

TRANSMITTAL

TO: City of San Antonio
Floodplain Administration
1901 S. Alamo St. 2nd Floor
San Antonio, TX 78204

DATE: March 1, 2021

ATTN: Sabrina Santiago

PROJECT NO.: 11100-84

FROM: Erin Stiggins, P.E.

RE: Heritage Oaks LOMR

QTY	DESCRIPTION
1	AEVR Submittal
1	AEVR Review Fee

If enclosures are not as noted, kindly notify us at once.

☒ **For Approval**

☐ **For Your Use**

☐ **As Requested**

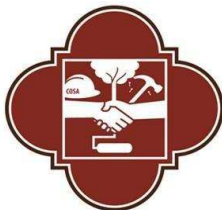
☐ **For Review and Comment**

COMMENTS:

Enclosed is the AEVR request for The Heritage Oaks LOMR

Please feel free to call or email with any questions or comments: estiggins@pape-dawson.com
(817) 870-3668

Thank You.



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/ December 19, 2019*

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. Application updated to include a fillable application.

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: <https://docsonline.sanantonio.gov/FileUploads/DSD/IB554.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 contact dsdplansmanagement@sanantonio.gov

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:	Heritage Oaks LOMR for Unnamed Tributary 2 in San Antonio River Watershed
A/P # /PPR # /Plat #	N.A.
Date:	03/01/2021
Code Issue:	Increase in Water Surface Elevation Over Six (6) Inches
Code Sections:	35-F124(c)(3)

Submitted By:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name: Stephen Leixux		
Company: San Antonio 2015, LLC		
Address: 4058 N. College Ste. 300 Box 9		Zip Code: 72703
Tel #: (479) 455-9090 Fax#		E-Mail:
Consultant: Erin Stiggins, P.E.		
Company: Pape-Dawson Engineers, Inc.		
Address: 2000 NW Loop 410 San Antonio, TX		Zip Code: 78213
Tel #: (817) 870-3668 Fax#		E-Mail: estiggins@pape-dawson.com
Signature: 		

Additional Information – Subdivision Plat Variances & Time Extensions

1. ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal
☒ Other Heritage Oaks LOMR
2. City Council District _____ Ferguson Map Grid _____ Zoning District _____
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

July 30, 2021

Administration Exception / Variance Request Review
c/o Development Services Staff
Development Services Department
City of San Antonio
1901 S. Alamo St.
San Antonio, TX 78204

Re: Heritage Oaks LOMR for Unnamed Tributary 2 in San Antonio River Watershed (SWE# 38226)
Administrative Exception/Variance Request for UDC Section 35-F124(c)(3)

Dear COSA DSD:

The purpose of this letter is to request consideration for an administrative exception to the requirement for a maximum increase of six (6) inch rise in water surface elevation for the Heritage Oaks LOMR for Unnamed Tributary 2 in San Antonio River Watershed per UDC Section 35-F124(c)(3).

Heritage Oaks is a 139-acre residential subdivision located in the City of San Antonio, Bexar County, Texas (Exhibit 1). The site is located approximately 0.67 miles southwest of the intersection of Southton Road and Shane Road (exhibit 2). The site contains Unnamed Tributary 2 in San Antonio River Watershed, which is designated as a FEMA Zone A (approximate) floodplain, per FEMA FIRM Panel 48029C0595F, effective September 29, 2010, which indicates that the FEMA floodplain was developed using approximate methods, and Base Flood Elevations (BFEs) are not established. A Conditional Letter of Map Revision (CLOMR) was approved for this project on December 10, 2018 (Case #18-06-2150R). Improvements for this CLOMR were constructed, hence, we have submitted the LOMR for the as-built conditions.

Heritage Oaks improvements include an as-built aerial sanitary sewer (bridge) crossing at the downstream end of the site which also included floodplain fill and compensatory excavation. At cross section 7504, directly upstream of the constructed bridge, there is a rise in the 100-year water surface elevation of 7.6 inches, which exceeds the 6-inch maximum requirement as stated above. The property owner owns both sides of the floodplain, and the velocity of flow at this location is between 2 and 8 feet per second. Additionally, there is no increase in water surface elevations upstream and downstream outside of the owner's property limits. See location of rise in flood level on attached Exhibit 9 – Floodplain Workmap (As-Built Conditions).

