Case No A-14-093



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

363 Terra Alta ¹³⁰⁰

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request:

1) A 5-foot variance from the maximum 3-foot solid fence; 2) A 1-foot variance from the maximum 4-foot open fence; and 3) A 2-foot variance from the maximum 6-foot fence to allow an 8-foot tall fence in the rear, side and a portion of the front yard and a 5-foot wrought iron open fence in the remaining portion of the front yard.

Board of Adjustment
Plot Plan for
Case No A-14-093



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

363 Terra Alta

1:300

Development Services Department
City of San Antonio

**Attachment 4
Site Photos**

View from neighboring Goodwill



View of home from Terra Alta



Existing 6 foot wood fence (8 foot proposed)



Clear Vision Issue





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-090
Date: September 15, 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

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 September 12, 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 19th 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

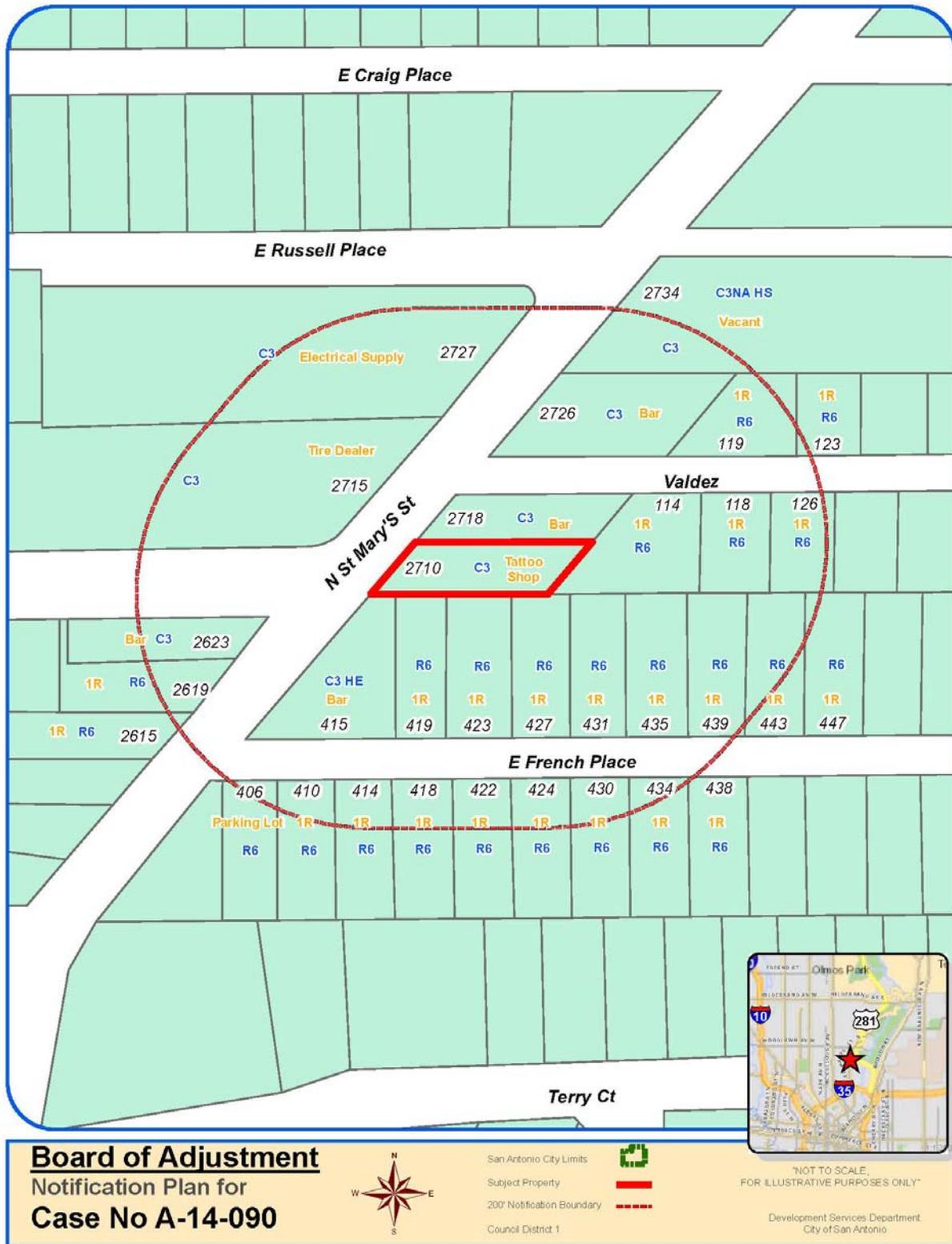
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

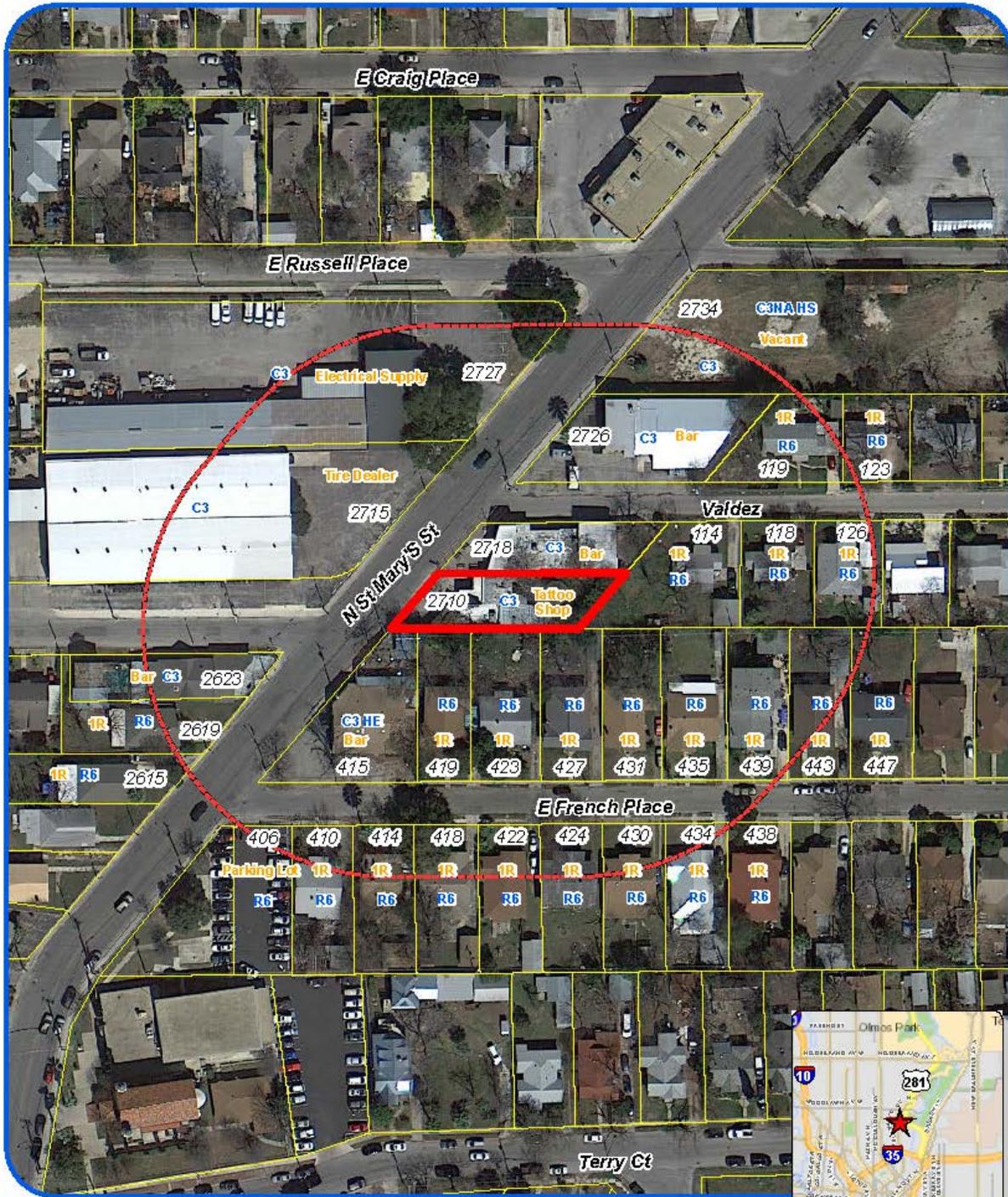
Attachment 3 – Applicant’s Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 1 (cont)
Notification Plan**



