

November 15, 2024

Mr. Logan Sparrow, AICP
Development Services Department
City of San Antonio
1901 S. Alamo, San Antonio, TX 78204

Re: Appeal of City of San Antonio's Decision to Partially Deny Acknowledgement of Vested Rights for a combined 0.46-Acre Tract of Land, Located at 3050 and 3054 McArthur Avenue (the "Subject Property"), in San Antonio, Bexar County, Texas; *Our File No. 8167.001*

Dear Mr. Sparrow:

Please accept this letter as an appeal of this decision, pursuant to the City of San Antonio's ("COSA") Unified Development Code ("UDC") §35-712(d).

Our office submitted an application for Rights Determination with COSA on October 18, 2024, in conjunction with the ongoing development of the Subject Property. We received a response from COSA on November 14, 2024, partially recognizing statutory rights as of May 6, 2022 (see attached). However, this letter failed to recognize certain rights protected by Chapter 245 of the Texas Local Government Code ("State Code"), as it relates to §35-310.06(a)(1)(b) of the UDC, Lot and Building Specifications. Specifically, this Section states that multi-unit construction on lots one-third (1/3) of an acre in size or smaller, shall be within a single structure. This is a zoning regulation that directly affects the Subject Property's lot coverage and Project's building size, and, thus, cannot circumvent the applicability of §245.002 of the State Code. Chapter 245 was intended to be a broad regulation of vested rights with minimal, specific exemptions. The cited provision herein is not one of those exemptions and should not apply to the Project because it was adopted after development had started and vested rights had accrued.

We respectfully request for this appeal to be placed on the agenda for and considered at the December 11, 2024, Planning Commission hearing. Please do not hesitate to call if you have any questions or concerns regarding this matter. Thank you for your time.

Sincerely,
ORTIZ MCKNIGHT, PLLC

BY: James McKnight
James McKnight



DEVELOPMENT SERVICES

November 14, 2024

Ortiz McKnight, PLLC
James McKnight
112 E. Pecan St. Suite 1350
San Antonio, TX 78205

RE: Rights Determination - RD 24-12500024 McArthur

Dear Mr. McKnight:

The Development Services Department reviewed and evaluated Rights Determination Application No. 24-12500024, including the supporting information submitted by the applicant, and the application is approved. Statutory rights are recognized as of May 6, 2022, the submittal date of McArthur One Subdivision Plat 22-11800266 for approximately .46 acres of residential use. The project is identified as exhibit A. The project is located at 3050 & 3054 McArthur Ave and further described in the rights determination application. Please note vested rights does not exempt you from following current zoning regulations specifically Sec. 35-310.06 (a)(1)b-Multi unit construction on lots one-third (1/3) of an acre in size or smaller shall be within a single structure.

All appeals and resubmitted information must be in writing and filed with the Director of Development Services within fifteen (15) calendar days from the date the applicant is notified of the decision or action taken under these requirements. Appeals and re-submittals made after fifteen (15) calendar days will not be accepted. If you have further questions please contact Valerie Rodriguez, Senior Planner, at (210) 207-0533.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Sparrow".

Logan Sparrow AICP
Interim-Assistant Director
Development Services Department



DEVELOPMENT SERVICES

APPEAL TO THE PLANNING COMMISSION

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.
6. Language interpreters are available and must be requested 48 hours prior to the meeting. For more information or to request an interpreter, call (210) 207- 6044. Hay servicios de traducción simultánea disponibles. Estos servicios deben ser pedidos con 48 horas de anticipación. Para más información o para servicios de traducción, llame al (210) 207- 6044

To the Honorable Members of the Planning Commission:

In reference to:

Project Name: _____

Application Type: _____ Application No.: _____

Address/Location: _____

Legal Description: _____

The Applicant, _____, 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 by attaching a separate letter outlining the criteria below:*

As per the UDC, the appeal request letter must address the following criteria prior to submission.

1. If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and
2. The hardship relates to the applicant's land, rather than personal circumstance; and
3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and
4. The hardship is not the result of the applicant's own actions; and
5. The granting of the 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.

APPLICANT INFORMATION

Business/Company Name: _____
Point of Contact: _____
Status: Owner Agent
Mailing address: _____
Telephone: Home/Office: () - Mobile: () -
Other phone: () - Email: _____

PROPERTY OWNER INFORMATION

Business/Company Name: _____
Point of Contact: _____
Mailing address: _____
Telephone: Home/Office: () - Mobile: () -
Other phone: () - Email: _____

AUTHORIZATION FROM PROPERTY OWNER

I, _____ the owner of the subject property,
authorize _____ to submit this application and represent
me in this appeal before the Planning Commission.

Property owner's signature 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.

Applicant's Name Applicant's signature Date

Sworn to and subscribed before me by _____ on this _____ day of
_____ in the year _____, to certify which witness my hand and seal of office.

OFFICE USE ONLY
Application/Case No.: _____
Submittal Date: _____

Notary Public, State of Texas