

City of San Antonio



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

Monday, May 5, 2025

1:00 PM

1901 S. Alamo

The meeting was called to by order by Chair Ozuna at 1:02 PM and roll was called by Monica Reyes-Urdiales noting the following members present:

Roll Call – Present: Brereton, Stevens, Ybanez, Dean (via WebEx), Cruz (joined @ 1:11 PM), Gomez, Manna, Benavides (via WebEx), Ozuna, Vasquez, Bonillas (joined @ 1:05 PM)
Absent: Bragman, Oroian

Worldwide Interpreters present.

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

Item #2

(Continued from 04/21/2025) BOA-25-10300042: A request by Estela Villarreal for a 2’ rear setback variance from the minimum 20’ rear setback to allow for an 18’ rear setback, located at 714 Chihuahua Street, Staff recommends Approval. (Council District 5) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 16 notices were mailed to property owners, 0 in favor, 0 in opposition. Historic Westside Residents Neighborhood Association did not respond.

Estela Villarreal, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice Mail

Georgia Rios – 710 Chihuahua St. – in opposition

JoAnn McFadden – 618 Chihuahua – in opposition

A motion was made by Commissioner Cruz. Regarding Case No. BOA-25-10300042, I move that the Board of Adjustment grant a request for a 2’ rear setback variance from the minimum 20’ rear setback to allow an 18’ rear setback, situated at 714 Chihuahua Street, applicant being Estela Villarreal,

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.

In this case, the public interest is represented by minimum setback requirements for single-family residential structures. The reduced setbacks are of no impact to the neighboring properties as the property does not abut residential in the rear.

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

Staff finds special conditions existing on the property as limited development space is available for constructing an addition and adhering to the restrictions on a small residential 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 variance will leave sufficient space in the rear yard.

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 rear setback variance will not substantially injure the appropriate use of the neighboring, conforming properties as the rear property line abuts a resident parking 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 and near the property, such as the small lot size and the proximity of adjacent properties.

The motion was seconded by Commissioner Stevens.

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

Opposed: None

MOTION PASSED

Item #1

(Continued from 04/21/2025) BOA-25-10300045: A request by Beatriz Guzman for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face (Section 35-374.01(c)), located at 623 Dakota Street. Staff recommends Denial. (Council District 2) (Joseph Leos, Senior Planner (210) 207-0315, Joseph.Leos@SanAntonio.gov, Development Services Department)

Staff stated 38 notices were mailed to property owners, 0 in favor (1 in Favor Outside the 200'), 0 in opposition. Denver Heights Neighborhood Association is in favor. No Response from Lifeline Overeaters Anonymous, NES Foundation, San Antonio African American Community Archive Museum, and Women in Film & Television San Antonio Community Organizations.

Beatriz Guzman, applicant, presented the item and was available for questions.

PUBLIC COMMENT

Voice Mail

Kimberly Ford – 619 Dakota St – in favor

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300045, I move that the Board of Adjustment grant a special exception to allow for (1) one additional Type 2 short term rental unit, situated at 623 Dakota Street, applicant being Beatriz Guzman, 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 previously revoked licenses, confirmed citations, or adjudicated offenses or convictions; for this subject property, as they only received a notice of violation for operating without a permit and submitted an STR application shortly afterwards.

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 properties. 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 Bonillas.

Favor: Manna, Bonillas, Gomez, Ozuna

Opposed: Brereton, Stevens, Ybanez, Dean, Cruz, Benavides, Vasquez

MOTION FAILED

Item #3

BOA-25-10300040: A request by Image Solutions Sign Company for 1) a 559 square foot variance from the maximum 375 sign square foot to allow a 934 square foot sign and 2) a 20' sign height variance from the maximum 50' sign height to allow a 70' sign height, located at 11235 Fischer Road. Staff recommends Denial (Council District 4) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 6 notices were mailed to property owners, 0 in favor, 0 in opposition. There are no Neighborhood Associations within 200ft of the property. No Response from the San Antonio African American Community Archive and Museum and Women in Film & Television San Antonio Community Organizations.

Tony Jennings, representing the applicant, presented the item and was available for questions.

Edward Rodriguez, Sr. Sign Inspector, Development Services, provided clarification for sign height.

NO PUBLIC COMMENT

A motion was made by Commissioner Stevens. Regarding Case No. BOA-25-10300040, I move that the Board of Adjustment grant a request for 1) a 321 square foot variance from the maximum 375 sign square foot to allow a 696 square foot sign and 2) a 15' sign height variance from the maximum 50' sign height to allow a 65' sign height, situated at 11235 Fischer Road, applicant being Image

Solutions Sign Company, 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.*

Without the variance, the business lacks reasonable means to attract passing traffic, which is essential to establish operations. Denial of the variance would likely hinder visibility to the extent that longstanding commercial activity on the property could no longer be sustained.