As required by the UDC for Variances UDC Section 35-483(e), the following items are addressed below:

- **If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property**
The LOMR supports floodplain reclamation efforts approved under Heritage Oaks CLOMR. The LOMR includes remapping the effective floodplain limits within the subject property to account for the constructed improvements. Complying with the provisions of these regulations will reverse the prior work completed within the subject area and will result in the property being unusable for its intended purposes.
- **The hardship relates to the applicant's land, rather than personal circumstances**
The hardship relates to circumstances associated with the applicant's land. Based on natural grades, a subsurface sanitary sewer line was not feasible. As an alternative, an aerial crossing was designed, approved, and constructed, resulting in improvements within Unnamed Tributary 2 in San Antonio River Watershed. The improvements documented in the submitted LOMR were constructed per the approved CLOMR, dated December 2018. The hardship is not related to a personal circumstance.
- **The hardship is unique, or nearly so, rather than one shared by many surrounding properties**
The hardship is unique to the subject property as it is tied to a CLOMR/LOMR supporting the property. It is not shared by any surrounding properties. The hardship is primarily the result of the aerial sanitary sewer bridge crossing, which is solely located on this property. If not for the aerial sanitary sewer line crossing, the rise in the 100-year water surface elevation would not exceed the allowable threshold. The water surface elevation exceedance is observed in one location within the property limits. There is no increase in water surface elevation outside of the owner's property limits.
- **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.**
The 100-year UD flows are fully contained within a drainage easement recorded by separate instrument (Document No. 20210180317), and there is no increase in water surface elevations or velocities upstream or downstream of the subject property. Based on this, granting 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.
- **The variance is the minimum necessary, considering the flood hazard, to afford relief.**
This variance request is for a water surface elevation rise that exceeds the 6-inch maximum. The cross section where the exceedance is observed is directly upstream of a constructed bridge and lies entirely within the property owner's limits. There is a 7.6-inch rise in the water surface elevation at this location, which is in accordance with the approved CLOMR for the project.
- **There is good and sufficient cause.**
The variance is requested due to a water surface elevation increase that exceeds the 6-inch maximum. The increase occurs immediately upstream of a constructed bridge and lies entirely within the property limits. The variance request relates to drainage improvements constructed as

part of the approved Heritage Oaks CLOMR, dated December 2018. The improvements documented in the submitted LOMR were constructed per the approved CLOMR.

- **Failure to grant the variance will result in exceptional hardship to the applicant.**
The LOMR supports floodplain reclamation efforts approved under Heritage Oaks CLOMR. The LOMR includes remapping the effective floodplain limits in order to maximize development within the subject property. Complying with the provisions of these regulations will reverse the prior work completed within the subject area and will result in the property being unusable for its intended purposes.
- **The variance will not result in increased flood heights, cause an additional threat to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.**
The 100-year UD flows are fully contained within a drainage easement recorded by separate instrument (Document No. 20210180317). The cross section where the exceedance is observed is directly upstream of a constructed bridge and lies entirely within the property owner's limits. The property owner owns both sides of the floodplain, and no increase in water surface elevation or velocity occurs outside of the owner's property limits. Based on this, granting the variance will not result in increased flood heights to other property owners, cause an additional threat to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

In our 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. We respectfully request your consideration for this variance. The Administrative Exception/Variance Request Application is attached as required, along with a check for the required fee. If you have any questions or require additional information, please contact our office.

Sincerely,
Pape-Dawson Engineers, Inc.



Erin Stiggins, P.E., CFM, PMP
Project Manager

Attachments

For Office Use Only: AEVR #: _____ Date Received: _____

DSD – Director Official Action:

☐ APPROVED

☐ APPROVED W/ COMMENTS

☐ DENIED

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Comments: _____

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2000 NW Loop 410
San Antonio, Texas 78213

FROST NATIONAL BANK
SAN ANTONIO, TEXAS

136963

CHECK DATE March 4, 2021

PAY Three Hundred Fifty Dollars and 00/100

TO City of San Antonio

AMOUNT \$350.00

PAPE-DAWSON ENGINEERS, INC.

Allison Reed

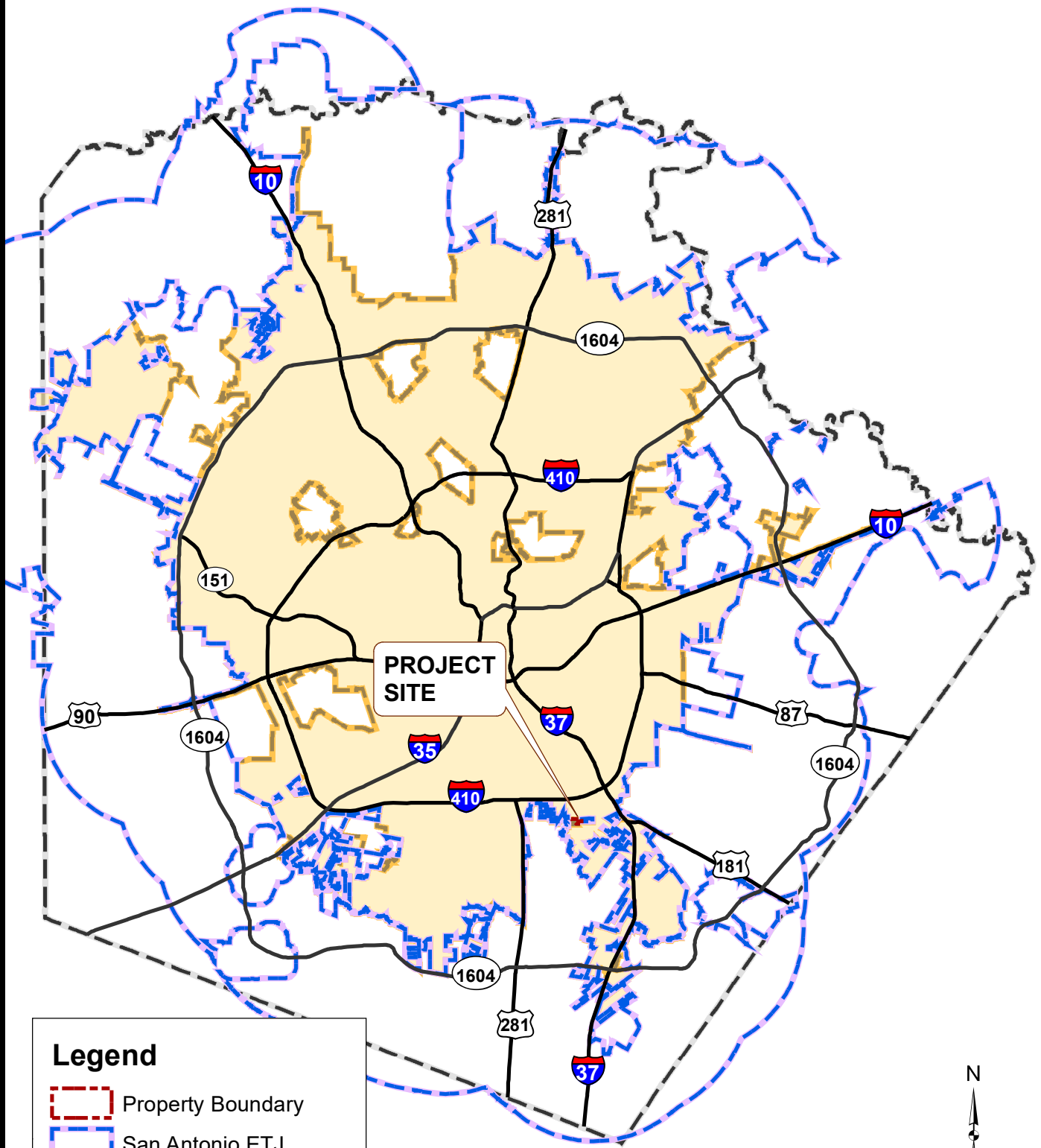
⑈ 136963 ⑈ ⑆ 114000093 ⑆ 29 3997995 ⑈

PAPE-DAWSON ENGINEERS, INC. ACCOUNTS PAYABLE

136963

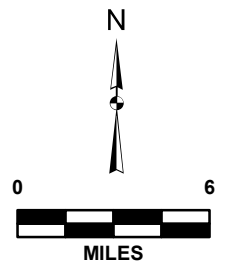
Heritage Oaks AEVR Fee

Vendor # V00032
Job # 11100-84
Account # 4320



Legend

- Property Boundary
- San Antonio ETJ
- San Antonio City Limits
- Bexar County

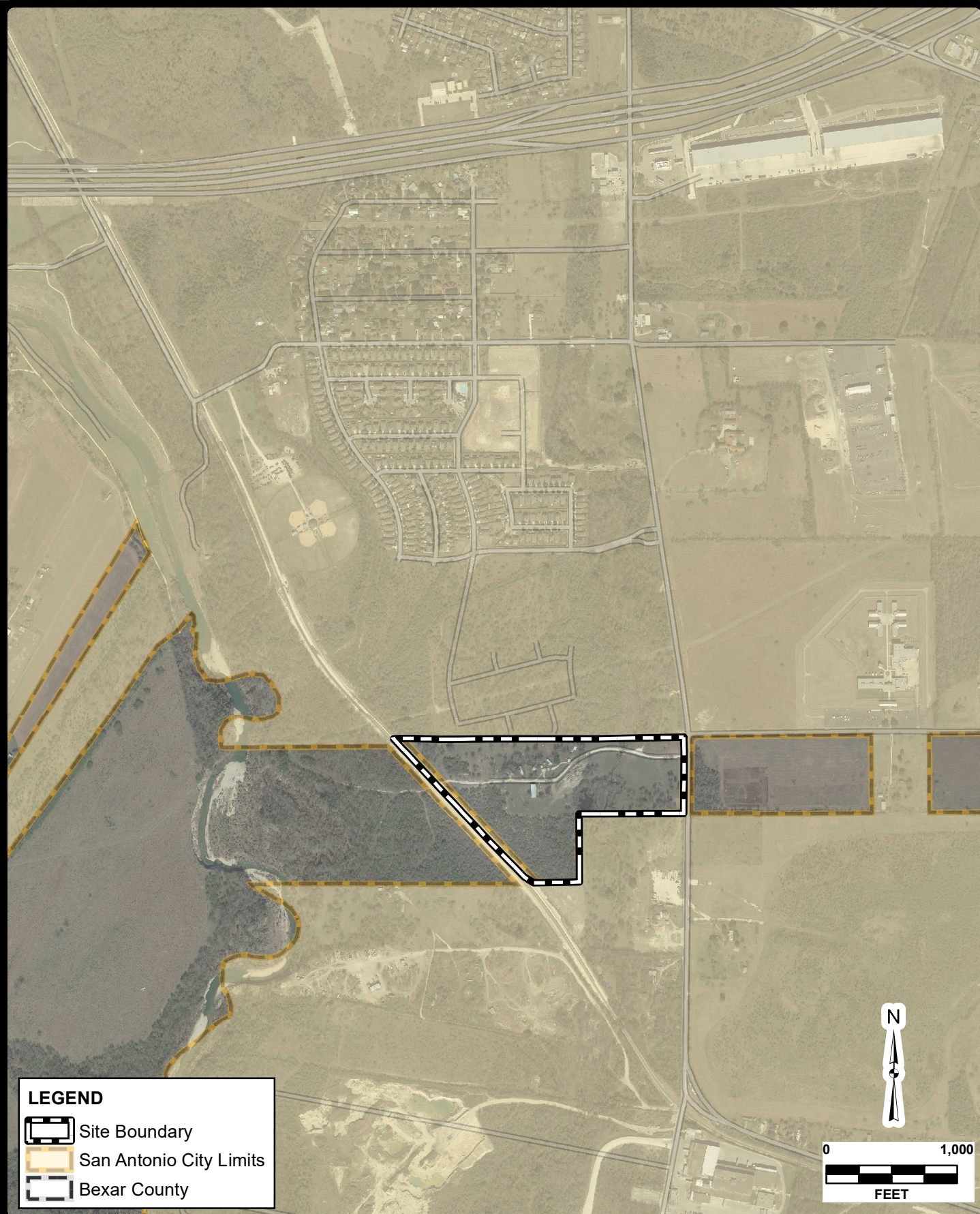


JOB NO. 11100-84
 DATE Feb 2021
 DESIGNER ES
 CHECKED DRAWN VV
 SHEET EXHIBIT 1

HERITAGE OAKS SAN ANTONIO, TEXAS VICINITY MAP

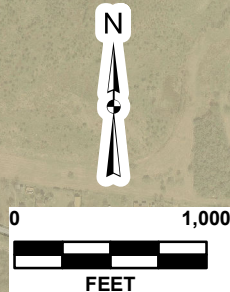
**PAPE-DAWSON
 ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800



LEGEND

- Site Boundary
- San Antonio City Limits
- Bexar County

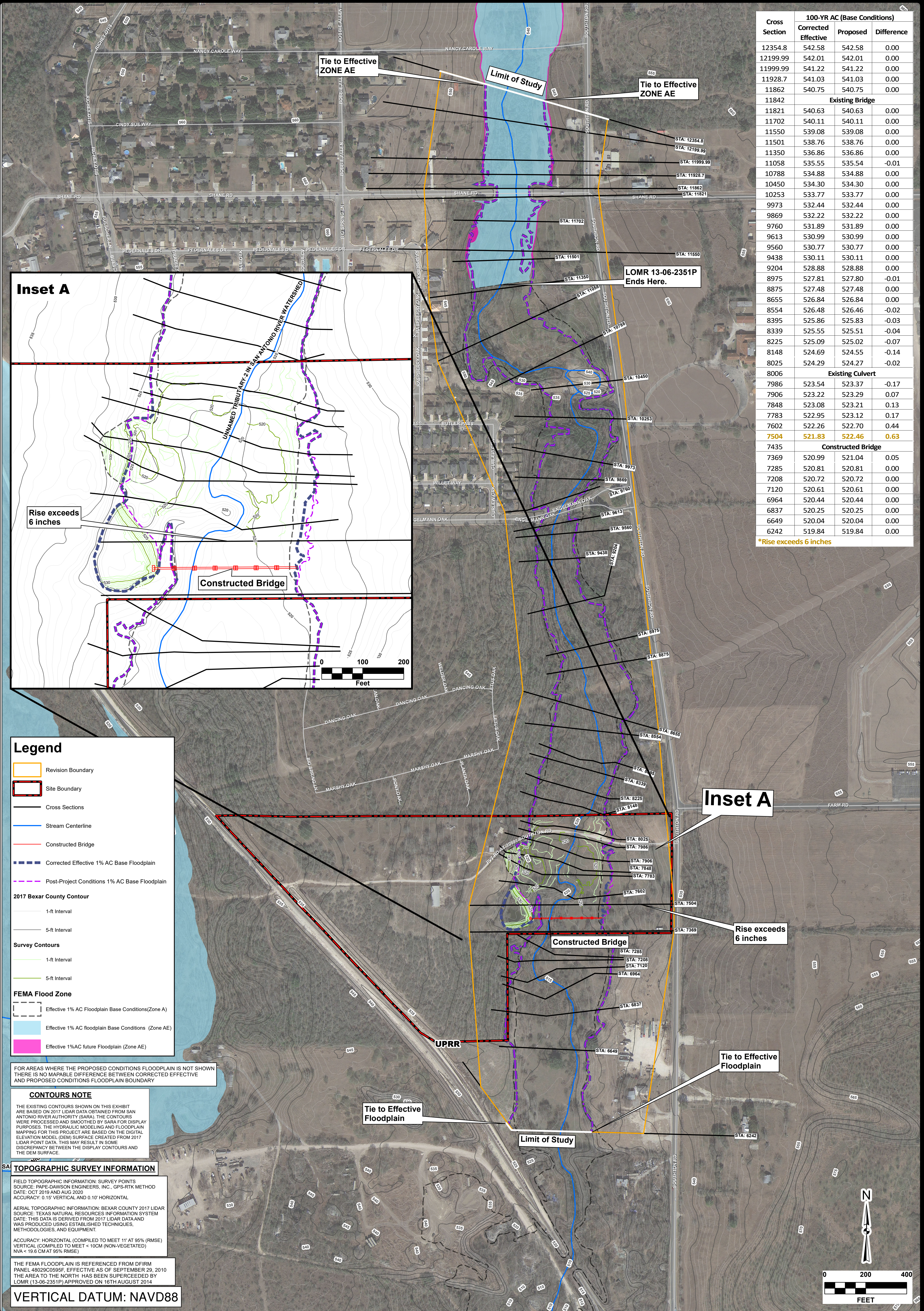


JOB NO.	11100-84
DATE	Mar 2021
DESIGNER	ES
CHECKED	DRAWN VV
SHEET	EXHIBIT 2

HERITAGE OAKS
SAN ANTONIO, TEXAS
LOCATION MAP

PAPE-DAWSON ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800



Cross Section	100-YR AC (Base Conditions)		
	Corrected Effective	Proposed	Difference
12354.8	542.58	542.58	0.00
12199.99	542.01	542.01	0.00
11999.99	541.22	541.22	0.00
11928.7	541.03	541.03	0.00
11862	540.75	540.75	0.00
11842	Existing Bridge		
11821	540.63	540.63	0.00
11702	540.11	540.11	0.00
11550	539.08	539.08	0.00
11501	538.76	538.76	0.00
11350	536.86	536.86	0.00
11058	535.55	535.54	-0.01
10788	534.88	534.88	0.00
10450	534.30	534.30	0.00
10253	533.77	533.77	0.00
9973	532.44	532.44	0.00
9869	532.22	532.22	0.00
9760	531.89	531.89	0.00
9613	530.99	530.99	0.00
9560	530.77	530.77	0.00
9438	530.11	530.11	0.00
9204	528.88	528.88	0.00
8975	527.81	527.80	-0.01
8875	527.48	527.48	0.00
8655	526.84	526.84	0.00
8554	526.48	526.46	-0.02
8395	525.86	525.83	-0.03
8339	525.55	525.51	-0.04
8225	525.09	525.02	-0.07
8148	524.69	524.55	-0.14
8025	524.29	524.27	-0.02
8006	Existing Culvert		
7986	523.54	523.37	-0.17
7906	523.22	523.29	0.07
7848	523.08	523.21	0.13
7783	522.95	523.12	0.17
7602	522.26	522.70	0.44
7504	521.83	522.46	0.63
7435	Constructed Bridge		
7369	520.99	521.04	0.05
7285	520.81	520.81	0.00
7208	520.72	520.72	0.00
7120	520.61	520.61	0.00
6964	520.44	520.44	0.00
6837	520.25	520.25	0.00
6649	520.04	520.04	0.00
6242	519.84	519.84	0.00

*Rise exceeds 6 inches

Inset A

Rise exceeds 6 inches

Tie to Effective Floodplain

Limit of Study

Tie to Effective Floodplain

Inset A

Rise exceeds 6 inches

Constructed Bridge

Constructed Bridge

UPRR

Tie to Effective ZONE AE

Limit of Study

Tie to Effective ZONE AE

LOMR 13-06-2351P Ends Here.