City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, January 13, 2014

1:00 P.M.

Board Room, 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 complaince with the Texas Open Meetings Act.

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1. **1:00 PM** - Public Hearing – Call to Order

2. Roll Call

3. Pledges of Allegiance

4. **A-13-094:** The request of Jose Moreno for a 16-foot, 7-inch variance from the 20-foot required rear yard setback to allow a structure 3 feet, 5 inches from the rear property line, located at 1111 North Sabinas Street. (Council District 1)

5. **A-13-078:** The request of Michael Hayes to appeal the Development Services Department Director's administrative decisions regarding two building permit applications for work located at 151 Algerita. (Council District 9)

6. Approval of the minutes – December 16, 2013

7. Overview of the 2013 Cases

8. Announcements and Adjournment

9. The Board of Adjustment Members, Alternates and Staff may gather together after the meeting in celebration of the holiday season.

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

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

Board of Adjustment Membership

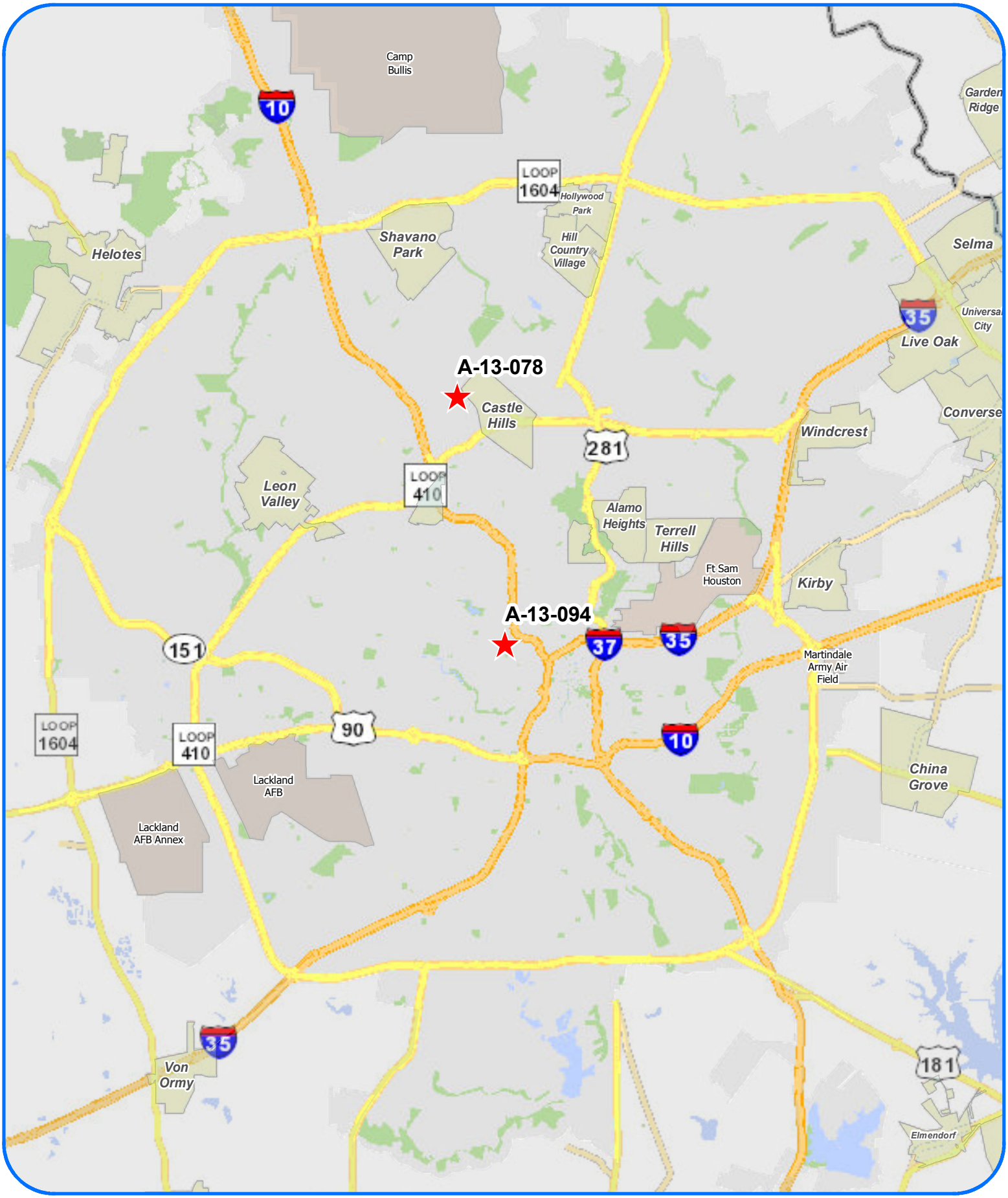
Michael Gallagher, Distict 10, Chair *Andrew Ozuna, District 8, Vice Chair*

Frank Quijano, District 1 ● Edward Hardemon, District 2 ● Helen Dutmer, District 3 ● George Britton, District 4

Maria Cruz, District 5 ● Jesse Zuniga, District 6 ● Mary Rogers, District 7 ● John Kuderer, District 9 ● Gene Camargo, Mayor

Alternate Members

Harold O. Atkinson ● Paul E. Klein ● Henry Rodriguez



Board of Adjustment

Subject Property Locations
Cases for 13th January 2014

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Development Services Dept.
City of San Antonio

City of San Antonio
Development Services Department
Staff Report

To:	Board of Adjustment
Case No.:	A-13-094
Date:	January 13, 2014 (Continued from November 4, 2013)
Applicant:	Jose Moreno
Owner:	Martin Moreno
Location:	1111 North Sabinas Street
Legal Description:	0.097 acres out of Lot 22, Block 14 NCB 2147
Zoning:	"MF-33 AHOD" Multi-Family Airport Hazard Overlay District
Prepared By:	Tony Felts, Planner

Request

A request from Table 310-1 and Section 35-514(d) for 1) a 16-foot, 7-inch variance from the 20-foot required rear yard setback to allow a structure 3 feet, 5 inches from the rear property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before December 20, 2013. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on December 23, 2013. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before January 10, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the west side of North Sabinas Street, approximately 90 feet north of Delgado Street.