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.*

Existing signs located in the area have similar height and size which means the proposed sign will not enjoy a special privilege not shared by others.

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

The proposed variance will not have an adverse impact on neighboring properties as the proposed sign square footage and height will be similar to other signs in the area.

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

The requested sign variance does not appear to substantially conflict with the stated purpose of the Chapter as the sign does not appear to be a hazard to the surrounding area.

The motion was seconded by Commissioner Cruz.

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

Opposed: Manna

MOTION PASSED

Item #5

BOA-25-10300056: A request by Alice Estrada for 1) a 4'-6" variance from the minimum 5' side setback to allow for a carport with a 6" side setback and 2) a 3' variance from the minimum 5' side setback to allow a 2' side setback for a front addition, located at 507 East Whittier Street. Staff recommends Denial for the Carport Setback Variance. Staff recommends Approval for the Front Addition Variance (Council District 2) (Manuel Mottu, Planner, (210) 207-0198,

Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners, 3 in favor, 2 in opposition. The Denver Heights Neighborhood Association is in opposition. No Response from the San Antonio African American Community Archive and Museum and Women in Film & Television San Antonio Community Organizations.

Alice Estrada, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300056, I move that the Board of Adjustment grant 1) a 3' variance from the minimum 5' side setback to allow for a carport with a 2' side setback and 2) a 3' variance from the minimum 5' side setback to allow a 2' side setback for a front addition, situated at 507 E. Whittier Street, applicant being Alice Estrada, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

The variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff and fire prevention.

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

A literal enforcement of the requirements would result in unnecessary hardship as the lot is limited in development space without the variances.

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

The variances requested appear to be in the spirit of the ordinance, as the encroachment of the added structures into the required setback does allow enough space for fire prevention and proper water runoff with the proper permitting safeguards.

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 side setback variances would not substantially injure the appropriate use of adjacent properties as sufficient space will remain for fire prevention and proper 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.

There are unique circumstances existing on the property for the side setback variances is the limited development space available on the lot.

The motion was seconded by Commissioner Stevens.

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

Opposed: None

MOTION PASSED

The Board went into recess at 2:36 PM and reconvened at 2:45 PM.

Item #4

BOA-25-10300055: A request by Brandon Wurz for 1) a 3' special exception from the maximum 3' fence height to allow a 6' solid fence in the front yard and 2) a variance from the fence materials to allow for a corrugated metal fence, located at 9419 Poteet Jourdanton Freeway and 2314 Palo Alto Road. Staff recommends Denial. (Council District 4) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

PUBLIC COMMENT

Voice Mail

Maria Castaneda – 2318 and 2322 Palo Alto Rd. – in favor

A motion was made by Commissioner Brereton to continue BOA-25-10300055 to the June 2nd Board of Adjustment meeting.

The motion was seconded by Commissioner Manna.

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

MOTION PASSED

Item #6

BOA-25-10300058: A request by Elissa Ramirez for 1) a 4'-6" variance from the minimum 5' side setback to allow for a carport with a 6" side setback, 2) a 2'-6" variance from the minimum 5' side setback to allow an addition with a 2'-6" side setback, and 3) a 4'-6" variance from the minimum 5' side setback to allow for an accessory structure with a 6" side setback, located at 322 Cupples Road. Staff recommends Denial for the Carport and Accessory Structure Setback. Staff recommends Approval for the Principal Structure Setback. (Council District 5) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

Staff stated 23 notices were mailed to property owners, 3 in favor, 1 in opposition. El Charro 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.

Elissa Ramirez, applicant, presented the item and was available for questions.

PUBLIC COMMENT

In Person

Arleen Garcia – 326 Cupples Rd - in opposition

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300058, I move that the Board of Adjustment grant 1) a 4'-6" variance from the minimum 5' side setback to allow for a carport with a 6" side setback, 2) a 2'-6" variance from the minimum 5' side setback to allow an addition with a 2'-6" side setback, and 3) a 4'-6" variance from the minimum 5' side setback to allow for an accessory structure with a 6" side setback with primary structure carport amended to include gutters, situated at 322 Cupples Road, applicant being Cassandra Dearth, 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 variances are not contrary to the public interest as sufficient space will remain for the purposes of water runoff, fire safety, and structure maintenance.

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 insufficient space exists in the rear yard to construct a carport within the required setbacks and the rear addition would be misaligned from the existing structure.

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

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

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

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

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

Staff finds that the side setback variances would not substantially injure the appropriate use of adjacent properties with the expectation that the amended including gutters will not cause any additional challenges for this property. With regards to material to minimize risk of fire spreading would not be aggravated.

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 unique circumstances existing on the property for the side setback variance as insufficient development space exists on the rear yard.

The motion was seconded by Commissioner Benavides

Favor: Manna, Benavides, Ybanez, Cruz, Gomez, Bonillas, Ozuna

Opposed: Brereton, Stevens, Dean, Vasquez

MOTION FAILED

Commissioner Stevens made a motion to reconsider.

The motion was seconded by Commissioner Manna.

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

A motion was made by Commissioner Manna to amend item 1 to “a 3’ variance from the minimum 5’ side setback to allow for a carport with a 2’ side setback”. All other variances and findings to remain the same.

The motion was seconded by Commissioner Benavides.

Favor: Manna, Benavides, Stevens, Ybanez, Dean, Cruz, Gomez, Bonillas, Ozuna

Opposed: Brereton, Vasquez

MOTION PASSED

Item #7

BOA-25-10300060: A request by Maite Landa for 1) a variance from the NCD-5 standards to exceed the 40% footprint for an accessory dwelling, 2) a variance from the NCD-5 standard for matching roof material with the principal dwelling and accessory dwelling, and 3) a variance from the NCD-5 standard requiring front façade windows at a 2:1 ratio, located at 1101 West Mulberry Avenue. Staff recommends Approval. (Council District 1) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

Staff stated 29 notices were mailed to property owners, 6 in favor, 0 in opposition. Beacon Hill Area 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.

Maria Landa and Anna Gonzalez, applicant, and home owner, presented the item and were available for questions.

PUBLIC COMMENT

Voice Mail

Elizabeth Eichhorn – Beacon Hill Area Neighborhood Association – in favor

A motion was made by Commissioner Stevens. Regarding Case No. BOA-25-10300060, I move that the Board of Adjustment grant a request for 1) a variance from the NCD-5 standards to exceed the 40% footprint for an accessory dwelling, 2) a variance from the NCD-5 standard for matching roof material with the principal dwelling and accessory dwelling, and 3) a variance from the NCD-5 standard requiring front façade windows at a 2:1 ratio, situated at 1101 West Mulberry Avenue, applicant being Maria Landa, 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 requests would not be against public interest as the historical size of the accessory structure would remain the same and follows accessory structure requirements, the roof material provides a more durable roof for the structure and the primary structure will also be re-roofed to match, and window placement is located approximately more than 100-feet from the street.

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 size of the structure would be unnecessarily reduced, the replaced roof was substandard and needed to be replaced and the limited street facing accessory structure facade would be dominated by the 2:1 ratio window, which is reserved for the primary structure.

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

The historical existing size of the of the structure exceeds the conservation district’s standards and reducing the size is not the intent of the code. The mismatching roofing material was a replacement of an aging roof on the accessory structure and preventing a structural roof is not contrary to the spirit of the ordinance. The street facing portion of the accessory dwelling is limited and a conservation district standard would force a larger window on a certain portion of the accessory dwelling which is not the intent of the code.

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 neighborhood conservation standard variances would not alter the essential character of the district as the size of the accessory structure is existing, a limited area of the accessory dwelling faces the street, and the roofing material does not present an unsightly appearance.

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 such the historical size of the accessory structure, aging roof and limited street facing area of the accessory dwelling.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Item #8

BOA-25-10300061: A request by Phoenix Vintage Opportunity Fund LLC for a 10' and 5' variance from the minimum 20' garage setback and 10' reverse corner lot setback to allow for a detached garage with a 10' garage setback and a 5' reverse corner lot setback, located at 602 Hood Street. Staff recommends Denial. (Council District 2) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 16 notices were mailed to property owners, 6 in favor, 0 in opposition. The Government Hill Alliance Neighborhood Association did not respond. No Response the Government Hill Tomorrow, San Antonio African American Community Archive and Museum, and Women in Film & Television San Antonio Community Organizations.

Brad Ward, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Bonillas. Regarding Case No. BOA-25-10300061, I move that the Board of Adjustment grant a 10' and 5' variance from the minimum 20' garage setback and 10' reverse corner lot setback to allow for a detached garage with a 10' garage setback and a 5' reverse

corner lot setback, situated at 602 Hood Street, applicant being Phoenix Vintage Opportunity Fund LLC, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

Staff finds the reduced setback does not appear to impact the public interest as enough space exists to safely exit into a residential street.

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

A special condition exists on the property as the garage cannot be reduced in size while still accommodating more than two vehicles.

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 it would result in sufficient space for vehicles to exit the garage safely and create a consistent setback along the block face.

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 setback variance would not substantially injure the appropriate use of adjacent properties as the request would comply with required setbacks against all shared property lines of residential dwellings.

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 a unique circumstance existing on the property as the size of the garage could not be substantially reduced and continue to accommodate more than two vehicles.

