

City of San Antonio



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

Monday, October 7, 2024

1:00 PM

1901 S. Alamo

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

Roll Call – Present: Brereton, Dean, Benavides, Ozuna, Vasquez, Cruz, Oroian, Stevens, Kaplan, Ybanez, Bonillas (joined via WebEx at 1:31 PM)

Absent: Bragman, Gomez, Manna

Worldwide Interpreters present.

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

Item #1

BOA-24-1030192 was postponed. The applicant is changing the request.

Item #2

BOA-24-10300177: A request by Jeremy Grimsman 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 827 Denver Boulevard. Staff recommends Denial. (Council District 2) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@sanantonio.gov, Development Services Department)

Jeremy Grimsman, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Benavides. Regarding Case No. BOA-24-10300177, I move that the Board of Adjustment grant a special exception to allow for (1) Type 2 short term rental unit, situated at 827 Denver Boulevard, applicant being Jeremy Grimsman, 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 for the subject property or other properties.

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 Kaplan.

Favor: Brereton, Ybanez, Benavides, Ozuna, Bonillas, Oroian

Opposed: Stevens, Dean, Cruz, Vasquez, Kaplan

MOTION FAILED

Commissioner Kaplan made a motion to reconsider. Seconded by Commissioner Vasquez.

Commissioner Ozuna made a motion to continue item BOA-24-10300177 to the December 2nd Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz.

Favor: Ozuna, Cruz, Brereton, Ybanez, Benavides, Vasquez, Bonillas, Kaplan, Oroian

Opposed: Stevens, Dean

MOTION PASSED

Item #3

(Continued from 9/9/2024) BOA-24-10300132: A request by Mario Nichols for a 2'-6" variance from the minimum 5' side setback to allow 2'-6" side setbacks on the northern and southern property lines, located at 1317 Dahlgreen Avenue. Staff recommends Denial. (Council District 5) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

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

Mario Nichols, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-24-10300132, I move that the Board of Adjustment grant a request for a 2'-6" variance from the minimum 5' side setback to allow 2'-6" side setbacks on the northern and southern property lines, situated at 1317 Dahlgreen Avenue, applicant being Mario Nichols, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by minimum lot sizes to prevent development crowding on smaller lots. Reduced side setbacks of 2'-6" is not contrary to public interest as it would provide an adequate distance between 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 an unnecessary hardship as the size of the lot severely limits the development of the lot and reduces livable space for the property owner's proposed structure.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The side setback variances will observe the spirit of the ordinance by providing a maintainable distance between property lines and neighboring 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 side setbacks will not injure the use of adjacent conforming properties nor alter the essential character of the district.

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

Staff finds the plight of the owner of the property for which the variances are sought are due to unique circumstances existing on the property. The limited lot size restricts future development, making it difficult for the property owner to adhere to the Unified Development Code building standards.

The motion was seconded by Commissioner Cruz.

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

Opposed: None

MOTION PASSED

Item #4

(Continued from 9/23/2024) BOA-24-10300149: A request by Apex Sign Group for 1) a 10' variance from the maximum 50' height (to include 10' additional grade) to allow a 60' height multiple tenant sign, and 2) a 350 square feet variance from the maximum 300 square feet to allow a 650 square feet sign, located at 15000 IH-10. Staff recommends Denial. (Council District 8) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 7 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association.

Greg Burkett, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

Commissioner Ozuna made a motion. Regarding Case No. BOA-24-10300149, I move that the Board of Adjustment grant a request for 1) a 10' variance from the maximum 50' height (to include 10' additional grade) to allow a 60' height multiple tenant sign and 2) a 350 square feet variance from the maximum 300 square feet to allow a 650 square feet sign, situated at 15000 IH-10, applicant being Apex Sign 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 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 50' sign height (to include 10' additional grade) at 300 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 Chapter. Furthermore, the requested sign exceeding the 50' in height and 300 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 Kaplan.

Favor: Ozuna, Kaplan, Brereton, Ybanez, Cruz, Benavides, Vasquez, Oroian

Opposed: Stevens, Dean, Bonillas

MOTION FAILED

The Board went into recess at 2:59 PM and reconvened at 3:08 PM.

Item #5

(Continued from 9/9/2024) BOA-24-10300160: A request by Juan Hernandez for 1) a variance to allow two separate structures on an "RM-4" that is less than one-third of an acre, and 2) a 15' variance from the minimum 20' requirement to allow a garage entry to be 5' from the front property line, located at 1127 S. Hackberry Street. Staff recommends Denial. (Council District 2) (Vincent Trevino, Senior Planner, (210) 207-5501, Vincent.Trevino@sanantonio.gov, Development Services Department)

Staff stated 29 Notices were mailed to property owners, 0 in favor, 1 in opposition. The Denver Heights Neighborhood Association is in favor.