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

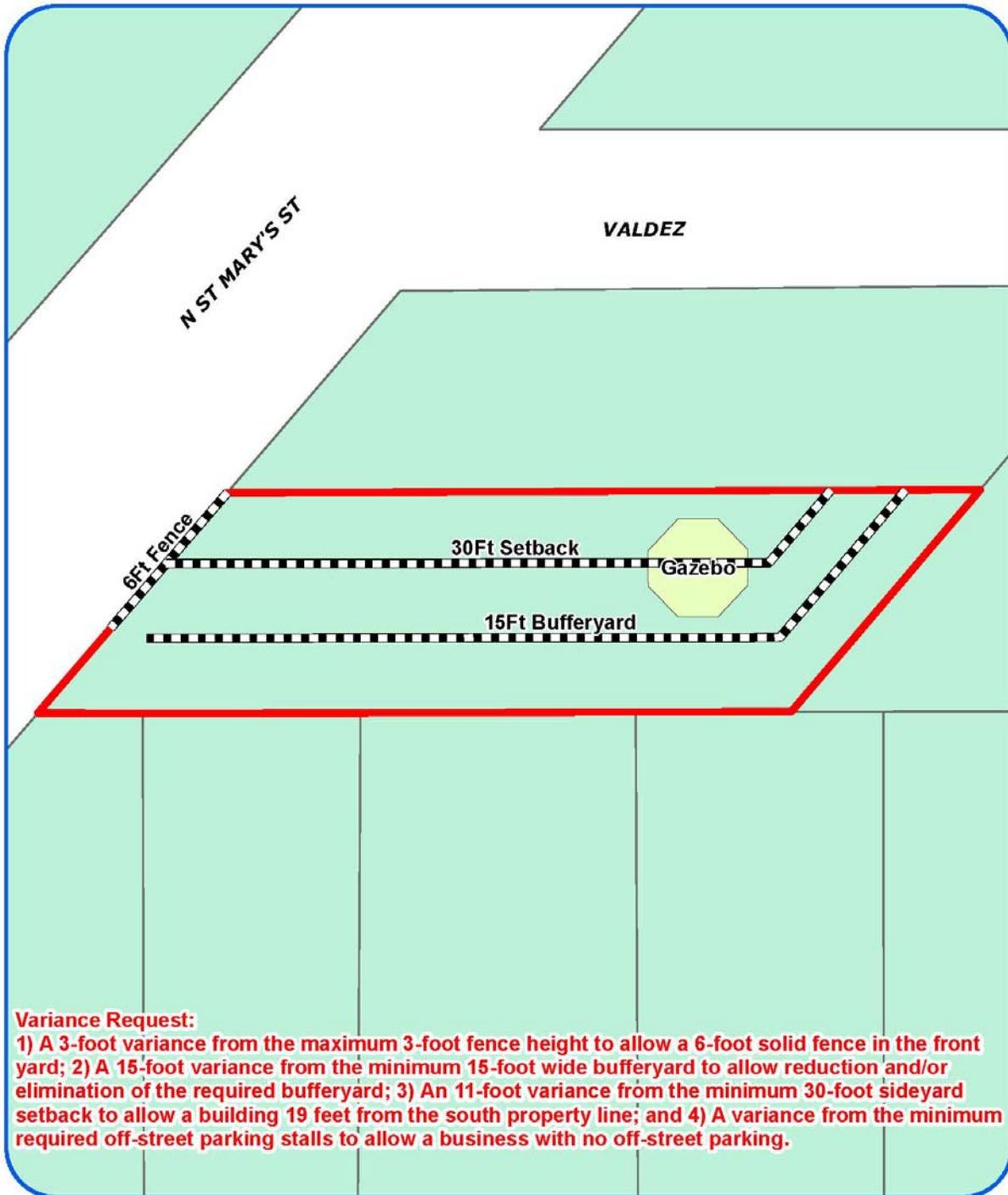


- San Antonio City Limits
- Subject Property
- 200' Notification Buffer
- Council District 1

"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 ^{1:300}

Development Services Department
City of San Antonio

Attachment 2 (cont)
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

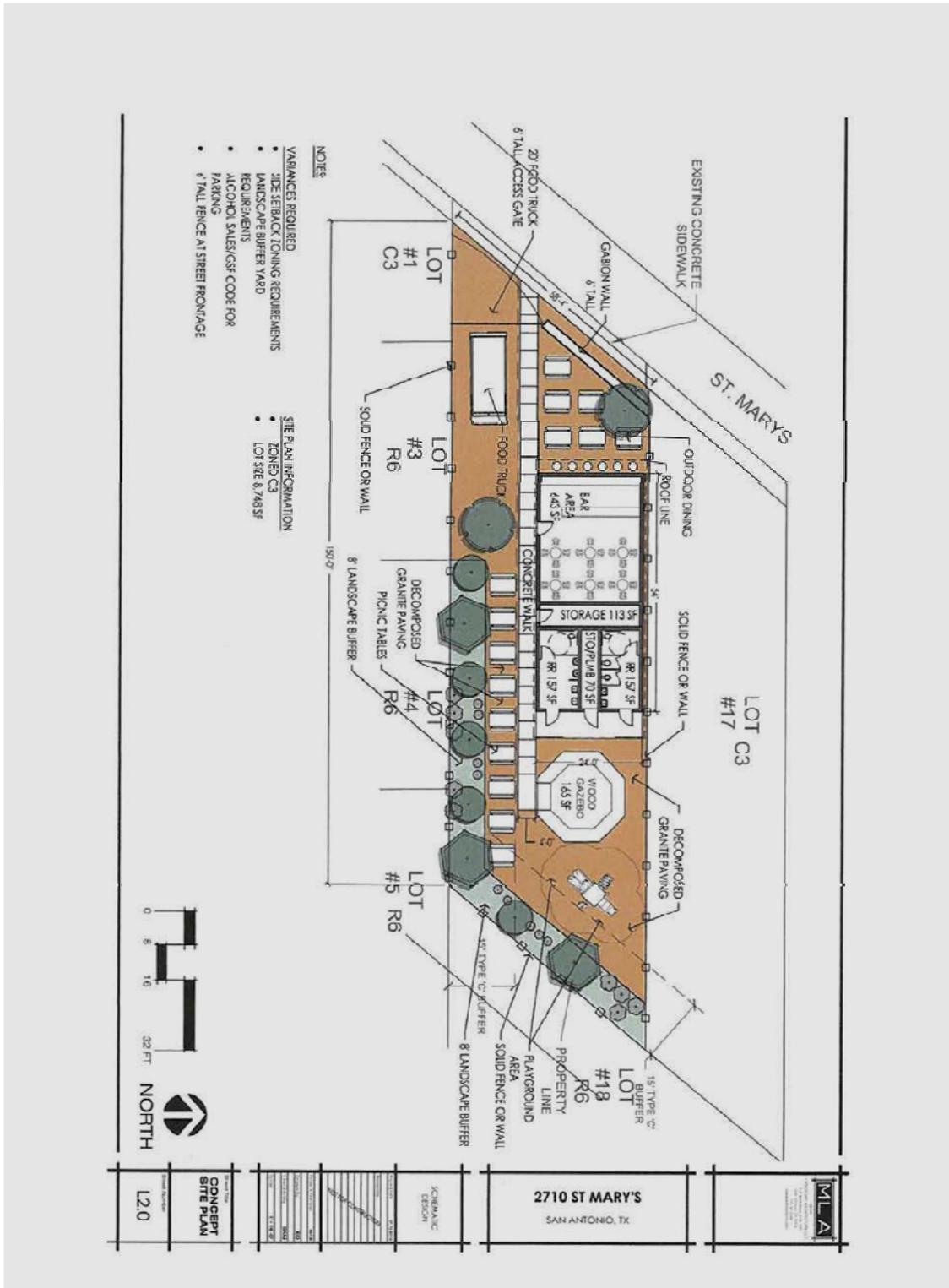


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

2710 N St Marys ^{1:300}

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



- NOTES**
- VARIANCES REQUIRED**
- 20' SETBACK/TOPPING REQUIREMENTS
 - LANDSCAPE BUFFER 1480'
 - REQUIREMENTS
 - ALCOHOL SALES/CSF CODE FOR PARKING
 - 7' TALL FENCE AT STREET FRONTAGE

- SITE PLAN INFORMATION**
- ZONED C3
 - LOT #1: 8,749 SF



	<p>2710 ST MARY'S SAN ANTONIO, TX</p>	<p>DATE: 11/11/2024 TIME: 10:00 AM SCALE: AS SHOWN</p>	<p>CONCEPT SITE PLAN L2.0</p>
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**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-14-091
Date: September 15, 2014
Applicant: Julia Rosenfeld
Owner: Julia Rosenfeld
Location: 125 Muth Street
Council District: 2
Legal Description: Lot 9, Block 1, NCB 992
Zoning: "R6 AHOD" Residential Single Family Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a 14-foot variance to the 20-foot required setback in Section 35-516(g) to allow a garage to be constructed in the rear yard 6 feet from the north side property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on 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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 125 Muth Street, approximately 214 feet north of East Carson Street in the Government Hill Neighborhood Association. The applicant is requesting a 14 foot variance from the 20 foot setback requirement to allow a garage to be constructed in the rear of the property six feet from the north side property line.

The applicant submitted in her application that the rationale for this request is due to the abnormally narrow streets surrounding her property, a result of the age of the streets themselves, which make on-street parking difficult, and potentially even dangerous. Often when parked on

the side of the street the applicant’s vehicle is still partially on the street making those driving through pass one at a time and often within close proximity to her vehicle.

The proposed garage would allow the applicant to safely drive onto her property and park her car in the garage thus eliminating the tight parking situation currently existing along the streets surrounding her property.

The applicant wishes to build the garage in order to prevent cars from blocking walking routes and intends to close off the entry to the garage with a gate for added security.

Staff spoke with a transportation engineer who expressed concern over a gate swinging into the right of way. The applicant has been advised that any proposed gates cannot open into the street. The applicant added that she has no plans to build a gate and only intends to use an electric garage door opener.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	“R6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
East	“R6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“R6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Government Hill Neighborhood Plan area and designated for low-density residential land use. The property is located within the boundaries of the Government Hill registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

Criteria for Review

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

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

The public interest in this case is represented by minimum setbacks to allow adequate access to air and light. The proposed garage will not negatively impact either and will in fact serve to eliminate additional on-street parking, making the streets more easily navigable to those driving through.

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

In this case the special conditions existing on the property are the abnormally narrow streets. Muth Street and Quitman Street each measure about 17 ft across. The applicant is asking for the variance to eliminate her need for on-street parking, making the streets more easily passable to the surrounding community. The applicant would also like to enjoy the added security of a closing gate. It is likely that denying the variance would create unnecessary hardship not only for the applicant, but for the community, too.

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 garage setbacks is to ensure that homeowners cannot park in a fashion that blocks sidewalks. The applicant submitted in her application that she wants to be able to pull into a garage for safety of herself and of her property. As such the spirit will be observed because she will park solely in the garage.

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 requested variance will not likely alter the character of the district because several other homes have garages existing on the property. Contrary, the variance, if approved, will add to the character of the community by removing the applicants need for on-street parking and thus making the streets more open and navigable.

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 condition that exists on the property is that the streets are abnormally narrow. These conditions are not created by the applicant and are not merely financial in nature.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC requirements and continue to park along the streets. The applicant could also construct the garage to run from the west property line towards the house, but this would require more pavement to be placed on the property, making it potentially unpleasant.

