

City of San Antonio Board of Adjustment

Regular Public Hearing Agenda

Monday, May 19, 2014

1:00 P.M.

Training 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 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-14-057:** The request of Executive Signs, Ltd. for 1) a 4-foot, 2-inch variance from the 24-foot maximum height to allow a freestanding sign 28 feet, 2 inches in height along an Arterial Type B street, 2) a 5-foot variance from the 10-foot setback requirement along Frio City Road for a single-tenant freestanding sign over 25 feet in height to allow a setback of 5 feet, and 3) a 5-foot variance from the 10-foot setback requirement along Kirk Place for a single-tenant freestanding sign over 25 feet in height to allow a setback of 5 feet, located at 1315 Frio City Road. (Council District 5)
5. **A-14-061:** The request of Bury SA, Inc. for 1) a 19-foot variance from the maximum curb cut width of 25-feet to allow 4 curb cuts no wider than 44 feet and 2) a variance from the minimum 15-foot landscape buffer to allow surface parking that is not screened from the public right-of-way, located on the block generally surrounded by S. Flores Street, E. Arsenal, the San Antonio River and Cesar Chavez Boulevard. (Council District 1)
6. **A-14-045: CONTINUED FROM APRIL 21, 2014:** The request of Marie Teresa Ruthenberg for a 5-foot variance from the 5-foot side yard setback to allow a structure on the west side property line located at 243 East Formosa Boulevard. (Council District 3)
7. **A-14-054: CONTINUED FROM MAY 5, 2014:** The request of Reynaldo Muniz for a 5-foot variance from the 5-foot side yard setback to allow an accessory structure on the west side property line located at 713 Waverly Avenue. (Council District 1)
8. **A-14-058:** The request of Caner Enbatan for a 3-foot variance from the 3-foot maximum height limitation to allow a solid fence 6 feet in height in the front yard, located at 11729 Spring Ridge Drive. (Council District 8)

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 O. Atkinson • Paul E. Klein • Henry Rodriguez • Vacancy • Vacancy • Vacancy

9. **A-14-060:** The request of Gerald M. Sutherland for a 1-foot variance from the 6-foot maximum height limitation to allow a solid fence 7 feet in height in the side and rear yard, located at 3 Westelm Point. (Council District 8)
10. **A-14-062:** The request of Ronald & Chastity Puento for 1) a 3-foot variance from the maximum 3-foot fence height to allow 24 linear feet of 6-foot privacy fencing in the front yard along the west property line; & 2) a 2-foot variance from the maximum 6-foot fence height to allow an 8-foot fence in the rear yard, located at 151 Lelani Place. (Council District 4)
11. **A-14-059:** The request of Lori Pujol for 1) a 5-foot variance from the minimum 5-foot front setback; 2) a 2.5-foot variance from the minimum 5-foot side setback to allow a carport in line with the front façade of the primary structure and 2.5 feet from the side property line and 3) a variance to allow a roof pitch on the carport different from that of the primary structure, located at 510 W. Lynwood. (Council District 1)
12. Approval of May 5, 2014 Board Meeting Minutes
13. Announcements and Adjournment

ACCESSIBILITY STATEMENT - *This meeting site is accessible to persons with disabilities. Parking is available. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7268 or 711 (Texas Relay Service for the Deaf).*

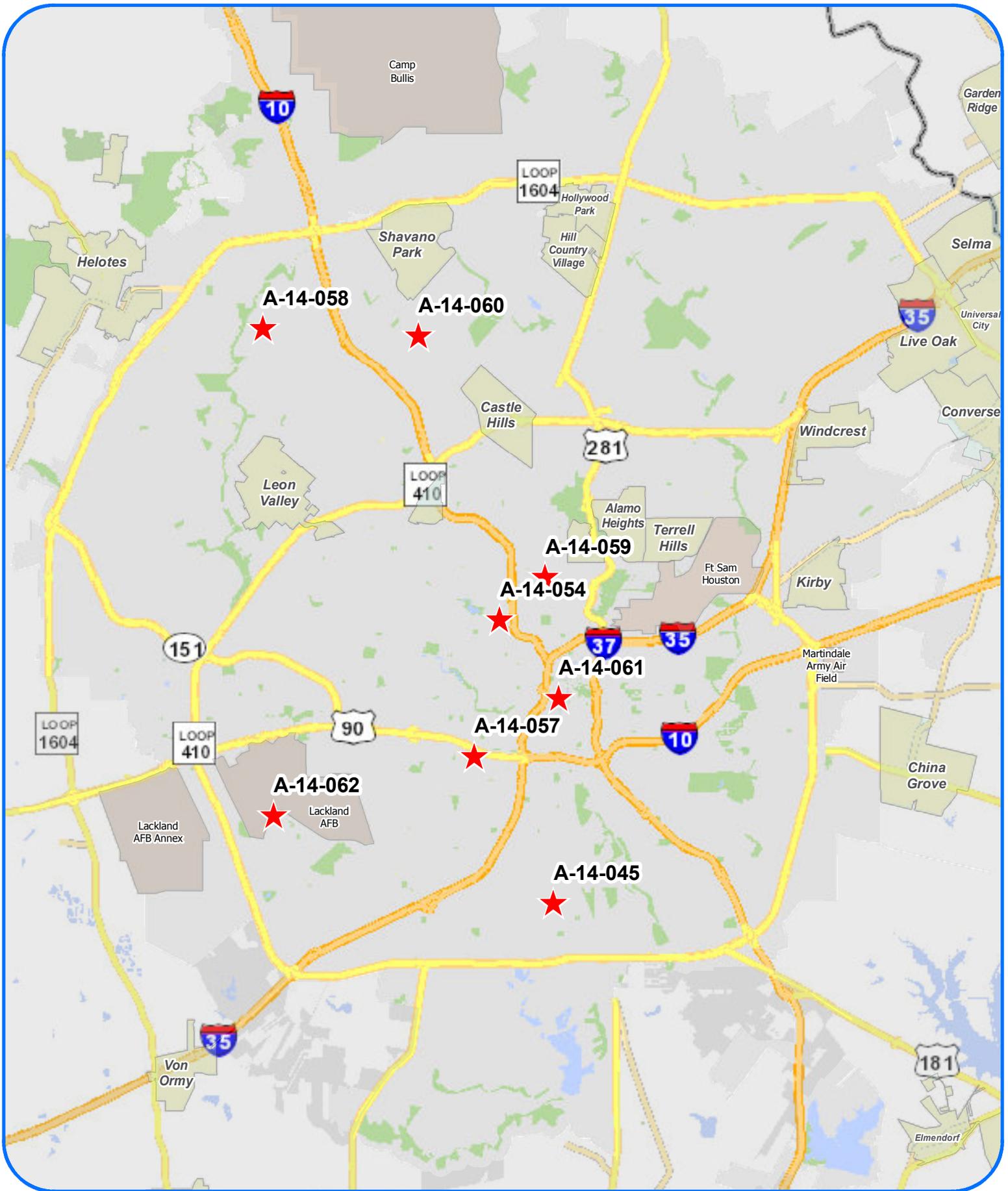
DECLARACIÓN DE ACCESIBILIDAD – *Este lugar de la reunión es accesible a personas incapacitadas. Se hará disponible el estacionamiento. Ayudas auxiliares y servicios y interpretes para los sordos se deben pedir con cuarenta y ocho [48] horas de anticipación al la reunión. Para asistencia llamar a (210)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

Board of Adjustment Membership

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Harold O. Atkinson • Paul E. Klein • Henry Rodriguez • Vacancy • Vacancy • Vacancy



Board of Adjustment

Subject Property Locations
Cases for 19th May 2014





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-057
Date: May 19, 2014
Applicant: Executive Signs, Ltd.
Owner: Brittex Holdings, LLC
Location: 1315 Frio City Road
Legal Description: Lot F, Block 7, NCB 6774
Zoning: "C-3NA AHOD" General Commercial Nonalcoholic Sales Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request from Sections 28-239(c)(1) and 28-241(c)(1)c for 1) a 4-foot, 2-inch variance from the 24-foot maximum height to allow a freestanding sign 28 feet, 2 inches in height along an Arterial Type B street, 2) a 5-foot variance from the 10-foot setback requirement along Frio City Road for a single-tenant freestanding sign over 25 feet in height to allow a setback of 5 feet, and 3) a 5-foot variance from the 10-foot setback requirement along Kirk Place for a single-tenant freestanding sign over 25 feet in height to allow a setback of 5 feet.

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 May 1, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 16, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on a triangular piece of land bounded by Kirk Place, South Zarzamora Street, and Frio City Road. The lot is almost completely developed with a

commercial building that was constructed in 1962, and currently houses a specified financial institution. The building is in compliance with the UDC, as no setbacks are required.

Currently, the site does not include any freestanding signs; only wall signs are on the building. The applicant is proposing to erect a 28-foot, 2-inch high, 84 square-foot freestanding sign at the corner of Frio City Road and Kirk Place. Frio City Road is a Type B Arterial street.

The sign code allows a maximum height of 24 feet and a maximum size of 150 square feet for a freestanding sign along a Type B arterial. Due to limited available area on the site, as well as sign visibility, the applicant is requesting both the setback variances as well as the height variance.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Specified Financial Institution

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District	Office/Auto Repair
South	Right-of-way	Frio City Road/Railroad
East	Right-of-way	Frio City Road/Railroad
West	“O-2 AHOD” High-Rise Office Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within Kelly/South San PUEBLO Community Plan (designated as Mixed Use). The subject property is not located within the boundaries of a registered neighborhood association.

Criteria for Review

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

- 1. The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*

2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and*

Because of the unique design of the site, with almost the entire site being covered by buildings, there is limited space to erect a freestanding sign that can meet the required setbacks and be seen due to site line interference with the existing building. As such, a variance to allow a reduced setback and additional height are necessary.

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

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

The requested variance would not grant a special privilege not enjoyed by other businesses similarly situated as not granting the variance would result in the property owner not being able to erect any viable freestanding signage.

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

The site is completely surrounded by street right-of-way, and therefore has no properties directly adjacent to it. The sign is directed toward Frio City Road and away from residential properties on Kirk Place, minimizing any impact to those residential properties.

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

The requested variance does not appear to conflict with any of the stated purposes of Chapter 28.

Alternatives to Applicant's Request

The alternative to the applicant's request is to reduce the size of the sign to eliminate the need for a setback and height variance; however, a lower sign may not be able to provide adequate visibility for the business.

Staff Recommendation

Staff recommends **approval of the requested variance**, due to the following reasons:

1. The unique development on the subject property limits the sign placement and visibility, thus necessitating the variance.

Attachments

Attachment 1 – Notification Plan (Location Map)

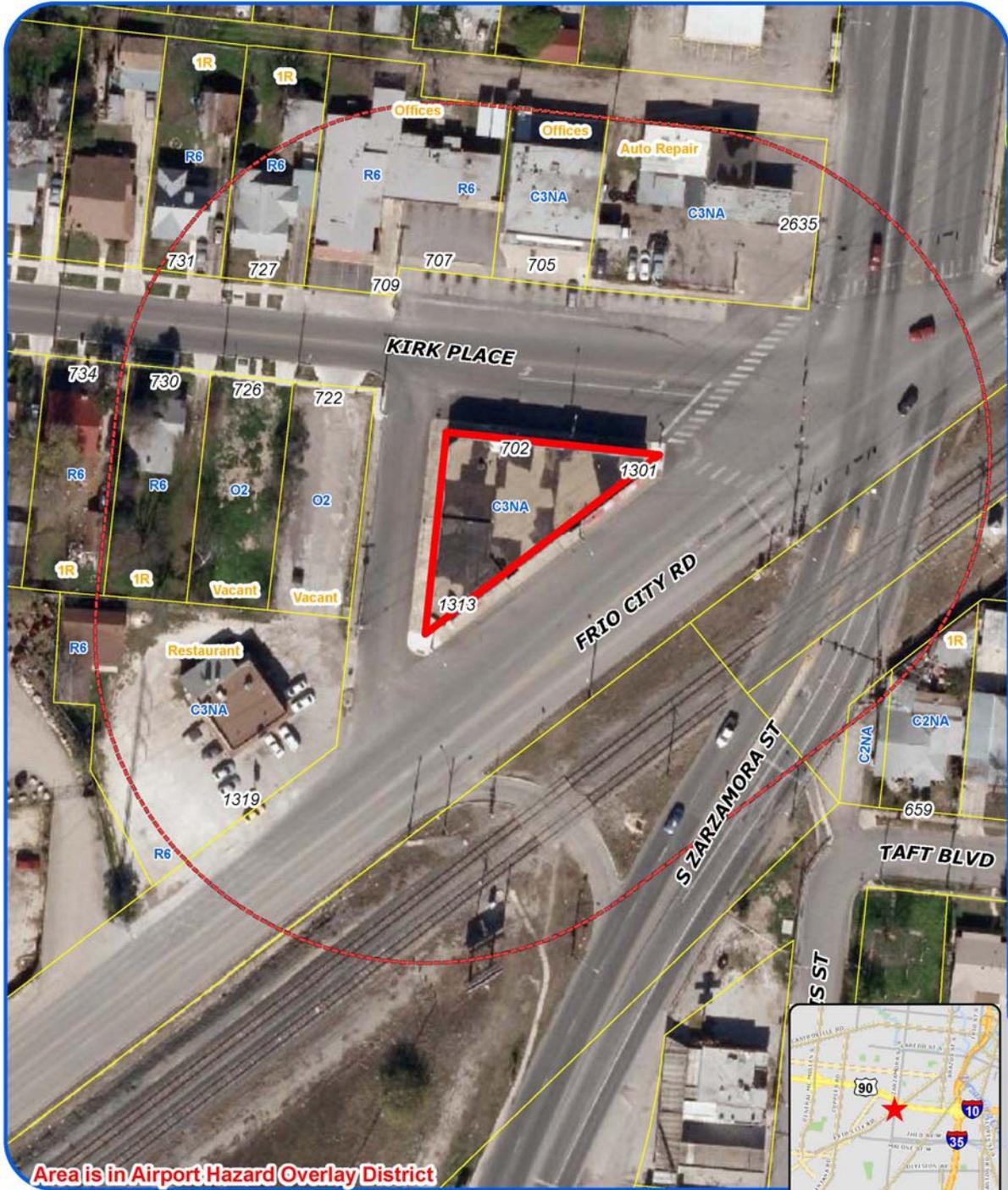
Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Proposed Sign

Attachment 5– Site Photos

**Attachment 1 (Continued)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-14-057**



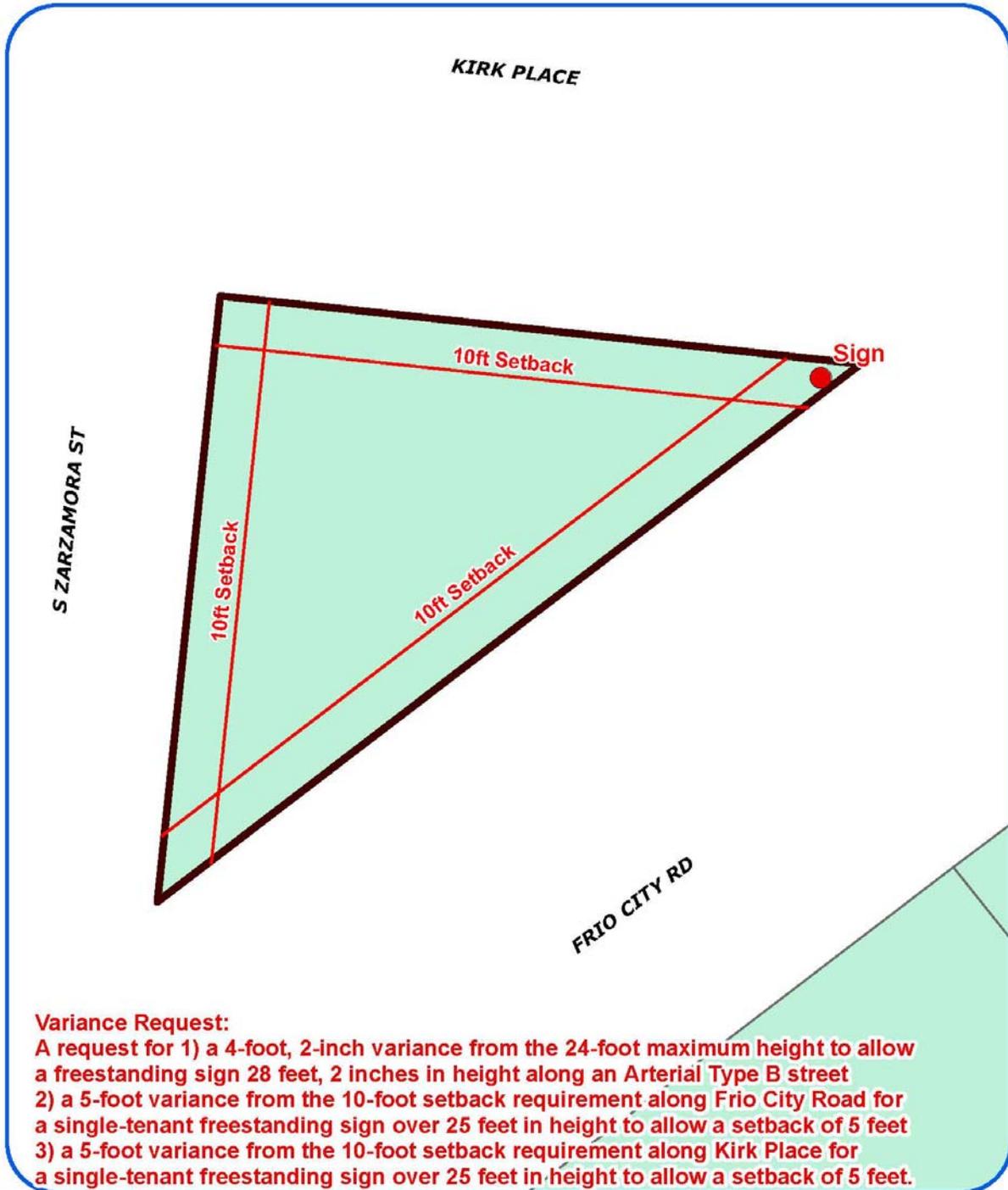
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 5



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

Attachment 2
Plot Plan



Variance Request:

- 1) a 4-foot, 2-inch variance from the 24-foot maximum height to allow a freestanding sign 28 feet, 2 inches in height along an Arterial Type B street
- 2) a 5-foot variance from the 10-foot setback requirement along Frio City Road for a single-tenant freestanding sign over 25 feet in height to allow a setback of 5 feet
- 3) a 5-foot variance from the 10-foot setback requirement along Kirk Place for a single-tenant freestanding sign over 25 feet in height to allow a setback of 5 feet.