Juan Hernandez, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Stevens. Regarding Case No. BOA-24-10300160, I move that the Board of Adjustment grant a request for 1) a variance to allow two separate structures on an "RM-4" that is less than one-third of an acre and 2) a 15' variance from the minimum 20' requirement to allow a garage entry to be 5' from the front property line, situated at 1127 S Hackberry Street, applicant being Juan 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 request will not be contrary to the public interest, as adequate spacing exists on the lot to permit two separate structures and the garage entryway from the front property line, which will not impact the community feel of the neighborhood.

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

The special conditions found are the irregular lot shape as it relates to depth compared to similar nearby lots.

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

The variances will be observing the spirit of the ordinance, as it will be abiding by all other setback requirements and not imposing on the public interest of the adjacent neighbors.

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 variances will not alter the essential character of the district as developments with multi structures and reduced garage setbacks historically exist in the 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 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 Ozuna.

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

Opposed: Dean

MOTION PASSED

Item #6

(Continued from 9/23/2024) BOA-24-10300167: A request by Clearfield Construction LLC for 1) a 19' variance from the minimum 25' front setback to allow a 6' front setback, and 2) a 9' and 4'-6" variance from the minimum 15' buffer to allow a 6' buffer in the front and a 10'-6" buffer in the rear, located at 4950 San Pedro Avenue. Staff recommends Approval. (Council District 1) (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, 0 in opposition. No response from the Olmos Park Terrace Neighborhood Association. No response from the Kenwood Neighborhood Association. No response from the San Antonio Texas District One Residence Association.

Mariano Molina, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300167, I move that the Board of Adjustment grant a request for 1) a 19' variance from the minimum 25' front setback to allow a 6' front setback and 2) a 9' variance from the minimum 15' buffer to allow a 6' buffer, situated at 4950 San Pedro Avenue, applicant being Clearfield Construction 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.

The original configuration of the development would not require a setback variance, the buffer yard along San Pedro Avenue does not currently project a standard buffer yard as most of the structures on San Pedro Avenue were originally built facing side streets and the buffer yard along the "R-4" is already built on with the historic building structure.

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 an unnecessary hardship as the original development of the lot allowed only room in the rear for any covered parking.

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

The proposed variances will observe the spirit of the ordinance as sufficient room will remain between property line or right of way.

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

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

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

Staff finds the requested variances will not the essential character of the district as the character of the district does not find many developed structures originally facing San Pedro Avenue in the 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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property not created by the owner of the property as the principal structure was built facing West Wildwood Drive, leaving limited options to provide covered parking.

The motion was seconded by Commissioner Benavides.

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

Opposed: None

Abstained: Bonillas

MOTION PASSED

Item #7

(Continued from 9/23/2024) BOA-24-10300168: A request by Johnny Canavan Homes LLC 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)

Staff stated 82 Notices were mailed to property owners, 2 in favor, 14 in opposition. 5 in opposition received outside of 200'. Oak Park Northwood Neighborhood Association stated they are Neutral.

John Canavan, applicant, presented the item and requested a continuance to the November 4th Board of Adjustment meeting, in order to meet with CPS Energy and SAWS.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna to continue BOA-24-10300168 to the November 4th Board of Adjustment meeting.

The motion was seconded by Commissioner Brereton.

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

Opposed: None

MOTION PASSED

Item #8

BOA-24-10300174: A request by One Stop Code Consulting, LLC for variance to allow four separate units on two abutting “RM-4” lots that are each less than one-third of an acre, located at 3050 and 3054 McArthur Avenue. Staff recommends Denial. (Council District 4) (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, 3 in opposition. No registered Neighborhood Association within 200'.

Fernande DeLeon and Javier Gonzales, applicants, presented the item and were available for questions.

PUBLIC COMMENT

Voicemail

Ms. Kalina - in opposition

Rachel Laque – in opposition

Ms.Garza – in opposition

In Person

Alfred Moreno – in opposition

Adrian Salazar – in opposition

A motion was made by Commissioner Ozuna to continue BOA-24-10300175 to the October 21st Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz.

A verbal vote was taken, 10 voted in favor, 1 in opposition by Commissioner Dean.

Item #9

BOA-24-10300175: A request by Manuel P Valdes to appeal a decision made by the Office of Historic Preservation, located at 705 East Woodlawn Avenue. Staff recommends Denial. (Council District 1) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 29 Notices were mailed to property owners, 0 in favor, 0 in opposition. River Road Neighborhood Association did not respond.

Manual Valdes, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Stevens. Regarding Case No. BOA-24-10300175, I move that the Board of Adjustment grant the appeal for the property, situated at 705 East Woodlawn Avenue, applicant being Manuel P Valdes, because the information provided by the applicant shows that City staff made an error in a decision made by the Office of Historic Preservation.