The motion was seconded by Commissioner Cruz.

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

Opposed: None

MOTION PASSED

Item #9

BOA-25-10300062: A request by Mauro Garza for a 3' variance from the minimum 15' front setback to allow a 12' front setback, located at 1402 North Main Avenue. Staff recommends Approval. (Council District 1) (Jewel Polimis, Planner, (210) 207-8208, Jewel.Polimis@sanantonio.gov, Development Services Department)

Staff stated 7 notices were mailed to property owners, 0 in favor, 0 in opposition. Tobin Hill Community Neighborhood Association did not respond. 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.

Mauro Garza, applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Bonillas. Regarding Case No. BOA-25-10300062, I move that the Board of Adjustment grant a request for a 3' variance from the minimum 15' front setback to allow a 12' front setback, situated at 1402 North Main Avenue, applicant being Mauro Garza, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship.

Specifically, we find that:

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

Staff finds the reduced setbacks to be consistent with other structures along the corridor in the immediate vicinity, and not out of character for the urban corridor district.

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

Staff found a special condition existing on the property where a literal enforcement of the ordinance does not leave adequate space to fully develop the commercial 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 requirement is there to protect the urban corridor, and there are other structures along the corridor also within the urban corridor setback in the immediate vicinity.

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 urban corridor setback variance will not substantially injure the appropriate use of the adjacent conforming property as a less restrictive variance was approved for the adjacent property. The proposed development will leave sufficient room from the property and not alter the essential character of the district, as it would adhere to other setback requirements.

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 limited space for covered outdoor environment.

The motion was seconded by Commissioner Cruz.

Commissioner Brereton offered a friendly amendment to limit the variance to the site plan submitted. The amendment was accepted by Commissioner Bonillas and seconded by Commissioner Cruz.

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

Opposed: None

MOTION PASSED

Item #10

BOA-25-10300063: A request by Intertek Automotive Research for a 15' setback variance from the minimum 30' setback to allow for a PV array system with a 15' setback, located at 4950 Callaghan Road. Staff recommends Approval. (Council District 7) (Manuel Mottu, Planner, (210) 207-0198, Manuel.Mottu@sanantonio.gov, Development Services Department)

Staff stated 25 notices were mailed to property owners, 0 in favor, 0 in opposition. The Ingram Hills Neighborhood Association and Thunderbird Hills Neighborhood Association did not respond. No Response from San Antonio African American Community Archive and Museum and Women in Film & Television San Antonio Community Organizations.

Tim Halleran, representing the applicant, presented the item and was available for questions.

NO PUBLIC COMMENT

A motion was made by Commissioner Manna. Regarding Case No. BOA-25-10300063, I move that the Board of Adjustment grant a 15' setback variance from the minimum 30' setback to allow for a PV array system with a 15' setback, situated at 4950 Callaghan Road, applicant being Intertek Automotive

Research, 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 setback variance is not contrary to the public interest as sufficient space will remain between the proposed solar farm and the neighboring residential properties to address fire safety, maintenance access and emergency response.

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 a limited, restricted amount of development space in which to install an efficient solar farm.

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

By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done as enough space will remain within the reduced setback which appears to address fire safety and noise concerns.

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 proposed solar farm will be installed far enough away from the neighboring residential properties that the requested variance would not injure the neighboring properties within 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, such as the limited development space on the lot and a drainage easement that prevents the relocation of the proposed installation.

The motion was seconded by Commissioner Cruz.

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

MOTION PASSED

Item #11

Approval of the minutes from the Board of Adjustment meetings on April 21, 2025.

A motion was made by Commissioner Cruz for approval of the April 21, 2025, minutes.

The motion was seconded by Commissioner Manna.

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

MOTION PASSED

Alice Estrada, applicant for item BOA-25-10300056 spoke up requesting the item be heard later for the correct information be presented before the Board of Adjustment.

After the City Attorney provided clarification, Chair Ozuna asked for a motion to reconsider item BOA-25-10300056, to the June 2nd Board of Adjustment meeting. Commissioner Stevens made a motion to reconsider.

The motion was seconded by Commissioner Benavides.

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

MOTION PASSED for reconsideration.

Commissioner Brereton made a motion to reconsider item BOA-25-10300056. to the June 2nd Board of Adjustment meeting.

The motion was seconded by Commissioner Cruz.

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

Director's Report – Kristie Flores has accepted a promotion with the Transportation Department. Kellye Sanders will be joining Mirko at the Board of Adjustment meetings beginning in June.

There being no further business, the meeting was adjourned at 4:38 PM.

APPROVED BY: _____ or _____
Chairman Vice-Chair

DATE: _____

ATTESTED BY: _____ DATE: _____
Executive Secretary