Board of Adjustment
Plot Plan for
Case No A-14-057



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

1315 Frio City Road

Development Services Department
City of San Antonio

Attachment 2 (Continued)
Plot Plan



Variance Request:
A request for 1) a 4-foot, 2-inch variance from the 24-foot maximum height to allow a freestanding sign 28 feet, 2 inches in height along an Arterial Type B street
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Board of Adjustment
Plot Plan for
Case No A-14-057



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

1315 Frio City Road

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

SUBJECT TO RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS AS FOLLOWS:			
VOL. <u>1837</u> PAGE <u>134</u> DEED	RECORDS VOL. <u>6043</u> PAGE <u>530</u> DEED	RECORDS VOL. <u> </u> PAGE <u> </u>	RECORDS VOL. <u> </u> PAGE <u> </u>
NOTE: REF. BEARING WAS BASED ON MONUMENTATION FOUND ALONG THE RIGHT OF WAY.			
N45°00'00"E 100.00'	RECORD INFORMATION	S45°00'00"W 100.00'	AS MEASURED IN FIELD
		X BARBED WIRE	△ SMOOTH WIRE
		○ IRON FENCE	◇ CHAIN LINK FENCE
		\ /	WOOD FENCE
		- - - - - WATER FLOW	

LOT(S) <u>F</u>	BLOCK <u>7</u>	N.C.B. <u>6774</u>	SUBDIVISION <u>WESTERN HEIGHTS</u>
VOLUME <u>642</u>	PAGE <u>312</u>	OF THE <u>DEED & PLAT</u> RECORDS OF <u>BEXAR</u> COUNTY, TEXAS	
WITNESS MY HAND AND SEAL THIS <u>30</u> DAY OF <u>JULY</u> , 20 <u>13</u>			
BUYER <u> </u>		ADDRESS <u>1315 FRIO CITY ROAD</u>	
GF# <u>4008006985</u>			

I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT ENCROACHMENTS, EASEMENTS AND RIGHT-OF-WAYS VISIBLE ON SITE ARE SHOWN HEREON. SETBACKS AND EASEMENTS SHOWN ARE FROM RECORDED JOINTLY DOCUMENT RECORDS. MUNICIPAL RESTRICTIONS ARE NOT SHOWN. COPYRIGHT © 2013 STEPHEN G. COOK ENGINEERING, INC. ALL RIGHTS RESERVED

STEPHEN G. COOK, R.P.L.S.

999-777-439 SGCE JOB NO#		12000 STARCREST, SUITE 107 SAN ANTONIO, TEXAS 78247-4117
N.A. BS/AP DRAWN BY SURV. BY	STEPHEN G. COOK ENGINEERING, INC. REGISTERED LAND SURVEYORS	210/481-2533 * FAX 210/481-2100 WWW.SGCE.NET
DISK CADD/W		

Attachment 4 Proposed Sign



**EXECUTIVE
SIGNS**

www.executivesigns.com
16147 College Oak St. 100
San Antonio, Tx. 78249
Office: 210-492-9436
Fax: 210-492-9483
Toll Free: 888-492-9436

Client: MONEY MART PAWN
Address: 1315 FRIJO CITY RD
Location: SAN ANTONIO, TX.
Sales: JT
Designer: JC
Date: 2/25/14

Path: Y:\MONEY\MARTPAWN\FRIJO CITY
File: MONEY MART POLE SIGN

Notes:
MANUFACTURE AND INSTALL (1) NEW INTERNALLY ILLUMINATED POLE SIGN D/F CABINET W/FLEX FACES W/VINYL 3M 3630-33 RED GRAPHICS REVERSE WEED CUT WHITE COPY PAINT CABINET TO MATCH 3M 3630-33 RED.
ADD (2) STROKES OF 15MM CLEAR RED NEON AROUND CABINET AS SHOWN IN PHOTO. POLE PTH BLDG COLOR (R1).

Scale: 3/8" = 1'-0"

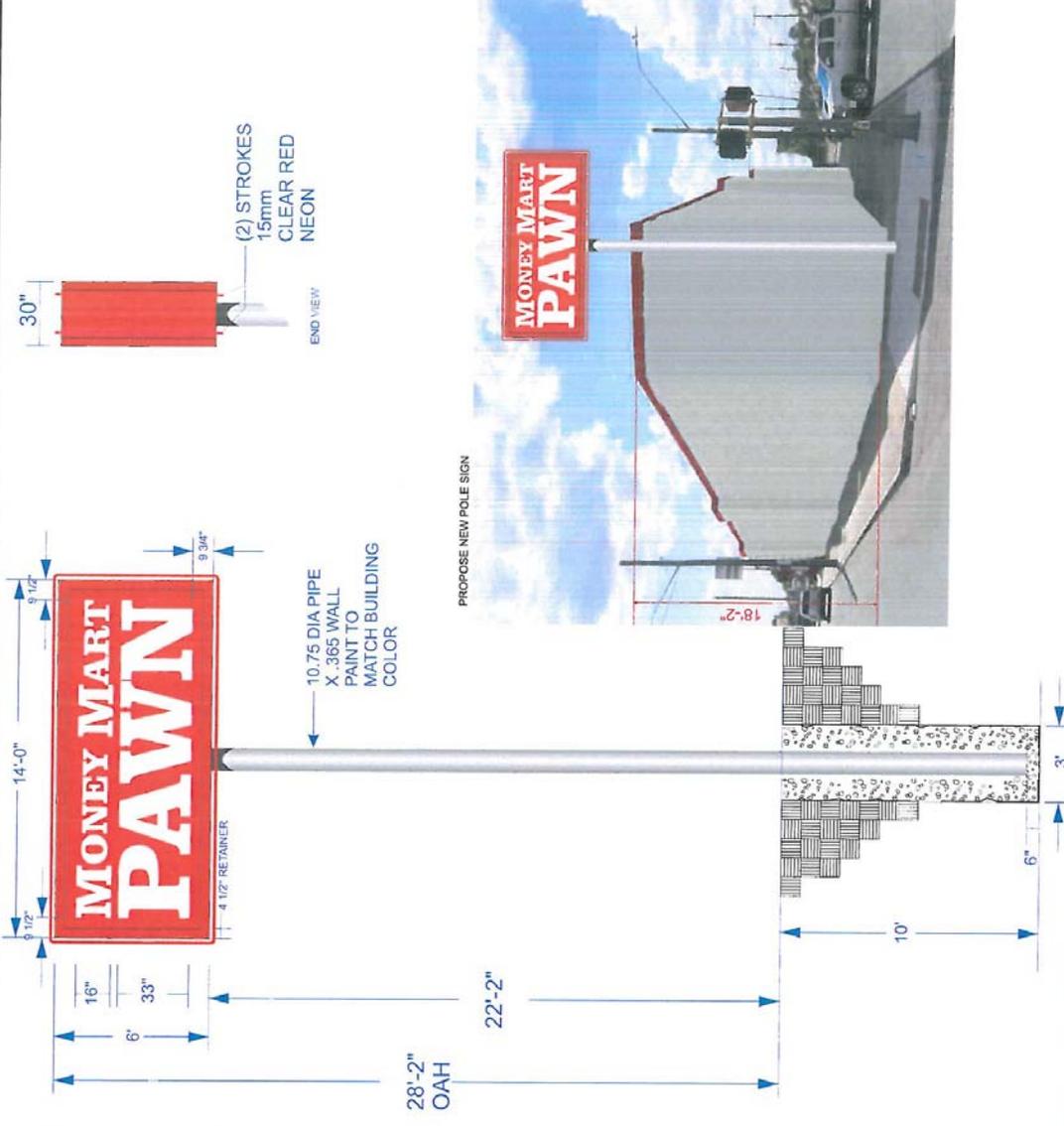


Underwriters Laboratories Inc. •

Primary wires provided by customer.
Sign voltage based upon 120v.

This is an original drawing created by Executive Signs. It is submitted for your personal use. However, it shall at all times remain the property of Executive Signs and shall not be used in conjunction with the project being planned for you by Executive Signs but not otherwise. You are not authorized to show these drawings to anyone outside your organization, to make copies, to reproduce, to use, to copy or exhibit in any fashion.

Customer Approval:



PROPOSE NEW POLE SIGN

Diagram showing a pole sign with dimensions: 28'-2" OAH, 22'-2" height, 14'-0" sign width, 10' base width, 6" base depth, 3" top base depth, 10'-2" height to top of sign, 18'-2" height to top of pole. Sign text: MONEY MART PAWN. Pole: 10.75 DIA PIPE X .365 WALL PAINT TO MATCH BUILDING COLOR. Sign: (2) STROKES 15mm CLEAR RED NEON. Sign depth: 30".

1 of 3

**Attachment 5
Site Photos**





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

To: Board of Adjustment
Case No.: A-14-061
Date: May 19, 2014
Applicant: Bury, SA-Inc.
Owner: HEB Grocery Company, LP
Location: The block generally surrounded by S. Flores Street, E. Arsenal, the San Antonio River and Cesar Chavez Blvd.
Legal Description: Lots 2, 3, & 4, Block 3, NCB 929
Zoning: "D HS RIO-4 S AHOD" Downtown, Historically Significant, River Improvement Overlay-4, Specific Use for a gas station, Airport Hazard Overlay Districts
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for variances from the River Improvement Overlay provisions detailed in Section 35-672: 1) a 19-foot variance from the maximum curb cut width of 25-feet to allow 4 curb cuts no wider than 44 feet and 2) a variance from the minimum 15-foot landscape buffer to allow surface parking that is not screened from the public right-of-way.

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 May 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 16, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is the corporate headquarters of the HEB Grocery Company, a campus with multiple office buildings and several hundred employees. At the request of the Mayor and City Council, the grocery company has agreed to build a grocery store to serve the ever-increasing downtown residential population. They have selected their business campus as the ideal site on which to build the new store.

Because of its proximity to the San Antonio River, the 22-acre campus is encumbered by the River Improvement Overlay zoning district, "RIO-4". Recognizing that tourists and residents experience the river on foot, the design overlay is focused on enhancing the pedestrian experience in the vicinity of the Riverwalk. To that end, many of the requirements relate to the property lines where the private property and the public right-of-way meet. Driveway width is one such regulation where it is restricted to limit the pedestrian/vehicular conflict as the sidewalk crosses the driveway. Parking proximity to the property line is another potential impact where the district requires a 15-foot wide landscape buffer where parking is located within 20 feet of the shared property line. The goal is to protect and improve the experience of walking around downtown near the river. All new construction within the overlay district is reviewed by the Office of Historic Preservation and the Historic & Design Review Commission for compliance.

Many of the improvements on the campus date back to the early 1900's, with the most recent addition of an office building built in 1985. The campus employs over 1,600 people on a daily basis and as such, there are several acres of surface parking throughout the campus. One of the existing parking areas, on the corner of Cesar Chavez and S. Flores, has been selected as the ideal site for the grocery store/gas station. Site planning and rezoning have been completed in preparation for ground-breaking and the project has recently secured a Certificate of Appropriateness for site work, public way improvements and curb-cuts. During this design review process, the need for variances was identified.

Three individual lots are identified within the variance request; each of these lots currently include existing parking in support of the office campus and will be impacted in some way by the grocery store project. As a concession to closing Main Avenue as it traverses the campus, HEB has agreed to improve the pedestrian and bicycle routes along S. Flores. These planned improvements require up to 20 feet of right-of-way dedication, sidewalk and bike path improvements and street trees. The historic curb wall that stands along the existing sidewalk will be preserved and a replica column will be installed on the south side of one of the signalized curb cuts. This wall is the remnant of a stone and iron fence constructed in 1889 to enclose the Commander's House. Overall, this new pedestrian/bike corridor will measure 30 feet in width and provide an attractive streetscape entering the downtown core.

The applicant argues that reduction in the required buffer width along the street frontage is justified. The property size is being reduced by more than 12,000 square feet along S. Flores simply in right-of-way dedication. The applicant is improving over 1,000 linear feet of sidewalk/bike path when the construction is focused on the grocery store, a small 2.5 acre site with only 325 linear feet on S. Flores. Busy downtown traffic and narrow travel lanes are proving challenging for the typical grocery delivery trucks. As such, the owner is requesting a variance from the maximum 25-foot wide curb cut to allow two 35-foot wide driveways into the new grocery parcel. Two existing curb cuts on Flores will be abandoned as a part of the streetscape improvements.

The applicant is also requesting approval for two 44-foot wide curb cuts as well. These two entrances/exits will be signalized, with a designated right turn lane and an 8-foot landscaped median accounting for the requested additional width. The 1,600 employees and future grocery customers who park within the campus boundaries will benefit from the controlled exits. The only work associated with the other lots is widening curb cuts and installing traffic control

devices. Nevertheless, in the interest of caution, the applicant is seeking a variance from the requirement that parking be buffered by 15 feet of landscaping.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“D HS RIO-4 S AHOD” Downtown, Historically Significant, River Improvement Overlay, Airport Hazard Overlay District with specific use for gasoline sales	Existing office campus, Senior Community Center, Future Grocery Store with gasoline

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“D RIO-3 AHOD” Downtown, River Improvement Overlay, Airport Hazard Overlay Districts	Automotive Repair
South	“C-3 NA AHOD” Commercial Non-Alcoholic Sales, Airport Hazard Overlay District	Retail
East	“RM-4 H AHOD” Residential Mixed, Historic, Airport Hazard Overlay District	Single-Family Homes
West	“D AHOD” Downtown, Airport Hazard Overlay District	Hotel

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Lone Star Community Plan area, adopted in March of 2013. The property is designated for high-density mixed land uses. The property is located within the boundaries of King William, a registered neighborhood association and within 200 feet of the Downtown Residents Association. As such, both 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 is defined as the general health, safety and welfare of the public at large. **The public interest in this case is the pedestrians walking near the San Antonio River. The Certificate of Appropriateness includes conditions of approval to protect the pedestrian including pavement makings. Therefore the variance is not contrary to the public interest.**

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

The Board of Adjustment is asked to evaluate the situation and determine if the literal enforcement of the ordinance results in an unnecessary hardship. **The applicant states the driveway sizes are essential to the efficient function of the campus. Traffic control signals are being installed and at least two curb cuts are being abandoned. Though the driveways are larger than Code allows, reducing the number and controlling the traffic actually improves the pedestrian experience.**

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

The Board of Adjustment is asked to determine the spirit of the regulation as compared to the literal language of it. In this case, **the spirit is in protecting and enhancing the pedestrian experience. The applicant is constructing 1000 linear feet of enhanced sidewalk and bike path, observing the spirit of the ordinance. In addition, controlling the exit as it crosses the sidewalk is preferable to continuous traffic.**

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 “D HS RIO-4 S 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 character of the area has been established by the historic Arsenal and Commander’s House, all of which will be preserved and enhanced by the proposed project. The parking areas within the campus have also existed for decades and will not be changed by the construction. The variances will allow the applicant to reduce the number of curb-cuts into the campus while preserving the efficient flow of traffic. The essential character of the area will be enhanced by the project.

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.*

According to the applicant, the unique circumstance is the construction of a grocery store on a busy corner in downtown. The requested variance to allow wider curb-cut results from the turning radius of a delivery rig traveling in a narrow single lane; entering from the outside lane is not an option. The landscaped buffer required on lots with existing parking is also a hardship.

Staff Recommendation

Staff recommends **approval of A-14-061**, based on the following findings:

1. The pedestrian experience will be enhanced by the proposed sidewalk widening, street trees and right-of-way improvements along S. Flores.

Attachments

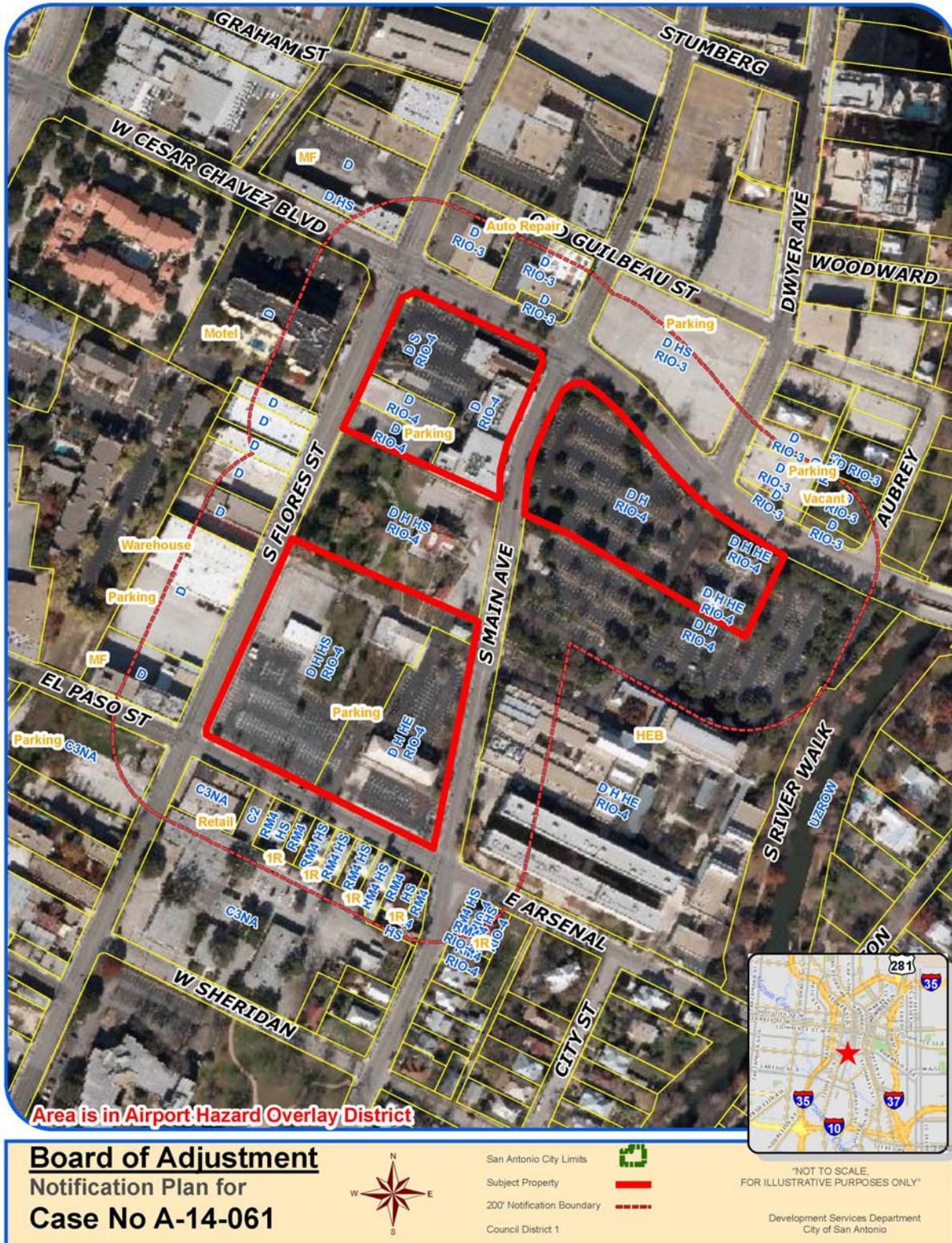
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

**Attachment 1
Notification Plan (cont)**



Area is in Airport Hazard Overlay District

**Board of Adjustment
Notification Plan for
Case No A-14-061**



- 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:
A request for a 19-foot variance from the maximum curb cut width of 25-feet to allow 4 curb cuts no wider than 44 feet.
2) a variance from the minimum 15-foot landscape buffer to allow surface parking that is not screened from the public right-of-way.

Board of Adjustment
Plot Plan for
Case No A-14-061

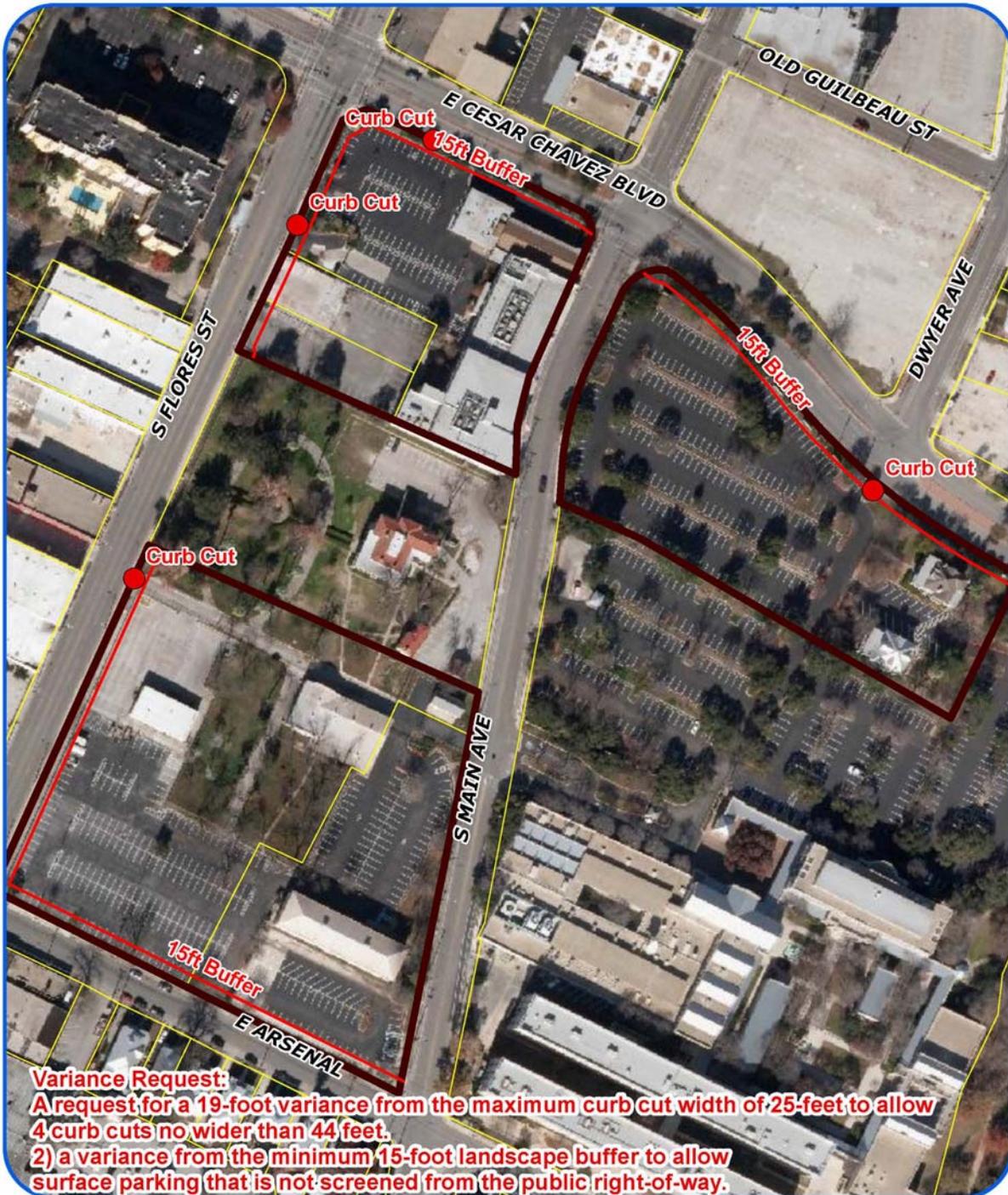


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 1

535 South Main

Development Services Department
City of San Antonio

Plot Plan (cont)



Variance Request:
A request for a 19-foot variance from the maximum curb cut width of 25-feet to allow 4 curb cuts no wider than 44 feet.
2) a variance from the minimum 15-foot landscape buffer to allow surface parking that is not screened from the public right-of-way.

Board of Adjustment
Plot Plan for
Case No A-14-061



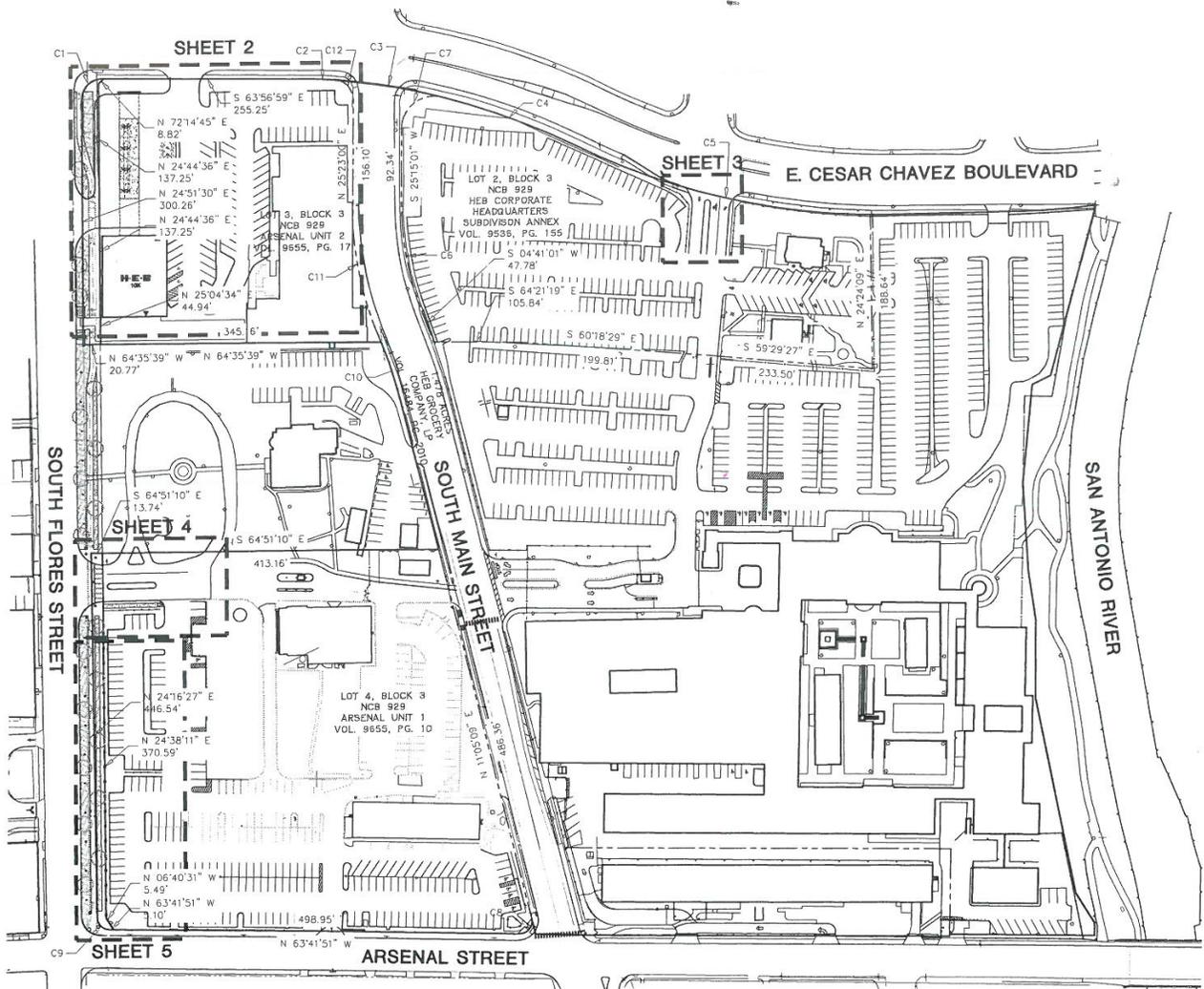
"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 1

535 South Main

Development Services Department
City of San Antonio

1:1,800

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-14-045
Date: May 19, 2014 (Continued from the April 21, 2014, meeting)
Applicant: Marie Teresa Ruthenberg
Owner: Marie Teresa Ruthenberg
Location: 243 East Formosa Boulevard
Legal Description: Lot 29, Block 12, NCB 10806
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Tony Felts, Planner

Request

A request from Table 310-1 for a 5-foot variance from the 5-foot side yard setback to allow a structure on the west 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 and registered neighborhood associations within two hundred (200) feet of the subject property on or before April 2, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 3, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before April 18, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of East Formosa Boulevard, approximately 557 feet east of Gladnell Avenue.

The site is currently developed as a single-family residence. The applicant has constructed an attached carport on the west side of the home on the property line. The carport was constructed without permits and the applicant was cited by Code Compliance for the violation.

If the variance were to be approved, the Plan Review section has indicated that the applicant would be required to provide a one-hour fire-resistance rated wall.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” (Residential Single-Family Airport Hazard Overlay District)	Single-Family Residence
South	“R-5 AHOD” (Residential Single-Family Airport Hazard Overlay District)	Single-Family Residence
East	“R-4 AHOD” (Residential Single-Family Airport Hazard Overlay District)	Single-Family Residence
West	“R-4 AHOD” (Residential Single-Family Airport Hazard Overlay District)	Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within Stinson Airport Vicinity Land Use Plan (designated as Low Density Residential). The subject 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:*

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 side yard area. By allowing the addition to remain, it may adversely affect the neighboring property by not allowing for adequate access.

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

The subject property is sufficiently deep to allow the construction of a compliant carport or garage in the rear of the main structure. Likewise, there is sufficient room for the applicant to access the rear of the property with an automobile, and therefore, any garage. As such, no special conditions exist on the property to warrant to granting of a variance.

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 carport, as constructed, does not provide for adequate room to access the structure for maintenance and there are adequate alternatives to the structure's current placement.

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" Residential Single-Family base 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, if approved, may injure the appropriate use of the adjacent property to the west because there is not adequate space to maintain the structure.

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 construct the carport in the rear of the main structure.

Staff Recommendation

Staff recommends **denial of A-14-045** because of the following reasons:

- The addition does not allow enough room to be maintained and does not meet the spirit of the ordinance.

Attachments

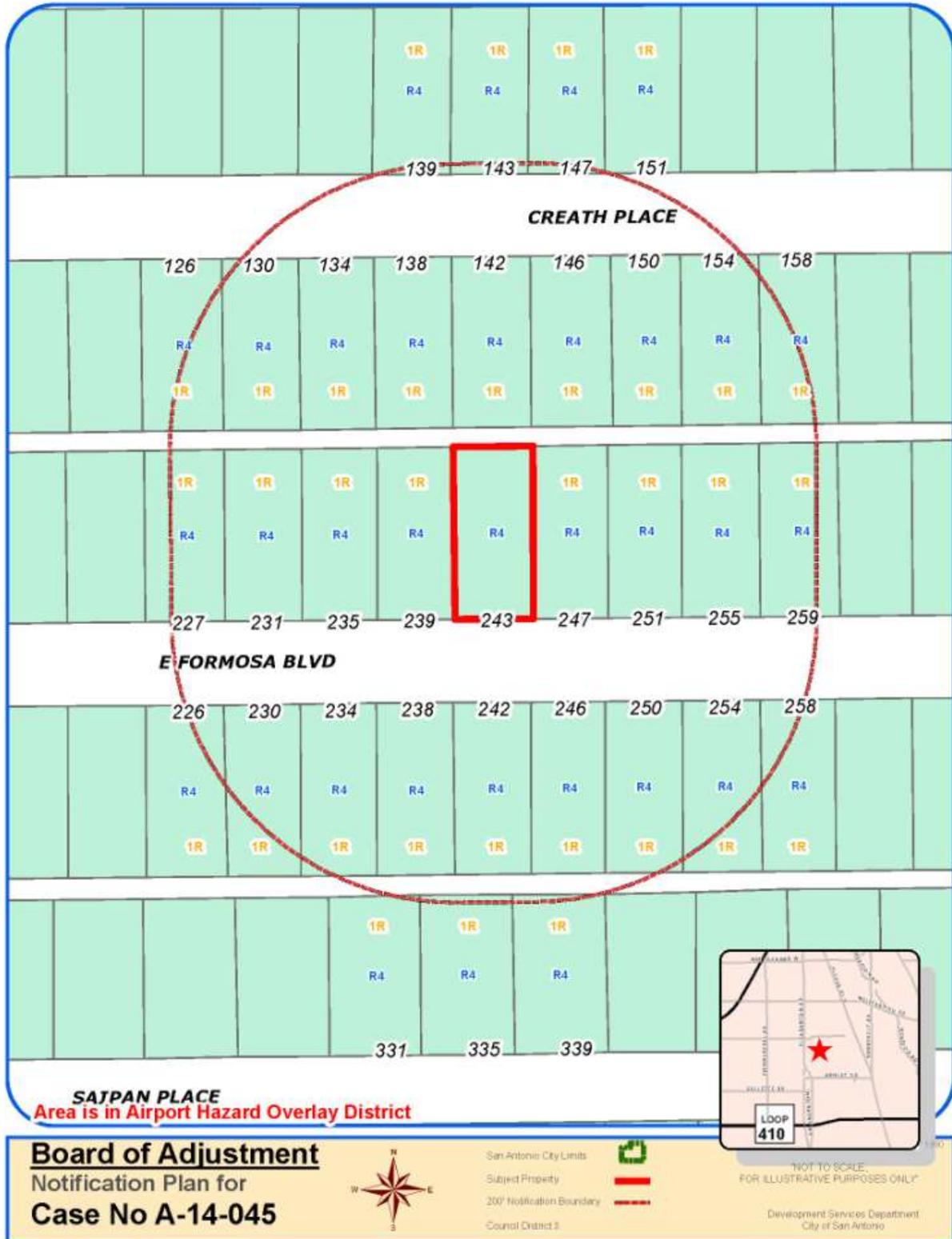
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

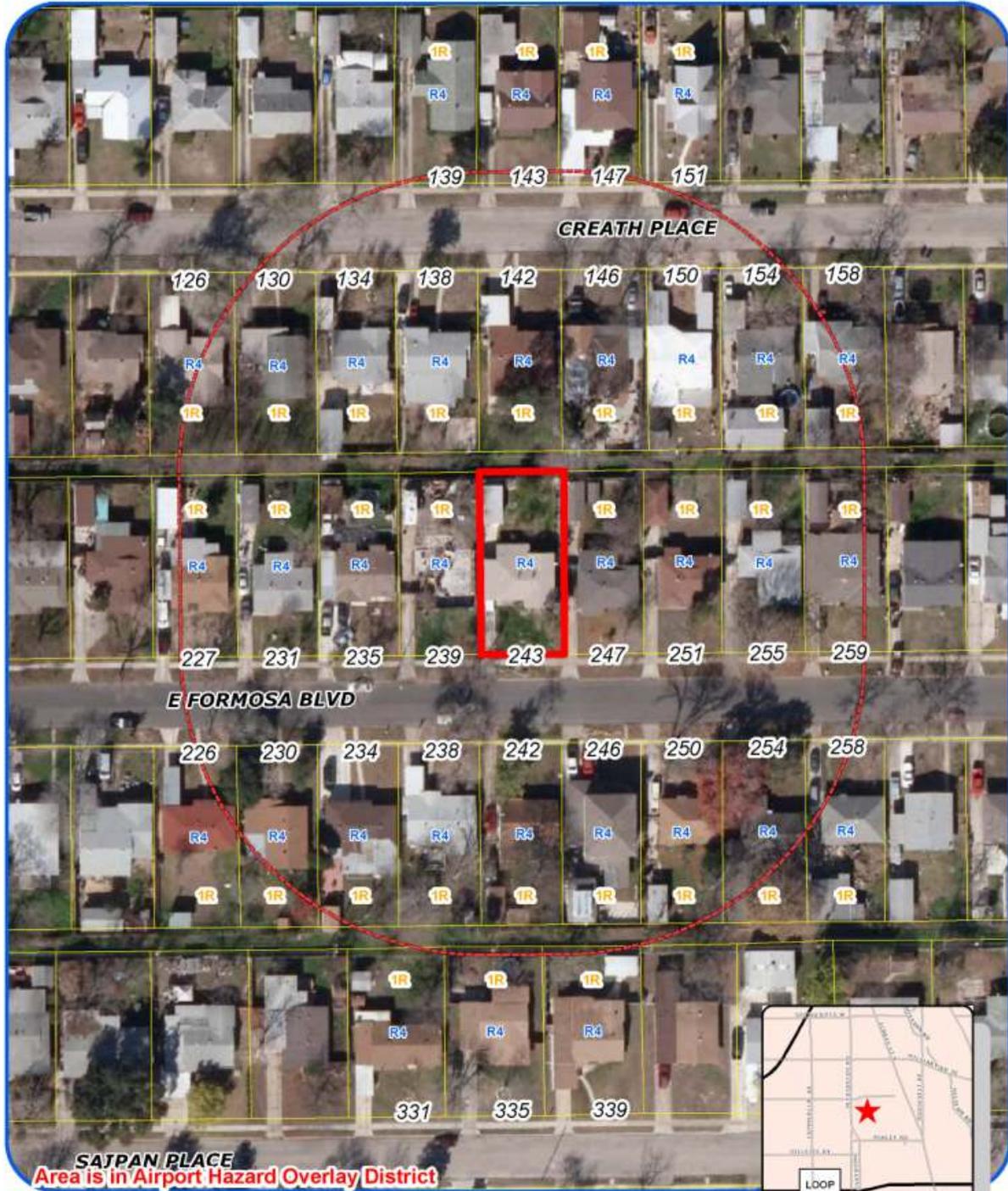
Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



**Attachment 1 (Continued)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-14-045**



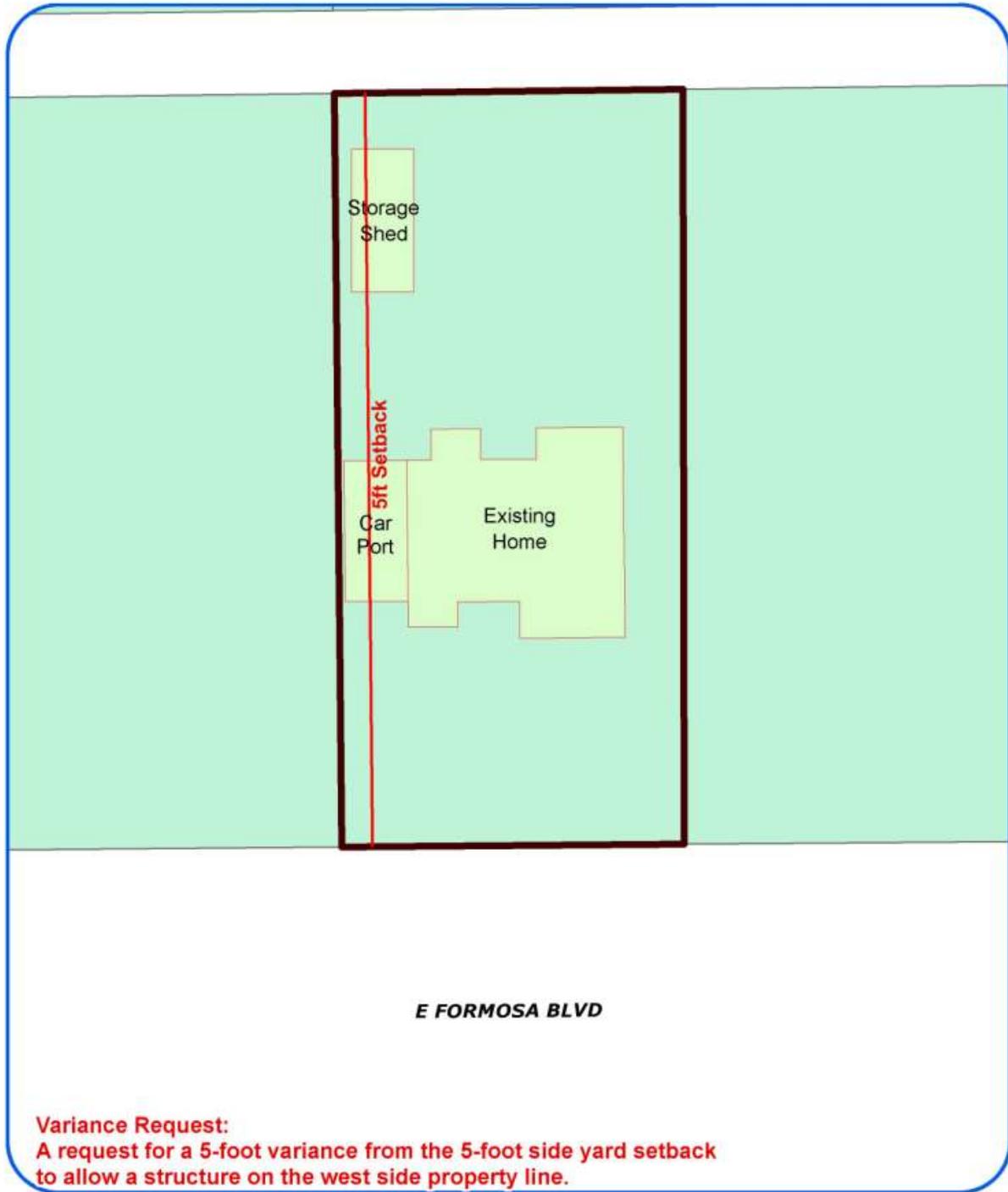
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 3



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:
A request for a 5-foot variance from the 5-foot side yard setback to allow a structure on the west side property line.

Board of Adjustment
Plot Plan for
Case No A-14-045



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

243 E. Formosa ¹²⁴⁸

Development Services Department
City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Variance Request:
A request for a 5-foot variance from the 5-foot side yard setback to allow a structure on the west side property line.

Board of Adjustment
Plot Plan for
Case No A-14-045



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

243 E. Formosa ¹²⁴⁸

Development Services Department
City of San Antonio

**Attachment 3
Applicant's Site Plan**

PLOT PLAN

FOR
BLDG PERMITS

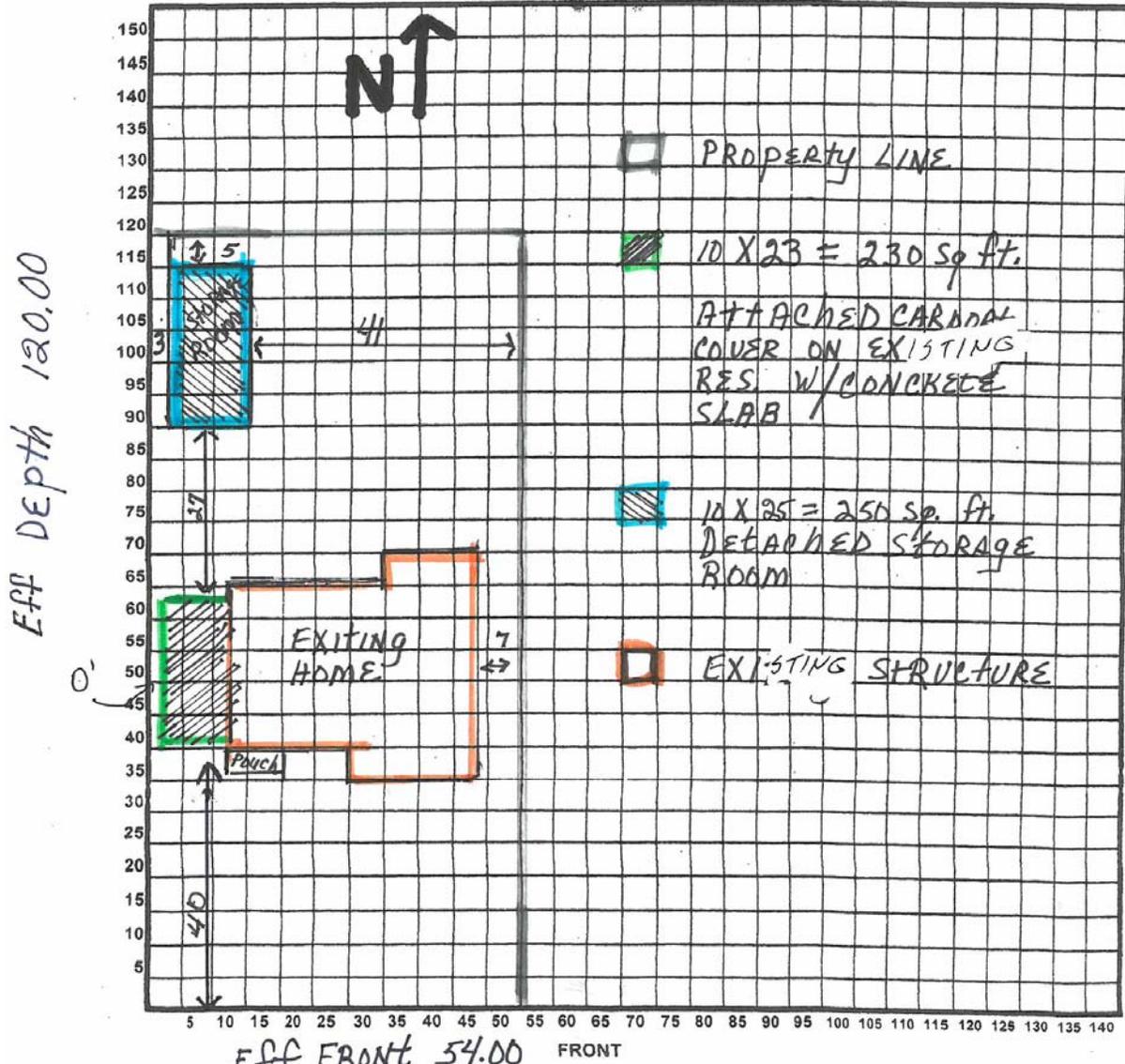
Address 243 EAST FORMOSA

Lot 29

Block 12

NCB 10806

REAR



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

**Attachment 4
Site Photos**





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

To: Board of Adjustment
Case No.: A-14-054
Date: May 19, 2014 (Continued from the May 5, 2014 meeting)
Applicant: Reynaldo R. Muniz
Owner: Reynaldo R. & Inocencia E. Muniz
Location: 713 Waverly Avenue
Legal Description: Lot 6, Block 6, NCB 6609
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, Senior Planner

Request

A request for a 5-foot variance from the required 5-foot side yard setback, as detailed in Table 35-310-1, to allow an accessory structure on the property line.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners within two hundred (200) feet of the subject property on April 16, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on April 17, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on May 2, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the north side of Waverly Avenue, between North Navidad Street and North Calaveras Street. The property is currently developed as single-family residence measuring approximately 1940 square feet, constructed in 1928 per BCAD records. The applicant placed a wood shed encroaching into the west side yard setback without first obtaining the required permits and approval from the City.

Accordingly, Section 35-370 (b) identifies the provisions including the required 5-foot setback from both side and rear property lines. Without any eaves or similar projections, the setback may be reduced to 3 feet.

It should be noted that if the variance request is approved, fireproofing consistent with the International Residential Code (and any other applicable building or city code) will be required for the wood built shed.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Northwest Community Plan. The property is not located within the boundaries of any registered neighborhood association.

Criteria for Review

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

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

Building setbacks are designed to maintain orderly and safe development, and ensure access to air and light. The UDC does not contemplate any situations where the side setback is covered by a structure. The public interest in this case is represented by minimum setbacks established to ensure activities on individual properties do not impact the rights of a neighboring property owner. Setbacks also allow property maintenance.

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

The subject property is not subjected to special conditions that create unnecessary hardship through the literal enforcement of the setback requirements. A literal enforcement of the side setback requirement will require the applicant to relocate the accessory structure five (5) feet from the property line.

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

The variance request is neither in keeping with the spirit of the ordinance nor would granting it do substantial justice. The UDC does not contemplate any situation where structures would be allowed to be placed within the side setback. The subject property is not uniquely influenced by oppressive conditions, and its reasonable use is not contingent upon accessory structures at the side property line. The subject property has ample space on the lot to comply with the required five (5) feet from the west side property line.

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” base 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, if approved, may injure adjacent properties and alter the character of the district. By granting this variance, it will set a precedent to more construction of this type in the neighborhood.

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.*

No unique conditions or circumstances exist on the property that prevents the applicant from using the property as intended and complying with the minimum requirements of the UDC. Had the applicant obtained permits prior to construction, the applicant would have been notified about the minimum required development standards and this variance request would not be necessary. The result of the applicant’s action to place an accessory structure within the required side yard caused the violation on the property, thus self-imposing the hardship.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC setback requirements, or remove the accessory structure.

Staff Recommendation

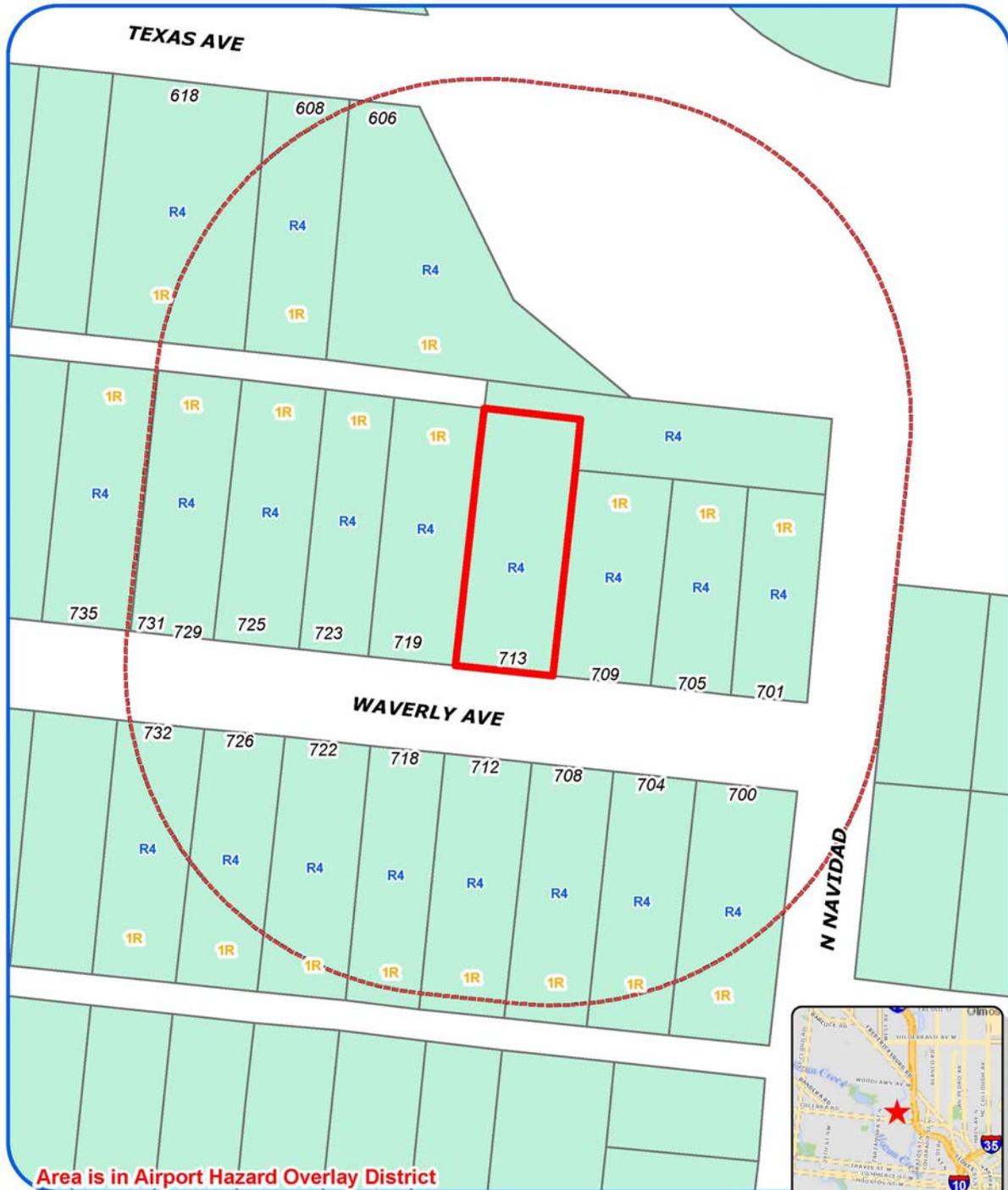
Staff recommends **denial of A-14-017**, based on the following findings:

1. There are no special conditions or circumstances on the property that warrant the granting of the requested variance.

Attachments

Attachment 1 – Notification Plan (Location Map)
Attachment 2 – Plot Plan
Attachment 3 – Applicant’s Site Plan
Attachment 4 – Photos

Attachment 1 Notification Plan



Area is in Airport Hazard Overlay District



Board of Adjustment
Notification Plan for
Case No A-14-054



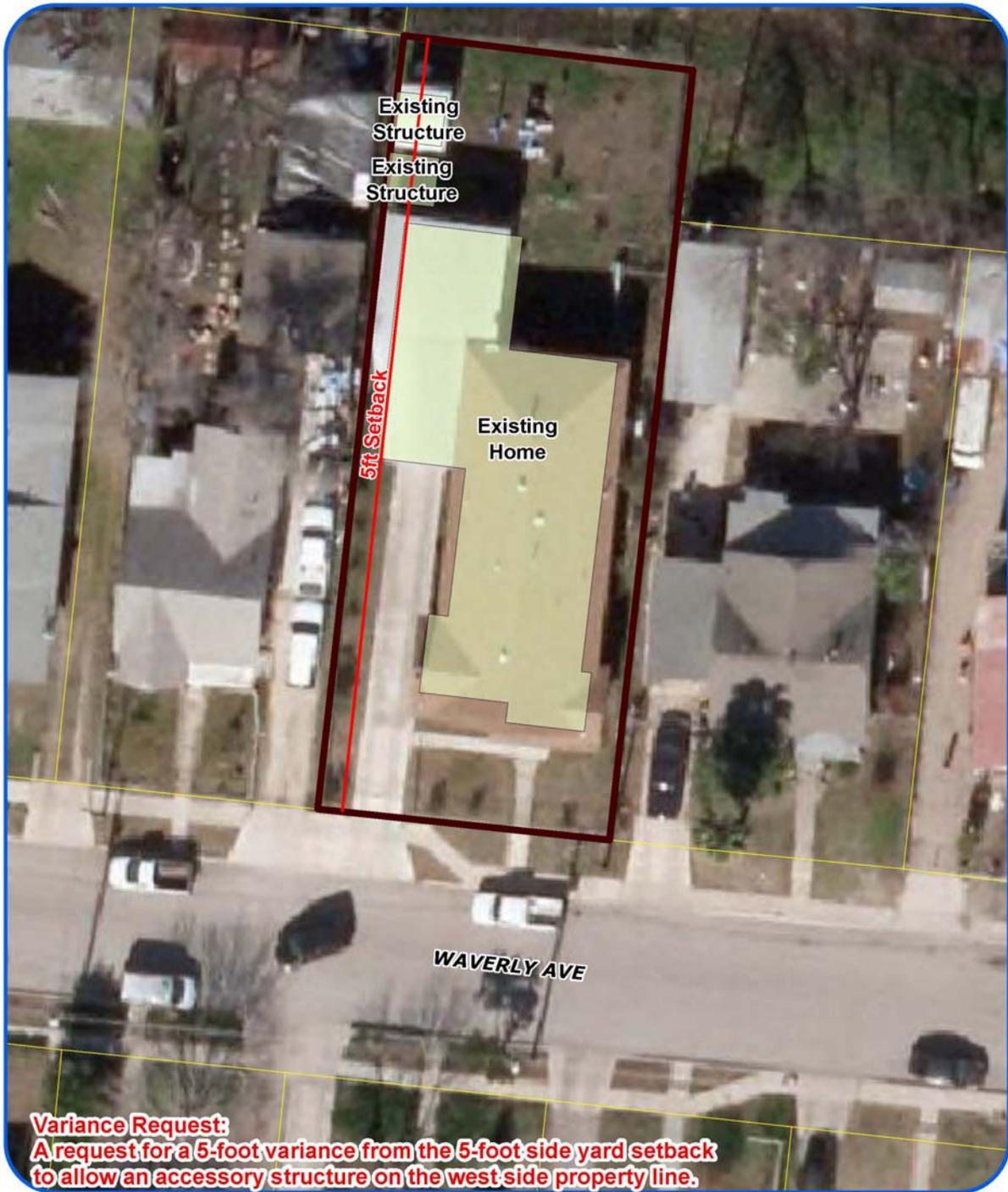
San Antonio City Limits
 Subject Property
 200' Notification Boundary
 Council District 1



"NOT TO SCALE
 FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
 City of San Antonio

Attachment 2
Plot Plan



Variance Request:
A request for a 5-foot variance from the 5-foot side yard setback to allow an accessory structure on the west side property line.

Board of Adjustment
Plot Plan for
Case No A-14-054



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

713 Waverly

Development Services Department
City of San Antonio

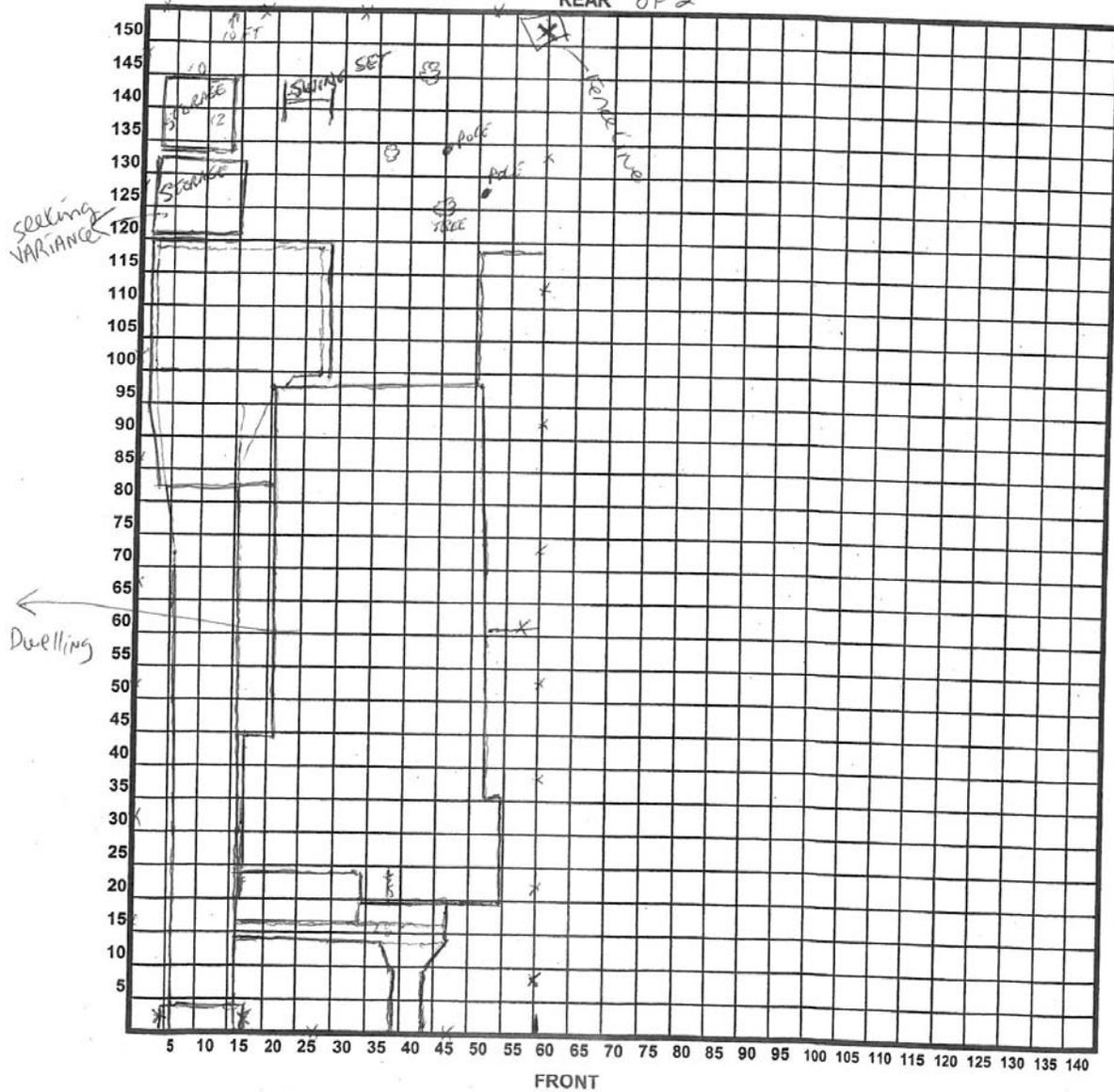
Attachment 3 Applicant's Site Plan

PLOT PLAN FOR BLDG PERMITS

Address 713 WAVERLY

Lot 68 W 58.79 Block 6
FT OF S 32.66 FT
REAR OF 2

NCB 6609



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

Reynaldo R. Muniz

Attachment 4
Site Photos





City of San Antonio Development Services Department Staff Report

To: Board of Adjustment
Case No.: A-14-058
Date: May 19, 2014
Applicant: Caner Enbatan
Owner: Caner Enbatan
Location: 11729 Spring Ridge Drive
Legal Description: Lot 165, Block 20, NCB 16866
Zoning: "RM-4" Residential Mixed District
Prepared By: Tony Felts, Planner

Request

A request from Section 35-514(d) for a 3-foot variance from the 3-foot maximum fence height to allow a solid fence up to 6 feet in height in 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 and registered neighborhood associations within two hundred (200) feet of the subject property on or before May 1, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 16, 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 Spring Ridge Drive, approximately 670 feet south of Babcock Road.

The site is currently developed as an attached townhome with a detached garage in front of the principal structure. The applicant has installed a solid wood fence 6 feet in height within the front yard, without a permit. The fence does not extend past the front façade of the detached garage, but is in front of the front façade of the principal structure, and is, therefore, considered a front yard fence.

The applicant has stated that the fence is required due to problems with the neighbors.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4” Residential Mixed District	Townhome

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4” Residential Mixed District	Townhome
South	“RM-4” Residential Mixed District	Townhome
East	“RM-4” Residential Mixed District	Townhome
West	“RM-4” Residential Mixed District	Townhome

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan (designated as Suburban Tier). The subject property is located within the boundaries of Oxbow 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:*

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. Front yard fences of varying materials are common in this area; additionally, **given the unique development of the site with detached garage, the fence does not have the appearance of a front yard fence. In fact, if the garage were attached, a variance would be unnecessary. As such, the variance is not contrary to the public interest.**

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

A special condition exists because of the unique site design of the townhome lots with the garage being detached and within the front yard.

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

The spirit of the ordinance will be observed because the fence does not extend past the front façade of the detached garage, which would appear to a passerby to be the front yard.

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 Residential Mixed base 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, if approved, will not injure the appropriate use of adjacent properties or alter the essential character of the district as front yard fences of varying materials and heights are commonplace within the development.

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

The unique circumstance on the property results from the unique site design of the townhomes on the property.

Alternatives to Applicant's Request

The alternative to the applicant's request is to modify the fence to 3 feet in height uniformly, where the fence is in front of the front façade of the primary structure.

Staff Recommendation

Staff recommends **approval of A-14-058** because of the following reasons:

- The fence does not extend past the front façade of the detached garage, which appears from the street as the primary structure's façade.

Attachments

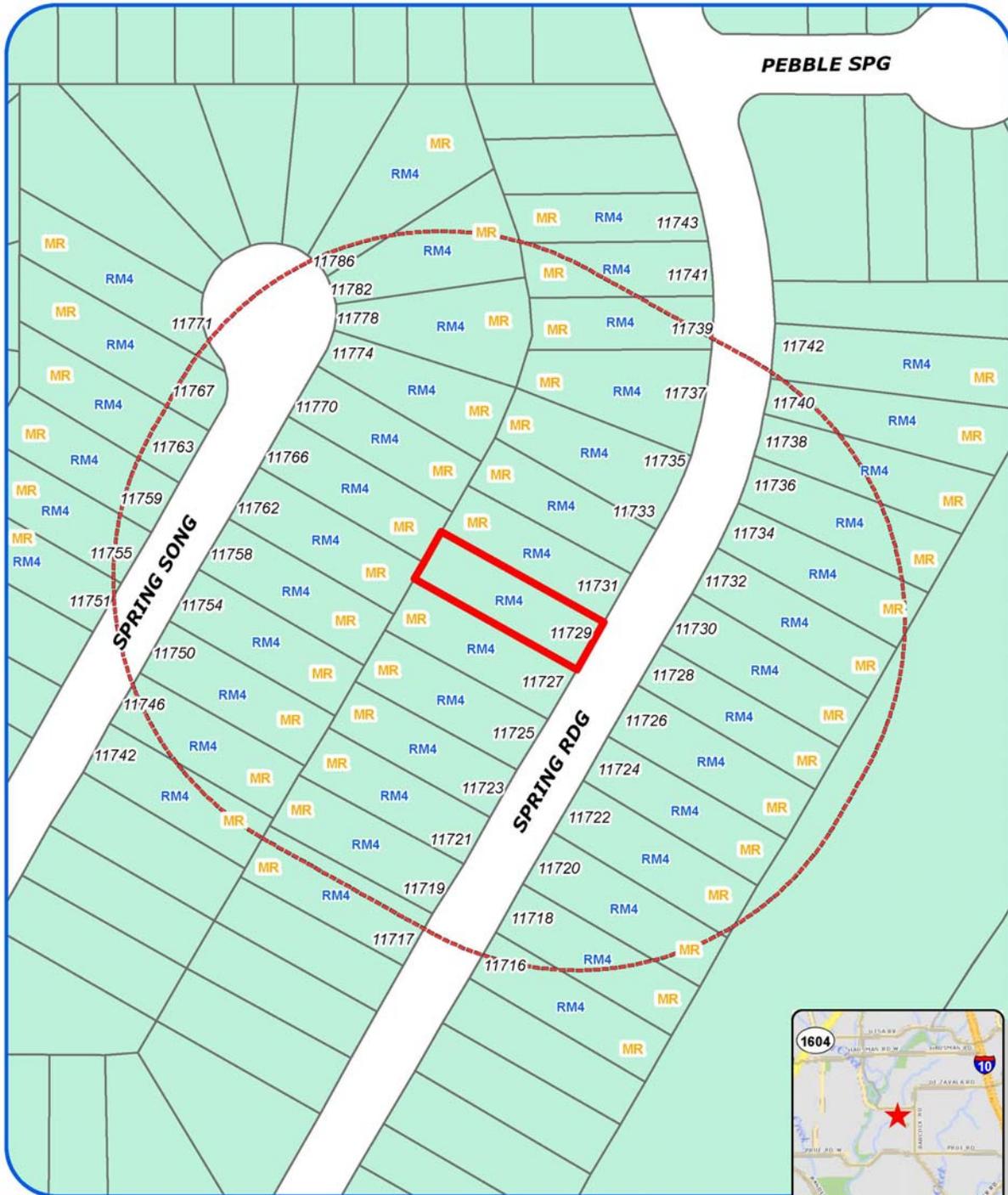
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



<p>Board of Adjustment Notification Plan for Case No A-14-058</p>		<p>San Antonio City Limits </p> <p>Subject Property </p> <p>200' Notification Boundary </p> <p>Council District 8</p>	<p style="text-align: center;">"NOT TO SCALE, FOR ILLUSTRATIVE PURPOSES ONLY"</p> <p style="text-align: center;">Development Services Department City of San Antonio</p>
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**Attachment 1 (Continued)
Notification Plan**



**Board of Adjustment
Notification Plan for
Case No A-14-058**



- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 8



"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-14-058



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

11729 Spring Ridge Drive

Development Services Department
City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-058



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

11729 Spring Ridge Drive

Development 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-14-060
Date: May 19, 2014
Applicant: Gerald M. Sutherland
Owner: Gerald M. Sutherland
Location: 3 Westelm Point
Legal Description: Lot 31, Block 2, NCB 17315
Zoning: "R-6 PUD" Residential Single-Family Planned Unit Development District
Prepared By: Tony Felts, Planner

Request

A request from Section 35-514(d) for a 1-foot variance from the 6-foot maximum fence height to allow a solid fence up to 7 feet in height in the side and rear yard.

Procedural Requirements

A variance from the requirements of the zoning ordinance is a decision vested with the Board of Adjustment. State law prescribes specific factors that must be satisfied when deciding to grant a variance. The request was publicly noticed in accordance with Section 35-403 of the Unified Development Code ("UDC"). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on or before May 1, 2014. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 16, 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 Westelm Point, approximately 185 feet north of Westelm Circle.

The site is currently developed as single-family residence. The applicant is proposing to construct a 7-foot high fence in the side and rear yard of the structure. The applicant states that the additional height is necessary due to topographical differences between his property and the adjacent property. The applicant further stated that the differences in elevation had attempted to be mitigated with the use of vegetative materials (at a height of 12 feet), but this has proven to be unsuccessful due to the poor health of the vegetative materials.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 PUD” Residential Single-Family Planned Unit Development District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 PUD” Residential Single-Family Planned Unit Development District	Single-Family Residence
South	“R-6 PUD” Residential Single-Family Planned Unit Development District	Single-Family Residence
East	“R-6 PUD” Residential Single-Family Planned Unit Development District	Single-Family Residence
West	“R-6 PUD” Residential Single-Family Planned Unit Development District	Vacant Property

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan (designated as Suburban Tier). The subject 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:*

Usually, fence height restrictions are put into place in order to provide orderly development and encourage a sense of community. **The applicant’s property sits lower than the neighboring property, and the applicant has been unable to achieve the desired level of privacy in their rear yard due to the failing health of the vegetation. Because of the topographical difference, the variance is not contrary to the public interest.**

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

A special condition exists because of the topographical differences between the subject property and the adjacent property.

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

The spirit of the ordinance will be observed because the proposed fence is only high enough to maintain the applicant's rear yard privacy due to the topographical differences between the subject property and the adjacent 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 Residential Single-Family PUD base 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, if approved, will not injure the appropriate use of adjacent properties or alter the essential character 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 unique circumstance on the property results from the difference in topography between the subject property and the adjacent property.

Alternatives to Applicant's Request

The alternative to the applicant's request is to modify the fence request to 6 feet in height uniformly.

Staff Recommendation

Staff recommends **approval of A-14-060** because of the following reasons:

- The difference in topography between the subject property and the adjacent property.
- The failure of the vegetative screen to provide the desired level of privacy in the rear yard.

Attachments

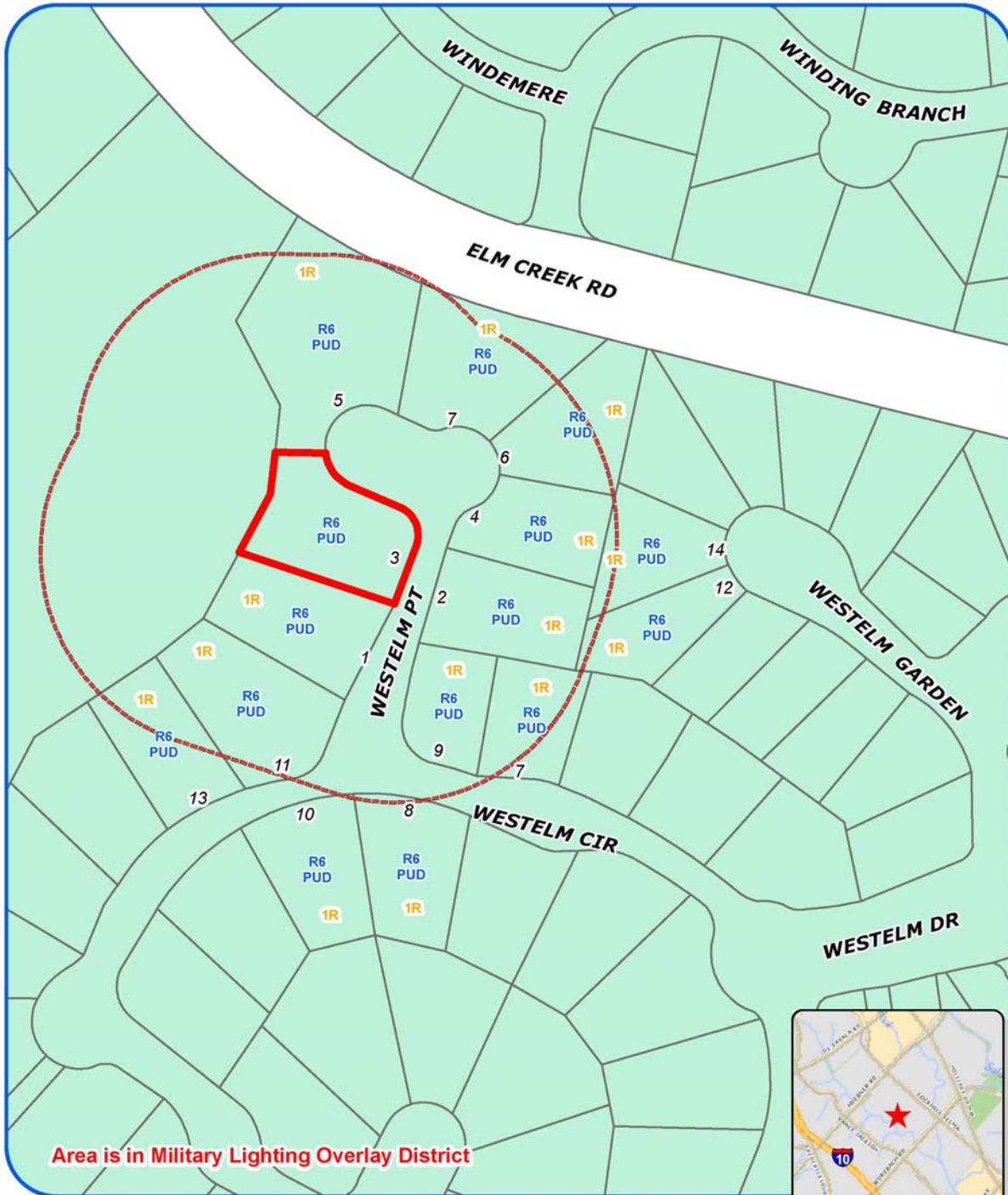
Attachment 1 – Notification Plan (Location Map)

Attachment 2 – Plot Plan

Attachment 3 – Applicant's Site Plan

Attachment 4 – Site Photos

Attachment 1 Notification Plan



Area is in Military Lighting Overlay District

Board of Adjustment
Notification Plan for
Case No A-14-060



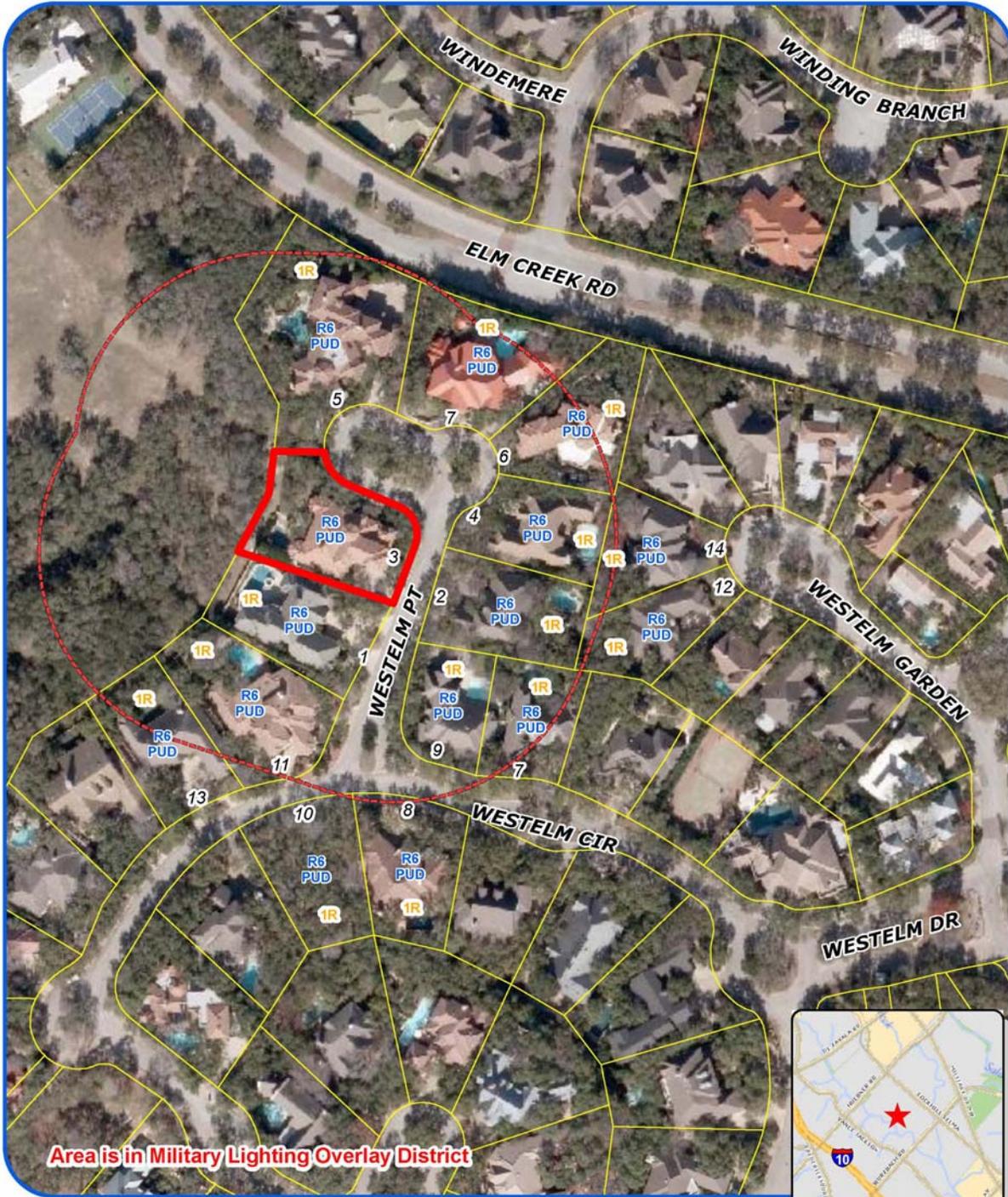
San Antonio City Limits
Subject Property
200' Notification Boundary
Council District 8



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

**Attachment 1 (Continued)
Notification Plan**



Area is in Military Lighting Overlay District

**Board of Adjustment
Notification Plan for
Case No A-14-060**



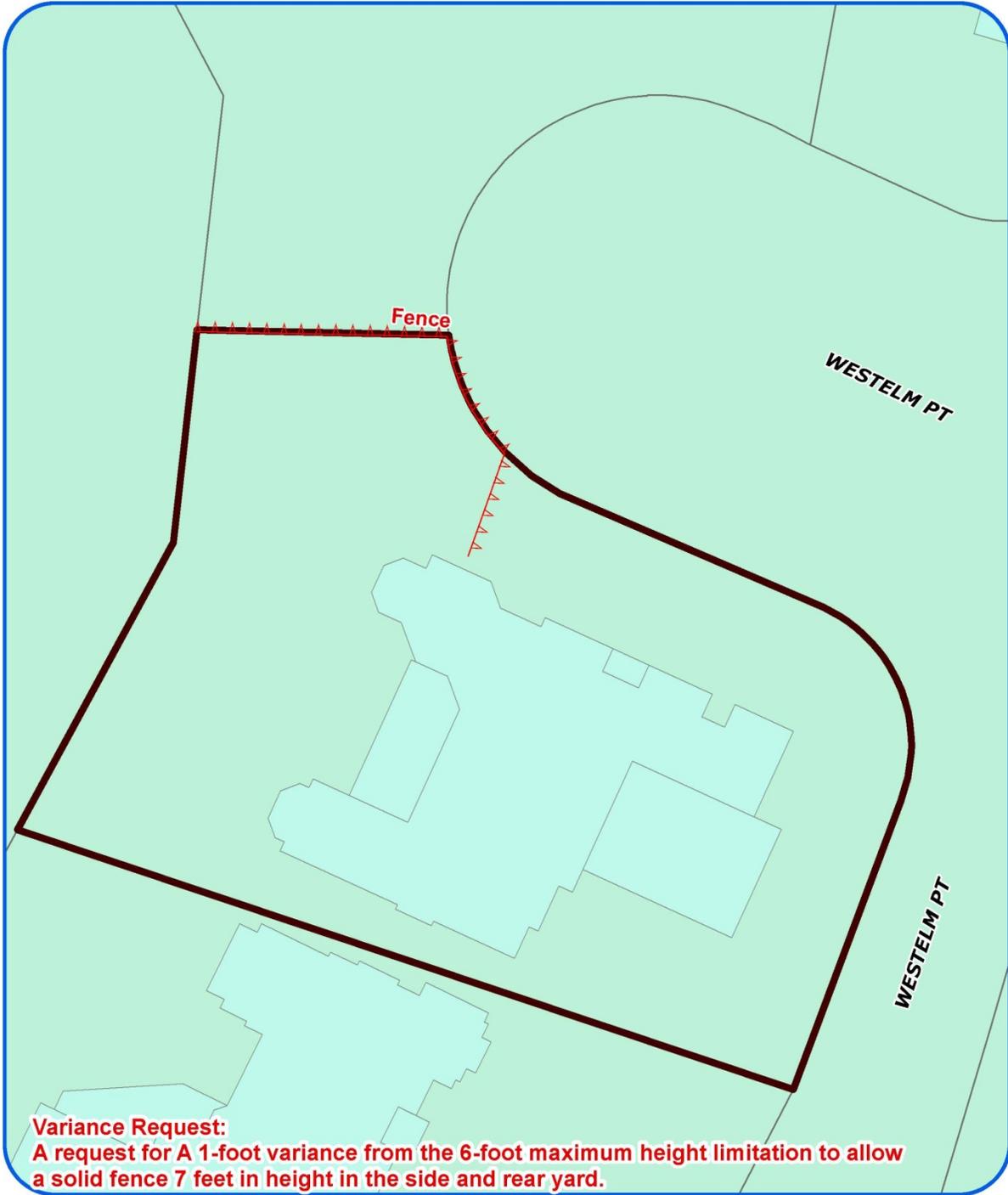
- San Antonio City Limits
- Subject Property
- 200' Notification Boundary
- Council District 8