The motion was seconded by Commissioner Benavides.

Favor: None

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

MOTION FAILED

Item #10

BOA-24-10300176: A request by Elvia Ortega for 1) a 3’-6” variance from the minimum 5’ side setback to allow a 1’-6” side setback for an accessory structure, and 2) a 3’-6” variance from the minimum 5’ rear setback to allow a 1’-6” rear setback for an accessory structure, located at 4839 Castle Pine Street. Staff recommends Denial for the Side Setback Variance. Staff recommends Approval for the Rear Setback Variance. (Council District 2) (Colton Uden, Planner, (210) 207-0120, Colton.Uden2@sanantonio.gov, Development Services Department)

Staff stated 33 Notices were mailed to property owners, 0 in favor, 1 in opposition. East Village Neighborhood Association has no objection.

Elvia Ortega, applicant, presented the item and was available for questions. Applicant stated she would amend the application to include gutters to the side of the accessory structure.

PUBLIC COMMENT

In Person

Alberto & Angela Galarza – in opposition

A motion was made by Commissioner Kaplan. Regarding Case No. BOA-24-10300176, I move that the Board of Adjustment grant a request for 1) a 3’-6” variance from the minimum 5’ side setback to allow a 1’-6” side setback for an accessory structure and 2) a 3’-6” variance from the minimum 5’ rear setback to allow a 1’-6” rear setback for an accessory structure, situated at 4839 Castle Pine Street, applicant being Elvia Ortega, 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 abutting easement significantly reduces any fire safety and water runoff issues. Additionally, other nearby properties in the area are within or close to setbacks with accessory structures making it congruent with the neighborhood in which the variance is requested.

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

A literal enforcement of the setback accessory structure ordinances would result in unnecessary hardship as the back yard green space would be reduced.

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

The requested setback variances appear to be in the spirit of the ordinance as the abutting rear lot has a significant easement providing additional fire safety and water runoff alleviation. Additionally, other properties in the area have received similar variances and it is not uncharacteristic for the neighborhood in which it 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 additional space is created with the abutting easement and other nearby properties in the area have received similar variances and it is not uncharacteristic for the neighborhood.

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

For the setback variances, staff finds the unique circumstances existing on the property are the limited space between the principal structure and the accessory structure.

The motion was seconded by Commissioner Benavides.

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

Opposed: None

MOTION PASSED

The Board went into recess at 5:06 PM and reconvened at 5:12 PM.

Item #11

BOA-24-10300178: A request by Daniel Sepulveda for a 3'-5" variance from the minimum 5' side setback to allow a detached accessory structure to be 1'-7" from the side setback, located at 504 Madison Street. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 83 Notices were mailed to property owners, 1 in favor, 2 in opposition. King William Neighborhood Association is in Opposition.

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

PUBLIC COMMENT

Voicemail

Mickey Conrad – in opposition

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300178, I move that the Board of Adjustment grant a request for a 3'-5" variance from the minimum 5' side setback to allow a detached accessory structure to be 1'-7" from the side setback, situated at 504 Madison Street, applicant being Daniel 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 requested variance will not be contrary to the public interest as it will provide privacy and is a sufficient distance from 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 unnecessary hardship as the accessory structure as constructed provides privacy from neighboring two-story property and the lot size and configuration limits the property owner to side yard expansion.

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

The requested variance provides a safe distance from the neighboring property, adheres to remaining setback requirements and will observe the spirit of the ordinance.

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, staff finds that the variance will not substantially injure the appropriate use of adjacent conforming properties as similar accessory structures can be seen within 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.

The side setback variance is due to unique circumstances that were not created by the property owner such as the location and size of the lot and surrounding area.

The motion was seconded by Commissioner Oroian.

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

Opposed: Dean

MOTION PASSED

Item #12

BOA-24-10300182: A request by Norma Vela for a 9' variance from the minimum 30' rear setback to allow a structure to be 21' from the rear property line, located at 7150 New Laredo Highway. Staff recommends Approval. (Council District 4) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 20 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association within 200'.

Norma Vela, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300182, I move that the Board of Adjustment grant a request for a 9' variance from the minimum 30' rear setback to allow a structure to be 21' from the rear property line, situated at 7150 New Laredo Highway, applicant being Norma Vela, 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 does not appear to be contrary to the public interest as there is adequate space remaining from the property line to the proposed structure.

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

Due to the unique conditions of the lot, strictly enforcing the ordinance would create unnecessary hardship, as there is insufficient space to build adequate office facilities.

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

The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure and the surrounding 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.

Staff has determined that granting the requested rear setback variance would not significantly alter the essential character of the district. With a remaining distance of 21 feet from the structure to the property line, the request will not disrupt the neighborhood's overall character.

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

The rear setback variance sought is due to unique circumstances existing on the property such proposed addition being in line with the current structure. The variance request is not merely financial.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Item #13

BOA-24-10300183: A request by KW Landscape Architects for a variance from the shrub and fencing buffer landscape requirements to eliminate the shrub and fencing requirements, located at 16795 South US Hwy 281. Staff recommends Approval. (Council District 3) (Colton Unden, Planner, (210) 207-0120, Colton.Unden2@sanantonio.gov, Development Services Department)

Staff stated 5 Notices were mailed to property owners, 0 in favor, 0 in opposition. No registered Neighborhood Association within 200'.

Clifford Shayford, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300183, I move that the Board of Adjustment grant a request for a variance from the shrub and fencing buffer landscape requirements to eliminate the shrub and fencing requirements, situated at 16795 South US Hwy 281, applicant being KW Landscape Architects, 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 aligns with the public interest, as the proposed plans include the planting of significantly more trees than required and is designated for non-residential use, the need for shrub and fencing buffering is diminished.

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

Strict enforcement of the landscape buffer ordinances would create unnecessary hardship for the applicant, requiring the removal of additional trees and adjustments to the building plans to fit shrubs and fencing.

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

The requested landscape variance aligns with the ordinance, as the lot will have significantly more trees than required, along with a detention pond and other landscaping features that upholds the spirit of the ordinance.

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 concludes that the landscape shrub and fencing variance would not significantly harm the appropriate use of adjacent properties, as other landscaping and buffer requirements, including buffer size and tree quantity, will still be met.

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 to maintain trees and buffer yard, and a strict observance of the code would require changes to trees and the buffer to accommodate shrubs and fencing.

The motion was seconded by Commissioner Benavides.

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

Opposed: None

MOTION PASSED

Item #14

BOA-24-10300184: A request by Ortiz McKnight, PLLC for a 4'-11' variance from the minimum 5' side setback for primary structure to be 1" from the side setback, located at 401 Kendall Street. Staff recommends Denial. (Council District 1) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 37 Notices were mailed to property owners, 0 in favor, 1 in opposition. Tobin Hill Neighborhood Association is in Favor.

James McKnight, applicant, presented the item and was available for questions.

PUBLIC COMMENT

In Person

John Lisario – in opposition

A motion was made by Commissioner Ozuna. Regarding Case No. BOA-24-10300184, I move that the Board of Adjustment grant a request for a 4'-11' variance from the minimum 5' side setback for primary structure to be 1" from the side setback, situated at 401 Kendall Street, applicant being Ortiz McKnight, 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 side setback variance is not contrary to this interest as a reduced setback historically exists on the lot.

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

Strict enforcement of the ordinance would cause unnecessary hardship, as the addition would be unable to align with the existing primary structure limiting expansion on the property.

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

The variance to allow a proposed addition to be 1" from the side setback aligns with the current primary structure's design and is an adequate distance from the neighboring 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.

If granted, staff finds that the side setback variance will not injure the appropriate use of adjacent conforming properties in the surrounding area and will maintain the essential character of the district while supporting the historical features of the existing structure.

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 unique circumstances that exist on the lot justify the requested variance and were not created by the property owner as lot configuration and location of the existing structure limits expansion on the property.

The motion was seconded by Commissioner Benavides.

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

Opposed: None

MOTION PASSED

Item #15

BOA-24-10300185: A request by Arturo Rivera for a variance to allow development of two structures on an “MF-33” lot that is one-third of an acre or less, located at 215 Lucas Street. Staff recommends Denial. (Council District 2) (Melanie Clark, Planner, (210) 207-5550, melanie.clark@sanantonio.gov, Development Services Department)

Staff stated 38 Notices were mailed to property owners, 0 in favor, 2 in opposition. No response from the Mahncke Park Neighborhood Association.

Arturo Rivera, applicant, presented the item and was available for questions. Applicant requested a continuance to the

PUBLIC COMMENT

Voicemail

Unidentified Caller – In opposition

In Person

Sarah Slayton – in opposition

A motion was made by Commissioner Cruz to continue BOA-24-10300185 to the October 21st Board of Adjustment meeting in order to meet with the Neighborhood Association.

The motion was seconded by Commissioner Brereton.

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

MOTION PASSED

Item #16

Approval of the 2025 Board of Adjustment Meeting Calendar.

A motion was made by Commissioner Brereton for approval of the 2025 Board of Adjustment meeting calendar.

The motion was seconded by Commissioner Cruz.

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

Item #17

Approval of the minutes from the Board of Adjustment meetings on September 23, 2024.

A motion was made by Commissioner Brereton for approval of the September 23, 2024, minutes.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Director's Report - None

Adjournment

There being no further business, the meeting was adjourned at 6:19 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary