

City of San Antonio



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

Monday, November 4, 2024

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Oroian at 1:01 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

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

**Absent:** Gomez, Cruz

**Worldwide Interpreters present.**

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

**Item #1**

BOA-24-10300202: A request by James & Rachel Jackson 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 6906 Westfield Boulevard. Staff recommends Denial. (Council District 6) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@sanantonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 1 in favor, 0 in opposition. No registered neighborhood association. No response from the NES Foundation, T.H.U.G.G.I.N for Christ, and Women in Film & Television San Antonio Community Organizations.

Rachel and James Jackson, applicant, presented the item and were available for questions.

**NO PUBLIC COMMENT**

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300202, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 6906 Westfield Boulevard, applicant being James and Rachel Jackson, 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 Bragman.

**Favor:** Brereton, Bragman, Ozuna, Vasquez, Bonillas, Oroian

**Opposed:** Stevens, Ybanez, Dean, Manna, Benavides

**MOTION FAILED**

**Item #2**

BOA-24-10300206: A request by Northpoint Realty Group for a Special Exception to allow three (3) additional Type 2 Short Term Rental permits on the block face, per UDC Section 35-374.01(c), located at 423 E Ashby Place Unit 2, 3, & 4. Staff recommends Denial. (Council District 1) (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, 4 in opposition. 1 in opposition outside 200'. Tobin Hill Community Neighborhood Association is in opposition. No response from the NES Foundation, T.H.U.G.G.I.N for Christ, and Women in Film & Television San Antonio Community Organizations.

Northpoint Realty Group, applicant, was not present.

**PUBLIC COMMENT**

Voice mails

Bianca Maldonado – in opposition

Casima Colton – In opposition

In Person

Joe Todd – in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300206, I move that the Board of Adjustment grant a special exception to allow for (3) Type 2 short term rental units, situated at 423 East Ashby Place Units 2, 3, and 4, applicant being Northpoint Realty 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:

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

**The Board finds that the request to operate three additional short-term rentals 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 three additional short term rental permits were approved.**

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

**The neighboring properties consist of single-family and multifamily 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 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 uses. 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 Stevens.

**Favor:** None

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

**MOTION FAILED**

**Item #3**

(Continued from 10/7/2024) BOA-24-10300168: A request by Johnny Canavan Homes for a 10' variance from the minimum 20' rear setback to allow a 10' rear setback on 7 lots, located at 328 East Sunset Road. Staff recommends Approval. (Council District 10) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

A motion was made by Commissioner Brereton to continue BOA-24-10300168 to the November 18<sup>th</sup> 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**

(Continued from 10/21/2024) BOA-24-10300186: A request by Cairo Developments, LLC for a variance to allow separate structures on an "RM-4" that is less than one-third of an acre, located at 1410 Montana Street. Staff recommends Denial. (Council District 2) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 26 Notices were mailed to property owners, 0 in favor, 0 in opposition. No response from the Denver Heights and the Jefferson Heights Neighborhood Association.

**NO PUBLIC COMMENT**

Applicant requested BOA-24-10300186 to be continued to the December 16<sup>th</sup> Board of Adjustment meeting.

A motion was made by commissioner Brereton to continue BOA-24-10300186 to be continued to the December 16<sup>th</sup> Board of Adjustment meeting.

The motion was seconded by Commissioner Bragman.

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

**MOTION PASSED**

**Item #5**

**Withdrawn** - (Continued from 10/21/2024) BOA-24-10300194: A request by Humberto Leal for a 2'-6" variance from the minimum 5' side setback to allow a 2'-6" side setback for an accessory structure on the west property line, located at 1707 West Mally Boulevard. Staff recommends Denial. (Council District 4) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

**Item #6**

**Withdrawn** - (Continued from 10/21/2024) BOA-24-10300195: A request by Miguel Gonzales for a window configuration variance from the NCD-7 window configuration standards, located at 300 John Adams Drive. Staff recommends Denial. (Council District 7) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

**Item #7**

BOA-24-10300192: A request by Alamo Consulting Services for 1) a fence material variance to allow sheet, roll or corrugated metal fencing, 2) a 2' special exception from the maximum 8' fence height to allow a 10' fence height, 3) a 19'-11" variance from the minimum 20' rear setback to allow a 1" rear setback for a razor wire fence, 4) a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback for a razor wire fence, and 5) a 9'-11" variance from the minimum

10' front setback to allow a 1" front setback for a razor wire fence, located at 8822 Garnett Avenue. Staff recommends Approval. (Council District 3) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 26 Notices were mailed to property owners, 0 in favor, 0 in opposition. No response from the Harlandale-McCollum Association.

Carlos Aldaba, applicant, presented item and requested and was available for questions.

**NO PUBLIC COMMENT**

A motion was made by commissioner Manna. Regarding Case No. BOA-24-10300192, I move that the Board of Adjustment grant a request for 1) a fence material variance to allow sheet, roll or corrugated metal fencing, 2) a 19'-11" variance from the minimum 20' rear setback to allow a 1" rear setback for a razor wire fence, 3) a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback for a razor wire fence, and 4) a 9'-11" variance from the minimum 10' front setback to allow a 1" front setback for a razor wire fence, situated at 8822 Garnett Avenue, applicant being Alamo Consulting Services, 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 fence material and front, rear, and side setback variances is not contrary to the public interest as the purpose will be to provide additional security to critical electric infrastructure.**

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

**A literal enforcement of the fence material and front, rear, and side setback ordinances would result in unnecessary hardship as the applicant would be unable to provide adequate safety and screening for critical electric infrastructure located on the lot.**

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

**The requested fence material and front, rear, and side setback variances appears to be in the spirit of the ordinance as the proposed fence will not adversely impact the surrounding area and will be providing additional needed security to the critical infrastructure located on the lot.**

*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 fence material and front, rear, side setback variances would not substantially injure the appropriate use of adjacent properties as adequately screening and securing the lot will also provide security for the surrounding area.**

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

**Staff finds the unique circumstances existing on the property is the need for additional security and screening for critical electric infrastructure.**

The motion was seconded by Commissioner Ozuna.

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

**Opposed:** None

### **MOTION PASSED**

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300192, I move that the Board of Adjustment grant a request for a 2' special exception from the maximum 8' fence height to allow a 10' fence height, situated at 8822 Garnett Avenue, applicant being Alamo Consulting Services, 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 request is for providing additional security and screening for critical electric infrastructure.**

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

**The proposed privacy fence does appear to serve the public welfare and convenience, as the additional security and screening provided will add to the security of the area and to the critical energy infrastructure substation.**

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

**The fence height variance does appear to create additional enhanced security and privacy for the subject and adjacent properties and will not substantially injure said 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 will not alter the location for which the special exception is sought, as the lot is already maintaining critical electric infrastructure well beyond the height of the fence.**

*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 as it will provide additional safety and security for the critical electric infrastructure as well as the area in which it is located.**

Seconded by Commissioner Manna

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

**Opposed:** None

## **MOTION PASSED**

### **Item #8**

BOA-24-10300199: A request by Adrian Hernandez for 1) a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback for a carport, and 2) a 10' variance from the minimum 15' clear vision to allow a 5' driveway clear vision, located at 3108 El Paso Street. Staff recommends Denial for the Side Setback for a Carport Variance. Staff recommends Approval for the Driveway Clear Vision variance. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 47 Notices were mailed to property owners, 0 in favor, 0 in opposition. The Prospect Hills Neighborhood Association is in favor.

Adrian Hernandez, applicants, presented the item and was available for questions.

### **NO PUBLIC COMMENT**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300199, I move that the Board of Adjustment grant a request for 1) a 4'-6" variance from the minimum 5' side setback to allow a 6" side setback for a carport with a maximum depth of 27-feet, and 2) a 10' variance from the minimum 15' clear vision to allow a 5' driveway clear vision, situated at 3108 El Paso Street, applicant being Adrian Hernandez, 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 variances are not contrary to the public interest as sufficient space will remain for fire safety and water runoff as well safely backing from the driveway onto the local road.**

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

**A literal enforcement of the side setback and driveway clear vision ordinances would result in unnecessary hardship as insufficient space exists on the lot for a carport and the fence and gate line is at an established line in the neighborhood.**

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

**The requested variances appear to be in the spirit of the ordinance as adequate space will remain for the purposes of fire safety and water runoff and the fence and gate is located on an established line in the neighborhood.**

*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 variances would not substantially injure the appropriate use of adjacent properties as the water runoff will not adversely impact the immediate neighbors and the fence and gate location is consistent in the neighborhood in which relief is sought.**

*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 lot size and dimensions as well as the established fence and gate line in the neighborhood.**

The motion was seconded by Commissioner Bragman.

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

**Opposed:** None

## **MOTION PASSED**

### **Item #9**

BOA-24-10300200: A request by Aster Developments, LLC for a 1,791 square foot lot size variance from the minimum 4,000 square foot lot size to allow single-family residential development on a 2,209 square foot lot, located at 501 Martin Luther King Drive. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 35 Notices were mailed to property owners, 0 in favor, 0 in opposition. No response from the Denver Heights Neighborhood Association.

Dario Bogalde, representing the applicant, presented the item and was available for questions.

## **NO PUBLIC COMMENT**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300200, I move that the Board of Adjustment grant a request for a request for a 1,791 square foot lot size variance from the minimum 4,000 square foot lot size to allow single-family residential development on a 2,209 square foot lot, situated at 501 Martin Luther King Drive, applicant being Aster Developments, 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.*

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

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

**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.*

**All other building requirements, such as setback minimums, building height, and density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.**

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

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

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

**Staff has found that the 1,791 square foot variance will not alter the essential character of the district and setback regulations will ensure adjacent properties remain uninjured.**

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

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

The motion was seconded by Commissioner Manna.

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

**Opposed:** None

## **MOTION PASSED**

### **Item #10**

BOA-24-10300201: A request by Ortiz McKnight, PLLC for a 55' variance from the "IH-1" Northeast Gateway Corridor District's 60' side setback requirement to allow a 5' side setback for residential development on the southern property line, located at 13003 Toepperwein Road. Staff recommends Denial. (Council District 10) (Melanie Clark, Planner, (210) 207-5550 melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 41 Notices were mailed to property owners, 0 in favor, 0 in opposition. No Registered Neighborhood Association within 200'.

A motion was made by Commissioner Bragman to continue BOA-24-10300201 to the November 18<sup>th</sup> Board of Adjustment meeting.

The motion was seconded by Commissioner Brereton.

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

**MOTION PASSED**

**Item #11**

BOA-24-10300205: A request by Our Casas Resident Council, Inc for 1) a 4'-11" variance from the minimum 5' side setback to allow a 1" side setback for 3 lots, and 2) a 14'-11" variance from the minimum 15' clear vision to allow a 1" clear vision, located at 1442, 1502 and 1504 Kayton Avenue. Staff recommends Denial for the Side Setback Variance. Staff recommends Approval for the Driveway Clear Vision Variance. (Council District 3) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 37 Notices were mailed to property owners, 4 in favor, 0 in opposition. 1 in favor outside 200'. No registered Neighborhood Association.

Zeke Romo, applicant, presented the item and was available for questions.

**NO PUBLIC COMMENT**

A motion was made by Commissioner Bonillas to continue BOA-24-10300205 to November 18, 2024.

The motion was not seconded.

A motion was made by Chair Oroian. Regarding Case No. BOA-24-10300205, I move that the Board of Adjustment grant a request for 1) a 2' variance from the minimum 5' side setback to allow a 3' side setback on both sides for 3 lots, and 2) a 14'-11" variance from the minimum 15' clear vision to allow a 1" clear vision, situated at 1442, 1502 and 1504 Kayton Avenue, applicant being Our Casas Resident Council, 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.*

**The variances are not contrary to the public interest as sufficient space will remain for fire safety and water runoff as well safely backing from the driveway onto the local road.**

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

**A literal enforcement of the ordinances would result in unnecessary hardship as insufficient space exists on the lot and the fence and gate line is at an established line in the neighborhood.**

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

**The requested variances appear to be in the spirit of the ordinance as adequate space will remain for the purposes of fire safety and water runoff and the fence and gate is located on an established line in the neighborhood.**

*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 variances would not substantially injure the appropriate use of adjacent properties as the water runoff will not adversely impact the immediate neighbors and the fence and gate location is consistent in the neighborhood in which relief is sought.**

*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 lot size and dimensions as well as the established fence and gate line in the neighborhood.**

The motion was seconded by Commissioner Manna.

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

**Opposed:** None

**MOTION PASSED**

**Item #12**

BOA-24-10300207: A request by Adon Ochoa for a 15'-6" variance from the 20' rear setback requirement to allow an addition to an existing primary structure to be 4'-6" from the rear property line, located at 314 Muncey Street. Staff recommends Approval. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 26 Notices were mailed to property owners, 0 in favor, 0 in opposition. The Dignowity Hills Neighborhood Association is in opposition.

Adon Ochoa, applicant, and Antonio Perez, homeowner, presented the item and were available for questions.

**PUBLIC COMMENT**

Valerie Cortez – In opposition

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300207, I move that the Board of Adjustment grant a request for a 15'-6" variance from the 20' rear setback requirement to allow an addition to an existing primary structure to be 4'-6" from the rear property line, situated at 314 Muncey Street, applicant being Adon Ochoa, 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 variance will leave 4'-6" from the rear setback which provides ample room and will not be contrary to the public interest.**

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

**Staff found special conditions on the property that would result in unnecessary hardship such as the shape of the lot creates limited space in the rear yard for expansion of the existing structure.**

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

**The variance will observe the spirit of the ordinance and substantial justice will be done as the requested variance is limited to the rear of the property and the project will abide by the remaining 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.*

**The reduced rear setback will not substantially injure the appropriate use of the adjacent conforming property as the proposed 4'-6" rear setback will leave sufficient room and will not alter the essential character of the district.**

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

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

**The variances are sought due to unique circumstances existing on the property such as the location of the existing historical structure and current lot dimensions. These circumstances were not created by the property owner.**

The motion was seconded by Commissioner Bonillas.

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

**MOTION PASSED**

**Item #13**

BOA-24-10300208: A request by Jose Sepulveda for a half story variance from the maximum 2.5 stories to allow development for a 3-story structure, located at 124 East Cevallos Street. Staff recommends Approval. (Council District 5) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 28 Notices were mailed to property owners, 1 in favor, 0 in opposition. 1 returned in opposition outside 200'. No response from the Lone Star Neighborhood Association.

Jose Sepulveda, applicant, presented the item and was available for questions.

**NO PUBLIC COMMENT**

Voice mail

Steve Versteeg – In opposition

Casima Colton – In opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300208, I move that the Board of Adjustment grant a request for a half story variance from the maximum 2.5 stories to allow development for a 3-story structure using a pitch roof as submitted, situated at 124 East Cevallos, applicant being Jose Sepulveda, 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 three-story building would allow for adequate space for occupation and so, it is not contrary to the public interest.**

*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 have to build the structure only two and half stories to be in compliance with the ordinance.**

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

**The additional half story would observe the spirit of the ordinance as the three-story building would allow for adequate space for occupation.**

*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 additional half story will not substantially injure the appropriate use of conforming properties and will not alter the essential character of the district as it is abutting a commercially zoned property and located on a Minor Road.**

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

**Staff finds the plight of the owner of the property for which the variances are sought is not due to unique circumstances existing on the property.**

The motion was seconded by Commissioner Bragman.

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

**Opposed:** Dean

**MOTION PASSED**

**Item #14**

Approval of the minutes from the Board of Adjustment meetings on October 21, 2024.

A motion was made by Commissioner Brereton for approval of the October 21, 2024, minutes.

The motion was seconded by Chair Oroian.

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

**MOTION PASSED**

**Director's Report** – Transportation and Capital Improvements (TCI) will make a presentation at the November 18<sup>th</sup> Board of Adjustment meeting.

**Adjournment**

There being no further business, the meeting was adjourned at 3:42 PM.

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

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

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