

City of San Antonio



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

Monday, January 6, 2025

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 (via WebEx), Ybanez, Dean, Cruz (via WebEx), Gomez, Manna, Bragman, Benavides, Ozuna, Vasquez (via WebEx), Oroian

**Absent:** None

**Worldwide Interpreters present.**

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

**Item #12**

BOA-24-10300241: A request by 2021 FII Bulverde, LLC for 1) a 2’-8” variance from the minimum 20’ side setback to allow a 17’-4” US 281 North Gateway Corridor side setback on the southern property line, and 2) a 6’-6” variance from the minimum 90’ front setback to allow an 83’-6” US 281 North Gateway Corridor front setback, located at 26782 Bulverde Road. Staff recommends Denial. (Council District 9) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

A motion was made by Commissioner Ozuna to continue BOA-24-10300241 to the January 27, 2025, Board of Adjustment meeting.

The motion was seconded by Commissioner Brereton.

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

**MOTION PASSED**

**Item #1**

BOA-24-10300232: A request by Brittanie Cotrino 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 914 N Olive Street Unit 501. Staff recommends Denial. (Council District 2) (Juan Alvarez, Planner (210) 207-7232, Juan.Alvarez2@SanAntonio.gov, Development Services Department)

Staff stated 40 Notices were mailed to property owners, 0 in favor, 0 in opposition. The Dignowity Hill Neighborhood Association is in opposition.

Brittanie Cotrino, applicant, presented the item and was available for questions.

**PUBLIC COMMENT**

Voice mails

Nick Warrington, 918 N. Olive – in opposition

Lulu Francois, The Dignowity Hill Architectural Review Committee – in opposition

A motion was made by Commissioner Benavides. Regarding Case No. BOA-24-10300232, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 914 N Olive Street Unit 501 applicant being Brittanie Cotrino, 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 facilities 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.

*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 Manna.

**Favor:** Bragman, Ozuna, Oroian

**Opposed:** Benavides, Manna, Brereton, Ybanez, Dean, Cruz, Gomez, Vasquez

## **MOTION FAILED**

### **Item #2**

WITHDRAWN

### **Item #4**

(CONTINUED from 12/16/2024) BOA-24-10300229: A request by Cathy Song for 1) a 15' variance from "MC-3" Austin Highway/Harry Wurzbach Metropolitan Corridor District's maximum 35' sign height (to include 10' for adjacent grade) to allow a 50' sign height and, 2) a 101 square foot variance from "MC-3" Austin Highway/Harry Wurzbach Metropolitan Corridor District's maximum 65 sign square footage to allow a 166-sign square footage, located at 1638 Northeast Loop 410. Staff recommends Denial. (Council District 10) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 14 Notices were mailed to property owners, 0 in favor, 0 in opposition. Oak Park Neighborhood 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

Cathy Song, applicant, presented the item and was available for questions.

## **NO PUBLIC COMMENT**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300229, I move that the Board of Adjustment grant a request for 1) a 15' variance from "MC-3" Austin Highway/Harry Wurzbach Metropolitan Corridor District's maximum 35' sign height (to include 10' for adjacent grade) to allow a 50' sign height and 2) a 101 square foot variance from "MC-3" Austin Highway/Harry Wurzbach Metropolitan Corridor District's maximum 65 sign square footage to allow a 166-sign square footage, situated at 1638 Northeast Loop 410, applicant being Cathy Song, 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 35’ sign height (including a 10’ additional grade) at 65 square feet. The permitted dimensions make the variance 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, and topography.**

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 interstate 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 sign height 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 sign exceeding the 50’ in height and 166 square feet size will not be out of character for the immediate area in which the property is located.**

The motion was seconded by Commissioner Ozuna.

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

**MOTION PASSED**

**Item #3**

(CONTINUED from 12/16/2024) BOA-24-10300223: A request by Janelle Chase for 1) a 2' side setback variance from the minimum 5' side setback to allow a 3' side setback, and 2) a 17' rear setback

variance from the minimum 20' rear setback to allow a 3' rear setback, located at 2127 West Woodlawn Avenue. Staff recommends Approval for the Side Setback. Staff recommends Denial for the Rear Setback. (Council District 7) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 12 Notices were mailed to property owners, 6 in favor, 1 in opposition. Woodlawn Lake Neighborhood Association did not respond. Jefferson Neighborhood Association did not respond.

Janelle Chase, applicant, presented the item and was available for questions.

### **PUBLIC COMMENT**

Ted Guerrero – supports staff's recommendation.

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300223, 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 a 3' side setback and 2) a 17' rear setback variance from the minimum 20' rear setback to allow a 3' rear setback, situated at 2127 West Woodlawn Avenue, applicant being Janelle Chase, 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.**

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

**A literal enforcement of the setback ordinances would result in unnecessary hardship as the applicant would not be able to develop and renovate the home with the addition due to lot constraints.**

*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 with an alley located in the rear of the property and vacant lot in the abutting 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 the abutting lot is vacant and there is an alley in the rear.**

*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 constraining development.**

The motion was seconded by Commissioner Benavides.

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

**Opposed:** None

## **MOTION PASSED**

### **Item #5**

BOA-24-10300219: A request by Jose Gallegos for 1) a 4'-1" variance from the minimum 5' side setback to allow a 11" side setback and 2) a 9'-6" variance from the minimum 12'-6" 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.

A motion was made by Commissioner Manna to continue BOA-24-10300219 to the February 10, 2025, Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz.

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

## **MOTION PASSED**

### **Item #6**

BOA-24-10300226: A request by Jose Simon for 1) a variance to allow three separate structures on an "RM-4" that is less than one-third of an acre, 2) a request for a 2 parking spaces variance from the minimum 5 required parking spaces to allow 3 parking spaces, and 3) a variance from the front entry orientation to a primary street and walkway, located at 300 Delmar Street. Staff recommends Denial

(Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 25 Notices were mailed to property owners, 1 in favor, 1 in opposition. Denver Heights Neighborhood Association is in opposition. 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.

Ernesto Gomez and Ornelia Jimenez, representing the applicant, presented the item and were available for questions.

**PUBLIC COMMENT**

In Person

Anthony Jackson – in favor

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300226, I move that the Board of Adjustment grant a request for 1) a variance to allow three separate structures on an "RM-4" that is less than one-third of an acre, and 2) a variance from the front entry orientation to a primary street and walkway, situated at 300 Delmar Street, applicant being Jose Simon, 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 three structures, the front entryway will be on the side, and 3 single car garages will not create overflow parking in the street.**

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

**A literal enforcement of the ordinance limits development on the property and limits the housing options in the area.**

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

**If approved, the structures would observe the spirit of the ordinance by enhancing functionality and diversity of use.**

*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 three separate structures on a lot that is less than one-third of an acre, which will allow for creative design, leading to a more vibrant and sustainable development.**

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 Bragman.

**Favor:** Ozuna, Bragman, Brereton, Ybanez, Cruz, Gomez, Benavides, Oroian

**Opposed:** Dean, Manna, Vasquez

**MOTION FAILED**

Commissioner Manna made a motion to reconsider BOA-24-10300226 to motion for Applicant’s agenda request #3 only. Motion was seconded by Commissioner Brereton.

A verbal vote was taken and passed with a majority. Commissioner Dean was in opposition.

**MOTION TO RECONSIDER PASSED**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300226, I move that the Board of Adjustment grant a request for a variance from the front entry orientation to a primary street and walkway, located at 300 Delmar Street with the same findings previously read.

Seconded by Commissioner Ozuna

**Favor:** Manna, Ozuna, Brereton, Ybanez, Gomez, Bragman, Benavides, Oroian

**Opposed:** Dean, Cruz, Vasquez

**MOTION FAILED**

Commission went into recess at 3:11 PM and reconvened at 3:23 PM.

**Item #7**

BOA-24-10300227: A request by Benjamin Frausto for 1) a 4’-11” variance from the minimum 5’ side setback requirement to allow a carport to be 1” from the side property line, and 2) a request for a 9’-11” variance from the minimum front setback requirement to allow a carport to be 1” from the front property line, located at 10422 Cedar Village. Staff recommends Denial. (Council District 4) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services

Department)

Staff stated 42 Notices were mailed to property owners, 3 in favor, 0 in opposition. No registered Neighborhood Association.

Benny Frausto, applicant, presented the item and was available for questions.

### **NO PUBLIC COMMENT**

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300227, I move that the Board of Adjustment grant a request for 1) a 4'-11" variance from the minimum 5' side setback requirement to allow a carport to be 1" from the side property line and 2) a 9'-11" variance from the minimum front setback requirement to allow a carport to be 1" from the front property line, situated at 10422 Cedar Village, applicant being Benjamin Frausto, 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 front setback variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire safety concerns and maintenance.**

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

**The inability to construct a carport does establish an unnecessary hardship as the lots were developed with limited area in the front yard.**

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

*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 front setback variances are the existing home's position relative to the lot setbacks and lack of a garage compared to other homes in the neighborhood.**

The motion was seconded by Commissioner Bragman.

**Favor:** Manna, Bragman, Ybanez, Dean, Cruz, Gomez, Benavides, Ozuna, Vasquez, Oroian

**Opposed:** Brereton

### **MOTION PASSED**

Commissioner Gomez left the Board of Adjustment meeting at 3:39 PM. Commissioner Stevens joined the Board of Adjustment meeting at 3:39 PM (via WebEx).

### **Item #8**

BOA-24-10300234: A request by ROR Realty for a half story variance from the maximum 2.5 stories to allow for development of a 3-story residential structure, located at 257 East Baylor Street. Staff recommends Denial (Council District 5) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 40 Notices were mailed to property owners, 0 in favor, 1 in opposition. The Lone Star Neighborhood Association did not respond.

Marcus Bledsoe, applicant, presented the item and was available for questions.

### **NO PUBLIC COMMENT**

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300234, I move that the Board of Adjustment grant a request for a half story variance from the maximum 2.5 stories as submitted by the applicant on the site plan limited to 140 square feet of air conditioned space above the 870 square feet of 2nd story to include open porches, to allow for development of a 3-story residential structure, situated at 257 East Baylor Street, applicant being ROR Realty, 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 half story variance will not be contrary to the public interest as it will meet all remaining UDC requirements and will not injure the neighboring properties.**

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

**A literal enforcement of the ordinances prevents any further development on the property and limits the housing options in the area.**

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

**If approved, the half story variance will observe the spirit of the ordinance as the building height will not obstruct the view of neighboring properties and would observe the spirit of the ordinance by enhancing functionality and diversity of use.**

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 increased height will not injure the appropriate use of conforming properties or 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 half story variance is due to unique circumstances that were not created by the property owner, such as the location and size of the lot.**

The motion was seconded by Commissioner Benavides.

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

**Opposed:** Cruz, Manna, Bragman

**MOTION FAILED**

**Item #9**

BOA-24-10300236: A request by Priscilla Escalera for a 4'-11" side setback variance from the minimum 5' side setback to allow a carport to be 1" from the side property line, located at 3602 Aragon Drive. Staff recommends Denial. (Council District 4) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 43 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association.

Priscilla Escalera, applicant, presented the item and was available for questions.

**PUBLIC COMMENT**

Voicemail

Samuel Morin, 3602 Aqua Dulce – in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-24-10300236, I move that the Board of Adjustment grant a request for a 3' side setback variance from the minimum 5' side setback to allow a carport to be 2' from the side property line, situated at 3602 Aragon Drive, applicant being Priscilla Escalera, 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 setback variance is 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 setback ordinances would result in unnecessary hardship. The configuration of the home on the lot gives limited space for a carport where it is not otherwise feasible.**

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

**The requested side setback variance does appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concerns. Additionally, the carport setback is not out of character for 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 side setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for water runoff and the reduced carport setback is not uncharacteristic for the neighborhood in which it is located.**

*6. The plight of the owner of the property for which the variance is sought is due to unique*

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

**Staff finds the unique circumstances existing on the property for the side setback variance is existing home's position relative to the lot setbacks.**

The motion was seconded by Commissioner Brereton.