Staff Recommendation

Staff recommends approval, based on the following findings:

1. The garage will help to eliminate parking on an already narrow street, making the street more navigable for the community
2. The garage is not out-of-character compared to other homes in the area
3. The conditions meriting a variance are unique in nature and not created by the applicant

Attachments

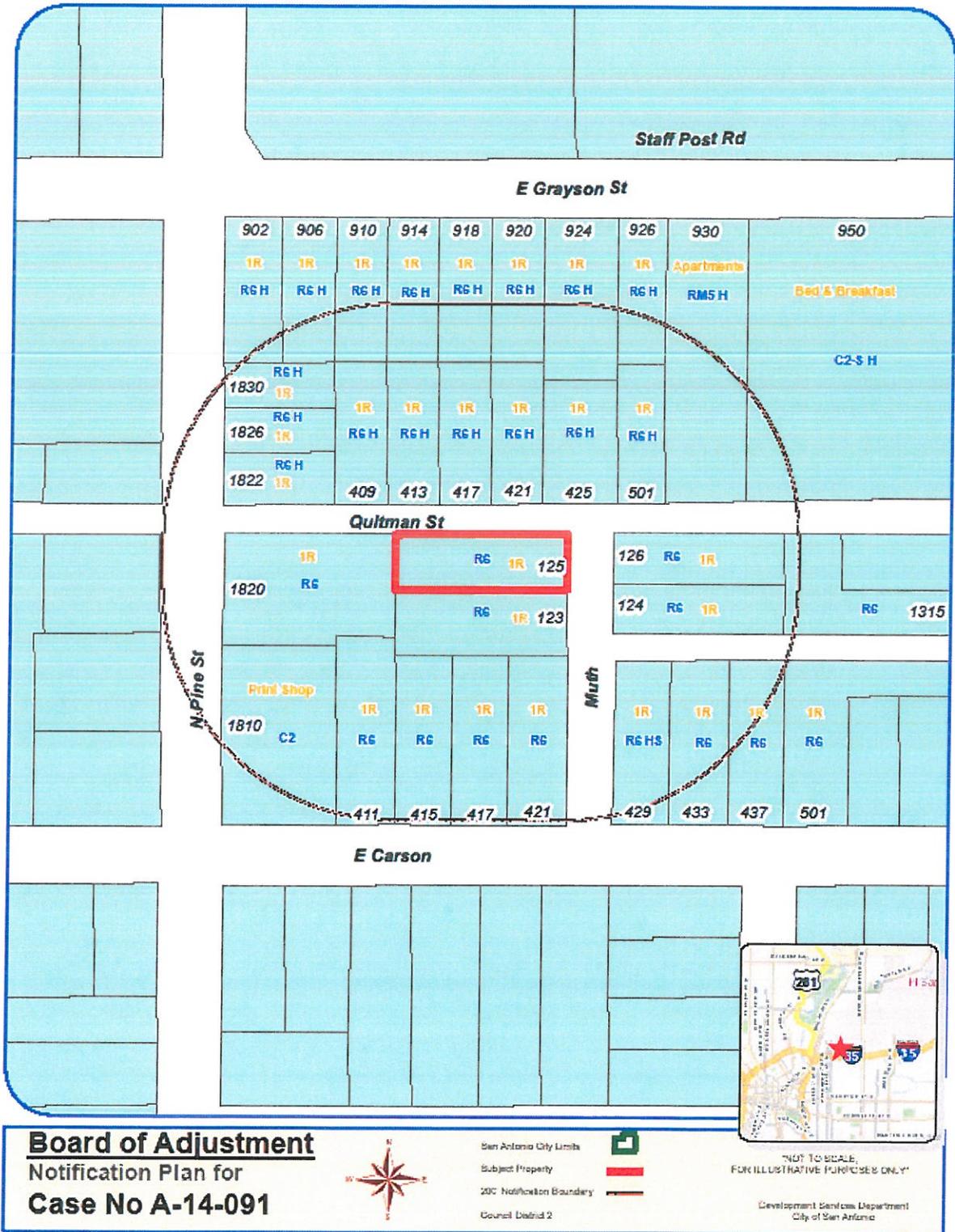
Attachment 1 – Notification Plan (Location Map)

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-14-091**



San Antonio City Limits 

Subject Property 

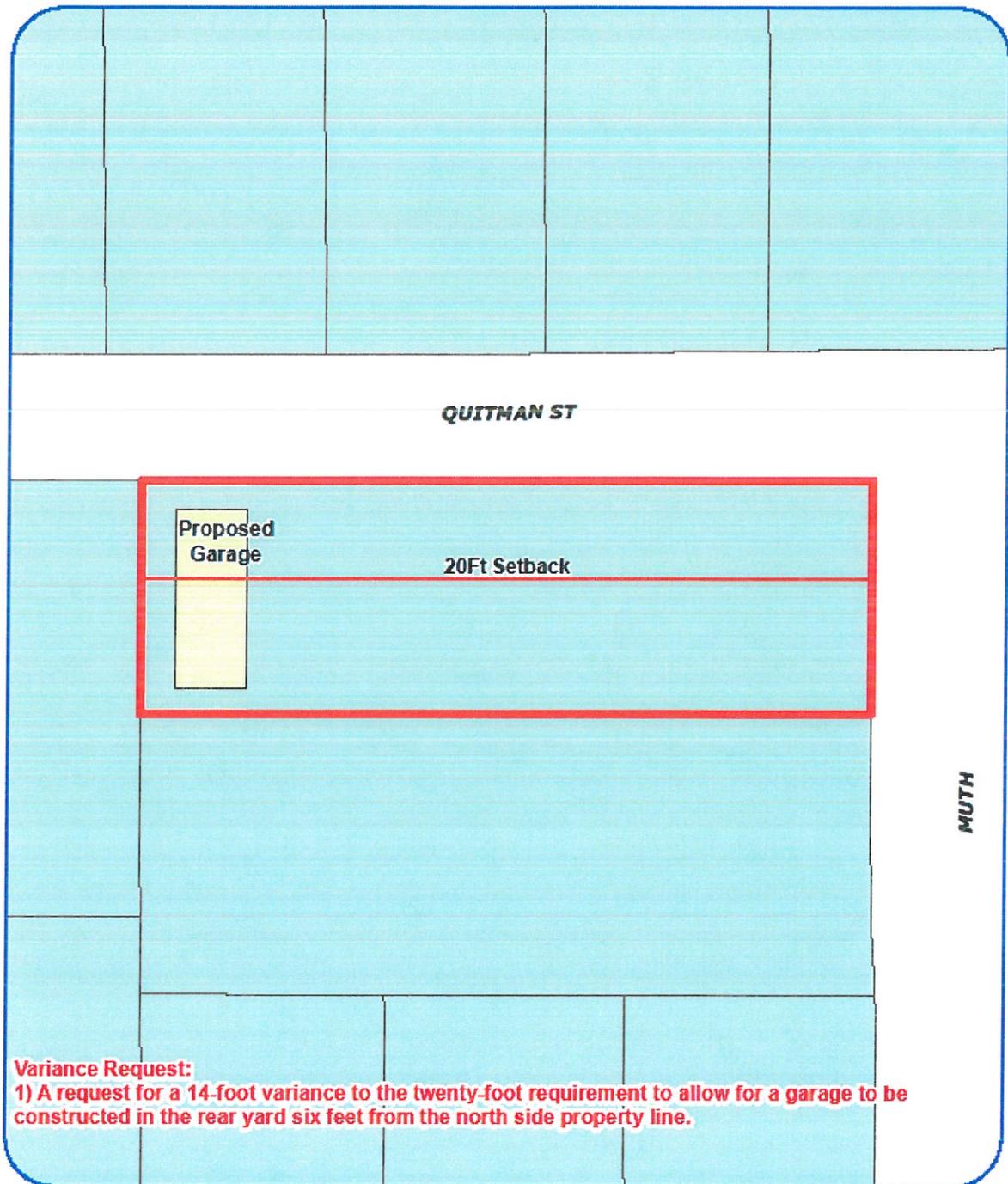
200' Notification Boundary 

Council District 2 

NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-091



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

125 Muth St ^{1.00}

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request:
1) A request for a 14-foot variance to the twenty-foot requirement to allow for a garage to be constructed in the rear yard six feet from the north side property line.

Board of Adjustment
Plot Plan for
Case No A-14-091



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

125 Muth St

Development Services Department
City of San Antonio

**Attachment 4
Site Photos**

Quitman Street Showing Home



Quitman Street



Front of Home on Muth Street



Streetscape Muth/Quitman Intersection





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-095
Date: September 15, 2014
Applicant: Gary and Theresa Poenisch
Owner: Gary and Theresa Poenisch
Location: 223 Laurel Heights Place
Council District: 1
Legal Description: Lot 50 and S. IRRG 121.2 of 49, Block 1, NCB 6328
Zoning: "R-5 H AHOD" Residential Single Family Monte Vista Historic Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a 15-foot variance from the minimum 20-foot rear yard setback, as detailed in Table 310-1, to allow a building addition within 5 feet of the rear property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on 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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 223 Laurel Heights Place approximately 434 feet west of Shook Avenue. The property is located within the Monte Vista Historic District, on a 14,800 square foot lot. The entire block is characterized by dense vegetation and limited off-street views. The original home was constructed in 1931 and includes about 2,000 square feet. The applicants have lived there for 25 years. The home is set 83 feet back from the front property

line but has little in the way of a typical rear yard. In 1923, a prior owner deeded a portion of their rear yard to the abutting neighbor, along with two lots fronting on Bushnell.

The applicant is hoping to add a single-story 500 square foot addition onto their existing home. Because of the floor plan and room layout, the ideal location for the addition is toward the rear. A 15-foot variance is required to allow this addition to be 5-feet from the rear property line. The applicant has discussed this addition with the Monte Vista Historical Association and presented a conceptual design to the Historic Design and Review Commission. Both have given their support, consistent with the historic design guidelines for additions.

While the proposed addition will encroach on the rear setback it is unlikely that neighbors will be adversely affected due to the existing thick vegetation as well as an 8-foot tall wall erected by the neighbor on the rear-abutting property. The 8 foot tall wall was built by the neighbor without a variance from the Board of Adjustment.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential
South	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential
East	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Duplex
West	“R-5 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Monte Vista Neighborhood Plan area but lacks a future land use designation. The property is located within the boundaries of Monte Vista, a registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

Criteria for Review

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

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

The public interest in this case is represented by maintaining the historic nature and character of the home and the community. **The applicant has met with the Historic and Design Review Commission and has acted in accordance with their advice to propose the construction in the rear of the home, rather than the front. It is unlikely that neighboring properties will be adversely impacted due to existing dense vegetation and because the rear property line is separated from the neighbor by an 8 foot tall wall.**

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

The special conditions prevalent in this case are that the home, when built in 1931, was constructed with large front setbacks. **The option of constructing the addition on the front of the house is not recommended by the recently adopted design guidelines. These require that owners keep the historic nature of the façade intact. Therefore, a literal enforcement of the ordinance would likely eliminate the potential for an addition.**

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 applicant is acting upon advice of the HDRC to keep in harmony with the historic nature of the community by adding onto the rear of the home.**

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-5 H 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 requested variance will **likely not alter the character of the district because the construction will be to the rear of the property which is not visible from the street. Furthermore, an 8 foot tall wall built by the rear neighbor makes it such that it will not be visible from other property owners.**

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 condition that exists on the property is that the house, when it was built in 1931, was constructed with very large front setbacks. **The property is located in a historic district and subject to design approval by the HDRC. According to the staff analysis during the applicant’s request for conceptual approval, the staff noted: *Site residential additions at the***

side or rear of the building whenever possible to minimize views of the addition from the public right-of-way. An addition to the front of a building would be inappropriate.

