

City of San Antonio



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

Monday, February 10, 2025

1:00 PM

1901 S. Alamo

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

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

Absent: None

Worldwide Interpreters present.

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

Item #2

BOA-25-10300003: A request by Westerleigh Properties LLC for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c)., located at 203 Paschal Unit 106. Staff recommends Denial. (Council District 1) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

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

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna to continue BOA-25-10300003 to the February 24th Board of Adjustment meeting.

The motion was seconded by Commissioner Stevens.

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

MOTION PASSED

Item #1

(Continued from 1/27/2025) BOA-24-10300243: A request by The Kaufman Group, INC. for 1) an 18’ variance from the minimum 20’ rear setback to allow a 2’ rear setback for a barbed wire fence, 2) a 3’ variance from the minimum 5’ side setback to allow a 2’ side setback for a barbed wire fence, and 3) a 1’ Fence Height Special Exception from the maximum 6’ height to allow a 7’ barbed wire fence along the rear and side yards, located at 12307 Huebner Road. Staff recommends Approval. (Council District 8) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 193 Notices were mailed to property owners, 1 in favor, 5 in opposition. Shavano Forest Homeowner Association is in Favor. No Response from Lifeline Overeaters Anonymous, NES Foundation, T.H.U.G.G.I.N for Christ and Women in Film & Television San Antonio Community Organizations.

Bill Kaufman, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mail

Joe Sanchez – in favor

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300243, I move that the Board of Adjustment grant a request for 1) a 18’ variance from the minimum 20’ rear setback to allow a 2’ rear setback for a barbed wire fence, and 2) a 3’ variance from the minimum 5’ side setback to allow a 2’ side setback for a barbed wire fence limited to the northwest side of the property, situated at 12307 Huebner Road, applicant being The Kaufman Group, INC., because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The variances are not contrary to the public interest as the purpose will be to provide additional security for a working quarry and surrounding residential properties.

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 the applicant would be unable to provide adequate safety for a working quarry 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 variances appear 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 surrounding properties and for the working quarry 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 variances would not substantially injure the appropriate use of adjacent properties as adequate fencing 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 are the need for additional security and screening for the working quarry.

The motion was seconded by Commissioner Manna.

Favor: Ozuna, Manna, Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Bragman, Benavides, Oroian
Opposed: None

MOTION PASSED

Item #3

BOA-24-10300219: A request by Jose Gallegos for 1) a 4'11" variance from the minimum 5' side setback requirement to allow an addition to an existing primary structure to be 1" from the side property line, and 2) a 17' variance from the minimum 20' rear setback to allow a 3' rear setback, located at 1011 Weizmann Street. Staff recommends Denial. (Council District 1) (Colton 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 Gallegos, applicant presented the item and was available for questions. The applicant requested to continue item until the February 24th Board of Adjustment meeting.

NO PUBLIC COMMENT

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

The motion was seconded by Commissioner Benavides.

A verbal vote was taken, and all voted in affirmative, 10 “yeas”, 0 “against”, with Bragman “abstained” due to technical difficulties during portion of case and vote.

MOTION PASSED

The board went into recess at 1:54 PM and reconvened at 2:00 PM to correct Webex technical issues.

Item #4

BOA-25-10300001: A request by Terry Frey for 1) a 2’ Fence Height Special Exception from the maximum 6’ height to allow a 8’ privacy fence along the rear yard abutting the northern property line, 2) a 5’ Fence Height Special Exception from the maximum 3’ height to allow a 8’ privacy fence along the front yard not to pass the front facade of the northern property neighbor, 3) a 4’-11” side setback variance from the minimum 5’ side setback to allow an accessory structure to be 1” from the side property line, and 4) a 3’-6” rear setback variance from the minimum 5’ rear setback to allow an accessory structure to be 1’-6” from the rear property line, located at 183 Atlas Street. Staff recommends Approval for the Fence Height Special Exceptions and Rear Setback Variance. Staff recommends Denial for the Side Setback Variance. (Council District 3) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services

Staff stated 12 Notices were mailed to property owners, 0 in favor, 1 in opposition. No response from Highland Hills Neighborhood Association.

Terry Frey, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mails

Alan Fortenberr – in opposition

Staff stated that Commissioner Vasquez would be voting on this case as alternate for Commissioner Bragman.

A motion was made by Chair Oroian. Regarding Case No. BOA-25-10300001, I move that the Board of Adjustment grant a request for 1) a 2’ side setback variance from the minimum 5’ side setback to allow an accessory structure to be 3’ from the side property line, and 2) a 2’ rear setback variance from the minimum 5’ rear setback to allow an accessory structure limited to 12’ x 10’ to be 3’ from the rear property line, situated at 183 Atlas Street, applicant being Terry Frey, 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 variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns, and the shed occupies minimal space in the backyard.

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 the applicant would need to relocate the structure completely and the presence of accessory structures in the side and rear setbacks of the yard is not uncharacteristic for 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 sufficient space will remain for the purposes of water runoff and fire safety concerns, furthermore, other sheds and accessory structures were seen within setbacks in the neighborhood and is not uncharacteristic for the district in which the property is located.

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 other sheds in the neighborhood were seen within setbacks.

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 size and dimensions of the lot and presence of other accessory structures within setbacks in the district in which the property is located.

The motion was seconded by Commissioner Manna.

Commissioner Benavides moved to formally amend the motion to be as originally requested by applicant to be 1) 4'-11" side setback variance from the minimum 5' side setback to allow an accessory structure to be 1" from the side property line, and 2) a 3'-6" rear setback variance from the minimum 5' rear setback to allow an accessory structure to be 1'-6" from the rear property line to allow an accessory structure limited to 10' wide along the rear x 12' along the side to be 2' from the rear property line.

The motion to amend was seconded by Commissioner Manna.

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

MOTION to AMEND PASSED

Chair Oroian offered a friendly amendment to update motion language for 1” side setback to include an overhang which was accepted.

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

MOTION PASSED

A motion was made by Chair Oroian. Regarding Case No. BOA-25-10300001, I move that the Board of Adjustment grant a request for 1) a 2’ Fence Height Special Exception from the maximum 6’ height to allow a 8’ privacy fence along the northern side yard which abuts the northern property line, and 2) a 5’ Fence Height Special Exception from the maximum 3’ height to allow a 8’ privacy within the front yard not to pass the existing front facade of the northern property neighbor, situated at 183 Atlas Street, applicant being Terry Frey, 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 yard privacy fence will be behind an established building façade location in the neighborhood, furthermore the side yard fence height will be limited to one property line.

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 limited to one property line.

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 are limited to one property line.

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 are 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 8' in height along the northern property line behind the neighboring front façade and will provide privacy for the subject property.

The motion was seconded by Commissioner Manna.

Commissioner Manna requested a friendly amendment to exclude the northern side property line within 14' of the rear property line which was accepted by Chair Oroian.

Favor: Oroian, Manna, Brereton, Stevens, Ybanez, Dean, Cruz, Gomez, Benavides, Ozuna, Vasquez
Opposed: None

MOTION PASSED

Chair Oroian left the Board of Adjustment meeting for recusal purposes at 2:35 PM. Commissioner Vasquez joined the Board of Adjustment meeting, via WebEx, at 2:35 PM.

Item #7

BOA-25-10300005: A request by Oxbow Development Group for a 4'-11" variance from the minimum 5' side and rear setbacks to allow a 1" side and rear setback, located at 141 Lavaca Street and 620 Matagorda Street. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 35 Notices were mailed to property owners, 1 in favor, 0 in opposition. Lavaca Neighborhood Association is in favor, Downtown Neighborhood Association is in favor, San Antonio Texas District One Resident Association did not respond.

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

PUBLIC COMMENT

Voice mail

Melissa Stendahl – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300005, I move that the Board of Adjustment grant a request for a 4'-11" variance from the minimum 5' side and rear setbacks to allow a 1" side and rear setback, situated at 141 Lavaca Street and 620 Matagorda Street, applicant being Oxbow Development Group, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

This request is not contrary to public interest, as the requested 1” side and rear setback variances will not infringe onto the neighboring properties.

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

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

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

The request appears to be in the spirit of the ordinance as the applicant is requesting this variance prior to construction and will not impact open space and sight vision.

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 proposed development will be 1” from the side and rear property lines. This will not injure the appropriate use of adjacent conforming properties nor directly affect the surrounding properties in the immediate 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.

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and do not appear to be merely financial.

The motion was seconded by Commissioner Stevens

Favor: Manna, Stevens, Brereton, Ybanez, Dean, Cruz, Gomez, Bragman, Benavides, Vasquez, Ozuna
Opposed: None

MOTION PASSED

Chair Oroian returned to the Board of Adjustment meeting at 3:06 PM. Commissioner Vasquez left the Board of Adjustment meeting.

Item #5

BOA-25-10300002: A request by Davidson Homes for 417 square foot variance from the minimum

4,000 square foot lot size to allow single-family residential development on a 3,583 square foot lot, located at 2543 Dry Moss Way. Staff recommends Approval. (Council District 4) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 4 Notices were mailed to property owners, 0 in favor, 0 in opposition. Not within 200' of a registered Neighborhood Association.

Carl Novan, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Stevens. Regarding Case No. BOA-25-10300002, I move that the Board of Adjustment grant a request for a 417 square foot variance from the minimum 4,000 square foot lot size to allow single-family residential development on a 3,583 square foot lot, situated at 2543 Dry Moss Way, applicant being Davidson Homes 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.

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.

In this case, the special condition found on the subject property is the lot size. Without this variance, an unnecessary hardship will prevent the applicant from developing this lot.

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

The request appears to be in the spirit of the ordinance as the applicant is requesting this variance prior to construction and will be abiding all other building requirements, such as setback minimums, building height, and lot density.

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.

Granting the 417 square foot variance will not alter the essential character of the district and

setback regulations will insure 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.

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and do not appear to be merely financial.

The motion was seconded by Commissioner Ozuna.

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

Opposed: None

MOTION PASSED

Item #8

BOA-25-10300006: A request by Matthew Rodriguez-Leyva for 1) a 7’ variance from the maximum 3’ front fence height to allow a 10’ front yard privacy fence, 2) a 4’ variance from the maximum 6’ fence height to allow a 10’ side and rear yard privacy fence, 3) a 16’ variance from the minimum 25’ corner clear vision to allow a 9’ corner clear vision, 4) a 6’ variance from the minimum 15’ driveway clear vision to allow a 9’ driveway clear vision and 5) a request for a variance from the fence materials to allow for a corrugated metal fence on the property, located at 724 Sandmeyer Street. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 24 Notices were mailed to property owners, 0 in favor, 9 in opposition, 9 in opposition outside of 200’, Government Hill Alliance Neighborhood Association is in opposition, Government Hill Tomorrow Community Organization is in opposition, San Antonio Texas District One Resident Association did not respond.

Matthew Rodriguez-Leyva, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice mails

- D’Etta Cole – in opposition
- Jose Arriago – in opposition
- Lisa Sanchez – in opposition
- Monica Savino – in opposition
- Phyllis Newman – in opposition
- Stella Ashley – in opposition
- Steve Strege – in opposition

In Person

- Rose Hall – in opposition
- Sarah Martinez – in opposition
- Mauro Neel – in opposition

Mary Ann Leyva – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300006, I move that the Board of Adjustment grant a request for 1) a 7' variance from the maximum 3' front fence height to allow a 10' front yard privacy fence, 2) a 4' variance from the maximum 6' fence height to allow a 10' side and rear yard privacy fence, 3) a 16' variance from the minimum 25' corner clear vision to allow a 9' corner clear vision, 4) a 6' variance from the minimum 15' driveway clear vision to allow a 9' driveway clear vision and 5) a request for a variance from the fence materials to allow for a corrugated metal fence on the property, situated at 724 Sandmeyer Street, applicant being Matthew Rodriguez-Leyva, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

This request is not contrary to public interest, as the fence height, fence material and clear vision variances will not infringe onto the neighboring properties.

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

In this case, a literal enforcement of the ordinance would result in an unnecessary hardship as it will prevent the applicant from maintaining the security and privacy of the property.

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

The request appears to be in the spirit of the ordinance as the fence height, materials and clear vision will not alter the overall aesthetic of the area or injure the neighboring properties in the area.

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

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

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

If granted the variances will not substantially injure the appropriate use of adjacent conforming

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

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property and do not appear to be merely financial.

The motion was seconded by Commissioner Stevens

Favor: None

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

MOTION FAILED

Item #6 (item tabled at 3:26 PM, heard at 4:26 PM)

BOA-25-10300004: A request by German Olivas for a fence material variance to allow corrugated metal fencing, located at 306 South General McMullen and 4538 Monterey Street. Staff recommends Denial. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 36 Notices were mailed to property owners, 3 in favor, 0 in opposition. No response from Las Palmas Neighborhood Association.

Commissioner Brereton made a motion to continue BOA-25-10300004 to the February 24th Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz

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

MOTION PASSED

Item #9

Approval of the minutes from the Board of Adjustment meetings on January 27, 2025.

A motion was made by Commissioner Brereton for approval of the January 27, 2025, minutes.

The motion was seconded by Commissioner Benavides

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

MOTION PASSED

Director's Report – None

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

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary