

City of San Antonio



Minutes  
Board of Adjustment  
Development and Business  
Services Center  
1901 S. Alamo

Monday, June 3, 2024

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Oroian at 1:03 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

**Roll Call – Present:** Brereton, Stevens, Ybanez, Dean, Cruz (left the commission at 3:56 PM), Gomez, Manna (joined the commission at 1:07 PM), Bragman, Benavides, Ozuna, Oroian, Vazquez (joined the commission at 3:56 PM)

**Absent:** None

**Worldwide Interpreters present.**

**Withdrawn**

Item #1 - BOA-23-10300002

**THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR MEETING:**

**Item #2**

**BOA-24-10300075:** A request by Master Property Partners, LTD for appealing the City's Historic Preservation Officer's denial of a Certificate of Appropriateness, located at 900 West Houston Street and 118 North Medina Street. Staff recommends Denial. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 9 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. No response from The Gardendale Neighborhood Association.

Staff also stated applicant is requesting a continuance for June 17<sup>th</sup>.

**No Public Comment**

A motion was made by Commissioner Ozuna to continue item to June 17<sup>th</sup>.

The motion was seconded by Commissioner Brereton.

A verbal vote was taken, and all voted in affirmative.

### **MOTION PASSES**

#### **Item #3**

**BOA-24-10300062:** A request by the Law Office of EAR PLLC for 1) a 15' variance from the minimum 30' setback to allow a structure with a 15' rear setback, 2) a 15' variance from the minimum 15' buffer to allow an elimination of the buffer requirements on the front yard, and 3) a 5' variance from the minimum 20' setback to allow a 15' side setback, located at 12102 Huebner Road. Staff recommends Denial. (Council District 8) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 21 Notices were mailed to property owners, 3 returned in favor, 0 returned in opposition. No registered Neighborhood Association within 200 feet.

Staff also stated applicant is requesting a continuance for June 17<sup>th</sup>.

#### **No Public Comment**

A motion was made by Commissioner Ozuna to continue item to June 17<sup>th</sup>.

The motion was seconded by Commissioner Cruz.

A verbal vote was taken, and all voted in affirmative.

### **MOTION PASSES**

#### **ITEM #4**

**BOA-24-10300064:** A request by Stephanie Garcia for 1) a 15' variance from the minimum 15' Buffer to allow the elimination of the Buffer in the front yard, 2) a 29'-11" variance from the minimum 30' front setback to allow a structure with a 1" front setback, 3) a 29'-11" variance from the minimum 30' side setback to allow a structure with a 1" side setback, 4) a 20' variance from the minimum 30' rear setback to allow a structure with a 10' rear setback, and 5) a 15' variance from the minimum 25' rear buffer to allow a 10' buffer in the rear yard, located at 2102 South Presa Street. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 25 Notices were mailed to property owners, 1 returned in favor, 6 returned in opposition. The Roosevelt Park Neighborhood Association is in opposition.

John Caii, applicant representative, presented item and stated the removal of #4 and #5 from the request.

**Public Comment**

**Voicemail**

Chris Mendiola – spoke in opposition.  
Anthony Juarez – spoke in opposition.  
Davis Thomas – spoke in opposition.  
Dianne Cruz – spoke in opposition.  
Jesus Gonzales – spoke in opposition.  
Maline Poe – spoke in opposition.

**In Person**

Terene Peak – spoke in opposition.  
Isabel Cruz – spoke in opposition.  
Ramiro Martinez – spoke in opposition.  
Jeffrey Hunt – spoke in opposition.  
John Bustamante – spoke in opposition.

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300064, I move that the Board of Adjustment grant a request for 1) a 15’ variance from the minimum 15’ Buffer to allow the elimination of the Buffer in the front yard, 2) a 29’-11” variance from the minimum 30’ front setback to allow a structure with a 1” front setback, and 3) a 29’-11” variance from the minimum 30’ side setback to allow a structure with a 1” side setback, situated at 2102 South Presa Street, applicant being Stephanie Garcia, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**Staff finds these variances are not contrary to the public interest as the reduced setbacks and the elimination of the buffer yard is not contrary to public interest as it does not negatively impact any surrounding properties or the public.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**A literal enforcement of the ordinance would result in the applicant incorporating the minimum buffer yard requirement, which would result in an unnecessary hardship, as the applicant would not have adequate development area.**

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

**In this case, the elimination of the buffer yards and composition will adhere to the spirit of the ordinance, as it provides adequate separation and protection from the right of way and abutting residential lots.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**Staff finds the variances will provide secure housing of a historical City of San Antonio horse-drawn carriage tourist attraction, and will not injure the surrounding area.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**Staff finds the subject property is located within a reasonable distance from the city center, allowing a safer and less congested area to hub horses and carriages and the lot size limited for the use for which it is zoned.**

The motion was seconded by Commissioner Manna.

**Favor:** None

**Opposed:** Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

## **MOTION FAILS**

### **Item #5**

**BOA-24-10300076:** A request by Lizarde Guillermo for 1) a 2'-6" variance from the minimum 5' side setback to allow an accessory structure to be 2'-6" from the western side setback, 2) a 4'-11" variance from the minimum 5' side setback to allow an accessory structure to be 1" from the eastern side setback, and 3) a 9'-11" variance from the minimum 10' setback to allow a carport with a 1" rear setback, located at 331 Gulf Street. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. The Roosevelt Park Neighborhood Association is in opposition.

Lizarde Guillermo, applicant, gave background information on the structure.

**No Public Comment**

A motion was made by Commissioner Stevens. Regarding Case No. BOA-24-10300076, I move that the Board of Adjustment grant A request for 1) a 2'-6" variance from the minimum 5' side setback to allow an accessory structure with a 2'-6" western side setback, 2) a 4'-11" variance from the minimum 5' side setback to allow an accessory structure with a 1" eastern side setback, and 3) a 9'-11" variance from the minimum 10' setback to allow a carport with a 1" rear setback, situated at 331 Gulf Street, applicant being Lizarde Guillermo, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**Staff finds the reduced setbacks of the carport/accessory structure in rear yard will not injure neighboring lots and provides sufficient room for entering/exiting.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Staff finds that a literal enforcement of the ordinance would result in unnecessary hardship as both the carport/accessory structure that has existed since 2006 would need to be reconstructed or demolished to adhere to current regulations.**

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

**Staff finds that the structure's location and use observes the spirit of the ordinance and intent of the code as the requested variances leave sufficient distance between structure, property lines and street access.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**If granted, the carport/accessory structure will not injure the appropriate use of adjacent conforming properties or alter the essential character of the district.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the*

*owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The property does not have the adequate space for a carport/ accessory structure to meet the side and rear setback requirements.**

The motion was seconded by Commissioner Benavides.

**Favor:** Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** Brereton

### **MOTION PASSES**

#### **Item #6**

**BOA-24-10300082:** A request by Lorraine Negrete for 1) a 3' special exception from the maximum 3' fence height to allow a 6' privacy fence in the front yard, and 2) a 15' variance from the minimum 25' corner clear vision requirement to allow a 10' corner clear vision, located at 859 Canton Street. Staff recommends Denial. (Council District 2) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 34 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. The Jefferson Heights and Harvard Place Eastlawn Neighborhood Associations did not respond.

#### **No Public Comment**

Staff stated applicant was not present and could not get a hold of them. Stated the commission has the option to continue case.

A motion was made by Commissioner Manna to continue item to June 17th.

The motion was seconded by Commissioner Bragman.

A verbal vote was taken, and all voted in affirmative.

### **MOTION PASSES**

Commission went into recess at 3:01 PM and reconvened at 3:11 PM

#### **Item #7**

**BOA-24-10300085:** A request by Tony Bokanian for a variance from the fence materials to allow for a corrugated metal fence on the property, located at 9643 New Laredo Highway. Staff recommends Approval. (Council District 4) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 9 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. No registered Neighborhood Association within 200 feet.

Primo Araujo, representing the applicant, spoke in need of the variance for the fence.

**No Public Comment**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300085, I move that the Board of Adjustment grant a request for a variance from the fence materials to allow for a corrugated metal fence on the property, situated at 9643 New Laredo Highway, applicant being Tony Bokanian, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**The request is not contrary to the public interest, as the legal established use is a high intense heavy industrial use.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Staff found the size of the lot, requirement of a fence and the approved use will create an unnecessary hardship without the variance.**

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

**The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The fence appears to observe the spirit of the ordinance, as the established use is a high intensity heavy industrial use.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**Staff finds the granting of the variances will not substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district in which the property is located, as corrugated metal fences exist as nonconforming structures in the area.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, such as the established use and the existing corrugated metal fences in the area.**

The motion was seconded by Commissioner Ozuna.

**Favor:** Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

**MOTION PASSES**

Commissioner Cruz left the meeting; Commissioner Vasquez was seated to replace Commissioner Cruz.

**Item #8**

**BOA-24-10300086:** A request by Jarred Barfield for 1) an 1,816 square foot variance from the minimum lot size requirement of 4,000 square feet to allow a 2,184 square foot lot, 2) a 15' variance from the minimum 20' rear setback to allow a 5' rear setback, 3) a 15' variance from the minimum 20' garage setback to allow a garage to be 5' from the front property line, and 4) a half-story variance from the maximum 2.5 stories to allow a 3-story structure, located at 211 North Polaris. Staff recommends Denial. (Council District 2) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 29 Notices were mailed to property owners, 0 returned in favor, 0 returned Opposed. No response from The Jefferson Heights Neighborhood Association.

Jarred Barfield, applicant, presented the item. Applicant said the variance was needed to construct a new home.

**Public Comment**

**Voicemail**

Ryan Kenny, representing Jefferson Heights Neighborhood Association, spoke in favor.

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300086, I move that the Board of Adjustment grant a request for 1) a 1,816 square foot variance from the minimum lot size requirement of 4,000 square foot to allow a 2,184 square foot lot, 2) a 13' variance from the minimum 20' rear setback to allow a 7' rear setback, and 3) a 15' variance from the minimum 20' garage setback to allow a garage to be 5' from the front property line, situated at 211 North Polaris, applicant being Jarred Barfield, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of

the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**The request is not contrary to the public interest, as the variances will still leave sufficient space from other residential properties and is not out of character for area in which the property is located.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**A literal enforcement of the ordinance would result in unnecessary hardship as the property does not contain sufficient space for the proposed development.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The variances would observe the spirit of the ordinance as adequate space remains from other residential lots and the structure will not impose on surrounding properties.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The requested variances would not alter the essential character of the district as sufficient distance remains in the setbacks, and the development of the lot with these variances will not be out of character for the district the property is located within.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**The variances are sought due to unique circumstances existing on the property such as the size of the lot which prevents adequate development of a home.**

The motion was seconded by Commissioner Manna.

Chair Oroian proposed a friendly amendment to remove the third story component and drop the rear setback to 7'. Commissioners Bragman and Manna accepted the friendly amendment.

**Favor:** Brereton, Stevens, Ybanez, Dean, Vasquez, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

## **MOTION PASSES**

### **Item #9**

**BOA-24-10300087:** A request by Tony Bokanian for a variance from the fence materials to allow for a corrugated metal fence on the property, generally located in the 9600 Block of South IH-35. Staff recommends Denial. (Council District 4) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 7 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. No registered Neighborhood Association within 200 feet.

Primo Araujo, representing applicant, amended their application to add caps to the corrugated metal fence. Tony Bokanian, applicant, agreed to the amendment to the application to include caps at top and bottom of the metal fence.

### **Public Comment**

#### **In Person**

L.W. Arbuthnot, spoke in opposition. After clarification with the applicant and board, he changed his opposition to support for the variance.

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300087, I move that the Board of Adjustment grant a request for a variance from the fence materials to allow for a corrugated metal fence with a cap on the corrugated metal on the property, generally located in the 9600 Block of South IH-35, applicant being Tony Bokanian, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**In this case, the fence will provide security and privacy screening for industrial uses.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Staff finds that a literal enforcement of the ordinance would result in unnecessary hardship as the applicant will have to redesign plans to incorporate approved fence materials as well as provide the privacy screening and durability for property use.**

*3 By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

**The spirit of the ordinance will be observed with the approval of the corrugated metal fence on the property as it will provide the durability, security, and safety needed to protect the property.**

*4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

*5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**Staff finds the granting of the variances will not substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district in which the property is located as the use of corrugated metal fencing can be found throughout the surrounding area.**

*6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property such as proximity to a high traffic expressway and need to provide the necessary safety and privacy screening for automotive and metal recycling use.**

The motion was seconded by Commissioner Benavides.

**Favor:** Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

**MOTION PASSES**

**Item #10**

**BOA-24-10300088:** A request by George Rodriguez for 1) a 14' variance from the maximum 16' height to allow a 30' sign height, and 2) a 23 square feet variance from the maximum 75 square feet to allow a 98 square feet sign, located at 10203 Ironside Drive. Staff recommends Denial.

(Council District 1) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 15 Notices were mailed to property owners, 3 in favor, 1 in opposition. No registered Neighborhood Association within 200 feet.

Tony with Economy Signs, spoke about the importance of the sign to navigate to the business location without obstructions.

**No Public Comment**

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300088, I move that the Board of Adjustment grant a request for 1) a 14’ variance from the maximum 16’ height to allow a 30’ sign height, and 2) a 23 square feet variance from the maximum 75 square feet to allow a 98 square feet sign, situated at 10203 Ironside Drive, applicant being George Rodriguez, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

**The requested variances will not cause a cessation of legitimate, longstanding active commercial use of the property as the sign was originally Nonconforming.**

3. *After seeking one or more of the findings set forth in subparagraphs (1) and (2), the Board finds that:*

A. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**The proposed sign square footage and sign height does not appear to provide a special privilege as there are similarly sized signs in the immediate area.**

B. Granting the variance will not have a substantially adverse impact on neighboring properties.

**The proposed variance will not have an adverse impact on neighboring properties as sufficient space exists between the sign and neighboring uses.**

C. Granting the variance will not substantially conflict with the stated purposes of this article.

**The requested variance does not appear to substantially conflict with the stated purpose of the chapter.**

The motion was seconded by Commissioner Bragman.

**Favor:** Brereton, Ybanez, Dean, Vasquez, Gomez, Bragman, Benavides, Ozuna, Oroian

**Opposed:** Stevens, Manna

**MOTION PASSES**

**Item #11**

**BOA-24-10300089:** A request by Moonstar Adventures, LLC for a 6' variance from the maximum 3' fence height to allow an 9' privacy fence in the front yard, located at 167 Country Lane. Staff recommends Denial. (Council District 10) (Mirko Maravi, Principal Planner, (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 142 Notices were mailed to property owners, 1 returned In-Favor, 15 returned Opposed, Oak Park Northwood Neighborhood Association is Opposed, the Northeast Neighborhood Alliance Community Organization did not respond and 4 returned opposed outside 200 feet.

Javier Guerra, representative for the homeowner, presented the request for the fence height variance. He stated the homeowner wants the fence for her family to feel safe.

**Public Comment**

**Voicemail**

Steven Davis – spoke in opposition.

Crystal Plastina – spoke in opposition.

**In Person**

Jeff Wentworth – spoke in opposition.

Karla Wentworth – spoke in opposition.

Emily Boehm Boerner – spoke in opposition.

Virginia Boehm – spoke in opposition.

Jim Boehm – spoke in opposition.

Ed Kelley – spoke in opposition.

No motion was made.

**FAILS DUE TO LACK OF MOTION**

**Item #12**

**BOA-24-10300091:** A request by Gerardo Cruz for an 8' variance from the minimum 20' rear setback to allow a structure to be 12' from the rear property line, located at 4519 Shay Circle. Staff recommends Approval. (Council District 6) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 37 Notices were mailed to property owners, 3 returned In-Favor, 0 returned Opposed, the Estates of Westover Hills Neighborhood Association did not respond.

Geraldo Cruz, applicant, requested the setback variance for a garage and an addition to increase the living space of the home.

**Public Comment**

**Voicemail**

Rosalia Graham – spoke in opposition.

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300091, I move that the Board of Adjustment grant a request for an 8' variance from the minimum 20' rear setback to allow a structure to be 12' from the rear property line, situated at 4519 Shay Circle, applicant being Gerardo Cruz, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**In this case, the public interest is represented by distance between the structure and the rear setback. The variance will leave 12' from the rear setback which provides ample room and will not be contrary to the public interest.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Staff found special conditions on the property that would result in unnecessary hardship such as requiring a reverse corner lot and the limited space in the rear yard for an addition.**

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

**The variance will observe the spirit of the ordinance and substantial justice will be done as the abutting property has an extended side setback opposite of the addition and there will be significant open space in the side yard.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The proposed 12' rear setback will leave sufficient room and will not alter the essential character of the district.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**The variances are sought due to unique circumstances existing on the property such as the reverse corner lot and limited room in the rear yard. These circumstances were not created by the property owner.**

The motion was seconded by Commissioner Benavides.

**Favor:** Brereton, Stevens, Ybanez, Vasquez, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian  
**Opposed:** Dean

### **MOTION PASSES**

#### **Item #13**

**BOA-24-10300092:** A request by Marco Bolado for 1) a 400 square foot variance from the minimum lot size requirement of 6,000 square feet to allow development on a 5,600 square foot lot, and 2) a 10' variance from the minimum 50' lot width to allow a development on a lot with a 40' width, located at 519 West Highland Boulevard. Staff recommends Approval. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 28 Notices were mailed to property owners, 6 returned in favor, 0 returned in opposition. No response from the Roosevelt Park Neighborhood Association.

Eugene Perez, representing the applicant, presented the item. The variance is needed to construct a new residence on the lot.

#### **No Public Comment**

A motion was made by Commissioner Benavides. Regarding Case No. BOA-24-10300092, I move that the Board of Adjustment grant a request for 1) a 400 square foot variance from the minimum lot size requirement of 6,000 square foot to allow development on a 5,600 square foot lot, and 2) a 10' variance from the minimum 50' lot width to allow a development on a lot with a 40' width, situated at 519 West Highland Boulevard, applicant being Marco Bolado, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**Staff finds this request is not contrary to public interest, as the applicant is abiding by the setback requirements, which will not infringe onto the neighboring properties.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**In this case, the special condition found on the subject property is the narrow lot width and size. Without this variance, an unnecessary hardship will prevent the applicant from developing this lot.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The applicant is requesting this variance prior to construction. Additionally, all other building requirements, such as setback minimums, building height, and lot density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**Upon site visits, staff has found that the 10 foot width and 400 square foot variances will not alter the essential character of the district and setback regulations will insure adjacent properties remain uninjured.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

**Staff finds the plight of the owner of the property for which the variances are sought is due to unique circumstances existing on the property, such as the narrow width of the lot effecting size. The circumstances do not appear to be merely financial.**

The motion was seconded by Commissioner Manna.

**Favor:** Brereton, Stevens, Ybanez, Dean, Vasquez, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

## MOTION PASSES

### Item #14

**BOA-24-10300095:** A request by Brown & McDonald PLLC for a 15' variance from the minimum 15' buffer to allow the elimination of the buffer on the western property line, located at 11019 Culebra Road. Staff recommends Approval. (Council District 6) (Mirko Maravi, Principal Planner, (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 14 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. No registered Neighborhood Association within 200'.

Caroline McDonald, applicant, presented the item and was available for questions.

### No Public Comment

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300095, I move that the Board of Adjustment grant a request for a 15' variance from the minimum 15' buffer to allow the elimination of the buffer on the western property line, located at 11019 Culebra Road, applicant being Brown & McDonald PLLC, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**In this case, the public interest is represented by the 15' buffer against a multi-family development. This would not be contrary to the public interest as setbacks would still be required on the commercial lot.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Staff found special conditions on the property that could result in unnecessary hardship by abiding by the buffer standards as the commercial development was established prior to the multi-family development.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**By granting the variance, the spirit of the ordinance will be observed as a separation will exist with the required setback.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The requested buffer elimination variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district as the commercial driveway is existing.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The request is due to unique circumstances existing on the property as the commercial development was established prior to the multi-family use.**

The motion was seconded by Commissioner Manna.

**Favor:** Brereton, Stevens, Ybanez, Dean, Vasquez, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

**MOTION PASSES**

**Item #15**

**BOA-24-10300096:** A request by Robert Valle for 1) a 1' special exception from the maximum 5' fence height to allow a 6' predominantly open fence in the front yard, 2) a variance from the 50% impervious front yard requirement to allow a front yard with over 50% impervious cover, and 3) a 5' variance from the minimum 15' clear vision to allow a 10' driveway clear vision, located at 515 Rittiman Road. Staff recommends approval for the Fence Height Special Exception and Clear Vision Variance. Staff recommends Denial for the Impervious Cover Variance. (Council District 2) (Mirko Maravi, Principal Planner, (210) 207-0107, Mirko.Maravi@sanantonio.gov, Development Services Department)

Staff stated 19 Notices were mailed to property owners, 1 returned in favor, 0 returned in opposition. No registered Neighborhood Association.

Robert Valle, homeowner, requested the variance for fence height for security reasons.

**No Public Comment**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300096, I move that the Board of Adjustment grant a request for a 1' special exception from the maximum 5' fence height to allow a 6' predominantly open fence in the front yard, located at 515 Rittiman Road, applicant being Robert Valle, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The special exception will be in harmony with the spirit and purpose of the chapter.*

**The additional fence height will be in spirit and purpose of the chapter as significant elevation difference exists between the neighboring properties.**

2. *The public welfare and convenience will be substantially served.*

**In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The special exception will provide proper security for the area.**

3. *The neighboring property will not be substantially injured by such proposed use.*

**The special exception will not substantially injure neighboring properties as the increase is for 1-foot on unevenly elevated lots.**

4. *The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.*

**The special exception will not alter the essential character of the district as a 5' fence is permitted in the front yard and an increased 8' fence is permitted in the side and rear yard.**

5. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

**The increased fence height will not weaken the general purpose of the regulations established as the elevation difference warrants the need for a special exception.**

The motion was seconded by Commissioner Benavides.

**Favor:** Brereton, Stevens, Ybanez, Dean, Vasquez, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

**MOTION PASSES**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300096, I move that the Board of Adjustment grant a request for 1) a 5% variance from the 50% impervious cover requirement to allow the front yard to have at most 55% impervious cover, and 2) a 5' variance from the minimum 15' clear vision to allow a 10' driveway clear vision, located at 515 Rittiman Road, applicant being Robert Valle, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

1. *The variance is not contrary to the public interest.*

**This would not be contrary to the public interest as sufficient room will remain to exiting into the right of way and the impervious cover would not create any excess runoff into the area.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**Staff found special conditions on the property that could result in unnecessary hardship by following the clear vision standard as the fence would need to be pushed back into the front yard and the property owner would be limited to the size of the driveway.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**By granting the variance, the spirit of the ordinance will be observed as a 10' driveway clear vision would remain on the lot and the property would have adequate parking.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

**No uses other than those allowed within the district will be allowed with this variance.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**The requested variances will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district as the reduced clear vision would allow for safe exiting off of the property and the increased driveway will provide for a more efficient use of the residential lot.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The request is due to unique circumstances existing on the property as the distance from the property line and right of way does not provide enough clear vision distance and the available room for an increased driveway.**

The motion was seconded by Commissioner Benavides.

**Favor:** Brereton, Stevens, Ybanez, Dean, Vasquez, Gomez, Manna, Bragman, Benavides, Ozuna, Oroian

**Opposed:** None

**MOTION PASSES**

Approval of the minutes from the Board of Adjustment meetings on May 20, 2024.

A motion was made by Commissioner Brereton and seconded Commissioner Bragman for approval of the May 20, 2024 minutes.

A verbal vote was taken, and all voted in affirmative.

**MOTION PASSES**

**Director’s Report** – June 17<sup>th</sup> work session will begin at noon for Year in Review and Ethics & Etiquette Training.

**Adjournment**

There being no further business, the meeting was adjourned at 5:26 PM.

APPROVED BY: \_\_\_\_\_ or \_\_\_\_\_  
Chairman Vice-Chair

DATE: \_\_\_\_\_

ATTESTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Executive Secretary