

THE STATE OF TEXAS §
COUNTY OF BEXAR §

CERTIFIED COPY OF PUBLIC RECORD

I, Elsa T. Robles, City Secretary of the City of Alamo Heights, hereby certify that the above and foregoing is a true and correct copy of the **Approved Minutes of the City of Alamo Heights Board of Adjustment Meeting held on July 6, 1955**, duly adopted by the Board of Adjustment of the City of Alamo Heights, Texas at a meeting of said Board on the 3rd day of August A.D. 1955. I further certify that I am the City Secretary of the City of Alamo Heights, Texas, that I am a lawful possessor and keeper, and that I have legal custody of the records in said office.



Elsa T. Robles, TRMC
City Secretary
City of Alamo Heights, Texas

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BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared Elsa T. Robles, City Secretary of the City of Alamo Heights, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

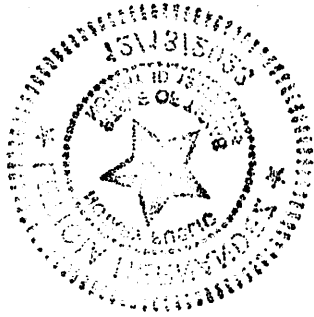
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27 day of June,
A.D., 2022.



Notary Public for the
State of Texas

My Commission Expires:

December 13, 2023



CITY OF ALAMO HEIGHTS
BOARD OF ADJUSTMENT
July 6, 1955

A regular meeting of the Board of Adjustment of the City of Alamo Heights was held in the City Hall at 6116 Broadway, July 6, 1955, at 7:00 P.M.

There were present:

C. T. Weidner - Vice Chairman
J. E. McGowen
Dée Forgy
Michael Peche

Composing a quorum of the Board of Adjustment. Also present:

City Engineer R. W. Stiles

There was absent:

John P. Giles - Chairman

Case No. 134

This meeting was called to continue discussion on the application of the Southwest Foundation for Research and Education to restore the Argyle Hotel and operate a social club there on the property. There were present: Mr. Edward Gesick, Mrs. George Grant, Mrs. Edgar Tobin and Mr. Jesse Oppenheimer in favor of the application; and Mr. Archie Brown, Mr. W. G. Conway and Mr. W. P. Kemper in opposition of the application.

Mr. Weidner read a draft of a proposed resolution granting a variance and special exception to Southwest Foundation for Research and Education. After he had finished reading this resolution, he presented a copy of it to Mr. Jesse Oppenheimer, attorney, and Mr. Archie Brown, attorney, for their consideration and information. Mr. Weidner then gave everyone present 15 minutes recess to look over the resolution and discuss it privately. After that time they were called back into the council room and the hearing continued.

Mr. Archie Brown spoke in behalf of his clients in opposition of this application. He brought out the fact that the application covered only Lot C of Block 24-26 and that when Lots CA, CB, CC and CD had been sub-divided and sold as single family dwelling lots they had lost all claim to the non-conforming use enjoyed by the remaining property, that is Lot C. It was further pointed out that the property development plan submitted included Lot CB, but that the Foundation only had an option to buy this lot and that they proposed to exercise this option for their own protection as well as the protection of Lot CC, and that they did not propose to use any portion of Lot CB as a part of their Club activity. Mr. Brown then stated the need for adequate parking facilities off the street but also as far away as possible from the adjoining property. Mrs. George Grant and Mr. Edward Gesick answered that question by showing Mr. Brown and his clients the proposed drawing of the parking lot, which showed that the parking was to be right around the building with fences around the lot and the lights on the ground.

The next question was the expressed use of the Club. Mr. Brown's clients had heard that the Club could be leased out to non-members for a social gathering. Mrs. Grant answered that question by stating that the Club was to be used by

members, staff and scientists only and that they would have a set of by-laws which are required by all Clubs.

Mr. W. G. Conway appeared before the Board to state that he purchased his lot and built his house to remain there for some time. He stated that any changes in the Staff of the Foundation would change the conditions of the operating of the Club. He also stated that he was not worried about what the present staff would do, but just the future staff.

The next question was in regards to outside entertaining. Mr. Jesse Oppenheimer, attorney, stated that there would be no entertainment outside. He wanted to leave that condition in the resolution because of the fact that if the resolution stated that there was to be no outside entertainment whatsoever, the members would feel very confined to the inside of the building. Mr. Brown requested that a clause be added to Section D, Page 5, in regards to outside entertainment, to the effect that there would be no entertainment whatsoever on Sundays.

The next question was in regards to the continuing of the operating of a private club when and if the property was ever sold. Mr. Weidner stated that it was his understanding that the Board had the authority to void any special exception that they had granted. He also stated that in order to void this special exception, there would have to be a violation of the restrictions that the Board had set out.

The next question was in regards to dances with music. Mrs. Grant stated that they would not have room inside for an orchestra at all but that they might have an occasion to have some music to dance to. Mr. Conway stated that it should be included in the resolution that there would be no loud music. This was agreed to by all parties.

There being no further discussion, everyone present came forward to thank the Board for their consideration and their work on this application.

Mr. McGowen moved that the resolution be adopted with the agreed modifications, and further that a condition be added requiring that the site development and restoration and remodeling of the building be carried out substantially in accordance with plans prepared by Architect John R. Walker and submitted by the Foundation with their application. This motion was seconded by Mr. Forgy and unanimously approved. A copy of this resolution is attached hereto and made a part of these minutes.

Upon motion by Mr. Peche, seconded by Mr. McGowen, the minutes of the May 18th meeting were unanimously approved.

Upon motion by Mr. McGowen, seconded by Mr. Peche, the minutes of the June 17th special meeting were unanimously approved.

Upon motion by Mr. Forgy, seconded by Mr. McGowen, the minutes of the June 20th special meeting were unanimously approved.

There being no further business, upon motion by Mr. Peche, seconded by Mr. Forgy, the meeting was adjourned.

Dorothy J. Wilson
Acting Secretary

Carl Peche
Vice Chairman



APPEAL NO. 134

BOARD OF ADJUSTMENT : A RESOLUTION GRANTING A
: VARIANCE AND SPECIAL EX-
CITY OF ALAMO HEIGHTS, TEXAS. : CEPTION TO SOUTHWEST
: FOUNDATION FOR RESEARCH
: AND EDUCATION.
:

WHEREAS, on the 9th day of May, 1955, the Southwest Foundation for Research and Education filed an appeal to the Board of Adjustment of the City of Alamo Heights, Texas, from a ruling of the City Engineer pertaining to the use of the property known as The Argyle Hotel, which is known as all of Lot "C", Blocks 24 and 26, in Alamo Heights, Bexar County, Texas, the same being ^{also} known as 934 Patterson Avenue. The request for a variance or special exception filed by the Southwest Foundation for Research and Education reads as follows:

"To the Honorable Board of Adjustment.

Lot No. C

"Gentlemen:

Block No. 24/26

"Now comes SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION, a Trust of Bexar County, and affirms that on the 9th day of May, A. D. 1955, it applied for a special exception to permit them to restore the Argyle Hotel property and occupy it as a guest house for visiting and staff scientists and sponsors and trustees of the Foundation with suitable living quarters and dining facilities at 934 Patterson Avenue on a lot in a Residential "C" District as shown upon the attached plot plan and the Zoning Map of the City of Alamo Heights and to use same as a Guest House.

"The Applicant now applies, in accordance with the provisions of the Zoning Ordinance, to the Honorable Board of Adjustment to grant the heretofore special exception and to permit it to occupy, the completed premises as a Guest House for the following reasons:

"The Ordinance fails to define the contemplated use. The property is wholly unsuitable for occupancy as a residence. The proposed use is not prohibited and will not be in any way detrimental to the neighborhood. The restoration of the historic Argyle Hotel and the proper maintenance of the building and grounds will be a definite asset to the immediate area and to the community as a whole.

"Respectfully submitted,

"SOUTHWEST FOUNDATION FOR RESEARCH
AND EDUCATION

Appellant

"BY /s/ Edward J. Gesick, Sec'y Treas.

"Address 8500 Culebra Rd., San Antonio,
Texas.

"Telephone No. PE 4-4221.

WHEREAS, the Board of Adjustment caused to be given by publication in the official newspapers of the City of Alamo Heights, Texas, a notice stating the time and place for hearing to be had on such application for variance or special exception, which was at least five days before the date set for such hearing, and in addition thereto, the Board of Adjustment caused to have mailed notices of such hearing to the owners of property situated within 200 feet of any portion of the lot or property for which the variance or special exception was sought, and after such notices were duly and legally given, a public hearing was had on said application for variance and special exception, on the 18th day of May, 1955, at 7:00 P.M.; and

WHEREAS, the Board of Adjustment at such hearing heard evidence from a number of persons who were in favor of the granting of the variance and special exception, and also from people who were opposed to the granting of such variance and special exception; and the application for such

variance and special exception was presented to the Board by an attorney for the property owners, and the people who were opposed to such application were also represented by an attorney; and

WHEREAS, the Foundation has submitted plans prepared by Architect John R. Walker showing the proposed property development and the remodeling and restoration of the Argyle Hotel building; and

WHEREAS, the Board of Adjustment inquired into the uses to which the property had been put in the past; and it was determined that the Zoning Ordinance was passed on the 14th day of September, 1928; and that prior to such date the property in question had been used as a hotel, which was operated by Mr. Robert O'Grady and Miss Alice O'Grady. When the property was used as a hotel there was a dining room open to the public where meals were served. Rooms were rented by the day or week or month. In general, services customarily furnished by a hotel were furnished by the Argyle Hotel. In December, 1943, Mrs. Lucy W. White purchased the Argyle Hotel property and continued to operate it up until the date it was sold to the Southwest Foundation for Research and Education. During the time Mrs. White operated the hotel she derived her revenue primarily from renting the rooms as apartments. Some rooms were rented on an individual basis. The restaurant was not regularly operated. However, by special request, dinner parties were held at the hotel. The property has further been used for dancing classes, a Christian Science Reading Room, and as a business office; and

WHEREAS, the property in question is in "C" Residential District 10, which is for single family dwellings; and the property has not been used for single family dwellings since prior to the passage of the Zoning Ordinance in 1928; and its use has been a nonconforming one; and

WHEREAS, the officers of the Southwest Foundation for Research

and Education testified that the object of the Foundation was that of conducting fundamental research in the fields of medicine, biology and agriculture, and in doing so, to advance the knowledge in these related fields. It was the plan to restore the Argyle Hotel property and use it primarily as a place where visiting scientists and other people connected with the Foundation might stay while in San Antonio, and to use the property as a private club for social entertainment of persons who are connected with, or contribute to, the Foundation. The property was to be owned by the Foundation to be leased out to a separate corporation organized to operate the property; and

WHEREAS, the Board of Adjustment, after hearing all of the evidence and considering the nature and location of the property and the uses to which it had been put in the past, finds that it would be a hardship for the property owners to be required to use it as a single family dwelling.

NOW, THEREFORE, BE IT RESOLVED: That an extension of the non-conforming uses to which the property has been put in the past should be granted, subject to the conditions herein set forth, so as to permit the property to be used for renting of rooms or apartments for daily, weekly, or for longer periods of time, and for the serving of meals to the people residing in such rooms and their guests, and for private dinner parties, and to authorize the property to be used as a place of entertainment and a private social club.

BE IT FURTHER RESOLVED: That the special exception and variance hereby granted shall remain in effect only so long as the owners and operators of such property comply with the following conditions:

(A) The service entrance and delivery dock should be located as far as possible from adjoining property. Adequate and proper recep-

tacles are to be provided for garbage and trash and they are also to be located as far as possible from adjoining property.

(B) Convenient off street parking. Parking facilities shall be adequate for normal operation of the Club and shall permit orderly parking for no less than 70 automobiles. All driveways and entrances should be conveniently laid out so as to prevent congestion. In the event that it would later be determined that provisions should be made for more than 70 automobiles to be parked on the premises of the hotel, the City Council should have the authority to require additional off street parking space.

(C) No activities shall be engaged in which would result in loud or objectionable noises coming from this property, such as shouting, cheering, honking of automobile horns, racing of motors, backfiring, or loud music or Public Address systems, and there shall be no facilities for outside entertainment on the grounds other than the existing terrace, balcony and porch.

(D) Outside entertainment must terminate by sundown, and shall not be engaged in on Sundays.

(E) Closing time for the restaurant shall be 12:00 Midnight, with no mass club activity such as dancing, continuing after that hour.

(F) Proper shielding facilities shall be provided to prevent automobile lights from disturbing adjoining property owners and still not prevent free passage of the prevailing summer breeze.

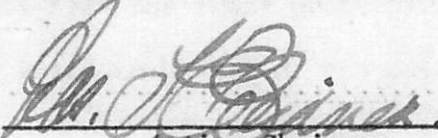
(G) Exterior light on premises shall be at very minimum, and all lights shall be so placed as to not project direct beam lighting on any adjacent property.

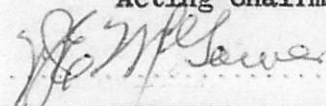
(H) The property shall be developed and the building restored

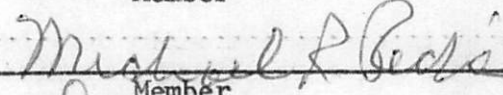
and remodeled essentially in accordance with the plans submitted by the Foundation.

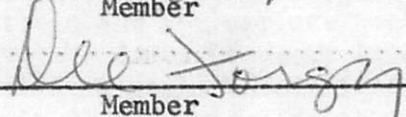
BE IT FURTHER RESOLVED: That the special exception herein granted and the variance herein authorized are granted to the applicant for as long a period of time as the property is owned by the applicant, or some other philanthropic organization, and only so long as the property is used as a private club, the entire profits of which, if any, to be used for charitable or philanthropic undertakings; and that the property shall never be used for a public club and shall never be operated so as to constitute a nuisance, and shall at all times comply with all City, State and Federal Laws.

UNANIMOUSLY PASSED AND APPROVED this 6th day of July, 1955.


Acting Chairman


Member


Member


Member

