### NOTICE OF MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS

**CITY OF BALCONES HEIGHTS**  
3300 Hillcrest Drive  
BALCONES HEIGHTS, TEXAS 78201

Notice is hereby given that a called meeting of the Board of Adjustments and Appeals of Balcones Heights, Texas, will be held on the 19th day of December, 2016 at 5:30 p.m. at the Justice Center located at 3300 Hillcrest Drive, Balcones Heights, Texas, at which time the following subjects will be discussed, to-wit:

I. **Call to Order and Recording of Quorum:**

II. **Business Matters:**

1. The Board will hear, consider, and approve/disapprove Application Request for Appeal regarding a waiver of Sign Moratorium for Installation of Channel Letters submitted by Leon Springs Associates.

III. **Adjournment:**

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**DECORUM REQUIRED**

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The Balcones Heights Board of Adjustments reserves the right to adjourn into executive session at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.073 (Deliberations about Gifts and Donations) § 551.074 (Personnel Matters) § 551.076 (Deliberations about Security Devices), and § 551.086 (Economic Development).

### NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Balcones Heights Board of Adjustments meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary’s office at 735-9148 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the Justice Center / City Hall of Balcones Heights, Texas, in a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: December 16, 2016, at 4:30 P.M. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Submitted by:

Delia Flores  
City Secretary

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DATE: December 16, 2016
FROM: Rita Hoyl, Director of Community Development
SUBJECT: ORANGE ROSE MASSAGE, 4400 FREDERICKSBURG RD., #116
Waiver of Sign Moratorium for Installation of Channel Letters

DATE AND TIME OF HEARING: December 16, 2016, 5:30 pm

BACKGROUND: On October 24, 2016 the City of Balcones Heights adopted Ordinance #2016-16 implementing a 90-day temporary moratorium on issuing sign permits while the City evaluates methods to allow signs.

On November 15, 2016 Jeff Smith and Jiang Shang applied for a Certificate of Occupancy to occupy 4400 Fredericksburg Rd., Suite 116, for the purpose of operating a Massage Therapy establishment. This space was previously occupied by State Farm insurance. At that time I did not advise the new tenant that the City had a temporary moratorium in place and that they would not be able to erect a sign for their new business.

November 28, 2016 a sign contractor delivered a sign application to replace the State Farm channel letters and install a new set of channel letters for Orange Rose Massage and reface a cabinet on the existing pylon sign. Upon receiving the sign application I realized that because of the moratorium I was not able to issue a permit. The sign manufacturer called my office and I explained the temporary moratorium. I reached out to the applicant, Jeff Smith, to inform him of the moratorium. I also communicated with the owner of the center, Mr. Dan Jacob and explained the moratorium and the appeal process.

The proposed sign, measuring approximately 32.5 sq. ft., complies with the regulations in the current sign code and also complies with the regulations in the proposed sign code we are reviewing, i.e., not more than 10% of the entire façade. Additionally, it does not appear that the surface area of the proposed sign will exceed that of the previous tenant’s sign.

Without a sign, the new tenant does not have visibility. Signs are

RECOMMENDATION: The proposed sign is not detrimental to the public health, safety, or welfare of the residents of the municipality. Staff recommends approval to allow Orange Rose Massage to install the channel letters upon receipt of a sign permit.

3300 Hillcrest Drive Balcones Heights, TX 78201 (210) 735-9148 phone (210) 735-4954 fax
AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS, ("CITY") IMPLEMENTING A TEMPORARY MORATORIUM ON ISSUING SIGN PERMITS IN THE CITY LIMITS FOR THE PURPOSE OF ERECTING, RELOCATING, OR ALTERING SIGNS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; PROVISIONS, INCLUDING: PURPOSE; SCOPE; PROHIBITIONS; SPECIAL EXCEPTIONS; APPEALS PROCESS; AND ENFORCEMENT, INCLUDING SETTING CRIMINAL FINES AND CIVIL PENALTIES PER VIOLATION; REPEALER; SEVERABILITY; AND PROPER NOTICE & MEETING.

SECTION 3. PROVISIONS.

A. Purpose
This Moratorium is being enacted to preserve the status quo and: (1) assess the City's goals for sign regulations; and to (2) evaluate and study methods to allow signs;

B. Scope
1. This Moratorium applies in the City Limits.
2. This Moratorium shall be in effect for a period of ninety (90) days after date of adoption. It may be extended, but not to exceed an aggregate of 180 days, under Section 212.1362 of the TEXAS LOCAL GOVT CODE.
3. This Moratorium applies to sign applications, and the act of erecting, relocating, or altering signs located in the City Limits.
4. This Moratorium does NOT apply to the following:
   a. An administratively complete sign application already filed and pending before the Effective Date of this Moratorium;
   b. Projects with Permits: Signs for which the City has already granted all permits before the Effective Date of this Moratorium;
   c. Signs and activities not requiring a permit under Chapter 453 Sec. 4.5.3(2) of the municipal ordinances;
   d. Political signs to the extent the limitations under Chapter 453, Sec. 4.5 Table 4a of the municipal ordinances are not exceeded; and,
   e. Ordinary maintenance or repair of a sign meaning activities relating to a sign that would be considered ordinary or common for upkeep of the sign, including but limited to the replacement of existing materials with identical or in-kind materials or painting or altering or changing the advertising message. Ordinarily maintenance does not include the expansion of surface area, installation of illuminating devices, increases in sign height, addition of animated or moving parts, enlargement, or renovation or remodeling of a sign that would expand or increase the surface for display of advertising.
C. Prohibitions
The City will neither accept nor process applications for these permits:

1. Sign Building Permits: The City's acceptance, review and approval of building permits for construction of new sign structures, in the City Limits is hereby temporarily suspended and prohibited.

2. Sign Applications: The City's acceptance, review and approval of sign applications as defined in Chapter 453, Sec. 4.5 of the municipal ordinances, in the City Limits is hereby temporarily suspended and prohibited.

3. Erecting, relocating, or altering signs in the City Limits is hereby temporarily suspended and prohibited.

D. Appeals Process
A request for a waiver of the application of this Moratorium to a particular project may be made in writing to the Board of Adjustment within ten business (10) days of having an application denied by the City due to this Moratorium. The application for a Waiver must be submitted to the City detailing in writing how the project is eligible for a Waiver, including written descriptions, site map and graphic illustrations. Completed applications for Waivers will be placed on the agenda for the next available Board of Adjustment meeting. Applications must be submitted at least ten (10) business days prior to the meeting.

Waivers may be granted by the Board of Adjustment when the Board determines in writing that one (1) or more of the conditions listed below are satisfied.

1. Undue Hardship.
   a. The applicant shall otherwise suffer undue hardship, that being something beyond or in addition to financial hardship;
   b. The current regulations are adequate to address the particular type of development and construction proposed by the applicant;
   c. It is in the public interest to allow a limited exception to the Moratorium in the particular instance; and
   d. Authorizing the waiver will not adversely impact the Purposes and Findings of Fact identified herein.

2. Pending Projects. Complete applications for one or more building permits for the proposed project (as specified in the application for the building permit) were on file with the City on or before the Effective Date of this Moratorium.

3. Development Agreement. The tract is subject to a valid, written development agreement between the property owner and the City pursuant to which all land use and development matters are addressed in a manner that protects and maintains the historic, architectural or cultural significance of the Zoning District.
3. The following must also accompany the application packet:
   a. A site plan which:
      a. Indicates property location by street address and legal description;
      b. Property owner’s name (and applicant’s name if different);

4. Application and one hard copy of the necessary documents, etc. in completed form must be
   submitted to the Community Development Department. Additionally to a PDF file document is
   required. Partial and/or incomplete applications and site plans will not be accepted by the
   Board.

Please provide description and purpose of Appeal

   previous tenant (St Farm) sign has been removed and replacement tenant (Orange Rose) needs to
   have their sign installed in the same location. Sign is the same size or smaller than the State Farm sign,
   sign conforms to the current code as well as what we understand the proposed code will be, sign has
   existed in the same location for two decades. Tenant will suffer severe hardship without the visibility
   identifying their location. Thank you for your consideration. Dan Jacob

   ________________________________

   12-15-2016 __________________________________________________________
   Date Signature of Property Owner/Representative
APPLICATION
REQUEST FOR
APPEAL

OFFICE USE ONLY

MEETING DATE: 12-19-16 CASE NUMBER:

PRINT OR TYPE

NAME OF APPLICANT: Leon Springs Associates, LLC on behalf of Jiang Shang dba Orange Rose Massage
ADDRESS: 8535 Wurzbach Rd, SAT 78255
PHONE NO: HOME 210 862 8642 WORK 210 615 6900 FAX
EMAIL ADDRESS: dan@danieljacobinterests.com
STATUS: OWNER (✓) AGENT ( ) — If agent, attach notarized Letter of Authorization

PROPERTY DESCRIPTION

ADDRESS: 4400 Fredericksburg Rd, Ste 116
LEGAL DESCRIPTION: Fredericks Circle Shopping Center - legal on request
EXISTING PROPERTY USE or STATE NONE: retail business
PROPOSED USE & DESCRIPTION: retail business
ACREAGE AND/OR SQUARE FOOTAGE: the suite is 1418 sf / the center is 93784 sf
DOES OWNER OWN ADJACENT PROPERTY: YES (✓) NO ( )
REQUESTED BOARD ACTION:
Appeal ( ) Special Exception (✓) Variance (✓)

Appeals requests are heard and approved or denied by the Board of Adjustment. The following items are required for scheduling a Board of Adjustment hearing and are due to City Hall with the application.

1. A formal written permit denial letter. This letter is issued to the property owner or duly appointed representative by the Director of Community Development. In order to obtain this written denial, the property owner or representative must have submitted the necessary documents to apply for a Building Permit from the Community Development Department. The necessary documents included, but are not limited to, a current certified survey and height statement reflecting the height as measured according to the guidelines set forth by City Ordinance, or full architectural plans if said plans include the two aforementioned items. Once the Director of Community Development denies the request for a building permit, the Community Development Department will provide the property owner or representative with the written denial necessary for the Appeal.

2. The application must be signed by the property owner. If the applicant is not the owner, a signed document showing authority to request the variance must accompany the application.
Permit Information

Date: 11/15/2016
Permit Number: 2974
Type of Permit: Certificate of Occupancy
Type of Business: Massage-Healthcare Wellness
Project/Resident/Business Name: Orange Rose
Project/Resident/Business Address: 4400 Fredericksburg Rd., #116
Business Phone #: 210-710-9326
Contractor's Company Name:
Applicant's Last Name: Shang
Applicant's First Name: Jiang
Applicant's Address: 340 Treeline Park, #419
City: San Antonio
State: TX
Zip Code: 78209
Applicants Home Phone: 210-710-5326
Applicants Cell Phone:
Job Valuation: 0.00
Status: Approved
Expiration Date:
Email:
Tag #:
Date of Pavilion Rental:
Responsible Party:
Type/Name of Event:
Start Time:
End Time:
Assigned To: Rita Hoyl

Fees

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Total

$150.00

Uploaded Files
December 15, 2016

Mr. Daniel Jacob Jr., CCIM
Daniel Jacob Interests, Inc.
8535 Wurzbach Rd., Suite 207
San Antonio, TX 78240

Re: Orange Rose Massage-Sign Application Denial

Dear Mr. Jacob:

On October 24, 2016 the City of Balcones Heights adopted Ordinance #2016-16. The ordinance as written enacts a 90-day temporary moratorium on issuing sign permits in the City the limits of Balcones Heights. As required by law, the Notice of Public Hearing was published in the newspaper and two public hearings and two readings were conducted.

On or about November 28, 2016 I received a sign application from Britten Signs for the installation of channel letters and logo on the fascia of 4400 Fredericksburg Rd., Suite 116; tenant Orange Rose Massage.

Because of the temporary moratorium, this letter is to advise you that the permit application for the channel letters on the fascia is denied.

Ordinance #2016-16 allows for an Appeal/Waiver to the enacted Sign Moratorium.

Should you wish to appeal to the Board of Adjustment, please complete the attached application and submit on or before close of business so that the Appeal may be considered at the next Board of Adjustment meeting, Monday, December 19, 2016 at 5 pm. The meeting will be held on the 2nd floor of the Balcones Heights Justice Center and City Hall. A representative must be in attendance to present the Appeal.

Respectfully,

[Signature]
Rita Hoyl
Director of Community Development
30" box and 17" channel letters internally illuminated with LEDs.
5" orange returns and Gerber 230-44 translucent vinyl mounted to a raceway painted Ivory Beige Color.

4400 Fredericksburg road. suite 116
San Antonio, Texas
PERMIT APPLICATION

THIS IS NOT A PERMIT- WORK IS PROHIBITED UNTIL A PERMIT IS ISSUED

Date: 28 Nov 16  
Permit Number: 816

USE OF PROPERTY:  
[ ] Residential  
[ ] Commercial  
[ ] Multi- Family  
Project Type: [ ] Sign

Address Where Work Will Be Performed: 4400 Fredericksburg Rd

Property Owner Name: ________________________________________________________________

Owner Address: ______________________________________________________ Zoning: __________

Owner Telephone(s): __________________________________________ Email: __________________

Property in Floodplain: [ ] Yes  [ ] No  
Asbestos Survey Required on Commercial Project: _

Does project include Work in the Right-of-Way: [ ] Yes  [ ] No

General Contractor: Britten

[ ] GC Business name and Business Owner name

GC Address: 307 Chattington Ct  
Street (no PO Boxes)  
City  
Zip  
Email: jbritten@brittenbanner.com

GC Office Phone #: 210 710 1432  
GC Cell: ______________

Sub Contractor: ________________________________________________________________

[ ] Contractor Business name and Business Owner name

Sub Contractor Address: ___________________________________________________________

[ ] Street (no PO Boxes)  
City  
Zip

Sub Contractor Office Phone #:  
Contractor Cell: ____________________________

Email: ___________________________________________________  
Super Name/Cell: ____________________________

Trade State License No.:  
License Expiration: ____________________________

Name of Person requesting permit: John Britten

Total market value for this project is: $1,300

DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS PERMIT

Use extra sheets and/or attach plats, surveys, plans, specifications, asbestos survey and related information and graphics.

Install Channel Letters and Logo

on well as shown

____________

Signature of Applicant: ____________________________ Date Signed: 28 Nov 16

Three (3) complete sets of Licensed Architect or Engineer Stamped Plans and Specification must be attach to this application. Plans shall not exceed 30"x36" and shall be "Scaled" Drawings.

Incomplete applications will not be accepted.
**Work In Progress**

2411 NE Loop 410, Ste. 106  
San Antonio, TX 78217

**Name / Address**  
Orange Rose Massage  
Jeff Smith  
4400 Fredericksburg road. suite 116  
San Antonio, Texas

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| CHANNEL LETTERS           | Custom Illuminated Channel Letters  
Details: 17" Custom Channel Letters mounted on a raceway, and 30" Logo Box internally illuminated with LEDs |
| DIGITAL-OUTSIDE           | Custom Digital Graphics  
Details: 24"x24" digitally printed translucent vinyl and 24"x72" Orange Vinyl graphics |
| PERMIT-ELECTRIC           | Process and Application for Permit of Electric Sign  
At City Cost (To Be Determined) |
| INSTALL/PERMITS           | Installation of Electrical Channel letter Sign and installation of vinyl graphics to a double side Tennant Paylon sign by a State of Texas Certified Master Sign Electrician |
| INSTALL-ELECTRIC          | Subtotal  
2 |

Thank you for your order!  

**Subtotal** $4,976.00  
**Sales Tax (8.25%)** $410.52  
**Total** $5,386.52

Sign and logo remain the property of SIGN*A*RAMA until paid in full. This invoice is for the above items only. Any changes or deletions by the customer not charged for herein will be billed separately. 50% Deposit due at time of order, balance due upon completion. Please pay from this invoice. No statement will be sent.

Signature

Each Sign*A*Rama is Independently Owned and Operated.  
www.signarama.com

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Customer E-mail: jsmith3567@aol.com