The site is currently developed as a single-family residence. The applicant has constructed an addition to the rear of the residence that is within 3 feet, 5 inches of the rear property line without permits. The applicant was cited by code compliance for the addition.

The structure was constructed, according to BCAD records, in 1949. The structure was originally on the same lot as the structure to the south, which is addressed off of Delgado Street.

As such, the rear yard for the subject property was considered to be the side yard, requiring only a 5 foot setback. Before the construction of the addition, the structure had a 16.4 foot setback.

When the property was deeded off in 2012, the front yard became the side of the property facing North Sabinas Street, and the side that had been a side yard became the rear yard. While the UDC requires a rear yard of 20 feet, the structure would have been considered non-conforming because of the age and the fact that it was originally part of a larger lot. When the addition was constructed, the non-conformity was increased substantially, thus requiring a variance.

The addition must meet all applicable building codes. The Plans Review section has indicated that fireproofing consistent with the adopted International Residential Code will be required, and that a code modification request would likely not be approved. In addition to the improper construction, it should be noted that the subject property was improperly deeded off in 2012, and will need to be replatted through the Land Entitlements Section of Development Services in order for a permit to be obtained.

At the request of the Board, staff met with the applicant and explained, in detail, what actions would have to be taken in order to secure permits should this variance be approved. Evidence of these discussions is detailed in Attachments 5 and 6. Additionally, the applicant had previously requested a fence height variance; however the applicant has decided to forego this request and the previous fence has been replaced with a conforming fence.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33 AHOD" (Multi-Family Airport Hazard Overlay District)	Single-family residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"MF-33 AHOD" (Multi-Family Airport Hazard Overlay District)	Single-Family Residence
South	"MF-33 AHOD" (Multi-Family Airport Hazard Overlay District)	Single-Family Residence
East	"MF-33 AHOD" (Multi-Family Airport Hazard Overlay District)	Single-Family Residence
West	"MF-33 AHOD" (Multi-Family Airport Hazard Overlay District)	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a future land use plan area. The subject property is located within the boundaries of the Gardendale Neighborhood Association, a registered neighborhood association; 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:*

   Building setbacks are designed to preserve adequate access, access to light and air, and preserve public safety by ensuring proper separation of buildings. The structure abuts the neighboring property's required rear and side yard areas. By allowing the addition to remain, it may adversely affect the neighboring property by not allowing for adequate access and improper building separations.

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

   Though the subject property is only 4,221 square feet in area and 62.19 feet deep, it does meet the minimum zoning standards for a lot developed with a single-family residence in the "MF-33" district. There are no special conditions that exist on the lot that would result in an unnecessary hardship.

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

   The spirit of the ordinance will not be observed by granting the variance as the addition, as constructed, does not provide for adequate building separation from the neighboring property.

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

   The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "MF-33" Multi-Family base zoning districts.

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

   The requested variance, if approved, may injure the appropriate use of the adjacent property to the west if that property owner were to construct an addition as there would not be adequate separation of the structures.

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

   There are no unique circumstances readily apparent to warrant the granting of the requested variances.

Alternatives to Applicant's Request

The alternative to the applicant's request is to not construct the requested addition.

Staff Recommendation

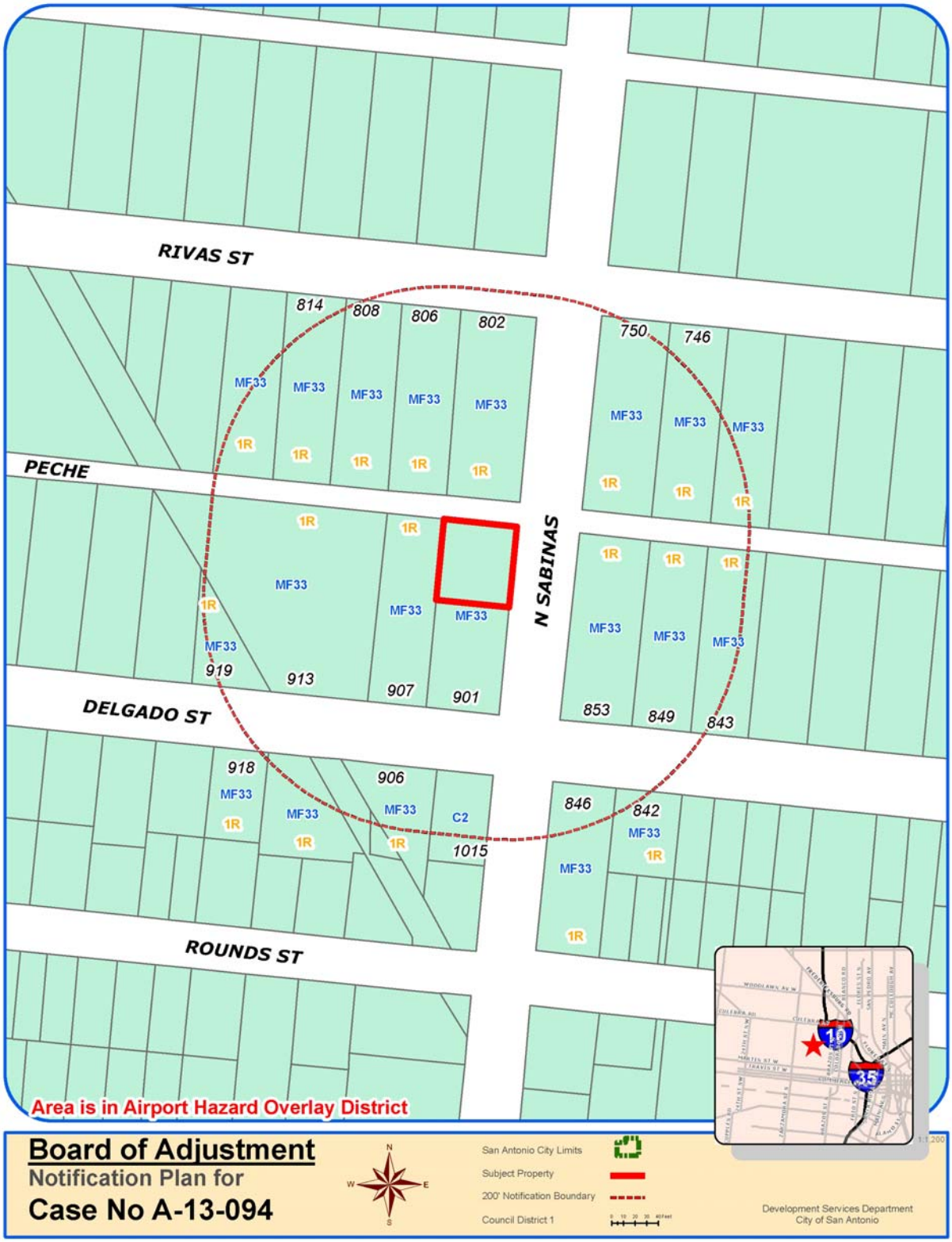
Staff recommends **denial of A-13-094** because of the following reasons:

- The addition does not provide adequate building separation and does not meet the spirit of the ordinance.

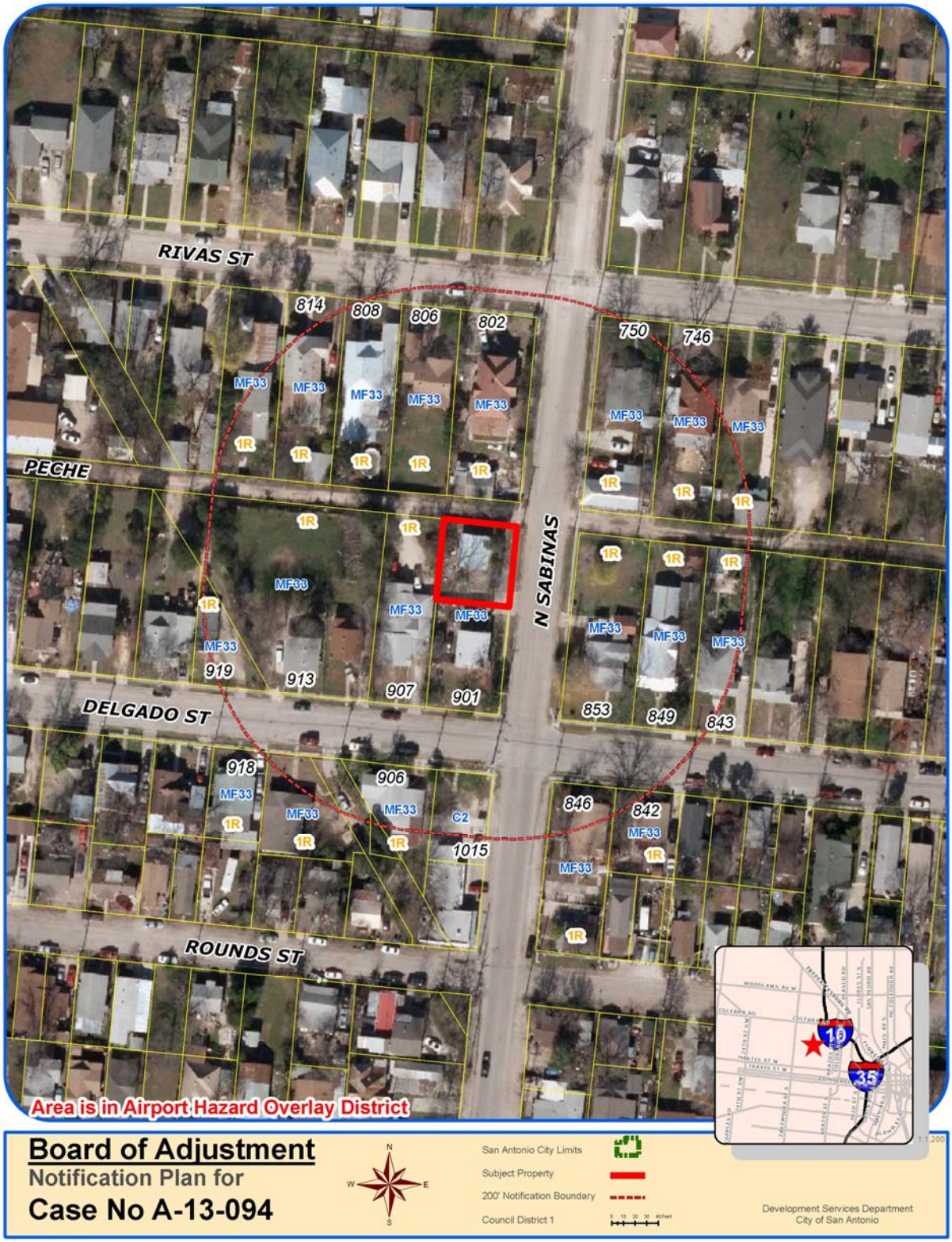
Attachments

Attachment 1 – Notification Plan (Location Map)
Attachment 2 – Plot Plan
Attachment 3 – Applicant's Site Plan
Attachment 4 – Site Photos
Attachment 5 – Signed Variance Denial Understanding
Attachment 6 – Signed Variance Approval Understanding

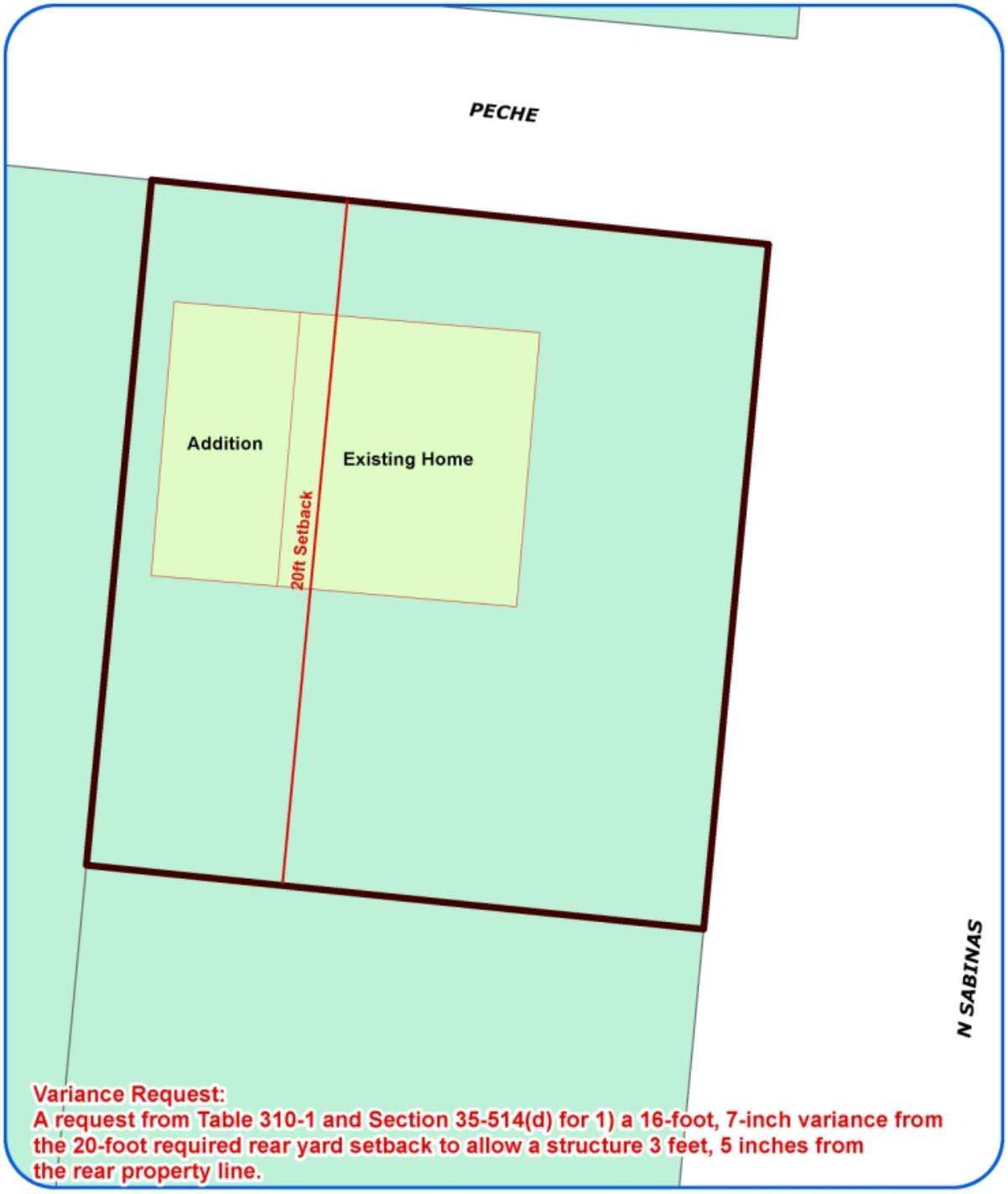
Attachment 1
Notification Plan



Attachment 1 (Continued)
Notification Plan



Attachment 2
Plot Plan



Board of Adjustment
Plot Plan for
Case No A-13-094

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

1111 N Sabinas

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan

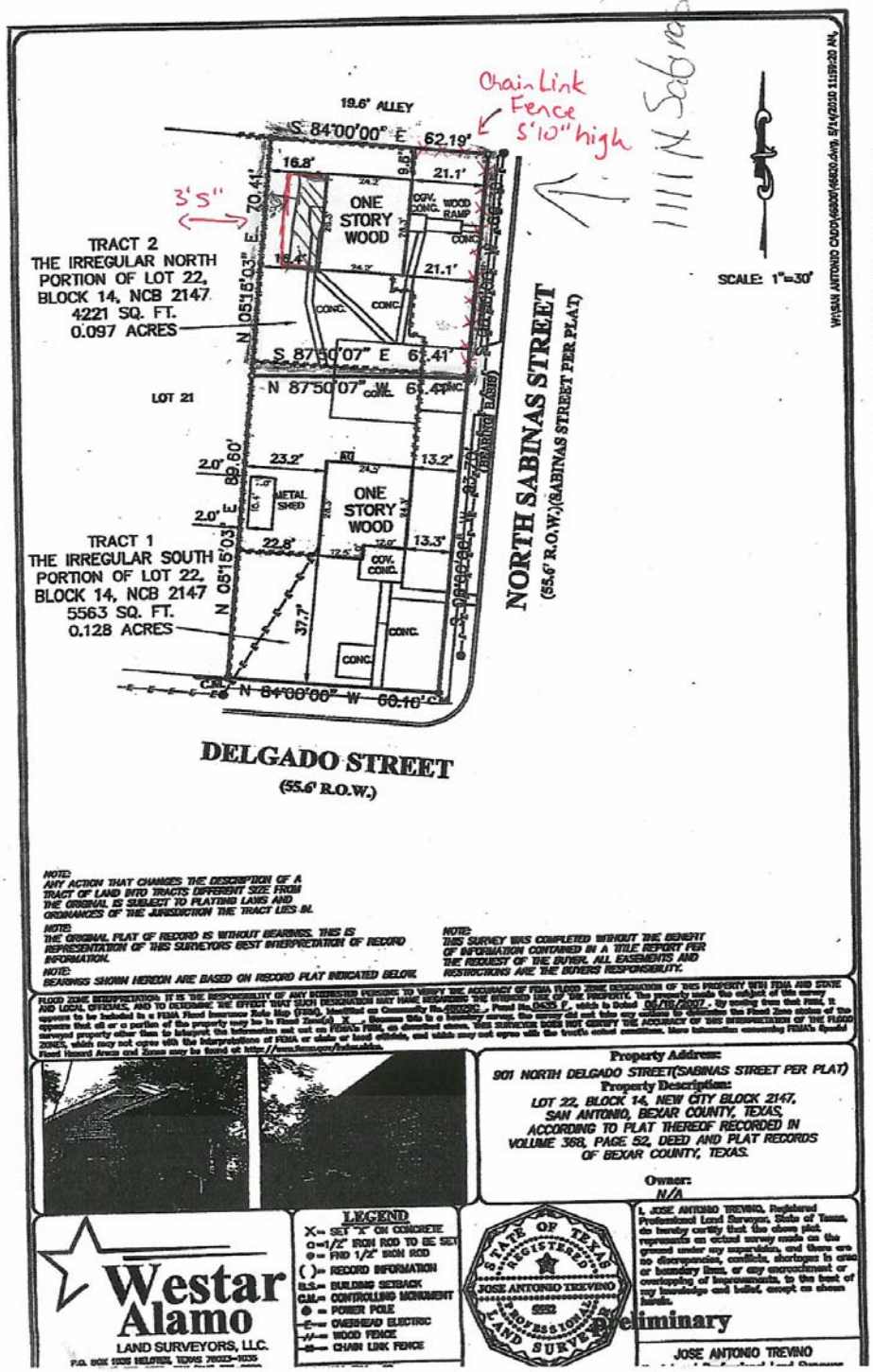
Board of Adjustment
Plot Plan for
Case No A-13-094

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

1111 N Sabinas

Development Services Department
City of San Antonio

Attachment 3
Applicant's Site Plan



Attachment 4
Site Photos

Attachment 5
Signed Variance Denial Understanding

For the property located at 1111 North Sabinas Street. I understand if my variance is denied, I will need to do the following:

1. Proper platting of the Lot.
2. Removal of the addition that was constructed without permits.
3. Removal of any portion of the fence over 4-feet in height within the front yard.

Para la propiedad ubicada en 1111 North Sabinas Street. Entiendo que si se deniega mi varianza, voy a tener que hacer lo siguiente:

1. Subdividir la propiedad adecuadamente.
2. La eliminación de la adición que fue construido sin permisos.
3. La eliminación de cualquier parte de la valla de más de 4 pies de altura en el patio delantero.

Jose A Moreno 11.25-13
Jose Moreno

City of San Antonio
Development Services Department
Staff Report

To:	Board of Adjustment
Case No:	A-13-078
Date:	January 13, 2014
Applicant:	Michael Hayes
Owner:	Michele R. Pauli Torres
Location:	151 Algerita Drive
Legal Description:	Lot 5, Block A, NCB 11649
Zoning District:	"R-5" Residential Single-Family District
Prepared By:	Matthew Taylor, Senior Planner

Request

An appeal of the following Director's decisions:

1.) Railing is not a fence as defined in the *Unified Development Code* or a sport court fence subject to the minimum 20-foot setback requirement of *Section 35-514(b)(1)* of the *Unified Development Code* [see permit AP #1908870]; and,

2.) A non-permanent netting barrier system is not a fence as defined in the *Unified Development Code* or a sport court fence subject to the minimum twenty (20) foot setback requirement of *Section 35-514(b)(1)* of the *Unified Development Code* [see permit AP #1876879].

The appellant also incorporated references to Chapter 10 (*Building-Related Codes*) of the City Code in the appeal application. The *Board of Adjustment's* authority to rule on this appeal is limited to the provisions and definitions found in Chapter 35 (*Unified Development Code*) of the City Code. The *Building-Related and Fire Codes Appeals and Advisory Board* heard the Chapter 10-related portions of the appeal on September 30, 2013. The results of this hearing are discussed later in this report.

Procedural Requirements

Pursuant to *Section 35-481* of the *Unified Development Code* (*UDC*), the *Board of Adjustment* is empowered to hear and consider appeals of decisions made by an administrative official. The *Board* must consider the appeal at a quasi-judicial public hearing pursuant to *Section 35-404*. The *Board* has the authority to affirm, modify or reverse the administrative official's order, requirement, decision or determination from which the appeal is taken and make the correct order, requirement, decision or determination, with a concurring vote of 75% of its members.

This appeal was publicly noticed in accordance with *Section 35-403* of the *UDC*. Notices were sent to property owners within two hundred (200) feet of the subject property on November 27, 2013, and the application details were published in *The Daily Commercial Recorder*, an official newspaper of general circulation, on November 27, 2013. Notice of this meeting was posted at City Hall and on the City of San Antonio internet website on or before December 13, 2013, in accordance with *Section 551.043(a)* of the *Texas Government Code*.

Executive Summary

The subject property is slightly less than one acre in size and is located within the Algerita Park subdivision. According to Bexar County records, the existing dwelling was constructed as of 1977. Since the property was acquired by the current owner, numerous improvements have occurred such as additions to the existing residence, patio features, a pool house with deck and a multi-purpose retaining wall/slab system that is usable as a sport court. Existing and proposed improvements directly relating to the retaining wall/slab system are the subject of this appeal, and the property owners are presently engaged in a civil action involving these same improvements.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5" (Residential Single-Family District)	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	PUD "R-6" (Planned Unit Development Residential Single-Family District)	Single-Family Residential
South	"R-5" (Residential Single-Family District)	Single-Family Residential
East	"R-5" (Residential Single-Family District)	Single-Family Residential
West	"R-5" (Residential Single-Family District)	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundary of the *North Sector Plan*. The property is also located within the boundary of the *Vance Jackson Neighborhood Inc.* association and within 200 feet of the *Parman Place HOA* boundary.

Project Timeline

The following summarizes the events directly relating to the retaining wall/slab system, which is generally the subject of this appeal:

2011

October 18, 2011 - Electrical permit issued for the lighting system (AP #1751493)

November 9, 2011 – Fence permit issued for six foot chain link fence (AP #1756843).

December 19, 2011 – Complaint regarding property improvements results in creation of code enforcement actions (Cases #107797 and #109367).

2012

February – March, 2012 – City staff meets with property owners to discuss project. The property owners are advised to apply for a Variance for an existing sport court fence, which sits atop the existing slab and ranges between six (6) and ten (10) feet.

February 27, 2012 – Permit issued post-construction for retaining wall/slab system as designed and inspected by professional engineer (AP #1777630).

March 14, 2012 – Code enforcement cases closed after issuance of permit but pending Variance application.

March 23, 2012 – Property owners apply for a sport court fence Variance, seeking relief from the minimum twenty (20) foot setback requirement identified in *Section 35-514(b)(1)* of the *UDC*.

April 12, 2012 – Staff visits 151 Algerita Drive property (Variance case A-12-041).

[**Note: The Variance application was eventually withdrawn upon removal of the sport court fence. The application was never heard or considered by the *Board*.**]

2013

April 18, 2013 – Property owners submit permit application for a netting system (AP #1876879).

August 26, 2013 – Department determines the proposed railing is not a fence or a sport court fence subject to the 20-foot setback requirement, issuing a general repair permit for the proposed rail as a guard/fall protection system (AP #1908870); the Department also determines the proposed non-permanent netting system is not fence or a sport court fence subject to the 20-foot setback requirement, voiding permit AP #1876879.

[Note: These fence-related decisions about railing and netting systems are the decisions the *Board* may consider, as they meet the 30 day filing criteria for appeals identified in *Section 35-481(b)(3)*.]

September 6, 2013 – Appeal application submitted.

September 30, 2013 – *Building-Related and Fire Codes Appeals and Advisory Board* hears appeals of permit-related decisions made on August 26, 2013, making the following rulings related to Chapter 10 (*Building-Related Codes*) of the City Code:

1.) Pursuant to *Section R312* of the *International Residential Code*, the issuance of a permit for railing as a guard/protection system was UPHELD.

2.) The determination a non-permanent netting system did not require a permit was RESCINDED pending further information from the property owners.

The *Building-Related and Fire Codes Appeals and Advisory Board* does not have jurisdiction over Chapter 35 (*UDC*) of the City Code; therefore, that *Board* did not base its findings on any provisions or language found within Chapter 35.

October 4, 2013 – Applicant requests postponement of the appeal to December 16, 2013.

Appeals Discussion

APPEAL ITEM #1: The determination that railing is not a fence or a sport court fence subject to the 20-foot setback requirement. [Re: permit AP #1908870].

[**Note: The *Building-Related and Fire Codes Appeal and Advisory Board* ruled separately on the issuance of this permit per Chapter 10 (*Building-Related Codes*)**.]

The Department of Development Services annually issues thousands of over-the-counter fence permits. The majority of these permits are to construct fences of varying heights and materials on or in close proximity to property line boundaries. The *Board* is well aware of the common questions and issues surrounding the fence provisions found in the *UDC*, particularly as they relate to location and height.

Per *Appendix A* of the *UDC*, a fence is defined as:

> *"A tangible enclosure or barrier, constructed of any material allowable by this chapter, but not including hedges, shrubs, trees, or other natural growth, erected for the purpose of providing a boundary, separation of areas, means of protection, to prevent uncontrolled access, decorative purposes, or concealment. Retaining walls shall not be considered fences."*

This definition is broad and, by using select words or combinations of words, virtually any improvement that creates a barrier, identifies a boundary, offers aesthetic appeal or controls access to or from a property could generally be referred to as a fence or a fence-like improvement. The Department found the railing requested by the property owners serves only one provision of this definition – means of protection.

The proposed railing does not control ingress or egress to the subject property, nor does it fully restrict access to any portion of the property. Further, it is not proposed for decorative or concealment purposes. The property owners requested a permit for a railing system along those portions of the existing retaining wall/ slab system where the fall distance is greatest, roughly along the easterly and northerly areas of the slab.

The slab is located and designed in such a manner as to be a multi-purpose improvement, serving as court for sporting activities or a patio/deck structure for non-sporting activities. Since the City's adopted codes are first and foremost to promote health and safety, the Department determined the proposed 40-inch railing system is not a fence by definition but is instead a guard/fall protection device, issuing AP #1908870 as a general repair permit to allow the railing system.

Appendix A of the *UDC* does not define sport court fencing. However, *Section 35-514(b)(1)* of the *UDC* provides a general description and placement criteria for sport court fences:

> *"Fencing, screening and or back stops for sport courts such as basketball, tennis, batters cages, etc. shall be constructed only in the side or rear yard and shall be located no closer than 20 feet to a side or rear property line of an adjacent single family use or residential zoning district and/or a public or private street. The maximum height for sport court fencing shall be limited to 12 feet in height in accordance with section 6-2 of the building code."*

Railing with a maximum height of just 40-inches will not effectively serve as a sport court fence. Further, the proposed railing system may have openings up to 4-inches (new tennis balls have a diameter of about 2 ½-inches). Generally, sport court fences are intended to prevent the creation of nuisances to adjacent property owners or distractions to passing pedestrians, cyclists or motorists. The proposed railing is not of a height or design that accomplishes this; therefore, the

Department determined the proposed 40-inch railing system is not a sport court fence subject to a 20-foot setback.

APPEAL ITEM #2: The determination that a non-permanent netting barrier system is not a fence or sport court fence subject to the 20-foot setback requirement [Re: permit AP #1876879].

[**Note: The *Building-Related and Fire Codes Appeal and Advisory Board* ruled separately on the issuance of this permit per Chapter 10 (*Building-Related Codes*)**.]

On September 30, 2013, the *Building-Related and Fire Codes Appeal and Advisory Board* rescinded the Department's determination that the netting system does not require a permit; however, the *Board of Adjustment* still has the authority to render its own decision as to whether a netting system constitutes a fence or sport court fence as this was a factor in the permit decision made on August 26, 2013.

Similar to the railing discussion above, the Department's determination a "non-permanent netting system" is not fencing is also based on the definitions and descriptions found in *Appendix A* and *Section 35-514(b)(1)*. The Department determined the proposed netting was not a fence as defined in the *UDC*; therefore, a building or fence permit was not required. The Department does not require the issuance of permits for similar netting of this type, such as those used at golf driving ranges, for backyard trampolines or netting systems found on soccer fields.

Temporary or portable netting may in fact serve the same *purpose* of sport court fencing. However, the stationary nature or intermittent deployment of a netting system does not render such systems a *constructed* fence or sport court fence. Since the "non-permanent netting system" does not exist, the *Board* may choose to refrain from making a definitive finding as to whether a temporary or portable netting system is or is not constructed fencing.

***Section 35-370(b)(1)* of the *UDC* – Accessory Use and Structure Regulations**

The appellant also claims the decisions involving the solid masonry fence and the slab were made in error. Since the permit for the retaining wall/slab system was issued on February 27, 2012, and well outside the 30 day filing period for appeals, the *Board of Adjustment* may not render a decision on the retaining wall or as to whether the concrete slab is an accessory structure subject to the setback requirements identified in *Section 35-370* of the *UDC*.

Board Action

When hearing appeals, the *Board of Adjustment* has the authority to review and consider the appeal before it, investigate facts, weigh evidence and draw conclusions. The *Board* may reverse or affirm, in whole or in part, the administrative decisions brought forward by the appellant and discussed in this report.

Therefore, the *Board* may consider the following Director decisions pursuant to *Section 35-481* of the *UDC*:

1. Railing is not a fence as defined in the *Unified Development Code*; and,

   Railing is not a sport court fence subject to the minimum 20-foot setback requirement of *Section 35-514(b)(1)* of the *Unified Development Code*.

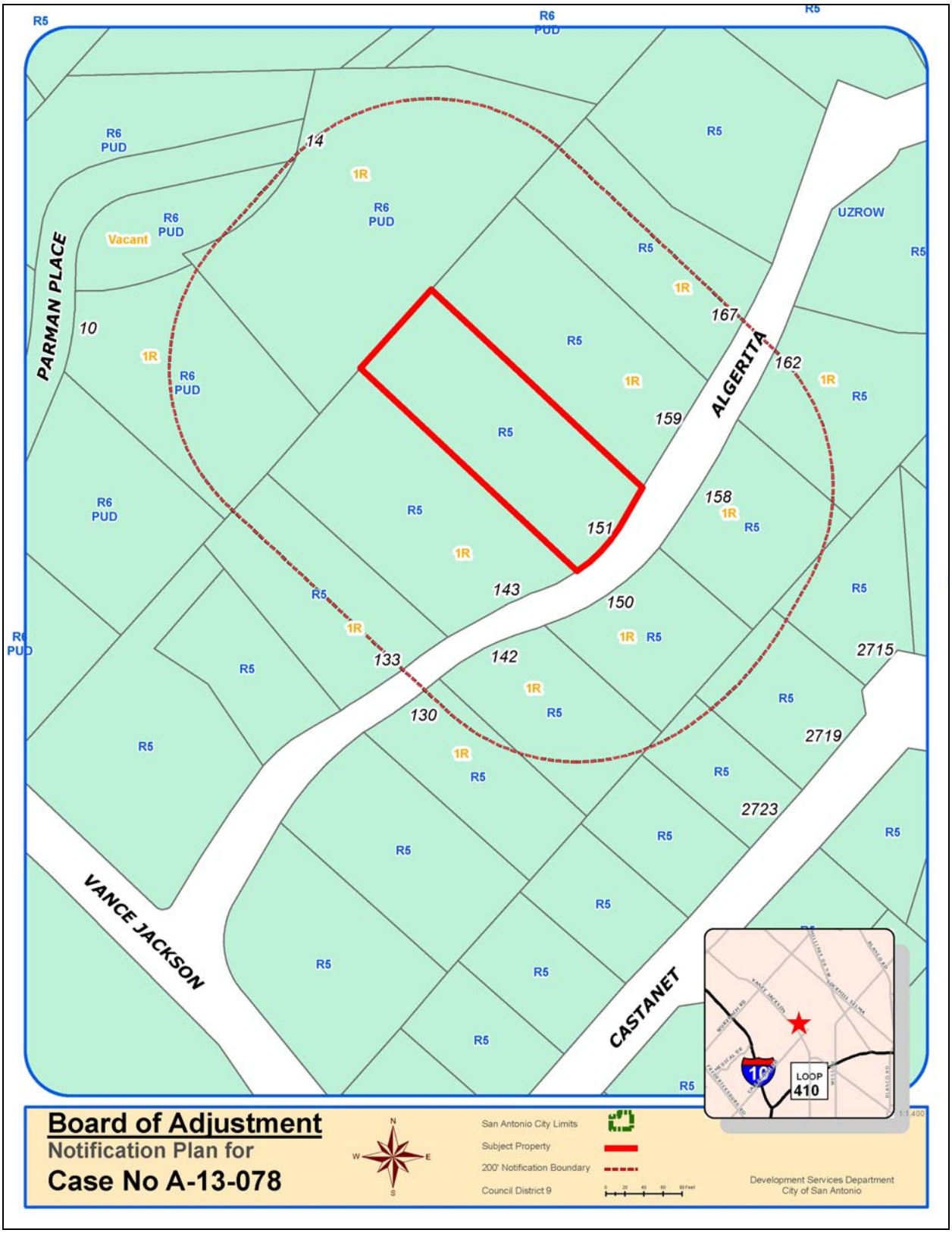
2. A non-permanent netting barrier system is not a fence as defined in the *Unified Development Code*; and,

A non-permanent netting barrier system is not a sport court fence subject to the minimum twenty (20) foot setback requirement of *Section 35-514(b)(1)* of the *Unified Development Code.*

Attachments

Attachment 1 – Notification Plan
Attachment 2 – Appeal Application
Attachment 3 – Aerial

Attachment 1
Notification Plan



Attachment 2
Appeal Application

Print Form

Case No. A-13-078

Case Manager _____

APPEAL
To the
BOARD OF ADJUSTMENT

CITY OF SAN ANTONIO	§	**COUNTY OF BEXAR**
	§	
STATE OF TEXAS	§	

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. 5

Block No. A

NCB 11649

Zoning R6

Property Address: 151 Algarita, San Antonio

The Applicant, Michael Hayes, of Bexar County, alleges that the following error in an order, requirement, decision or determination has been made by an administrative officer in the enforcement of the City of San Antonio's Zoning ordinances:*

Regarding A/P #S1876879 &1908870

Applicant alleges that the Building Official, Roderick Sanchez, erred in allowing the erection and/or construction of railing, screening, and/or fencing for a Sports Court at the above property. Specifically, Mr. Sanchez's allowing of the construction of structures without permits is in violation of the code and in violation of the Applicant's legal rights, and will cause damage to the Applicant. In his decision to allow the construction of these structures/improvements, Mr. Sanchez will be allowing a: (1) solid masonary block fence; (2) railing; and (3) screening systems for a Sports Court located closer than twenty feet from the adjoining property in a residential district in violation of UDC Section 35-514(b)(1). The decision also allows fencing with a height greater than six feet for the Sports Court in violation of UDC Section 6-2(a). Mr. Sanchez committed further error in allowing the use of a slab with a height greater than thirty inches as a footing for the rail, fence, and/or screening system without requiring the slab be engineered and permitted; and allowing the slab to be constructed closer than five feet to an adjoining property line in violation of City Codes Section 10-6(a) and 10-6(a)(14) and UDC Section 35-370(b)(1).

*Note: Local Government Code § 211.010 (b) and San Antonio City Code § 35-481 (b)(1) require that the applicant give notice of the specific grounds for the appeal. Failure to state the reasons for the alleged error and applicable code sections will result in the return of your application. Please attach additional pages if necessary.

Attachment 2 (continued)
Appeal Application

I have completed the following requirements:

1. Paid the filing fee of $600.00, checks made payable to "City of San Antonio"
2. Submitted three (3) copies of the plot plan, plus one additional 8½-inch by 11-inch copy, all drawn to scale (if applicable)
3. Submitted other supporting documentation, e.g. HDRC decision, etc.

Respectfully submitted:

Applicant's name: Michael Hayes

Status: Owner ( ) Agent (×)

Mailing address: 15303 Huebner Rd., Building 15, San Antonio, Texas 78248

Telephone: (Home) 210/317-9457 (Work) 210/222-1500 ext 111

Other phone: _____ Email: dearl@earl-law.com

_____ 9/6/13

Applicant's signature Date

Representative's name: David L. Earl, Attorney

Mailing address: 15303 Huebner Rd., Building 15, San Antonio, Texas 78248

Telephone: (Home) 210/317-9457 (Work) 210/222-1500 ext 111

Other phone: _____ Email: dearl@earl-law.com

Name of Property Owner: Michele Pauli, 151 Algarita, SA, TX

Mailing address: 151 Algarita, San Antolnio, Texas

Telephone: (Home) _____ (Work) _____

Other phone: _____ Email: _____

I, Michael Hayes the owner of the subject property, authorize David L. Earl to submit this application. I also authorize David L. Earl to represent me in this appeal before the Board of Adjustment.

Michael Hayes by _____ 9/6/13

Property owner's signature Date

Attorney at Law.

FILING OF THE APPEAL STOPS ALL AFFECTED CONSTRUCTION ACTIVITY.

NO APPLICATION MAY BE ACCEPTED BY MAIL, MESSENGER, OR FAX. APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON.

Attachment 3
Aerial Exhibit

Board of Adjustment
Additional Exhibit for
Case No A-13-078

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

151 Algerita

Development Services Department
City of San Antonio