"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-14-060



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

3 West Elm Point ^{1:300}

Development Services Department
City of San Antonio

**Attachment 2 (Continued)
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-060



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

3 West Elm Point ^{1:300}

Development Services Department
City of San Antonio

**Attachment 4
Site Photos**





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

To: Board of Adjustment
Case No.: A-14-062
Date: May 19, 2014
Applicant: Ronald & Chastity Puente
Owner: Ronald & Chastity Puente
Location: 151 Lelani Place
Legal Description: Lot 29, Block 32, NCB 15275
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

The applicant is requesting a 3-foot variance from the maximum 3-foot fence height, as specified in UDC Section 35-514(d), to allow a 6-foot fence in 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 May 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 16, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is a 9,000 square foot lot within the Lackland City Subdivision, recorded in 1960. According to Bexar County Appraisal District, the home was constructed in 1967. The Puente family has owned the house for 14 years. The home currently includes a 4-foot chain-link fence around the front yard and a 6-foot privacy fence around the rear. The applicant is requesting a variance to allow an 8-foot fence in the rear and a 6-foot fence along the west property line in the front yard. The two neighboring property owners have had a long history of conflict, including many police calls and mediation, initiated by the SAPD. As a result of this mediation, both owners were instructed to ignore each other and not take videos or photos of each other. The neighboring property owner was not agreeable and left the mediation meeting

disgruntled. Many of the accusations include spying on each other. The SAFFE Officer suggested the fence variance as an approach to assist in this effort.

Should the Board decide to grant the variance for the front yard fencing, the Traffic Engineer has evaluated the site for sight distance requirements. After evaluation, he determined that their plan to stop it 12 feet from the curb will suffice.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“OCL” Outside City Limits	Lackland Airforce Base
South	“R-6 AHOD” Residential-Single-Family Airport Hazard Overlay District	Single-Family Home
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the United Southwest Community Plan area and designated for low density residential land use. The property is located within the boundaries of People Active in Community Effort, 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.*

The public interest is defined as the general health, safety and welfare of the public at large. **The public interest in this case is represented by the expected quiet enjoyment of private property.** Every resident anticipates some level of privacy on their own property. This privacy fencing is apparently required to provide this sense of security and therefore is not contrary to the public’s interest.

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

The applicant states that there is a desperate need for separation between the two owners. The applicant states that there is not adequate space to plant a hedge, because of

the driveway location and width. The Board of Adjustment is asked to evaluate the situation and determine if the literal enforcement of the ordinance results 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 requesting variances from the current regulations that limit fencing in both the front and the rear yards. The fence regulations were designed and adopted for the typical situation, not the unique situation as described above. **The stress associated between these two neighboring property owners has been on-going since 2006 and needs resolution. The fencing will assist in this resolution and therefore will observe the spirit of the ordinance.**

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

The requested 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.*

One of the essential objectives of regulating front yard fencing is to preserve visibility of the street by people indoors. While there are no other front yard fences of this type along this street, the fence as proposed will not reduce the “eyes on the street”.

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.*

According to the applicant, the unique circumstance existing on the property is the on-going conflict between the abutting property owners. Other solutions have been explored and proven unsuccessful. Therefore, the privacy fencing allowed by the variance in both the front and rear yards is warranted.

Staff Recommendation

Staff recommends **approval of A-14-062**, based on the following findings:

1. The situation warrants additional fence height as a strategy for reducing stress between the two neighboring property owners.

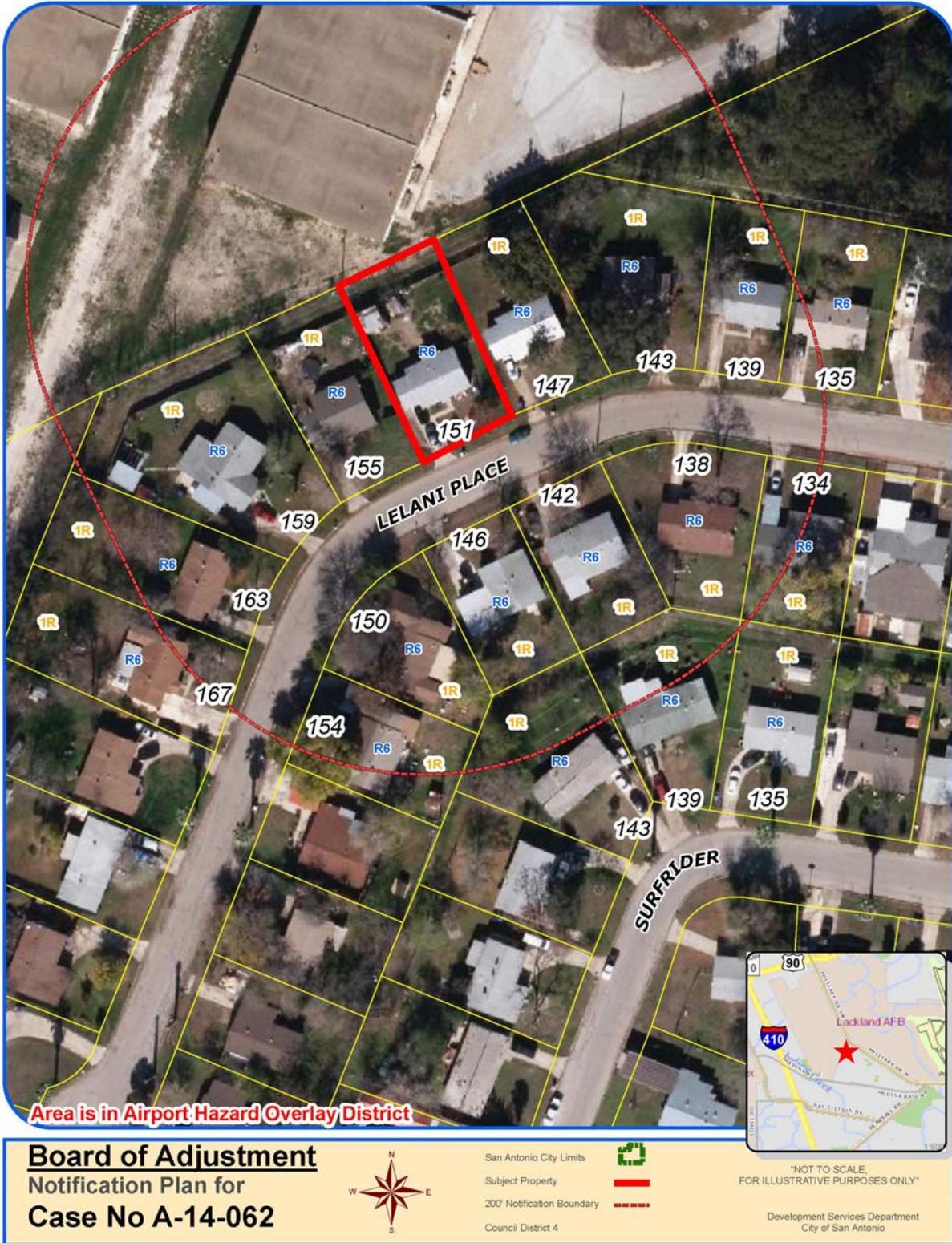
Attachments

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

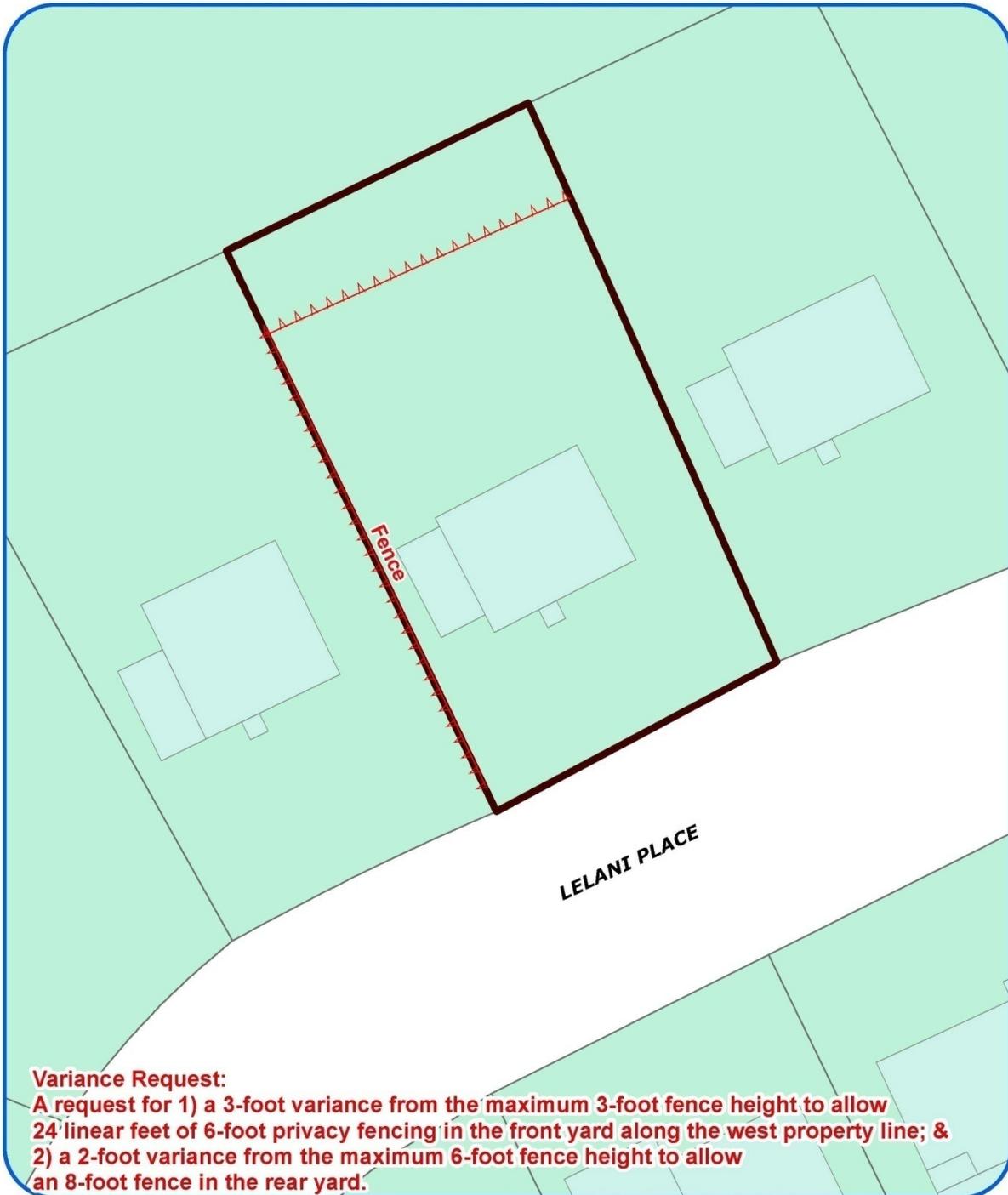
Attachment 1 Notification Plan



**Attachment 1
Notification Plan (cont)**



**Attachment 2
Plot Plan**



Board of Adjustment
Plot Plan for
Case No A-14-062



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

151 Lelani Place

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan (cont)**



Variance Request:

A request for 1) a 3-foot variance from the maximum 3-foot fence height to allow 24' linear feet of 6-foot privacy fencing in the front yard along the west property line; & 2) a 2-foot variance from the maximum 6-foot fence height to allow an 8-foot fence in the rear yard.

**Board of Adjustment
Plot Plan for
Case No A-14-062**

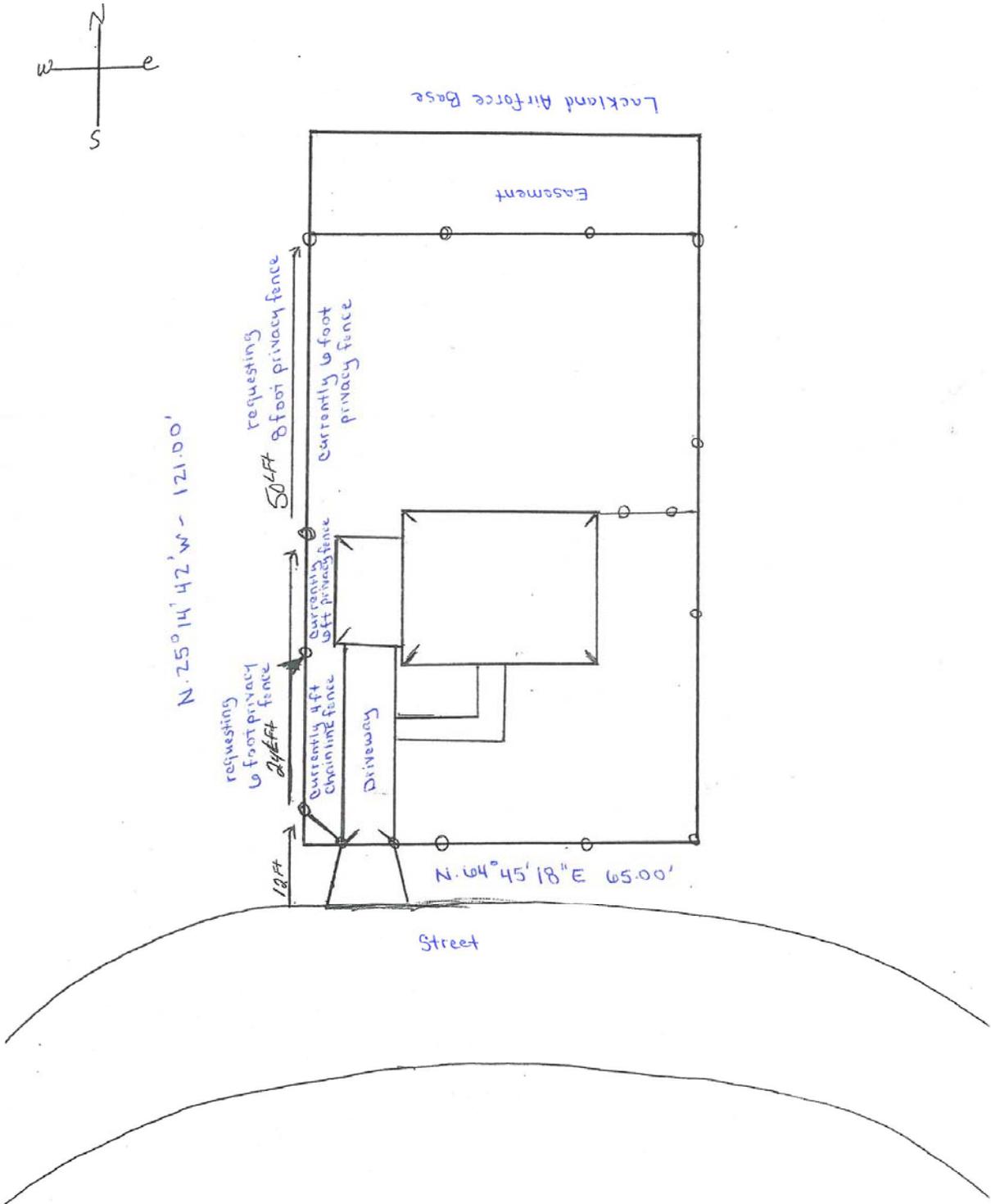


"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District 4

151 Lelani Place

Development 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-14-059
Date: May 19, 2014
Applicant: Lori Poujol
Owner: Lori Poujol
Location: 510 W. Lynwood
Legal Description: Lots 15 & 16, Block 2, NCB 6424
Zoning: "R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood
Conservation Airport Hazard Overlay District
Prepared By: Margaret Pahl, AICP Senior Planner

Request

A request for 1) a 2.5-foot variance from the minimum 5-foot side setback to allow a carport 2.5 feet from the side property line; 2) 5-foot variance from the minimum 5-foot front facade setback; 3) a variance to allow a roof pitch on the carport different from that of the primary structure.

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 May 2, 2014. The application details were published in The Daily Commercial Recorder, an official newspaper of general circulation, on May 2, 2014. Additionally, notice of this meeting was posted at City Hall and on the City's internet website on or before May 16, 2014, in accordance with Section 551.043(a) of the Texas Government Code.

Executive Summary

The subject property is located on the south side of W. Lynwood near its intersection with Breeden Street. The two-story wood frame house was built in 1926. The current owner has lived in the house for 12 years and recently hired a contractor to repair the carport. The contractor did not secure proper building permits prior to construction and decided to replace the carport rather than repair it. Code Compliance Officers issued a citation for work without a permit. In its current configuration, the carport cannot be permitted. It does not satisfy the minimum side yard

setback and it does not comply with Neighborhood Conservation District design requirements. Therefore, the above-referenced variances are required.

Pursuant to Table 310-1 of the UDC, buildings in the “R-6” Residential Single-Family zoning district shall be set back a minimum of ten (10) feet from the front property line, and five (5) feet from the side property line. Houses were usually built with one side setback larger than the other to accommodate a driveway. Then as an afterthought, a carport is added. According to Bexar County Appraisal District, this house had a carport constructed the same year as the house (1926). The applicant states that the carport is 2.5 feet from the side property line. Though a gutter has not yet been installed, it is the applicant’s intent to add a gutter.

The Alta Vista Neighborhood Conservation District (NCD) design guidelines have two relevant requirements regarding the subject carport. The first is a front façade setback of 5 feet. The intent behind this required setback is to preserve the streetscape view of passersby. If the carport or garage is behind the front façade of the house, it reduces its visual prominence. A wooden fence is currently installed about one car length into the carport to secure the back yard area. Without modification to this fence, the carport could not protect a vehicle and satisfy this setback.

The other Alta Vista NCD design requirement is that the carport roof line matches that of the primary structure. In this case, the house is two stories with a straight gable roof. The gables face east & west toward the neighbors. The carport was built with a roof that slopes away from the main house. The applicant hopes to gain variances to allow these design details to remain.

If the variance requests are approved, fireproofing consistent with the International Residential Code, and gutters (and any other applicable building or city code) will be required.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
South	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
East	“R-6 NCD-2 AHOD” Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay Dist.	Residential Duplex

West	"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport	Single-Family Residential
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Midtown Neighborhood Plan area and designated for low-density residential land use. The property is located within the boundaries of Alta Vista, 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.*

The public interest in this case is represented by minimum setbacks established to ensure that activities on individual properties do not impact the rights of a neighboring property owner and allow for property maintenance. The distance of 2.5 feet does allow for maintenance and thus the setback variance is not contrary to the public interest. The Neighborhood Conservation requirements however are important components to preserving the features that make this neighborhood so attractive to potential buyers. The façade setback is one such feature that should be enforced in the public interest. **The roof pitch is not as influential in this application, given the type of roof design on the primary structure. Therefore, the variance to roof pitch would not be contrary to the public interest.**

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

A carport was constructed in the same location as the historic one was, with room for just one vehicle. With the minimum setback in place, there is not room for a carport over the driveway. This is true for most carports. The Board will have to determine if this requirement creates an unnecessary hardship for the applicant. **Given the location of the carport, so close to the neighboring home and even with or behind the front façade of the primary house, a gable roof over the carport would be unnoticeable and could be considered an unnecessary hardship.**

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

The variance request may be considered consistent with the spirit of the ordinance, by allowing a carport where one has always been. **The applicant states that they had no intention to replace the carport, only repair it. In addition, they have agreed to comply with fire-rated construction requirements and install gutters to minimize the impact on the neighboring property owner.**

- 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-2 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 variances will likely not alter the characteristics of the district since it replaces a carport that was in the exact same location. By reducing the first 5 feet of the carport, consistent with the design requirements of the NCD, it will become less intrusive. One neighbor, who wanted to remain anonymous, stated that the wooden supports seemed unfinished and incomplete. Perhaps the fire rating retro-fit can contribute to a design solution that would enhance the character 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 condition that exists on the property is that the house was constructed with only enough setback for a driveway on one side, typical for houses built during the first half of the 20th century. The applicant hired a contractor to repair the existing carport and he did so without permits. The applicant is seeking the variances in order to retain the improvements as installed.

Alternatives to Applicant’s Request

The alternative to the applicant’s request is to comply with the UDC setback requirements, & remove the carport.

Staff Recommendation

Staff recommends **approval of two of the three variances, Case A-14-059**, based on the following findings:

1. The new carport replaces a previous carport that existed on the site and was dilapidated beyond repair.

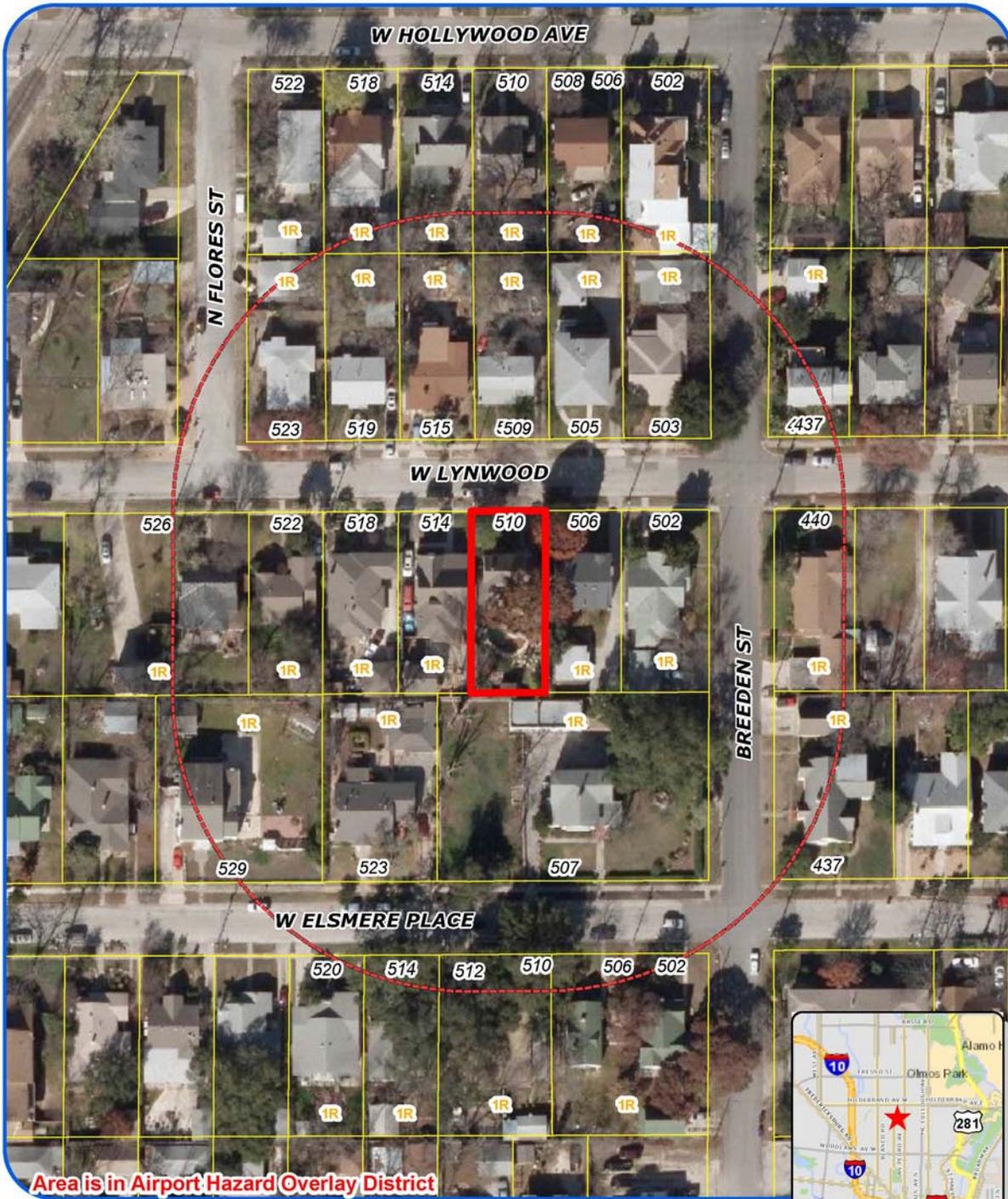
Attachments

- 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**



Area is in Airport Hazard Overlay District



**Board of Adjustment
Notification Plan for
Case No A-14-059**

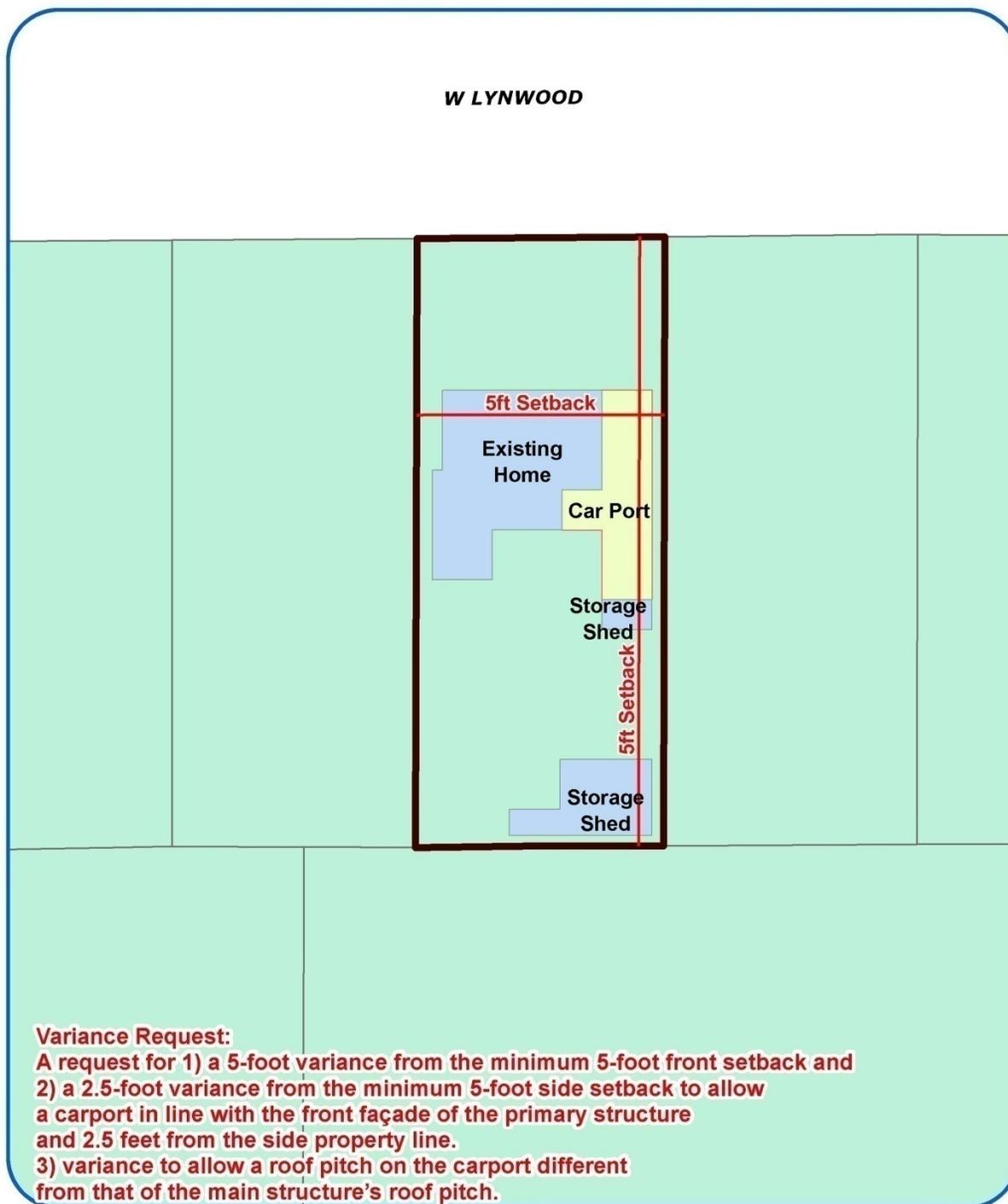


- San Antonio City Limits 
- Subject Property 
- 200' Notification Boundary 
- Council District 1

"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"

Development Services Department
City of San Antonio

**Attachment 2
Plot Plan**



Variance Request:

A request for 1) a 5-foot variance from the minimum 5-foot front setback and 2) a 2.5-foot variance from the minimum 5-foot side setback to allow a carport in line with the front façade of the primary structure and 2.5 feet from the side property line.

3) variance to allow a roof pitch on the carport different from that of the main structure's roof pitch.

Board of Adjustment
Plot Plan for
Case No A-14-059



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

510 W Lynwood Ave. ^{1:300}

Development Services Department
City of San Antonio

Attachment 2 (cont)
Plot Plan



Variance Request:

A request for 1) a 5-foot variance from the minimum 5-foot front setback and 2) a 2.5-foot variance from the minimum 5-foot side setback to allow a carport in line with the front façade of the primary structure and 2.5 feet from the side property line. 3) variance to allow a roof pitch on the carport different from that of the main structure's roof pitch.

Board of Adjustment
Plot Plan for
Case No A-14-059



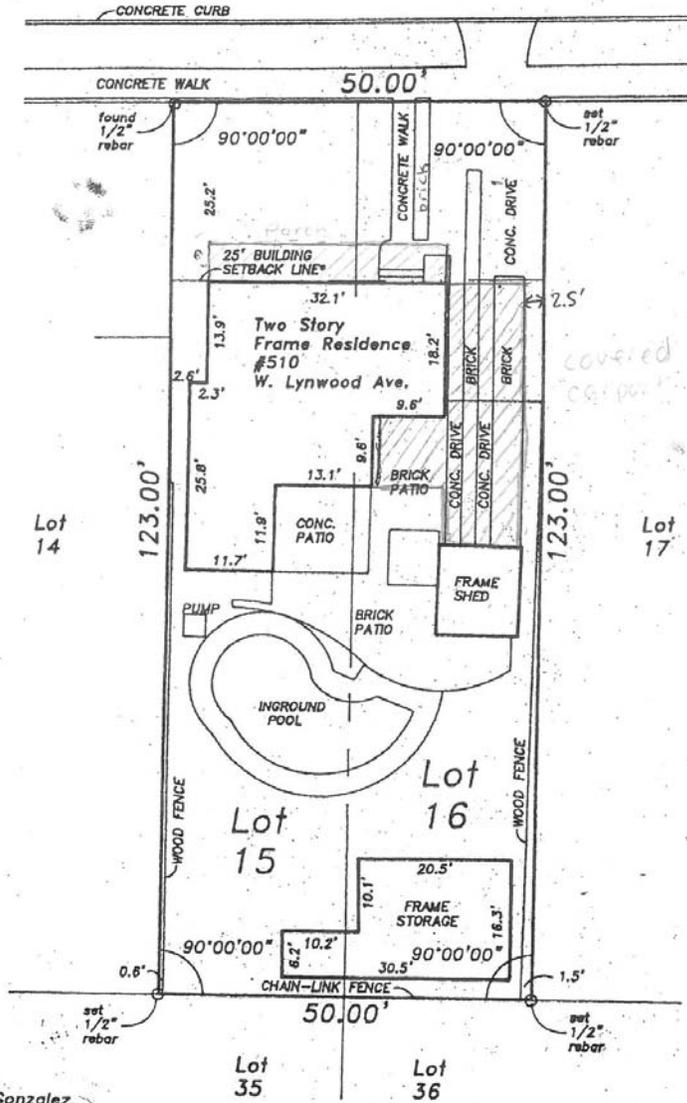
"NOT TO SCALE,
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Council District 1

510 W Lynwood Ave. ^{1:300}

Development Services Department
City of San Antonio

Attachment 3 Applicant's Site Plan

W. Lynwood Ave. (50' public right-of-way)
(BEACON AVE. on plat)



Drawn by: Arthur Gonzalez,
Josette J. Gonzalez and
Henry R. Martinez

NOTE: ADDITIONAL SETBACK LINES OR EASEMENTS
MAY BE IN THE RESTRICTIVE COVENANTS.

Scale: 1" = 20'

Angles are based on
field measurements.



**Attachment 4
Site Photos**



Attachment 4 (cont)
Site Photos

