

City of San Antonio



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

Monday, August 5, 2024

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Ozuna at 1:02 PM and roll was called by Dezarae Leal noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean, Cruz, Benavides, Vasquez, Bonillas, Ozuna, Oroian, Manna (via WebEx)

Absent: Bragman, Gomez

Worldwide Interpreters present.

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

Item #1

BOA-24-10300136 A request by Isidro Manjarres 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 259 Drake Avenue. Staff recommends Denial. (Council District 5) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 0 in favor, 7 in opposition. Collins Garden Neighborhood Association is in opposition.

Isidro Manjarres, applicant, spoke of request for special exception to allow for a short-term rental. Applicant wants to improve area, bring more people to San Antonio.

PUBLIC COMMENT

In Person

Robert Cuellar – Spoke in opposition.

A motion was made by Commissioner Benavidez. Regarding Case No. BOA-24-10300136, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental

unit, situated at 259 Drake Avenue applicant being Isidro Manjarres, 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.

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 does not have any history of revocation, citations, or convictions for violations of Chapter 16.

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 Cruz.

Favor: Benavides

Opposed: Brereton, Stevens, Ybanez, Dean, Cruz, Manna, Ozuna, Vasquez, Bonillas, Oroian

MOTION FAILED

Item #2

BOA-24-10300120: A request by Jaime Soza for 1) a 4'-11" variance from the minimum 5' side setback to allow a detached carport to be 1" from the east and west side property lines, 2) a 3' fence height special exemption from the maximum 3' fence height to allow a 6' privacy fence in the front yard, 3) a 5' variance from the minimum 15' clear vision requirement to allow a fence to be 10' from the curb, and 4) a variance from the maximum 50% impervious cover requirement to allow the front yard to exceed the maximum 50% impervious cover, located at 3550 West Woodlawn Avenue. Staff recommends Approval in the Clear Vision Variance. Staff recommends Denial in the Side Setback, Impervious Cover Variances and the Fence Height Special Exception. (Council District 7) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 31 Notices were mailed to property owners, 6 in favor, 0 in opposition. University Park Neighborhood Association is in favor.

Jaime Soza, applicant, spoke requesting a continuance to the September 9th meeting.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna to continue the item to September 9th, Board of Adjustment Meeting.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Item #3

BOA-24-10300122: A request by Kenneth Anthony for a 15' variance from the minimum 20' rear setback requirement to allow a structure to be 5' from the rear setback, located at 2243 West Ansley Boulevard. Staff recommends Approval. (Council District 4) (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, 1 in opposition. No response from the Villa del Sol Neighborhood Association.

Kenneth Anthony, applicant, spoke of request for variance to construct a home to relocate his family.

PUBLIC COMMENT

In Person

Oralia Wheeler – Spoke in opposition.

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300122, I move that the Board of Adjustment grant a request for a 5' variance from the minimum 20' rear setback requirement to allow a structure to be 15' from the rear setback, situated at, 2243 Ansley Boulevard, applicant being Kenneth Anthony, 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by maintaining the rear setback requirements to provide a safe distance from neighboring properties. The applicant is requesting a 5' variance from the minimum 20' rear setback requirement to allow a structure to be 15' from the rear property line, which does not appear to be contrary to the public interest due to the unique location, irregular shape of the property and the rear of the property abutting a commercial lot.

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

Staff finds an unnecessary hardship for the rear setback variance due the irregular shape of the lot. The proposed structure does not have ample space to extend to the sides therefore required to limiting the design to accommodate the largest area space of the lot.

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

The requested rear setback variance is to allow a structure to be closer to the rear property line. The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure, the neighboring property and adhere to all other setback requirements.

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 did not find evidence that the requested rear setback variance would alter the essential character of the district. Due to the asymmetrical shape and location of the property the request would not alter the essential character of the neighborhood.

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 rear setback variance is sought is due to unique circumstances existing on the property such proposed structure needing more space due to the configuration of the lot. The variance request is not merely financial.

The motion was seconded by Commissioner Bonillas.

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

Opposed: NA

MOTION PASSED

Item #4

BOA-24-10300125: A request by Ton & Nguyen Bros LLC for (1) a variance to allow two separate structures on an "RM-4" that is less than one-third of an acre, and (2) a variance to allow a front entryway not oriented on the primary street and the requirement for a front walkway, located at 12822 Uhr Lane. Staff recommends Denial. (Council District 10) (Colton Uden, Planner, 210-207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 28 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. Northern Hills Neighborhood Association stated they had no objection.

Vmh Ton, applicant, spoke of variance request to build two separate structures.

NO PUBLIC COMMENT

A motion was made by Commissioner Bonillas. Regarding Case No. BOA-24-10300125, I move that the Board of Adjustment grant a request for (1) a variance to allow two separate structures on an "RM-4" that is less than one-third of an acre and (2) a variance to allow a front entryway not oriented on the primary street and the requirement for a front walkway, situated at 12822 Uhr Lane, applicant being Ton & Nguyen Bros 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:

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

If granted, the request will not be contrary to the public interest, as adequate spacing exists on the lot to permit two structures and the front entryway will be on side, which will not impact the community feel of the neighborhood.

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 constrained to fit the permitted 4 dwelling units into a single structure as well as modifying existing architectural plans to create a front entryway and walkway. Staff has found that, surrounding properties where density is greater than one, two dwelling units per structure is common in the neighborhood.

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. Staff finds the spirit will be observed as surrounding properties feature two dwelling units per structure and allowing two structures on the lot will be consistent with the usage of duplexes in the neighborhood. Furthermore, it is found that the proposed structures, without a front orientated entryway or walkway will not go against the spirit of the ordinance as all other building regulations will be followed.

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 “RM-4” zoned lot will be allowed to contain two separate structures on a lot that is less than one-third of an acre, which will not interfere with the development pattern of the neighborhood and front entry will be on side, which will not impact the community feel of the neighborhood. The requests will not injure the adjacent use of conforming properties 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.*

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 shape and size of the lot. The circumstances do not appear to be merely financial.

The motion was seconded by Commissioner Benavidez.

Favor: Brereton, Stevens, Ybanez, Cruz, Manna, Benavides, Ozuna, Vasquez, Bonillas, Oroian
Opposed: Dean

MOTION PASSED

Item #5

BOA-24-10300126: A request by Ryan Stangel for 1) a 9'-11" variance from the minimum 10' front setback requirement to allow a carport to be 1" from the front setback, and 2) a 5'-6" variance from the minimum 15' clear vision to allow a 9'-6" driveway clear vision, located at 6022 Sunrise Bend Drive. Staff recommends Approval for Clear Vision Variance. Staff recommends Denial for Front Setback Variance. (Council District 2) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 41 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. There is no Registered Neighborhood Association.

Ryan Stangel, applicant, spoke of this being his first investment in San Antonio. The carport is existing, and he would like to keep it constructed.

NO PUBLIC COMMENT

A motion was made by Chair Oroian. Regarding Case No. BOA-24-10300126, I move that the Board of Adjustment grant a request for 1) a 9'-11" variance from the minimum 10' front setback to allow a carport to be 1" from the front setback, and 2) a 5'-6" variance from the minimum 15' clear vision to allow a 9'-6" driveway clear vision, situated at 6022 Sunrise Bend Drive, applicant being Ryan Stangel, 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting the provision of the carport to be as close as 1" to the front property line, which will still allow it to be 6' away from the back of the pedestrian sidewalk; so it will not infringe on pedestrians traveling.

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 having to reduce the length of carport, which would be less than the typical length of a standard vehicle and would therefore create an unnecessary hardship.

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 quest appears to be in the spirit of the ordinance, as there are other properties in the nearby vicinity with similar conditions.

