

City of San Antonio



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

Monday, February 24, 2025**1:00 PM****1901 S. Alamo**

The meeting was called to by order by Chair Oroian at 1:02 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Manna, Benavides, Vasquez (via WebEx), Oroian, Bonillas (via WebEx at 2:25 pm), Bragman (joined at 1:33 pm)

Absent: Ozuna

Worldwide Interpreters present.

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

Item #1

BOA-24-10300244: A request by WGA Consulting Engineers for an 8’ variance from the 15’ setback to allow a structure to be 7’ from the Urban Corridor district front setback, located at 2100 North Main Avenue. Staff recommends Approval. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 22 Notices were mailed to property owners, 0 in favor, 0 in opposition. Monte Vista Neighborhood Association did not respond. Tobin Hill Neighborhood Association did not respond. No Response from San Antonio Texas District One Resident Association.

Nick Weinheimer, representing the applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mail

Tony Garcia – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300244, I move that the Board of Adjustment grant a request for an 8’ variance from the 15’ setback to allow a structure to be 7’ from the Urban Corridor district front setback, situated at 2100 North Main Avenue, applicant

being WGA Consulting Engineers, 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 setback is consistent with other structures in along the corridor in the immediate vicinity, and not out of character for the urban corridor district.

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

A literal enforcement of the urban corridor setbacks would result in unnecessary hardship as there is not adequate space for development on the lot.

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

The requested urban corridor variance appears to be in the spirit of the ordinance as it preserves the urban corridor while providing adequate space between 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.

If granted, the urban corridor setback variance will not substantially injure the appropriate use of the adjacent conforming properties. The proposed development will leave sufficient room between the property and the urban corridor 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 variance is due to unique circumstances that were not created by the property owner, such as the location and size of the lot.

The motion was seconded by Commissioner Cruz.

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

Opposed: None

MOTION PASSED**Item #2**

(Continued from 02/10/2025) BOA-25-10300003: A request by Westerleigh Properties LLC 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 Unit 106. Staff recommends Denial. (Council District 1) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 58 Notices were mailed to property owners, 3 in favor with 1 additional one in favor outside of the 200 ft, 0 in opposition and 1 in opposition outside of the 200ft. Tobin Hill Community Neighborhood Association did not respond. San Antonio District One Resident Association did not respond. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Smita and Avinash Bhakta, representing the applicants, presented the item and were available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Benavides. Regarding Case No. BOA-25-10300003, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 203 Paschal Unit 106 , applicant being Westerleigh Properties LLC, 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, multi-family, and commercial 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.

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 revoked licenses, confirmed citations, or adjudicated offenses or convictions, for this subject 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 subject property is located in close proximity to other residential. 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 Manna.

Favor: Benavides, Manna, Brereton, Ybanez, Cruz, Gomez, Vasquez, Oroian

Opposed: Stevens, Dean

Abstained: Bragman

MOTION FAILED

Item #3

BOA-25-10300008: A request by Stewart Porter 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 320 Baltimore Street. Staff recommends Approval. (Council District 1) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 23 Notices were mailed to property owners, 0 in favor, 0 in opposition. Downtown Neighborhood Association did not respond. No Response from NES Foundation, San Antonio District One Resident Association, and Women in Film & Television San Antonio Community Organizations.

Stewart Porter, applicant presented the item and was available for questions.

PUBLIC COMMENT

Voice mail

Korling Duren – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300008, 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 320 Baltimore, applicant being Stewart Porter, 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 blockface 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 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 previously revoked licenses, 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 “FBZ T5-1”, 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: Manna, Cruz, Brereton, Stevens, Ybanez, Gomez, Bragman, Benavides, Vasquez, Oroian

Opposed: Dean

MOTION PASSED

Item #4

(CONTINUED FROM 02/10/2025) BOA-24-10300219: A request by Jose Gallegos for 1) a 4'-11" variance from the minimum 5' side setback requirement to allow an addition to an existing primary structure to be 1" from the side property line, and 2) a 17' variance from the minimum 20' rear setback to allow a 3' rear setback, located at 1011 Weizmann Street. Staff recommends Denial. (Council District 1) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 34 Notices were mailed to property owners, 11 in favor, 0 in opposition. North Central Neighborhood Association did not respond.

Applicant was unavailable to present the item.

A motion was made by Commissioner Cruz to continue item BOA-24-10300219 to the March 24th Board of Adjustment meeting.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Item #5

(CONTINUED FROM 02/10/2025) BOA-25-10300004: A request by German Olivas for 1) a fence material variance to allow corrugated metal fencing, located at 306 South General McMullen and 4538 Monterey Street. Staff recommends Denial for the Fence Material Variance. Staff recommends Approval for the Fence Height Special Exception. (Council District 5) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 3 in favor, 0 in opposition. Las Palmas Neighborhood Association did not respond.

Valerie Yanez, representing the applicant, German Olivas, presented the item and was available for questions.

NO PUBLIC COMMENT

After Staff clarification, it was determined the item would have to be readvertised. No action was taken on BOA-25-10300004.

Item #8

Approval of the minutes from the Board of Adjustment meetings on February 10, 2025.

A motion was made by Commissioner Cruz for approval of the February 10, 2025, minutes.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Chair Oroian left the Board of Adjustment meeting for recusal purposes at 2:25 PM. Commissioner Bonillas joined the Board of Adjustment meeting, via WebEx, at 2:25 PM.

Item #6

BOA-25-10300011: A request by Ada Consulting Group, INC for 1) a 17' variance from the maximum 40' MC-3 Austin Hwy Metropolitan Corridor front setback to allow a structure to be 57' from the front property line, 2) a 15' variance from the minimum 20' MC-3 Austin Highway Metropolitan Corridor side setback to allow a structure to be 5' from the west side property line, 3) a 3' and 10' variance from the minimum 10' MC-3 Austin Highway Corridor landscape buffer to allow a 7' landscape buffer, with landscape buffer elimination along the building, on the west side of property, 4) a 5' variance application from the minimum 10' MC-3 Austin Highway Corridor landscape buffer to allow for a 5' landscape buffer on the east side of the property, 5) a request for a 6 parking spaces variance from the minimum 7 required parking spaces to allow 1 parking space, 6) a 2% impervious cover variance to from the maximum 80% impervious cover to allow 82% impervious coverage in the front yard, 7) a variance from the MC-3 Austin Hwy Metropolitan Corridor to allow a dumpster to be located in the front of the property, and 8) an 11' variance from the maximum 40' MC-3 Austin Highway Metropolitan Corridor front setback to allow a dumpster to be 51' from the front property line, located at 1250 Austin Highway. Staff recommends Approval. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, Melanie.Clark@sanantonio.gov, Development Services Department)

Staff stated 7 notices were mailed to property owners, 0 in favor, 0 in opposition. Not located within 200' of a registered Neighborhood Association.

Charles Pope, representing the applicant, presented the item and was available for questions. Gary Stinnett, with Wash Tub, was also available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300011, I move that the Board of Adjustment grant a request for 1) a 17' variance from the maximum 40' MC-3 Austin Hwy Metropolitan Corridor front setback to allow a structure to be 57' from the front property line, 2) a 15' variance from the minimum 20' MC-3 Austin Highway Metropolitan Corridor side setback to allow a structure to be 5' from the west side property line, 3) a 3' and 10' variance from the minimum 10' MC-3 Austin Highway Corridor landscape buffer to allow a 7' landscape buffer, with landscape buffer elimination along the building, on the west side of property, 4) a 5' variance application from the minimum 10' MC-3 Austin Highway Corridor landscape buffer to allow for a 5'

landscape buffer on the east side of the property, 5) a request for a 6 parking spaces variance from the minimum 7 required parking spaces to allow 1 parking space, 6) a 2% impervious cover variance to from the maximum 80% impervious cover to allow 82% impervious coverage in the front yard, 7) a variance from the MC-3 Austin Hwy Metropolitan Corridor to allow a dumpster to be located in the front of the property, and 8) an 11' variance from the maximum 40' MC-3 Austin Highway Metropolitan Corridor front setback to allow a dumpster to be 51' from the front property line, situated at 1250 Austin Highway, applicant being Ada Consulting Group, INC., 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 request is not contrary to public interest, as the variances will be consistent with similar structures along the corridor and immediate vicinity, and not out of character for the metropolitan corridor district.

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

In this case, a literal enforcement of the ordinance and would result in an unnecessary hardship as it restricts the applicant from developing the full potential of the lot.

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 proposed development will not alter the overall aesthetic of the Metropolitan Corridor or injure neighboring properties in the area.

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 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.

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 unique circumstances existing on the property and do not appear to be merely financial.

The motion was seconded by Commissioner Bonillas.

Favor: Manna, Bonillas, Brereton, Stevens, Ybanez, Cruz, Benavides, Vasquez, Bragman

Opposed: Dean, Gomez

MOTION PASSED

Item #7

BOA-25-10300012: A request by The Thorn Group for a 15' variance from the maximum 25' height to allow a 40' building height, located at 1331 Austin Highway. Staff recommends Approval. (Council District 10) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 12 Notices were mailed to property owners, 0 in favor, 0 in opposition. Oak Park Northwood Neighborhood Association did not respond.

Lyndsay Thorn, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300012, I move that the Board of Adjustment grant a request for a 15' variance from the maximum 25' height to allow a 40' building height, situated at 1331 Austin Highway, applicant being The Thorn Group, 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 height variance will allow adequate future development on the irregular lot shape, sufficient distance will be maintained from surrounding multi-family use, and the building will not exceed the corridor height maximum.

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

A literal enforcement of the building height ordinances would result in unnecessary hardship as the applicant would be unable to develop an adequately sized building for the proposed use due to the irregular lot shape on the lot.

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 sufficient space remains for buffering from the nearby multi-family uses and the building will not exceed the corridor height maximum.

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 sufficient space will remain as buffering from the nearby multi-family uses. Furthermore, staff noted other similar uses in the area have similar building heights, and additionally the proposed building will not exceed the corridor height maximum.

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 unique circumstances existing on the property is the irregular lot shape.

The motion was seconded by Commissioner Benavides.

Favor: Manna, Benavides, Brereton, Stevens, Ybanez, Cruz, Gomez, Vasquez, Bonillas, Bragman

Opposed: Dean

MOTION PASSED

Chair Oroian returned to the Board of Adjustment meeting at 3:08 PM. Commissioner Bonillas left the Board of Adjustment meeting.

Director's Report – None

There being no further business, the meeting was adjourned at 3:08 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary