

**City of San Antonio**



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

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<b>Monday, March 24, 2025</b>	<b>1:00 PM</b>	<b>1901 S. Alamo</b>
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The meeting was called to by order by Chair Oroian at 1:00 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

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

**Absent:** Bragman, Benavides, Gomez

**Worldwide Interpreters present.**

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

**Item #5**

BOA-25-10300027: A request by Santos Barrera for a 5’-4” variance from the minimum 10’ front setback to allow a 4’ 8” front setback to include a 2’-4” overhang, located at 610 Northwest 20th Street. Staff recommends Denial. (Council District 5) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Applicant asked for a continuance to the April 7<sup>th</sup> Board of Adjustment meeting.

A motion was made by Commissioner Brereton to hear BOA-25-1030027 at the April 7<sup>th</sup> Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz.

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

**Item #1**

BOA-25-10300030: A request by Raul Franco for a 163 square foot variance from the 75 square foot digital sign maximum to allow a 238 square foot digital sign, located at 5431 West Loop 1604. Staff recommends Denial. (Council District 8) (Colton Unden, Planner, (210) 207-0120,

Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 6 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association within 200'.

Raul Franco, applicant, presented the item and was available for questions.

Edward Rodriguez, Senior Sign Inspector, provided sign clarification.

## **PUBLIC COMMENT**

Voice mail

Bonnie Connor – in opposition

Colleen T. – in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300030, I move that the Board of Adjustment grant a request for a 163 square foot variance from the 75 square foot digital sign maximum to allow a 238 square foot digital sign, situated at 5431 North 1604 West, applicant being Raul Franco, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

**The property is currently permitted a digital sign at 75 square feet. The permitted dimensions make the variance necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signage on the site, considering the unique features of a site such as the towering highway development.**

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

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

**The proposed sign does not appear to provide a special privilege as the additions to the state highway severely restrict visibility of a sign that would otherwise be required to follow the sign regulations.**

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

**The proposed variance does not appear have an adverse impact on neighboring properties as the digital sign square footage will not be out of character for the area and district in which the property is located.**

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

**The requested variance does not appear to substantially conflict with the stated purpose of the Code. Furthermore, the requested digital sign exceeding the 75 square feet will not be out of character for the immediate area in which the property is located.**

The motion was seconded by Commissioner Stevens.

**Favor:** Stevens, Ybanez, Dean

**Opposed:** Manna, Brereton, Cruz, Ozuna, Vasquez, Bonillas, Oroian

## **MOTION FAILED**

### **Item #2**

(CONTINUED FROM 02/24/2025) 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, 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 Uden, Planner, (210) 207-0120, Colton.Uden2@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.

Jose Gallagos, applicant, presented the item and was available for questions. Jesus Aguirre, property owner, also available for questions.

## **PUBLIC COMMENT**

None

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300219, I move that the Board of Adjustment grant a request for 1) a 4'-2" variance from the minimum 5' side setback to allow a 10" side setback and 2) a 9'-6" variance from the minimum 12'-6" rear setback to allow a 3' rear setback, situated at 1011 Weizmann Street, applicant being Jose Gallegos, 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 side and rear setback variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns.**

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

**A literal enforcement of the side and rear setback ordinances would result in unnecessary hardship as the applicant would lose living space and would need to deconstruct the home addition.**

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

**The requested side and rear setback variances appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concerns as well as for the maintenance of the structure.**

*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 side and rear setback variances would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for maintenance of the addition.**

*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 for the side and rear setback variances is existing home's position relative to the lot setbacks.**

The motion was seconded by Commissioner Ozuna

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

**Opposed:** None

**MOTION PASSED**

### **Item #3**

BOA-25-10300004: A request by German Olivas for 1) a fence material variance to allow corrugated metal fencing, 2) a 4' fence height special exception from the maximum 3' height to allow a 7' privacy fence along the front yard of the lots facing Monterey Street, and 3) a 1' fence height special exception from the maximum 6' height to allow a 7' privacy fence along the side and rear yard of the easternmost lot, located at 306 South General McMullen, 4538 Monterey Street, and 4534 Monterey Street. Staff recommends Denial. (Council District 5) (Colton Unden, Planner, (210) 207-0120,

Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 39 Notices were mailed to property owners, 3 in favor, 0 in opposition. 1 in favor outside 200'. Las Palmas Neighborhood Association did not respond.

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

## **NO PUBLIC COMMENT**

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300004, I move that the Board of Adjustment grant a request for a fence material variance to allow corrugated metal fencing with cap and excluding the front property line on Monterey and front yard of previously demolished home, situated at 306 South General McMullen, 4538 Monterey Street, and 4534 Monterey Street, applicant being German Olivas, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

**The requested variance is not contrary to the public interest as the fence material will provide additional security and privacy for the property.**

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

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

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

**The requested variance appears to be in the spirit of the ordinance as the requested fence material will provide additional safety and security for the property.**

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

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

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

**Staff finds that the variances would not substantially injure the appropriate use of adjacent properties as the fencing material is not uncharacteristic for the auto repair usage the property and surrounding properties conduct business as.**

*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 need for additional safety and security the fence material can provide.**

The motion was seconded by Commissioner Cruz.

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

**Opposed:** Brereton

### **MOTION PASSED**

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300004, I move that the Board of Adjustment grant a request for a 1' fence height special exception from the maximum 6' height to allow a 7' privacy fence along the side and rear yard past 16-feet from the front property line of the easternmost lot, situated at 306 South General McMullen, 4538 Monterey Street, and 4534 Monterey Street, applicant being German Olivas, 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 front, side, and rear yard privacy fence will provide additional needed security and privacy for the easternmost lot.**

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

**The proposed fence appears to serve the public welfare and convenience, as the additional fence height provides privacy and additional security to the subject property and abutting properties and is not uncharacteristic for the area.**

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

**The fence special exceptions appear to create enhanced security and privacy for the subject and adjacent properties and is limited behind the frontage on South General McMullen.**

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

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

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

**The requested special exception will not weaken the general purpose of the district as it is limited to 7' in length along the front, side, and rear of the easternmost lot and will provide security for the subject property.**

The motion was seconded by Commissioner Cruz.

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

**Opposed:** None

## **MOTION PASSED**

### **Item #4**

BOA-25-10300026: A request by Irving Aleman for 1) a 2' special exception from the maximum 3' fence height to allow an 5' privacy fence in the front yard, and 2) a variance from the fence materials to allow for a corrugated metal fence, located at 3723 Culebra Road. Staff recommends Denial. (Council District 7) (Melanie Clark, Planner, (210) 207-5550, [Melanie.Clark@sanantonio.gov](mailto:Melanie.Clark@sanantonio.gov), Development Services Department)

Staff stated 19 Notices were mailed to property owners, 0 in favor, 0 in opposition. Culebra Park Neighborhood Association is in opposition.

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

## **PUBLIC COMMENT**

In Person

Manual Salazar – in opposition

After staff clarification, it was determined the item would need to be readvertised and heard at the April 21<sup>st</sup> Board of Adjustment meeting. No action was taken.

### **Item #6**

BOA-25-10300028: A request by Antonio Medrano for 1) A 4'-11" variance from the minimum 5' side setback to allow an attached carport to be 1" from the east side property line, 2) A request for a 9'-11" variance from the minimum 10' front setback to allow a carport to be 1" from the front setback, 3) a 1' special exception from the maximum 3' fence height to allow a 4' privacy fence in the front yard, located at 158 Oriental Avenue. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, (210) 207-5550, [Melanie.Clark@sanantonio.gov](mailto:Melanie.Clark@sanantonio.gov), Development Services Department)

Staff stated 32 Notices were mailed to property owners, 0 in favor, 1 in opposition. Collins Garden Neighborhood Association is in opposition.

Antonio Medrano, applicant, presented the item and was available for questions.

## **PUBLIC COMMENT**

In Person

Melanie Balboa – in opposition

Commissioner Cruz made a motion. Regarding Case No. BOA-25-10300028, I move that the Board of Adjustment grant a request for a 1' special exception from the maximum 3' fence height to allow a 4' privacy fence in the front yard as built, situated at 158 Oriental Avenue, applicant being Antonio Medrano, 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 4' front yard privacy fence will provide security and privacy for the residential structure and will not injure the neighboring properties or impede the right-of-way.**

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

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

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

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

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

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

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

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

The motion was seconded by Commissioner Manna.

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

**Opposed:** None



**MOTION PASSED**

Chair Oroian made a motion. Regarding Case No. BOA-25-10300028, I move that the Board of Adjustment grant a request 1) a 2' variance from the minimum 5' side setback to allow a 3' from the east side property line, and 2) a request for a 9'-11" variance from the minimum 10' front setback to allow a carport to be 1" from the front setback, situated at 158 Oriental Avenue, applicant being Antonio Medrano, 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 setbacks will provide enough space between abutting 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 unnecessary hardship as the applicant would need to reconfigure or remove the accessory structures and the carport to meet requirements.**

*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 the reduced front and side setbacks provide a reasonable distance from the right of way and the abutting 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 reduced front and side setbacks will not alter the essential character of the district as reduced front and side setbacks provide a safe distance between the right of way and neighboring properties.**

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

**Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property.**

The motion was seconded by Commissioner Ozuna.

**Favor:** Oroian, Brereton, Stevens, Ybanez, Dean, Ozuna, Bonillas

**Opposed:** Cruz, Manna, Vasquez

**MOTION FAILED**

Commissioner Manna made a motion to reconsider.

The motion was seconded by Chair Oroian.

A voice vote was taken, all voted in affirmative.

**MOTION PASSED**

Chair Oroian made a motion to amend item #2 to read as “a 5’ variance form the minimum 10’ front setback to allow a carport to be 5’ from the front property line”.

The motion was seconded by Commissioner Manna.

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

**Opposed:** None

**MOTION PASSED**

**Item #7**

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

A motion was made by Commissioner Manna for approval of the March 10, 2025, minutes.

The motion was seconded by Commissioner Cruz.

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

**MOTION PASSED**

**Director’s Report** – introduced Manual Mottu to Board of Adjustment Team.

There being no further business, the meeting was adjourned at 3:50 PM.

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

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

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