



City of San Antonio
Development Services Department
Land Entitlements Section

APPEAL TO THE PLANNING COMMISSION

15-IV-006

Instructions:

1. All applicable information must be legibly printed or typed for processing.
2. Application must include a copy of the notification and decision letter, and the rationale, in detail, for the request for appeal. Please attach additional pages as necessary. All additional pages must be numbered and labeled.
3. All signatures must be originals. Applications may not be faxed or emailed.
4. An application will not be accepted without the required application fee. All checks must be made payable to "City of San Antonio."
5. Any appeal of the decision of the Director to the Planning Commission will be based on information submitted to the Director for the related application.

To the Honorable Members of the Planning Commission:

In reference to:

Project Name: APPEAL OF CERTIFICATE OF DETERMINATION
 Application Type: APPEAL TO PLANNING CO. Application No.: _____
 Address/Location: PRIEST RD
 Legal Description: COUNTY BLOCK 4010, P. 76A. ABS 2

The Applicant, GABRIEL A. POP, 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 Unified Development Code (UDC). Please explain in detail below:

Respectfully submitted,

APPLICANT INFORMATION

Business/Company Name: _____

Point of Contact: _____

Status: _____

Owner ☒ Agent ☐

Mailing address: _____

Telephone: Home/Office: () -

Mobile: (409) 833-1946

Other phone: () -

Email: _____

PROPERTY OWNER INFORMATION

Business/Company Name: _____

GABRIEL A. POP

Point of Contact: _____

NICULAE POP

Mailing address: _____

353 EAGLE RIDGE DR. FLORESVILLE, TX 78114

Telephone: Home/Office: () -

Mobile: (409) 833-1946

Other phone: () -

Email: _____

AUTHORIZATION FROM PROPERTY OWNER

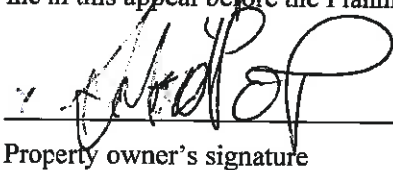
I, GABRIEL A. POP

the owner of the subject property,

authorize NICULAE POP

to submit this application and represent

me in this appeal before the Planning Commission.



Property owner's signature

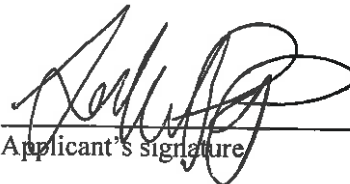
11/17/15

Date

I, the undersigned, hereby certify that all information contained herein and the attached documents are true and correct to the best of my knowledge. I understand my continuing obligation to notify in writing the Development Services Department of the inaccuracy of any statement or representation that was incorrect when made or becomes incorrect by virtue of changed circumstances.

GABRIEL A. POP

Applicant's Name



Applicant's signature

11/17/15

Date

Sworn to and subscribed before me by Gabriel Anthony Pop on this 21st day of November in the year 2015, to certify which witness my hand and seal of office.

OFFICE USE ONLY

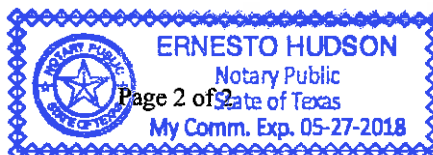
Application/Case No.: _____

Submittal Date: _____

Ernesto Hudson

Notary Public, State of Texas

Appeal to the Planning Commission



Revised: 7/2/2012

REMIT TO:
CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO
1901 S ALAMO
SAN ANTONIO TX 78204

I N V O I C E
3829466

AMT ENCLOSED

50-05-5574
NICULAE POP
353 EAGLE RIDGE
FLORESVILLE TX 78114

AMOUNT DUE 350.00
INVOICE DATE 11/24/2015
DUE DATE 11/24/2015

PHONE: (210) 833-1946

COD APPEAL
15-IV-006

FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE	INVOICE	ACCOUNT	DUE DATE	OFFICE HOURS
11/24/2015	3829466	50-05-5574	11/24/2015	

LINE	INDEX REF	DESCRIPTION	AMOUNT
1	012880-001	VARIANCE/ADMIN EXCEPTIONFEE	350.00

PAID
NOV 24 2015
DSD -

AGREEMENT DATES	SERVICE DATES	ORDINANCE	CONTRACT	DOCUMENT
ST:	11/24/2015		CREDIT CARD	15-IV-006
END	11/24/2015			

INVOICE INFORMATION	INVOICE AMT	PAYMENTS RECV	TOTAL INV AMT DUE
	350.00	0.00	350.00

CUSTOMER INFORMATION	OTHER AMTS DUE	TOTAL CUST AMT DUE



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
LAND ENTITLEMENTS SECTION

Rec 8/15/2013

CERTIFICATE OF DETERMINATION REQUEST FORM

Official Use Only	
COD # <u>13-172</u>	Planner _____ <input type="checkbox"/> Approved <input type="checkbox"/> Denied

Section 35-430(c) of the UDC allows exceptions to platting requirements. If the site meets one of these plat exceptions, a Certificate of Determination will be issued to the owner of the subject property.

PROPERTY OWNER INFORMATION

Business/Company Name: GABRIEL H. POP
 Point of Contact: NICOLAE POP
 Mailing address: 353 EAGLE RIDGE, FLORESVILLE TX 78114
 Telephone: Home/Office: () - - Mobile: (210) 833-1946
 Other phone: () - - Email: _____

PROPERTY INFORMATION

Property physical address: _____
 Legal Description: NCB/CB: _____ Block: 4010 Lot/Parcel: 36
 County: BEXAR Total Acreage: 1

- Proposed Use: ☒ Residential ☐ Non-Residential ☐ Uninhabitable Use
- ☐ Inside City Limits ☐ Outside City Limits / Extra Territorial Jurisdiction (ETJ)
- Type of Service Requested:
☐ Water Service ☐ Sewer Service ☒ Electric Service ☐ Building Permit
☐ Other - specify _____
- Number of existing residential structures located on the property: 0

Required Documents:

- ☒ Warranty Deed (Show ownership & legal description of property)
- ☒ Survey, Map, and/or Drawing (Showing size, shape, and location of property)
- ☒ Current Tax Certificate
- ☒ Non- Refundable Two hundred dollar fee (\$200.00)

I hereby certify that all of the information on the entire COD Application is true and correct.	
Print Name: <u>NICOLAE POP</u>	Signature: <u>[Signature]</u>
Date: <u>08/12/13</u>	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent (Requires a notarized Letter of Agent.)

Note: Certificates are only issued in the name of the owner of the property.

Mar # 3749204

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BEXAR §

THAT THE UNDERSIGNED, NICULAE POP and ELIDA POP, herein referred to as "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto GABRIEL ANTHONY POP and BELINDA POP, herein referred to as "Grantee", whether one or more, the following described real property, to-wit:

A tract of land containing 1.000 acre out of the Francisco Farias Survey No. 15, Abstract No. 2, County Block 4010, Bexar County, Texas, and being out of a 35.056 acre tract described in deed recorded in Volume 14259, Page 1591, Real Property Records of Bexar County, Texas, said 1.000 acre tract being more particularly described in Exhibit "A" attached hereto and made a part hereof

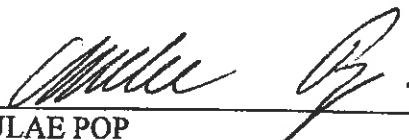
This conveyance, is executed, delivered and accepted subject to ad valorem taxes for the current year, rollback taxes due to this conveyance or Grantee's use of the subject property, maintenance fund liens, zoning ordinances, utility district assessments and standby fees, if any, any and all valid utility easements created by the dedication deed or plat of the subdivision in which said real property is located, recorded easements, reservations, mineral reservations and leases, restrictions, covenants, conditions, and rights of way easements, if any, affecting the herein described property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's

heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED the 25th day of May, 2012.




NICULAE POP



ELIDA POP

Grantee's Address, And After Recording Return To:

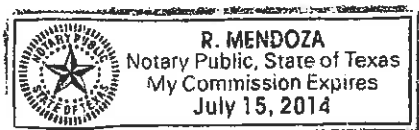
 Gabriel and Belinda Pop
353 Eagle Ridge Drive
San Antonio, Texas 782
Floresville, Texas 78114

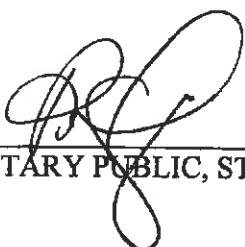
THE STATE OF TEXAS

§
§
§

COUNTY OF BEXAR

The foregoing instrument was acknowledged before me on the 25th day of May, 2012, by NICULAE POP and ELIDA POP.





NOTARY PUBLIC, STATE OF TEXAS

**METES AND BOUNDS DESCRIPTION
1.000 ACRES, BEXAR COUNTY, TEXAS**

Being 1.000 acre of land out of the Francisco Farias Survey No. 15, Abstract No. 2, County Block 4010, Bexar County, Texas, and being out of a 35.056 acre tract described in deed recorded Volume 14259, Page 1591 of the Official Public Records of Bexar County, Texas. Said 1.000 acre is more particularly described by metes and bounds as follows;

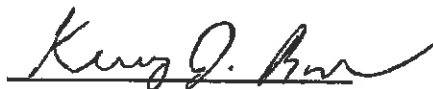
Beginning at a 1/2" iron rod set on the northwest right-of-way line of Priest Road which bears South 53 degrees 16 minutes 28 seconds West, 92.30 feet along the northwest right-of-way line of Priest Road from a 1/2" iron rod set at the south corner of Lot 36, Majestic Oaks Subdivision, as recorded in Volume 9537, Pages 39-41 of the Deed and Plat Records of Bexar County, Texas, said south corner of Lot 36 also being the east corner of said 35.056 acre tract;

THENCE with the northwest right-of-way line of Priest Road, South 53 degrees 16 minutes 28 seconds West (bearings are Texas State Plane Coordinate System, South Central Zone), 156.30 feet to a 1/2" iron rod set;

THENCE departing Priest Road and into the 35.056 acre tract, North 37 degrees 28 minutes 18 seconds West, 278.72 feet to a 1/2" iron rod set;

THENCE North 53 degrees 16 minutes 28 seconds East, 156.30 feet to a 1/2" iron rod set on the southwest line of a 2.000 acre tract, concurrently surveyed, (not yet recorded);

THENCE with said southwest line of the 2.000 acre tract, South 37 degrees 28 minutes 19 seconds East, 278.72 feet to the Point of Beginning, containing 1.000 acre of land. This description is based on a survey made by me, on the ground, and reference is hereby made to a corresponding plat of said survey.



Kerry J. Brown, RPLS No. 4916
May 11, 2012
Job # 12021



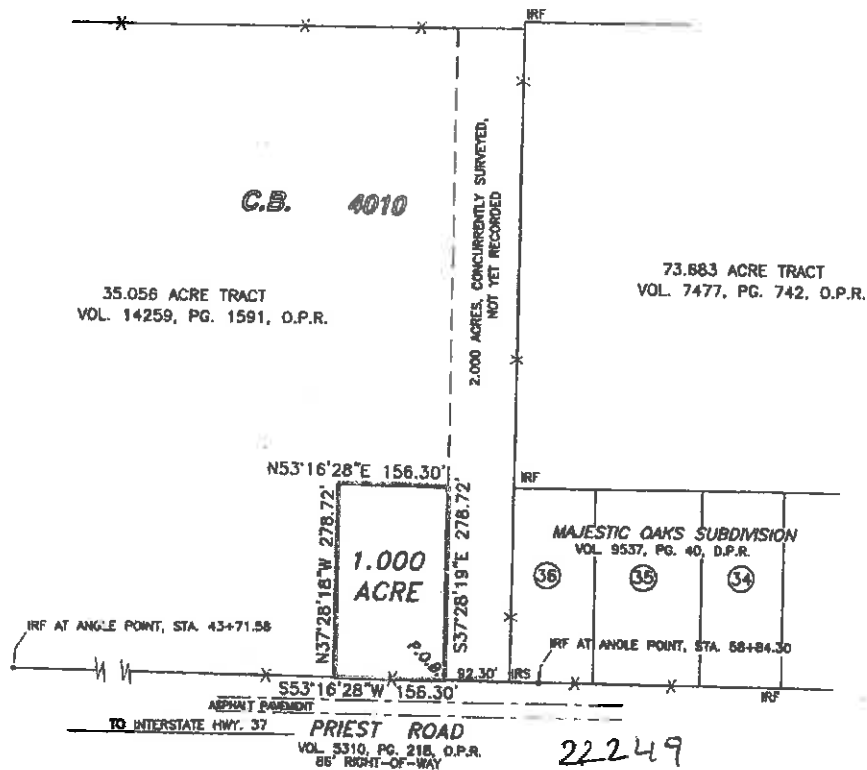
BROWN SURVEYING COMPANY
6901 Tierra Bonita, San Antonio, Texas 78263
(210) 648-3697

Doc# 20120098168
Pages 4
05/25/2012 3:50PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$24.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
05/25/2012 3:50PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard Rickhoff



NOTES:

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM,
SOUTH CENTRAL ZONE, PER GPS OBSERVATION.

A METES AND BOUNDS DESCRIPTION WAS MADE AS PART OF THIS SURVEY.
1/2" IRON RODS SET AT ALL CORNERS OF 1.000 ACRE TRACT

REFERENCE:

VOLUME 2011, PAGE 454, DEED RECORDS, 108.45 ACRE PARENT TRACT
BEXAR COUNTY PUBLIC WORKS FILE NO: 8-1203 FOR PRIEST ROAD RIGHT-OF-WAY
EASEMENTS AND COVENANTS OF RECORD

LEGEND:

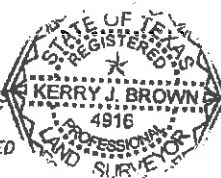
IRF = 1/2" IRON ROD FOUND
PIPE = 3/4" PIPE FOUND
DR = DEED RECORDS
D.P.R. = DEED AND PLAT RECORDS
O.P.R. = OFFICIAL PUBLIC RECORDS
P.O.B. = POINT OF BEGINNING
—X— = WIRE FENCE

BROWN SURVEYING CO.

6901 TIERRA BONITA
SAN ANTONIO, TX. 78263
(210) 646-3597, kjosurvey@aol.com

PLAT OF SURVEY

1.000 ACRE OF LAND IN THE FRANCISCO FARIA
SURVEY NUMBER 15, ABSTRACT NO. 2, COUNTY
BLOCK 4010, BEXAR COUNTY, TEXAS, AND
BEING OUT OF A 35.056 ACRE TRACT DESCRIBED
IN DEED RECORDED IN VOLUME 14259,
PAGE 1591, OF THE OFFICIAL PUBLIC
RECORDS OF BEXAR COUNTY, TEXAS



**STATE OF TEXAS
COUNTY OF BEXAR**

I HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS
AN ACTUAL SURVEY MADE ON THE GROUND UNDER
MY DIRECT SUPERVISION.

This the 11th day of MAY, 2012 A.D.

KERRY J. BROWN

R.P.L.S. NO. 4916

Field Book _____ Page _____ Job No. 12021

TAX CERTIFICATE



ALBERT URESTI, MPA
BEXAR COUNTY TAX ASSESSOR-COLLECTOR
P O BOX 839950
SAN ANTONIO, TX 78283-3950

Issued To:

NICULAE POP
353 EAGLE RIDGE
FLORESVILLE, TX 78114

Legal Description:

CB 4010 P-76C ABS 2

Fiduciary Number: 1120618

Parcel Address: PRIEST RD

Legal Acres: 35.0560 ✓

Account Number: 04010-000-0764

Certificate No: 10822811

Certificate Fee: \$10.00

Print Date: 08/01/2013

Paid Date:

Issue Date: 08/01/2013

Operator ID: LHER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2012. ALL TAXES ARE PAID IN FULL

Exemptions:

OPEN SPACE 1-D-1

Certified Owner:

WILSON ESTHER E
PO BOX 781676
SAN ANTONIO, TX 78278-1676

2012 Value:	146,530
2012 Levy:	\$71.66
2012 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):

8 FLOOD FUND
9 ALAMO COMM COLLEGE
10 HOSPITAL DISTRICT
11 BEXAR COUNTY
19 S A RIVER AUTHORITY
59 SOUTHSIDE ISD
75 EMERG.SERV.DIST.#6

DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION


ALBERT URESTI, MPA
BEXAR COUNTY TAX ASSESSOR-COLLECTOR



Reference (GF) No: N/A

TAX CERTIFICATE



**ALBERT URESTI, MPA
BEXAR COUNTY TAX ASSESSOR-COLLECTOR
P O BOX 839950
SAN ANTONIO, TX 78283-3950**

Account Number: 04010-000-0764

Certificate No: 10822811

Account Number	Year(s)	Amount Due	Cause Number
04010-000-0760	No Years	0.00	
04010-000-0761	No Years	0.00	
04010-000-0763	No Years	0.00	

REMIT TO:
CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO
1901 S ALAMO
SAN ANTONIO TX 78204

I N V O I C E
3749206

AMT ENCLOSED _____

AMOUNT DUE 200.00
INVOICE DATE 8/15/2013
DUE DATE 8/15/2013

50-05-5574
GABRIEL A. POP
353 EAGLE RIDGE
FLORESVILLE, TX 78114

PHONE: (210) 833-1946

CERTIFICATE OF DETERMINATION
COD#13-172

FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE 8/15/2013 INVOICE 3749206 ACCOUNT 50-05-5574 DUE DATE 8/15/2013 OFFICE HOURS -

LINE	INDEX REF	DESCRIPTION	AMOUNT
1	083576-001	ETJ CERTIFICATES OF DETERMATION FEE	200.00

PAID
AUG 15 2013
USD-#3

AGREEMENT DATES SERVICE DATES ORDINANCE CONTRACT DOCUMENT
ST: 08/15/2013 CASH CD#13-172
END 08/15/2013

INVOICE INFORMATION	INVOICE AMT	PAYMENTS RECV	TOTAL INV AMT DUE
	200.00	0.00	200.00

CUSTOMER INFORMATION OTHER AMTS DUE TOTAL CUST AMT DUE

CITY OF SAN ANTONIO
DEV SVCS-1901 S. ALAMO 1901 S ALAMO SAN ANTONIO TX 78204

PAGE 1 OF 1



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 839966 | SAN ANTONIO TEXAS 78283-3966



August 23, 2013

Gabriel A. Pop
353 Eagle Ridge
Floresville, Texas 78114

Re: Denial of Certificate of Determination Request #13-172

Dear Mr. Pop:

The City of San Antonio, Development Services Department reviewed your request for a Certificate of Determination for property located at Priest Road. Based on the submitted information, your request is ineligible for a plat exception. All requests for plat exceptions must follow the guidelines identified in the Unified Development Code, Article IV, Procedures; Division 4, Subdivision, Section 35-430(c) (9) and Texas Statutes, Local Government Code, Section 212.0115, Certification Regarding Compliance with Plat Requirements.

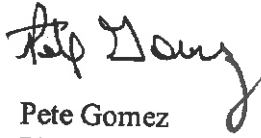
At this time, staff is **unable to approve** your request for the following reason(s):
The subject property is a recently purchased portion of a lot. As per Section 430 (C) (9) a lot must be the remaining portion of a lot.

To proceed, staff has identified the following steps:

- 1) All applicants can appeal the determination to the Planning Commission by submitting a request in writing to the Development Services, Land Entitlements section. The application to Appeal to the Planning Commission is available online at webapps1.sanantonio.gov/dsddocumentcentral/upload/Application%20Appeal.pdf. The fee for an appeal to Planning Commission is \$350.00.
- 2) Alternatively, you may plat or replat the subject property in accordance with State and local requirements. Please contact Land Entitlements staff for further instructions. The application to Plat or Replat properties is available online at webapps1.sanantonio.gov/dsddocumentcentral/upload/Plat%20Application.pdf. Platting fees will vary dependant on acreage and location.

For further information regarding an appeal the Planning Commission or the Plat/Replat process, Please contact the Development Services Department Land Entitlement section at (210) 207-1111. If you have any questions about the denial of your request please feel to contact Elizabeth Carol at (210) 207-7893.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Gomez", written in a cursive style.

Pete Gomez

Planner

City of San Antonio

Development Services Department

(210)207-1111

Planning Commission
City of San Antonio
Development Services Department

November 16, 2015

Re: Appeal to the Denial of a Certificate of Determination Request # 15-186

Mr. Gabriel Anthony Pop of CB 4010 P-76D ABS 2 Priest Road. A property outside the City Limits of the City of San Antonio, but within its Extraterritorial Jurisdiction wish to Appeal the Denial of the Certificate of Determination Request mentioned above.

During the review, it was determined that the subject property does not qualify for the provision of Section **430 (C)(11)(C)** of the City of San Antonio Unified Development Code which allows utility service for up to 3 residential dwellings, because said property was reapportioned after January 1, 2005.

We are requesting a variance for the requirement that the property must be reapportioned prior to January 1, 2005. For utility purposes, it should not matter when a parcel is reapportioned.

Further, we are asking the Planning Commission to consider requesting the removal of this requirement from the UDC. It is not fair that only properties reapportioned before January 1, 2005 be allowed this privilege.

Sincerely

A handwritten signature in black ink, appearing to read 'Gabriel A Pop', is written over a horizontal line. The signature is stylized with a large loop at the end.

Gabriel A Pop