

City of San Antonio



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

Monday, April 21, 2025

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Oroian at 1:00 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean, Cruz, Manna, Gomez, Bragman, Benavides (via WebEx @ 1:03 PM), Ozuna, Oroian

Absent: None

Worldwide Interpreters present.

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

Item #1

(continued from 4/7/2025) BOA-25-10300039: A request by Wendell Brown for a request for a 4'-11" variance from the minimum 5' rear setback to allow an addition to a detached accessory structure to be 1" from the rear property line, located at 215 South Pinto Street. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 23 Notices were mailed to property owners, 3 in favor, 0 in opposition. Historic Westside Residents Neighborhood Association is in Support.

Wendell and Grethil Brown, applicants, presented the item and were available for questions. Mr. Brown formally amended the application to include gutters.

PUBLIC COMMENT

Voicemail

Leticia Sanchez – Westside Historic NA – in favor

In Person

Henry Rodriguez – 501 Oakwood Drive – in favor

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-25-10300039, I move that the Board of Adjustment grant a request for a 4'-11" variance from the minimum 5' rear setback to allow an addition to a detached accessory structure to be 1" from the rear property line, situated at 215 South Pinto Street, applicant being Wendell Brown, 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. The limits of the variance would be 16.5 feet back from the existing garage structure and to include gutters.

Specifically, we find that:

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

The requested variance is not contrary to the public interest as the 1" rear setback is not abutting a structure.

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 applicant would be limited in expanding the accessory structure from an established nonconforming setback to the 16.5 limit as stated.

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

The requested variance appears to be in the spirit of the ordinance as a 1" rear setback would allow the proposed addition to align with the existing structure, maintaining the current distance from the abutting 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.

If granted, the reduced rear setback will not alter the essential character of the district as the reduced setback was already historically established.

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 location of the existing accessory structure.

The motion was seconded by Commissioner Manna.

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

Opposed: Gomez

MOTION PASSED

Item #7

BOA-25-10300048: A request by Horizon Landscape for an 11'-9" buffer variance from the 15' type B buffer along 145' of the IH 10 West R.O.W. to allow for a parking lot expansion with a 3'-3" type B buffer, located at 10855 IH 10 West. Staff recommends Approval. (Council District 8) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 6 Notices were mailed to property owners, 1 in favor, 0 in opposition. There are no Neighborhood Associations within 200ft of the property. No Response from Women in Film & Television San Antonio, and San Antonio African American Community Archive Museum Community Organizations.

John Robinson, representing the applicant, presented the item and was available for questions. Joe Castillo, representing the property owner, was also available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Bragman. Regarding Case No. BOA-25-10300048, I move that the Board of Adjustment grant a request for an 11'-9" buffer variance from the 15' type B buffer along 145' of the IH 10 West R.O.W. to allow for a parking lot expansion with a 3'-3" type B buffer, situated at 10855 IH-10 W, applicant being Horizon Landscape, 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 reduced buffer does not impact the neighboring properties as there are properties in the surrounding area that have similarly reduced landscape buffers.

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

The limited available development space prevents the expansion of the existing parking area towards any other direction other than into the buffer.

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

The request appears to be in the spirit of the ordinance, as the affected square footage of the landscape buffer will be relocated to other parts of the property and not eliminated as a remedy to the 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.

The variance will not substantially injure the appropriate use of the neighboring properties as the part of the landscape buffer that will be encroached upon will be relocated.

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 plight of the owner of the property for which the variance is sought is due to a unique circumstance existing on and near the property. The limited available development space prevents the expansion of the existing parking area.

The motion was seconded by Commissioner Manna.

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

Opposed: Manna, Cruz

MOTION PASSED

Item #11

BOA-25-10300049: A request by Law office of EAR PLLC for 1) a 3'-2" special exception from the maximum 6' fence height to allow an 8' solid fence, with 9'-2" support beams, in the side and rear yard, 2) a variance from the fence materials to allow for a corrugated metal fence, and 3) a 13'-9" variance from the minimum 25' corner clear vision to allow a 11'-3" corner clear vision, located at 3400 Pitluk Avenue and 7434 New Laredo Highway. Staff recommends Denial. (Council District 4) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 21 Notices were mailed to property owners, 21 in favor inside 200-feet, 9 in favor outside 200-feet, 0 in opposition. No registered Neighborhood Association or Community Organization.

Elizabeth Russell, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Stevens. Regarding Case No. BOA-25-10300049, I move that the Board of Adjustment grant a request for a 3'-2" special exception from the maximum 6' fence height to allow an 8' solid fence in the side and rear yard, situated at 3400 Pitluk Avenue and 7434 New Laredo Highway, applicant being Law office of EAR 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:

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

Staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the 8' solid fence, in the side and rear yard will provide screening for the commercial property and will not injure the neighboring properties or impede the right-of-way.

B. The public welfare and convenience will be substantially served.

The proposed fence appears to serve the public welfare and convenience, as the additional fence height provides additional security for the subject property and properties in the surrounding area.

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

The fence special exception, limited to the side and rear yard, appears to create separation and privacy for the subject and adjacent properties.

D. 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 additional fence height does not appear to alter the essential character of the district and location for which the special exception is sought.

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

The requested special exception will not weaken the general purpose of the district and will provide security for the subject property.

The motion was seconded by Chair Oroian

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

Opposed: Brereton

MOTION PASSED

A motion was made by Chair Oroian. Regarding Case No. BOA-25-10300049, I move that the Board of Adjustment grant a request for 1) a variance from the fence materials to allow for a corrugated metal fence with cap, as so amended by the applicant and 2) a 5' variance from the minimum 25' corner clear vision to allow a 20' corner clear vision, situated at 3400 Pitluk Avenue and 7434 New Laredo Highway, applicant being Law office of EAR 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.

The requested variance is not contrary to the public interest as the fence material variance and corner clear vision provides privacy screening and will not impede the safety of drivers in the area.

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

A literal enforcement of the fence material ordinances would result in unnecessary hardship as the applicant would need dismantle and remove the fence on the property and lose the additional security and privacy afforded by the fence.

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

The requested variance appears to be in the spirit of the ordinance as the requested fence material will provide additional safety and security for the property and the corner clear vision provides a safe distance for drivers and right of way.

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 that the variance would not substantially injure the appropriate use of adjacent properties as the fencing material is not out of character for commercial usage and the surrounding properties and the corner clear vision will not impede the view for drivers and pedestrians utilizing the right of way.

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 and not merely financial such as the shape of the lot and the nearby residential uses.

The motion was seconded by Commissioner Dean

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

Opposed: Brereton, Manna

MOTION PASSED

Item #2

BOA-25-10300043: A request by Lee Percenti for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face (Section 35-374.01(c))., located at 709 East Locust Street. Staff recommends Approval. (Council District 1) (Joseph Leos, Senior Planner, (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 27 Notices were mailed to property owners, 0 in favor, 0 in opposition. Tobin Hill Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, San Antonio Texas District One Resident Association, Women in Film & Television San Antonio Community Organizations, and San Antonio African American Community Archive Museum

Lee and Don Percenti, applicants, presented the item and were available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-25-10300043, I move that the Board of Adjustment grant a special exception to allow for (1) one additional Type 2 short term rental unit, situated at 709 East Locust Street, applicant being Lee Percenti, 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:

A. The special exception will not materially endanger the public health or safety.

In that this is the second renewal, and staff has been unable to identify any code enforcement history to the location in the past six (6) years, staff finds that the request to operate an additional short term rental beyond the 12.5% density cap is not likely to materially endanger the public health and/or safety, if approved. Additionally, the structure in which the STR is located within does not pose a hazard to life, health, or public safety.

B. The special exception does not create a public nuisance.

The applicant has demonstrated, over the previous six (6) years, that the operation of this STR does not cause a public nuisance. Staff finds that this trend is more than likely to continue, with zero complaints registered against the property and operator.

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

The density caps were established to ensure that neighbors are not inundated by the presence of Type 2 STRs. Allowing this additional STR on this block face will not substantially injure neighboring properties as it has been operating since 2019 and has not impacted the surrounding areas since then.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides the minimum one off-street parking space and appears to have adequate utilities, access, and open space.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant or owner does not have previously confirmed citations, adjudicated offenses, or convictions for this property or other properties. The applicant does have a previously revoked license for another property.

F. 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 requested special exception is not likely to alter the essential character of the district as the property is zoned "IDZ", which allows for the land use of a STR and general residential land uses. The density limits established by City Council exist to ensure that neighborhood remain, primarily, residential. Staff finds that exceeding the 12.5% block face density is not likely to alter the essential character of the district.

The motion was seconded by Commissioner Cruz.

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

Opposed: Ybanez, Dean

MOTION PASSED

Item #3

BOA-25-10300045: A request by Beatriz Guzman for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face (Section 35-374.01(c))., located at 623 Dakota Street. Staff recommends Denial. (Council District 2) (Joseph Leos, Senior Planner, (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 38 Notices were mailed to property owners, 0 in favor, 0 in opposition. Denver Heights Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, Women in Film & Television San Antonio, San Antonio African American Community Archive Museum, and NES Foundation Community Organizations.

Beatriz Guzman, applicant, presented the item and was available for questions. Chair Oroian offered a continuance for Ms. Guzman to meet with the Denver Heights Neighborhood Association. Applicant asked for a continuance to the May 5, 2025, Board of Adjustment meeting.

PUBLIC COMMENT

Voicemail

Elisa Garcia – Westside Historic NA –in opposition

A motion was made by Commissioner Ozuna to continue item BOA-25-10300045 to the May 5, 2025, Board of Adjustment meeting.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

The Board went into recess at 2:56 PM and reconvened at 3:05 PM.

Item #10

BOA-25-10300042: A request by Estela Villarreal for a 2' rear setback variance from the minimum 20' rear setback to allow for an 18' rear setback, located at 714 Chihuahua Street, Staff recommends Approval. (Council District 5) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

PUBLIC COMMENT

Voicemails

Georgia Rios – 710 Chihuahua Street – in opposition

JoAnn McFadden – 618 Chihuahua Street – in opposition

A motion was made by Commissioner Manna to hear BOA-25-1030042 at the May 5, 2025, Board of Adjustment meeting.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Item #4

BOA-25-10300046: A request by Cynthia Polnaszek for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c), located at 203 Paschal Street Unit 101. Staff recommends Approval. (Council District 1) (Juan Alvarez,

Senior Planner, (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 57 Notices were mailed to property owners, 9 in favor, 2 in opposition. Tobin Hill Community Neighborhood Association did not respond. No Response from the San Antonio District One Resident Association. No Response from Lifeline Overeaters Anonymous, NES Foundation, Women in Film & Television San Antonio Community Organizations.

Cynthia Polnaszek, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voicemail

Daniel Hansen – 329 E Myrtle Street – in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300046, I move that the Board of Adjustment grant a special exception to allow for (1) one additional Type 2 short term rental unit, situated at 203 Paschal Street Unit 101, applicant being Cynthia Polnaszek, 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:

A. The special exception will not materially endanger the public health or safety.

In that this is the first renewal, and staff has been unable to identify any code enforcement history at this location in the past three (3) years, staff finds that the request to operate an additional short-term rental beyond the 12.5% density cap is not likely to materially endanger the public health and/or safety, if approved. Additionally, the structure in which the STR is located within does not pose a hazard to life, health, or public safety.

B. The special exception does not create a public nuisance.

The applicant has demonstrated, over the previous three (3) years, that the operation of this STR does not cause a public nuisance. Staff finds that this trend is more than likely to continue, with zero complaints registered against the property or operator.

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

The density caps were established to ensure that neighbors are not inundated by the presence of Type 2 STRs. Allowing this additional STR on this blockface will not substantially injure neighboring properties as it has been operating since 2022 and has not impacted the surrounding areas since then.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides off-street parking and appears to have adequate utilities, access, and open space.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant or owner does not have confirmed citations, or adjudicated offenses or convictions.

F. 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 requested special exception is not likely to alter the essential character of the district as the property is zoned “MF-33”, which allows for the land use of a STR and general residential land uses. The density limits established by City Council exist to ensure that neighborhood remain, primarily, residential. Staff finds that exceeding the 12.5% blockface density is not likely to alter the essential character of the district.

The motion was seconded by Commissioner Ozuna.

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

Opposed: Ybanez, Dean

MOTION PASSED

Item #5

BOA-25-10300050: A request by Karla Pena for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c)., located at 630 East Carson Street. Staff recommends Denial. (Council District 2) (Juan Alvarez, Senior Planner, (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 30 Notices were mailed to property owners, 0 in favor, 1 in opposition. Government Hill Alliance Neighborhood Association did not respond. No Response from Lifeline Overeaters Anonymous, San Antonio African American Community Archive Museum, and Women in Film & Television San Antonio Community Organizations.

Karla Pena, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Cruz. Regarding Case No. BOA-25-10300050, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 630 E Carson Street, applicant being Karla Pena, 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:

A. The special exception will not materially endanger the public health or safety.

The Board finds that the request to operate an additional short-term rental is unlikely to materially endanger the public health, safety, or welfare. There is nothing obvious that would distinguish a short-term rental versus a long-term rental at this facility.

B. The special exception does not create a public nuisance.

There does not appear to be a reason to believe a public nuisance would be created if an additional short term rental permit was approved.

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

The neighboring properties consist of single-family structures. This scenario does not cause reason to believe it will substantially injure neighboring property as a Type 2 Short Term Rental.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides off-street parking and appears to have adequate utilities, access, and open space and does have room for two car parking.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant or owner does not have confirmed citations, or adjudicated offenses or convictions, for this property or other properties.

F. 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 subject property is located in close proximity to other residential properties. With the property owner providing off-street parking and maintaining it from the neighboring property, the special exception does not appear to alter the essential character of the district and location in which the property is seeking the special exception.

The motion was seconded by Commissioner Ozuna.

Favor: Cruz, Ozuna, Brereton, Gomez, Bragman, Benavides

Opposed: Stevens, Ybanez, Dean, Manna, Oroian

MOTION FAILED

Item #6

BOA-25-10300052: A request by Fast Signs of San Angelo for a 123.2 square foot variance from the maximum 87.5 square feet for a digital sign to allow for a 210.7 square foot digital sign, located at 11900 IH 10 West, Staff recommends Denial. (Council District 8) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 8 Notices were mailed to property owners, 1 in favor, 0 in opposition. There are no Neighborhood Associations within 200ft of the property. No Response from Women in Film & Television San Antonio and Riot Commons Community Organizations.

Stacy McIntyre, representing the applicant, presented the item and was available for questions.

Arturo Elizondo, Development Services, Chief Sign Inspector, provided clarification regarding digital billboards.

PUBLIC COMMENT

Voicemail

Colleen Waguespack – 1603 Tarton Lane – in opposition

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-25-10300052, I move that the Board of Adjustment grant a request for a 62.5 square foot variance from the maximum 87.5 square feet for a digital sign to allow for a 150 square foot digital sign, situated at 11900 IH-10 W, applicant being Fast Signs of San Angelo, 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, and*
2. *A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property.*

The permitted dimensions will cause a cessation of legitimate, longstanding active commercial use of the property due to the limited digital display area to properly distribute commercial information.

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 digital sign does not appear to provide a special privilege as existing digital signs in the area have similar square footage.

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

The proposed variance does not appear to have an adverse impact on neighboring properties as the digital sign square footage will be of similar size to the existing non-digital signs.

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

The proposed digital sign square footage does not appear to pose as a hazard nor danger to the surrounding properties as it must follow the safety regulations of the Sign Code.

The motion was seconded by Commissioner Manna.

Favor: Ozuna, Stevens, Ybanez, Dean, Gomez, Bragman, Oroian

Opposed: Manna, Brereton, Cruz, Benavides

MOTION FAILED

Item #8 Withdrawn

BOA-25-10300051: A request by Horizon Landscape for an elimination of a buffer yard requirements, located at 2815 Southeast Military Drive. Staff recommends Approval. (Council District 3) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Item #9

BOA-25-10300026: A request by Irving Aleman for 1) a 1' special exception from the maximum 5' fence height to allow a 6' predominantly open fence in the front yard, and 2) a variance from the fence materials to allow for a corrugated metal fence, located at 3723 Culebra Road. Staff recommends Approval for the fence height special exception. Staff recommends Denial for the fence material variance (Council District 7) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 19 Notices were mailed to property owners, 0 in favor, 0 in opposition. Culebra Park Neighborhood Association responded in Favor of the request.

Gus Gonzalez, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300026, 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, situated at 3723 Culebra Road, applicant being Irving Aleman, 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:

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

Staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the 6' front yard predominantly fence will provide screening for the commercial structure and will not injure the neighboring properties or impede the right-of-way.

B. The public welfare and convenience will be substantially served.

The proposed fence appears to serve the public welfare and convenience, as the additional fence height provides additional security to the subject property and abutting properties.

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

The fence height special exception appears to create separation and privacy for the subject and adjacent properties and will be within 1-foot of the Unified Development Code fence guidelines.

D. 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 additional fence height does not appear to alter the essential character of the district and location for which the special exception is sought.

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

The requested special exception will not weaken the general purpose of the district and will provide security for the subject property.

The motion was seconded by Commissioner Stevens.

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

Opposed: None

MOTION PASSED

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300026, I move that the Board of Adjustment grant a request for a variance from the fence materials to allow for a corrugated metal fence, situated at 3723 Culebra Road, applicant being Irving Aleman, 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 requested variance is not contrary to the public interest as the fence material will provide additional security and privacy for the property.

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

A literal enforcement of the fence material ordinances would result in unnecessary hardship as the applicant would need to dismantle and remove the fence on the property and lose the additional security and privacy afforded by the fence.

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

The requested variance appears to be in the spirit of the ordinance as the requested fence material will provide additional safety and security for 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 that the variance would not substantially injure the appropriate use of adjacent properties as the fencing material is not out of character for commercial usage and the surrounding properties.

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 motion was seconded by Commissioner Stevens

Commissioner Manna amended the motions to include “with cap, limited to side and rear yard”.

Commissioner Stevens seconded the amended motion.

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

Opposed: Brereton

MOTION PASSED

Item #12 (POSTPONED)

BOA-25-10300044: A request by Oscar Cruz for 1) a 4'-11" side setback variance from the minimum 5' setback requirement to allow an attached accessory structure to be 1" from the side property line, and 2) a 4'-11" side setback variance from the minimum 5' setback requirement to allow a carport attached to an accessory structure to remain 1" from the side property line, located at 1603 Steves

Avenue. (Council District 3) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Item #13

Approval of the minutes from the Board of Adjustment meetings on April 7, 2025.

A motion was made by Commissioner Manna for approval of the April 7, 2025, minutes.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Director's Report – None

There being no further business, the meeting was adjourned at 4:28 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary