



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



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 124**
Administrative Exception Variance Request Procedures for Building
Permits, Environmental, and Platting (AEVR)

DATE: October 10, 2006/*Revised November 16, 2007/August 1, 2014*

CREATED BY: Land Development Division/Engineering and Environmental Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update IB 124. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

The City's Unified Development Code (UDC) provides applicants the opportunity to seek administrative reprieve from sections of the code that are routinely modified, as well as provides ways to appeal administrative decisions by submitting Variances to Planning Commission. UDC Section 35-511(e) allows Administrative Variances for items relating to Division 3 Landscaping and Tree Preservation (Environmental Variances). UDC Section 35-436 allows for Administrative Exceptions for subdivision plat related items. UDC Section 35-501 lists specific code sections in which an Administrative Exception may be granted. The current UDC and its amendments as well as fee schedules may be accessed under "documents on-line" at the following web link: <http://www.sanantonio.gov/dsd>.

Scope:

The Administrative Exception/Variance Request (AEVR) is required to show that the spirit, intent, and minimum acceptable level of public health, welfare and safety are preserved as ordained by the UDC. Through this process, the City is attempting to resolve issues administratively during platting, tree permit applications and building permit reviews before variances to the Board of Adjustment or Planning Commission become necessary. This same process may be used to request a variance to UDC related items for Planning Commission decision. This process has been introduced to help expedite and evaluate your requests in a consistent and timely manner throughout the Development Services Department and its Divisions.

The AEVR process is not used for applications to variances for zoning regulations. For more information and contacts please see the following website: <http://www.sanantonio.gov/dsd/services/zoning.aspx>. A Board of Adjustment application may be obtained using the following document: <http://docsonline.sanantonio.gov/FileUploads/dsd/BOA%20App.pdf>.

Procedures

The following procedures are to be followed to help expedite the review of your AEVR for a platting issue, or tree permit and/or building permit issue.

1. The AEVR is to be submitted to DSD using the attached application and the form letter with supporting documentation provided in the recommended format. The AEVR will be logged-in with copies routed to the appropriate staff for review/recommendations.
2. One AEVR is required for each item/code issue under consideration.
3. The supporting documentation for the AEVR is to be prepared on company letterhead, signed and dated. See the example provided. The letter shall include the minimum information listed or the application will be deemed incomplete and will result in delaying the review process.
4. The AEVR must be signed by the Owner, or the Owner's representative.

The fee for Administrative Exceptions, Environmental Variances to Trees and Landscaping and the fee for a Variance to Planning Commission that is submitted for review and consideration is located on the DSD Fee Schedule that can be downloaded on-line at the web address above. (Currently \$350.00) The fee must be included with the variance request application and letter. For building permits, the fee is assessed once per site for each discipline. For example, one fee may be assessed for traffic related issues and another fee assessed for tree and landscape issues for the same site. A variance to Planning Commission is assessed per issue going before the Commission.

5. The applicant can deliver or mail AEVR packages to:

Development & Business Service Center, 1901 S. Alamo, San Antonio, Texas 78204

Attention:

Building Permits – Plans and Permits Administrative staff

Trees and Landscaping – Environmental Section Review staff

Platting Administrative Exceptions and Variances – Land Entitlement – Subdivision Staff

6. The AEVR will be routed to the appropriate staff for review. After staff review of the Administrative Exception or the Environmental Variance, DSD will respond by approving your request, approving your request with additional requirements, or denying your request. In all cases, the ruling will be made in writing and the applicant will receive a copy of the ruling.
7. The estimated turnaround time for an Administrative Exceptions, or Platting Variance review and action is fifteen (15) business days. For Variances to platting, the UDC allows five (5) working days to review the submission for completeness. Variances to Planning Commission will be scheduled for consideration the same commission date as the plat. Environmental Variances will be reviewed as soon as possible, but will be reviewed before 30-days.
8. For plats, Variances filed pursuant to Certificate of Determination requests shall be subject to a review time of up to 20 days in accordance with UDC Section 35-430(d) prior to scheduling the variance for Planning Commission. In such cases where the variance is approved, the Certificate of Determination shall be issued within 10 days. Additional fees may apply.

Records

Your AEVR application and the final decision of the DSD Director or Planning Commission shall be officially recorded in the permanent records of this department.

Should you be dissatisfied with the action/ruling taken on your Administrative Exception, or Environmental Variance you have the right to appeal the ruling to Board of Adjustment or Planning Commission in accordance with the provisions of the UDC Section 35-483. Additional fees may apply.

If you have any questions about this administrative exception/variance or about the procedures to follow, please call

Attachments:

1. AEVR Application required to be submitted.
2. Required format for AEVR Letter to be submitted to DSD. You may request this letter as a Word Document from Plans and Permits, Land Development staff, or download from the DSD website. The administrative portion indicating “Approved, Approved with Comments, or Denied” must be included in the letter.

Summary:

This Information Bulletin is for informational purposes only.

Prepared by: Pablo Martinez, PE, Development Services Engineer

Reviewed by: Pablo Martinez, PE, Development Services Engineer

Authorized by: John Jacks, Assistant Director



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Idea-Culebra Academy Phase I
A/P # /PPR # /Plat #	A/P# (P)A2522546
Date:	2/19/2020
Code Issue:	Tree Preservation
Code Sections:	35-523 (h)

Submitted By:	Owner	Owners Agent * (Requires notarized Letter of Agent)
Owners Name: Wyatt Truschiett		
Company: IDEA Public Schools		
Address: 2115 W. Pike Blvd., Weslaco, Texas		Zip Code: 78596
Tel #: 956-377-8000 Fax# 956-477-3796 E-Mail: wyatt.truscheitt@ideapublicschools.org		
Consultant: Les Bell, RLA		
Company: L.H. Bell Landscape Architect PC		
Address: 404 East Ramsey Road, Suite 200, San Antonio, Texas		Zip Code: 78216
Tel #: 210-340-5959 Fax# N/A		E-Mail: lh.bell@sbcglobal.net
Signature:		

Additional Information – Subdivision Plat Variances & Time Extensions

1. ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal
X Other Tree Preservation

2. City Council District _____ Ferguson Map Grid _____ Zoning District C-2

3. San Antonio City Limits ☒ Yes ☐ No

4. Edwards Aquifer Recharge Zone? ☐ Yes ☒ No

5. Previous/existing landfill? ☐ Yes ☒ No

6. Parkland Greenbelts or open space? Floodplain? ☒ Yes ☐ No

L.H. BELL LANDSCAPE ARCHITECT PC

404 East Ramsey Road, Suite 200, San Antonio, Texas 78216
T. 210.340.5959 lh.bell@sbcglobal.net

February 19, 2020

Development Services Staff, Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, TX 78204

Attention: Trees and Landscaping Environmental Section Review Staff

Re: AEVR #T 9748 / A2522546, ENVIRONMENTALLY SENSITIVE AREA of the IDEA-Culebra Academy-Phase I, UDC Code Section 35-523 (h) Tree Preservation

Dear Development Services,

IDEA Public Schools, is constructing a new school campus with associated site improvements on existing 17.4 acres of undeveloped land zoned C-2 located at 10138 Culebra Road, San Antonio, Texas 78251. On behalf of IDEA Public Schools (the Owner), we are requesting, for consideration, a tree preservation variance for the ENVIRONMENTALLY SENSITIVE AREA from Unified Development Code- Article V, 35-523 (h).

Specifically we are requesting consideration for approval to mitigate for removal of surveyed trees within the ENVIRONMENTALLY SENSITIVE AREA (ESA) in excess of 80% minimum preservation of protected significant trees in place. The Code Issue is Article V, Sec. 35-523 (h) Tree Preservation of the UDC. This request for administrative exception will not be contrary to the spirit and intent of the UDC and specific regulations from which this exception is requested.

Due to the nature of a school campus with the associated playgrounds, outdoor class areas and exercise areas, it is necessary that the owner be allowed to use the ENVIRONMENTALLY SENSITIVE AREA (ESA).

Existing within the ESA is a variety mixture of six (6) trees

- Tree #17 10" caliper Mesquite
- Tree #18 13" caliper Hackberry
- Tree#46 14" caliper Mesquite
- Tree#47 9" caliper Cedar Elm
- Tree#58 11" caliper Mesquite
- Tree#59 11" caliper Mesquite

Existing trees will need to be removed and mitigated. Mitigation for these trees in the ENVIRONMENTALLY SENSITIVE AREA are estimated as:

- Total caliper inches of existing trees in the ESA 68"
- Minimum Total caliper inches required $(68" \times 80\%) = 54.4"$
- Total caliper inches removed $(10" + 13") = 23"$
- Total caliper inches preserved $(14" + 9" + 11" + 11") = 45"$
- Total caliper inches mitigated $(54.4" - 45") = 9.4"$

To mitigate back 100% of the 23 caliper inches of removed trees the Owner is requesting that they be allowed to mitigate 9.4" caliper inches by enlarging eight (8) proposed medium to large trees from 1.5" caliper inch to 3.0" caliper inch for a total of ten (10") inches of four different tree species (Bur Oak, Shumard Red Oak, Mexican Sycamore and Cedar Elm). The following eight (8) new trees will be planted and irrigated by the campus automatic irrigation system:

- 3" caliper Cedar Elms (2 x 3" = 6")
- 3" caliper Shumard Red Oaks (2 x 3" = 6")
- 3" caliper Mexican Sycamore (2 x 3" = 6")
- 3" caliper Bur Oaks (2 x 3" = 6")
- Total caliper inches for mitigation 24"
- Percentage Mitigated (24" / 23") = 1.04%

Located parallel to the upper edge of the floodplain is a 30ft. wide ENVIRONMENTALLY SENSITIVE AREA (ESA) measuring 0.79 acres (34,171.80 sq. ft.) of tree and understory preserve area.

To reclaim the disturbed areas of the ENVIRONMENTALLY SENSITIVE AREA, the Owner requests to use drill seeding with native seed mix. To ensure a minimum of 85% establishment the seeded area will receive water from temporary irrigation via the campus automatic irrigation system. The seed mixture shall be sourced from Native American Seed, P.O. Box 285, Junction, Texas 76849 (www.seedsource.com).

The seed blend shall be "Native Trail Mix" and is comprised of the following mixture of plant seeds conducive to this area.

- NATIVE GRASSES: Buffalograss, Blue Grama, Prairie Wildrye, Little Bluestem, Sideoats Grama, Green Sprangletop, Sand Lovegrass, White Tridens, Texas Cupgrass, Cane Bluestem, and Wildrye.
- NATIVE WILDFLOWERS: Texas Bluebonnet, Gayfeather, Indian Blanket, Lanceleaf Coreopsis, Green Thread, Purple Coneflower, Cutleaf Daisy, Huisache Daisy, Purple Prairie Clover, Standing Cypress, Bush Sunflower, Golden-Wave, Clasping Coneflower, Limon Mint, Missouri Primrose, American Basketflower, Maximillian Sunflower, Lazy Daisy, and Indian Paintbrush.

The hardship requiring this variance is unique to the property due to the disproportionately large amount of the total site area that is within the regulatory 100 year floodplain (335,055.7 s.f. / 7.69 acres. This variance request corresponds to the spirit of the UDC.

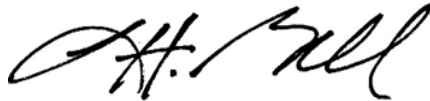
The Owner has taken all practical measures to minimize any adverse impacts on the public health, safety and public welfare. Under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception / variance is granted.

- If the Owner complies strictly with the provisions of these regulations, he can make no reasonable use of his property; and
- The hardship relates to the Owner's land rather than personal circumstances; and
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and

- The hardship is not the result of the Owner's own actions; and
- The granting of the exception / variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

In my professional opinion, the proposed administrative exception/variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Sincerely,



Signature and Title Block of Applicant
Leslie H. Bell, RLA

Signature of Owner (if applicable)

<u>For Office Use Only:</u>	AEVR #:	Date Received:
<u>DSD – Director Official Action:</u>	_____	_____
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED
Signature:	_____	Date: _____
Printed Name:	_____	Title: _____
Comments:	_____ _____	