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

**Opposed:** None

### **MOTION PASSED**

#### **Item #10**

BOA-24-10300238: A request by Leonardo Espinoza for a 2'-6" variance from the minimum 5' side setback to allow a 2'-6" side setback, limited to 5' in width, located at 3022 El Paso Street. Staff recommends Approval. (Council District 5) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 38 Notices were mailed to property owners, 0 in favor, 0 in opposition. No response from the Prospect Hill Neighborhood Association.

The applicant was not present.

### **NO PUBLIC COMMENT**

A motion was made by Commissioner Bragman. Regarding Case No. BOA-24-10300238, I move that the Board of Adjustment grant a request for a 2'-6" variance from the minimum 5' side setback to allow a 2'-6" side setback, limited to 5' in width, situated at 3022 El Paso Steet, applicant being Leonardo Espinoza, 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 setback variance is 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 setback ordinances would result in unnecessary hardship as the applicant would need to eliminate existing home space to place the water heater inside the home.**

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

**The requested side setback variance does appear to be in the spirit of the ordinance as sufficient space will remain for the purposes of water runoff and fire safety concerns and is not out of character for the area in which the variance is located. The request is limited to the 5-foot width of the water heater.**

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 setback variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for maintenance of the addition and the minimal protrusion will not significantly impact water runoff or fire safety concerns.**

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 setback variance are the existing home's location on the side setbacks and limited space for a water heater box.**

The motion was seconded by Commissioner Manna.

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

**Opposed:** None

## **MOTION PASSED**

### **Item #11**

BOA-24-10300239: A request by Linh Vo for an appeal from an Administrator's decision for a Nonconforming Denial, located at 2456 Cincinnati Avenue. (Council District 7) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 19 Notices were mailed to property owners, 0 in favor, 0 in opposition. No response from University Park Neighborhood Association. 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.

Vi Lei Tong, 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-24-10300239, I move that the Board of Adjustment grant the appeal for the property, situated at 2456 Cincinnati Avenue, applicant being Linh Vo, because the information provided by the applicant shows that City staff made an error in the Denial of a Nonconforming Use.

The motion was seconded by Commissioner Manna.

**Favor:** Stevens, Ybanez, Dean

**Opposed:** Bragman, Manna, Brereton, Cruz, Benavides, Ozuna, Vasquez, Oroian

**MOTION FAILED**

**Item #13**

BOA-24-10300242: A request by Brown & McDonald PLLC for a 2' variance from the maximum 8' height to allow a 10' masonry fence along the side and rear yard (southwest and southeast portion) of the property, located at 4110 Weichold Road. Staff recommends Approval. (Council District 2) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 74 Notices were mailed to property owners, 1 in favor, 0 in opposition. There is no registered Neighborhood Association within' 200'. 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

MiaMarie Pugh, 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-24-10300242, I move that the Board of Adjustment grant a request for a 2' variance from the maximum 8' height to allow a 10' masonry fence along the side and rear yard (southwest and southeast portion) of the property, situated at 4110 Weichold Road, applicant being Brown & McDonald, PLLC, 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 it is abutting the rear property lines of residential lots.**

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 reduced sound and visual barriers for the residential lots.**

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

**The requested variance will allow a higher side and rear privacy fence, which will observe the spirit of the ordinance that promotes higher fences on industrial uses and against residential lots.**

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 variance will promote the use of the adjacent properties and the essential character of the district by providing additional barriers between the industrial use and the residential 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, such as abutting established residential uses.**

The motion was seconded by Commissioner Benavides.

**Favor:** Ybanez, Dean, Manna, Ozuna

**Opposed:** Bragman, Benavides, Brereton, Stevens, Cruz, Vasquez, Oroian

**MOTION FAILED**

**Item #14**

Approval of the minutes from the Board of Adjustment meetings on December 16, 2024.

A motion was made by Commissioner Bragman for approval of the December 16, 2024, minutes.

The motion was seconded by Commissioner Brereton. A verbal vote was taken, and all voted in affirmative.

**MOTION PASSED**

**Director’s Report** – Nomination and consideration for Vice Chair and Pro-Tem for Board of Adjustment Commission for the January 27, 2025 meeting. Financial Disclosure Forms will be due soon. Information and reminders will be emailed out.

**Adjournment**

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

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

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

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