Alternatives to Applicant's Request

The alternative to the applicant's request is to comply with the UDC setback requirements and not add onto the home.

Staff Recommendation

Staff recommends approval, based on the following findings:

1. The proposed addition serves substantial justice by maintaining harmony with the historic nature of the community.
2. The addition is not visible from the street and is shielded from view of the neighbors by dense existing vegetation and by privacy walls constructed by the rear neighbor.

Attachments

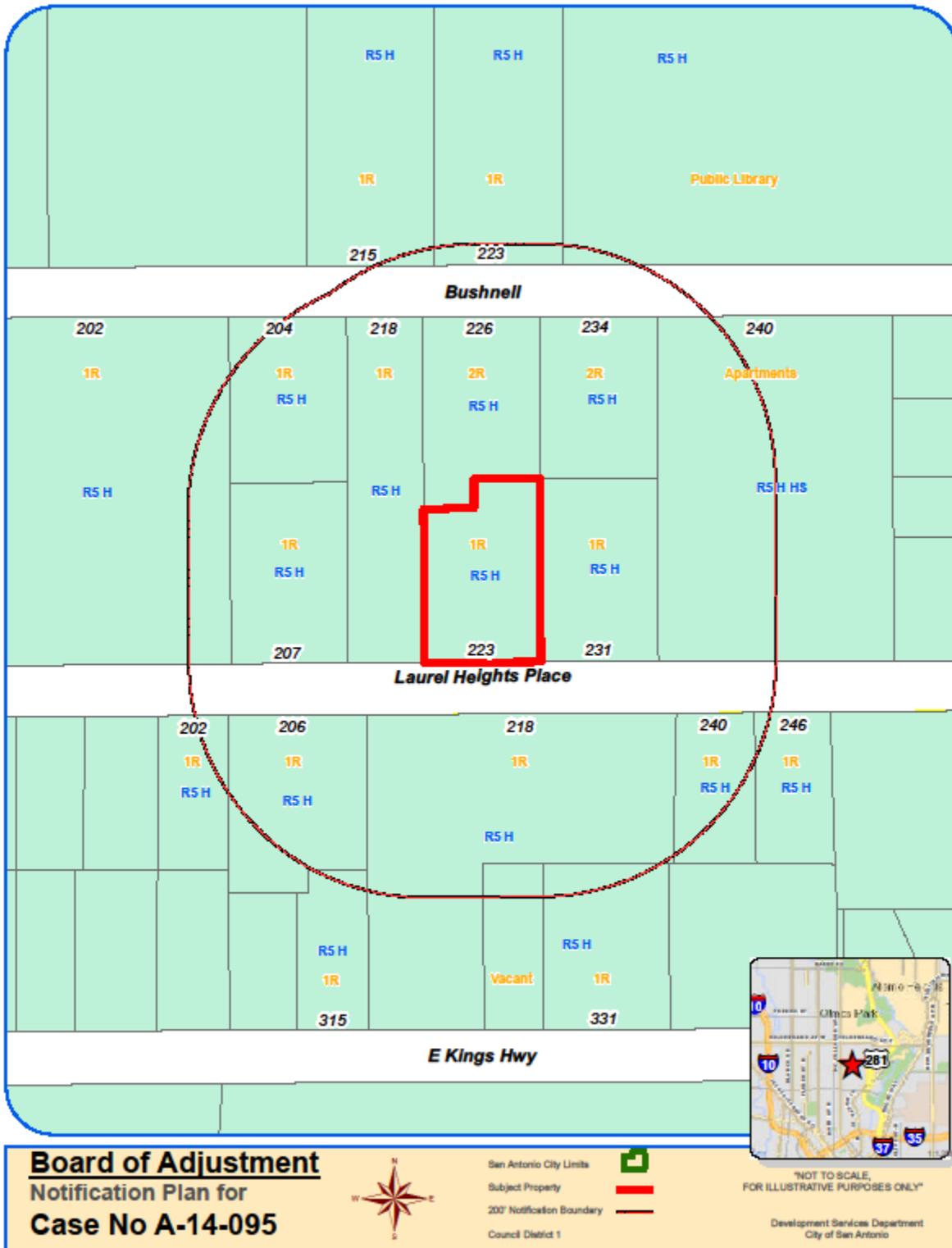
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

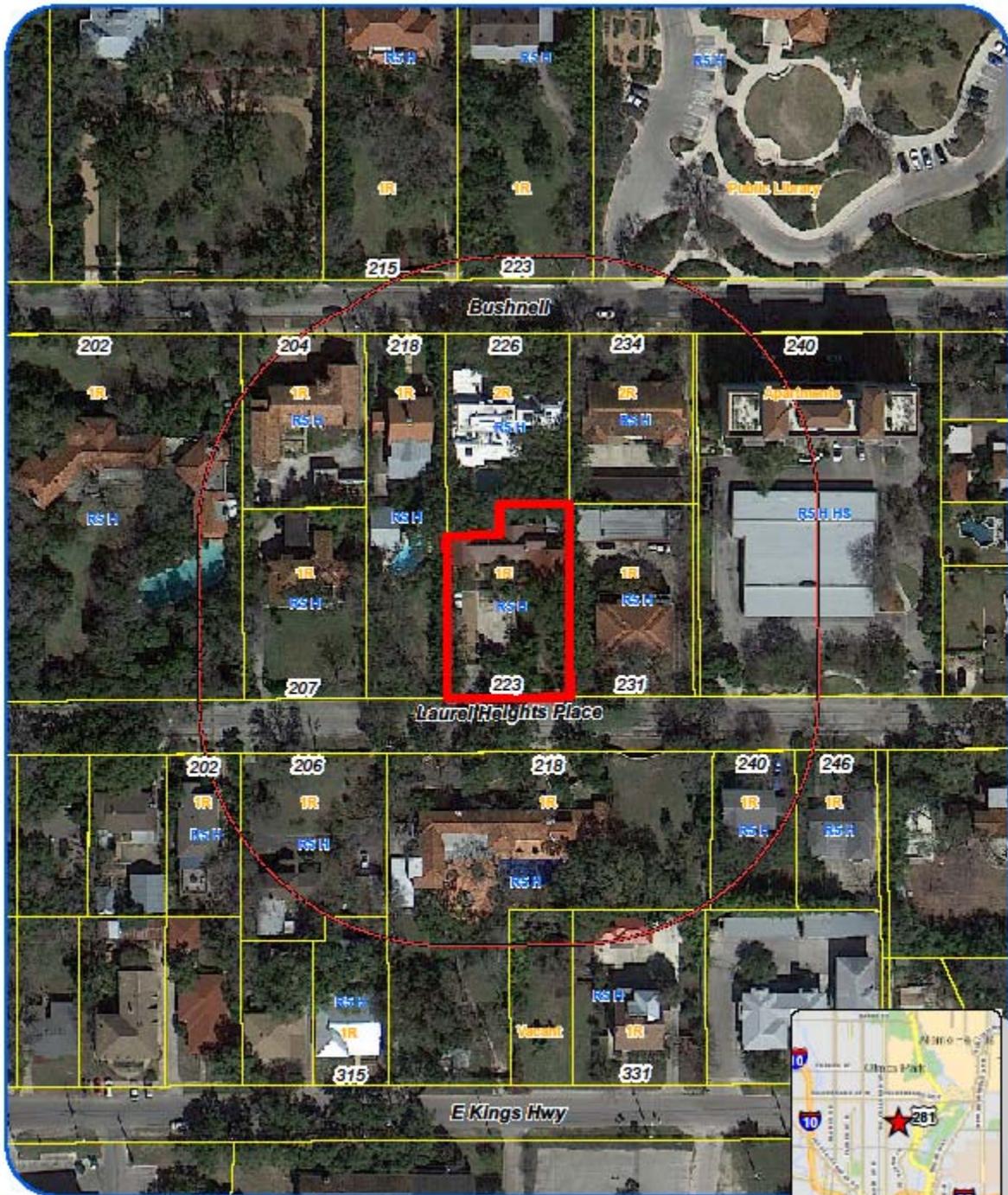
Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan

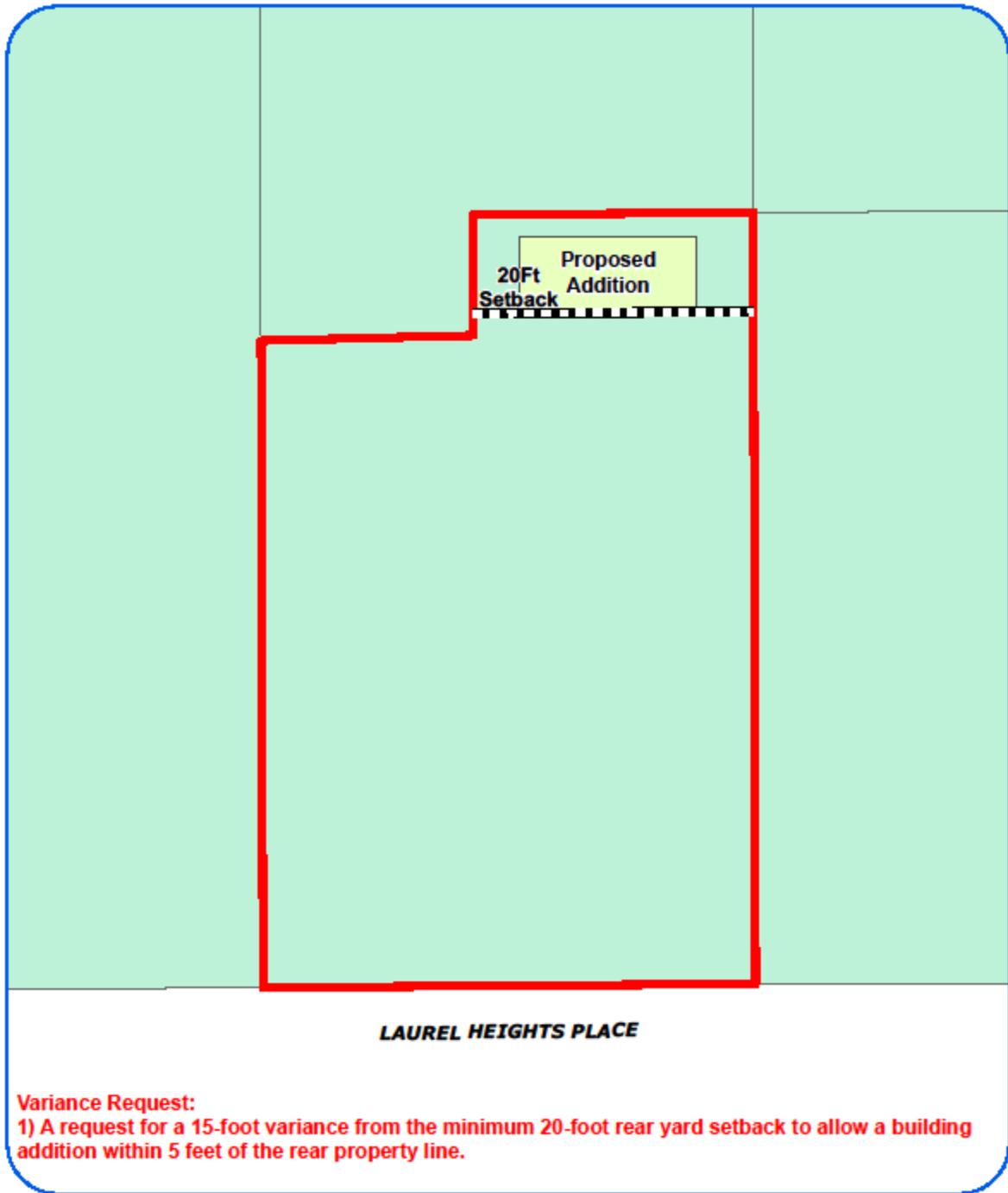


**Attachment 1 (cont)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-14-095</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 1 </p>	<p>NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY</p> <p>Development Services Department City of San Antonio</p>
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**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-095

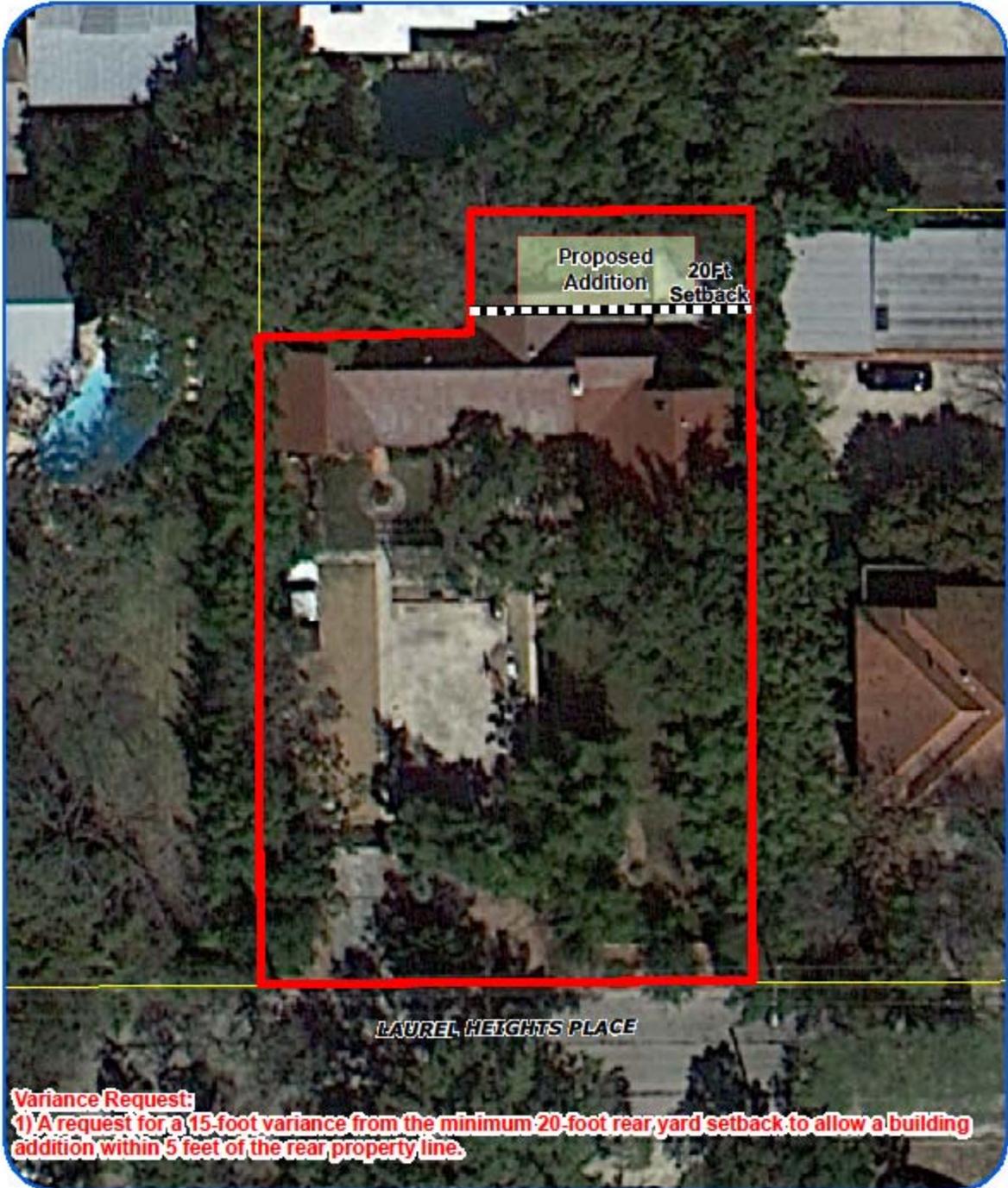


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

223 Laurel Heights^{1:300}

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-095

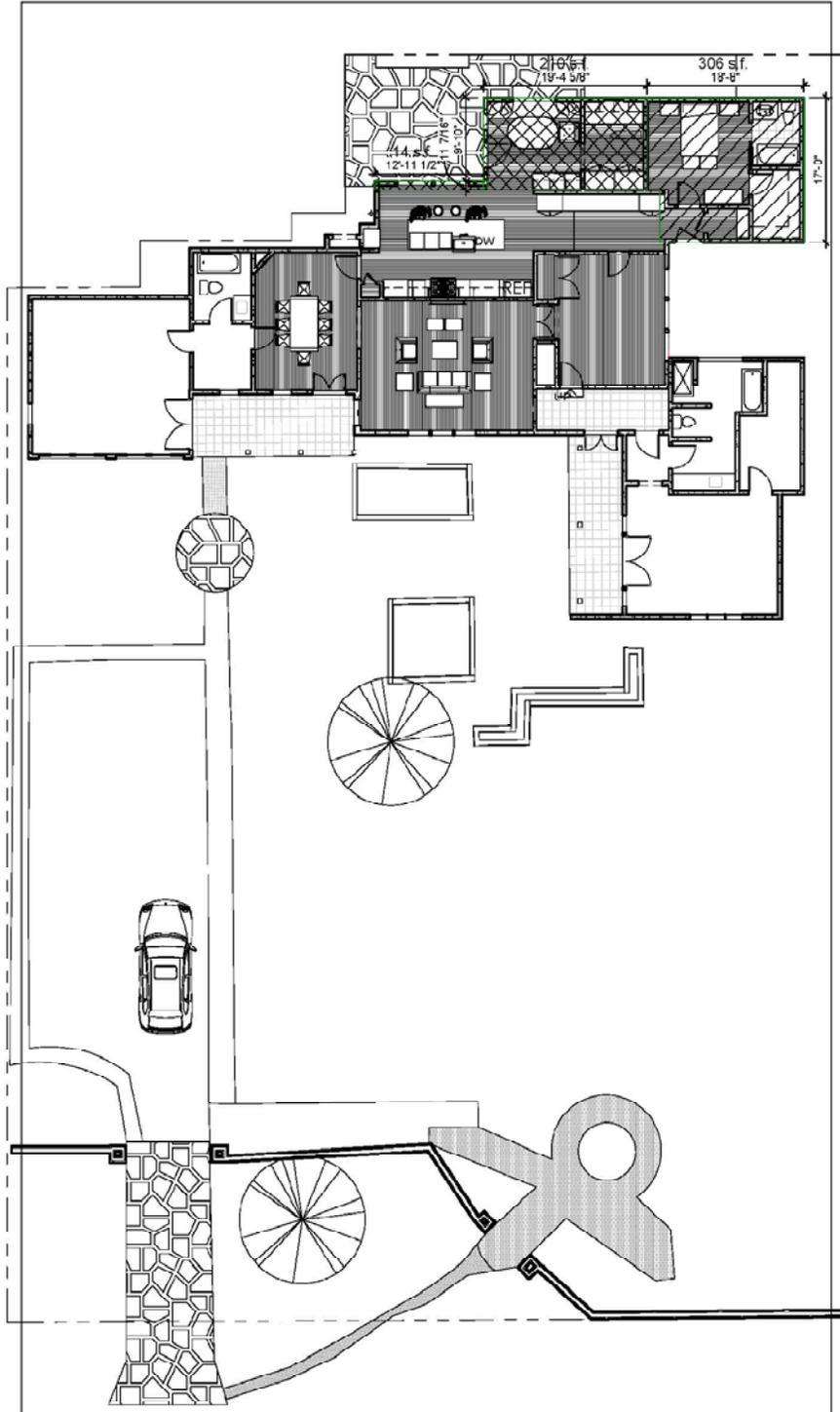


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

223 Laurel Heights

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan



Poenisch Residence
223 Laurel Heights San Antonio, Texas 78212
Site Plan Phase I



**Attachment 4
Site Photos**

Streetscape View



Front View



Existing Home View



View from Rear Neighbors Street





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

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 September 12, 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 35-482(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 required parking to reduce the need for on-street parking. There is currently plenty of on-street parking necessary to accommodate the business demands. A drive through the community reveals that on-street parking is the norm for many local homes and businesses. As such, the removal of three parking spaces in lieu of on-street parking is not contrary to the public interest.

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

The special conditions present on this lot are the uniquely small lot size. The existing building occupies nearly the entire lot, thus making the creation of three parking spaces impossible without demolishing some, or all, of the building.

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 the parking requirements is to provide for adequate parking. Due to the existing availability of on street parking the spirit of the ordinance will be observed.

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 “RM-4 NCD-5 AHOD” Residential Mixed, Beacon Hill Neighborhood Conservation, Airport Hazard Overlay District zoning district.

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

The requested variance will likely not alter the character of the local community as it is already very common to park along the streets in this area.

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 condition that exists on the property is that the lot isn’t large enough to accommodate the three parking spaces required by code. These conditions are not created by the applicant and are not merely financial in nature.

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

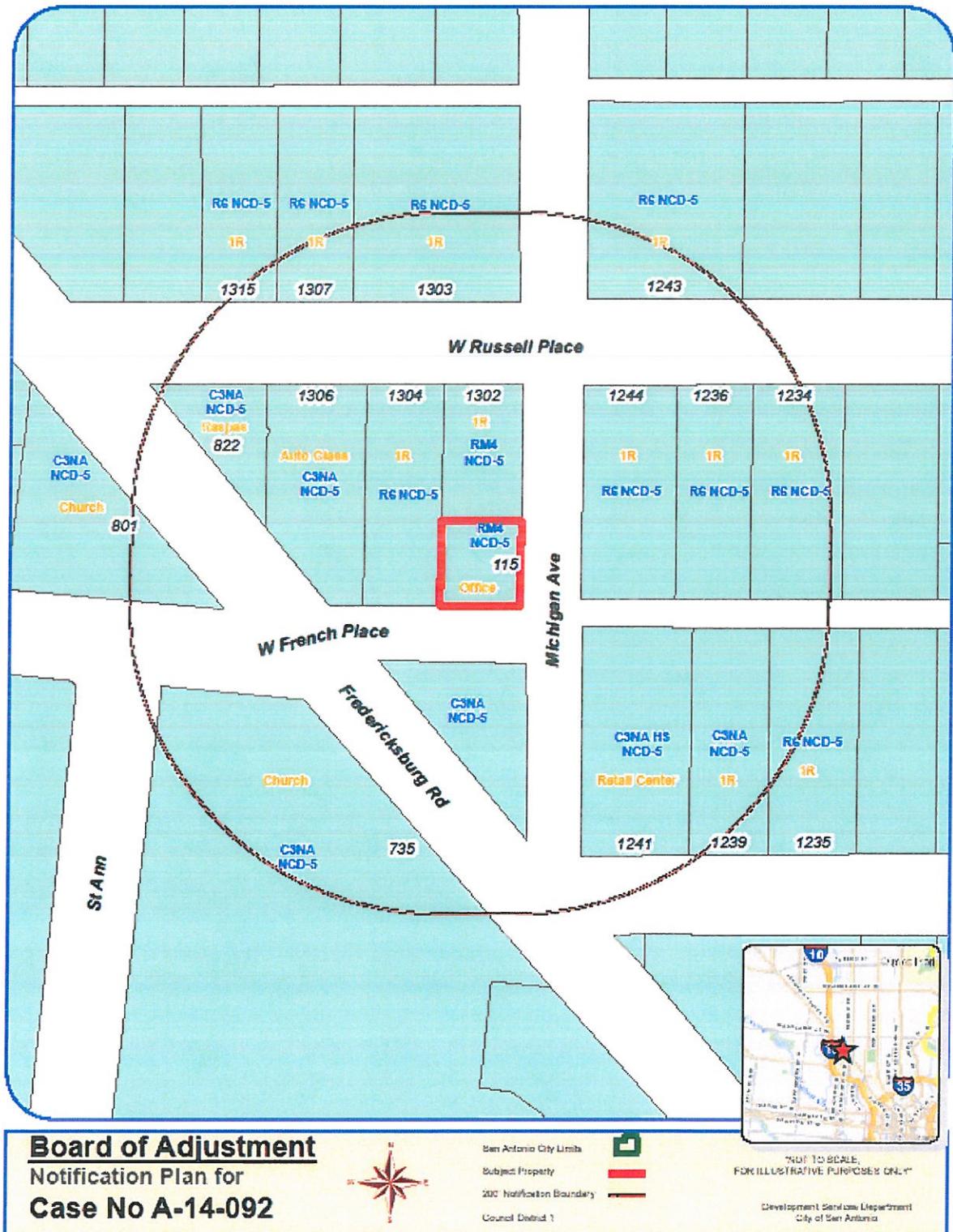
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

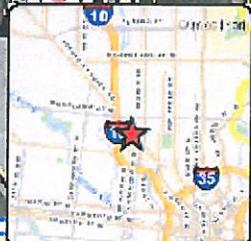
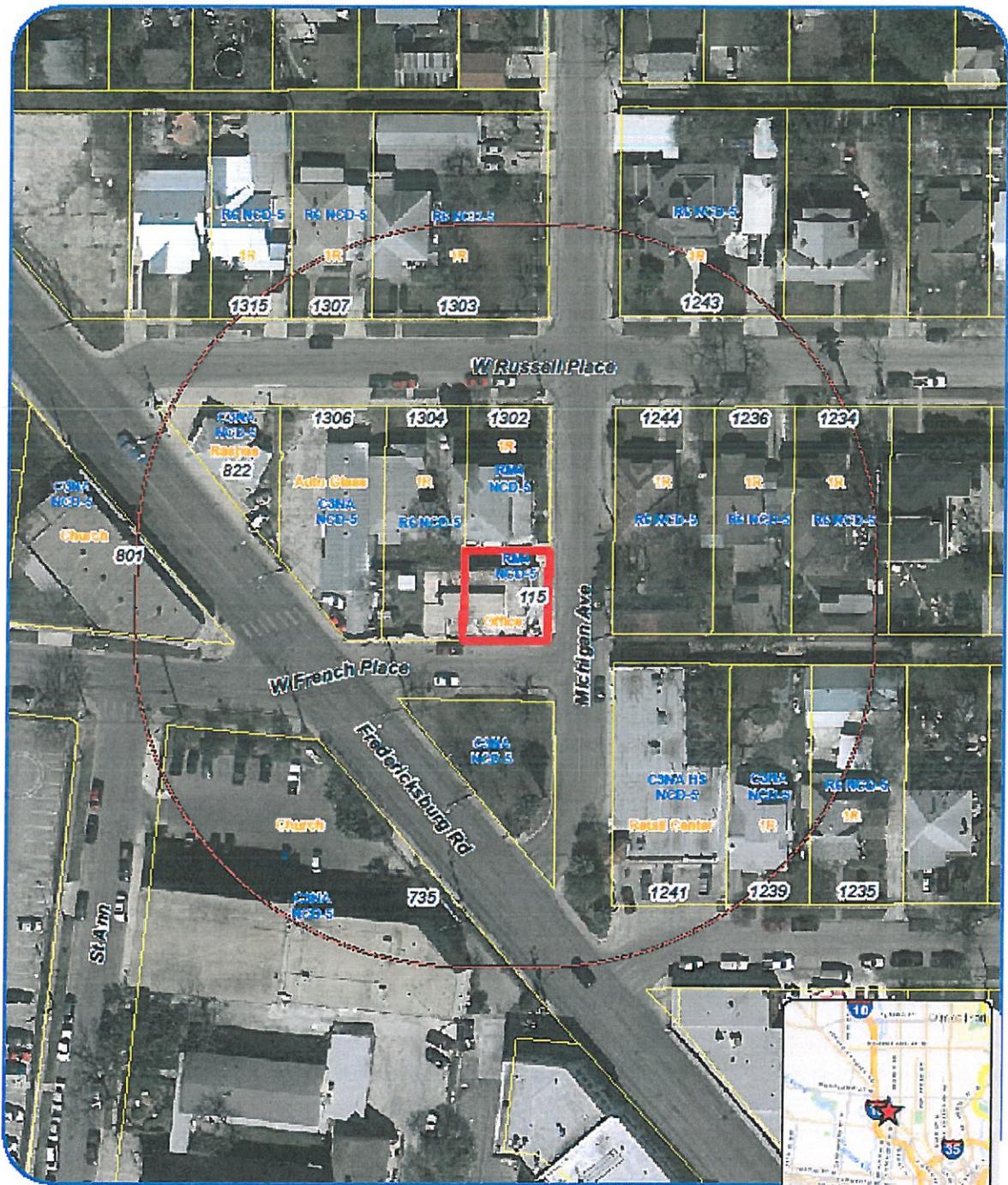
Attachment 3 – Applicant's Site Plan

Attachment 4 – Photos

Notification Plan



**Attachment 1 (cont)
Notification Plan**



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

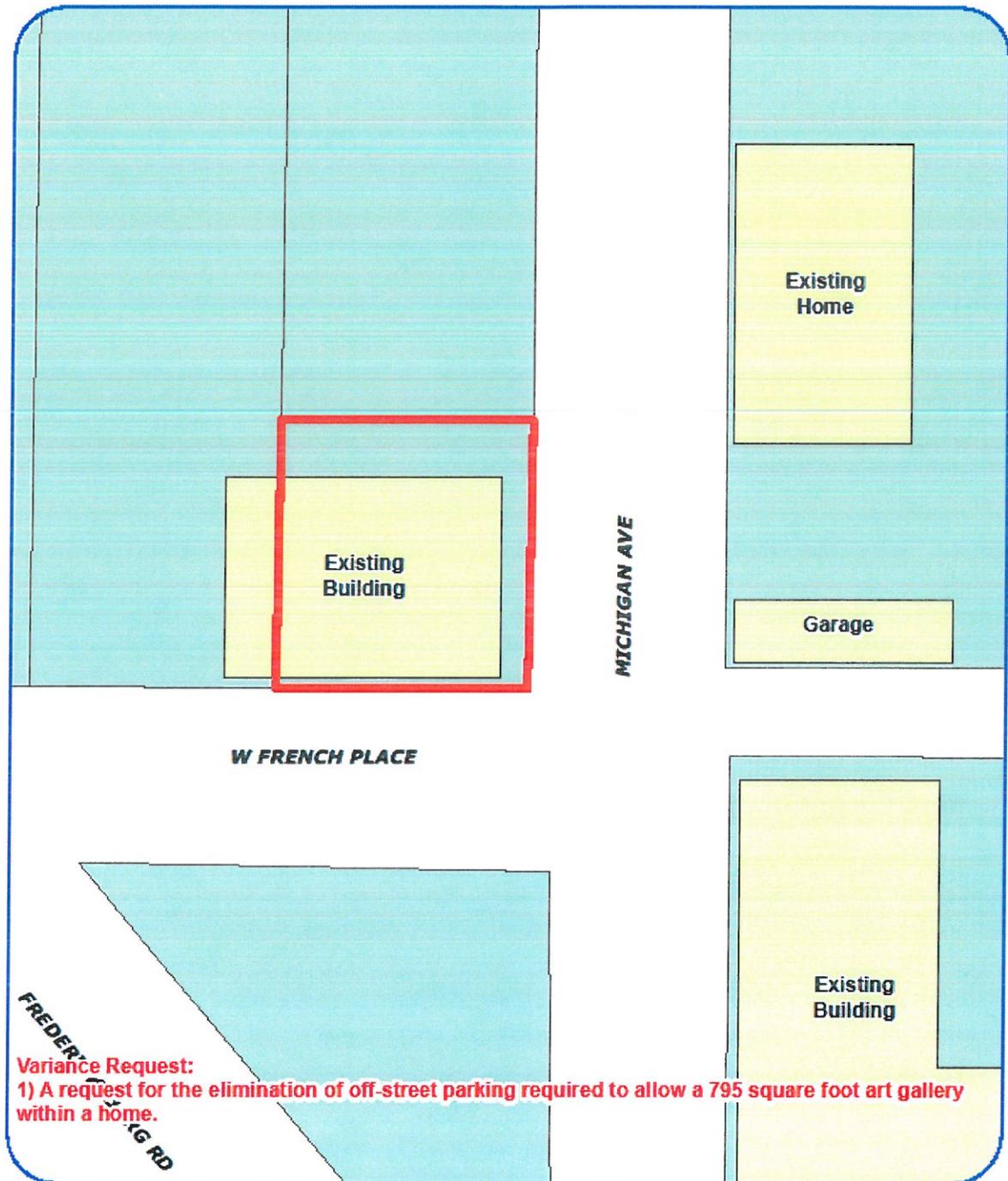


- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 1 

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

Development Services Department
City of San Antonio

Attachment 2 (cont)
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

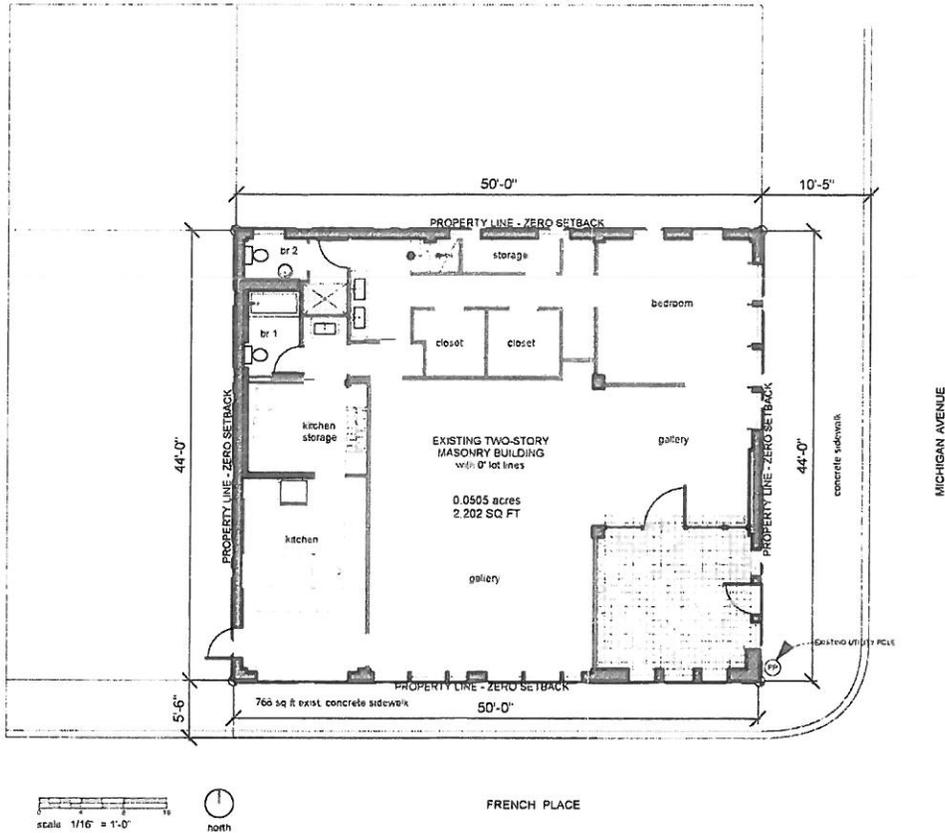


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

115 Michigan Ave

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

- | | |
|---|--|
| <p>1 SITE PLAN TABULATIONS</p> <p>A BUILDING AREA:
 BUILDING DIMENSIONS = 50'-0" X 44'-0"
 BUILDING AREA = 2,202 SQ. FT.</p> <p>B ERZD REQUIREMENTS:
 NO PORTION OF THE BUILDING IS LOCATED WITHIN THE ERZD</p> <p>C. IMPERVIOUS COVER: 2,202 SQ. FT.</p> <p>2 115 MICHIGAN EXISTING AND PROPOSED SETBACKS
 FRONT = 0'
 SIDE = 0'
 REAR = 0'</p> <p>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</p> | <p>4 BUFFER REQUIREMENTS.
 THE ADJACENT PROPERTIES HAVE SIMILAR ZONING DESIGNATIONS OF RM-4 NCD AND R-8 NCD. ACCORDING TO UDC SECTION 35-510, THERE ARE NO BUFFER REQUIREMENTS BETWEEN THESE ZONING DESIGNATIONS.</p> <p>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.</p> <p>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.</p> |
|---|--|

**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-14-094
Date: September 15, 2014
Applicant: Peter Greenblum
Owner: Peter Pohorelsky & Lorie Campos
Location: 204 Carnahan Street
Council District: 2
Legal Description: Lot 2, Block 6, NCB 3081
Zoning: "R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park
Neighborhood Conservation Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for a variance from the minimum 4-foot separation required between a driveway and a sidewalk, as described in Section 35-335, to allow a step stone sidewalk abutting the gravel driveway in the Mahncke Park Neighborhood Conservation District.

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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located in the Mahncke Park neighborhood, an established neighborhood very close to Brackenridge Park and the University of Incarnate Word. The neighborhood has over 900 lots, and 92% of them contain buildings over 25 years old. As such, in 2008, the neighborhood was designated as a conservation district, with the adoption of the Mahncke Park Neighborhood Conservation District "NCD-6" zoning overlay. This overlay zone regulates certain design elements meant to ensure compatibility. Among these are driveway width and

sidewalk location. Specifically, the overlay district requires that the driveway and the sidewalk be separated by no less than 4-feet. The applicant is requesting a variance from this provision to allow a permeable gravel driveway with stepping stones leading from the public sidewalk to the porch and front door. The main reason for this unique design approach is a heritage tree that is along a shared property boundary on the same side of the new house as the driveway leading to the detached garage in the rear yard. A typical cement driveway would smother the roots and ultimately kill the tree according to the applicant.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Public Park
South	“MF-33 NCD-6 AHOD” Residential Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	The Circle School
East	“R-4 NCD-6 AHOD” Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
West	“RM-5 IDZ NCD-6 AHOD” Residential Mixed Infill Development Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Mahncke Park Plan area and designated as urban single-family residential land use. The property is located within the boundaries of Mahncke Park 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 standards of the NCD, meant to ensure that future development is compatible with the character of the existing neighborhood. In this case, the Board will have to determine which feature contributes more to the character: the tree or the driveway/sidewalk. **Given the significance of the tree, it would seem that the variance is not contrary to public interest.**

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

A literal enforcement of the ordinance would result in the death of a significant shade tree, a potential 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 the NCD standards is to preserve the character of the neighborhood, and the tree is as significant as the repeating pattern of the sidewalk and driveway.

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 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 to remove the tree would alter an essential character defining feature of the block. Therefore, while the requested variance will create a pattern not typical in the neighborhood, it will not be detrimental to the aesthetics 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 did not anticipate that the installation of the driveway would interfere with the nearby tree, however an arborist has predicted the driveway would kill the tree. Because the property is residential, the City’s tree preservation ordinance does not apply and the protection of the tree is not required. If the variance is denied, the applicant will remove the tree and install the required concrete driveway and sidewalk. **The tree’s location creates a unique property-related hardship that exists on the property and justifies the need for the variance.**

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the NCD standards for driveways and sidewalks, paving and separation.

Staff Recommendation

Staff recommends approval, based on the following finding:

1. The requested variance will protect a mature shade tree.

Attachments

Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 –Applicant’s Site Plan

Attachment 4 – Photos

Attachment 1 Notification Plan



**Attachment 1 (cont)
Notification Plan**



<p>Board of Adjustment Notification Plan for Case No A-14-094</p>		<p>San Antonio City Limits </p>
		<p>Subject Property </p>
		<p>200' Notification Boundary </p>
		<p>Council District 2 </p>
	<p><small>"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</small></p> <p><small>Deeds & Services Department City of San Antonio</small></p>	

**Attachment 2
Plot Plan**



Variance Request:

1) A request for a variance from the minimum 4-foot separation required between a driveway and a sidewalk to allow a step stone sidewalk abutting the gravel driveway.

Board of Adjustment
Plot Plan for
Case No A-14-094



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

204 Carnahan

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-14-094

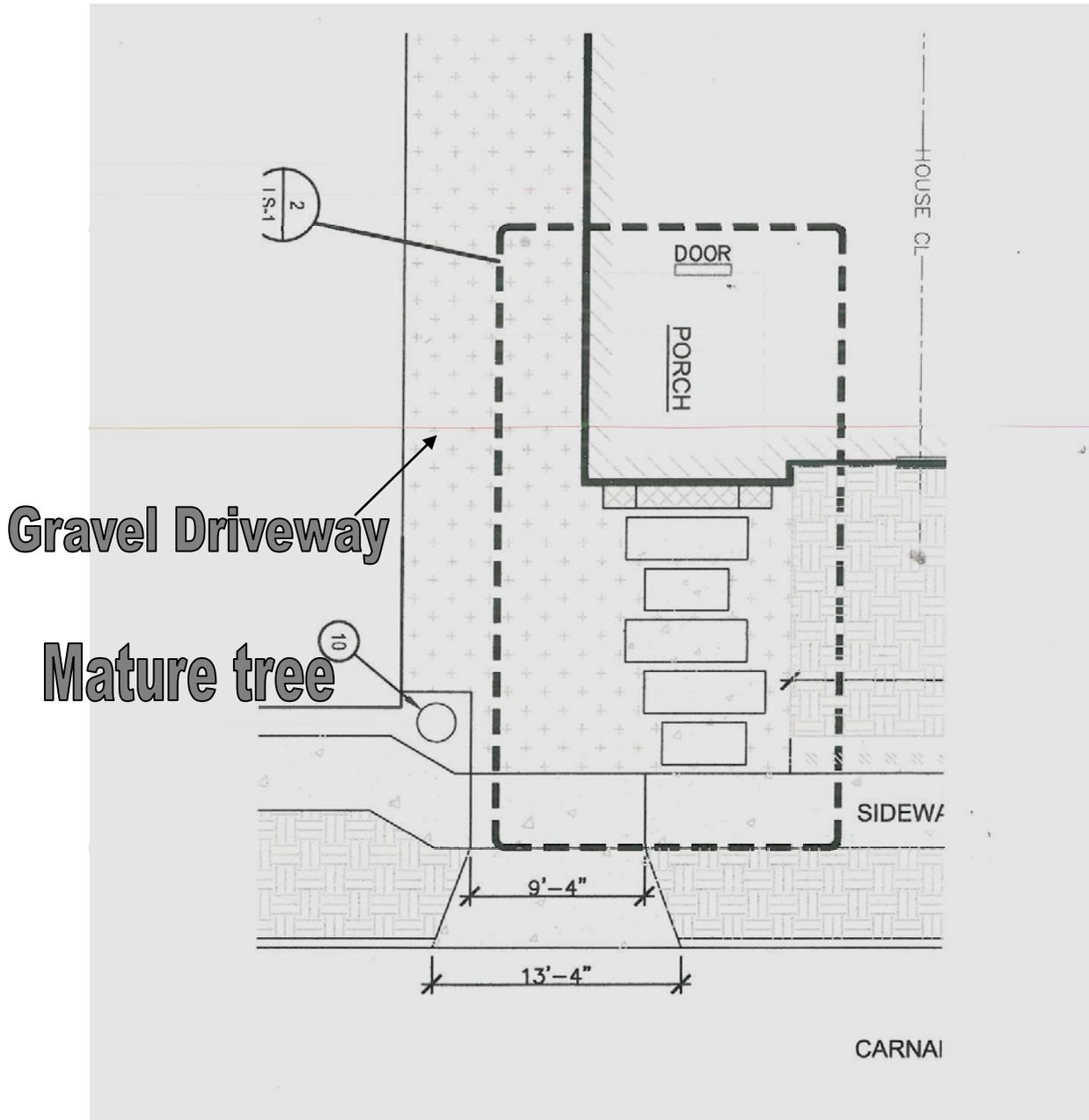


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 2

204 Camahan 1:300

Department Services Department
City of San Antonio

Attachment 3
Applicant's Site Plan



**Attachment 4
Site Photos**





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-096
Date: September 15, 2014
Applicant: Deborah Humphries
Owner: Girls Rule LLC
Location: 302 Eleanor Avenue
Council District: 2
Legal Description: Lot 10 & W 30 FT of 9 & NE TRI 54 FT of 21, Block 5, NCB 1056
Zoning: "MF-33 NCD-6 AHOD" Multi-Family, Mahncke Park Neighborhood Conservation, Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a variance from the Mahncke Park Neighborhood Conservation District design requirements found in Section 35-335 to allow windows that do not match the original windows in dimensional proportions, framing, or materials.

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 September 12, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located at 302 Eleanor Avenue approximately 693 ft east of Broadway Avenue. The property was purchased in June of 2014 and the current owners started construction on the property to improve the home, including modifying it from a multi-family dwelling to a single family residential unit, which is permitted by right in the MF-33 base zoning district.

Some members in the community have expressed concern over several of the modifications to the home, namely the new windows that the owners have installed. The Mahncke Park Neighborhood Conservation District guidelines require that replacement windows must match the original windows in dimension, configuration, and appearance of the original windows on the façade and along the side of the home should it be a corner lot, which this home is.

The owner has indicated that it was very difficult to find windows matching the dimensions of the original windows. While the windows do not match the original windows the applicant has made every effort to make them look as similar to the originals as possible by constructing a grid-overlay to bring them more in harmony with the design standards.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Mahncke Park Community Plan area and designated for future single-family land use. The property is located within the boundaries of the Mahncke Park registered neighborhood association. The neighborhood association was notified and asked to comment.

Criteria for Review

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

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

The public interest in this case is represented by requiring replacement windows to match the original windows in dimensional proportion, framing, and materials. The applicant has submitted that windows matching the originals were difficult to find and instead installed windows that were different. To compensate for the difference the applicant has stated that she will install grid-overlays to more closely reflect the original window units. The grid-overlays will be installed on all windows facing Eleanor Avenue, the primary street, and Wesley Street, the secondary street, as required by the Mahncke Park Neighborhood Conservation District guidelines.

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

The special conditions present in this case are that windows matching the originals are very difficult to find. The applicant has stated that because they were so difficult to find that she installed newer windows but is making efforts to make them as similar as possible to the originals.

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 applicant has made custom modifications to the new windows to make them appear as close as possible to the original windows.

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 “MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District.

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

The requested variance will likely not alter the character of the local community as the applicant has altered the new windows to reflect the originals by installing a grid-overlay onto them.

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 condition that exists on the property is that the original windows are very difficult to replace as they are very old. As such the plight of the owner is not merely financial, but represented by the difficulty to find windows that match the originals in dimensional proportion, framing, and materials.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the Mahncke Park NCD requirements and find windows, or have windows custom made, to more closely reflect the original windows.

Staff Recommendation

Staff recommends approval, based on the following findings:

1. Denying the variance would result in unnecessary hardship to the current owner because they would have to search for windows that may not exist outside of an expensive customer creation.
2. The applicant has made every effort possible to make the new windows match the originals.
3. The new windows, with the grid-overlay, are not likely to alter the character of 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-14-096**



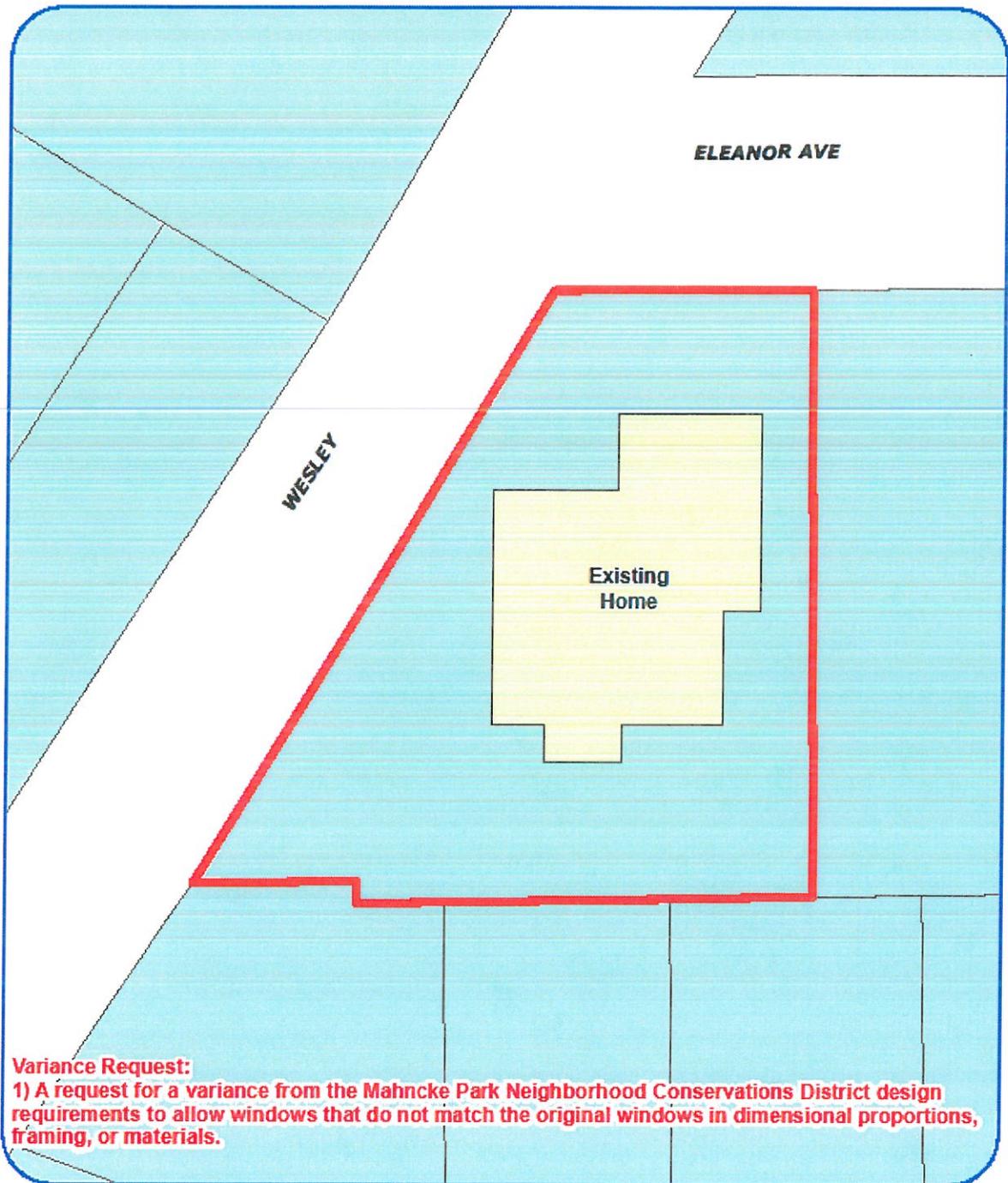
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 2



NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:
1) A request for a variance from the Mahncke Park Neighborhood Conservations District design requirements to allow windows that do not match the original windows in dimensional proportions, framing, or materials.

Board of Adjustment
Plot Plan for
Case No A-14-096



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

302 Eleanor

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request:
1) A request for a variance from the Mahncke Park Neighborhood Conservations District design requirements to allow windows that do not match the original windows in dimensional proportions, framing, or materials.

Board of Adjustment
Plot Plan for
Case No A-14-096



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

233 E Hafer

Development Services Department
City of San Antonio

**Attachment 4
Site Photos**

Front View (Eleanor Avenue)



Front View (Eleanor Avenue)



Side View (Wesley Street)



Side View (Wesley Street)