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 variance would not substantially injure the appropriate use the property, as many other properties have the similar condition.

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 a limited room from the established front of the home to the property line to allow for a provision of a functioning carport.

The motion was seconded by Commissioner Bonillas.

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

Opposed: NA

MOTION PASSED

Commissioner Bonillas stepped out of the Board of Adjustment meeting at 2:35 PM and returned at 2:37 PM

Item #6

BOA-24-10300129: A request by David Rodriguez for a 2,411 square feet variance from the minimum lot size requirement of 6,000 square feet to allow development on 3,589 square feet lot,

located at 153 Stribling. Staff recommends Approval. (Council District 5) (Colton Uden, Planner, 210-207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 16 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. Collins Garden Neighborhood Association stated they had no objection.

Fernando DeLeon, representing the applicant, requesting variance to build a home that meets the character of the neighborhood. Previous home may have been demolished by previous property owner.

PUBLIC COMMENT

Voicemail

Linda Alonzo – Spoke in opposition.

A motion was made by Commissioner Cruz. Regarding Case No. BOA-24-10300129, I move that the Board of Adjustment grant a request for a 2,411 square feet variance from the minimum lot size requirement of 6,000 square feet to allow development on 3,589 square feet lot, situated at 153 Stribling, applicant being David 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 not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 2,411 square feet variance from the 6,000 square feet minimum lot size requirement. The variance request does not appear to be contrary to the public interest as granting the variance would be in line with other lot sizes in the area.

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 having to rezone which would result in an unnecessary hardship.

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 request appears to be in the spirit of the ordinance as the requirement is there to protect the neighborhood, and there are other single-family homes on similar lot sizes 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.*

Staff finds that the variance would not substantially injure the appropriate use of adjacent properties as many other lots do not meet the minimum lot size requirements.

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 Bonillas.

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

Opposed: NA

MOTION PASSED

Item #7

BOA-24-10300131: A request by Carlos Ruiz for a 100 square feet variance from the minimum lot size requirement of 4,000 square feet to allow development on 3,900 square feet lot, located at 111 Del Valle Alley. Staff recommends Approval. (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, 0 returned in favor, 0 returned in opposition. No response from the Historic Westside Residents Neighborhood Association.

Carlos Ruiz, applicant, requesting variance to build a home and make community better.

PUBLIC COMMENT

Voicemail

Leticia Sanchez – Spoke in favor on behalf of the Historic Westside Residents N.A.

A motion was made by Commissioner Benavidez. Regarding Case No. BOA-24-10300131, I move that the Board of Adjustment grant a request for a 100 square feet variance from the minimum lot size requirement of 4,000 square feet to allow development on 3,900 square feet lot, situated at 111 Del Valle Alley, applicant being Carlos Ruiz, 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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a 100 square feet variance from the 4,000 square feet minimum lot size requirement. The variance request does not appear to be contrary to the public interest as granting the variance would be in line with other lot sizes in the area.

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 having to rezone which would result in an unnecessary hardship.

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 request appears to be in the spirit of the ordinance as the requirement is there to protect the neighborhood, and there are other single-family homes on similar lot sizes 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.*

Staff finds that the variance would not substantially injure the appropriate use of adjacent properties as many other lots do not meet the minimum lot size requirements.

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 Bonillas.

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

Opposed: NA

MOTION PASSED

Commission went into recess at 2:57 PM and reconvened at 3:04 PM.

Item #8

BOA-24-10300132: A request by Mario Nichols for a 2’-6” variance from the minimum 5’ side setback to allow 2’-6” side setbacks on the northern and southern property lines, located at 1317 Dahlgreen Avenue. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, 210-207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 39 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. Los Jardines Neighborhood Association is in Opposition.

Mario Nichols, applicant, requested continuance to allow for meeting with Stakeholder.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna to continue the item to September 9th, Board of Adjustment Meeting.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Item #9

BOA-24-10300134: A request by Erthos for a 1’ special exemption from the maximum 6’ height to allow a 7’ predominately open security fence, located at 2827 Babcock Road. Staff recommends Approval. (Council District 8) (Vincent Trevino, Senior Planner, 210-207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 90 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. There is no Registered Neighborhood Association.

Applicant was not available.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300134, I move that the Board of Adjustment grant a request for a 1' special exemption from the maximum 6' height to allow a 7' predominately open security fence, situated at 2827 Babcock Road, applicant being Erthos, 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 UDC states the Board of Adjustment can grant a special exception for a fence height modification. If granted the special exception it will not be contrary to the spirit and purpose of the Chapter. The 1-foot predominantly open security fence is the minimum need to afford relief to the property owner.

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 proposed fence will add to the protection of the property and add a sense of security to the solar farm.

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

The proposed predominantly open fence would be for a solar farm and would not injure neighboring properties as the fence will provide security.

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.*

Upon inspection of the district and location, the fence height and proposed design will not alter the essential characteristics of the district.

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

If granted, the special exception will not alter the general purpose of the district, or the regulations herein established for the specific district. The proposed fence exceeds the height regulations by 1-foot and will enhance the security of the property. The property was recently rezoned for a Specific Use Authorization for a Solar Farm, a use permitted by right in an Industrial zoning that would permit a higher fence by right.

The motion was seconded by Commissioner Manna.

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

Opposed: NA

MOTION PASSED

Item #10

BOA-24-10300135: A request by Steven Jacob Scoggins for a 15’ variance from the required 15’ buffer requirement to allow the elimination of a buffer on the front of the property along South Zarzamora Street and provide a 3-foot landscape island along the front property line, located at 5707 South Zarzamora Street. Staff recommends Approval. (Council District 5) (Vincent Trevino, Senior Planner, 210-207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 31 Notices were mailed to property owners, 0 returned in favor, 0 returned in opposition. Tierra Linda Neighborhood Association is in Opposition.

Steven Jacob Scoggins, representing the property owner. Presented item and was available for questions. The property owner is requesting the variance in order to construct a new building.

NO PUBLIC COMMENT

A motion was made by Commissioner Cruz. Regarding Case No. BOA-24-10300135, I move that the Board of Adjustment grant a request for 1) A 15’ variance from the required 15’ buffer requirement to allow the elimination of a buffer on the front of the property along South Zarzamora Street and provide a 3-foot landscape island along the front property line, situated at 5707 S Zarzamora Street, applicant being Steven Jacob Scoggins, 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 public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the reduced landscape buffer that will be located along the front property line with a 3-foot landscape island and therefore is not contrary to the public interest.

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

The full landscape buffer would reduce the amount of space the applicant can build on the property.

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 reduced landscape buffer will observe the spirit of the ordinance as there will still be a 3-foot landscape island along the front property line.

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 elimination of the landscape buffer with a 3-foot landscape island along the front property line 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.*

Staff finds the plight of the owner of the property for which the reduced landscape variance is sought is due to unique circumstances existing on the property, such as the location of the existing building.

The motion was seconded by Commissioner Manna.

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

Opposed: NA

MOTION PASSED

Item #11

Approval of the minutes from the Board of Adjustment meetings on July 15, 2024.

A motion was made by Commissioner Brereton for approval of the July 15, 2024, minutes.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Director’s Report – Logan Sparrow, Interim Assistant Director, reported DSD Director, Michael Shannon, has been asked by the City Manager to serve as Interim Director of the Animal Care

Services Department while the City continues the recruitment process to hire the next ACS Director. Amin Tohmaz, PE, CBO will serve as Interim Director, Melissa Ramirez will serve as Interim Deputy Director over Field Services Division and Logan will serve as Interim Assistant Director of Land Development.

Adjournment

There being no further business, the meeting was adjourned at 3:31 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary